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# **POLITICS**

## **in Central Europe**

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# ESSAYS

# Does hatred rule political communication on social media? How do politicians talk about the EU on Facebook, and how do their followers react?

KRISTINA BÖHMER



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**Abstract:** *This paper focuses on the communication of four Slovak political leaders about the European Union's agenda on Facebook and their followers' interactions. As cognitive authorities of their followers, politicians directly impact public perception of current news by providing their own opinions and views. The paper studies the politicians' followers' engagement through manual qualitative sentiment analysis. The results suggest that while moderate Facebook users who support the EU are not active and do not show their support openly, users who condemn the EU express their negative sentiments regardless of the politician's sentiment in the post. If a politician praises the EU, the followers criticise it. If a politician criticises the EU, followers agree with them. That leads us to the conclusion that social media dynamised the concept of cognitive authority.*

**Key Words:** *Facebook, social media, political communication, EU, cognitive authority*

## I. Introduction

In the first quarter of 2022, 307 million Europeans used Facebook daily. Politicians are among them because they discovered the power of social media long ago. They keep in touch with their electorate, inform their followers, mobilise them and spread news and opinions. However, to achieve their goals, politi-

cians must build active digital followership that reacts to the politicians' posts (Keller et al. 2018). They need as many reactions to the post as possible to reach more Facebook users (Karlsen – Enjolras 2016). Then they can become what is called 'cognitive authorities' and impact their followers' opinion shaping.

Some studies have already been conducted focusing on politicians' activity on social media (Tumasjan et al. 2010; Karlström – Pettersson 2011; Bene 2017; Bossetta et al. 2017). Sampling dates are usually in pre-election times and during campaigns, but politicians also use social media during more quiet times. Besides that, most studies investigated entire social media activity, which is instrumental to understanding the politicians' engagement with followers. These studies work with extensive data and analyse them quantitatively. However, in this paper, I tried to confirm whether we can study partial topics in politicians' engagement with their followers. The goal is to qualitatively analyse the precise patterns of engagement and opinions shared in the comments. Since Brexit precedently opened the possibility of exiting the European Union and COVID-19 pandemic highlighted the role of the EU, I focused on the political communication about the EU on Facebook and the reactions of politicians' followers.

As one of the countries with the lowest trust in the EU, Slovakia is the country of interest. According to the latest Eurobarometer from Spring 2021, trust in the European Union and its institution in Slovakia is at the third-lowest level. Forty-three percent of the Slovak population trusts the European Union, seven percentage points lower than the previous Eurobarometer in Winter 2020/2021. The paper tries to confirm whether the general public's sentiment matches the sentiment in politicians' social media communication towards their followers. Conducting a sentiment analysis manually on a smaller amount of data and analysing them qualitatively, I tried to answer the research questions:

1. How do the selected politicians talk about the EU? Is it positively, negatively or does their attitude depend on the topic?
2. How do the followers react to the politicians: with the same or opposing sentiment? Do the followers agree or disagree with the politicians?

## II. Theoretical Background

A politician can be our cognitive authority, defined as 'someone who knows something we don't know' (Wilson 1983). Cognitive authorities are trustworthy and shape our social reality. If we share opinions and values with them, we avoid cognitive dissonance. On the other hand, we can also choose whom not to trust. Cognitive authority can be negative when we negate everything someone says just because we do not consider the person or institution trustworthy.

How do we decide whether someone is or is not our cognitive authority? First, it might be a performance rule according to which I need to see positive results of a person's work. For example, it can be a doctor who has cured many

patients (Wilson 1983: 24), or a politician who kept their pre-election promises. Second, it might be same-mindedness: a decision to trust someone based on our previous knowledge. We compare new information with information we already have, and if it does not cause dissonance, we trust it. It is common even though we risk trusting someone who is not right but who only shares the same biases and false theories as we do (Goldman 2010: 11). Cass Sunstein (2001, 2017) defined this phenomenon as echo chambers, and at first, he was talking about the entire internet. Internet users could choose which information to receive and which to avoid. He argues that readers of traditional printed newspapers could also decide not to read the story they did not like, but at least they saw it and realised something was there. On the internet, users had more opportunities to look only for information which agreed with their previous beliefs. Later he also studied the phenomenon on social media, but here it is essential to mention another factor: algorithms on Facebook. Pariser (2011) calls it filter bubbles. Because of the algorithms which choose content shown to the social media user based on their past activity, the user will not get diverse information.

These phenomena are sometimes called selective exposure when people expose themselves only to same-minded information because their goal is not to broaden their minds but reinforce their opinions. Somewhat less studied is selective avoidance, which refers to avoiding information that challenges our opinions (Parmelee – Richard 2012: 109). Both can be harmful to democracy because exposing oneself only to same-minded ideas and avoiding diverse ideas cannot produce a well-informed society, which is crucial in every democracy. However, both phenomena are prevalent on social media, even among politicians' followers who, we might assume, are interested in politics and therefore have substantial knowledge to distinguish between trustworthy and biased information (Petty – Cacioppo 1986). However, the more engaged a person is, the more polarised their opinions (Gunther 1992: 151).

We can engage with cognitive authorities on social media. They have become a massive part of our lives, and some users looking for news rely on social media more than traditional media. Social media are free to access and publish. Of course, politicians can pay a lot of money to be more visible on social media, especially during election campaigns. However, the main idea here is that social media are free for followers. Because of this fact, we do not have to exclude a group of followers who do not want to or cannot buy a subscription to online newspapers and discuss political topics in the comment section. Besides that, social media are also attractive to politicians for being a direct channel to voters without journalists editing the content. Followers feel more engaged with the politicians too, if they can talk directly to them, even though we know that many politicians have whole teams to manage their social accounts. Politicians can engage with voters, publish their opinions and views, spread information or even broadcast press conferences and speeches (Highfield 2016: 123).

Social media are attractive because of their interactivity. Users can agree or disagree with the Facebook post and its author. They can like, share or comment, depending on their motivation. Previous studies (Macafee 2013; Heiss – Schmuck – Matthes 2018) showed that liking a status results from presentational motivation only and requires little effort. However, one like can lead to another and maybe to hundreds or thousands more, leading to political consequences because the number of likes shows the post's popularity (Margetts et al. 2016). Commenting results from social interaction motivation, and it involves the risk of further polemics. Sharing results from information-sharing motivation and shows your network that something is worth reading in your opinion. Nevertheless, followers' activity makes a difference in successful social media communication. The more likes, shares or comments, the more visible the post is. Higher visibility can help spread the message to a broader audience and reach people who otherwise do not follow politics (Vaccari 2016). It can lead to social media success and broaden the electorate.

The followers' reactions can show how many consider the politician a cognitive authority and follow them to expose themselves to the same-minded information. Golbeck and Hansen (2011) tried to find out whether people follow politicians with the same or opposing views, but on Twitter, and they found out that 66 percent of users follow politicians who 'mostly share (their) political views'. Only 4 percent follow politicians who 'mostly hold political views that oppose (their) own'. These followers might follow the politician to get contrasting opinions. However, they might also consider him a negative cognitive authority: they follow him because they do not trust him and want to criticise him. The remaining 30 percent followed both same-minded and opposing politicians, and they seem more interested in getting different information.

By analysing politicians' opinions about the EU and the reaction of their followers, we might be able to find out the support of the EU in the general public even though the representativeness of the social media users might endanger the results. According to Bossetta, Segesten and Trenz (2017: 64), Facebook users' demography is more diverse than Twitter's and better represents the general public. They studied engagement with European politics through social media. They chose to focus on Twitter and Facebook because they are the most widely used social media platforms for political communications (Instagram and YouTube mainly fulfil the entertainment role). They found four significant differences between these two social media platforms, one of them being user demography. First, they argue that Facebook has a massive audience worldwide, with numbers many times higher than Twitter. Because of its enormity, Facebook can reflect offline demographics more accurately. Secondly, Twitter is dominated by English-speaking countries, and thirdly, Twitter users are more interested in politics (Bossetta – Segesten – Trenz 2017: 64). That makes them not a representative sample because not all society is politically educated. By

studying the comments of Facebook users about the EU on politicians' posts, we can better understand that part of the society which needs to be better educated about politics. Only in a politically educated society can democracy thrive.

### **III. Methodology and procedure of analysis**

When selecting the cognitive authorities, I was looking for two Slovak governmental and two oppositional politicians active on Facebook, with wide followership, from different parties, and with different views about the EU. I used the results of the research (Králíková et al. 2020) conducted before the parliamentary election in 2020 about the Euroscepticism of parties on the scale from hard Eurosceptics to euro-federalists, which helped me choose politicians with different views about the EU. I selected the then prime minister of the Slovak Republic, Igor Matovič, leader of the OĽaNO party which has mixed emotions towards the EU; his predecessor Peter Pellegrini, a former member of the Smer-SD party, now leader of his new party Hlas (The Voice) which has a tendency to prefer national views to international but without hard criticism of the EU; a soft Eurosceptic Boris Kollár, speaker of the National Council of the Slovak Republic of the Sme Rodina party, whose most significant criticism of the EU relates to migration quotas; and hard Eurosceptic Marián Kotleba, leader of the ultra-right, Neo-Nazi party ĽSNS-Marián Kotleba who thinks Slovakia has become 'a colony of the West', with the EU trying to 'destroy us economically and socially'. Marián Kotleba repeatedly asked his followers to sign the petition to leave the EU. During the first time in 2016, all significant media informed the public about starting the petition's signatures collection. However, we never heard about it getting enough signatures. Then he urged people to sign the petition again during this study's data collection period. We still don't have any information about whether it's gotten enough signatures.

As a social media platform, I chose Facebook since it is the most popular platform used by politicians and the public in Slovakia and its users are more diverse than Twitter (Bossetta – Segesten – Trenz 2017). I collected all cognitive authorities' Facebook posts that mentioned the EU from 1 August 2020 to 31 October 2021 and conducted a sentiment analysis. It's a technique used for business purposes to analyse consumers' preferences, but it is also helpful for political and social scientists. For example, it was studied as an election results prediction technique (Tumasjan et al. 2010; Jungherr et al. 2011; Wang 2017; DiGrazia et al. 2013). In 2017, Safiullah et al.'s research (2017) showed a significant relationship between social media and the number of seats won by a political party. I used this technique to code politicians' sentiments about the EU: positive or negative. First, I read the Facebook post mentioning the EU; I checked the context and the then-current social and political situation. Then, in the coding sheet, I assigned -1 for posts with negative sentiments and 1 for

posts with positive sentiments. There was no need to use the number 0 for coding neutral posts, as all the posts bore either positive or negative sentiments. Nor did I find ambivalent posts in which it would be challenging to decide the emotionality of the post. The politicians were clear about their stances towards different issues. I coded it manually, even though sentiment analysis can be done automatically on extensive samples. For this research, the data was limited since politicians talk about the EU only when something is happening. Nevertheless, manual coding allows the researcher to read all the content and understand the data qualitatively.

I coded the number of likes, comments and shares to study the followers' reactions. Regarding the sentiment in the comments, if a follower agrees with the post's author, I coded number 1 as the same-minded view. A same-minded view means that if the politician introduces a negative sentiment about the EU, his follower agrees with him and shows negative feelings towards the EU or positive feelings towards the negative opinion of the politicians. When the politician shows positive feelings about the EU, his followers must show either positive feelings towards the EU or towards the politician's positivity to be coded as a same-minded comment. On the contrary, if a follower disagrees with the post's author, I coded -1 as the opposing view. If the politician shows negative sentiment about the EU, his followers must show either positive feelings towards the EU or negative feelings towards the politician's negativity. If a politician shows positive feelings about the EU, his followers must react with negative feelings about the EU or negative feelings about his positivity towards the EU. Neutral comments were coded with the number 0. Those were off-topic comments which did not mention the EU at all. The results should show whether the particular politician is a positive cognitive authority for most followers (they agree with him) or a negative cognitive authority (they do not trust him).

I prepared the coding schedule as explained by Bryman (2012: 298–304). The coding schedule is multidimensional. At the first level, I collected the basic data:

Post ID	Post	Main topic	URL	Emotionality	Number of likes	Number of shares	Number of comments

Since users can react with seven different emotions when clicking on the Like button, the other level of coding schedule recorded the numbers of each emotion given to the post:

Like	Love	Take care	Haha	Wow	Sad	Angry

I recorded the number of same-minded, opposing and off-topic comments. I did not record the comments under the comments.

Same-minded comments	Opposing comments	Off-topic comments

The coding manual is simple since most data coded is numbers:

<p><b>Post ID</b> Created by combining the initials of the politician (the first letter of his name followed by the first letter of his surname), slash (/), date of publishing the post (day-month-year)</p> <p><b>Main topic</b> Euro funds COVID-19 (pandemic, vaccines, etc.) Climate change Migration to the EU countries Belarus/Alexander Lukashenko Russia/Vladimir Putin Information about upcoming negotiations or those which are currently underway Information about the finished meeting or results of negotiations or summit Criticism of the EU Leaving the EU Praise of the EU Other</p> <p><b>Emotionality</b> 1 – positive 0 – neutral -1 – negative</p>
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#### IV. Results: Four politicians, four different communication models

During the data collecting period, Igor Matovič posted thirty-five posts related to the EU; Boris Kollár posted eight, Peter Pellegrini nine and Marián Kotleba eleven. In the case of Boris Kollár, Peter Pellegrini and Marián Kotleba, all the posts were selected for further analysis of followers' sentiment. However, in the case of Igor Matovič, a special category was needed. Five of the thirty-five posts mentioned the European Union, but the interaction between him and his followers was missing since nobody mentioned the EU in the comments. These five posts bore significant information about how Igor Matovič talks about the EU and were later analysed as his communication about the EU. However, since no comment mentioned the EU, posts were excluded from the likes analysis based on the presumption that the likes were also related to another topic, as were the comments. In this context, it is essential to highlight that we cannot be

sure about the intention of likes in any posts nor those included in the analysis of followers' sentiments. For this reason, likes analysis is only subordinate to the analysis of the comments.

Contrary to Igor Matovič, Peter Pellegrini did not post almost anything directly related to the EU agenda. Usually he only mentions the EU somewhere at the end of the post about something else. Still, his followers reacted to the EU, in some cases even aggressively. Peter Pellegrini has built an image of a politician who wants Slovakia to be a part of the EU but wants to cooperate with Russia too.

Boris Kollár and Marián Kotleba are both far-right politicians (with Marián Kotleba being ultra-right), and they spoke about the EU with negative emotionality. They both enjoyed more same-minded comments than Igor Matovič or Peter Pellegrini. Igor Matovič and Peter Pellegrini who were often attacked and heavily criticised. For a part of their followers, they are negative cognitive authorities. It is not the case for Marián Kotleba and Boris Kollár, who seem to be followed by people who trust them and consider them positive cognitive authorities.

## **Igor Matovič**

As mentioned earlier, a new category was added in the case of Igor Matovič. In five posts he mentioned the EU, but not a single comment reacted to the EU. Three of those posts were about the COVID-19 vaccine Sputnik V. with a hidden message about the inability of the EU to provide enough vaccines and the inability of the EMA to approve Sputnik V. quickly. For example:

*I thank those who understand my decision to ensure the Russian vaccine Sputnik V. in addition to the insufficient amount of vaccines contracted by the European Union. It is a vaccine of high quality that can help us save thousands of human lives.<sup>1</sup>*

Or another example:

*So let's make it clear – if anyone wants us to wait with the contract until after the EMA registration when all the manufacturer's capacities are hopelessly sold out by the end of the year... they actually don't want any Sputnik V. in Slovakia... and they want us to continue to rely only on exceptionally late deliveries of vaccines contracted through joint EU procurement. They want us to suffer in lockdowns and from needless deaths for weeks and months more.<sup>2</sup>*

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1 Available here: <https://www.facebook.com/igor.matovic.7/posts/10221568035242698>

2 Available here: <https://www.facebook.com/igor.matovic.7/posts/10221516794121702>

One post was about vaccines donated from France, where Igor Matovič said he understood that all the members of the EU had problems acquiring enough vaccines, and he appreciated the help from France.<sup>3</sup> Contrary to the previous three posts about the Russian vaccine Sputnik V., this post about France was very mild and understanding towards the EU. Similarly, in the last of those five posts, he talked about celebrating the V4 project, which should not be an alternative to the EU but a part of the EU.<sup>4</sup>

These posts showed the unclear stance of Igor Matovič towards the EU and his ability to adapt his narrative about the EU to current needs. Three posts are an illustration of negative emotionality towards the EU. In the context of the vaccine campaign of the EU, criticised by Igor Matovič as being too slow, he is indirectly accusing the EU of ‘needless deaths’ and ‘lockdowns’. To compare it with positive emotionality about the EU, we have to choose from the other posts, which were also selected for analysis of the likes and comments. For example, in one post, he informed followers about a finished video summit with the EU leaders concluding:

*We have just finished the video summit with the EU leaders... mainly about the vaccines, mutations, measures. I thanked Ursula von den (spelling mistake in her name in his post, not in the paper’s transcription) Leyen for the excellently conducted negotiations with the manufacturers... with a note that nowadays, even many Eurosceptics are probably happy that we are a part of this great European project.*<sup>5</sup>

This positive emotional post about the EU was published before Igor Matovič secretly bought the Sputnik V. vaccines without waiting for the EMA to approve it. He was similarly positive about the EU in October 2020, informing his followers that the EU wants to ‘take the Slovak way’ regarding the whole country’s COVID-19 testing, a highly unpopular measure in Slovakia. Even though the EU never told the members to test the whole population on COVID-19 as Slovakia did, Igor Matovič praised the EU as a project itself at the same time when his measure was a topic at the EU summit. Among neutral posts were those in which he informed his followers about ‘the current summit’ or his flying to Brussels for the summit, sometimes supplemented with a photo.

These findings supported the Králiková et al. (2020) research conducted before the parliamentary election in 2020 about the Euroscepticism of parties on the scale from hard Eurosceptics to euro-federalists, according to which Igor Matovič’s party OĽaNO had mixed emotions about the EU. The party’s members are divided on the question of the EU, with a part of them supporting the EU

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3 Available here: <https://www.facebook.com/igor.matovic.7/posts/10221584235007682>

4 Available here: <https://www.facebook.com/igor.matovic.7/posts/10221488783421452>

5 Available here: <https://www.facebook.com/igor.matovic.7/posts/10221279171261279>

and another part of them condemning the EU. Igor Matovič's narrative proves that he, as a party leader, does not care what his legislators think about the EU because he does not have a clear stance either. Igor Matovič seems to relate his sentiments about the EU not with the agenda of the EU itself but with his agenda, his own successes and failures, and his role in the information about the EU. If the EU compliments him, as in the case of the whole country's COVID-19 testing, he praises the EU as a great project. If the EU does not do what Igor Matovič wants, as was the case of approving Sputnik V vaccines, he criticises the EU.

In the other 30 posts selected for further analysis of likes and comments, Igor Matovič received, on average, 3,953 likes per post. Posts were shared on average 163 times, with 854 comments per post on average. Igor Matovič served as prime minister of the Slovak Republic from 21 March 2020, until his resignation on 30 March 2021, and he assisted in EU summits. Therefore, he had first-hand information he could have shared on Facebook with his followers. He is a regular Facebook user with several posts a day. However, he often says the same thing in two or three posts. For example, on 10 December 2020, he posted five posts about the EU in 24 hours, repeating himself.

Regarding emotionality, Igor Matovič was more positive about the EU than negative. However, his posts with negative emotionality were more engaging for his followers. The four posts bearing negative emotionality got, on average, 5,976 likes per post, reaching as high as 12,000 likes for one post. On the other hand, the 21 posts bearing positive emotions got 3,655 likes per post on average. Most of the comments were off-topic, but out of those related to the EU, the number of comments opposing Igor Matovič's emotionality was three times higher than those agreeing with him. Followers oppose him significantly more in the comments when he is negative about the EU. When Igor Matovič speaks positively about the EU, 17.38 percent disagree with him, while when he speaks negatively about the EU, 48.83 percent disagree with him. His negative emotionality posts are more engaging, but not to agree with him, to disagree with him.

Facebook users can show their emotions also through emoticons when giving likes, but the data collected for this study showed that the likes known by the symbol of the thumbs-up is still the most widely used. Interestingly, even though followers generally react with more likes to posts with negative than positive emotionality, there is no big difference in using various emoticons when reacting to posts with positive and negative emotionality. For example, followers clicked on Love, known by the heart symbol, in 6.09 percent of all likes given to the posts bearing positive emotions and in 5.42 percent of all likes given to the posts bearing negative emotions. The most significant difference is in the emoticon Angry, for which usage on posts with negative emotionality was almost double compared to positive posts: followers used it in 3.52 percent of all likes given to the posts bearing positive emotions and in 6.32 percent of all likes given to the posts bearing negative emotions.

The followers' engagement depended significantly on the topic. Igor Matovič posted about the pandemics of COVID-19, euro funds, climate change, migration, Belarus and Alexander Lukashenko's regime; he informed followers about the upcoming negotiations and kept them posted during and after the talks. His posts included all the coding manual's topics except Russia (in the analysis of likes and comments) and Leaving the EU. All the topics except for the Criticism of the EU were mostly positive. It does not mean all the posts on a particular topic had a positive sentiment. It means that there were more positive posts than negative ones. It is more evidence of Igor Matovič's ability to change his narrative according to his current needs. Nevertheless, the least engaging topic for his followers was migration and Belarus / Alexander Lukashenko. On the contrary, these topics were highly engaging for the followers of far-right and ultra-right politicians. On the other hand, the most popular among the followers was criticism of the European Union, meaning posts in which Igor Matovič criticised the EU, as mentioned earlier, mainly because followers wanted to oppose him.

### ***Peter Pellegrini***

I selected eight posts for further analysis since Peter Pellegrini does not post much about the EU. He prefers national interests to those of the international community and a strategy he calls 'all four cardinal points'.<sup>6</sup> This means that Slovakia should work with the EU as well as with Russia. Even in the posts mentioning the EU, he usually shows little sentiment towards the Union compared to Igor Matovic. Still, there were no neutral posts. Even though the sentiment was hidden in context or showed only slightly, it was there. For example, he expressed solidarity with Austria in one post after the terrorist attack in Vienna in November 2020. He wrote, 'The fight against terrorism is one of the basic security challenges of the EU, and I see the terrorist attack in Vienna as an attempt to intimidate us.'<sup>7</sup> In the context of the post and the situation, this post bore positive sentiment toward the EU because he highlighted the European Union's role in the fight against terrorism. Hiding the positive sentiment was typical in his posts. The same was apparent in some posts with negative sentiment. For example, the post about a Slovak citizen's death in Belgium said, 'Friends, in connection with the tragic death of Slovak citizen Jozef Chovanec, I am very concerned about the information coming from Belgium.'<sup>8</sup> He described Brussels as incompetent in solving the situation. He added that he sent a letter

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6 Available here: <https://www.facebook.com/watch/?v=561011424887118>

7 Available here: [https://www.facebook.com/permalink.php?story\\_fbid=1789882221179174&id=403027089864701](https://www.facebook.com/permalink.php?story_fbid=1789882221179174&id=403027089864701)

8 Available here: [https://www.facebook.com/permalink.php?story\\_fbid=1735005783333485&id=403027089864701](https://www.facebook.com/permalink.php?story_fbid=1735005783333485&id=403027089864701)

to the president of the European Parliament, David Sassoli, to pay attention to the case. Nevertheless, in other negative posts, he was more straightforward. For example:

*TENDENTIOUS VISITS FROM BRUSSELS ARE UNACCEPTABLE! The MEPs' visit to Slovakia to evaluate the level of the rule of law and democracy ended in a fiasco. They turned their backs on the truth. They ignored the meeting with the opposition, and they listened only to the government that confused justice with political revenge with a blatant attempt to manipulate investigations and create a police state. In addition, the Head of the Delegation expressed support for the government, and it is clear that such behaviour undermines people's confidence in European institutions. We consider such visits by MEPs to be unnecessary, biased, and it will be best for Slovakia if they quickly pack their bags and leave. We consider it unacceptable and unnecessary to slander Slovakia and give us advice when the Belgian police murdered an innocent Slovak citizen.<sup>9</sup>*

Peter Pellegrini got 3,694 likes per post on average. Posts were shared on average 178 times, and there were 584 comments per post on average. Posts with positive emotionality received more likes and were more commented on than posts with negative emotionality. While positive emotionality posts received, on average, 5,212 likes per post and 811 comments per post, negative emotionality posts received 2,177 likes per post and 357 comments per post. There was no significant difference in the prevalence of various emoticons in the case of posts with negative and posts with positive emotionality. The percentage of almost all emoticons was similar except for Sad. Posts with positive emotionality received 5.36 percent of Sad emoticons, and posts with negative emotionality got 0.03 percent of Sad emoticons. This result seems to go against the basic logic, but the analysis of the comments also showed that his followers disagree with his positive feelings about the EU. They are angry about it or – as we can see in the emoticons – sad.

Typically, Peter Pellegrini posts about events were not mentioned in the coding manual since they were considered less important, for example, the aforementioned terrorist attack in Vienna. Of the topics in the coding manual, one post was about the EU funds, one was about Russia and one was criticism of the EU. All three bore negative emotionality towards the EU. His followers reacted extensively to posts classified as Other, even though they were just empty words concerning the EU. For example, the post where he expressed solidarity with Austria after a terrorist attack was very engaging for his followers. Peter Pellegrini showed positive emotionality towards the EU, but his followers criticised the EU in the comments. This is a repeating pattern in Peter Pellegrini's posts.

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9 Available here: <https://www.facebook.com/watch/?v=384181883155272>

The numbers show that when Peter Pellegrini talks positively about the EU, most of his followers comment off-topically, and only a few comments express the same positive feelings about the EU. On the other hand, more than 7 percent oppose him, expressing negative feelings about the EU. However, when Peter Pellegrini talks negatively about the EU, more than 27 percent of his followers agree with him and express the same negative feelings about the EU.

In general, positive posts were more engaging, and even though in the comments followers did not agree with Peter Pellegrini's positive feelings about the EU, these posts received more than double the number of likes compared to posts with negative emotionality. There was no significant difference in sharing positive and negative posts. Neither was a significant difference in various emoticons available for giving a like.

### ***Boris Kollár***

All seven posts selected for further analysis bore negative emotionality towards the EU. Boris Kollár's opinion about the EU is unequivocal. The biggest issue for him is the liberal values the EU honours. He, on the contrary, spreads racist and homophobic views. For example, he shared a picture of the EU flag with text in the middle of the circle of stars: 'Ema has a burka. Mother is a father. Greta is right. Ahmed is at home here. Oh, we are doing fine.'<sup>10</sup>

It was a caricature of a text used by children to learn to read. He attacked Muslim women, LGBTI people, environmental activists (Greta Thunberg) and refugees fleeing war in Syria or Afghanistan (because Ahmed is not at home in Slovakia, according to Boris Kollár). In another post dedicated to the government's plans to reorganise the healthcare system, he said:

We cannot, just because of the commitment to Brussels, cancel access to healthcare in the regions when we do not know the situation. I go to those regions regularly and visit all those hospitals, and I will talk to those people. And then I am willing to support the draft law that will address this reform.<sup>11</sup>

The post was about the Slovak healthcare system, but he took the opportunity to attack the EU, blaming 'the commitment towards Brussels' for issues in the Slovak healthcare system.

Boris Kollár received 516 likes per post on average, 77 shares per post on average and 187 comments per post on average. It would be much less without one extremely engaging post for his followers: the EU flag with racist and homophobic text. This post was shared 336 times, it got 718 comments and 1,493

<sup>10</sup> Available here: [https://www.facebook.com/permalink.php?story\\_fbid=2951329665188089&id=1464024763918594](https://www.facebook.com/permalink.php?story_fbid=2951329665188089&id=1464024763918594)

<sup>11</sup> Available here: <https://www.facebook.com/BorisKollarOfficial/posts/411553196994963>

likes, of which 653 were standard Thumbs-up and 418 were Haha. In general, his followers usually use the classic Thumbs-up or Haha emoticon when he tries to be funny on Facebook. On average, per one post, 67.1 percent of the likes were classic Thumbs-up, 16.4 percent were Haha emoticons and the third most popular was the Angry emoticon with 5.5 percent. It is essential to realise that these Haha emoticons were on posts with negative sentiments about the EU and, in many cases, racist and homophobic views, which sounds dangerous for the EU's liberal values.

The sentiment is evident from the comments. Of all the comments, 76.7 percent were off-topic, 22.3 percent were same-minded and only 0.9 percent were opposing. His followers used language similar to Boris Kollár and were similarly hateful. For example, we can find comments saying that 'the EU is a criminal pact based on the project of the Nazi Walter Hallstein, who used to work on Hitler's project'<sup>12</sup> or that 'Europe needs the same gun laws as the USA, and then they in Brussels will stop with this bullshit'.<sup>13</sup> Of the topics described in the coding manual, Boris Kollár wrote posts about Migration, Criticism of the EU and Others. All of them bore negative sentiment, with Migration and Criticism of the EU being more engaging for the followers than Others.

## **Marián Kotleba**

Marián Kotleba is an ultra-right politician. He celebrates the First Slovak Republic, a client state of Nazi Germany during World War II, and president Jozef Tiso, who collaborated with Germany in the deportations of Jews. He spreads racist views, mainly about the Roma people. He despises sexual minorities. He is often described as a neo-Nazi, even though he denies it. His stance toward the European Union is crystal clear, and all eleven posts selected for further analysis had negative emotionality towards the EU. He received 1,278 likes per post on average, 380 shares per post on average and 231 comments per post on average, with predominantly the same sentiment as his own. Marián Kotleba's speech is hateful and raw, often vulgar. For example:

*The representatives of the European Union must really take something very strong. It is said that a new long-term migration plan and an even division between solidarity and responsibility. STOP! We can never let the euromadmen destroy our beautiful Slovakia, and it doesn't matter whether it's by making us accept migrants whom we don't need here at all or because of the covid-19 projects or other world-dominating reasons! We cannot forget that even though corona is the topic number one nowa-*

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12 Available here: [https://www.facebook.com/permalink.php?story\\_fbid=2951329665188089&id=1464024763918594](https://www.facebook.com/permalink.php?story_fbid=2951329665188089&id=1464024763918594)

13 Available here: [https://www.facebook.com/permalink.php?story\\_fbid=2926909424296780&id=1464024763918594](https://www.facebook.com/permalink.php?story_fbid=2926909424296780&id=1464024763918594)

*days, madmen in the Union have not given up on their plans to destroy the identity of European countries through massive crowds of migrants! We shall be alert, and we shall watch closely the steps of current Matovič's government, which tries to present itself as a conservative government, but in reality, it is a euro-celebrating government!!! We reject the Union that only wants to dictate to us and forbid us! We reject the Union that wants to melt us in the boiler of multiculturalism! We refuse to commit national suicide!*<sup>14</sup>

His followers react similarly. Of the four politicians, Marián Kotleba received the highest proportion of Angry emoticons, reaching 8.95 percent of all likes in general. It is a lot considering that the classic Thumbs-up is still the most widely used (in the case of Marián Kotleba, the classic Thumbs-up reached 82.36 percent of all likes). Regarding the comments, 77.32 percent were off-topic, 2.9 percent opposed his negative sentiment and 19.58 percent were same-minded in their hatred towards the EU. For example, when he launched a petition for Slovakia to leave the EU, he asked his followers to sign it in one post on Facebook. They predominantly agreed with his negative feelings about the EU and commented that the EU is 'a dictator' or 'a posthumous child of the SS'.<sup>15</sup>

Topically, he posted about leaving the EU. Besides that, he defended the regime of Alexander Lukashenko in Belarus, and he criticised the migration policy of the EU or vaccination against COVID-19 since he is convinced vaccines are health and life-threatening and COVID-19 is a 'project'. The most engaging for his followers was the post about the regime of Belarusian dictator Alexander Lukashenko. It is slightly influenced by the fact that many of his followers despise NATO as well as the EU.

## **Discussion**

At the beginning of the data collection (12 January 2022), Peter Pellegrini had the highest number of followers on Facebook (313,532), followed by Igor Matovič (281,015). Two more extremist politicians had a smaller followership, starting with Boris Kollár (145,525) and ending with Marián Kotleba (47,212). The numbers seem to favour Igor Matovič and Peter Pellegrini. However, it does not reflect followers' activity or sympathies with the politicians. Using the number of likes, shares and comments per post on average for every politician and calculating likes, shares and comments per follower per 10k posts, Figure 1 shows the disproportion of followers' activity. Marián Kotleba, although followed by the smallest number of followers, gets the most attention from them

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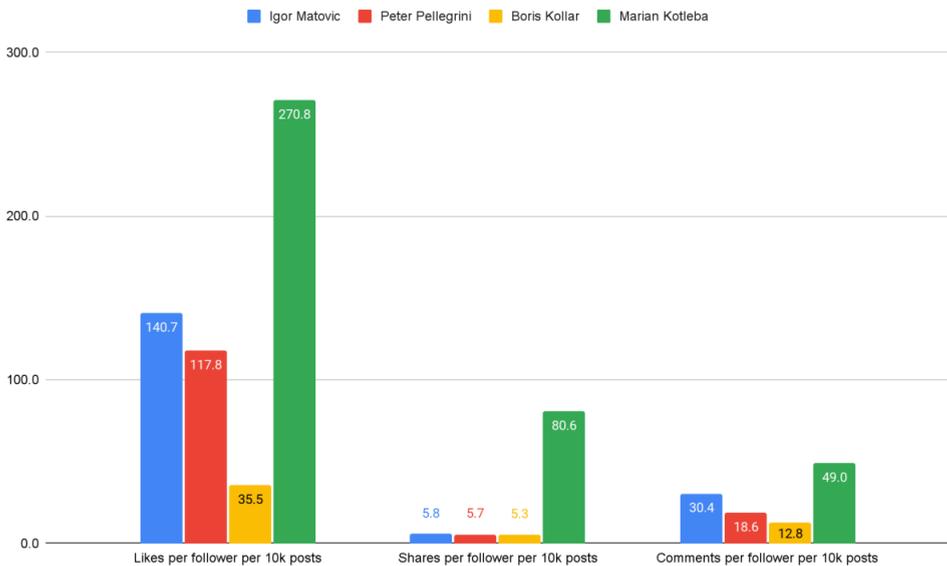
<sup>14</sup> Available here: [https://www.facebook.com/permalink.php?story\\_fbid=150838816700427&id=103101388140837](https://www.facebook.com/permalink.php?story_fbid=150838816700427&id=103101388140837)

<sup>15</sup> Available here: <https://www.facebook.com/Kotlebaofficialfanpage/posts/367072905105176>

because, proportionally, they are the most active among the four studied cognitive authorities' followers.

Marián Kotleba received almost double the average number of likes per post as Igor Matovič, who was the second most liked politician. Marián Kotleba also had the highest proportion of shares. Sharing means spreading the news, called word of mouth. Studies have shown that it can significantly influence political preferences (Parmelee – Bichard 2012: 214). While Marián Kotleba had 80.6 shares per follower per 10k posts, the other three politicians oscillated between 5.3 and 5.8 shares per follower per 10k posts. The difference in comments was not that significant, but Marián Kotleba's Facebook posts were the most commented on from the four politicians selected for this study. Interestingly, Boris Kollár, even though he is also on the far right of the political spectrum like Marián Kotleba (although not that far), is not as liked, shared or commented on as Marián Kotleba. On the contrary, his followers are the least engaged. It might be interesting for future studies to analyse what makes the difference. One point that stood out in this research as a difference between Marián Kotleba and Boris Kollár was obvious from emoticons used by followers when giving likes.

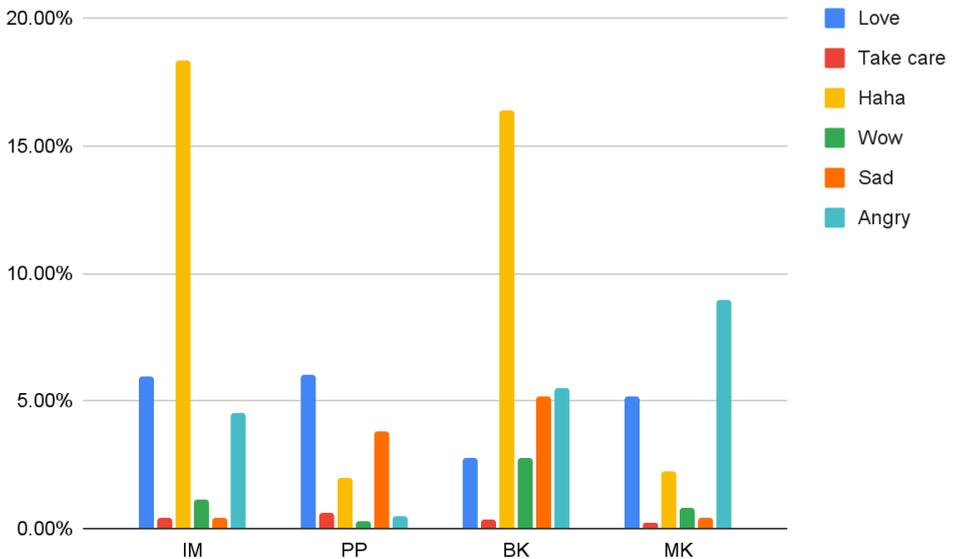
**Figure 1: Number of likes, shares and comments per follower per 10k posts for Igor Matovič, Peter Pellegrini, Boris Kollár and Marián Kotleba.**



Boris Kollár, as well as Igor Matovič, received a high proportion of Haha emoticons because they tend to write funny posts, often joking or being ironic. On the other hand, Marián Kotleba received the highest proportion of Angry emoti-

cons among all of the subjects, which is not surprising following his hateful, vulgar and aggressive speech. Marián Kotleba rarely jokes; if he does, his jokes are very spiteful. The hatred is more present in Marián Kotleba's posts than in Boris Kollár's posts which might be the reason for the higher engagement of Marián Kotleba's followers than Boris Kollár's. But it does not change the fact that the Haha emoticon in Boris Kollár's posts might represent negative sentiment. When Sandoval-Almazan and Valle Cruz (2020) used sentiment analysis on Facebook in the Mexican pre-election period, they admitted that identifying the sentiment of the Haha emoticon was challenging. Their research concluded that Haha emoticons expressed negative sentiment in the posts where Sad and Angry emoticons were prevalent. In Boris Kollár's posts, the percentage of Sad as well as Angry emoticons was double the percentage of the Love emoticons. On the contrary, in Igor Matovič's posts, the prevalence of the Love emoticons to Angry was apparent and to Sad emoticons very significant (see Figure 2).

**Figure 2: Percentage of different like emoticons for posts of Igor Matovič (IM), Peter Pellegrini (PP), Boris Kollár (BK) and Marián Kotleba (MK) on average per post without the classic Thumbs-up.**



Similarly to Igor Matovič, Peter Pellegrini also received a high proportion of Love emoticons. They tend to conclude the post by showing their efforts or achievements, and followers might reward them with Love. These numbers indicate positive sentiment in likes for Peter Pellegrini and Igor Matovič's posts. However, it is not the case in the comments in which followers expressed nega-

tive sentiment towards politicians' views in a significantly higher proportion than in Boris Kollár and Marián Kotleba's cases. The percentage of off-topic comments is almost the same for all politicians. However, while the percentage of same-minded comments (sharing the same sentiment as the politician about the EU) oscillated between 5 and 8 percent on average in Igor Matovič and Peter Pellegrini's posts, the numbers for Boris Kollár's and Marián Kotleba's posts were running around 20 percent (see Figure 3).

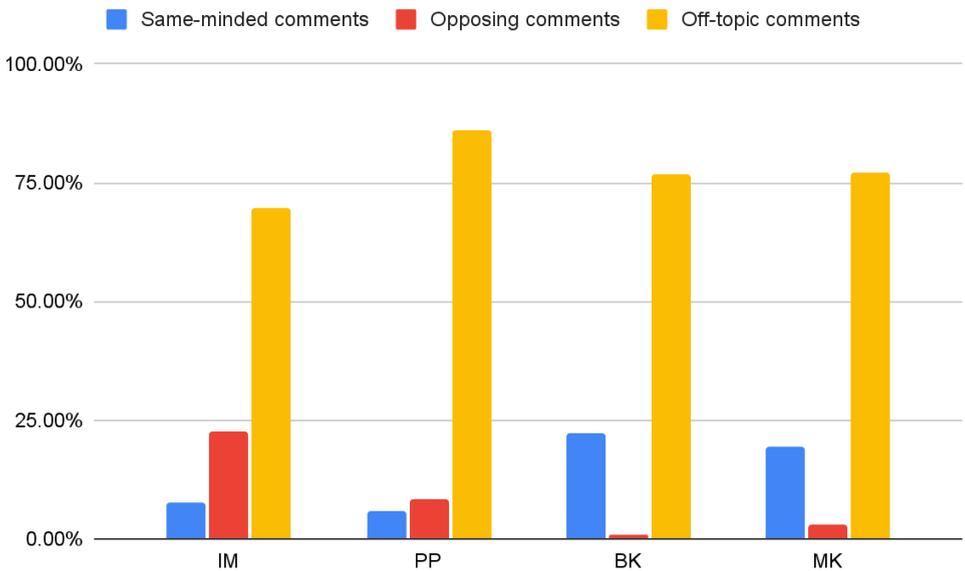
Two conclusions could be made. First, because of the difference in sentiment in likes and comments, followers who agree with Igor Matovič and Peter Pellegrini give them likes, while followers who disagree with them comment on their posts. According to previous studies, negative emotionality increases likes (Heiss – Schmuck – Matthes 2018: 14). This was true in Igor Matovič's case but not Peter Pellegrini's. His positive posts received more than double the number of likes compared to posts with negative emotionality. In the comments, followers agreed with him more on negative posts than positive ones. We might assume that Peter Pellegrini's followers who agree with his positive sentiment about the EU give him likes, while followers who disagree with his positive sentiment about the EU criticise the EU in the comments. On the other hand, Igor Matovič's followers tend to defend the EU when Igor Matovič criticises it, and they do not tend to criticise it when Igor Matovič praises it.

Secondly, followers in the comments agree significantly more with Boris Kollár and Marián Kotleba than with Peter Pellegrini and Igor Matovič because of their extremism. It is evidence of selective exposure when Facebook users follow a politician with the same-minded opinions because they want to expose themselves to ideas approving their views. According to Golbeck and Hansen (2011), 66 percent of followers follow (but on Twitter) politicians who support their views. However, selective exposure makes one's views more extreme (Moscovici – Zavalloni, 1969; Myers – Lamm, 1976; Sunstein, 2003). It might explain why extremist politicians have more same-minded followers: they have grown more extreme by following those politicians. Data collected for this paper suggest that moderate followers who mainly support the EU are not actively showing their support on Facebook, while users with negative views of the EU express their sentiment more often.

These followers who openly express their negativity about the EU tend to react to topics that can be highly emotional. For instance, COVID-19 pandemics, including vaccines against COVID-19, were engaging for Igor Matovič's followers but even more for Marián Kotleba's followers. Even when bearing in mind that Igor Matovič's posts about the Russian vaccine Sputnik V. bore negative emotionality towards the EU, positive emotionality in his posts about the pandemics was still prevalent. On the contrary, in the case of Marián Kotleba, the emotionality was negative in all the posts about the pandemics, mainly because of his harsh anti-vaxxer stance. We can see the same pattern in the

topic of migration or Belarus and the regime of Alexander Lukashenko. While Igor Matovič condemned Lukashenko's regime, Marián Kotleba condemned the intervention of the EU and NATO. While Igor Matovič received in posts about Belarus on average 85.21 likes on average per post, Marián Kotleba got 594.34. The negativity, hatred and spreading of fear are more engaging than condemning dictatorship.

**Figure 3: Percentage of same-minded, opposing and off-topic comments on average per post for Igor Matovič (IM), Peter Pellegrini (PP), Boris Kollár (BK) and Marián Kotleba (MK).**



## V. Conclusion

Social media dynamised the concept of cognitive authority. Politicians are more visible than ever and can interact with their electorate daily. Becoming a cognitive authority might be more accessible, but, on the other hand, so is losing the role of cognitive authority. However, we can see a difference between more modest politicians' followers and more extremist politicians' followers. Far-right (Boris Kollár) and ultra-right (Marián Kotleba) politicians are positive cognitive authorities. Followers with extremist views tend to follow their leaders more devotedly and openly express their support. Their views are polarised, and since they expose themselves only to reinforcing information provided by far and ultra-right politicians, they become even more extremist. Followers of more modest politicians on the political spectrum are not that interested in

engaging. Rarely do they show support for the politicians, and more often they criticise them. Negativity and hatred produce positive cognitive authorities on Facebook, while moderation and positive emotions create a space for criticism and produce negative cognitive authorities with whom followers do not agree.

Social media offers an environment where we can study followers' reactions to politicians. Social media are free to access and publish. The sentiment analysis can help understand public opinions even though it is hard to generalise the results. For example, according to Eurobarometer from Spring 2021, 43 percent of the Slovak population trusts the EU, while on Facebook most comments bear negative emotionality toward the EU. This means people who support the EU do not actively express their support on Facebook.

To sum up, the results do not necessarily mean that Peter Pellegrini and Igor Matovič are not positive cognitive authorities for many voters, while Boris Kollár and Marián Kotleba are. The results might suggest that while extremist voters express their sentiment on Facebook, moderate voters do not. However, understanding the views of those who are active on Facebook can help prepare an educational programme about politics and the EU based precisely on the needs of those who lack the information. Then, in a well-informed society, democracy can thrive.

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# Power and powerlessness of the civil society in Hungarian illiberal democracy between 2010–2022

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**Abstract:** *In the study we examine the pulling, pushing and pulling back factors and events that influenced civil activism in Hungary between 2010–2022, which was the period of the birth of illiberal democracy in the country. We describe – relying on newspaper reports – the most important events and campaigns in the given period and their effectiveness. In Hungary citizenship activity is at a low level, even within Central-Europe. The viability of civil society is decreasing, especially in terms of financing opportunities, legal environment, image of civil sphere and ability to interest representation. We found that between 2010–2022 the presence of grievances as triggers was constant in the country, while the opportunity structures for action narrowed somewhat, but the illiberal Hungarian system is restrictive and not oppressive. There is a way to protest, to act in a different way, and actions do take place, but it is rarely possible to influence decision-makers – mostly in simple matters that affect everyone. However, social movements do not only fight for instrumental goals, but they also mobilise people, build organisations, contribute to self-development, form collective identity and (re)socialise the participants. These are important consequences even if the instrumental goals are not achieved.*

**Keywords:** *civil activism, illiberal democracy, Hungary*

## I. Introduction

The way we live today, many elements of it were achieved by social movements. Some authors refer to our time as a social movement society (Tarrow 2011). Ágh (2016) describes civil society as a defensive society, which, since the En-

lightenment, has protected freedoms first against the state and then against the excesses of the free market. Civil society and social movements still have the function of defence against the excesses of power; at the same time, they also perform other functions. They develop and spread social innovations and they work in many ways to increase the quality of life and social integration.

The participants of social movements are active citizens, civil society in the narrow sense of the world (including trade unions and other interest representation organisations), parties and religious communities as well. These two latter actors are typically not included in the civil society/nonprofit sector,<sup>1</sup> at the same time, their role in social movements was decisive in certain areas and some of them are still involved in social movements today. In the study we examine the advocacy ability of the Hungarian civil society in the period between 2010 and 2022, i.e. the period of the formation and operation of illiberal democracy in Hungary.

The concept of illiberal democracy was first used by Fareed Zakaria (1997). In his interpretation it means that in a given country political freedoms are more strongly guaranteed than civil liberties. Although there are competitive, free elections, freedoms are limited. Based on the degree of illiberalism, countries can be placed on a wide scale.

Prime Minister Viktor Orbán used the term illiberal for the first time in 2014 at Tusnádfürdő to describe Hungary's political system. Later he refined what he meant by illiberal democracy and why it was necessary to build it. According to him, liberal democracies were not very successful in serving national interests and protecting community property, which is why the illiberal system had to be built. Later he trivialised the issue, saying that illiberal democracy is when the liberals do not win (hvg.hu 2017). However, the adjective illiberal is apt. Scholars use many other terms<sup>2</sup> to describe this type of political system, among which the hybrid regime is quite common. The Hungarian system is a moderate one. Civil and political liberties are guaranteed in the formal sense, but in the material sense, as we will see, they suffer more and more damage.

In the article we will present the issues in which Hungarian civil society became active, as well as the results of these activities – or the lack of them. We will analyse the power (powerlessness) of civil society in three dimensions: are there opportunities for actions, do citizens act and are they able to produce an impact with their actions? First of all, we review the international patterns of activism and civil society, and how Hungary fits into this picture.

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1 e.g. when Salamon and Anheiner (1999) define the non-profit sector, they exclude from it party politics and religious activity.

2 'semi-dictatorship', 'semi-authoritarianism' or 'elected democracy', 'deconsolidation of democracy', 'democratic backsliding', 'simulated democracy', 'populist democracy', 'selective democracy', 'diminished form of democracy' (Procházka – Cabada 2020)

## II. Patterns of civil society and civil activism

In this study we focus on the activities of active citizens and civil society. By the latter, we mean the area of society, groupings and communities that do not belong to the spheres of the family, the state or the market, although they are connected to them by many threads. The institutionalised form of civil society is the non-profit or third sector, but informal groupings outside of it are also part of civil society (Havasi 2020). In Table 1 we have summarised different types of groups of the civil society which can be classified in terms of their goals, communication style and degree of organisation. The division was inspired by the thoughts of Cohen and his co-authors (1992), who rethought the relational system and communicative style of the Lifeworld and the System. In the Habermasian model in modern societies the System – dominated by cognitive-instrumental rationality – ‘colonizes’ the Lifeworld – which is operated by communicative rationality (Habermas 2011). According to Cohen et al (1992), there can be a place for communicative rationality in the world of the System, and the self-limiting radicalism of civil society does not serve to protect against the colonisation of the Lifeworld, but to extend democratisation to the world of the System. Thinking further about these notions, we grouped the actors of civil society and social movements on the basis of whether their goal is to influence the System, influence decision-makers, or whether their activities are primarily aimed at themselves – individual citizens and their groups – in order to help increase their quality of life and social happiness. Both types have formalised actors and ‘informal formations’. System-oriented informal and formal organisations are in the focus of this study, since they aim to influence decision-makers.

**Table 1: The structure of civil society**

Civil society			
Formal		Informal	
System oriented	Lifeworld oriented	System oriented	Lifeworld oriented
confrontative and lobbying organizations with the following functions, -watchdog, -advocacy -think tank -policy	- service provider -consultant -organizations supporting lifestyle experiments	-ordinary forms of resistance, -protest movements, -system-shaping, history-shaping movements	circles of friends, clubs, voluntary groups, informal communities, neighbourhoods, non-formal forms of social self-organization

Source: own editing

The need to change the world has always characterised human societies and the existence of protest actions and movements goes back a long time. Before the development of civil society and the public sphere, those concerned expressed

their dissatisfaction directly by turning to the local authorities and powers. These actions – in the words of Tarrow (2011) – were parochial, segmented and particular. As a result of the establishment and strengthening of parliaments, the erosion of traditional social bonds, and the routinisation of election meetings, petitions and demonstrations became forms of collective actions addressed to the central government in the 18<sup>th</sup> century. Modern political actions have become cosmopolitan in the sense that they represent issues and interests that can affect several localities, and the protest forms and tools have become modular, i.e. they can be easily transferred to other locations (Tarrow 2011).

It depends on the culture and the given situation which tools are chosen from the protest repertoire by those involved and which are effective for influencing the authorities. The 2006 and 2012 Eurobarometer research examined what types of actions were considered effective in influencing power in European countries.<sup>3</sup> Participation in the elections was considered the most effective tool in the overall sample (almost two-thirds of the respondents indicated it in 2006 and 44% in 2012). Participation in local debates proved to be the second most effective action type in 2012 – chosen by 12% of the respondents (it had not been asked in 2006 yet). There were large differences between the results of different countries. For example, the Danes had an outstanding proportion of trust in their votes cast in the elections, and hardly in the power of strikes and demonstrations, while in Estonia trust in elections was low and relatively strong in the power of internet debates. Hungarian respondents compared to average opinions had more confidence in demonstrations and less in party and trade union membership in 2006. By 2012 these trends were reversed: confidence in the power of demonstrations fell to average levels, while faith in party and trade union membership increased. Belief in the power of petitions and strikes also increased significantly.<sup>4</sup> The attitudes of Hungarian citizens towards political activism changed a lot in six years. Unfortunately, no new Eurobarometer data are available on this topic, so we cannot determine how the period we examined affected opinions about the tools of political activism.

However, we do have 2015 data on the level of citizen activity, which in part is a question of political/movement activity. In the EU in 2015, 12% of the adult population were active citizens in this sense (i.e. signed a petition, participated in a meeting or otherwise became active in political groups, parties, unions). The French and Swedish societies were at the forefront (24.6–22.1%), while the citizens of Cyprus, Slovakia and Romania were the most passive (2.1– 3.6%), and the level of activity was similarly low in Hungary (4.7%). People with higher incomes and higher education levels were more active (In Hungary, 9% of the most educated and 7.5% of the members of the highest income decile were

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3 This was the last time when this question concerning political activism was asked.

4 Own calculation based on: European Commission 2012, European Commission 2015

politically active.)<sup>5</sup> These results were partly confirmed by the 2017 wave of European Values Surveys (EVS), according to which the same countries' population was the most and least active. On the whole, however, stronger activity emerged in these investigations. The Hungarian results were also similar to the Romanian and Slovakian ones. (See Table 2)

**Table 2: Occurrence of political actions in some European countries in 2017 (percentage of participants in the given action type)**

political action	total sample	FR	SWE	HU	SK	RO
signing a petition	38,2	67,5	70,6	18,4	38,2	14,3
joining in boycotts	10,3	19	24	2,2	3,8	2,6
attending lawful demonstrations	18	44,3	27,7	10,6	4,7	10,2
joining unofficial strikes	4,9	9,7	2,4	1,3	2	2
belonging to CSO	40,8	38,3	80,7	25	16,6	22,5

Source: own editing based on European Values Surveys 2017 and Eurobarometer 2017 data

Another easily measurable dimension of civic activity is the level of membership in civil society organisations and voluntary work. Hungarian society lags far behind in these issues as well, even compared to some countries in the region such as the Czech Republic, Slovakia and Slovenia. In 2015, for example, organisational membership was 38% in Hungary, compared to 56–66% of the aforementioned countries, and 14% of the population volunteered in Hungary, while this figure was 35.7% in Slovenia and 34.5% in the Czech Republic (Meyer et al 2017). According to EVS (2022) 40.8% of Hungarian respondents belonged to some kind of civil society organisation in 2017, while this number was 47% for the Czechs and 61% for the Slovenians.

There are both inherited and acquired factors behind the low level of civil activism: the historical experience of failed revolutions, the suppression of the civil sphere during the communist era, then disappointment in the change of regime and EU accession, and finally the changing political opportunities and constraints following the illiberal turn. All of these are accompanied by (and not independent of) an extremely materialistic value system, low levels of trust, solidarity and tolerance, and a low risk-taking propensity. According to the World Values Surveys, its citizens emphasise economic and physical security (survival) above the values of self-realisation (tolerance, trust, emphasis on subjective well-being, civic activism and self-expression). Among the European

5 Are you an active citizen? 14/09/2017

countries the Hungarian people emphasise survival values the most – after the citizens of the Orthodox countries, as well as Lithuania and Latvia.<sup>6</sup>

In light of these, there is nothing unnatural in the stable support of the Orbán regime. In fact, perhaps this value system characterising the majority of Hungarian society is the cause (at least in part) of the changes that have taken place in the politics of party (Fidesz) which has been governing for ten years.

### III. The viability of the civil sector in Hungary

The Civil Society Organization Sustainability Index (CSOSI)<sup>7</sup> is prepared by USAID-ICNL every year in Central and Eastern Europe and the former Soviet member states. The Index analyses and assigns scores to seven interrelated dimensions. The scores for the dimensions are averaged to produce an overall sustainability score. The values of the index are between 1 and 7, where the best (most sustainable) value is 1. Hungarian civil society in 2000 belonged to the ‘enhanced’ category in all areas, with the exception of interest representation. The values of the index were below 3 and that of advocacy barely exceeded this value. Since then, the results have been steadily deteriorating, and after 2010 (the year of the change of government) at an extremely strong pace. Looking at the Eastern Central European region by 2020 only in Serbia and Montenegro was the situation of the sector worse than in Hungary (USAID-ICNL 2020). The detailed Hungarian results are shown in Table 3, where the data have been presented every five years for better clarity.

**Table 3: Sustainability indicators of the Hungarian civil sector 2000–2020**

	2000	2005	2010	2015	2020
legal environment	1	1,5	1,8	3,1	3,9
organisational capacity	3	3	3	3,5	3,7
financial viability	3	3,4	3,6	4,1	4,6
advocacy	3,2	3,1	3,2	3,9	4,3
service provision	2	2,4	2,7	3,1	3,5
infrastructure	2	2,3	2,7	2,9	3,2
public image	2	2,9	3,3	3,7	4,2

Source: own editing based on USAID-ICNL data

It can be seen from the table that the funding opportunities of the civil sphere, its legal environment, its ability for advocacy and the image of civil society deteriorated particularly during the examined period. What is behind these numbers?

6 The Inglehart-Welzel World Cultural Map- World Values Survey 7 (2022) source: <http://worldvaluessurvey.org>

7 or NGO Sustainability Index

#### IV. Main events regarding civil advocacy in 2010–2022: government decisions or the lack of them and the responses of civil society

The currently ruling party won a two-thirds electoral victory in 2010 and this majority has been maintained in every election since then. In 2010 the new parliament dominated by the Fidesz party increased the number of the members of the Constitutional Court and it also appointed new members (Szente 2015), as a result of which in the coming period this body made decisions in many cases to the government's liking. When later on the Constitutional Court still objected to certain provisions (e.g. church law,<sup>8</sup> criminalisation of homelessness<sup>9</sup>), the parliament amended the constitution itself. Some of these (the fourth amendment in 2013<sup>10</sup> and the seventh in 2018<sup>11</sup>) generated an international outrage and reactions (e.g. the objections of the Venice commission<sup>12</sup>). In these cases, the disputed provisions were withdrawn (e.g. provisions violating the independence of the judiciary<sup>13</sup>). In Hungary the 2020 constitutional amendment (discrimination against LGBTQ people<sup>14</sup>) and the change in the adoption rules<sup>15</sup> led to an unsuccessful wave of protests.<sup>16</sup>

The National Assembly amended the act on legislation in 2010,<sup>17</sup> so that legislation could be accelerated and thus in 2011 besides the adoption of a new constitution it could successfully amend a further 200 related laws (USAID ICNL 2012). In 2010, following the new media law,<sup>18</sup> the members of the Media Council, which has broad powers, were nominated and elected by the ruling party. Civil protest campaigns were launched in defence of the freedom of press and also due to the changes in the electoral law – unsuccessfully. The demonstrations were organised by a Facebook group (One Million People for the Freedom

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8 CCVI of 2011. Act on the right to freedom of conscience and religion, as well as the legal status of churches, religious denominations and religious communities, 6/2013. (III. 1.) Constitutional Court decision

9 The fourth amendment to the Basic Law of Hungary (Magyarország Alaptörvénye) (25. 03. 2013.), amendment of II of 2012 Act on violations, the violation procedure and the violation registration system

10 The fourth amendment to the Basic Law of Hungary (Magyarország Alaptörvénye) (25. 03. 2013.).

11 The seventh amendment to the Basic Law of Hungary (Magyarország Alaptörvénye) (28. 06. 2018.)

12 Velencei Bizottság 2013

13 The fifth amendment to the Basic Law of Hungary (Magyarország Alaptörvénye) (26. 09. 2013.)

14 The ninth amendment to the Basic Law of Hungary (Magyarország Alaptörvénye) (22. 12. 2020.)

15 XCII of 2020 Act on the amendment of certain judicial-related laws

16 24.hu 2020, hu.euronews.com 2020, <https://szabad.ahang.hu/petitions/maradjon-kotelezo-az-orokbefogadok-felkeszito-tanfolyama>

17 CXXX of 2010. Act on legislation

18 CLXXXV of 2010 Act on media services and mass communication,

CIV of 2010 Act on freedom of the press and the basic rules of media content

of the Press in Hungary – Milla<sup>19</sup>). Protest actions against the criminalisation of homelessness also failed.

In 2014, due to protests against the planned *internet tax*<sup>20</sup> the parliament in the end did not introduce this type of tax (444.hu 2014). The *Sunday shop closure*<sup>21</sup> introduced in 2014 was withdrawn in the following year as a result of the protests (hvg.hu 2016).

In connection with the wave of *refugees* in 2015, citizens were mobilising to help refugees, demonstrations also took place (Mikecz 2020) and the issue became a dominant topic in public discourse. In the following years the refugee issue became an important basis of reference and a root cause of political actions. In 2020 the court of the European Union established Hungary's violation of the law due to the detention of refugees in the transit zone.<sup>22</sup>

Some provisions of the *new land law*<sup>23</sup> of 2015 were annulled by the Constitutional Court following the action of green organisations, but the other disputed parts remained in force.

The situation of *health care* resulted in a protest campaign between 2015 and 2017, led by Mária Sándor, the 'nurse in black' (Bíró 2015). Since then, doctors' wages have been settled, but not the nurses' and today there is a chronic shortage of people in the state health care system.

In 2016 huge demonstrations started because of the centralisation and general situation of *public education*, which have since been revived again and again without any results. The salary of teachers is 63.6% of the average salary of graduates in Hungary, significantly below the European average (Koncsek 2022). The lack of teachers is causing problems in more and more places. According to the PISA surveys, the performance of Hungarian students has been deteriorating over the last decade (Pálos 2022).

In 2017, following the successful *NOLimpia* campaign of the Momentum Movement, the Hungarian Olympic bid was withdrawn (Híradó.hu 2017). Since then, however, the investments planned for the Olympics – which were the reasons for the objections to the Olympics – have been continuously implemented. The Momentum Movement became a party and began to grow quite rapidly.<sup>24</sup>

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19 <https://www.facebook.com/Milla-Hungary-700827700018763/>

20 T/1705. Bill No. CXXII of 2010 on amending certain tax laws and other related laws, as well as the National Tax and Customs Administration (T/1705. számú törvényjavaslat az egyes adótörvények és azokkal összefüggő más törvények, valamint a Nemzeti Adó- és Vámhivatalról szóló 2010. évi CXXII. törvény módosításáról) (pdf) pp. 52. parlament.hu, 2014. október 21. <https://www.parlament.hu/irom40/01705/01705.pdf> (Hozzáférés: 2014. október 23.)

21 CII of 2014 Act on the prohibition of working on Sundays in the retail sector

22 <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-05/cp200060hu.pdf>

23 Act CCIV of 2015 on the amendment of certain laws related to the management of state land assets

24 <https://static.valasztas.hu/dyn/pv18/szavossz/hu/orszlist.html>, [https://hu.wikipedia.org/wiki/Egységben\\_Magyarorszáért](https://hu.wikipedia.org/wiki/Egységben_Magyarorszáért)

In 2018 the ‘Slavery Act’<sup>25</sup> (which increased the number of overtime hours and introduced a three-year working time frame) triggered a series of large-scale protests that continued into the following year, and quickly turned into a general anti-system protest. It did not achieve any results, although as a consequence a relatively large number of strikes were organised in Hungary in the following year.

In 2018 the ‘aHang’ (the Voice) *campaign platform* and its sister site ‘SzabadaHang’ (The Voice is free) were established. Since then, they have supported and encouraged countless causes.<sup>26</sup> An *online protest calendar* was also launched in 2019.<sup>27</sup>

In the world of *culture and science*, a press campaign against left-wing, liberal artists was launched in 2018. In 2019 the reorganisation of the Hungarian Academy of Sciences (Fábián-Kolozsi 2019), the new National Core Curriculum (hvg.hu 2020) and the change in the Cultural Act<sup>28</sup> triggered protest actions. In connection with the cultural law some successes were achieved, the other protests were completely ineffective.

In 2012 a significant change took place regarding the *Higher Education Act*,<sup>29</sup> which was partially modified following the students’ protest actions. In 2017 another amendment to the law was implemented in an attempt to make it impossible for the Central European University (the most prestigious university in the country, linked to the name of George Soros) to operate in Hungary. After protests and legal battles, the university moved to Vienna. In its 2020 judgment the Court of Justice of the European Union found Hungary’s actions in the CEU case to be unlawful.<sup>30</sup> The university model transition started in 2018, in the framework of which the state-owned universities became foundations and received significant state assets. The boards of trustees of the foundations were filled with pro-government members. It mostly did not cause protests, except in 2020 in the case of the University of Theater and Film Arts (SZFE). Among the tools of the campaign were the resignations of SZFE teachers, student demonstrations and spectacular actions including a 71-day occupation of the university. Their demands were not met. The FreeSZFE Association was founded, and in its programme to save degrees, former SZFE students completed their studies at

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25 Act CXVI of 2018 on the amendment of certain laws related to the organisation of working hours and the minimum rental fee for temporary labour

26 <https://ahang.hu/kampanyok/>, <https://ahang.hu/rolunk/>

27 <https://tuntetesek.hu/>

28 Act CXXIV of 2019 on the National Cultural Council, on cultural strategic institutions and on the amendment of certain cultural-related laws

29 E.g. students with a state scholarship are either obliged to work in Hungary for the number of years they received the scholarship, or the support must be repaid.

30 <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200125hu.pdf>

foreign partner universities. The association became a creative workshop and a training place (freeszfe.hu).

In 2020 there were protests against countless controversial measures related to the COVID-19 emergency.<sup>31</sup> Due to the state of emergency gatherings were prohibited, so protest actions took the form of petitions or other creative demonstration forms, e.g. online or honking protests from cars (TASZ 2022).

An action group called ‘Stop priority investments!’ was established in 2020,<sup>32</sup> which has been active ever since. By then more than 3,000 investments had been declared priority in government decrees. In this case, any legal regulations or legislation that would hinder the implementation of the construction are invalidated (Bodnár 2021). Anti-corruption organisations (K-Monitor, Átlátszó/Transparent, Transparency International) and activists were active in Hungary during the examined period, but they did not succeed in achieving results. According to Transparency International (2022), Hungary globally is considered moderately corrupt, but within the EU Bulgaria was the only member state to perform worse than Hungary in 2021.

In 2018 in order to eliminate the disadvantages of the one-round election system, in some places some candidates stepped back either unilaterally or further to negotiations. Masses of citizens did more, they cast a ‘strategic vote’, i.e. they voted for the most likely opposition candidate. In the local government elections of 2019, a primary election was organised for the post of the mayor of the capital, as a result of which the joint opposition candidate won there, as well as in half of the big cities and also in some smaller towns. They were in several cases civil candidates. Before the 2022 national election, primary elections were held among the opposition candidates with the help of the ‘aHang’ campaign platform and its volunteers. Many citizens also got involved in monitoring the purity of the election. Despite all of this, the parliamentary election did not bring the long-awaited success for the united opposition. One of the reasons for this was that the government managed to convey a communication message regarding the Ukrainian war saying that the government was supporting peace, while the opposition would enter the war.

## V. Changes in the structural conditions of civil advocacy

The structural conditions of civil advocacy have already been briefly discussed above (e.g. changes in the composition and role of the Constitutional Court,

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31 Act XII of 2020 on the protection against the coronavirus, which created the possibility of governance by decree for an indefinite period of time; 92/2020 on the different rules of the 2020 central budget of Hungary related to the state of emergency. (IV.6.) Government decree that removed the passenger car tax from municipalities, 60 percent freeing up of hospital beds ordered by the Minister of Human Resources, the applicability of Chinese and Russian vaccines, ventilator purchases, mask wearing rules, etc.

32 <https://www.facebook.com/stopkb>

media law), but now we will examine some topics in more details which are of paramount importance.

### ***Legal environment and financial possibilities of CSO-s***

In 2011 a new Law on civil society organisations was born,<sup>33</sup> which transformed the system of subsidies. In the new decision-making body – the National Cooperation Fund (Nemzeti Együttműködési Alap) – there are no civil delegates and since then confrontational civil society organisations have not received state support. After another election success in 2014 the government ‘attacked’ the Hungarian organisations managing the ‘Norway Grants to strengthen Hungarian NGOs’: investigations were launched against the organisations involved, and their tax numbers were suspended. The authorities did not establish a violation of the law, but the organisations were discredited, and the concept of ‘Norwegian crime’ entered the public consciousness (Horváth 2016). In the current period there are no programmes financed by Norwegian Grants in Hungary, causing a serious financial loss for the country and the civil sector. The reason for this was that in 2021 the government refused to accept that an applicant considered professionally most suitable by the Brussels office would be entrusted with the management of the civil fund.<sup>34</sup>

In 2017 the Act on NGOs Supported from Abroad<sup>35</sup> prescribed a registration obligation for the organisations concerned, as well as their appearance on a public list and also obliged them to indicate the fact of foreign support in their publications. Greenpeace launched a petition, organised numerous street protests and appealed to the international community – in vain. In 2020 this law was overruled by the Court of Justice of the European Union.<sup>36</sup> In 2018 the EU Parliament voted to initiate Article 7 proceedings against Hungary for systematic violations of the EU’s core values in 12 key areas including attacks on civil society (Cuddy 2018).

### ***Public sphere***

The space of the public sphere has also narrowed: a media empire supported by the government with huge resources has been created, as well the impartiality of the public service media is being violated, and the members of the Media Authority (NMHH) are government sympathisers. The latter is manifested, among other things, in decisions about frequencies. In 2018 the Hungarian

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33 <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073hu.pdf>

34 Norvég Külügyminisztérium 2021

35 CLXXV of 2011 Act on the right of association, the legal status of public benefit and the operation and support of civil organisations

36 <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-06/cp200073hu.pdf>

Organization of Free Radios had more than 100 member radios, and this number is currently (2022) only 23.<sup>37</sup> There were outstanding cases when the NMHH did not allow 'Civil radio' and 'Club radio' to continue using its frequency from 2019 and 2020 respectively, citing repeated infringement of the law (Klubrádió 2019). At the time of writing this study, the same thing is happening to 'Tilos radio' (Klág 2022). The mentioned radios continue to operate in the online space, presumably those who have listened to them until now will presumably continue to do so.

The history of the reorganisation of the Hungarian press market accompanies the examined period. As a first step Mediaworks Hungray Zrt became the owner of a number of national and county newspapers (Híradó.hu 2016). Protests – futile demonstrations at home and abroad – were triggered in 2016 only when the Mediaworks closed Hungary's most widely read daily newspaper 'Népszabadság' (Index.hu 2016, MTI/Origo 2016). The Central European Press and Media Foundation (KESMA), which was established in 2018, won control over 400 media companies that were already pro-government. The transaction was classified as that of national strategic importance, so it was not investigated by the competition or media authorities, and the Constitutional Court did not find it concerning either (Alkotmánybíróság 2020). When the editor-in-chief of the extremely popular index.hu was replaced in 2020, neither demonstrations (Miklósi – Pintér 2020) nor the resignations of Index employees (Index.hu 2020) changed the situation. *Those who left created telex.hu, which operates with crowdfunding (Farkasa 2020). The freedom of the press is also subject to investigation in the rule of law procedure against Hungary.*

Addressing an audience not reached by the independent or opposition media presents a different type of challenge for the public sphere. An attempt by the civil society to respond to the information asymmetry is the 'Print, too!' (Nyomtass te is!) weekly newspaper, which has been operating since 2017. Issues containing independent news are downloaded from the website by activists, and distributed by them printed on two sides of an A/4 sheet. The paper has already reached a thousand villages.<sup>38</sup>

The accessibility of *data of public interest* and its distribution among the members of society is an important sub-issue of the public sphere. Accessing this data has become more difficult in Hungary. From 2013 it became possible to refuse the release of data if either the request is general or fulfilling this request would make the operation of the data controller impossible. In this case the applicant must make the request more specific. Since 2015 it has become possible for the competent bodies to ask for reimbursement for the answer. The National Data Protection and Freedom of Information Authority has received

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37 <http://www.szabadradiok.hu/hu/node/3>

38 <https://www.nyomtasssteis.hu/letoltes/>

numerous complaints, which disputed the basis or amount of the reimbursement and which were often justified (Oroszi 2019). In many cases the court declared that the reimbursement was excessive (TI 2020). Information requested by anti-corruption organisations and politicians (Ákos Hadházy and Bernadett Széll) is published in the independent and opposition press. Throughout 2019 and 2020, 112 and 139 articles reported on data requests of public interest on index.hu and on hvg.hu respectively. The CSO 'Transparent' also operates a public data request page.<sup>39</sup>

### ***Right of assembly***

In connection with the right to assemble, a new law was passed in 2018.<sup>40</sup> The precedent of which was that the police banned a demonstration in 2014, the scene of which would have been the street in front of the prime minister's house. The decision was later found to be illegal by the European Court of Human Rights (TASZ 2020). The new law allows the police to ban an assembly with more reasons than before, including reasons that allow for subjective consideration. During the COVID emergency a complete ban on gatherings came into effect in Hungary. For this reason, a car demonstration (horning demonstration) was organised, but the participants were fined by the police for traffic violations.

### ***Strikes***

Before its victory in 2010 Fidesz strongly supported strikes (Berki 2019), since then, however, the right to strike has been narrowed and the rules of labour law have also reduced the ability of employees to assert their interests in other ways. In terms of organising strikes, it is deterrent that, according to the current regulations, the scope of reinstatement after the unlawful dismissal of an employee has been narrowed. An employee dismissed without just cause may primarily demand compensation from his former employer before the court and cannot expect a full reinstatement (Szabó 2016). Strikes by employees of state-owned entities are made more difficult by the fact that, according to the current rules of the Strike Act employees performing activities that fundamentally affect the population, are supposed to provide sufficient services even during the strike. The amount the services – if not specified by law – must be agreed upon, or, in the absence of an agreement, it will be determined by the court. Sectoral legislation was passed in relation to the post office, public transport and most recently, teachers, which determine the level of sufficiency at 50–66%, which makes the strike almost imperceptible.

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<sup>39</sup> <https://kimittud.hu/>

<sup>40</sup> LV of 2018 Act on the right of assembly

## ***Influencing policy decisions***

Citizens' ability to influence policy decisions has decreased. The opinions of civil organisations are not taken into account during the creation of legislation, consultation is only formal. From 2014 on it is increasingly common for bills to be submitted by individual representatives, thus completely bypassing the normal consultative and administrative procedures (see USAID ICNL reports). In 2022 one of the demands of the EU in connection with the Article 7 procedure against Hungary is the strengthening of the institution of social consultation. Even if there is a wider space for social consultation, it is another question whether its results will be taken into account by decision-makers. In addition to the mentioned structural changes affecting the possibilities of action, we will go on to examine the effectiveness of civil activism.

### **IV. The effectiveness of civil activism and the factors affecting it**

The common characteristics of the *successful* protest actions in the investigated period in Hungary are that they were *simple matters that directly affected everyone* (whether or not there should be an internet tax or Sunday shop closures). The changes in legislation that *seriously violated the rule of law* and even the *EU Commission also objected to them constitute the other category* (e.g. establishment of administrative courts, the ability to delegate court cases by the president of the National Judicial Office). Many local protest action movements achieved their goal. These were *simple matters affecting everyone locally*, typically investments. It was possible to achieve a policy change just in specific matters (e.g. home nurses' movement).

The *partially successful* cases were *complex and directly affecting many people*, such as the amendment of the cultural law or the higher education law. Partial results were also achieved in the topics of health and public education (also complex cases, directly affecting many people), but compared to the demands and the problems of the area, they are insufficient. The state's reactions are more of a fire-fighting type, they serve to momentarily reduce the tension and tire out those who make the demands. It should be added, however, that solving the problems of these two areas is a serious challenge.

*The unsuccessful cases* can be divided into four types. The first type involves cases *that directly affect few people*, such as the criminalisation of homelessness, the regulations on NGOs supported from abroad or helping refugees, the reorganisation of the Hungarian Academy of Sciences, the struggles of the College of Theater and Cinema or Central European University (CEU) from the area of high culture and science. Thanks (also) to the campaign of human rights organisations the Court of Justice of the European Union established Hungary's violation of the law in the CEU case and in the case of civil organisations

supported from abroad, but by then the damage had been done, since the CEU had moved to Vienna, and the organisations supported from abroad suffered moral and financial damage, the analysis of which is beyond the scope of this study. That is why we also classified these cases as unsuccessful. The ‘slave law’ was a *simple case that affected everyone*, and the changes in the media law and media market were a *complex issue that affected everyone*. The common characteristics of these three types of ‘failed’ cases (complex cases affecting everyone, simple cases affecting everyone and local cases affecting everyone) are cases with a *strong economic or political impact and consequences*. In such cases, the Hungarian government never gave in.

There have been *unsuccessful local protest movements that directly affect everyone* in the given locality. Such were the Liget project, the battery factory in Göd, the case of Fundan University, the investments of Buda Castle – also with serious economic and political interests in the background.

The development of protest actions, social movements or even waves of movements are influenced by pull, push and pull back factors. In addition to these, citizen activity is also influenced by more general characteristics, such as the values, education and information of the members of society, the economic and political state of society, movement antecedents and experiences. These factors affect whether protests and waves of protests develop, and if so, with what intensity and by what means.

### ***Pull factors for protests***

The pull factors of protest actions include successful or at least enthusiastic mobilisations within the given country and in other countries.

The protests provoked by the Slave Law stimulated other labour actions. In Hungary one or two strikes are organised every year, but in 2019 there were 12 strikes were held,<sup>41</sup> in addition to this, there were also strike threats and strike preparations.

The presence and activity of *organisations supporting citizens’ assertiveness* can be an important motivating factor. ‘Community organising is the work of bringing people together to take action around their common concerns and overcome social injustice.’<sup>42</sup> In Hungary the first community organising training took place in the training centre of the Civil College Foundation (CKA) in 2010. The following year a study circle was started and the first domestic community organising practices were launched. The CKA became the main engine of domestic community organisation (Sebály-Vojtonovszky 2016). In 2018 the ‘aHang’ (The Voice) campaign platform and its sister site ‘SzabadaHang’ (Free

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41 [https://www.ksh.hu/stadat\\_files/mun/hu/mun0073.html](https://www.ksh.hu/stadat_files/mun/hu/mun0073.html)

42 <https://www.corganisers.org.uk/what-is-community-organising/>

Voice) were born, where anyone can start petitions and campaigns independently. Currently, nearly 5% of domestic internet users have joined the platform and become a shaper of Hungarian public life.<sup>43</sup> The team and members joined campaigns on many important issues and achieved changes – primarily at the local level. There are 106 campaigns on their website now (2022 autumn). Some of the campaigns are also supported by CKA's community organising programme or by the campaign service that has been operating since 2019. The latter was established by 'CKA', 'aHang' and 'Nyomtass te is!' community weekly with the aim of helping the protest campaigns of civil groups with professional and financial support.

Following the subsided protests waves of 1968, a new movement wave unfolded only at the turn of the millennium. The birth of the movement against neoliberal globalisation is linked to actions organised in connection with the World Trade Organization (WTO) summit in Seattle in 1999, but its antecedents include indigenous movements, fair trade and protest against the creation of MAI<sup>44</sup>. The *alterglobal movement* organised into one coalition the new social movements of 1968 (greens, rights defenders, feminists), religious-charitable organisations, youth movements, the labour movement and indigenous movements of the Third World. A series of World Social Forums was launched starting in 2001 in Porto Allegre. European forums were also organised between 2002 and 2006. The Social Forum was a new formation, not a political actor, but a meeting point where movements and networks came together to learn from each other and to build together (Scheiring 2005). The global economic crisis contributed to the decline of the movement; however, some of its actors and demands were channeled into the mainstream decision-making processes. In Hungary, besides green organisations, Scheiring identified a few other Hungarian organisations as members of the alterglobal movement: the 'TASZ' (Society for Freedom – rights defender organisation), the 'Békejel' (Peace Sign- organisation for nuclear disarmament) and the 'Attac' (scientific and activist portal). The anti-globalisation agenda is also represented in Hungary by right-wing organisations (Mikecz 2020). In Hungary the protest movements related to the alterglobal movement were the demonstrations against the war in Iraq and the prevention of the installation of a NATO locator on Mount Zengő. The alterglobal movement had a relatively modest direct impact in Hungary, but the novel elements it brought in have spread here, too. Tarrow (2011) identifies the face-to-face electronic mobilisation, peaceful and violent performances, and more aggressive police responses as such. More and more protest campaigns use creative ideas and flash mobs. For example, the 'Eleven emlékmű' (Living memorial) flashmob was organised against a planned German occupation memorial,

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43 <https://ahang.hu/rolunk/>

44 Multilateral Agreement on Investment

during which participants brought and shared souvenirs and their 'stories', thus setting up an alternative memorial. Mária Sándor, an activist nurse fighting for health reforms, once set up a tent in Budapest furnished with equipment from the 60s and 70s, which is still typical of today's hospital care. The 'MátészalkaLeaks'<sup>45</sup> group ran a race in snail costumes with vehicles of the Hungarian Railway Company, some of the protesters against the internet tax 'besieged' the headquarters of Fidesz, throwing old computer keyboards at the building.

The year 2011 was another milestone and source of inspiration in the history of social movements. The year began with the *Arab Spring*, with the Jasmine Revolution in Tunisia, which then spread like wildfire throughout the region. In Egypt's Tahrir Square something new was born in terms of the protest repertoire. The constructed tent city was not only the residence of the protesters, but also carried a political message, demonstrating the freedom that the protesters wanted to achieve. The participants organised the supply of food, water and electricity, established a hospital, organised concerts, exhibitions, cultural programmes and wrote new resistance songs. Inspired by the Arab Spring, tent cities were created in Madrid and in dozens of other Spanish cities, and their manifesto became the basis of the *Occupy movement*. The Indignados (Indignant) movement also strove to implement participatory democracy. The decision-making was based on forums operating with specific hand signals.<sup>46</sup> In one of these forums the participants agreed to dissolve the camp, because they realised that they had made the most out of the strategy they had followed until then. As a continuation the movement was localised (itinerant forums were started in the outer districts of Spanish cities) and globalised (an international day of action was announced). Later a similar occupation of streets or squares took place in 2,000 cities around the world, including New York, where the protesters occupied Wall Street. Characteristic of the movement was that the mostly middle-class activists invested energy in involving other social groups, as well. By the end of the year, the movement died down, but many 'spin off' movements were born from it, which provided specific solutions to emerging problems. As an impact of the movements of 2011 on Hungarian public life, solidarity demonstrations took place, including a large-scale, colourful demonstration using hand-signals. Later the HaHa ('Hallgatói Hálózat' - Student Network) spread the usage of hand-signals with the help of the Hungarian Occupy group. During the CEU demonstrations in 2017 the Oktogon Community (Occupy Oktogon) camped on Oktogon square and in 2018, CEU students occupied Kossuth Square

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45 Mátészalka is a town in Hungary. MátészalkaLeaks is the name of a local activists' group.

46 'Hand signals are used instead of conventional audible signals, like applause, shouts, or booing, because they do not interrupt the speaker using the human microphone, a system where the front of the crowd repeats the speaker so that the content can be heard at the back of the crowd.' ([https://en.wikipedia.org/wiki/Occupy\\_movement\\_hand\\_signals](https://en.wikipedia.org/wiki/Occupy_movement_hand_signals))

(Gláti 2021). Students occupied a university auditorium during the protests of 'Haha' and a whole building during the protest campaign of the SZFE.

### ***Push factors causing protests***

During the examined period, events and measures causing dissatisfaction and indignation (push factors) were practically continuously experienced in Hungary. There are several restraining factors which resulted in the absence or the low support of protest actions as well as the failure of the protest, despite high support.

### ***Factors of pulling back the protests and demands***

*Economic prosperity* is a pulling back factor of protests and demands. Their number may not, but their support will definitely be reduced as a consequence of the improving economic situation. An exception to this is the case of strikes, which are more common during periods of growth (Tarrow 2011), since employees are afraid of losing their jobs in an economic recession, and employers also have less scope to fulfill the claims. The 2010–2019 period started after the lowest point (2009) caused by the global economic crisis, and it showed a growth of 4% from 2014 (except for 2.1% in 2016), which was broken by the pandemic.<sup>47</sup>

A number of measures (legislative changes) were aimed at curbing the protests, and during the period under review *the options for citizens' actions were narrowed* in the areas of requesting data of public interest, the exercise of the right to assembly and strikes.

It is a restraining force for protests when a more serious crisis occurs, which diverts attention and takes away resources. This is how COVID put an end to global climate protests and temporarily took climate change off the agenda. In 2020 the object of the protest actions also changed and most of the protests were related to the epidemic (epidemic management, epidemic rules, epidemic-related investments, public education issues during the epidemic).

There are also restraining factors among the global trends which affect civil societies: terrorism and the emergence of new authoritarianism. Authoritarian and hybrid regimes consider civil society as a threat due to its capacity to promote pluralisation and democratisation. Moreover, as Whitehead points out, China, Russia, Saudi Arabia and Venezuela have the resources to defend their positions. *Hybridising and authoritarian countries learn from each other* and use similar techniques to reduce the effectiveness of civil society in order to minimise the delegitimising and destabilising effect of the civil sector. They try to keep civil society within a minimal and controlled framework. With the

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<sup>47</sup> [https://www.ksh.hu/docs/hun/xstadat/xstadat\\_eves/i\\_qpt017a.html](https://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_qpt017a.html)

help of legal means they stymie both the external funding of the sphere and the activities aimed at the empowerment of citizens. At the same time they build and strengthen their own domesticated civil society. It is also a typical method, which certain actors channel political debates into a legal path, and which is usually a slow and difficult process (Szabó 2015). It is also a common practice to label certain social groups as terrorists or foreign agents. These techniques appear in the case of Hungary as well, but in a more moderate and subtle form as the EU and NATO membership acts as a stabilising force. Regarding civil society, the illiberal Hungarian political system is restrictive but not oppressive (Szabó 2015). In Hungary, civil organisations are not banned (with the exception of far-right and paramilitary organisations) and activists and journalists are not imprisoned. When there was a legal process in connection with ‘Norwegian crime’, the authorities found everything in order and the case was closed. The legal provisions that made the operation of individual NGOs more difficult had no direct legal effect, such as the Hungarian regulations on NGOs supported from abroad or the special immigration tax levied on NGOs helping refugees.<sup>48</sup> In most cases, those involved did not meet the otherwise vaguely prescribed obligations.<sup>49</sup> However, organisations considered to be ‘Soros’ agents’ do not win funds (or do not even apply) in domestic tenders, and their partners withdrew from them in the case of tenders that had already been won. In the cases referred to the court a judgment is reached over the course of years, which thus has only a symbolic value. Branding NGOs as foreign agents or mercenaries of the opposition is an effective communication strategy, which is clearly shown by the fact that, according to USAID-INCL research, the public image of the sector has significantly deteriorated compared to 2010 (see Table 3).

### ***Relational, cognitive and motivational mechanisms influencing protest movements***

In addition to environmental and externally generated effects, political processes are determined by cognitive and relational mechanisms. The *relational mechanisms* are the coalition, organisational and network paths through which alliances can be formed (McAdam – Tarrow – Tilly 2002). Among Hungarian civil society organisations, with the exception of the greens, *coalition building* is not typical. In case of the environmentalists this is greatly helped by the system of national meetings organised every year since 1991.

*Cognitive mechanisms* include issues of collective perception and political commitment, the phenomenon of cognitive dissonance and cognitive libera-

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48 XLI of 2018 act on the amendment of individual tax laws and other related laws, as well as on the special immigration tax

49 XLI of 2018 act on the amendment of individual tax laws and other related laws, as well as on the special immigration tax

tion, the way actors use words, objects and symbols, creatively changing and radicalising their meaning, and how they interpret events (McAdam – Tarrow – Tilly 2002). In the Hungarian movement culture, the use of *symbols* and special incisive words is widespread ('slave law', 'lex Soros', 'lex CEU', O1G,<sup>50</sup> white-red cordon tape, mask with the inscription 'freeSZFE', checkered shirt, black T-shirt, black umbrella).

*Frame analyses* serve to capture the cognitive processes taking place in social movements. Framing, i.e. giving subjective meaning, promotes the success of the movement if the frame resonates with the views held by a wider community, creating a connection between them and the movement. In this way, the movement is able to recruit supporters and demobilise some of the movement's opponents (McAdam et al 2002). Limitations to the successful resonance of the frame may be phenomenological factors, in connection with previous experiences and cognitive states (Snow-Benford 1992). For example, the framework of nuclear winter resonates well in the EU and Japan, where there was first-hand experience of the devastation of war. Since there is little direct experience regarding direct democracy in the Central and Eastern European region, Hungarian civil society can expect a low level of resonance (Mikecz 2020).

A possible way to increase resonance is to create a master frame that connects different frames. This process in other words is called frame integration, or alignment of the frames. This can be done in several ways. Frame bridging can be achieved by connecting ideologically coincident but structurally different elements. During frame amplification values and belief in victory can be strengthened. Frame extension means the inclusion of additional values, which can be used to gain followers, while frame transformation means the abandonment of incorrect, outdated elements and the inclusion of new values (Snow et al 1986). In Hungary the *extension of the framework* has become a common tool. The creation of the 'Milla' movement was triggered by the media law, but the movement initiated demonstrations on many other issues and also contributed to the founding of the 'Together 2014' electoral alliance. The molinos with the words 'Viktator',<sup>51</sup> 'democracy', 'Europe', 'VAT fraudsters' and 'the basic law is invalid' also shouted by demonstrators during the protests against internet tax indicated that the demonstrators were not only dissatisfied with the law (MNO 2012). The actions against the 'slave law' also quickly took on the character of a general criticism of the system.

*Cognitive liberation* is the feeling that we can make a difference by what we do (McAdam 2013). Since more and more attempts to influence decisions are ineffective in Hungary, *apathy* increases and civil activity decreases or manifests itself in a negative way. Young people 'vote with their feet', i.e. they leave the

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50 Abbreviation of a sentence scolding Viktor Orbán in the form of an acronym

51 Victor (the name of the prime minister) + dictator

country or they do not choose the teaching profession. The growing desire of young people to emigrate is not only a Hungarian characteristic. In addition to the desire for adventure, the fact that today's young people have better foreign language skills and more opportunities favours the emigration tendencies. At the same time in Hungary this is compounded by the limited opportunities for self-assertion and the negative perception of the processes taking place in the country (Pénzcentrum 2014). The role of the hundreds of thousands living abroad may be important in the future through the personal links between east and west. Easterners living in the west can initiate and support fundamental changes in the east (Cabada 2021 quotes Ágh 2019). The lack of teachers is an increasingly pressing problem in the Hungarian education system, universities cannot even start many teaching courses because there are so few applicants.<sup>52</sup> As mentioned above, the salary of new teachers is low, and many university students say that they did not choose the teaching profession because of the low salary.<sup>53</sup> These examples of *negative activism* belong to *ordinary forms of resistance*, to the hidden, small-scale, but parallelly repeated actions of powerless groups, which add up in their effects and can have macro consequences (Tóth 2016), although in the aforementioned cases with negative ones.

In experienced societies an important *motivation* for actions is what experiences can be gained through them. In his book on political activism, Dániel Mikecz (2020) identifies among the ideal types of activism the experience-oriented, altruistic activism, during which political action is not aimed at specific policy decisions, but at the internal enrichment of the actor and the acquisition of experiences. Mikecz cites civil activism during the refugee crisis as an example for this.

The motivation to gain experience also appears in the case of other types of actions, i.e. actions that arise specifically with a demand. The feeling of belonging to the community, even if it is temporary, is an intense feeling that permeates the participants in the collective action. The community organisers consciously strive to ensure that the protesting group chooses forms of action that are enjoyable to perform. When collective action is unusual and surprising, it is, at the same time, a more effective tool for influencing decision-makers (Alinsky 1999).

People can gain experience and enrich their personality in *free spaces* (sequestered social sites, havens, spatial preserves), which are relatively open and participatory public spaces in the community, where individuals can learn new self-esteem, develop a deeper, assertive group identity, acquire community skills and civic virtues, and develop their cooperation skills (Evans-Boyte 1992). Free spaces give opportunities for demonstrating the socio-political system people consider ideal and at the same time they take small steps to change the world

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52 [https://eduline.hu/kozoktatas/20221005\\_tanarok\\_szama\\_9022](https://eduline.hu/kozoktatas/20221005_tanarok_szama_9022). Ernőfy, 2022.

53 My own experience.

without taking power (Holloway 2010). There are permanent free spaces, for example ‘occupied houses’, feminist bookstores, community cafes – in Hungary you can find the latter form. There are spaces that temporarily become free space during protest movements, like Tahrir Square or the demonstration sites of the ‘Occupy movement’. A Hungarian example of this was when the group ‘HaHa’ occupied a lecture hall in 2013 during their protest movement due to the amendment of the Higher Education Act (MTI 2013). Later, in 2020, the protesting students of the University of Theater and Film Arts occupied an entire university building (Szabad Európa 2020).

It happens that a support event (e.g. concert, performance, exhibition, etc.) that provides experience is organised in connection with the protest, so people who do not chain themselves to the trees or move into the occupied building can also join. In Hungary this is still not widespread, but e.g. in April 2022, a solidarity concert was also connected to the teacher’s demonstration, where, in addition, the strike fund was supported by the proceeds of the participants’ tickets.

The element of experience is even more strongly present in the case of the ‘protestival’. These are protest events that, in their programme and appearance, are reminiscent of music and cultural festivals and art happenings. Pride and the festivals organised by the radical right are typical examples of these here (Mikecz 2020). And some festivals are not protestivals, but they also have a social mission and give place to programme elements related to social responsibility (e.g. O.Z.O.R.A., Valley of the Arts, Mediawave festival). The ‘Gyüttment’ festival, which has been organised since 2015, is a special annual gathering of people who start their life in the countryside anew and choose an environmentally conscious rural life and values. On these occasions knowledge is shared and experiences exchanged in a festival environment. Those who are interested can also try out some elements of an environmentally conscious lifestyle ‘in a small way’, since the organisers take care to reduce the environmental load during the organisation and implementation of the festival.<sup>54</sup>

The tools of citizen activism can also be grouped according to how much *energy investment* is required from the actors themselves. The simplest action, we can call it the first level, is signing petitions. The next step is participation in demonstrations. Participation in the organisation of protest actions requires even greater commitment, time and energy. A specific type of action that requires a high level of motivation is the so-called prefigurative action, or ‘acting differently’. Young (2002) calls those forms of protest as movements of life politics. They rise above everyday political battles and unfold within civil society, combining the goal of personal and social change. In Hungary, conscious costumers and those who resart their lives in the countryside can be cited as examples of this type of action, and also the operators of open spaces.

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54 <https://gyuttmentfesztival.hu/a-gyuttment-elindult-egy-uton/>

## VII. Conclusion

In the study we reviewed the activities of citizens in Hungary which are somehow aimed at influencing decision-makers and ultimately changing the world around us. These activities range widely from individualised collective action to protest movements. Within the formalised segment of civil society certain types of organisations are of particular importance in protest actions and movements, such as confrontational and lobbying organisations. Watchdog and anti-corruption organisations operate in the country, they inform, sometimes they initiate legal actions and they make policy proposals, but their effect is small (see USAID-ICNL reports). In many cases, advocacy organisations take cases to international legal forums (e.g. criminalisation of homelessness, discrimination against certain churches, Central European University, etc.)

The policy-influencing activities of the civil society typically work in a way that when an organisation becomes active in a specific area (e.g. care and employment of the disabled, social integration of disadvantaged people, environmental protection, etc.) it simultaneously attempts to influence the related government policies. This has a narrow scope, as we mentioned earlier, but it occurs that the policy proposals of CSOs are implemented. Some of them are the result of silent, background processes, while others, as a consequence of spectacular actions, e.g. the movement regarding 'ápolási díj'/care fee (Sebály 2020).

The activities of groups concentrating on community organising can be said to fill a gap: they spread self-assertion methods and support the initiatives that have started. The role of trade unions has decreased as the opportunities for asserting labour interests have narrowed. Despite this, there are particularly active trade unions, such as the ones of teachers or railwaymen (Berki, 2019). Civil organisations with system-shaping objectives can be found in the Greens movement – as we well know – so far without results. And last but not least, there are active citizens who are initiators, organisers and participants in protest actions and movements. Their informal groups sometimes become formalised by transforming into civil organisations and parties. Some charismatic persons give a huge boost to movements, like Mária Sándor (Bíró 2015) in health care or Olivér Pilz (Népszava.hu 2022) in education.

We examined the possibilities of actions, the actual actions and effectiveness of the civil sphere, as well as the broader context of Hungarian civil society and social movements, the circumstances and events that act as pull, push or pull back factors. The question of whether citizens are powerless in Hungary's illiberal democracy cannot be answered with a simple yes or no. Using the results of international research, we showed that in Hungary, citizenship activity is at a low level even in terms of the region. The viability of civil society is decreasing, especially in terms of financing opportunities, the legal environment, the image of the civil sphere and the ability to assert interests. We found that

between 2010–2022 the presence of grievances as triggers was constant in the country and the opportunity structures for action narrowed somewhat, but the illiberal Hungarian system is restrictive and not oppressive (Szabó 2015; Procházka – Cabada 2020). There is a way to protest, to act in a different way, and actions do take place. It is true that it is rarely possible to influence decision-makers – mostly in simple matters that affect everyone – but participating in the analysed movements and hearing about them also modifies individual and collective experiences and shapes the value system.

Social movements do not only fight for instrumental goals, but they also mobilise people, build organisations, contribute to self-development, form a collective identity and (re)socialise the participants. And these effects prevail even if the instrumental goal was not or only partially achieved. Let me mention one or two examples to illustrate this last statement. A community development process took place in a settlement without any particular results. A decade later, the same community became active when there was a plan to close the local school. Although they could not prevent the closure, a foundational school was created instead.<sup>55</sup> Or in the 2022 elections urban vote counting citizens assigned to rural settlements (and delegated by opposition parties) had an astounding experience meeting rural people, getting to know their world and their way of thinking.<sup>56</sup> These experiences (along with the election results, according to which the countryside proved to be a stable supporter of the government) resulted in the increased interest of these people (as well as in civil and political activists) in the countryside and made them reconsider how to address rural people.

Those who participate in a protest movement meet like-minded people, which confirms that they are not alone with their opinion. They also meet people who think differently, which prompts them to make an intellectual effort, to reconsider their views, which serves deeper understanding of the topic of the protest. During the process, people debate and decide, organise meetings and events, and cooperate with others. These activities induce civic skills and political efficacy. This is how participation in protest movements and actions becomes the school of democracy. Being active in movements builds social capital, which can be mobilised later. Those who stand up for a cause will be much better able to stand up for themselves, their assertiveness will develop. People like building things up together (beliefs and societies as well, not just physical things), like acting together. The pursuit of joint activity is a biological characteristic of our species claims the human ethologist Csányi (2020). Protest/demand movements (besides many other types of activities) provide space for exercising this urge. If the efforts are futile or mistakes are made during the process, these positive outcomes are still present. Failed protest movements are opportunities for

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55 interview with a community developer

56 see e.g. the reports of the vote counters („Szavazatszámológépek beszámolója”) facebook profile

self-reflection, self-improvement and to correct mistakes the next time, thus realising learning by doing.

Of course, as we mentioned, the many unsuccessful actions and campaigns can lead to apathy. On the other hand, if citizens stop trying to influence their own lives, it strengthens the feeling of helplessness and vulnerability. From the point of view of the socialisation of the new generation it is extremely important whether children and adolescents see the movement activity of the civil society and whether they can get involved in such activities. If there is inherited and acquired helplessness, there may also be learned agency. Currently, the system of illiberal democracy is supported by a narrow majority of voters,<sup>57</sup> the proportion of indifferent or apathetic citizens is significant, so it is particularly important that the minority of those who act differently and think differently remain active and make their voices heard. The ‘power of the powerless’ (Havel 2011) consists partly in the fact that if society’s expectations of politics and politicians change, politics and politicians must change as well.

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<sup>57</sup> The two-thirds parliamentary majority in 2010 was due to the high support of Fidesz, but since then the cause of the two-thirds majority lies in the new system of the elections, which strengthens the advantage of the winner. Individual parliamentary seats can be won with even 30% of the votes in the first-past-the-post system. The electoral districts were also redrawn so that the votes of rural voters who sympathise more with Fidesz could offset the urban votes. Hungarians across the border have the right to vote, of whom an overwhelming majority is Fidesz voter.

- hu/kozugy/2021/11/22/eleg-volt-az-uram-batyam-vilagbol-a-budai-var-utan-balatonaligan-folytatodik-a-kiemelt-beruhazasok-elleni-kampany/ (08 August 2022).
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# A correlation of the measurement techniques and their outputs in the study of the subnational level of politics

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**Abstract:** *At the beginning of the third decade of the 21<sup>st</sup> century, the role and value of subnational research in comparative political science are further strengthened, given that the political life of society is moving in two interdependent directions: localisation and internationalisation. Instead, the specifics of the subnational topic contribute to changes and innovations in the implementation of various methodological techniques in the study of subnational units and their structural elements. However, the question of correlating outputs of techniques – objective and subjective – still remains unresolved, and therefore actualises the following formulation: how they appear equivalent in the practical plane, as their theoretical context is illustrated balanced within equivalence in spatial research politics on a subnational scale. In other words, whether the results of each technique are approximate or distinctive from each other from the point of view of the final situation. In the article, a variable degree of correlation has been demonstrated between both techniques and also a hypothesis has been presented about the nature and type of such interactions on the example of three cases (Transcarpathian, Lviv and Chernivtsi regions) in Ukraine in the period 2010–2015.*

**Key words:** *methodical correlation, objective and subjective measurement technique, subnational political regimes, Ukraine, subnational level of politics*

## Introduction

Today the subnational topic in political science is definitely a new direction in its comparative research. Such studies are in their heyday and have a well-developed theoretical and methodological basis. However, the establishment of that situa-

tion was preceded by a complex and lengthy process of finding a specific subject of investigation, its specification and methodological support. In the temporal context, this process was disconnected from the political practice that had been carried out for more than thirty years, which is well described by Hall (2003) as 'discrepancy of ontology and methodology within single research'. The reason for this situation was the phenomenon of the 'major bias' (Rokkan 1970), when the main works of that time dealt with the national scale within political science and found its concrete reflection in the form of a prejudice as a 'whole-national bias' (Freidenberg – Suárez-Cao 2014: 156–158).

Now there are a sufficient number of states that began the democratic transition in the 20<sup>th</sup> century (Lijphart 1971; Dahl 1972; Fox 1994), but are still in transit. The analysis of subnational units in countries with a variety of hybrid regimes (national scale) helps to measure institutional transformations 'in a new way': through a 'bottom-up' view (take O'Donnell 1999 'colour zones' as an example). After all, if the system does not change for a long time, then the problem may be in its parts that do not try to do so. In fact, this is in line with the statement of the Argentinean political researcher, who noted that 'a regime, which outlines an entire system of regional regimes in the state, often has information that some of these regions function differently from itself' (O'Donnell 1993). Thus, a regime is just a shell for a complex institutional process, both at the level of the whole state and at the level of its units, but attention is paid more to the latter. This idea of the unevenness of economic and political processes within the state has long been proven by scholars and influenced the study of subnational political regimes, their typology (the first remark about this in Dahl 1972). This led to further research, which revealed the phenomenon of 'juxtaposition of regimes', when the legal inconsistency (contradiction) of the two institutional levels within the functioning of the system and its parts was simultaneously traced (Gibson 2005). Thus, the importance of these studies only increases from the standpoint of finding practical recommendations for improving the parameters of the socio-political dimension in the framework of democratisation.

At present, political science (in this direction) is not concerned with determining the need for additional argumentation for subnational investigations or other theoretical and practical areas, which existed during the first three decades (Snyder 2001; Hnatiuk 2019a: 93–109), but rather the problem of immediate implementation of existing research potential and its achievements in the widest scale of representation – both quantitative and qualitative. The topic, which emerged as a Latin American feature of territorial politics, has not only been successfully globalised in less than two decades, but has largely demonstrated its own 'viability' and adaptability in a variety of socio-political frames (Harrison 2007; Hendriks et al. 2011; Makara 2018). In other words, it has become an appropriate basis (even a necessity) for researchers in the

processes of both studying and measuring subnational politics in the state. In addition, this is a way to concretise, detail and verify the knowledge gained in the territorial focus of research attention.

However, despite the existing research successes, a certain methodical problem should be noted, which became acutely relevant in the last decade of the 21<sup>st</sup> century. The point here is that so far no subnational intelligence has focused on the unification of measurement tools for the formalisation, processing and presentation of outputs in a common plane for objective and subjective techniques. Performing such a task is extremely necessary and appropriate, as it will be possible to verify the equivalence (balance) of the scientific value of the results of research obtained among themselves in both ways of study, or to refute this idea. The goal of this process is clearly defining the framework for instrumentalising techniques and operationalising their correlation, as a result of which political researchers will be able to indicate or ‘=’ if the hypothesis of proportionality is confirmed, or ‘+’ if it is the fact of complementarity (internal dialectic), or ‘-’ if it is based on the contradiction of conclusions (antagonism). Hence, the process of expressing objective and subjective methods under a common unified denominator will be an ‘open field’ for politologists for a long time yet, as it allows quite extensive processing of input data, and thus to vary the search for specific correlations between final results as broadly and representatively as possible.

At the same time, it should be noted that the subnational topic is changeable and flexible for research intentions, and therefore contributes to a variety of innovations: from expanding conceptual boundaries to deepening methodological tools; from designing techniques that are more structured and voluminous than previous counterparts, to attracting a wider contingent of comparativists by geographical and subject base, etc. So, we must be prepared that the point of ‘rise’ will be at its peak in the next decade, which is quite understandable, given the relevance and role in the scientific and practical sense of this idea for the current socio-political reality. It is just a matter of time. In this format, Ukraine, like many other states of the former socialist camp, is a clear example of a political system for testing the special subnational comparative method, objective and subjective techniques of measuring relevant territorial processes or phenomena, and attempts to correlate their outputs.

Structurally, the article consists of two key parts. The first analyses the historical perspective of the application of techniques of measuring processes and phenomena at the subnational level of politics – objective and subjective, and critically summarises and evaluates the consequences of these transformations. This was done in order to understand the logic of the thematic discourse (its current state) in accordance with the problem posed – the lack of correlation between the methods and their output results in the study of the appropriate territorial scale. The second part highlights the methodological aspect and the

results obtained after testing both techniques on three case examples from Ukraine in the period 2010–2015.

## History of techniques: what we know about subnational research

Political researchers who have observed the subnational topic, only from the middle of the first decade of the 21<sup>st</sup> century, began to use the concept of measurement as the main or additional (no less relevant) basis for the typology, classification and definition of final results for the study of the subnational political regimes or phenomena in the territory where they operate/occur. Today two techniques are well known in political comparative studies – objective and subjective. It was demonstrating in the form of situations when scholars began to construct their authorial ways of studying phenomena and processes through dialectically dependent and simultaneously dual, by the nature of the foundation, forms – institutional and expert.

### I. Institutional (objective) techniques

The studies of subnational political regimes have generally been conducted using objective techniques, when we take into account the context of their representation and quantity for the whole stage of the history of topic. Moreover, this ‘institutionality’ of methods meant that at the time of its construction, only two dimensions were preferred, namely, electoral and institutional (usually related to the power configuration in the post-election period). Consequently, all objective techniques are quite diverse, despite the common grounding principle.

At the turn of the 21<sup>st</sup> century one of the first scholars to build a method for analysing the degree of democratic development of territorial units on a subnational scale through the institutional dimension was the comparativist Hernández Valdez (2000), who applied his technique to 31 Mexican states between 1989–1999: from the moment when the opposition was given the opportunity to embrace the real power in the context of its alternation. As a result, defining the way of studying the administrative parts of the state as a ‘*comparative index of local democracy*’, the researcher included the following five indicators: a) the effective number of parties; b) acquisition of the governor position for opposition; c) the effective number of parties in the representative body of each state; d) total amount of violations of civil rights and freedoms per 100 thousand people in the subnational unit; and e) protection of civil rights and freedoms in the relevant spatial consideration (quantitative fixation). The scholar, if we carry out the analytical connotation of the matrix with all the parameters, focused on two fundamental institutional markers: competitiveness and mechanism of alternation of power positions at the subnational level during democratisation.

Towards the middle of the decade, a pair of researchers, Beer and Mitchell (2004), presented a technique for measuring the institutional development of regimes (also for Mexican states) through the '*polyarchy index*', which is based on the electoral and social dimensions of democracy. They introduced two key indicators of subnational democracy, namely: a) voter turnout and b) share of electoral support for the ruling and/or opposition sides (it could be both a leader and party, and party coalitions, respectively). Based on this determinism, the technique can be described as periodic, relating to specific cycles of political time (as an electoral stage of the struggle for power in the unit). As a result, this method, despite its simplicity (both in implementation and interpretation of data), has established itself as one of the main institutional components in future ways of studying the phenomenon of subnational political regime, because it appealed to the context of formation and configuration public power within the territorial unit.

On the other hand, Borges (2007) highlighted a broader approach to assessing and measuring the strength of the subnational ruling elite through an electoral indicator (matrix) – the *index of 'electoral dominance'*, which was based on three indicators. Therefore, using factor analysis, he developed a set of parameters of party and electoral competitiveness at the state level of Brazil, which contributed to the measurement of evaluation of elites and their ability to control the electoral arena of a particular territorial unit. Ultimately, these methodical implications have shown that state-level politics are becoming increasingly competitive and factional, even in territorial units where the definition of the regime has been described as a bastion of oligarchism and political bossism, on the one hand. In contrast, the empirical component emphasised that electoral dominance is still rooted in less developed and urbanised subnational units. In general, the researcher's achievements are significant, despite the use of not a new, but, of course, an expanded electoral format in assessing the specifics of constructing power structures in subregions, as the conclusions allow us to understand not only the electoral dimension, but also its post-consequences. It is important to avoid situations of scientific misunderstanding and misinterpretation in this type of investigations.

In 2008, another technique was tested by a group of scholars (Goldberg – Wibbels – Mvukiyehe) to identify features of democracy in 50 USA units at the subnational level between 1929 and 2002. They constructed a field of '*competitiveness of the electoral environment*', which accumulated two indicators, in particular: a) the margin of victory in gubernatorial elections and b) the vote share of the incumbent governor of the territorial unit (state). It should be noted that the construction of a matrix showing the degree of competitiveness of candidates is appropriate for countries with more democratic national regimes (correlation from approximate to consolidated types), because the markers used by political researchers were too 'narrow', or more than minimalist, to define the regime as

democratic even in the electoral dimension. Nevertheless, the factor of the 'federal state structure' lays a much broader context for interpreting the results of the study, but the unification of methods for unitary systems is highly questionable. After all, it further actualises the probability in which autocratic regimes can be defined as democratic, and the degree of 'democracy' of territorial units highlighted in an inappropriate tie between themselves and the national scale. Therefore, much depends on the choice of evaluation scale and appropriate operationalisation: we need to understand where the quantitative limits of compliance/non-compliance of markers are in the analysis of the socio-political dimension.

The next important technique developed by political researcher Giraudy (2009) and presented in her dissertation. It should be noted she did not outline methods through the context of 'index', as the scholars had done before, but highlighted as a '*subminimal definition of subnational democracy*', which reflected identical institutional discourse during the study of processes and phenomena of such a territorial level. The whole theoretical structure was represented through three levels, including basic, secondary and indicator, and the linkages between them highlighted as ontological, substitute and logical ('or'/'and') aspects of interaction.<sup>1</sup> A particularly important point is the formation of the total result of data processing in technique, which was determined alternately in obtaining intermediate results gradually: first – at the indicator level – in the additive way, and then – at the secondary level – in the multiplicative way. The researcher also added that if there is non-compliance with the conditions in one dimension, it directly leads to zero results. That means we will obtain a definition of the type of each subnational political regime as undemocratic or authoritarian. In general, her intelligence concerned political practices on the example of 24 provinces of Argentina from 1983 to 2006 and 32 states of Mexico between 1997 and 2006. At the same time, Giraudy managed to demonstrate a broad institutional technique of measuring subnational political regimes, which is quite self-sufficient for use in states other than Mexico and Argentina (for example, Ukraine). In some works (Karmazina et al. 2018, Hnatiuk 2019b, c, 2020), it showed how some technique components can be successfully operationalised and adapted for Ukraine, which is geographically very far from America. On the other hand, many scholars (Pino Uribe 2013; Makara 2018; Sevilla 2018) in different parts of the world have been able to either supplement, or improve, or use the methods (in part or in full) to test in the political practice of their countries. Thus, it can conclude that there is some institutional universality of techniques aimed at studying the subnational level of politics, despite the fact that this territorial scale is even more heterogene-

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1 For the author, within the framework of the democratic regime (basic level), the key points were turnover, executive and legislative contestation and clean elections (secondary level), which incorporated various markers of the indicator level. See more in Giraudy (2009).

ous than the national equivalent. Yet this technique does not appear as static and completely unified for all cases of understanding, which is obviously in terms of scientific objectivity and due to its internal structural potential for adaptation in various political systems on a subnational scale. Therefore, we can emphasise that the method is as abstract as possible in a methodological sense, but exceptional (targeted) for subnational territorial units around the world in an instrumental sense.

Another technique for studying the specifics of subnational politics on the example of the Argentine provinces demonstrated by Behrend (2011). It is based on two features. First, the definition of the analysis method of processes and phenomena understood through the concept of '*unevenness of democracy*' (this name can also be used to denote the index that covers the whole technique), or outlining the variability of types of regimes in the degree of their democratic proximity, but not through a linear dichotomy of autocracy and democracy. In other words, this meant that the presence of less democratic subnational units in relation to more institutionally developed counterparts to them determines a hierarchy of such cases on the scale of quantitative and qualitative democratisation. Here, of course, we have to take into account a condition that such regimes can indeed belong to the democratic type, even in low institutional quality. Secondly, this technique appeared as non-classical for others that existed before, because in its structure it did not have a measure (quantitative degree), but used an evaluation-gradation dimension of qualitative definition, which was the basis for ranking subnational political regimes. Finally, the researcher introduces the concept of provincial 'closed game', which means 'subnational political regimes, in which a family, or a reduced group of families, dominates politics in a province, controlling access to top government positions, the provincial state, the media, and business opportunities' (Behrend 2011: 153).

As a result, we can notice such strengths and weaknesses of the technique. On the one hand, the advantages include the following features:

- a) the presence of a detailed structure (the institutional profile), which expressed through the already established three-level construction: first a dimension (index), then a marker as a mechanism for outlining action/non-action and subindicator as a condition for compliance/non-compliance of this mechanism;
- b) the use of evaluative-gradational symbolisation of all aspects of politics as a non-numerical hierarchical nomination, which determines the qualitative definition of subnational regimes within democracy and 'non-typological context', which eliminates the probable errors while quantifying the regime types.

Instead, there are some disadvantages, namely:

- a) lack of direct quantitative measurement along with symbolic evaluation;<sup>2</sup>
- b) the complexity of the method without the author's auxiliary interpretation of the quantitative and qualitative definition of regime parameters, and therefore the way of their analysis loses the feature of universal extrapolation to cases outside the context of Argentina, despite common institutional markers used to build this tool.

In sum, this technique is unique in terms of conceptualisation, but due to the chosen way of study becomes complicated, less universal in realisation and somewhat methodical deprived, as it reflects as 'disposable' (to a single case of study) or suitable to states (for understanding in detail the algorithm of the author's research logic) which bordering Argentina. On the other hand, all institutional dimensions that are highlighted by Behrend are common enough to be used as a component for another scholar's technique. This may not only partially reproduce the conceptual idea, but also display its research algorithm in other political practices.

The Colombian researcher Pino Uribe (2013) in his method developed an index *'the trajectory of the political regime'*, which integrated a combination of two indicators, namely: a) competitiveness of political actors during the electoral period and b) real political power acquisition through fair, clear and free elections. As a result, it forms immanent institutional features of electoral competition (this should consider connotatively), which manifested in some trajectories of 'closedness' or 'openness' of the development of political regime within territorial units. Although there is no 'indicator of electoral competition', it clearly demonstrates how the distribution of electoral power is carried out according to the consequences of the completed elections. It is in this context that he interprets the 'closure' or 'opening' of the regime. The researcher analysed nine mayoral election cycles for the period of 1988 to 2011. Based on such chronological interval, four types of 'trajectories' of political regime development were classified, which was determined by a certain percentage of electoral competition. Here Pino Uribe talks about the following varieties (name, quantitative expression and colour delineation of the trajectory): a) 'open', 20 % or less (red line); b) a combination of 'closed' and 'open', the range between 20–35 % (green line); c) 'stable', variations in the range of 35–45 % (blue line); d) 'closed', more than 47 % (black line). In general, a 'movement' of electoral competition ranged from the black 'closed' spectrum (low level) to the red 'open' (high level) development of the political regime. At the same time, there

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2 It is possible that the scholar did this by default (additive or multiplicative methods and separate, synthesised or alternate forms), but this aspect was not mentioned in her work. Therefore, an additional basis for strengthening or arguing the place of the subnational political regime on the ranking scale has omitted.

may be situations in which the dynamics illustrate cases with balancing, and sometimes reversible change of two species (green dimension) or concentrate in a form where the approach to a particular variety is relatively unattainable, that is stable in definition (Pino Uribe 2013: 39–49).

In contrast to the classical studies of subnational political practice, he stopped even lower in his territorial scale of analysis (at the municipal level) as part of the subregion space. This is what allows a more detailed consideration of the trajectory of the regime's evolution. Yet, the use of appropriate 'space reduction' significantly limits an instrumental testing of institutional dimensions noted by Latin and North American political scholars. The fact is that his technique demonstrated a 'movement' backwards in the methodical aspect, as it was delineated exclusively by the electoral spectrum (only competition context), as researchers did in the early 21<sup>st</sup> century. Moreover, it simultaneously outlined the discourse of the subnational topic, which concretised research intentional of comparatists in understanding, measuring and analysing the features of territorial politics. After all, the method is quite appropriate to be incorporated into a broader approach (as an element of a holistic project) for a more comprehensive explanation in the form of political regime and its functioning in scale of each states' unit.

At the end of the second decade of the 21<sup>st</sup> century in the research of Mexican scholar Sevilla we can find the largest methodical representation regarding the measurement and evaluation of subnational political regimes (Sevilla 2016a, 2016b), and an analysis of the governor strength on the example of Mexico (Sevilla 2019).

In his research (Sevilla 2016a) he tried to demonstrate a tool for measuring democratic change (their presence or absence) at the subnational level through the synthesis of markers of alternation and electoral competitiveness. Under the latter concept, the scholar interpreted the electoral distance between first and second place after the election. Moreover, 'if the electoral competitiveness is below 10 %, then there is uncertainty as to who will win, and the competition itself will be fierce. Therefore, the closer to 0 %, the more competitive the elections will be. Instead, the further it is from 10 %, the election will be the less competitive.' The choice of limits, as noted by the scholar, is quite subjective, but sufficient in the basis of where the election can be defined as competitive (Sevilla 2016a: 17). The key point was that Sevilla highlighted that the electoral dimension is much more diverse than the purely competitive aspect. Apparently, this contributed to the improvement of his technique in subsequent investigations. In another paper (Sevilla 2016b), the researcher proposed a new view on the measurement and theorisation of the regime types at the subnational level, where he synthesised not only the electoral dimension in an expanded form, but also added other institutional indicators. For this purpose, he highlighted the conceptual framework when defining the types of

regimes (Sevilla 2016b: 14). At the same time, taking into account the set of analytical parameters (see appxs. 1–3 in Sevilla 2016b: 20–22), he formulated the theoretical and practical consequences of the implementation of methods in the form of six theses.<sup>3</sup>

As for the markers' measurement, the politologist used the additive approach. In addition, he performed a numerical ranking of regime values in the range from 0 to 0,99: for autocracies – from 0 to 0,33; then the range of 0,33 to 0,66 – for anocracies; and then 0,66–0,99 for a democratic dimension. As Sevilla remarked, such simplicity of indicators calculation is probable only in theoretical perception (ideal condition), because in practice any political regime is able to combine parameters of different institutional levels (from autocratic to democratic). Therefore, it requires a specific (unequal) scale for evaluating markers with a balanced quantitative delineation of measurements. That is why the 'regime sum' is an equidistant institutional distance from other values, first methodically, then methodologically, conceptually and only then mathematically, but not vice versa.

In one of his most recent works (Sevilla 2019), the scholar made an attempt to derive an index of 'governor's power' within a subnational unit on the example of all Mexican states. It was based on two indicators which correlated with each other: a) the context of the governor's power exercise and b) the types of territorial resources and the possibility of their use. Based on this, the structural interaction of the components formed the index of 'governor's power'. As a result, Sevilla created four complex combinations that accumulated institutional, administrative and informal aspects of power configuration: a) subindex of subnational power of the governor (A + B); b) governor's national influence subindex (C + D); c) subindex of the formal power of the governor (A + C); and d) the governor's informal governance subindex (B + D). Thanks to this work, the researcher analytically combined, on the one hand, subnational and national (spatial), and on the other, formal and informal (communicative) dimensions into a single matrix. Each such segment assigned a quantitative potential (percentage/share) in the technique to measure the governor's power (Sevilla 2019: 214, 233–234). Consequently, flexibility in the application of method has made it possible to obtain results on the conceptualisation of the phenomenon and its measurement through the index at the selective (partial) and comprehensive (full) levels in connection with other phenomena of socio-political life.

In general, Sevilla for several years qualitatively transforms his technique through adaptation to modern challenges on a subnational scale of politics. Starting from the measurement of substate processes from the electoral dimen-

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3 We will not dwell on the content of these six theses. However, it should be noted that they qualitatively reflected the correlation between the quantitative assessment of the subnational regime and its definition. And this is an extremely important aspect of this type of research. See Sevilla 2016b: 15 for more details.

sion, he understands that the breadth of the defined field of analysis incorporated other institutional contexts/spectra, which must be taken into account when studying the subnational political regimes. Finally, detailing and deepening the understanding of the territorial level of the state, the scholar tried to assess (quite successfully) the special institutional ‘points’ that become relevant factors for the functioning of the subnational political regimes *de jure et de facto*.

In conclusion, (regarding institutional techniques) we need to observe the method by Gervasoni, who presented it in an article about study of subnationalisation on the example of Argentina for the period of 1983–2003 (Gervasoni 2010).<sup>4</sup> The scholar focused on two main dimensions of political democracy: a) contestation that presents in all institutional aspects and b) constraints of power that stem from concept of ‘liberal democracy’. The corresponding two-dimensional fixation is due to some situation where other important democratic attributes, in particular respect for civil rights and freedoms, ‘cannot be incorporated because of the unavailability of comparable data for all province’ (Gervasoni 2010: 314). In other words, a presence of any institutional segment determined by a probability of obtaining information about it for all cases, which we can ascribe to the strengths of the method, as it accumulates the internal potential for expansion, rather than becoming a certain rigidity.

Gervasoni proposed the author’s index of ‘*subnational democracy*’, which included five indicators, grouped in two combinations: a) executive contestation and legislative contestation (two indicators of electoral competition) and b) succession control, legislature control and term limits (three indicators of power concentration in the incumbent). He explained the choice of these parameters, given the close causal link between substantive freedom and competitive elections, in which electoral contestation is usually interpreted as an indicator of their effectiveness. They can also reasonably be examined as ‘causal markers’, given the evidence that high competition leads to a stronger responsiveness from national and subnational public authorities (Gervasoni 2010: 316). As a result, using this technique of institutional understanding of territorial space (we think about the analysis, study and measurement of subnational phenomena and processes), we can identify its strengths, namely:

- a) it is an accumulative-dynamic model of ‘capturing’ the socio-political features of the institutional discourse of the unit and, at the same time, phenomenologising their temporal delineation in a particular period as a separate case within the national scale;
- b) it combines key institutional dimensions for analysis of politics as a holistic representation, integrating competitive and representative-

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4 Despite the fact that the presentation of the material is carried out in chronological order, in Gervasoni’s case, there is a targeted asynchrony, because his methodical development (its importance) for subnational studies is undoubtedly the best among all others available in comparative political science at the beginning of the third decade of the 21<sup>st</sup> century.

- executive parameters. In other words, electoral and power spectra, respectively;
- c) the system is characterised by a high level of flexibility and adaptability, because it is able, firstly, to expand the institutional dimension at the expense of the social sector, and, secondly, to be tested in any state, mainly through an appropriate unified structure (it is a situation when, for example, in federations, there is an elected position of governor, and in unitary states it is absent, but a sufficient basis for institutional interchange for these political systems (for the last of the two) is a position of head of city in every subnational unit. Moreover, there are plenty of such examples of equivalent substitution in modern research);
  - d) availability of potential for constructing correlations through formalisation of numerical data with other spheres of socio-political field: economic (national transfers, resource lease and development), cultural (culture and subcultures) or civil (social capital, popularity of political actors, social communication and its nature);
  - e) processing of input data by means of a balanced combination of additive and multiplicative ways that influences levelling/reduction of hyperbolisation of mechanical effect and mistakes of progression.

Along with this, it is appropriate to assume (and not without reason) that there are no serious shortcomings and omissions in his method at the basic level (electoral and power). Yet, due to the allocation of immanent qualities of such a dimension within a territorial unit, as well as detailing in the structural space at a lower level – municipal – there is an objective need to highlight additional institutional features, including political, ideological and civic. On the other hand, it is quite easy to find a logical explanation for these ‘weaknesses’. First, Gervasoni’s technique, as noted earlier, is capable of adjusting to a much broader scale in the study/measurement of phenomena and processes at the subnational level. In other words, such an approach is possible in extrapolation to a plane outside the practice of Argentina, even in the author’s version or with some additions to the new systemic context. In addition, secondly, we should not forget about the aspect of ‘concept-measure coordination’ (Goertz 2006), which was optimally observed. This is reflected in the fact that the three-level structure (similar to Giraudy), its numerical formalisation and method of calculation do not cause significant questions, conjectures and objections. Thus, his technique now appears as a central (core) methodical guideline in the construction of ways of studying subnational political regimes at the beginning of the third decade of the 21<sup>st</sup> century.<sup>5</sup>

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<sup>5</sup> Based on this approach, the institutional indicators of development of various parameters of the analysis were measured on the example of three subregions in Ukraine. More details will be given in the practical part of the article.

Thus, considering the evolution of objective techniques in the context of studying and measuring the features of subnational politics, it is necessary to emphasise several generalised points that have historically emerged from the logic of this process:

- a) over twenty years there has been a consistent increase in the dimensions` number (from one to two) and indicators (from two to about thirty);
- b) a new component appeared – subdimension – the task of which was to detail a specific dimension into various autonomous manifestations of political practice, such as election parameters, term and quantitative power restrictions, determining the quality of the electoral field or outlining opposition and other political actors;
- c) increasingly the use of mathematical methods of input data processing (additive and multiplicative ways) and their combination within a single investigation;
- d) the use of such methods carried a double sense, in particular as the main form of scientific argumentation of scholars, and as its auxiliary/secondary form, because the measurement interpreted as a methodical part of the overall methodology as a whole.

Today this specificity (connotatively) is common to all institutional techniques that have been tested over a little more than the last decade. And although most of the works that can be described as comparative based on an objective measurement, they were not the only ones in the context of the study of territorial phenomena and processes on a subnational scale.

## **II. Expert (subjective) techniques**

The methodical alternative to studying the features of subnational politics within comparative political science represented in the form of subjective (expert) techniques as a qualitatively new view of the spatial and phenomenological variety of reflection of the understanding of territorial politics. In contrast to the objective form, this type is characterised by a slightly different speculative-applied aspect or technical focus. The evaluative and qualified subjective attitude of experts in territorial politics in the form of judgments about different territorial institutions becomes relevant for this way of study. In other words, it is an outline of the situation by experts, how such dimensions – electoral, power and civic – function through their vision. Moreover, they clearly understand the relevant processes and phenomena in a high degree of self-interpretation: this means a comprehensive explanation ‘about’ these institutions, but not a personification ‘on their behalf’ (this refers to official statistics (public information) in the context of how subnational political regimes function). After that, input data

is subjected to mathematical formalisation to obtain the results that usually demonstrated in the types of subnational political regime.

Despite well-founded grounds for verification and validity of the consequences of testing subjective techniques, at the end of the second decade of the 21<sup>st</sup> century the fraction of their implementation (sum of attempts) is significantly inferior to the institutional equivalent. Finally, this is due to several factors:

- a) relatively high level of complexity of full realisation of technique independently: from the moment of construction of a design, collection of the primary information to generalisation of all data and formation of conclusions. This is due to the fact that the subjective method is directly dependent on the assistance of subnational experts and, if necessary/possible, groups of field intelligence assistants;
- b) illusory/abstract guarantee of the availability of appropriate local experts to survey socio-political processes and phenomena in any territorial unit. There is no good reason to be sure that a required respondent exists at all at the time of the analysis and/or is relevant to such a role;
- c) significant duration (time-consuming process) of techniques` phases. Most of the process aimed at obtaining primary data, so with self-collection there is a real probability that a researcher will spend enormous material, time and vital resources, because this type of investigation is focused on analysing a significant number of cases that are not small spatially or territorially. As a consequence, there are objective costs for additional work;
- d) practical need (requirement) to master the communicative and psychological skills and conducting sociological surveys. Obviously, any approbation of the expert way determines the use of the tool as an interview, which is a litmus test in defining the potential of the scholar in the context of the implementation of the research form. This means the aspect – field with institutional and communicative dimensions – in which the primary data is obtained. As many investigations demonstrate, not all researchers are able to synthesise appropriate methods of analysis together,<sup>6</sup> so more often they apply them autonomously.

That is why expert techniques in subnational studies are burdensome according to the described points above, but are equally important and necessary for analysing and measuring politics on such a scale. At the same time, focusing on the chronological and quantitative aspects, it should add that politologists began to

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<sup>6</sup> Very often, this is a problem of lack of time for researchers. Of course, it is possible to acquire relevant knowledge during a scientist's career, but this is not always guaranteed (personal component). This, in the end, may scatter the scientist's potential on technical aspects of study rather than focusing on analysis.

use subjective methods almost simultaneously with the objective counterparts (at the turn of the 20<sup>th</sup>–21<sup>st</sup> centuries), but their number is much smaller.

The first paper, which covered an attempt to subjectively measure the level of democracy at the subnational scale for 57 regions of the Russian Federation, was a joint article by American political researcher McMann and Russian geographer Petrov based on expert survey (McMann – Petrov 2000). For them, one of the methodical problems became the issue of selecting people who can be called ‘experts in local politics’. Therefore, in order to strengthen the argument concerning such experts, they need to go through a two-tier enrolment system. First, it is a questionnaire on the knowledge of the subnational unit from which each respondent came, and a test for a conceptualised understanding of the concept of ‘democracy’. Then, secondly, a selection of experts based on the criteria of belonging or participation in socio-political life of the territorial unit. This knowledge confirmed by one of the following provisions: a) personal experience with a subnational unit; b) personal contact with representatives of the subregion; c) detailed acquaintance with materials concerning the territorial unit; and d) understanding of the subregional situation through the media of an appropriate scale (McMann – Petrov 2000: 164).

If we emphasise about the institutional aspect of territorial politics, or the choice of parameters that was assessed through a group of questions to the subnational experts, these scholars applied the construction of the famous political researcher Dahl to the embodiment of democracy in a Polyarchy through his ‘eight guarantees’ (McMann – Petrov 2000: 159). This is the case when the technique does not have its own name. Generally, this does not affect anything, but often from it, the conceptual novelty follows that the author presents an idea of the whole approach to the study and measurement of phenomena and processes of territorial politics. After all, an innovation idea has been an essential attribute of subnational research throughout the history of development. As a result, the subjective method depicted a full borrowing of the theoretical model of understanding of the political field (Dahl’s point of view) and its direct extrapolation to the subnational level of the Russian Federation with the McMann and Petrov system of input data formalisation (criteria for evaluating answers) and measuring the corresponding scores awarded by them.

Subsequently, McMann independently tested an identical technique to illustrate the comparative context among the subnational units of the Russian Federation – Samara oblast and Ul’ianovsk oblast – and Kyrgyzstan – Osh oblast and Naryn oblast (McMann 2006). In principle, the novelty of the paper was the selection of experts, which included media workers (mostly journalists), public figures and representatives of public authorities. An important part of the investigation was the author’s data about subnational legislation, socio-economic and election statistics, and media content analysis. For that reason, such a technique looks representative in the context of reflecting the electoral,

civil and partial power aspects of the institutionalisation of socio-political relations within a territorial unit, and therefore can be tested in a situation for another state and its spatial parts.

The scholar Gervasoni, who with the help of expert judgments conceptualised and determined the degree of democracy in 23 provinces and one federal district of Argentina for the period 2003–2007 (Gervasoni 2008), published another important work. He tested this type of method in his research faster than the objective. It should be noted that it was based on three analytical solutions:

- a) definition of the intermediate regime type is carried out within the established limits of conceptualisation through the view of Linz, in which less democratic varieties described as hybrid rather than autocratic;
- b) from the measurement point of view, preference is given to subjective parameters aimed at the perception of institutional indicators, because they are more optimal for ‘capturing’ the various constraints of democracy in hybrid regimes;
- c) in the matter of the results reliability, arguments are made about the opinions of subnational politics experts in the number of  $n > 1$  per province, which makes it possible to estimate the average indicator of the ‘stability’ of the data and adjust a low marker of quality to a higher degree (Gervasoni 2008: 2).

The subjective operationalisation (proposed by Gervasoni) formed from numerous surveys of experts on the politics of subnational territorial units. Such ‘experts’ can be quite adequately considered a solid basis of primary information, because they have input data that determine the differentiated ‘points’ of institutional limitation in specific definitions, which is, without a doubt, extremely relevant moment. He introduced the so-called ‘Survey of Experts on Provincial Politics’ (SEPP), in order to outline the regime type in all sub-regions of the whole of Argentina based on appropriate assessments. An ideal respondent for the realisation of this goal, the scholar calls a subnational politically disengaged researcher and professional (journalist and consultant) with deep knowledge of socio-political processes. Along with this, it should be noted that one of the important shortcomings of the technique is a factor of the limitation of human memory in the reproduction of reliable data. This can be interpreted through a prism of events that took place quite a long time ago, so it is more difficult to recall/delineate them more clearly and objectively now.

Detailing the structure of the method (its design), Gervasoni reflected it through the combination of successive stages, starting from forming the questionnaire up to realisation (direct collection of primary data), coding and quality control. It should be added that the ‘questionnaire’ at the core of such a design combined about 150 – open and closed – questions to experts (Gervasoni 2008: 18–21). As he mentioned a duration of the complete technique implementation

is a very relative problem as it depends on many variables, namely: from the size of the team to the number of respondents; from the area of subnational units in the state to the optimal logistic connection between them; from the availability of various resources to the degree of their use, etc. It took more than three months to complete the fieldwork – from 22 April to 30 July 2008. Therefore, it is possible to make sure how this type of method is time-consuming. After all, in addition to the stage of field work, there are also other – shorter in execution, but equally relevant – phases.

To analyse politics at the subnational level, Gervasoni built a genetic model of democracy, which operationalised the construction of a liberal-representative type of regime. If we visualise it quantitatively, we get the following information (Table 1).

**Table 1: Quantitative display of structural details of the operational disaggregation of the degree of subnational democracy by Gervasoni**

No.	The name of structural part	Number of elements
1	Dimension	2
2	Subdimension	6
3	Indicator	16
4	Subindicator	31
Sum	4	55

(Gervasoni 2008: 16)

Highlighting the process of calculating the input data, the scholar carried out a balanced combination of additive and multiplicative ways, which led to the levelling or partial/severe reduction of the hyperbolisation of the mechanical effect and some errors of progression. Later, already in his dissertation, he used a statistical method – the Pearson correlation coefficient ‘r’ (Gervasoni 2011).

In general, if we turn to the strengths of the technique, the following features can be noted:

- a) deep conceptual foundations and clearly operationalised structure in delineating the degree of democracy at the subnational level;
- b) a detailed methodical component of the construction for obtaining input data, their formalisation, processing and generalisation, on the basis of which the ‘evaluative’ regimes were selected, and therefore there was an opportunity to typologise this set;
- c) a system of criteria for selecting respondents for surveys of this type, which are suitable/expedient for recording the full spectrum of features of socio-political existence in such spatial perspective.

In the end, the main advantage of the technique is that any researcher can repeat the investigation of the Argentine political comparativist within the borders of another state with minimal adaptation to the socio-political context at the subnational level. So, the next two examples of techniques, which will be discussed further, are based in one way or another on the research potential of Gervasoni in the process of building an expert method for studying and analysing the politics of territorial units in its subjective measurement.

Mexican researchers Salas and García in a joint article (Salas – García 2018) tested the expert technique on the example of 20 municipalities of the state of San Luis Potosí. They carried out territorial detailing, or a reduction in scale, in order to generalise the set of micro-conclusions into a coherent picture of the entire subnational unit in the country. As a consequence, the purpose of this research is characterised by showing that the electoral dimension (full institutional compliance) is not a direct condition for setting a high degree of democracy. Because the possible situations when the electoral context/field promotes a competitive voting process, which leads to plots of political alternation of the power configuration; however, along with this, there is a complete demonstration of control over various manifestations of municipal mass media.

The investigation represented how journalists reproduce official politics within a subnational political regime at the municipal level through two variables:

- a) degree of professionalism of media workers;
- b) degree of intervention of public authorities in mass media activities.

Therefore, this technique is grounded on the tool of interviewing journalists, former government officials and key informants, which led to the conclusion of the non-observance of basic civil rights and freedoms in relation to the expression of opinions and the realisation of planned censorship (as an example of indicators from the civil dimension). Thus, an undemocratic structure of political regime was installed in that state of Mexico.

Altogether, the method can be analysed through two critical points – positive (a) and negative (b):

- a) for the first time in methodical work within the framework of the subnational topic, the criteria for selecting respondents was not actualised from the standpoint of objective separation from the socio-political dimension – obligatory professionalisation and education of the interviewees. Instead, on the contrary, the principle of choice was characterised by a direct appeal to the participants in the reproduction of the official line of power, which simultaneously contributed to the maximum subjectivisation and the largest detail in the delineation of the relevant institutionalised processes and phenomena;
- b) first, research scepticism regarding the validity and verification of scientific results was obtained from such respondents. Secondly, the limi-

tation of the analytical focus was obtained, which was a component of the civilian dimension, but did not constitute its representation even in average indicators. Thirdly, any lack of comments regarding the quantitative measurement was obtained, which completely problematised this aspect of the definition, and therefore nullified in part/fully the integrity of the outputs data in relation to the executed political practice *de facto*.

Such a technique adequately highlighted the situation at the subnational level, where the electoral dimension fully/partially fits into the liberal-representative model of the regime, but turning to other manifestations of institutional functioning – both power and civil – we can observe their autocratic expression. In addition, it should be noted that the design of technique was rather not well developed, both in terms of conceptualisation of structural elements<sup>7</sup> and in the operational aspect, since the ‘measurement’ based on a qualitative display without quantitative formalisation, which calls into question the final data of the study. In general, this method should rather be chosen exclusively as a part of a complicated technique in the study of the peculiarities of subnational politics, and not an independent tool (at least now), taking into account the modern specifics of the territorial analysis.

One of the latest subnational investigations,<sup>8</sup> in which the application of expert methods is present, is the PhD thesis of another Argentine political researcher (Galeano 2018). He displayed a synthesised measurement of the degree of democracy for all (and selectively for one) municipalities of Salta (province Salta, Argentina), explaining, at the same time, the factors that influenced the overall diversification of institutional indicators between them.

In general, if we talk about the combination of research techniques of subnational political regimes in a reduced perspective,<sup>9</sup> the expert manner tested only for one municipality – General Ballivián. It was a standardised survey of experts in local politics. However, it should be added that the differentiated selection of respondents was an attempt of his innovation: a) some from among pro-government politicians; b) part of the opposition; and c) individuals who represented the public. As a result, the scholar demonstrated all aspects of formal-informal interactions within the institutional discourse. In this context, it is appropriate to recall that Gervasoni was a supervisor for Galeano when

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7 Here it means about highlighting the genetic model of democracy and presenting its ontological levels in connection with the practical plane.

8 The article analyses an array of works that are the most important on the chosen topic, but the list is not complete, as the process of development and testing of old and new measurement techniques is still ongoing. Yet, an outlined bibliography will be sufficient to understand the situation.

9 Here it means about the 60 municipalities of the province of Salta. All of them were objectively (institutional) measured through two models, namely: index of ‘*subnational democracy*’ by Gervasoni and ‘*dichotomous index*’ by Alvarez, which reflected such novelty only in the spectrum of another spatial application, because procedurally they duplicated a form that arose almost ten years before.

writing his dissertation. Therefore, such an investigation is based on a subjective way of measurement (as one of the available) of the spatial processes and phenomena. It applied the method to a territorially lower level than the subnational, as if identical extrapolation to it, and certain technological changes were relevant only in the remarks when choosing municipal experts. If we consider the questionnaire, which consisted of open and closed questions, it accumulated problems about the electoral, power and civil dimensions of politics. In other words, its form, like the example of Gervasoni's letterhead, was preserved, but adaptation was made to local conditions of socio-political practice, which is necessary when trying to obtain more specific input data. Consequently, the importance of Galeano's work should be understood through the context of strengthening the justification of his mentor's technique as relatively unified. It is like a 'research denominator' that can be used not only for subnational units of the state, but lower in the spatial perspective, that is, for municipalities or districts.

Today the application of subjective (expert) techniques within the framework of a subnational topic is an ambiguous (but clearly justified) way of studying and measuring different territorial processes and phenomena. On the one hand, they consume a lot of time and resources when implemented in comparison with objective ones. They are difficult to realise, as these methods require not only research potential, but also a set of communicative interaction skills: an ability to cooperate with other people. Secondly, this type of method has become an equivalent alternative for comparativists who are looking for a much broader contextual dimension of the sources of argumentation for understanding, analysing and evaluating (measuring) politics on a subnational scale. Nowadays, as we can see, these researches did not stop exclusively at the subnational level of politics, as they concern the study of municipalities separately and their associations. This shows that both techniques – objective and subjective – are effective and appropriate in implementation in order to obtain output data on the functioning of the socio-political field within the entire state from the perspective of different spatial scales. Although, so far, the subnational level is the most popular in the researchers' works. In general, despite the fact that in terms of the number of works, expert techniques lose to institutional ones, this does not diminish their scientific importance for political science.

Therefore, as we can see, both measurement techniques of territorial phenomena and processes at the subnational level of politics (all period of their development) became a conceptually versatile and creative movement, which connotatively consisted of constructing the three-dimensional *theory-concept-measurement* model (algorithm). This construction can be characterised as an analytical system that reproduces the advantages of the subnational method in comparative political studies. It combined three elements: a) general theory, which constitutes the discourse (or theoretical background), within which

research is realized; b) concept as an innovative idea that illuminates the development of the phenomenon at the subnational level; c) measurement as a sum of tools, with the help of which formalisation of qualitative and quantitative parameters of socio-political processes in a subnational unit is carried out. The model became the basis for most investigations in the first decade of the 21<sup>st</sup> century and it still prevails. If the historiographical and methodological aspects of the development of a subnational topic in political science have partially been considered (Gibson – Suárez-Cao 2010; Gervasoni 2018; Hnatiuk 2019a, 2021b; Giraudy – Moncada – Snyder 2019), the issue of methodical interaction of techniques has not been raised in scientific discussions until now. Taking into account the moment that the methods serve to reveal the peculiarities of a holistic phenomenon, such as a territorial unit, but through two sources of input data, in particular – institutional indicators and expert judgments – it seems quite logical to take a step towards their combination within the framework of a single study in order to understand socio-political processes more comprehensively. This can provide interesting analytical conclusions that could not be obtained until now due to the lack of an appropriate approach.

In this part of the article, we have got acquainted with the context of application of measurement techniques through the prism of its historical growth within subnational studies in political science. This was done in order to make sure that the aspect of interaction between them is a new issue for discussion, which is relevant nowadays, given the advantages of such an approach (Gervasoni 2011; Galeano 2018, where this idea is partially implemented). Therefore, further in the text (Part II) we will demonstrate our vision on this point within the methodological and practical (results) dimensions.

## **Some problems and their solutions during the testing of both techniques**

At the beginning of the third decade of the 21<sup>st</sup> century, in subnational studies, no attention was paid to such an issue as the unification of measurement during the approbation of both methods – institutional and expert. This can be explained by several reasons.

First is the presence of a specific stereotype among comparativists at the stage of implementation of political science research. The fact is, taking into account the entire array of works, a situation has clearly formed today when techniques are distinguished at the analytical and conceptual levels of interpretation. Second is the complexity of such a mathematical procedure, which should be based on the principle of tangibility to both ways of studying and measuring politics at the subnational level, which insists on the commonality of: a) the assessment scale and institutional limits of the dimension of socio and political life; b) unified typology of regimes; and c) the formula by which the output

data will be obtained. It is obvious that the instrumental implementation does not need an identical design at all stages of implementation for each technique, because they are determined by internal factors of formation, but it covers the fundamental moments in the functional plane. These requirements are optimal rather than mandatory, because there remains an 'open space' for scholars to build appropriate schemes outside the context of stereotyping.

Currently it is clear that both methods appear to be maximally dispositional, that is, externally and internally valid during the verification of the output data. This is determined at the primary level, when techniques are separated already on the basis of the source of foundation. Along with this, it is not necessary to deny the present context of commonality (unity), which arises in the process of their application within the framework of one research subject. Therefore, the approbation of techniques forms an institutional dimension, where they are implemented separately or together, but always within the limits of one object of analysis: whether it is a state, a region or a subnational unit. This is justified by the commonality of the subject not only *de facto*, but also in the clarification of time and place, which makes it possible to reveal the identical or different nature of the original data and, thus, opens the discussion of their comparison. Based on this formulation, it becomes possible to complement the autonomous results of each technique into a coherent analytical case, or clarify their research role in the process of studying territorial politics and make a gradation to explain their scientific equality/inequality. Consequently, it is necessary to talk about them through the *spectrum of disposition*, which has been proven during the last decade, but do not forget about *relationism*, which arises due to the aspect of conclusions obtained in the process of parallel approbation of both techniques in relation to the same object of research. The second aspect is scientifically experimental, since there are few works where the simultaneous application of institutional and expert methods was carried out. In total, there are two works where the authors combined both techniques in a single case: Gervasoni in his dissertation (2011) on the political practice of Argentina at the provincial level and Galeano (2018) on the study and measurement of municipal political regimes. In the first work, the feature was that the methods were used for different periods of time, but not in parallel with respect to them. In the second work, the approbation of the techniques was selective: objective for a single case and instead expert – for all municipalities of one province.

## I. Methodological part

In this article, an attempt is made to demonstrate the specificity of the correlation between the methods and to understand the nature of this direction: the dimension of *convergence* or the aspect of *divergence*. Finally, the question was raised to what extent their final outputs are intercorrelated on the subject

of identity. It should also be understood that the consequences of correlation cannot be considered through the prism of the unification of other cases in the future, but they are quite capable of becoming a precedent for attempts with a larger number of subnational scale objects.

In general, to explain the issue above, we introduce a special indicator – the *methodical interaction coefficient*, which reflects the degree of convergence or divergence of both techniques of measuring the institutional space of politics at the subnational level. Mathematically it is defined as the formation of half the sum of two fractions, sequential in terms of the time of obtaining quantitative values within the limits of one type of measurement technique. It can be formally shown as follows:<sup>10</sup>

$$K_m = (X^0 + Y^0)/2$$

At the same time, the  $X^0$  and  $Y^0$  indicators are expressed as follows:

$$X^0 = X_n/X_{n+1}$$

$$Y^0 = Y_n/Y_{n+1}$$

All notations in both formulas should be understood as follows:  $K_m$  is the methodical interaction coefficient;  $X^0$  is the fraction of successive quantitative values obtained thanks to the institutional technique;  $X_n$  is a quantitative value for a specific period of time obtained with the help of an institutional technique;  $X_{n+1}$  is the quantitative value for the period of time immediately following  $X_n$  and obtained using the institutional technique;  $Y^0$  is the fraction of consecutive quantitative values obtained thanks to the expert technique;  $Y_n$  is a quantitative value for a specific period of time obtained with the help of an expert technique;  $Y_{n+1}$  is the quantitative value for the time period immediately following  $Y_n$ , obtained using the expert technique.

Accordingly, all obtained values will be correlated through the prism of different degrees and their quantitative limits (Table 2).

**Table 2: Degrees, limits and value of the coefficient of methodical interaction (authors' elaboration)**

No.	Degree of correlation	Limits
1	High	0,75–1
2	Medium	0,5–0,75
3	Low	0,25–0,5
4	Absent	0–0,25

<sup>10</sup> The authors of the article independently developed this and the following formulas.

The idea of this ratio is new for subnational topic, but comparativists have known the form in which it is expressed for more than a decade. In particular, the Argentinian political scholar Gervasoni in his dissertation used it, where he defined identical numerical limits when showing the Pearson correlation ( $r$ ) (Gervasoni 2011a). This and the following correlation tables borrow a similar algorithm for their construction.

In addition, in order to confirm or deny the status of the *methodical interaction coefficient*, two clarifying indicators are proposed:

- a) the *coefficient of amplification of methodical similarity* is a special indicator that characterises the extent to which the final results are balanced; or to what extent the data obtained in the process of approbation of both techniques are numerically the same. Its calculation depicted as follows:

$$K_s = X^0/Y^0$$

Where  $K_s$  is the coefficient of amplification of methodical similarity;  $X^0$  is the fraction of successive quantitative values obtained thanks to the institutional technique;  $Y^0$  is the fraction of consecutive quantitative values obtained thanks to the expert technique.

If we display the correlation of results with relation to quantitative intervals, then it will look like this (Table 3).

**Table 3: Degrees, limits and value of the coefficient of amplification of methodical similarity (authors' elaboration)**

No.	Degree of correlation	Limits
1	High	$0,75 < K_s < 1$
2	Medium	$0,5 < K_s < 0,75$
3	Low	$0,25 < K_s < 0,5$
4	Absent	$0 < K_s < 0,25$

Here we come to the conclusion that *the higher the value of the fraction, the greater the linear dependence of the final results*, and therefore the coefficient becomes an additional factor of argumentation in the question of the practical balance of techniques;

- b) the *coefficient of the degree of democratisation* is an indicator that demonstrates the institutional rate of development of the phenomenon under analysis – a subnational unit – through the political regime construction. Here, the institutional distance from the positions ‘now’ to ‘previous’ in a time retrospective is measured. In general, it should be considered through the following mathematical notation:

$$K_d = Y^0/X^0$$

Where  $K_d$  is the coefficient of the degree of democratisation;  $X^0$  is the fraction of successive quantitative values obtained thanks to the institutional technique;  $Y^0$  is the fraction of consecutive quantitative values obtained thanks to the expert technique.

If we refer to the correlation between degrees and limits, will get the following situation (Table 4).

**Table 4: Degrees, limits and value of the coefficient of the degree of democratization (authors' elaboration)**

No.	Degree of democratization	Limits
1	Rollback to authoritarianism	$K_d < 1$
2	Low	$1 < K_d < 1,25$
3	Medium	$1,25 < K_d < 1,5$
4	High	$1,5 < K_d$

And that is why we already conclude that *the higher the degree of democratisation, the larger (or more significant) 'jump' of various institutional manifestations of the socio-political dimension in the territorial unit as a whole*. On the other hand, if its indicator is lower than 1, this indicates a tendency that can be defined as a rollback to authoritarianism.

In general, for a better understanding of this aspect, we have formed three hypotheses that combine the methodological dimension in terms of the balance of both techniques and the practical dimension of the institutional expression of the functioning of political processes at the subregional level in the country.

The first is related to the issue of methodical interaction and coordination of results between techniques. The wording is as follows: *the more democratic the type of regime defined in the process of approbation of both methods, the closer their nature is to each other*. To begin with, this is due to the fact of the integrity of the information, which is analytically necessary for understanding and quantitative-qualitative measurement, which makes it possible to fully represent the phenomenon of the political regime. Moreover, we note it due to the idea that in an exceptionally more democratic (open) system, the real socio-political situation in subregions is hidden to the smallest degree – thanks to official statistics and/or judgments of experts in local politics *de facto*. As a result, the techniques are consistent with each other and their data are directly proportional with partial numerical deviations, which is normal. In contrast, less democratic (anocratic) or autocratic systems generally symbolise a certain degree of limitation in obtaining some information: ranging from complete inaccessibility to varying restrictions, which shifts the focus of quality to the characteristic of inferiority in general.

The second hypothesis outlines the aspect of the relationship of methods due to the factor of qualitative change, despite the variability of the numerical ranges of subnational regime types. The definition of the hypothesis is as follows: *all 'starting' positions of regime types should optimally coincide within a homogeneous national political regime in terms of time and type between both techniques. Usually the 'final' positions, in this case, converge, because they are also related to each other.* This idea arose from the fact that the method is an exclusive way to obtain a partial, but at the same time autonomous, reflection of the features of a single phenomenon – a subnational unit. And that is why, using either institutional or expert techniques, a socio-political dimension is operationalised with tools that give a comprehensive answer in one way or another, but no more than is methodically able. As a result, it is possible to influence the structure of the analysis and the gradation of formal findings, but in no way on the effectiveness, because we determine 'how' and 'what' to investigate, not the content of the analysis. Accordingly, such a position is based on the assumption that when we agree with the first hypothesis, then the institutional quality (regime type) always coincides, and the quantity (numerical indicators) never do, taking into account the scale of factors that determine the peculiarities of the functioning of political processes at the subregional level.

The idea of the third hypothesis is revealed through democratisation as a procedural-procedural development and is noted as follows: *from among the techniques (institutional and expert) when determining democratisation, preference should be given to the latter, if it does not contradict the first and is based on the authority of experts as real connoisseurs of local politics.* Thus, based on our experience of the conducted research, the results obtained during the approbation of the subjective technique turned out to be dominantly more valuable from the point of view of the description of the final data in relation to socio-political processes on a spatial scale. It should be mentioned that a certain number of aspects, which were usually interpreted as 'non-observance' of indicators, are often more important for the establishment and functioning of a democratic political regime in a territorial unit than was previously believed – before the application of both methods. On the other hand, the formal side of the processes has not lost its importance until now, despite scepticism during the reign of neo-institutionalism in political science (it refers to the influence of informal actors, structures and practices on the manifestations of politics, especially in anocratic and authoritarian regimes, in particular at the subnational level).

In addition, in the methodological context, it is necessary to note such important aspects as the analytical time (period for study), structural features of the techniques and the specifics of data formalisation, which is unified for both techniques. In particular, by 'analytical time' we cover the specific period from the moment of the current election campaign to the beginning of the next election cycle in the accumulative perspective through a single year as a date.

Therefore, for 2010 and 2015 (our years of study), such consideration is a reflection of the results of the whole period in terms of analysis. In other words, they are outcome years that show the characteristics of political processes at the subregional level through the construction of a subnational political regime.

Further, focusing on the structure of each technique, we have generalised all their components into the '*index of subnational democracy*' (ISD). The framework of institutional method includes nine markers: index of electoral competitiveness, index of voter turnout, index of electoral transparency, index of civil society development, index of succession control, index of term limit, index of effective number of parties, index of ideological diversity and index of confrontational power. On the other hand, the expert technique includes such thematic blocks as governmental, social, electoral, corruption and professionalism, economic, problematic and expert position (the latter two are nonevaluative, but equally important in the analysis of factors affecting the functioning of processes in the subregion). Thus, the ISD is a general matrix that measures the institutional degree of democracy of a territorial unit through the implementation of each methodic separately, as is common in modern research. But, at the same time, it is an integration factor for both techniques. That is, despite the difference in tools, their goal is common – to analyse the object and measure its certain qualities. So, we supplement the point above by the context of correlation of the outcomes obtained in different ways about the units of the state in order to clarify the nature of the link between them. The algorithm for the implementation of the techniques consists in a comparative analysis of all their components – indices and blocks – first for each territorial unit in turn for two years, and then – among themselves in order to generalise the results (Hnatiuk 2021a: 103–126).

The aspect of processing of primary data and their formalisation to a unified basis is characterised by the following specifics. We obtain the number –  $x$  – as the total value of the subnational political regime in terms of compliance or non-compliance with institutional conditions within all indices, each of which is formed additively. As a result, the expression (see below formula 1) for the calculation will look like this (relevant only for the objective technique):

$$\Sigma_x = I_n + I_{n+1} + I_{n+2} + I_{n+3} + I_{n+4} + I_{n+5} + I_{n+6} + I_{n+7} + I_{n+8}$$

Where  $I_n$  is the numerical amount obtained as a result of calculating the indicators of a particular index within the framework of compliance or non-compliance with the conditions;  $n$  is the number of the index of the method, the value of which can vary between  $1 \leq n \leq 9$ . Accordingly, the next step is to calculate a numerical expression of the type of subnational political regime –  $S$ , i.e., the one that is unified to a linear value on the typology scale. This procedure (see below formula 2) is defined as follows:

$$S = \frac{(x - (\max - \min))}{1,6} - 10$$

Where  $x$  is the total formalised number of the subnational political regime in terms of compliance or non-compliance with institutional conditions within all indices, which varies as  $32 \leq x \leq 64$ ;  $\min$  ( $32 \leq$ ) and  $\max$  ( $\leq 64$ ) are the numerical boundaries where this typology of regimes in the subnational scale occurs across the spectrum from autocracy to democracy.

Then we correlate the obtained number to the scale, the values of which will fluctuate within  $[-10; +10]$ , and the corresponding type of regime (Table 5). The numerical value of the institutional matrix for a particular type of regime was chosen as four points, which is due to the already existing positive experience of testing in comparative political science, such as the Polity IV Project (see Marshall – Gurr – Jagers 2016), and our vision of the expediency of such quantitative division for regimes in such proportions.

**Table 5: Correlation correspondence between types and numerical values of subnational political regimes**

No.	Type of subnational political regime	Numerical value
1	Autocratic	$[-10; -6]$
2	Approximately autocratic	$[-5,99; -2]$
3	Anocratic/Hybrid	$[-1,99; 2]$
4	Approximately democratic	$[2,01; 6]$
5	Democratic	$[6,01; 10]$

(authors' elaboration based on the work of Marshall – Gurr – Jagers 2016)

Instead, when we apply the expert method (relevant only for it), the number  $x$  is obtained additively as the total value of the subnational political regime, which is formalised on the basis of compliance or non-compliance with the institutional conditions of each thematic block. The algorithm of mathematical operations is to add together all the values assigned to one or another expert's answer to the question in the questionnaire (for more details about it and its structure, see Hnatiuk 2021a: 294–302). All primary data are received through a graded assessment of phenomena and processes by a local policy expert. In total, there were seven experts for each territorial unit. In order to harmonise the data obtained from them, one of the types of averaging was used – harmonic mean, which, along with the arithmetic mean and statistical mode, provided the most accurate values. And then the final value is calculated according to the formula used in objective measurement (see formula 2). These results must then be correlated

with the number and type of regime on the identical scale (see Table 5) that we defined earlier. After that, it is possible to carry out a comparative analysis, both for an alternate pair of years within a technique and for the output results between techniques. In general, our task was to create a common numerical 'shell' for both techniques – the range [-10; +10] – and a single way to formalise the data (see formula 2) to obtain unified values. Instead, the choice of evaluation to one or another structural component of the method – a dimension, indicator or condition – is free for scholars. This provides much wider opportunities for research and opens up its innovative aspect, despite the fact that it causes some internal uncontrolled variability of content (as opposed to form). However, this approach should be assessed and defined as constructive, which brings us closer to the 'denominator' common to both tools. This context contributed to the opening of our discussion on the issue of correlation of their output data. Thus, it is necessary, foremost, to note about ambivalence, reflecting the nature of correlations between methods. It should be understood that the techniques are maximally dispositional and are outlined as two autonomous ways to study socio-political processes through the prism of functioning on a subnational scale. In addition, they can be considered as two independent positions within the understanding of one/several objects of analysis. Therefore, the status of correlation varies from complementarity to opposition of final results and conclusions based on them. As a consequence, it is worth noting that the type of linkages, nature of directions (convergence or divergence) and appropriateness of the correlation become an exceptional matter of each unique case. Sometimes they may demonstrate institutional similarities, but this is not a reason to assert the unification of techniques among themselves, but rather a feature that actualises their potential for a certain degree of correlation. However, without appropriate attempts, researchers will not be able to answer this question – in a negative or positive sense. That is why we are launching such an effort to understand the nature of the problem, which will definitely contribute to the expansion of the discussion on this topic.

## **II. Results**

In order to understand whether the methodological part works in practice, we analysed three cases – the Transcarpathian, Lviv and Chernivtsi territorial units – that took place in Ukraine between 2010 and 2015. Such a set is due to both the commonality of their historical and political development over a long period of time in different/unified state formations (Rzeczpospolita and Austria-Hungary), which forms a common discourse of institutional evolution, and the geographical proximity of the territorial space, which contributes to the improved quality of results in comparative studies, their validity – as stated in Tobler's first law of geography (Tobler 1970: 236). It

says that ‘everything is related to everything else, but near things are more related than distant things,’

In general, the results of the study after testing the objective technique gave the following data for the specified period of time (Table 6). We can highlight the following points:

**Table 6: Type of subnational regime and its numerical value obtained through the objective technique for territorial units in 2010 and 2015**

No.	Name of subnational unit	Value for		Type of subnational regime for	
		2010 p.	2015 p.	2010	2015
1	Transcarpathian	5	4,375	Approximately democratic	Approximately democratic
2	Lviv	4,375	6,875	Approximately democratic	Democratic
3	Chernivtsi	5,625	8,125	Approximately democratic	Democratic

(authors’ elaboration)

- a) in the Transcarpathian unit, the functioning of socio-political processes within the subnational political regime was characterised by institutional stagnation. First, for the numerical values of the subregion,  $\Delta = -0.625$  was obtained, that is, a reverse to authoritarian structures and practices in the public dimension. Secondly, there was a rather underdeveloped network of NGOs in monitoring events of socio-political importance and there was no proper control over the formation and activities of the power configuration. Therefore, Transcarpathia as a system at the subnational level was marked by the parallel presence of real competition and competitiveness in the electoral process, but complemented by the passivity of the public sector, which did not become a factor of pressure ‘from below’ as a condition for democratisation of other dimensions. This influenced the establishment of a type of regime – approximately democratic – with average institutional numbers;
- b) the functioning of processes at the subregional level in Lviv territorial unit accumulated interspecific specifics in the construction of the regime, as in 2010 it was approximately democratic, and in 2015 – already democratic. This transformation is due to the factors of the electoral and power dimension. Firstly, the replacement of the dominance of one party with a two-and-a-half party system in the subregion council and increased competition in there, which will directly lead to the renewal of the party form in the future to a multi-party system. Second, there was a high level of ideological diversification and confrontational power in the representative body between the main actors, which additionally de-

terminated constructive changes. Finally, the community has become a key factor in who chooses and forms the composition of political actors that carry out the governance process in the territorial unit, implementing the collective interests of elites, electorate and any other social groups. This contributed to the institutional improvement of indicators and fixation of the democratic type of regime in the lower part of the numerical range;

c) the Chernivtsi subregion recorded the highest rates of institutional transformation, and the pace of development should be defined as intensive, because only it was characterised by such a degree of change from one type to another. Bukovyna, the historical name of the Chernivtsi subnational unit, is characterised by the social branching of NGOs and their effective activity (slightly lower than in the Lviv unit) and competitive surroundings during the electoral process in building the power configuration. As a result, due to the reconfiguration of the party system to a multi-party system, as well as the long-awaited change in the mayor of Chernivtsi, important changes in the democratisation of the following issues have been achieved: alternative political course of the subregion's development; possibility of realising other group interests than those that existed in the elite circle of the old bureaucracy; coverage of the electoral process as competitive or outlining a political communication 'mayor-legislative council' more transparently. Changes in the electoral-power dimension have led to the installation of a polyarchical mode of ruling, and the subnational political regime was defined as democratic with average indicators in the range of type values (for more details see Hnatiuk 2019b).

Instead, if we analyse the data obtained after applying another technique – the expert, we will see the following situation (Table 7). This can be explained as follows:

**Table 7: Type of subnational regime and its numerical value obtained through the subjective technique for territorial units in 2010 and 2015**

No.	Name of subnational unit	Value for		Type of subnational regime for	
		2010 p.	2015 p.	2010	2015
1	Transcarpathian	0,28	2,72	Anocratic/Hybrid	Approximately democratic
2	Lviv	3,65	5,15	Approximately democratic	Approximately democratic
3	Chernivtsi	4,12	5,61	Approximately democratic	Approximately democratic

(authors' elaboration)

- a) democratic vector of development has become the determining (dominant) in terms of functioning of the processes of socio-political dimension, but in varying degrees of intensity: in Transcarpathia it was the lowest, in Lviv – above average and in Bukovyna – high;
- b) the Transcarpathian territorial unit was initially characterised by the type of subnational political regime as anocratic, and then it was changed to approximately democratic. However, it is appropriate to generalise this process as rigid to transformations within the democratic institutional orientation, since the transition to another type was symbolic or superficial – in its lower numerical range;
- c) the Lviv unit has established an approximately democratic type of subnational political regime with average indicators in its numerical range. They have improved quantitatively (reached the upper limit of the range), but not enough to appear qualitatively – the type has not changed in 2015. However, the potential for change ( $\Delta+1.5$ ) to a higher level – democratic – was recorded<sup>11</sup>;
- d) the Chernivtsi unit has formed an approximately democratic type of subnational political regime with higher than average indicators in the numerical range, which in 2015 increased even more and reached the upper limit. The pace of transformation was on par with the Lviv unit, but was characterised by the highest institutional potential in the transition to a democratic type of all three cases;
- e) the complexity of all the problems for subnational political regimes was based on the continuation of the basic points established in 2010. Therefore, the emphasis was again demonstrated on the power-bureaucratic issue for the Transcarpathian subregion, the ‘triangle’ of socio-politics-business in the Lviv subregion and the political-communication issue for Bukovyna (for more details see Hnatiuk 2019c, 2020).

Thus, the demonstration of the *methodological interaction coefficient* based on examples of the functioning of socio-political processes at the subnational level of Ukraine in Transcarpathian, Lviv and Chernivtsi regions for the period 2010–2015 was as follows (Table 8).<sup>12</sup>

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11 The fact is that although the difference between 2010 and 2015 was smaller than in the Transcarpathian unit, but its location in the numerical range – average and then higher – contributes to the qualitative change more. Because here the tendency to roll back to authoritarianism is much less real.

12 This and the following two data tables are based on numerical values from Tables 6 and 7.

**Table 8: The value of the methodical interaction coefficient for each territorial unit based on the results of the approbation of both types of techniques**

No.	Name of subnational unit	$X^o$	$Y^o$	$K_m$
1	Transcarpathian	1,14	0,10	0,62
2	Lviv	0,64	0,71	0,68
3	Chernivtsi	0,69	0,73	0,71

(authors' elaboration)

Referring to the data above, the indicators of which are extrapolated to numerical limits, it can be noted that the average degree of correlation in the range [0.62; 0.71]. This indicates two relevant aspects:

- a) presence of a common cluster for three cases, which is important from the point of view of the relevance of the initial results and their repetition through the research algorithm;
- b) emergence of some doubt (as a secondary effect regarding point a), which appeared after the obtained results, because, if we generalise and correlate the institutional transformations for each region autonomously, we will notice that they were marked by a division into two groups: the Lviv region and Bukovyna with institutionally higher and Transcarpathia with institutionally lower indicators.

At the same time, if we consider the data obtained thanks to two clarifying indicators (coefficients), and then highlight the following features. Thereof formalisation of the coefficient of amplification of methodical similarity outlined the situation as follows (Table 9).

**Table 9: The value of the coefficient of amplification of methodical similarity for each territorial unit based on the results of the approbation of both types of techniques**

No.	Name of subnational unit	$X^o$	$Y^o$	$K_s$
1	Transcarpathian	1,14	0,10	11,4
2	Lviv	0,64	0,71	0,90
3	Chernivtsi	0,69	0,73	0,95

(authors' elaboration)

Their interpretation can be reduced to such statements:

- a) Lviv and Chernivtsi units are characterised by a high degree of data correlation [0.75; 1] within the framework of the proximity of both tech-

- niques, which showed a strong consistency of both formal indicators of the socio-political dimension (nine indices) and expert judgments about social and power processes (twenty evaluative questions of the questionnaire);
- b) in the Transcarpathian region, the situation became diametrically opposite and was determined by the following points:
- 1) through the contextlessness, given the numerical limits that belonged to different degrees of correlation within the coefficient, and therefore the lack of possibility in the interpretation extrapolated to the measurement of point *a*;
  - 2) methodical confrontation of 'objective' versus 'subjective', which was displayed by effectiveness with 'movement towards autocracy', that is, a clear mismatch of 'starting' positions for each analytical situation. And, therefore, the need for mathematical representation, in particular as  $(K_s)^{-1}$ , or 0.09 (rounded to hundredths), which means the absence of any degree of correlation, given the relevant data.

As a consequence, we once again confirm the thesis that the higher the value of the fraction, the greater the linear dependence of the final results from the techniques. Thus, it becomes an additional factor of argumentation in the question of the practical balance (or not) of both methods. And if this idea was confirmed for the Lviv and Chernivtsi subregions, then it was not for the Transcarpathia. The example of the latter territorial unit represents a context where the techniques are dispositional to the extent that the conclusions obtained by both ways are different, and therefore the problem of relativity does not arise, since there is no reason for this. However, the other two cases demonstrated that the correlation exists and is sufficiently strong. On the one hand, this proves that the unification of the results of the outputs data is a scientifically complex (currently unrealistic) issue in terms of its solution. But, on the other hand, the unification is possible if it is carried out within narrower institutional limits. However, then it should be a generalisation based on a set of cases that represent the development of the phenomenon selectively, and this shifts the research emphasis away from detailing the functioning of the analysis object to specific (but not all) structural components.

The formalisation of the *coefficient of the degree of democratisation* data presented such specifics for the considered subnational units (Table 10).

**Table 10: The value of the coefficient of the degree of democratization for each territorial unit based on the results of the approbation of both types of techniques**

No.	Name of subnational unit	$X^o$	$Y^o$	$K_d$
1	Transcarpathian	1,14	0,10	0,09
2	Lviv	0,64	0,71	1,11
3	Chernivtsi	0,69	0,73	1,06

(authors' elaboration)

Their explanation is characterised by the fact that:

- a) the Lviv and Chernivtsi subregions (appearing as an analytical cluster) are defined by a low level of democratisation, which is due, largely, to the effect of the functioning of an approximately democratic regime type and the dominance factor ( $\approx 57\%$ ) of the relevant expert judgments. In other words, the very type of subnational political regime has not changed, and therefore, based on the idea of institutional transformation, for which there is an immediate need for qualitative change (transition to democracy), the process was minimal in manifestations;
- b) in Transcarpathia, the process was determined by a tendency towards authoritarian rollback, because it is displayed by the lowest indicator and minimum value in general, which should be interpreted, in the democratic discourse, as weak. At the same time, from the position of the regime, the emphasis was on a clearly anocratic type of politics – with more authoritarian particle than democratic (this type can be called authoritarian-democratic. Instead, it's opposite within the framework of autocracy is democratic-authoritarian).

And that is why we can assert the following here: that the higher the degree of democratisation, the larger (more significant) 'jump' of various institutional manifestations of the socio-political dimension in territorial units as a whole. Both examples (Lviv and Chernivtsi units) showed that minimal institutional changes are native to those politico-territorial systems where the institutional dimension of the functioning of socio-political processes is in the range with indicators higher than average, and, hereupon, are located close to democracy, which (usually) does not involve deep transformations with an intensive degree of democratisation. Yet, Transcarpathia demonstrated a special tendency, when the low degree of democratisation is a consequence of weak structural changes in the institutional dimension and, therefore, a manifestation of minimal transformations in the socio-political dimension, which ultimately influenced the regime designation as anocratic.

In general, our results show that the hypotheses defined in the methodological part are confirmed in practice of three cases. And considering them, we understand why the examples of Lviv and Chernivtsi subnational units demonstrated significantly stronger/higher institutional indicators of development in practice and a more reflected picture of the subregions in terms of informativeness. On the other hand, in the Transcarpathia the institutional dimension of the functioning of various processes was not transparent for coverage, which affected the above-mentioned data, which, it is difficult to understand from which side – objective or subjective – were characterised by lack of information. Therefore, for some units (Lviv and Chernivtsi), the methodical interaction of techniques is higher, and the coordination of their results is closer to each other, and for the other (Transcarpathian) – this is not the case, because such interaction is lower (although it is also present), but the coherence is expressed through the difference in the conclusions obtained by each of the techniques. They do not so much complement each other as oppose, creating contradictions.

Moreover, this directly influenced the next consequence of the interaction, as the second hypothesis was fully confirmed in practice also only for two cases – Lviv and Chernivtsi units. Although it should be noted that there was some balance in the final conclusions within the expert method. We emphasise the context ‘some’, because the choice of experts was different in determining the type of regime for the Transcarpathian unit in 2015. In particular, one part of the experts in local politics believed that it should be anocratic (the type did not change), but the majority of respondents defined it as approximately democratic. The ratio of opinions was 2 : 5 (Table 7 shows the type chosen by the majority). It is on the basis of this point that we built further conclusions. As a result, for an approximately democratic type of regime, the numerical values for 2015 in the Transcarpathian, Lviv and Chernivtsi subregions were different, but in the measurement of a single plane. Here we should explain the moment that follows from this situation. Generally speaking, an approximately democratic type of regime as a construct is, in our understanding, an intermediate institutional link between hybrid and democratic regimes. Moreover, it is a type that in its structure and practices is qualitatively close to democracy, but has not yet reached it: a regime is in the process of realising this goal or on the path of authoritarian rollback and transition to anocracy/autocracy. In some ways it can be identified with a semi-democratic type of regime, but at the same time it should be distinguished from anocracy, which is very important. Because anocracy is institutionally ‘backward’ in relation to an approximately democratic type of regime. Thus, we can note that the interaction of the final data in Lviv and Chernivtsi regions was synchronous, and in Transcarpathia – their asynchrony was observed, where the subregion tended to an approximately democratic type of regime by institutional technique, and to anocratic (29 %) and approximately democratic (71 %) by expert. If we characterise the

two groups of cases procedurally, then for the Lviv unit and Bukovyna it was expressed by convergent linearity, and for Transcarpathian unit by divergent.

In general, for all subnational units (in the context of the results related to the confirmation of the third hypothesis), which demonstrated significantly more democratic development trends, such as the Lviv and Chernivtsi territorial units, it should be noted about the average methodical interaction, but there was a high degree of correlation of results and their consistency with each other. At the same time, there is a low level of democratisation, which was noted earlier. The example of both subregions has highlighted the side of the analytical situation when both statistical data (formal data of various kinds within the socio-political dimension) and expert judgments (the majority) contributed to the delineation of an identical type of subnational political regime.

Instead, for the Transcarpathian region, the results within the correlation became an expression of the synchronous difference between the techniques. The institutional method provided data on the position with an approximately democratic type of regime, on the one hand, and the expert method – the position with an anocratic and approximately democratic regime (with low numerical range), on the other. However, both of them signaled a minimal (low) degree of democratisation. In general, the case illustrated that there are often situations for which it is too early to put a ‘=’ sign between the techniques of study, because each of them is within the limited framework of data acquisition, and therefore in a certain incomplete way to reproduce the complexity of the socio-political dimension at the level of the subregion. Therefore, it is appropriate to consider that it is better to resort to the ‘+’ sign, when these half sums can, in the end, both quantitatively and qualitatively form a political portrait of a territorial unit additively, but not yet autonomously. Then any methodical unification in these cases is out of the question.

## Conclusions

Hence, we are convinced that the influence on the reflection, interpretation and measurement of institutional processes in spatial consideration becomes equally important for the comprehensive description of subnational state policy through the approbation of both methods. Each of them obviously has strengths and weaknesses, and therefore parallel application allows for the justification of institutional development at the subregional level thanks to two positions in a single case. Among the main problems in the implementation of this goal, it is necessary to highlight a structural issue. It is characterised by the fact that the researcher needs to demonstrate the measurement of socio-political phenomena and processes through the institutional construction of the political regime, which will be expressed through statistical data and judgments from experts. For this purpose, indexes and thematic blocks are used, which combine a spe-

cific (one of the existing) institutional context on which a scholar's attention is focused, in particular: electoral process, power configuration, civil sector and others. The choice of indicators and their location is a free interpretation of the scientist. Since until now there are no clear criteria in investigations of territorial politics in terms of the number of factors, the degree of their correlation with each other, their evaluation position and amount at all, that reflects the completeness of the information about the analysed phenomena and processes. We think this implementation lies in the context of Hoertz's (2006) idea of matching the concept and its measurement tool, which may sound like this: to express the phenomenon in a holistic view, one should choose such a number of parameters that will not burden with unnecessary details, but will translate a basic set of characteristics that are sufficient for understanding. Just based on the described context, two methods were built, the values of which could vary in a common range, and the calculation was carried out using a single formula. Moreover, both indices and thematic blocks are relatively balanced/equal in points, but not identical. Our mathematical formulation was an experimental attempt in the process of manifestation of the institutional dimension of the functioning of political phenomena at the territorial level of Ukraine on the example of the cases of the Transcarpathian, Lviv and Chernivtsi territorial units in 2010–2015 using objective and subjective methods.

Today, based on the obtained (albeit not very numerical) results, it is clear that the problem of correlation of techniques and their quantitative indicators is open for scholars. It promotes extensive processing of output data, which means variations in the search for other ties between values according to different degrees of interaction. It is obvious that unification is not mentioned then, but rather a certain generalisation regarding cases of horizontal representation. However, the key point here is the actualisation process of the issue of correlation of final results after comprehensive measurement in political science – the focus of attention on its nature of origin. It is caused by *the analytical necessity* for scientists to understand where the boundaries of the research search end and whether one of the selected techniques is sufficient to delineate the specificity of the object. If so, then we stand on the position of maximum disposition of measurement methods and there is no methodical contradiction. But if not, then the scholar immediately faces the need to supplement, detail, clarify, check the specific measurements of the object analysis, which consists in the implementation of both techniques in time and methodical frameworks, and therefore the correlation of the outputs will be noted by default as clear option. On the other hand, the situation described above can be considered as *a consequence* of the evolution of political researchers' views through the subnational topic history, its issues and discourse. Thus, the idea is that if at first objective and subjective techniques conceived exclusively as autonomous tools for study, but later (now) this point is supplemented by the dialectical interdependence of these

tools used within the framework of a single case. As demonstrated by modern historiography in the last two decades of the 21<sup>st</sup> century comparativists from different countries of the world partially represented the algorithm, where they combined them within the scope of one investigation.

Hence, all thoughts about the primacy of the discussion about the correlation of measurement methods as *a necessity* or *a consequence* of scientific research are caused by the complexity of the problem and the side from which it is considered. The logical step is not so much the solution of this issue, as the situation surrounding the outputs obtained by both techniques and their status – convergence or divergence. It is important to understand this in order to more objectively highlight the peculiarities of the subnational level of politics in future studies. Along with this, a much wider sample of the analysed cases is needed to solve this question in order to generalise these data, and therefore demonstrate conclusions regarding a quantitatively larger set of research objects. At the same time, the forecast for their receipt has a rather positive trend and can be expected in the near future, given the flourishing of the topic within the framework of political science.

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# Abusive Constitutionalism in Hungary

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**Abstract:** *The study, using the concept of abusive constitutionalism, examines those formal and informal constitutional changes which took place after the Fidesz-KDNP coalition had come into power in 2010 and resulted in the hybridisation of the Hungarian political system. The paper, using qualitative research methods such as analysis of the relevant literature and primary resources, including the in-depth analysis of the relevant Constitutional Court decisions, comes to the conclusion that the Orbán governments first dismantled the checks and balances, foremost the Constitutional Court via formal abusive constitutional changes, and as a next step, with the contribution of the weakened and packed Constitutional Court, the government aims to eliminate the EU's legislation and intervention on the field of asylum policy via formal and informal abusive constitutional changes based on the concepts of constitutional pluralism and identity.*

**Keywords:** *legal constitutionalism, political constitutionalism, abusive constitutionalism, constitutional identity, asylum and migration, Hungary*

## I. Introduction

Hungary has left the path of liberal democracies and turned to an authoritarian direction in the last ten years, undoubtedly since the entering into force of the new constitution, the so-called Fundamental Law on 1 January 2012 (Bárd – Grabowska-Moroz 2020; Kelemen 2020; Bozóki – Hegedűs 2018; Hegedűs 2019, Halmai 2021, Scheppele 2018, European Parliament 2022). Prime Minister Viktor Orbán phrased the Hungarian political system as an illiberal democracy in his Tusnádfürdő speech in 2014 (Orbán 2014). The establishment of the illiberal state went hand in hand with the systematic dismantling of the rule of

law that caused a heated debate between the EU and Hungary and resulted in the application of some of the measures belonging to the rule of law tools of the European Union, such as infringement procedures (European Commission 2015, 2017a, 2017b, 2019), or the Article 7 procedure (European Parliament 2018a), and most recently the conditionality mechanism (European Commission 2022). In this debate, the Hungarian government, similar to the Polish one anyway,<sup>1</sup> frequently refers to the concepts of political constitutionalism, constitutional pluralism and constitutional identity (Trócsányi 2014; Orbán 2016a; Varga 2021: 2–4) to legitimise the systematic breaches of the rule of law and certain EU legal acts as well.

The study intends to show how the Orbán governments, with the support of the packed Hungarian Constitutional Court, have been systematically abusing the concepts of political constitutionalism, as well as constitutional pluralism and identity to undermine the rule of law and to defend themselves in the rule of law debate, especially in the field of asylum policy. Understanding the nature of the Hungarian constitutional processes is crucial, since abusive constitutional practices are on the rise in Central and Eastern Europe in the last few years as David Kosar and Katarína Sipulová (2018: 84) have pointed out, and Hungary is perceived as a ‘model to emulate’ in Poland (Sadurski 2018: 3).

The main research question is whether political constitutionalism, according to the argument of the Hungarian government and the Constitutional Court, can explain the ongoing constitutional processes, or rather the concept of abusive constitutionalism provides the appropriate approach. Another question emerges from the previous one: what exactly is the role of the Constitutional Court in these constitutional processes?

The study argues, based on the previous findings of David Landau (2013), Gábor Halmai (2017), David Kosar and Katarína Sipulová (2017) and Nóra Chronowski et al. (2022), that Hungarian constitutional changes cannot be described as political constitutionalism, instead abusive constitutionalism is the appropriate framework of interpretation and analysis. Through the analysis of the relevant literature and primary sources such as the national legislation of Hungary (including constitutional rules), decisions of the Constitutional Court, legal acts of the EU or decisions of the EU Court of Justice, the paper examines those formal and informal abusive constitutional changes which resulted in the hybridisation of the Hungarian political system and the rule of law related debate with the European Union. The in-depth analysis of the relevant Constitutional Court decisions including the related dissenting and concurring opinions of the Constitutional Court judges, which usually fall out of the scope

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1 Although the author recognises that there are differences in the constitutional developments of Hungary and Poland, consequently in the level of hybridisation of their political systems too, as is pointed out in great detail by the relevant literature (Sadurski 2018; Bozóki – Hegedűs 2018), still there are similar elements and features as well (Drinóczi – Bień-Kacała 2019).

of the examination, however, may contain important relevant legal opinions, and underpins the supportive role of the Hungarian Constitutional Court in this process. Choosing the distinction between strong and weak forms of abusive judicial review elaborated by David Landau and Rosalind Dixon (2020), the study reveals the exact methods of the Hungarian Constitutional Court in the course of abusive judicial review.

## II. Theoretical Background

### ***Critical Approach to Legal Constitutionalism – Political Constitutionalism***

After gaining its two-third majority for the first time as a result of the 2010 parliamentary elections, the Orbán government, leaning on the concept of political constitutionalism, started to undermine the dominant concept of constitutionalism at that time, namely legal constitutionalism and the constitution of the political transition (Constitution 1989) too.<sup>2</sup> As a first step, several amendments were adopted to the Constitution 1989, and in 2011 the parliamentarian two-thirds majority accepted a new constitution (Fundamental Law of Hungary), although there was no reference to any constitutional reform in the campaign of Fidesz before the elections. The amendments to the Constitution 1989, the circumstances of the preparation and adoption of the Fundamental Law, some of its provisions and, furthermore, the subsequent amendments of it triggered harsh critiques not only from the Hungarian opposition, but from academics and international actors (such as the Venice Commission) as well, and caused a heated rule of law debate with the European Union. According to the critics, the ‘constitutional revolution’ resulted in an authoritarian turn in Hungary and the creation of a hybrid regime (Bárd – Grabowska-Moroz 2020; Kelemen 2020; Bozóki – Hegedűs 2018; Hegedűs 2019, Halmai 2021, Scheppele 2018, European Parliament 2022).

The government and the parliamentarian majority have been referring to, with the contribution of certain (mostly) right-wing academics, the concept of political constitutionalism to defend and legitimise their constitutional amuck (Tellér 2014; Láncki 2015; Pokol 2015; Stumpf 2014, 2020; Orbán 2016b).). However, it is worthy to examine whether the steps of the Orbán governments can be interpreted in the framework of political constitutionalism or if the approach of abusive constitutionalism provides the appropriate interpretational frame.

Since political constitutionalism is a reactive form of constitutionalism posing critiques and offering an alternative to legal constitutionalism (Bellamy 2011; Blokker 2019), it’s worth first overviewing the substance of legal constitu-

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<sup>2</sup> Constitution 1989 was not a new constitution at the time of the transition, but a comprehensive amendment of the constitution 1949.

tionalism. Legal constitutionalism became dominant after the Second World War in the liberal democratic states, and based on the literature it can be described with the following features: the main aims and missions of constitutionalism are the protection of human rights, and furthermore to guarantee the separation of power and the limitation of governmental power in order to prevent despotism (Sajó – Uitz 2017:13). To be able to achieve the above-mentioned goals, legal constitutionalism considers constitution as a structure of law that is separated from its subjects and has relative autonomy. In other words, a constitution is ultimately dependent on the people for its legitimation, but once constituted, ‘it becomes a relatively autonomous set of meta-norms and rules that constitutes social and political interaction’ (Blokker 2019: 336). In modern democracies, constitutions are designed to transfer popular sovereignty from the people to the institutions created based on the constitution. Legal constitutionalism devotes special attention to judicial institutions, especially to constitutional courts, repositioning the relationship between legislation and judiciary, claiming that after the formation and adoption of the constitution the formal authority of legislation is weakened. At the same time, the judiciary, or more specifically constitutional courts, acquire responsibilities for strong constitutional review of statutes and for ensuring conformity between domestic and international law (Blokker 2019: 336). According to Alec Stone Sweet, constitutional courts have four core tasks: counterweight to majority rule, protect human rights, pacify political conflicts and legitimate public policies (Stone Sweet 2000: 137). Prioritisation of judicial institutions, especially constitutional courts and the concept of rule of law is connected to the judicialisation of the society and the political system as well, which includes the shift of power away from legislatures towards courts and shifting political claims away from representative institutions to the legal arena (Ferejohn 2002: 41).

Legal constitutionalism became a decisive approach to constitutionalism in Hungary after the political transition, between 1989 and 2010. At the same time, the concept has been criticised for several years both by politicians and (mostly) right-wing academics. The main challenging concept is political constitutionalism, which has been used as a theoretical and legitimation basis by the Orbán governments since 2010. Efforts of the government and the parliamentary majority to cut back legal constitutionalism and its substance strong judicial review were supported by academics from the right wing such as Gyula Tellér (2014), András Láncki (2015), Béla Pokol (2015) and István Stumpf (2014; 2020).

As Mac Amhlaigh points out, the most contested question between political and legal constitutionalism is ‘whether courts or legislatures should have ultimate decision-making authority on the identification, interpretation and application of the fundamental values, usually expressed as fundamental rights, of a particular legal order or constitutional settlement’ (Amhlaigh 2016: 176). The initial presumption of political constitutionalism is that constitutions and

constitutionalism are not an uncontested set of values, ideas and institutional arrangements, but rather a framework for the articulation and deliberation over these elements (Bellamy 2011: 90; Blokker 2019: 337). This approach consequentially leads to the next claim of political constitutionalism, namely the denial of the relative autonomy of constitutions which situates constitutions above or beyond politics. As one of the main representatives of political constitutionalism, Richard Bellamy phrases: 'So any system of rights has to be politically negotiated and will be the product of the institutional arrangements that exist to arbitrate these debates' (Bellamy 2011: 90).

The main target of the critique of political constitutionalism is strong judicial review implies that the courts have general authority to determine what the constitution means, and the courts' constitutional interpretations are authoritative and binding on the other branches of power including legislation (Tushnet 2003: 2784). In the continental European legal systems, constitutional courts became the stakeholders of constitutional review, consequently the main target of political constitutionalism as well. For political constitutionalists, it is the legislature that is ultimately best able to represent the diversity of viewpoints on constitutional values, rights and institutional arrangements in society (Blokker 2019: 337). Political equality and legitimacy of decision-making are at the centre of their argument, claiming that the most legitimate form of decision-making authority is one which makes decisions according to a procedure, and which is respectful of all citizens involved in disagreements by treating them equally (Waldron 1999: 102) and where they are 'regarded as equals and their multifarious rights and interests accorded equal respect and concern' (Bellamy 2007: 5). According to Bellamy, due to the deliberative qualities of legislatures, as compared with courts and the accountability of legislators to citizens, legislation and its majority rule of decision-making provides the most legitimate form of decision-making (Bellamy 2011: 92). At the same time, this means that if the accountability and deliberativeness of the legislature drop, then the legitimacy of the decision-making and political equality of citizens are in danger.

Accountability of legislators is secured only if there is a chance for real competition among the political parties, and fair elections, while deliberativeness is ensured when the parliamentary majority is willing to have a dialogue with the opposition and other political and social actors as well. Nevertheless, these two core features are missing from the Hungarian legislature, since we cannot speak about fair elections due to the modifications of the electoral rules and to the undermining of media pluralism as well as transparency of campaign funding (European Parliament 2013, 2018b; Rác 2018: 1–3; Scheppele 2022; OSCE 2014, 2018, 2022). Nor can we consider the Hungarian parliament as a deliberative one, since the parliamentary majority 'not only decides every single issue without any dialogue, but there is practically no partner for such a dialogue, as the independence of both the ordinary judiciary and the Consti-

tutional Court has been eliminated' (Halmai 2019: 303). Furthermore, because of the different kinds of state of emergency (due to mass migration; due to the pandemic; given because of the armed conflict in a neighbouring country) the government, via government decrees, became the main actor of legislation, instead of the parliament. Consequentially, agreeing with Gábor Halmai, what we witness in Hungary since 2010 cannot be described by the concept of political constitutionalism (Halmai 2019; 2021), but rather by the approach of abusive constitutionalism (Landau 2013; Chronowski et al. 2022).

### ***Abusive Constitutionalism***

David Landau's research about constitutional changes resulting in democratic backsliding provides an alternative explanatory framework, namely the concept of abusive constitutionalism. It involves the use of formal and informal mechanisms of constitutional and even sub-constitutional change to undermine democracy and rule of law. 'Constitutional change allows authoritarian actors to remove members of the political opposition and to replace them with officials loyal to the incumbents; to weaken, disable, or pack courts as well as other mechanisms of accountability; and to establish government control over the media and other key institutions' (Landau 2013: 194). In other words, constitutional change is labelled as abusive if it 'makes the constitutional order meaningfully less democratic than it was initially' (Landau – Dixon 2020: 1322). The outcome is usually not a full-fledged authoritarian but rather a hybrid regime which maintains the 'democratic façade' (Chronowski et al. 2022: 2) via upholding free but not fair elections, as well as packing and weakening the judiciary and other institutions to eliminate checks and balances.

The formal mechanism of constitutional change involves the amendment or the replacement of the constitution, while the informal mechanism covers the abusive judicial review (Landau – Dixon 2020) and interpretation carried out by the Constitutional Court (Drinóczi – Bień-Kacała 2019: 1153–1154). Abusive constitutionalism involves even sub-constitutional changes when, as a result of the adoption or amendment of cardinal and ordinary acts, political and legal institutions (courts, ombudspersons, media authorities, etc.) become less independent and democratic (Landau – Dixon 2020:1320).

Especially abusive judicial review and interpretation, as informal ways of abusive constitutional change, are a grateful tool in the hand of a would-be authoritarian leader since courts, and especially constitutional courts, are seen 'as one of the main defences against the threat posed by the new authoritarians' (Landau – Dixon 2020: 1320), because 'judicial decisions enjoy a presumptive form of respect in most constitutional systems and societies, and international actors often agree to respect the outcome of a constitutional decision, even where they disagree with the outcome' (Landau – Dixon 2020: 1135–1336).

According to the definition of Landau and Dixon, judicial review is abusive when it ‘intentionally undermines the minimum core of electoral democracy’ (Landau – Dixon 2020: 1322). Furthermore, they differentiate between two types of abusive judicial reviews: strong and weak ones. In the case of weak judicial review, the constitutional court upholds, via the dismissal of a constitutional challenge, legislation or executive action that significantly undermines the democratic minimum core legitimising the act of the political leadership. In the course of strong abusive judicial review, the constitutional court itself acts intentionally in a way that removes or undermines democratic protections (Landau – Dixon 2020: 1345–1346).

In the following chapter, through the in-depth analysis of the relevant legislation and constitutional court decisions, the paper intends to highlight each step and form of abusive constitutionalism in Hungary and the role of the constitutional Court therein.

### **III. Abusive Constitutionalism in Hungary**

#### ***Formal abusive constitutional changes to eliminate legal constitutionalism***

Formal constitutional changes started with the amendments to the Constitution 1989, altogether twelve times between May 2010 and December 2021, undermining the pillars of legal constitutionalism in Hungary (Antal 2013: 62). Among the most significant amendments we have to mention the amendment of 5 July 2010 which repealed Article 24 (5) that prescribed a majority of four-fifths of the votes of the Members of Parliament to pass the parliamentary resolution specifying the detailed regulations for the preparation of the new constitution. The amendment prescribed a two-thirds majority for the adoption of a new constitution which meant a clear message that ‘there was no need for any political support or consensus from the opposition, and it underlined the non-inclusive character of the constitution-changing and constitution-making processes’ (Drinóczi – Bieñ-Kacała 2019: 1153).

Besides the alteration of the adoption of a new constitution, the government and the supporting parliamentary majority turned against the Constitutional Court adopting constitutional amendments, which led to the weakening and packing of the Constitutional Court. The amendment of 5 July modified the nomination rules of the Constitutional Court judges. Previously, the nomination was the task of a parliamentary committee formed by the members of political party factions based on parity; consequently, a consensus was required between the governing majority and the opposition in course of the nomination. Due to the amendment, the nominating parliamentary committee consists of the members of parliamentary factions upon majority rule (Chronowski et al. 2022:

7–10). This amendment, just like the previously mentioned, undermined deliberation about constitutional issues within the parliament, so it obviously went against the arguments of political constitutionalism.

At the same time, the governing majority didn't finish increasing its influence on the composition of the Constitutional Court but continued the packing of the Court with the amendment of 14 June 2011 that, on the one hand, increased the number of judges from eleven to fifteen, and on the other hand, prescribed that the president of the Constitutional Court is elected by the parliament with a two-thirds majority of the votes, while previously the judges elected their president (Act LXI of 2011).

Not only the composition but also the competences of the Constitutional Court were affected by abusive constitutional amendments. Act CXIX of 2010 has limited the constitutional review competences of the Court regarding budgetary issues. According to the amendment, the Constitutional Court can assess and annul the constitutionality of acts related to the state budget, central taxes, duties and contributions, custom duties and central conditions for local taxes only on limited constitutional grounds, exclusively based on the right to life and human dignity, the protection of personal data, freedom of thought, conscience and religion or the right related to Hungarian citizenship. The amendment can be conceived as revenge of the government since the Constitutional Court in its Decision 184/2010. (X. 28.) AB annulled the rules of an act on 98% special tax applied to certain severance pays against good morals in public service (Chronowski et al. 2022: 12).

The height of formal constitutional changes was inevitably the adoption of the new constitution, officially named the Fundamental Law of Hungary in April 2011. The governing parliamentary majority eliminated the dialogue and consensus-seeking not only with the parliamentary opposition but with the society as well, since there was no substantive deliberation on the new constitution. The Venice Commission expressed its concerns about the lack of transparency in the elaboration process and the inadequate consultation of the Hungarian society, and furthermore about the tight timeframe for the adoption of the Fundamental Law (Venice Commission 2011a: 5, 2011b: 4).

The Fundamental Law and the new Act on the Constitutional Court, as well as the subsequent fourth amendment to the Fundamental Law, introduced additional constitutional changes regarding the competences of the Court enriching the actions of abusive constitutionalism.

The Fundamental Law eliminated the so-called *actio popularis* which enabled anyone to apply to the Court with norm-control initiatives without personal interest, significantly limiting the possibility of challenging laws before the Constitutional Court (Chronowski et al. 2022: 13), and constrained again the deliberation about constitutional issues. At the same time, the constitutional complaint was reformed by the Act on Constitutional Court, therefore not only

legislative, but judicial decisions can be challenged if they violate rights guaranteed by the Fundamental Law, and the petitioner is personally, directly and effectively concerned (Article 26, 27 of Act CLI of 2011).

In retaliation to the annulment of some articles of the Act on Transitional Provisions to the Fundamental Law adopted in December 2011, the fourth amendment to the Fundamental Law, adopted in April 2013, incorporated several annulled provisions of the act raising the question of unconstitutional constitution amendment, and furthermore introduced additional constraints on the Constitutional Court. The amendment limited the competences of the Constitutional Court to review the Fundamental Law or the amendment to the Fundamental Law only on formal, procedural grounds excluding the possibility of substantial constitutional review. Furthermore, decisions of the Constitutional Court, adopted before the Fundamental Law, were repealed, disrupting the continuity with the former jurisdiction of the court, and giving a finishing stroke to legal constitutionalism (Chronowski et al. 2022: 16–17; Antal 2013: 64).

As a result of the above-mentioned formal mechanism of abusive constitutionalism, by the end of 2013, the Constitutional Court had been packed, weakened and politically captured. However, the elimination of the Constitutional Court as an element of checks and balances wasn't enough for the government to abolish all of the elements of legal constitutionalism, since Hungary as an EU member state is under the jurisdiction of the Court of Justice of the European Union (CJEU) and EU law has primacy over member states' legislation. Therefore, the Orbán government, with the support of the packed Constitutional Court, started to use, in an abusive way, the concepts of constitutional pluralism and constitutional identity to undermine further the rule of law and the remains of legal constitutionalism, additionally to protect itself against potential EU interventions and to circumvent EU law (Kelemen – Pech 2018: 3).

### ***Formal and informal abusive constitutional mechanisms to eliminate the EU's legislation and intervention***

The concept of constitutional pluralism has emerged out of the constitutional dimension of EU law with the aim to challenge the idea of constitutional monism that derives from the Westphalian age, emphasising that the sole centres of constitutional authority are states. Constitutional pluralism, by contrast, recognises that the European legal order, as a result of its development, makes its own independent constitutional claims, and that these claims exist alongside the continuing claims of states. The relationship between the national and European constitutional orders is rather horizontal than vertical, and heterarchical rather than hierarchical (Walker 2002: 27).

Constitutional pluralism became popular in the shadow of the Kompetenz-Kompetenz debate between the Court of Justice of the European Union (CJEU)

and national constitutional courts, revolving around the central question of which court had the competence to rule on the boundaries between the EU's legal competences and a national system's competences. Since the CJEU and national constitutional courts each asserted that they possessed the *Kompetenz-Kompetenz*, there was a great risk of legal conflict. The concept of constitutional pluralism was developed basically to avoid this kind of conflict, suggesting that questions of *Kompetenz-Kompetenz* should be left unresolved in favour of a 'heterarchical' (i.e. non-hierarchical) system in which neither the CJEU nor national constitutional courts could claim definitive primacy on the question. Instead, they should engage in ongoing dialogue, self-restraint and mutual accommodation (Kelemen – Pech 2018: 5–6).

The *Kompetenz-Kompetenz* debate related closely to the concept of constitutional identity, a claim made by some national constitutional courts that they must retain authority to safeguard their states' sacrosanct area of national sovereignty (Kelemen – Pech 2018: 5). The concept's legal basis is Article 4 (2) of the Treaty on the European Union (TEU) stating, 'The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government.'

Nevertheless, the concept of constitutional plurality and identity became the target of many critiques recently as a result of the emergence and consolidation of hybrid regimes within the EU, namely Hungary and Poland, and considering that the political leadership of these regimes has been using these concepts to undermine rule of law which is supposed to be the precondition of EU membership, and one of the elements of the member states' common constitutional tradition.

While there is a wide consensus in the literature over the abuse of these concepts by member states with authoritarian tendencies, there is a debate over their future. Some scholars call for the elimination of the concept of constitutional pluralism, such as Laurent Pech, Danel R. Kelemen (2018) and Gábor Halmai (2017). At the same time, we can find defenders of the concepts as well, like Tom Flynn who suggests introducing a 'legitimacy test... by which we can determine whether a given instance of national judicial disagreement with the CJEU is loyal, principled opposition, or disloyal, abusive opposition' (Flynn 2021: 241).

In the following part of the study, I intend to show how the Orbán governments, with the support of the packed Hungarian Constitutional Court, have been abusing systematically the concepts of constitutional identity and pluralism intending to undermine rule of law and to defend themselves in the rule of law debate with the EU. Basically, the concepts have been being used to legitimise Hungary's unilateral derogation and non-compliance with the EU asylum and migration acquis.

## ***Securitisation of migration and asylum policy and the failed seventh amendment of the Fundamental Law.***

Migration and asylum became a hot topic in Hungary in 2015 and the issue played a central role in the conceptualisation of constitutional plurality and identity. Securitisation of the issues of migration and asylum, or in the words of Gábor Halmai ‘psychological preparation’ of the Hungarian public (2017), started with a communication campaign in the Spring of 2015. On one hand, an anti-migrant billboard campaign began with openly hostile and exclusionary messages in Hungarian such as ‘If you come to Hungary, you must respect our culture’; ‘If you come to Hungary, you must abide by our laws’; ‘If you come to Hungary, you cannot take our jobs’. On the other hand, the so-called national consultation on migration and terrorism was launched by the government. Nearly 8 million constituents received a consultation paper along with a letter from PM Viktor Orbán in which he drew a direct causal link between immigration and terrorism, and noted that Brussels had failed to appropriately tackle illegal immigration and terrorism. Since European responses to immigration had proven ineffective, PM Orbán stated that Hungary had to do things its own way (National Consultation on Immigration and Terrorism/Letter of Prime Minister Viktor Orbán 9 May 2016). Approximately 1.25 million consultation papers were sent back and the vast majority of the respondents concurred that the threat of terrorism was on the rise, and that Brussels’ immigration policy had failed, consequently a stricter immigration policy was needed. However, the national consultation wasn’t representative due to the low number of responses, nevertheless the Hungarian government used the results to legitimise its subsequent legislative actions and non-implementation of the EU relocation decisions (Juhász 2017: 40).

As the next step of securitisation of asylum policy, the government and the parliamentary majority started restrictive legislation, including government decrees on building a barbed-wire border fence on the Hungarian border with Serbia, Romania and Croatia; several amendments of the Asylum Act; amendment of the Criminal Code; and the amendment of the Criminal Procedure Act. Certain provisions of these acts, alongside the non-implementation of the relocation decisions of the EU (Council Decision (EU) 2015/1523 and 2015/1601), have resulted in infringement procedures and a rule of law debate between the EU and Hungary. In this debate, since 2016, the Hungarian government has been referring to constitutional identity and pluralism basically to legitimise its non-compliance policy.

Besides the restrictive legislation on asylum, the government started a dual attack, with a political and a legal character, on the EU’s plan to relocate refugees. While the legal pillar meant that the government launched a lawsuit against the relocation decisions at the CJEU, the political pillar was a refer-

endum initiated by the government with the question: ‘Do you want to allow the European Union to mandate the relocation of non-Hungarian citizens to Hungary without the approval of the National Assembly?’ The referendum was held on 2 October 2016, and although 98% of all the valid votes agreed with the government, answering ‘no’, the referendum was invalid because the turnout was only around 40%, instead of the required 50%.

In October 2016, as an attempt to formalise abusive constitutional change, Prime Minister Orbán introduced the seventh amendment to the Fundamental Law to defend Hungarian constitutional identity and to get an exemption from EU law in the area of asylum, namely the relocation decisions. Since the governing coalition had previously lost its two-thirds majority, even though all of its representatives voted in favour of the proposed amendment, it fell two votes short of the required majority.

### ***Strong abusive judicial review and interpretation No 1.***

After the failure of the referendum and the constitution amendment, the packed Constitutional Court came to the rescue of the government in its battle to defend Hungary’s constitutional identity (Halmai 2017: 12) with the decision of 22/2016 (XII.5.) exerting strong abusive judicial review with the conceptualisation of constitutional pluralism and identity.

It is worthy to note that the Constitutional Court dredged up the petition of the government-loyal Commissioner for Fundamental Rights, filed a year earlier, so even before the referendum was initiated. The ombudsman asked for abstract constitutional interpretation in connection with one of the relocation decisions, the European Council decision 2015/1601 (Halmai 2017: 12). As Ágoston, Mohay and Norbert Tóth pointed out ‘presumably due to the importance of the case, the president of the CCH appointed himself the judge rapporteur’ (2017: 470–471).

In this decision the Hungarian Constitutional Court ruled that the Court itself can examine upon a relevant motion whether the joint exercise of powers under Article E) (2) of the Fundamental Law would violate (a) human dignity or any other fundamental right, (b) the sovereignty of Hungary or (c) the identity of Hungary based on its historical constitution (Decision 22/2016. (XII. 5.) AB).

In this case, the Constitutional Court faced a number of issues that constitutional courts of other EU member states and the CJEU have already addressed, such as the relationship between national constitutional courts and the CJEU, the question of the treatment of ultra vires acts of the EU and the definition and protection of national constitutional identity (Ágoston and Tóth 2017: 472). Consequently, the Constitutional Court referred to the relevant case law of other EU member states’ constitutional courts (Decision 22/2016 (XII. 5.) AB, Reasoning [34]–[44]) and the related case law of the CJEU as well (Reasoning [45]). Special attention was paid to the relevant case law of the German Federal

Constitutional Court based on what the Hungarian Constitutional Court introduced as the new aspects of constitutional review: fundamental rights reservation, sovereignty control (*ultra vires* review) and identity control.

Regarding the fundamental rights reservation, the Constitutional Court pinned it down that any exercise of public authority in the territory of Hungary, including the joint exercise of competences with other member states, is linked to fundamental rights. As it is set in Article I (1) of the Fundamental Law, it is the primary obligation of the State to protect the inviolable and inalienable fundamental rights of man. Furthermore, the Constitutional Court echoed the so-called *Matthews* judgment of the European Court of Human Rights,<sup>3</sup> according to which member state's liability cannot be exempted at the European Court of Human Rights either, by referring to implementing the law of the EU. Consequently, the Constitutional Court must grant that the joint exercise of competences under Article E) (2) of the Fundamental Law would not result in violating human dignity or the essential content of fundamental rights (Decision 22/2016 (XII. 5.) AB, Reasoning [47]–[49]).

As regards sovereignty control, the Constitutional Court's starting point was Article B) of the Fundamental Law according to which the source of public power shall be the people, and power shall be exercised by the people through elected representatives or, in exceptional cases, directly. According to the Constitutional Court, provisions of Article B of the Fundamental Law should not be emptied by the so-called EU clause in Article E). Therefore, the Constitutional Court formulated the principle of maintained sovereignty means that 'since by joining the European Union, Hungary has not surrendered its sovereignty, it rather allowed for the joint exercising of certain competences, the maintenance of Hungary's sovereignty should be presumed when judging upon the joint exercising of further competences additional to the rights and obligations provided in the Founding Treaties of the European Union' (Decision 22/2016 (XII. 5.) AB, Reasoning [58]–[60]).

In connection with constitutional identity, the Constitutional Court noted that constitutional identity is equal to the self-identity of Hungary, which is not a list of static and closed values, but its content is to be determined by the Constitutional Court on a case-by-case basis, based on the interpretation of the Fundamental Law in accordance with the National Avowal and the achievements of the historical constitution of Hungary. However, the Constitutional Court gave a non-exhausted list of the elements of the constitutional identity of Hungary, such as freedom, the division of powers, republic as the form of government, respect of autonomies under public law, the freedom of religion, exercising lawful authority, the equality of rights, acknowledging judicial power or the protection of the nationalities. These are the achievements of the Hungarian

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3 *Matthews v. United Kingdom*, App. No. 24833/94, 28 E.H.R. Rep. 361 (1999).

historical constitution on which the whole legal system rests (Decision 22/2016 (XII. 5.) AB, Reasoning [64]–[65]).

The Constitutional Court highlighted that the constitutional self-identity of Hungary is a fundamental value not created but only acknowledged by the Fundamental Law. Consequently, constitutional identity cannot be waived by way of an international treaty, Hungary can only be deprived of it through the final termination of its sovereignty and its independent statehood. According to the decision, protection of constitutional identity shall be the duty of the Constitutional Court as long as Hungary is a sovereign State (Decision 22/2016 (XII. 5.) AB, Reasoning [67]).

The Constitutional Court, taking essentially word for word from the Lisbon Decision of the German Federal Constitutional Court,<sup>4</sup> named those cases when the protection of constitutional self-identity may be raised, such as in the instances of ‘having an influence on the living conditions of the individuals, in particular their privacy protected by fundamental rights, on their personal and social security, and on their decision-making responsibility, and when Hungary’s linguistic, historical and cultural traditions are affected’ (Decision 22/2016 (XII. 5.) AB, Reasoning [66]).

Many concerns and critiques have arisen in connection with the decision and its reasoning, not only by academics but even by some of the constitutional judges. Although the decision was adopted almost unanimously (one judge dissented), five members of the Court submitted concurring opinions, although these are quite divergent.

Focusing on identity control, one of the most crucial problems is the vagueness of the notion of constitutional identity. The elements thereof, which are mentioned in the decision, are just some examples without any clarification of their content and boundaries. The fact that the exact content of constitutional identity is to be determined by the packed Constitutional Court on a case-by-case basis is raising concerns about arbitrary interpretation, especially regarding the vagueness of the interpretation framework, namely the Fundamental Law with its National Avowal and the achievements of the historical constitution. The historical constitution itself is a highly contested notion both regarding its existence and possible elements. It’s meaningful that though the decision and its reasoning, such as the Fundamental Law, are silent regarding the elements of the historical constitution, they appear only in the concurring opinion by András Varga Zs. (Decision 22/2016 (XII. 5.) AB, Reasoning [110]). He mentions, based on the academic dispute, the Golden Bull (1222), the Tripartitum (1514), the Pragmatica Sanctio (1723), the Laws of April 1848 and the Laws of Compromise (1867) as the components of the Hungarian historical constitution. At the same time, with the exception of the Laws of April 1848, these

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4 BVerfGE 123, 267 – Lisbon Decision (Lissabon-Urteil).

legal acts have an authoritarian nature (Halmai 2017: 16), mostly guaranteeing the privileges of the nobles, and ‘as such inappropriate for displaying the national unit’ (Bárd – Chronowski – Fleck, 2022: 28). Consequently, as Petra Bárd, Nóra Chronowski and Zoltán Fleck (2022: 19) put it, the decision means a ‘carte-blanche type of derogation to the executive and the legislative from Hungary’s obligation under EU law’. In Gábor Halmai’s (2018).interpretation, the conceptualisation of constitutional identity was ‘nothing but national constitutional parochialism, which attempts to abandon the common European constitutional whole’.

The statement of the decision, that constitutional identity is a fundamental value not created, but only acknowledged by the Fundamental Law, is completely contrary to the concept of political constitutionalism, since, as István Stumpf stresses in his concurring opinion, ‘this approach would actually tear apart Hungary’s constitutional identity from the text of the Fundamental Law, creating a kind of invisible Fundamental Law to be protected by the Constitutional Court’ (Decision 22/2016 (XII. 5.) AB, Reasoning [107]).

The Constitutional Court has referred to the constitutional court decisions of other member states in a cherry-picking and arbitrary way, ignoring the differences of the Hungarian constitutional order. The concept of constitutional identity control derives from the German Federal Constitutional Court’s so-called Lisbon judgment, nevertheless the facts that the German Basic Law constitutes an eternity clause [Art. 79(3)], which was a reference point for the German Federal Constitutional Court, but the Fundamental Law of Hungary doesn’t contain such a clause, and was not considered by the Hungarian Constitutional Court. Similarly, István Stumpf in his concurring opinion dissents from the majority reasoning regarding the cases when the protection of constitutional self-identity may be raised, arguing that these cases have been taken from the Lisbon decision of the German Federal Constitutional Court without any examination, in the absence of any argument based on the Fundamental Law of Hungary (Decision 22/2016 (XII. 5.) AB, Reasoning [106]).

Last but not least, we have to mention the general problem in connection with the decision, namely that it’s not clear exactly via what competence and procedure the Constitutional Court can exercise the above-mentioned triple control. Both Egon Dienes-Ohm and István Stumpf examined this core question in their concurring opinion. As the former points out: any legal debate, including the interpretation of the piece of EU legislation, falls exclusively into the competence of the CJEU in accordance with Article 244 of the TFEU. In practice, constitutional courts can either take part in the so-called preliminary ruling procedure or – again in a preliminary way – attempt to solve problems of an ultra vires nature in the framework of the constitutional dialogue with the CJEU (Decision 22/2016 (XII. 5.) AB, Reasoning [76]).

Rightly, the decision's majority reasoning itself pins it down that: 'the direct subject of sovereignty and identity control is not the legal act of the Union or its interpretation, therefore the Court shall not comment on the validity, invalidity or the primacy of application of such Union acts' (Reasoning [56]). Taking into consideration the competences of the Constitutional Court and the possible subjects of the related procedures, and furthermore the fact that sources of EU law directly enforceable in the member states without any measure taken by the Member States are not 'legal regulations' according to Article 24 (2) of the Fundamental Law and Sections 23–31 of Act on Constitutional Court, they cannot be the subjects of preliminary or posterior constitutional review, constitutional complaint or the examination of conflicts with international treaties. Egon Dienes-Ohm comes to the conclusion that the only possible procedure is the interpretation of the Fundamental Law (Article 38 (1) of the Act on Constitutional Court); however, he warns that as a particularity of this kind of procedure, no legal consequences will be applicable (Decision 22/2016 (XII. 5.) AB, Reasoning [80]). István Stumpf dismisses the procedure of interpretation of the Fundamental Law, conceiving sovereignty and identity control only as opportunities of the future, emphasising that 'the Constitutional Court can perform the protection of Hungary's sovereignty and constitutional identity when – for example at the time of amending a Founding Treaty – the empowered bodies of the Hungarian State request a review about the level of competence transfer to the bodies of the Union that could be in conformity with the Fundamental Law' (Decision 22/2016 (XII. 5.) AB, Reasoning [99]).

As we could see above, with Decision 22/2016 (XII. 5.) AB, the Hungarian Constitutional Court established the theoretical possibility of a triple control of the joint exercise of powers, although both the notion of constitutional identity and partially the interpretation framework thereof (the National Avowal and the historical constitution) are highly vague; furthermore, the exact competences and procedures via the Constitutional Court could exercise this control were undefined, the only possibilities have appeared in some of the concurring opinions, which were divergent.

However, the government wasn't concerned by the above-mentioned circumstances; the prime minister's jubilant reaction to the decision was expressed in an interview given to Hungarian Public Radio: 'I threw my hat in the air when the Constitutional Court ruled that the government has the right and obligation to stand up for Hungary's constitutional identity' (Halmai 2017: 14)

### ***Formal abusive constitutional change: the seventh amendment of the Fundamental Law.***

In 2018, after the government had regained its two-third majority in the parliament, László Trócsányi, minister for justice at that time, submitted again the

seventh amendment of the Fundamental Law, which by its adoption had realised the previous attempt. As a result, the so-called National Avowal was supplemented with the following text: 'We hold that the protection of our identity rooted in our historic constitution is a fundamental obligation of the State.' The amended Article R declares that: 'The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State.' The EU-clause, Article (E) Section (2) of the Fundamental Law, pins it down that 'Based on an international treaty, Hungary may exercise its certain powers jointly with the other Member States via the institutions of the European Union to the extent necessary for the exercise of its rights deriving from the founding treaties and for the performance of its obligations, in order to take part in the European Union as a Member State.' However, the provision was supplemented with the following sentence: 'The exercise of its powers pursuant to this Section shall be consistent with the fundamental rights and freedoms laid down in the Fundamental Law, and shall not limit Hungary's inalienable right of disposal related to its territorial integrity, population, the form of government and governmental organisation.' And last but not least, Article XIV (1) prescribes now that 'No foreign population shall be settled in Hungary'.

### ***Strong abusive judicial review and interpretation No 2.***

The second decision of the Hungarian Constitutional Court concerning the constitutional identity of Hungary is closely related to the decision C-808/08 of the CJEU adopted in December 2020, in which the CJEU found that Hungary had breached the EU asylum *acquis* by requiring that asylum applications should be lodged exclusively in transit zones, a practice which allows only a small number of persons to enter, and by requiring that applicants must remain in detention throughout the asylum procedure in the facilities of transit zones, not coupling that detention with the safeguards laid down in Directive 2013/33, furthermore by the removal of all third-country nationals staying illegally in Hungary's territory without observing the procedures and safeguards laid down in the Qualification Directive (CJEU Case C-808/18).

As a response, in February 2021, Judit Varga, minister for justice requested the interpretation of the Fundamental Law in connection with the CJEU decision, suggesting that the decision conflicted with Hungary's constitutional identity. She claimed that, by requiring Hungary to provide the guarantees laid down in the Qualification Directive, Hungary loses control over its population, which was, in her interpretation, a serious violation of the constitutional identity of the state.

In other words, almost exactly five years after creating the constitutional identity as a shield against EU law in the field of asylum, the Constitutional Court was expected to use that shield and declare the CJEU Judgement C-808/08

to be contrary to Hungary's constitutional identity. There was a widespread fear that the Constitutional Court would follow the Polish Constitutional Tribunal founding the CJEU ruling and even some parts of the primary law to be unconstitutional, especially since PM Viktor Orbán said in his regular Friday morning radio interview: 'Today's decision by the Constitutional Court could mean that – in addition to the physical border barrier – it will also erect a very strong legal border barrier: a legal fence' (Orbán 2021).

The Constitutional Court adopted its decision 32/2021. (XII. 20.) AB on 7 December 2021, in which, with the strong abusive interpretation of Article E (2), Article I (1), as well as Article XIV (1) and (4) of the Fundamental Law, it came to the conclusions that (a) where the joint exercise of competences is incomplete Hungary shall be entitled, in accordance with the presumption of reserved sovereignty, to exercise the relevant non-exclusive field of competence of the EU, until the institutions of the European Union take the measures necessary to ensure the effectiveness of the joint exercise of competences; (b) Where the incomplete effectiveness of the joint exercise of competences leads to consequences that raise the issue of the violation of the right to identity of persons living in the territory of Hungary, the Hungarian state shall be obliged to ensure the protection of this right within the framework of its obligation of institutional protection; (c) The protection of the inalienable right of Hungary to determine its territorial unity, population, form of government and state structure shall be part of its constitutional identity (Decision 32/2021. (XII. 20.) AB).

Nevertheless, the Constitutional Court, contrary to the expectations of the government, avoided conflicting directly with the CJEU when it drew the limits of abstract constitutional interpretation, stating: 'An abstract constitutional interpretation cannot become a position applicable to the specific case giving rise to the petition' (Decision 32/2021. (XII. 20.) 8). In other words, the Constitutional Court wasn't willing to examine whether in the specific case the joint exercise of powers has shortcomings, nor did it take a position on the question of whether the minister's argument about a *de facto* change of the Hungarian population due to immigration was correct (Chronowski – Vincze 2021: 4). According to the reasoning of the decision, these are matters to be judged by the body applying the law was adopted based on the joint exercise of powers (Decision 32/2021. (XII. 20.) AB, 9). Later in the decisions, the Constitutional Court defined this more precisely, stating that the assessment of the above-mentioned questions is primarily the task of the petitioner and other organs of the Hungarian State (17). The Constitutional Court examined hypothetically whether the incomplete effectiveness of the joint exercise of competences could lead to a violation of Hungary's sovereignty, constitutional identity or fundamental rights (especially human dignity) and freedoms enshrined in the Fundamental Law.

In the course of the hypothetical fundamental rights control, the Constitutional Court stressed that if, as a result of the incomplete effectiveness of the

joint exercise of competences, foreign populations permanently and massively remain in the territory of Hungary without democratic authorisation, this may violate the right to identity and self-determination of the people living in the country, because their traditional social environment may change without democratic mandate or any influence by the persons concerned, or without any state control mechanisms. Because of the state's obligation of institutional protection, the prevention of such uncontrolled processes is the obligation of the state under Article I of the Fundamental Law (Decision 32/2021. (XII. 20.) AB,18).

Regarding hypothetical sovereignty control, the Constitutional Court assessed the consequences of the shortcomings in the effectiveness of joint competences on Hungary's sovereignty and came to the conclusion that the presumption of reserved sovereignty applies 'unquestionably' to all competences that don't fall within the exclusive competence of the Union (Decision 32/2021. (XII. 20.) AB, 22). The Constitutional Court refers to the conditionality of conferring the exercise of competence laid down in Article E (2) of the Fundamental Law itself: the conferral of the exercise of the competence takes place 'to the extent necessary to exercise the rights and fulfil the obligations set out in the founding treaties'.

According to the Constitutional Court's argumentation, the European Union and its institutions exercise these competences, not only when they create secondary sources of EU law, but 'exercise of the competence is also conditional upon ensuring the effectiveness of the secondary legislation created' (Decision 32/2021. (XII. 20.) AB, 26). Only in this case does the exercise of competence comply with the condition laid down in the enabling provision of Article E (2). Consequently, 'the presumption of reserved sovereignty is enforced not only in the case of the joint exercise of additional competences but also covers the exceptional case where, due to the deficiency of jointly exercising the competences, securing the fundamental rights affected by the relevant competence or competences as well as the performance of the obligations of the State are impaired' (26). The Constitutional Court emphasised that application of the presumption of reserved sovereignty may be used exceptionally and that Hungary is only entitled to exercise the competence in question until the European Union or its institutions create the guarantees for the effectiveness of EU law, and only in a manner which is consistent with and aimed at promoting the founding and amending treaties of the European Union (26–27).

In the course of hypothetical identity control, the Constitutional Court defined the relation between sovereignty and constitutional identity, emphasising that these concepts are not complementary, but interrelated in several respects. First of all, the protection of Hungary's constitutional identity is possible through its sovereignty and the safeguarding thereof. Second of all, constitutional identity manifests itself primarily through a sovereign act, first and foremost adopting the constitution. Thirdly, taking into account Hun-

gary's historical struggles, the aspiration to safeguard the country's sovereign decision-making powers is itself part of the country's constitutional identity. Fourthly, the main features of state sovereignty (permanent population, defined territory, government and capacity to enter into relations with the other States) recognised in international law, namely the 1933 Montevideo Convention, are closely linked to the issues (territorial integrity, population, form of government and governmental organisation) retained by Article E (2) of the Fundamental Law within the scope of Hungary's inalienable right of determination (Decision 32/2021. (XII. 20.) AB, 31). As a consequence, the Constitutional Court established that 'the protection of Hungary's inalienable right to determine its territorial unity, population, form of government and state structure is part of its constitutional identity' (34). Furthermore, the Constitutional Court identified values that make up Hungary's constitutional identity as legal facts that cannot be waived either by way of an international treaty or with the amendment of the Fundamental Law, because legal facts cannot be changed through legislation. (Decision 32/2021. (XII. 20.) AB, 32)

Although the Constitutional Court decided to dodge the direct conflict with the CJEU (Chronowski – Vincze 2021: 1), the decision raises many questions and concerns. Regarding fundamental rights control, the Constitutional Court followed an activist approach in the course of the interpretation of human dignity departing from its own case-law, even though according to which human dignity is related exclusively to the individual. The decision broadened the concept with a community dimension when it defined the right to the 'traditional social environment' as part of the right to identity and self-determination, the two main pillars of human dignity. This interpretation of human dignity was questioned in the dissenting opinion of Ildikó Marosi Hörcherné, and the concurring opinions of Ágnes Czine, and Balázs Schanda as well.

Hypothetic sovereignty control, which is the focus of the decision, raises the most concerns. Since the Constitutional Court examines and refers to several principles of the EU law such as the principle of effectiveness (*effet utile*), precedence of community law, the principle of pre-emption, the principle of the transfer of competences, subsidiary, the principle of sincere cooperation and the principle of equality between member states, it would have been highly recommended to suspend the case and ask for a preliminary ruling from the CJEU. This is especially so because the Constitutional Court not only refers to these principles but gives restrictive interpretations in connection with the principles of pre-emption and effectiveness, which led to the core of the decision, namely the theoretical possibility of taking back a jointly exercised competence by the member state in case of the ineffectiveness thereof (Orbán – Szabó 2022).

Basically in its reasoning, the Constitutional Court turned *effet utile* against the EU institution; at the same time, this approach forgets the circumstance that the vast majority of EU policies, including asylum and migration, are supposed

to be implemented by the member states. The Hungarian Helsinki Committee, as an intervener in the procedure, pointed out how the Hungarian government fails to implement the EU asylum acquis, including executing expulsion decisions (Hungarian Helsinki Committee 2021: 20–21). The argumentation of the Constitutional Court legitimises the already existing policy of the Hungarian government which first systematically undermines the implementation of EU law, then refers to the ineffectiveness thereof<sup>5</sup> that may result in the taking back of the joint competence by the member state due to the twisted logic of the Constitutional Court.

Furthermore, authorising the government or other ‘organs of the Hungarian State’ (Decision 32/2021. (XII. 20.) AB, 17) to decide on the efficiency of an EU policy with the above-mentioned legal consequences is legal nonsense. Under the EU law, the European Commission is entitled, only with a few exceptions such as the common security and foreign policy, to evaluate the effectiveness of EU policies and if it’s necessary to make proposals for the reforms. That’s exactly what is happening in the case of the common European asylum system. The member states can have an impact on the formation of such reforms since the Council is an inevitable actor in EU legislation.

The fact that the Constitutional Court circumvented preliminary ruling or any other form of constitutional dialogue with the CJEU underpins the hypothesis that the Constitutional Court has abused the concepts of constitutional pluralism and identity in this decision as well.

Endre Orbán and Patrik Szabó (2022) highlighted that the Constitutional Court made the relationship between sovereignty and constitutional identity very close, which indicates that the core elements of sovereignty (self-determination and the elementary state functions) compose the parts of constitutional identity, and consequently protection of sovereignty and constitutional identity are interrelated. This raises the question: can we still talk about separate sovereignty and identity control in the conception of the Constitutional Court at all? The question is crucial since in EU law sovereignty protection is applicable in cases of *ultra vires* decisions of the EU, which concern the member states equally, while identity protection applies to acts that may violate the constitutional requirements of an individual member state.

The decision identifies the values of the constitutional identity, developed based on the historical constitution, as legal facts that cannot be waived either by way of an international treaty or with the amendment of the Fundamental Law because legal facts cannot be changed through legislation (Decision 32/2021. (XII. 20.) AB, 32). This argument, which was taken word for word from the concurring opinion of András Varga Zs attached to Decision 22/2016 (XII. 5.) AB on one hand is dogmatically not appropriate, since these values do not

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5 This was exactly the situation in the case of the EU relocation decisions.

result in the creation, change or termination of any legal relationship, nor can legal consequences arise directly from them (Orbán – Szabó 2022), and on the other hand, it conceives values of constitutional identity as an eternity clause which the Fundamental Law doesn't contain.

### ***Weak abusive judicial review and interpretation***

The Constitutional Court supported the Orbán government not only via strong abusive judicial review and interpretation, but by exercising weak form too, as the Decision 3/2019. (III. 7.) AB shows. In this decision, the Court dismissed the petition of a constitutional complaint seeking a finding of Section 353/A of Act C of 2012 on the Criminal Code conflicting with the Fundamental Law. The Section of the Criminal Code in question was adopted as part of the Orbán government's restrictive legislation regarding asylum, establishing the offence of 'Facilitating, supporting illegal immigration'. According to Section 353/A, anyone who conducts organising activities (a) to allow the initiation of an asylum procedure in Hungary by persons who, in their country of origin or in the country of their habitual residence or another country via which they had arrived, were not subjected to persecution or their fear of indirect persecution is not well-founded, or (b) to make the person entering Hungary illegally or residing in Hungary illegally obtain a residence permit, is punishable by incarceration for a misdemeanour (Article (1)).

According to the reasoning of the Constitutional Court, the seventh amendment of the Fundamental Law modified Article XIV of the Fundamental Law, according to which 'a non-Hungarian national shall not be entitled to asylum if he or she arrived to the territory of Hungary through any country where he or she was not persecuted or directly threatened with persecution', and the new section of the Criminal Code connects to this new provision of the Fundamental Law. Furthermore, the Constitutional Court referred to the Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence, stating that 'the effect of the Directive covers, in principle, the obligation of establishing sanctions applicable to the wilful facilitation of unauthorised entry or transit manifested under the umbrella of humanitarian action' (Decision 3/2019. (III. 7.) AB, Reasoning [51]–[60]), and in the Court opinion, Section 353/A implements the Directive indirectly offering further protection against illegal migration, while direct implementation is via Section 354 'facilitation of unauthorised residence' and Section 353 'illegal immigrant smuggling' ([58] and [61]).

At the same time, Article 1 of the Directive prescribes adopting appropriate sanctions on persons who (a) either intentionally assist a person who is not a national of a member state to enter or transit across the territory of a member state or (b) for financial gain, intentionally assists into residing within the

territory of a member state in breach of the laws of the state concerned on the entry, the transit and the residence of aliens.

If the Constitutional Court would have taken seriously the constitutional dialogue, they could have suspended the case asking for a preliminary ruling from the CJEU about the interpretation of the Directive. This is especially since the CJEU found in November 2021 in Case C-821/19 that Hungary infringed EU law by criminalising organising activities in relation to the initiation of a procedure for international protection by persons not fulfilling the national criteria for granting that protection, since ‘the provision of assistance with a view to making or lodging an application for asylum in a Member State cannot be regarded as an activity which encourages the unlawful entry or residence of a third-country national in that Member State’ (Court of Justice of the European Union 2021).

#### **IV. Concluding remarks**

Hybridisation of the Hungarian political system went hand in hand with the dismantling of the previous constitutional order rested on the concept of legal constitutionalism and the rule of law. The Orbán governments have been referring to the approach of political constitutionalism, and the concepts of constitutional pluralism and identity to legitimise their actions.

At the same time, as we could see above, constitutional changes in Hungary cannot be interpreted as the elements of political constitutionalism, instead, the concept of abusive constitutionalism provides the appropriate analytic framework. The government, with the support of its two-thirds majority in the parliament, first dismantled the checks and balances, foremost the Constitutional Court via formal abusive constitutional changes. As a next step, with the contribution of the weakened and packed Constitutional Court, the government aimed to eliminate the EU’s legislation and intervention based on the concepts of constitutional pluralism and identity elaborated via formal and informal abusive constitutional changes. The phenomenon appeared in the area of asylum and migration policy, but since there are other highly disputed issues between Hungary and the EU, such as public utility prices, or the rights of the members of the LMBTQ community, the concepts of constitutional pluralism and identity can serve as a shield in these cases as well in the future.

Basically, the packed Constitutional Court proved to be a partner in this process, but for now, unlike the Polish Constitutional Tribunal, has decided on one hand to dodge the direct conflict with the CJEU, and on the other hand not to question explicitly the primacy of EU law.

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# The nature of the Education Cleavage in four Eroding Democracies<sup>1</sup>

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**Abstract:** *In recent years, weaker and consolidated democracies alike were in many instances caught by a wave of autocratisation. However, given the protractedness in the time of the phenomenon of democratic erosion, it is not unlikely that the process overlaps with multiple electoral cycles. This gives to those parties committed to liberal democracy a window to organise themselves and challenge the incumbent at the ballots. The present study investigates whether the political division between incumbent parties and organised pro-democratic opposition in Poland, Hungary, Bolivia and Turkey coincides with a political cleavage that fits Baiern and Maier's three-dimensional conceptualisation of the term. Through a quantitative approach, it emerges that indeed authoritarian and liberal values (Normative dimension) substantially account for the divergence in political support (Organisational dimension) by the different educated groups (Social dimension) in all the countries under observation. These findings not only support the existence of an educational cleavage outside of Western and Northern Europe, but also highlights its centrality in the ongoing fight for democracy. Furthermore, Hungary appears as a peculiar case, since democratic commitment accounts more than the authoritarian-liberal scale in explaining the support (or lack of it) for the incumbent party by the Hungarian educational groups.*

**Keywords:** *Autocratisation, Democratic Erosion, Educational cleavage, Political Cleavages, DPA scale, Authoritarian scale.*

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## I. Introduction

In the context of transitional countries, the emergence in the political arena of a pro-democratic camp against an authoritarian one has been observed in several instances (Saxonberg 2001; Selcuk – Hekimci 2020). A reconfiguration of a political cleavage along similar lines is taking place in those countries transitioning from a democratic regime to an authoritarian one. In this study, the concept of autocratisation is denoted according to Luhrmann and Lindberg's definition. Autocratisation is thus seen as the loss of democratic traits of a regime, regardless of whether the country affected by it is a fully consolidated democracy, and regardless if this process ultimately results in a full democratic breakdown (Luhrmann – Lindberg 2019). In their systematic analysis of this phenomenon the two scholars have also observed that in the majority of cases, the democratic countries that transitioned to an authoritarian system have done so as a result of democratic erosion (*ibidem*).

As mentioned, when this process of erosion takes place, political opposition tends to coalesce under the banner of democracy against the ruling elite (Selcuk – Hekimci 2020). Since this usually happens while free elections are still in place, this pro-democratic camp often challenges the non-democratically committed elite at the ballots. As an example, we can mention Venezuela and the formation of the Democratic Unity Roundtable (Valenzuela 2014), or in the European context Poland and the creation of the Civic Coalition for the general elections of 2019. In some other cases, such as in Turkey, these alliances failed to formalise into a proper electoral coalition. This divergent outcome can be traced back to the persistence among the opposition of different inter-cutting cleavages, cleavages that run even deeper than the authoritarian-democratic one (Selcuk – Hekimci, 2020).

These differences in the nature of political opposition in democratic eroding countries call for the clarification of another key concept – cleavage. When the term cleavage has been used to indicate the re-positioning of parties in the context of democratic erosion, the concept encapsulates two specific dimensions: a political one (opposition coalition versus incumbent party) and a value one (pro-democracy versus pro-transition). This is a *de facto* abandonment of the demanding definition of the term developed by Bartolini and Mair, a definition that after decades of debates was finally able to bring some clarity in the relevant literature (Robert 2002; Kriesi 2010). Bartolini and Mair's conceptualisation of the term closely follows Rokkan's original writings and includes a third dimension alongside the two aforementioned: a social dimension. Summarising their argument: a cleavage is made up of a socio-structural element, a normative element composed of all those values that provide a sense of in-group identification to the socio-structural group, and an organisational element which is to say the institutions that the socio-structural groups form in the political and social arena (Bartolini – Mair 1990: 215).

Abandoning the social element from the definition means getting rid of a fundamental component of a cleavage. Yet this approach characterised the studies of the European party systems of the early 2000s. Political divisions were found to be between those parties proponent of post-materialistic values versus those fighting for strictly materialistic ones, between parties characterised by liberal values versus others more authoritarian. These cleavages, in contrast to those that preceded them, were believed to lack any specific social group of reference. This until Stubager found in the two societal segments of 'more formally educated' and 'less formally educated' the missing groups of reference of those values and political cleavages that have been observed dominating the modern European political landscape (Stubager 2010).

Stubager reached the conclusion that the particular features of the Danish education system tend to expose the Danish students to liberal values. Consequently, the longer the amount of time spent in the education system, the more likely it is to form a sense of belonging with other students on the ground of these shared values. The social and normative elements then find expression in the organisational realm, with the social group of more formally educated students voting for parties proponent of liberal values, and with these parties reframing their priorities in an attempt to capture this new electoral constituency. The Danish scholar was initially sceptical about the validity of his findings outside of Scandinavia. Nonetheless, a series of research that followed Stubager's breakthrough showed the link between obtaining a higher level of education, adopting liberal values and voting for specific political parties to be true even in other European regions (Pavlovic et al. 2019; Ford – Jennings 2020).<sup>2</sup>

## II. Study's hypotheses

From these premises, the present study aims to test the existence of a similar link not just between people with less time spent in the educational system and political parties characterised by more authoritarian values, but between the less formally educated and political parties behind a clear process of autocratisation.

An integral part of the investigation consists in the finding of an actual correlation between a lower education level and authoritarian tendencies in the countries examined. Because even though education can be found, and has been found, to be a significant predictor for specific political support in many different contexts, what we are trying to assess here is the existence of a cleavage. For this reason, it becomes fundamental to assess the presence of a value dimension and of its role as the bridge between social category and political organisation.

As such the first set of hypotheses can be framed as follows:

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2 Zoran Pavlović, Bojan Todosijević & Olivera Komar (2019) have found a correlation between education and specific party preferences in most of the Balkan countries.

*H1: Different education groups are more likely to vote for different political parties.*  
(Link between the social-structural dimension and the organisational one)

*H1a: Less educated citizens will be more authoritarian-oriented.*  
(Identification of the group's shared values)

*Hypothesis 1b: Liberal-authoritarian values cause a difference in voting behaviour among different educated social segments in democratic-eroding countries.*  
(Assessment of the influence of the group's values in connecting the structural dimension to the organisational one)

Given the existential perils of liberal democracy in the chosen countries, other sets of values are introduced into the equation in order to observe their influence on party support, starting from the absence or presence of a pro-democratic commitment among the social groups. This is a sentiment that is likely to still be acquired by the citizens through their time spent in the education system. For instance, a majority of Cross-national studies have shown that the educational level is the dominant social structural factor conditioning support for democracy, regardless of the democratic quality of the country taken into consideration or the region covered by the study (Evans – Rose 2012; Chong – Grandstein 2015: 364). More recent research presents more mixed results about the universality of education's positive influence on democratic behaviours and values. Some research confirmed the existence of the phenomenon, but also downplayed its significance for those citizens educated in authoritarian regimes (Diwan – Wartanova 2020). Other studies completely rule out the positive correlation between education and democratic values when education is attained in authoritarian countries with a long authoritarian legacy (Osterman – Robinson 2022).

As it will be illustrated, the four countries that will be used as subjects of this study differ in regard to geographical region, levels of democratic quality at the start of the process of erosion and length of their democratic history. So in the light of the more recent literature and its mixed results, the correlation between preferences for autocracy-democracy and education level will also be tested.

*Hypothesis 2a: Less educated citizens will prefer an autocratic regime, especially in those countries with a shorter democratic history.*

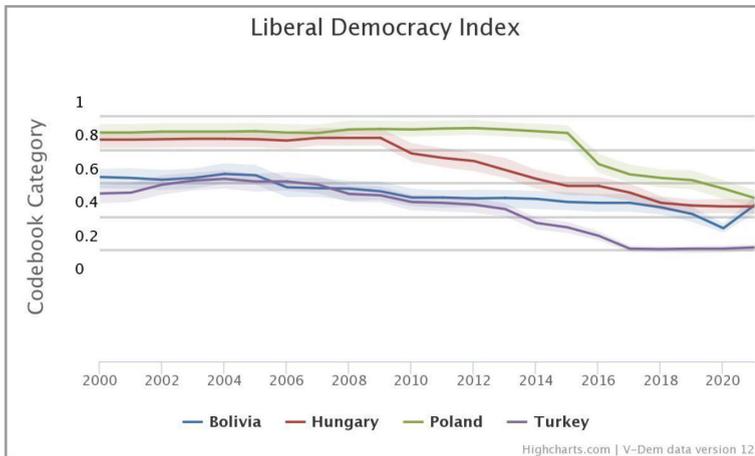
Moreover, the results of the elections in the democratic eroding countries can be a turning point between a fully authoritarian transition and a democratic recovery, thus democratic preferences might also account for the difference in voting behaviour between different educated social segments.

*Hypothesis 2b: Democratic-autocratic preferences cause a difference in voting behaviour among different educated social segments in democratic eroding countries.*

### III. The subjects of this comparative study

The countries chosen as subjects for this study are Bolivia, Turkey, Hungary and Poland. Their choice is based on the fact that in all these countries the quality of liberal democracy has declined steadily in recent years, as both the literature (Agh 2016; Gerschewski 2020; Velasco Guachalla et al. 2021) and the V-Dem index indicate (Figure 1). The index also shows the date of the beginning of the phenomenon in each of the countries: 2005 in Turkey, 2009 in Hungary, 2015 in Poland, and since 2015 the quality of democracy has worsened sharply in Bolivia.

**Figure 1: Liberal Democracy Index**



The four countries affected by the process of autocratisation are characterised by some similarities but also great differences in terms of political culture, political history and economy. Turkey can pride itself on a record of free and fair elections that dates back to 1950 (Kirischi – Sloat 2019: 4). This electoral-democratic history is however tainted by repeated military interventions in political affairs. The army for most of the country’s modern history never achieved the status of a professional and apolitical actor, something that is commonly considered to be a necessary feature of a liberal democracy (Huntigton 1957; 1996). Military officials invested themselves as the guarantors of Kemalism, and did not hesitate from intervening through military coups whenever the results of the democratic game threatened the principles upon which the republic was founded (Burak 2011). The democratic history of Bolivia, Poland and Hungary are more recent, with all the countries transitioning away from authoritarianism during what

Huntington defined as the third wave of democratisation (Huntington 1991). Despite the similarity in timing, even the process of democratic transitioning of these three countries was fairly distinct, with Hungary and Poland beginning the process of democratisation under the rule of one-party regimes, and Bolivia establishing a democratic government after a long series of military and civil-military dictatorships.

Their socio-economic indicators by the time their respective autocratisation process had begun also varied greatly. Without reporting here the entirety of the debate that stemmed from Lipset's modernisation theory (1959), assuming that democracy was indeed more likely to survive and consolidate in countries with a more developed socioeconomic, then we would find that all the countries under observation are characterised by elements that would run both against and in favour of a democratic breakdown.<sup>3</sup> Poland and Hungary had literacy rates higher than 99% in 2015, while Turkey's and Bolivia's were around 90% in 2012 but with levels that would constantly be improved in the following years, in parallel to the worsening of their democracy. The Urbanisation levels were the highest in Turkey, Hungary and Bolivia with values close to 70% while Poland lagged behind at around 60%. Economic-wise the two Central European countries and Turkey could count on much higher average incomes per capita (<10.000 \$ in 2010) than Bolivia (3000 \$ ca), and also on a lower Gini coefficient. However, Bolivia is also the country that saw a betterment of both its economic indicators during its democratic erosions, a fate that was not shared by Turkey. One last note on the economic context, in Poland, Hungary and Bolivia the democratic transition coincided with an economic transition from an economy based on socialist and corporatist principles to neo-liberal arrangements. The non-democratic committed political elites of Hungary, Poland and Turkey were able to increase their powers without radically upsetting the countries' neo-liberal arrangements, limiting themselves to just slightly adapt them to further their political agenda (Fabry 2019: 127–157; Geva 2021; Adaman – Akbulut 2021). On the contrary, Bolivia has been ruled since 2005 by a government that is openly against the neo-liberal economic model of development (Mendonça Cunha Filho – Santaella Gonçalves 2010; Kaup 2010).

The subject of economic transitions paves the way to the introduction of the last aspect that is here introduced to highlight the different political features of the countries under analysis: their party systems and their main political cleavages. Latin America was for many years considered to be deprived of any political cleavages. Even those political parties that were not supported by a network of individual clientelism still enjoyed inter-classes support and were de-ideologised in nature (Dix 1989: 25–6, 33; David Myers 1998; Roberts – Wib-

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3 The values relative to the socio-economic indicators are taken from the web page of the World Bank data, accessible at the following link: <https://data.worldbank.org/>

bels 1999). The idea of a continent with a lack of cleavages was further reinforced by the high volatility characterising most of the political systems in the region. Things started to change in the years following the economic transition and the adoption of those economic beliefs that became known as the 'Washington Consensus'. The decline of the left, the implementation of policies of decentralisation and the presence of an Indigenous majority in electoral districts became fertile ground for the ethnic parties' entrance into the political arena of many Latin American countries (Van Cott 2005: 225). In Bolivia, the most successful ethnic party, the MAS, aggregated the support of the indigenous people around their opposition to neoliberal reforms, such as the Land reform of 1996 (Van Cott 2005). De facto this led, at least in Bolivia, to the creation of a full-fledged political cleavage that sees in the indigenous people its main social component, in the anti-neoliberalism its value dimension and in the MAS party its main political organisation. Poland and Hungary's party systems were also characterised for most of their history by high volatility (Enyedi – Tóka, 2007; Bertoa – Biezen 2014). However, the main political cleavages that established themselves in the two Central European countries were religious in nature, even though the ethnic-nationalist sentiment is still strong and it is becoming much more prominent (Enyedi – Tóka 2007; Jasiewicz 2009; Bertoa – Biezen 2014). In Turkey, the main two parties, the CHB and the AKP, are the organisational expression of reinforcing cleavages that divide the Turkish society between centre and periphery, and between Islamists and secularists, since at least the early 2000s (Ozbudun 2013: 57).

From the picture sketched so far, it appears that the countries compared here have quite little in common from a political and economic perspective, then why choose to compare them? Mainly, this has been done for the similarity in the patterns of their autocratisation processes, which fit almost perfectly the definition set by Luhrmann and Lindberg of democratic erosion (2019). Through a comparative approach, if similarity in outcome (the particular expression of the educational cleavage in its organisational dimension) is observed from different designs then our findings would be characterised by a degree of generality that would cut across geographical regions, features of political and economic systems and democratic history (Sartori 1991: 250).

Before moving to the empirical study, it is then imperative to highlight the similarities in their process of democratic erosion since, as just explained, this is the main criteria behind the selection of these specific countries.

Luhrmann and Lindberg (2019) define democratic erosion as 'the process of gradual but substantial undermining of democratic norms without the abolishment of the key democratic institutions by incumbents which have legally accessed power'. How is it possible to undermine democracy without abolishing its key institutions? In all the countries observed this has taken place through the reframing of the concept of 'democracy' by the incumbents. During the

democratic erosion, the importance of all those institutional elements established to limit the leader's power and at the base of liberal democracy starts to be downplayed both in the public discourse and at a formal level.

The case of Venezuela is here reported for its exemplificative value. After Hugo Chavez was elected president of Venezuela in 1999 one of his first acts was the summoning of a constitutional assembly for the drafting of an entirely new constitution. The new chart came to highlight the participatory dimension of democracy at the expense of the liberal institutions set up by the Punto Fijo Pact of 1968, which were until that point the pillars upon which the political system of the country was built (Canache 2012; Coker 2014: 88; Garcia-Guadilla – Mallen 2018). According to the new constitution the 'People', as a unitary group, became the sole and ultimate source of authority. This newly established communal model of democracy soon translated into the prevarication of civil and individual rights by the will of the majority (Garcia-Guadilla – Mallen 2018), and allowed the elected leader to rise above the other political institutions.

Hungary's process of democratic erosion followed a similar pattern. The features of 'democracy' have not been formally altered by the drafting of a completely new constitution, but rather through a series of amendments. Fidesz's supermajority in the legislative assembly was what paved the way to the substantial undermining of core liberal-democratic principles. For instance, the separation of powers has been hampered by the executive extension of its control over the central bank and over the appointments for the judiciary offices. Checks and balances assured by some prerogatives of the parliamentary opposition have also been progressively scrapped (Sajó 2019; Drinóczi – Bień-Kacała 2019). This new reconfiguration of the Hungarian political system has been made explicit by Orbán himself when in 2014 he declared to the public that 'We [the Hungarian people] have to abandon liberal methods and principles of organizing a society. The new state that we are building is an illiberal state, a non-liberal state' (Buzogany 2017: 2). Even in this case the legitimacy of the incumbent still derives from the electoral process and the coincidence between the will of the people and the will of the majority (Sajo 2019). These two cases parallel the autocratisation of Turkey and Poland (Drinóczi – Bień-Kacała 2019). Similarly, in Bolivia Evo Morales's first election in 2005 was accompanied by the drafting and ratification of a new constitution that strengthened the idea of popular and indigenous participation. The hollowing of the Bolivian liberal democratic institutions never reached the intensity observed in the aforementioned cases and the incumbent was always re-elected through fair and free elections. Nonetheless, the phenomenon was still present and gained speed after 2015, reaching its apex with Morales's removal of the presidential terms limit through its control over the Constitutional Court (Velasco Guachalla et al. 2021).

## **Methodology**

The methodology adopted to test our hypotheses closely follows the one illustrated by Pavlovic et al. (2019) in their article ‘Education, Authoritarianism, and Party Preference in the Balkans’. Each step will be explained in more detail in the section covering the actual analysis. In more general terms, binomial logistic regressions are used to verify the correlation between education level and political support, then a one-way ANOVA analysis will assess the connection between liberal values/democratic support and education, and Kappas comparisons will finally tell us the level of influence solely by liberal values and democratic support in accounting for the difference in political preferences by the different education groups. The countries, of course, differ from those studied by Pavlovic et al since their aim was to explore the educational cleavage in the Balkan region while in this case the focus is on countries undergoing a process of autocratisation.

## **Datasets**

The data that will be used in this study are taken from the EVS-WVS Joint dataset 2017–2020. In all four countries, the surveys were taken in 2017. The year, with perhaps the exception of Turkey, is time-wise optimal. In fact, a survey taken too close to the incumbent’s first election runs the risk of not being fully revealing, since the process of democratic erosion is protracted in time, and since the political opposition needs time to mobilise. Furthermore, data about voting intentions from surveys conducted too long after the beginning of the phenomenon could be invalidated by the citizens’ disillusion with the electoral process, since it has to be expected that it progressively becomes less free and less fair. Moreover, the citizens’ fear of an autocratic elite that has already solidified its power might also lead to untrustworthy responses.

## **Concepts operationalisation**

A three-level categorical variable on the highest education level attained by the respondents is generally used in the analysis as the main independent variable. The variable was already codified in its three levels (primary, secondary and tertiary education) by the WVS and the EVS. Regarding the political support for each political party, in Hungary, Bolivia and Turkey the respondents were asked to answer the following question: ‘If the elections for the Parliament were held tomorrow/next week, which party or coalition would you vote for?’ While in Poland the question was framed in a slightly different way ‘Which party or coalition do you feel the closest to?’ Not all the parties of the four countries are going to be observed in their relation to respondents’ education and their

values: only the party of the incumbent and the main opposition party/coalition are taken into consideration.

The most complex part regards the construction of the values dimensions. For the authoritarian-liberal one, Pavlovic et al. utilised a conventional scale of authoritarianism composed of nine items obtainable from the EVS and WVS questionnaires: whether (1) homosexuality, (2) abortion, (3) divorce, (4) euthanasia and (5) having casual sex are acceptable; (6) whether people prefer a strong leader who does not have to bother with parliaments and elections; (7) whether obedience is an important quality child should learn at home; (8) whether one should always love and respect one's parents regardless of their qualities and faults; (9) and whether people believe that greater respect for authority in the future is a good thing (Pavlovic et al. 2019). This scale has been adopted already by Regt et al. (2011: 302), which in turn re-elaborated it from Altemeyer's Right-wing authoritarianism (RWA) scale (*ibidem*).

In Altemeyer's original work, authoritarianism was conceptualised as the covariance of a (1) strict adherence to conventional norms and values (conventionalism), (2) an uncritical subjection to authority (authoritarian submission) and (3) feelings of aggression toward violators of norms (authoritarian aggression) (Altemeyer 1988).<sup>4</sup> In the RWA scale the first five items measure the latent variable 'conventionalism', while the later four the 'authoritarian submission and aggression' (*ibidem*).

In this paper, the model's fit for each one of the countries singularly will be asserted through Confirmatory Factor Analysis of the scale's items (Ariely – Davidov 2011).<sup>5</sup> An important difference is the exclusion of one of these nine original items, namely 'whether one should always love and respect one's parents regardless of their qualities and faults' since the question was not present in all four questionnaires.

The dimension of the democracy-autocracy preference (DAP) scale is operationalised using the WVS and EVS items resulting from the following questions: 'For each, would you say it is a very good, fairly good, fairly bad, or a very bad way of governing this country?: (1) Having a strong leader who does not have to bother with parliament and elections, (2) Having experts, not governments, make decisions according to what they think is best for the country, (3) Having the army rule, (4) Having a democratic political system' (Ariely – Davidov 2011). After having conducted a CAF in all the single countries on cross-national democratic attitudes, Ariely and Davidov (*ibidem*) found that the DAP model was not acceptable for many of those countries. The two authors believed that

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4 The reader can see how the three dimensions parallel those of 'the authoritarian personality' developed by Adorno in his homonymous book.

5 The CFA estimates the relations between observed indicators (our 9 items) and the hypothesised latent construct (authoritarianism), and provides fit indices that report whether the hypothesised structure of associations between a latent construct and its proposed indicators fits the data.

the main cause lies in the fourth item 'having a democratic political system', and in the broad arrangement of meanings that can be attributed to the term. Since this weakness of the model could just be context-dependent, at first the D.A.P. will be tested maintaining all of its original items.

### ***Methodological and theoretical limitations***

Before continuing the reader should be aware of some limitations that are intrinsic to the employed methodology. The first weakness lies in the small number of cases considered. Some countries whose autocratisation patterns also fit the model sketched above, such as Venezuela in the early 2000s, had to be excluded from this study on methodological grounds, namely for the lack of necessary data. Other countries, like Brazil and India, have instead been covered by the WVS surveys during the years of their democratic erosions, and their inclusions would certainly fit the aim of this investigation. However, a lack of familiarity with these two countries' cultural and political contexts led to their exclusion, limiting this way the potential coverage of this research. As Sartori argued in his famous article 'comparing and miscomparing', there is not a definitive number of cases after which it is possible to attribute to the findings of a comparative study the character of universality (Sartori 1991), this should also be remembered in case the sought cleavage exists and presents the same features in all the four countries.

A more conceptual weakness lies in the fact that the Altemeyer model of authoritarianism was developed considering right-wing authoritarianism, and in the case of Bolivia is used here to test the authoritarian personality of citizens who are living under a left-leaning autocratic elite. If the specific political orientation of authoritarian government results in specific features associated with the authoritarian values of a given society is a hypothesis worth investigating. However, given the generality of the dimensions of conventionalism and submission to authority that constitute the authoritarian model, it is believed that this factor would not invalidate the result substantially. The reader should be nonetheless aware of this fact, especially in case of a divergence in the outcomes between Bolivia and the other three countries.

## **IV. Analysis**

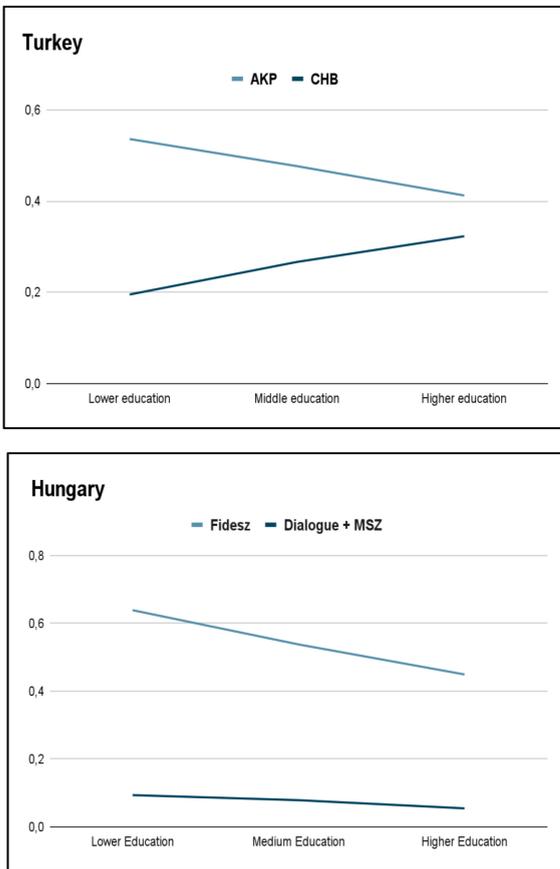
### ***Testing hypothesis H1: Different education groups are more likely to vote for different political parties.***

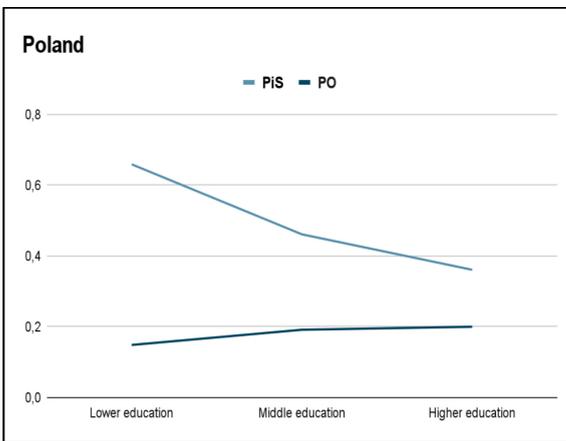
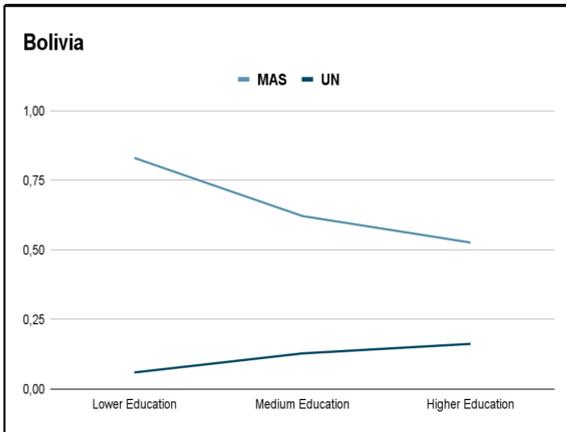
In order to test Hypothesis H1, a series of binomial logistic regressions for each country have been conducted with the voting for the incumbent political party versus voting for any other party as the dependent variable. A second logistic

regression was carried out this time with ‘voting for the main opposition party versus voting for any other party’ as the dependent variable. In this first phase education was the only predictor of party orientation used, no other control variables were added. As expected, higher education and voting for the incumbent party were negatively correlated in all the countries observed, but the relation between being more educated and voting for the main opposition party is not equally linear. For instance, in the case of Hungary, higher educated citizens are also less likely to support the coalition composed of ‘Dialogue For Hungary’ and the moderate ‘Hungarian Socialist Party’ (MSZP), which since 2014 have run together in different coalitions to challenge Orban and his party ‘Fidesz’.

The results of the binary logistic regressions are reported in the Annex, while Figure 2 shows the decrease in the predicted probability of voting for the Law and Justice (PiS), Fidesz, Movement for Socialism (MAS) and the Turkish Justice and Development Party (AKP), at the increase in education level.

**Figure 2: Mean predicted probabilities of different voting outcomes for educational levels**





Before continuing with the testing of the main hypothesis, a preliminary step consists of identifying the parties' stance on the main values and concepts that the EVS authoritarianism and DPA scales try to capture. If it appears that the parties more strongly supported by the less-educated citizens are also characterised by a strong support for traditional beliefs, a stronger emphasis on political authority, and a more negative view of constitutionalism and democracy, then this would be an ulterior hint toward a connection of the socio-structural side of the cleavage with the organisational side through the sharing of the aforementioned values. This connection could just be a case of correlation without causation, and therefore it will require more rigorous testing later on. Nonetheless, results in line with the starting hypothesis would further justify the direction of this study and could offer a base for the interpretation of divergent statistical results.

Through data obtained from the Manifesto Project Database, Table 1 highlights the parties' stances on selected issues as expressed by their electoral

manifesto of 2015 and 2018, with higher scores being synonyms of a higher emphasis on a specific issue.

**Table 1: Parties’ manifestos scores on selected issues**

Country	Constitutionalism: Positive	Democracy: Positive	Traditional Morality: Positive	Political Au- thority: Strong government
<b>Poland</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>
PiS	0.146 – 0.548	1.987 – 1.371	2.338 – 2.955	0.205 – 0.426
Civic Platform (PO)	0.091 – 0.236	0.912 – 5.813	0–000 – 0.079	0.000 – 0.000
<b>Hungary</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>
Fidesz	1.133 – 0.000	1.133 – 0.673	0.567 – 8.52	5.666 – 0.448
Hungarian Socialist Party	0.000 – 0.000	4.727 – 4.173	0.169 – 0.298	0.000 – 0.000
Dialogue	0.000 – 0.055	3.459 –3.770	0.000 – 0.328	0.364 – 0.055
<b>Bolivia</b>	<b>2014</b>	<b>2014</b>	<b>2014</b>	<b>2014</b>
MAS	1.514	0.336	0.336	0.589
National Unity (UN)	0.000	5.057	0.000	0.126
<b>Turkey</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>	<b>2014 – 2018</b>
AKP	0.000	5.972– 1.795	1.529– 0.649	0.049– 0.115
CHB	5.972 – 0.134	9.524– 8.011	0.348– 0.000	0.000– 0.000

Perhaps counter-intuitively, it is possible to see that some of the parties leading the process of democratic erosions are also emphasising their support for constitutionalism. This could be explained by their efforts at legitimising their rule and increasing their power through constitutional amendments, as it was mentioned in one of the previous sections.

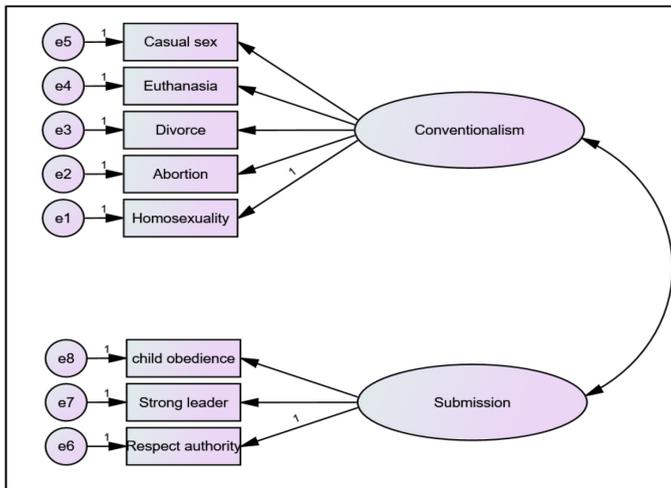
The other scores seem more in line with the study’s hypotheses. In the case of Poland between 2014 and 2018, the PiS manifestos decreased their emphasis on democracy to stress the importance of greater political authority and traditional values (the main dimensions behind the EVS authoritarian scale). Hungary is perhaps the country in which the cleavage around democracy is the most formalised at the organisational-political level: with Fidesz refocusing its platform on conventional values and political authority, and the opposition keeping their stance as the main proponent of democracy. A similar trend can be seen also in the non-European autocratising countries.

***Testing Hypothesis H1a: Less educated citizens will be more authoritarian oriented.***

In both the works mentioned in the methodology, the latent variable ‘authoritarianism’ was constructed by first subjecting the nine items to a multiple-group

confirmatory factor analysis with a maximum likelihood method of estimation (Regt et al. 2011; Pavlovic et al. 2019). Similarly in this study, a series of Confirmatory Factor Analyses (CFAs) were conducted in each of the countries. The software employed for the tests, AMOS.16, is not capable of computing variables presenting missing values, so an expectation-maximisation algorithm has been used to bypass the issue. The model analysed is the one depicted in Figure 3. The eight items have been divided among those constructing the ‘Adherence to conventional norms’ and those composing the ‘Submission to Authority’ dimensions of an authoritarian personality, in accordance with Altemeyer’s reconceptualisation of the term. Finally, the variable ‘Important child quality: obedience’ has been re-coded in order for it to follow the same direction as the others (Higher score = Lower authoritarian tendencies).

**Figure 3: Confirmatory factor analysis of the EVS Authoritarianism Model**



The alpha value of the nine items scale found by Regt et al, (2010) was around 0. 60. Similar values have been observed in the country-by-country analysis by Pavlovic et al. The overall alpha value of the modified EVS authoritarian model used in the present study does not differ from those results despite the elimination of one of the items. The alpha reported in Table 2 is the standardised one because some of the items in the survey were operationalised on different scales<sup>6</sup>.

6 For instance, the question ‘In which circumstance is homosexuality justifiable?’ is a Likert scale with 10 possible replies from ‘never justifiable’ to ‘always justifiable’, while the variable ‘Having a strong leader who does not bother with parliament and elections’ is coded on a scale of just 4 values.

**Table 2: EVS Authoritarianism Scale: Goodness of Fit Statistics of CFA<sup>7</sup>**

Country	Standardised Alfa <sup>8</sup>	RMSEA	CFI
Poland	.703	0.070	0.961
Bolivia	.580	0.031	0.980
Hungary	.660	0.066	0.954
Turkey	.755		

The model's Goodness of Fit for Turkey, like for all the others, is acceptable according to the literature. However, the standardised factor loading of the items associated with the 'submission to authority' dimension is non-existent.<sup>9</sup> The only reason why the model is statistically acceptable appears then to be the strong loading of the items of the sole dimension of 'conventionalism'.

This misfit of the model in only this singular country might be due to cultural peculiarities of the country, the non-equivalence of particular items across countries or a combination of both (Ariely – Davidov 2011), also, human error during the CFA or in the interpretation of its outputs cannot be ruled out. Whatever the reason is, the EVS authoritarian scale has not been used in the analysis of Turkey.

In all the other instances the one-way ANOVA shows that the authoritarian scale is positively correlated with the level of formal education. Higher values in the authoritarian scale, or greater liberal values, are associated with higher levels of education attained. This is in line with Stubager's findings on the Danish education cleavage (Stubager 2010), Ford and Jennings's ones about the Western European region (2020) and those of Pavlovic et al.'s research on the Balkan countries (2019). It appears that even in countries of Central Europe such as Hungary and Poland, and even as far as Latin America with the Bolivian case, there is a correlation between education and the adoption of liberal values.

Stubager in his research went a step further, following more closely Bartolini and Maier's conceptualisation of cleavage. He also demonstrated that for the social segment of the more educated, liberal values function as identity providers allowing them to strengthen their self-identification as a different group. The one-way ANOVA does not allow us to test this dimension, but its results reported in Table 1, are nonetheless very telling regarding the connection be-

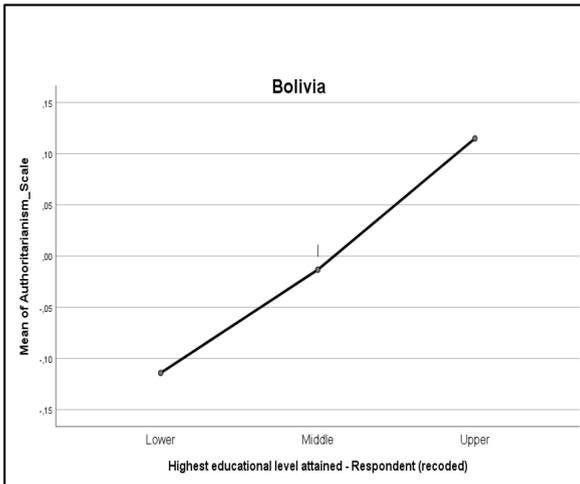
7 The goodness of the statistics of the Confirmatory Factor Analysis are interpreted according to the guidelines set by Schreiber, James B. et al. in 'Reporting Structural Equation Modeling and Confirmatory Factor Analysis Results: A Review' (2010).

8 A generally accepted rule is that an  $\alpha$  of 0.6-0.7 indicates an acceptable level of reliability, and 0.8-1.00 is a very good level (Cho 2016).

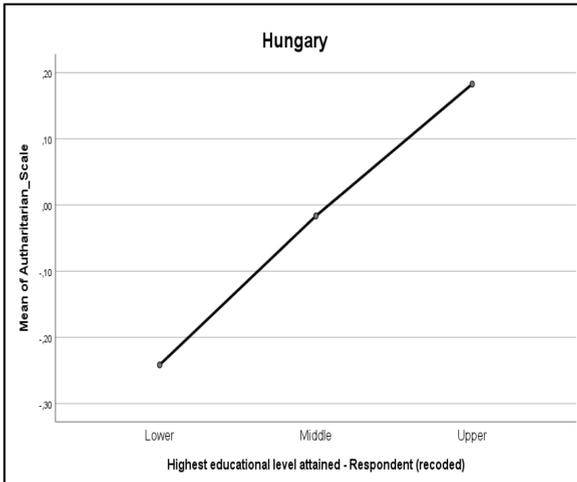
9 The Factor loading of Turkey's 'EVS authoritarian model' can be found in the annex.

tween the two variables. A connection which is moderate in Central Europe  $\eta^2 > 0.06$ , and weaker but still statistically significant in Bolivia with  $\eta^2 > 0.03$ .<sup>10</sup>

**Figure 4: Relationship between authoritarianism and education**

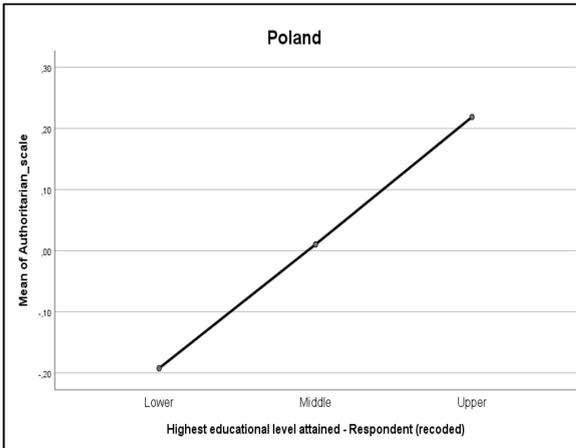


$F(2, 1504)=49,06$   $p<0,001$   $\eta^2=0,061$



$F(2, 2058)=38,26$   $p<0.001$   $\eta^2= 0,036$

<sup>10</sup> The interpretation of the  $\eta^2$  has been made following the SPSS guide available at the following link <https://www.spss-tutorials.com/effect-size/>. Rules of thumb in statistics are usually frowned upon. However, at least in regard to the Central European case-studies, these results seem in line with the theoretical literature.



$F(2, 1340)=58,285$   $p<0.001$   $\eta^2=0.080$

***Hypothesis 1b: Liberal-authoritarian values cause a difference in voting behaviour among different educated social segments in democratic-eroding countries.***

Finally, it is time to observe the phenomenon of the distribution of political support by values and level of education in order to assess its nature as a proper cleavage. To do so the role of authoritarian-liberal values in party support will be estimated by introducing the EVS authoritarian scale as a control value alongside the independent variable ‘level of education’. At first, the Kappa index of the sole variable ‘level of education’ was estimated by summing the standard deviations of the three coefficients of each of its three levels. This ‘gross’ Kappa (Pavlovic et al. 2019) was later confronted with the net Kappa, or in other words the overall Kappa once the regression coefficient of the authoritarian scale is also introduced. The greater the change between the two Kappa indexes, the greater the influence of authoritarian values in explaining the differences in political preferences among the education groups. The results of this operation are summarised in Table 3.

The changes in Kappa value show the influence of authoritarian and liberal values in explaining the differences in political preferences by the different educational groups. This is true for all the countries and respective parties, except for the anti-Fidesz coalition in Hungary, for which the two variables were not significantly correlated.

**Table 3**

Party	Gross Kappa	Net Kappa	Change	Relative change
Poland				
PiS	0.35	0.22	-0.13	-37%
PO	0.45	0.31	-0.14	-31%
Hungary				
Fidesz	0.37	0.28	-0.09	-24%
Coalition	0.70*	0.48*	-0.22*	
Bolivia				
MAS	0.36	0.22	-0.14	-38%
UN	0.54	0.33	-0.21	-39%
* not statistically significant				

### *Interpretation of the findings*

The analysis conducted thus far demonstrates the existence of a full-fledged cleavage in all the four countries observed. The lines of this cleavage separate the less and more educated segments of society and, politically, those parties that have undertaken a process of democratic erosion and those that are trying to stop them through the electoral competition. What partially separates these social segments from each other, and links them to specific political parties, is their different stance on the liberal-authoritarian axis. In fact, in line with the mainstream literature, a strong correlation has been found between higher levels of education and stronger liberal values. This correlation was more significant in the Central European countries, and only moderately significant in Bolivia.

Stubager's theory about the education system being a carrier of liberal values only in Northern Europe and not necessarily in other European regions has been disproved in following studies on the subject (Pavlovic et al. 2019; Lujan 2020). Different education levels have also been found to account for the divergent political support of specific parties in other Latin American countries (Barrera et al. 2021). Coherently with this literature, the results of the one-way ANOVA seem to indicate that indeed the education system of Bolivia exposes the students to liberal values, but to a lesser extent than the European ones.

The results of the kappa comparison present us with the reverse picture, with liberal values accounting to a lesser degree for the political divergences among educational groups in Poland and Hungary. This might be due to the presence in the two countries of reinforcing value cleavages that characterise the education groups and their political choices (Pavlovic et al. 2019). Yet this is also the case in Bolivia with the ethnic and educational cleavages being reinforcing cleavages in the Bolivian society (Reimao – Tas, 2017: 236). Another reason-

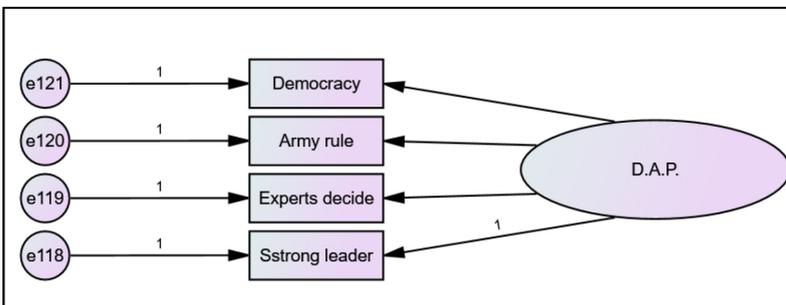
able hypothesis is linked to the supply-side dimension of politics. The clearer the party's stance on an issue the more accurately voters may decide whether to accept the party's pleas for support (Pavlovic et al. 2019). Adopting this perspective, the MAS would just be better able to promote (or 'would be more capable of promoting') those authoritarian-oriented values that characterise the less-educated Bolivians, yet the scores in Table 1 also run against this theory.

**Testing Hypothesis 2a: Less educated citizens will prefer an autocratic regime.**

The analysis of the previous chapter provided some evidence in favour of the existence of a cleavage that has as its social groups of references educated and less educated citizens, with the latter mostly supporting those parties responsible for the declining democratic quality of their country. Following the most recent findings in the literature on cleavages it has been hypothesised that the set of values linking these social groups to these political parties was to be searched for within the authoritarian-liberal value dimension. Indeed, it appears that some of the divergence in political preferences by different education groups can be explained by the different degrees of authoritarianism characterising their average member's personality (Figure 4, Table 3).

However, this research aims to go one step further, investigating if the political support given by the less educated to the incumbents' parties, is also purposefully given because of a weaker democratic commitment. This implies that voters are aware of the process of democratic dismantling and yet they are not necessarily against it or even go as far as to see it as a more favourable option than the democratic status quo. The democratic commitment is going to be tested by adopting the DAP model as the independent variable. This model, like the previous authoritarian scale, is also constructed through EVS and WVS items.

**Figure 5: Confirmatory factor analysis model of Democracy-Autocracy Preference (D.A.P.)**



Similar to the testing of the EVS authoritarian model, in this case an expectation-maximisation algorithm has been used to account for the missing variables so that the Confirmatory Factor Analysis could run. The item ‘Having a democratic political system’ has been re-coded in order to follow the other items, so that higher scores would be synonymous with stronger preferences for a democratic system. Finally, the standardisation of the items was not necessary since all of them were ordered on the same ordinal scale with 1 and 4 as the extreme values.

**Table 4: D.A.P. : Goodness of Fit Statistics of CFA**

Country	Alfa	RMSEA	CFI
Poland	0,454	0,149*	0,890
Bolivia	0,287	0,052	0,973
Hungary	0,235*	0,127*	0,872
Turkey	-	-	-
*not statistically significant			

As it appears from the results of the CFAs reported in table 4, the measurement model is not acceptable in two of four of the countries. In the case of Poland the RMSEA is greater than 0.1, and the factor loading for the item ‘Having a democratic political system’ is null. In the case of Hungary, alongside the RMSEA greater than 0.1, the alpha value is also very low. For Bolivia, the model is acceptable but, despite being re-coded, the democratic variable is still negatively loaded. Ariely and Davidov’s (2011) research would suggest that the problem lies in the open interpretation of the term ‘democratic’. These findings could indicate that the DAP model as it is might not be an expression of any latent variable in these specific countries, let alone the latent variable that it was in our interest to observe: democratic commitment. Having run into the same exact problem as Ariely and Davidov (2011), it can be expected that no matter which modification will be made to the model, it is unlikely that its outcomes will be acceptable. The elimination tout-court of what the two authors believed to be the problematic item is also not an option: with only three items, a CFA model has zero degrees of freedom and is therefore not testable.

A recent argument made by Sokolov (2021) is relevant for understanding the cause behind the model’s weakness.<sup>11</sup> According to him, such weakness goes deeper than the general misunderstanding of the term democracy by the respondents, and it rather concerns the nature of the items chosen. A non-democratically committed citizen might believe that democracy is not the best form of government and that the rule of a strong leader not bothered by the legislative is something of an improvement. Simultaneously, the same respondent might be particularly

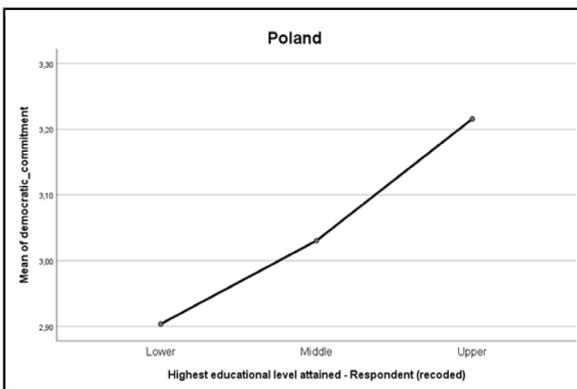
<sup>11</sup> Sokolov’s reasoning was developed for another set of other items of the EVS but mutatis mutandis it also covers the subject of the current analysis of the DAP model.

sceptical of the army’s involvement in politics or it might be characterised by a general mistrust for technocrats. This logic can be brought to a higher level: more religious social segments might tend to prefer a theocratic regime change, and they would still be characterised by a higher preference for autocracy over democracy despite being completely against the eventuality of the army’s rule over society. What Sokolov’s argument implies in this context is the following: it would be theoretically unjustified to require strong intercorrelations and, thus, interchangeability, between these specific indicators used to measure authoritarianism (Sokolov 2021). Thus it would be inappropriate to use correlation-based methods like SEM or CFAs to assess the validity of this kind of measure.

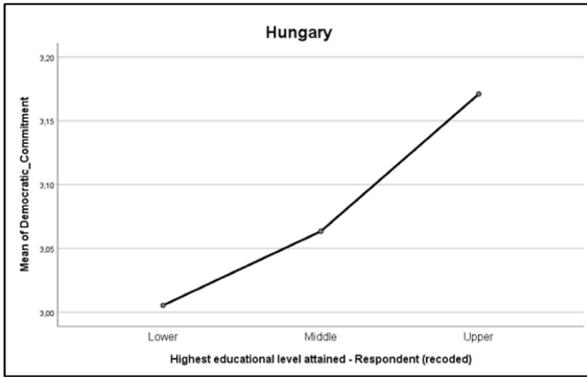
The course of action adopted was then to construct and operationalise a scale of autocratic preferences despite the worse CFA results, and repeat the analysis of the previous section.

As figure 6 shows, the results of the ANOVAs are strongly context-dependent. For the Central European democracies, there is indeed a significant correlation between higher education and a higher commitment to democracy over authoritarian alternatives. In Turkey, while the nature of the correlation between the two variables fits the hypothesis, such correlations are non-significant. The findings relative to the country of Bolivia diverge from those of the rest. The Bolivian citizens who have attained a middle-level education are on average more sceptical about democracy than those less educated. The one-way ANOVA between education and each of the single items composing the DAP scale (annex) indicates that this is mostly due to the technocratic stances characterising the more educated segments of Bolivian society. Another partial explanation for this non-linear correlation is the preference expressed by the mid-educated for a strong leader, which as expected is greater than that expressed by higher educated Bolivians, but surprisingly is also greater than those of the less educated.

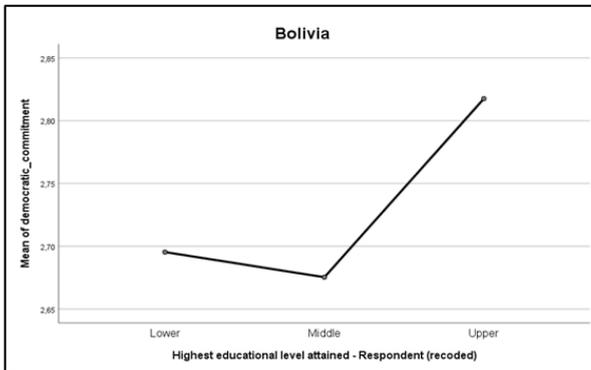
**Figure 6: Relationship between democratic preferences and education**



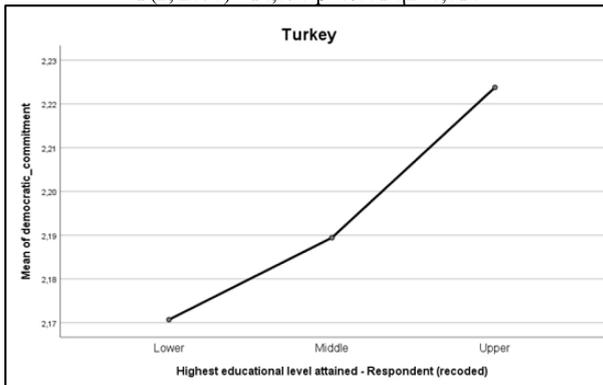
$F(2, 1299) = 41,686$   $p < 0.001$   $\eta^2 = 0,060$



$F(2, 1467)=12,417$   $p<0.001$   $\eta^2=0,017$



$F(2, 2030)= 14,090$   $p<0.001$   $\eta^2=0,014$



$F(2, 2287)=1,054$   $p<0349^*$   $\eta^2=0,001^*$   
 \*not statistically significant

**Testing Hypothesis 2b: Autocratic preferences cause a difference in voting behaviour among different educated social segments in democratic-eroding countries.**

With the introduction of the DAP scale as a control variable, the Gross-Net kappa gap is in some instances larger than that resulting from the employment of the Authoritarian-Liberal scale. However, the binomial regressions tell us that the DAP scale is not a significant predictor of party preferences for most of the parties observed, with the exception of Fidesz and the Turkish ones. The hypothesis that the preference for a regime change can explain the differences in political preferences by the different educational groups cannot be accepted or rejected in toto, but it is instead context-dependent.

**Table 5**

Party	Gross Kappa	Net Kappa	Change	Relative change
Poland				
PiS	0,35*	0,20*	-0,15*	
PO	0,45*	0,34*	-0,11*	
Hungary				
Fidesz	0,37	0,23	-0,14	-38%
Coalition	0,70*	0,48*	-0,22*	
Bolivia				
MAS	0,36*	0,21	-0,15*	
UN	0,54*	0,31*	-0,24*	
Turkey				
AKP	0,24	0,16	-0,08	-0,33%
CHP	0,22	0,19	-0,03	-0,14%
* not statistically significant				

**Interpretation of the findings**

It has been found that in Poland, and to a lesser degree in Bolivia and Hungary the level of education can account for the differences in autocratic preferences within the countries’ respective population. However, it is important to remember that despite this strong correlation between the two variables in Poland, the country is also the one with the highest level of preference for democracy in absolute terms. While the results regarding the Central European countries fell in line with the literature on the education’s role in the strengthening of democratic support and democratic-related political values, Bolivia’s outcomes are once again open to speculation. To start, a higher-than-average prefer-

ence for a strong leader has been found.<sup>12</sup> A cross-national study conducted by Sprong et al. in 2019 identified a significant link between economic inequality and the citizens' desire for a strong leader. When MAS achieved its first victory, the Gini index of the country was close to 0.60, one of the highest in the world (World Bank 2022). To this day it remains incredibly high, but it has been brought down to a historically low of 0.40 by the time of Morales ousting from power. In the context of Bolivia, the strong leader's ability in tackling the issue might have reinforced the societal belief that income inequality can be reduced only by increasing the powers of the executive.

Another peculiarity of Bolivia is the strong preference for a technocratic system of decision-making within the more educated strata of society. The MAS rose as a counter-movement to those parties of the establishment which embraced the neo-liberal agenda. Once in power, one of the first moves of the new government was the reduction of the influence wielded by the technocrats of the Ministry of Finance (Dargent 2015: 159). Given the general opposition to Morales by the more educated, pro-technocratic stances may be adopted as a self-identification mechanism, to further differentiate themselves from the anti-technocratic and more populist values of the lower educated party of reference (Teik 2014).

Not much can be said about the data reported in Table 4, it appears that despite the existence of a correlation between a higher level of education and a stronger democratic commitment to autocratic alternatives, the former variable is not the main reason behind the respondents' choice for supporting or not the incumbent party. A notable exception is Hungary, in which the DAP scale is significant, and when used as a control variable produces a larger Kappas divergence than the EVS authoritarian scale. It seems that in the country the liberal versus authoritarian values is not the only set of beliefs differentiating the social segments of the educational cleavage. This might even explain the country's lower Kappas difference observed in Table 3.

From a formal standpoint, Fidesz is not the only incumbent party that has abandoned any mention of democracy in a positive light, this trend has also been shared by the APK and the PiS (Table 1). This peculiarity might be traced back to the empirical level, and the intensity of the process of autocratisation affecting the country, but further research are needed to confirm this hypothesis.

## V. Conclusion

That a political competition between non-democratic committed elites and an organised opposition emerges in democratic eroding countries was already evident without the need for extensive research. That these two political camps

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<sup>12</sup> The relative data can be found in the annex

draw their support from specific social segments could have also been expected, and in fact, the first chapter of this study confirms it. Even though their constituencies are not exhausted by these two social categories, it appears that more educated citizens are less likely to feel closer to those parties responsible for the hollowing of their democracy, while less-educated citizens are one of their electorate of reference. Some authors would have been satisfied with these results and call for the existence of an educational cleavage in the democratic countries undergoing a process of autocratisation. However, attempting to remain faithful to Bayern and Maier's conceptualisation of the term this study wanted to investigate the cleavage in all three of its classic elements.

Identified was the socio-structural element (the group of citizens who have attained only a lower level of education) and its organisational element (the party of the incumbent), what was lacking at the end of the first part of the study was the psychological-normative elements (Stubager 2010). What is the set of ideas and beliefs that provide a sense of in-group identification within the social category and that works as a linkage between the social category and the political party of reference? Following the findings of research that have already covered educational cleavages in other contexts, we started from the hypothesis that these values were those associated with an authoritarian personality. Indeed, from the Kappas analysis, it appears that authoritarian and liberal values account substantially for the divergence in political support by the different educational groups.

Nonetheless, the particular political situation of the case studies led to hypothesising other values that could explain the support given to the incumbent party by the less educated. For instance, the literature found a link between education and democratic support. Not only is this link confirmed to exist in three of the four case studies, but in Hungary, these different degrees of democratic commitment explain the support, or lack of it, for Fidesz.

Finally, this study ends with two final notes. The first is that overall education, for different reasons according to the context, remains an effective method to reducing people's allure for those politicians endangering our democracies. The second is to remember that this research hasn't considered those other cleavages that might exist in autocratising democracies alongside the educational one. While recognising the importance of education and the role played by the more educated in the defence of democracy, we should then refrain from falling into an over-simplistic and elitist view of the phenomenon.

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# Peculiarities and Prospects of the European Union Involvement in the Settlement of Conflicts on the Territory of the Eastern Partnership Countries<sup>1</sup>

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**Abstract:** A new EU global strategy is being formed, as opposed to the European Security Strategy, which no longer corresponds to the geopolitical environment. In accordance with the evolution of security threats at the basis of the Global Strategy, the trends of ensuring unity within the EU and its global leadership, as well as strengthening the EU's defence capabilities and changing its security approaches are now becoming of vital importance. It is the security structural transformations that currently pose the task of geopolitical repositioning to international actors in the global security system. In the conditions of such restructuring, the role of the EU in resolving international conflicts is given a special place. It is obvious that its classic approaches to conflict resolution have lost their perspective.

**Key words:** *European Union; mediation; Eastern Partnership; armed conflicts; negotiation process; peacekeeping activities; territorial integrity; unrecognised republics; separatists; international security; threats; peace agreement; war*

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## I. Topicality of the scientific research

The foreign policy orientations of the European Union (hereinafter the EU) are aimed at forming mutually beneficial relations with democratic states that implement pro-European policies. A paramount position is held here by the participating countries of the Eastern Partnership (EP), the initiative launched on 7 May 2009 at the Prague EU Summit. The abovementioned initiative provides for multilateral cooperation of EU member states with the Eastern European countries, namely, Azerbaijan, Armenia, Georgia, Moldova and Ukraine (Belarus suspended its EP membership in June 2021).

However, the European integration and Euro-Atlantic aspirations of the countries participating in the EP are the prerequisites for the brutal aggressive policy of the Russian Federation (RF), which seeks to make their advancement towards the EU and the North Atlantic Alliance (NATO) practically impossible and to establish its unjustified control over them. The evidence of this is Russia's full-scale military invasion of Ukraine, which is currently being carried out in defiance of all international norms and rules. Due to this, the need to modify tools and mechanisms for resolving regional conflicts in all countries of the EP is particularly urgent at the EU level today. After all, effective mechanisms for resolving conflicts on the territory of the EP countries have not yet been found. In Georgia and Moldova the conflicts are in a 'frozen' state and a full-scale war of the Russian Federation is taking place in Ukraine. In fact, the military threats cause changes in the rules of the game of the entire international system and it requires quick and effective decisions at the EU level to counter them.

The aim of the article is to analyse the effectiveness of EU mediation in the resolution of armed conflicts on the territory of the Eastern Partnership countries in the context of the latest threats from the Russian Federation and to clarify the prospects of its involvement in the resolution of conflicts in new geopolitical conditions.

## II. Theoretical and methodological aspects of research

The problem of conflict resolution on the territory of the Eastern Partnership countries is of considerable interest to both foreign and Ukrainian scientists and experts. In particular, it is worth noting the scientific works of such foreign authors as Nicu Popescu (Popescu 2020), Nathalie Tocci (Tocci 2011), Thomas Waal, Nicolaus Twickel (Waal, Twickel 2020), Heorhii Shelest (Shelest 2016), Natia Seskuria (Seskuria 2021), Benjamin Potter (Potter 2022), E. Nuriyev (Nuriyev 2019), Khayal Iskandarov (Iskandarov 2021), Kirakosyan Hasmik (Hasmik 2020), N. Chaban (Chaban 2019), Steven Blockmans (Blockmans 2018), Jacob Bercovitch (Bercovitch 2009) and Natalya Belitser (Belitser 2022).

Among the Ukrainian authors who study conflicts on the territory of the EP countries, it is worth highlighting the scientific works of O. Alekseichenko (Alekseichenko 2014), A. Bakanova (Bakanova 2021), I. Bohinska (Bohinska 2022), N. Bondarchuk (Bondarchuk 2021), K. Vitman (Vitman 2008), M. Kapitonenko (Kapitonenko 2017), O. Kordun (Kordun 2021), I. Levchenko (Levchenko 2021), H. Shelest (Shelest 2009), H. Maksak (Maksak 2020), I. Maksymenko (Maksymenko 2016), Yu. Pasichnyk (Pasichnyk 2013), T. Podkovenko (Podkovenko 2020), V. Ryzhkova (Ryzhkova 2014), H. Solovei and K. Kovtun (Solovei 2021), Ya. Turchyn (Turchyn 2018) and others. For the most part, they consider the historical prerequisites for the emergence of individual conflicts and analyse the prospects for their resolution at the level of the EU and international organisations.

The annexation of Crimea and the emergence of an armed conflict in the East of Ukraine caused the appearance of a considerable amount of scientific research. In our opinion, the following studies are of considerable significance: 1) works by H. Maksak (Maksak 2020); 2) the research by V. Filipchuk and a number of experts, which was carried out at the initiative of the Prague Institute of Open Society (Filipchuk 2016); 3), Eastern Europe Foundation (Proposals for policy on conflict resolution in temporarily uncontrolled territories in Eastern Ukraine, 2017); 4) the International Center for Advanced Studies (Filipchuk 2016).

Therefore, many scientists are studying the current topics of unresolved or 'frozen' conflicts on the territory of the EP countries, and a significant contribution has been made to the study of the general features of the EU's cooperation with these countries. Concurrently, taking into account the unresolved nature and the duration of conflicts (first of all in Ukraine) and the change in the security component of the entire international system, it is appropriate to carry out a separate study focused specifically on the role of the EU in resolving armed conflicts in the EP.

The methodological basis of writing the article is the theoretical justification of mediation and its main characteristics by Jacob Bercovitch. Notably, taking into consideration the mediation effectiveness criteria developed by Jacob Bercovitch, the efficiency of EU mediation in four conflicts on the territory of the EP was determined. In particular, in order to evaluate the effectiveness of mediation, Jacob Bercovitch singles out the following general criteria: 1) presence/absence of an agreement between the parties as a result of mediation; 2) presence/absence of positive conflict dynamics; 3) conformity/nonconformity of the obtained results with the expectations of the mediator (Solovei 2021: 44).

We also rely on Jacob Bercovitch's interpretation of mediation, which, in our opinion, is the most appropriate. According to him, mediation is an effective method of conflict resolution, in which the parties to the conflict seek to resolve it with the help of a mediator who facilitates the process of reaching

an arrangement/agreement between them (Bercovitch 2009). Specifically, he states that mediation is 'a conflict resolution process related to, but distinct from, the parties' own efforts in which the parties seek assistance or accept an offer of assistance from a person, group, state, or organization to change or influence their perceptions or behaviour without recourse to physical force or the authority of the law' (Bercovitch 2009). Accordingly, the result of successful mediation is an agreement reached during the discussion, which will be recognised by each of the parties to the conflict.

At the same time, Jacob Bercovitch notes that mediation is an informal process; there is no direct legal basis or institutional authority; it depends exclusively on the personal resources and characteristics of the intermediary; and it involves only the process of conflict management (Bercovitch 2009). The nature, the quality and the results of mediation, in his opinion, depend on who exactly the parties to the conflict are, and what interests the mediator pursues and whether the mediator does not show favouritism to one of the parties, thereby violating the law of objectivity. At the same time, he defines the success factors of mediation. These include: personal/role factors, situational, interaction and motivation factors (Bercovitch 2005: 291).

Besides, Jacob Bercovitch suggests determining the degrees of mediation effectiveness. In his opinion, mediation can be considered: 1) effective (the conflict is changed or resolved); 2) partially effective (negotiations are taking place between the parties); 3) being limitedly effective (the violence has stopped or a cease-fire agreement has been signed); 4) ineffective (mediation did not help). It should be understood that the results of mediation effectiveness/inefficiency often depend on the context of the conflict, its nature, as well as the process of the mediator's activity, the motivation of the parties, etc. (Bercovitch 2009).

However, it is worth noting that the concept of 'effectiveness' of mediation is a rather ambiguous concept. When evaluating mediation, some scholars draw a parallel only between 'success' and 'failure' and, correspondingly, do not take into account a number of additional factors. Concurrently, the assessment of mediation is both objective (achievement of a peace agreement, its quality, etc.) and subjective (the mode the agreement and negotiations are perceived by the parties). As it is shown by the international practice, the subjective views of the parties to the conflict are broader and do not always coincide with the objective ones, contributing to contradictions. Comparing both interpretations help to understand in which ways different definitions of the situation create obstacles for cooperation between the parties, potentially hindering the resolution of the conflict (Chaban 2019). In addition, tools and techniques, as well as the style preferred by the mediator, are of paramount importance (Podkovenko 2020: 14).

In the scientific literature one can also come across the concept of 'mediation success'. De facto, a 'success' is a reflection of a formal agreement resulting from mediation. Meanwhile, the practical results of the agreement and their assess-

ment or 'mediation effectiveness' are equally important. It should be noted that scientists interpret the correspondence of these concepts in different ways. For instance, Jacob Bercovitch makes a distinction between these concepts. In his opinion, 'success' is a broader concept, and 'efficiency' is its 'most clear, concrete sign' (Solovei 2021). Given this, mediation is a process aimed at change, and its effectiveness is the presence of such change. Accordingly, tangible results are a sign of the effectiveness of mediation, and ineffectiveness manifests itself in their absence. The problem of choosing mediation strategy, i.e. the ways in which mediators achieve their goals, is closely related to its effectiveness. It should be noted that mediation is a tool for implementing EU foreign policy in the context of conflict prevention, settlement and resolution. In the modern sense, the term 'mediation' (lat. *mediatio* – mediation, middle) became established in the second half of the 20<sup>th</sup> century and involves a procedure/process of conflict resolution in which the mediator helps the parties to the conflict to reach effective ways of resolving it.

It is appropriate to dwell upon the understanding of this concept at the EU level. Thus, in the EU, mediation is defined as 'a way of facilitating negotiations between conflict parties and conflict transformation with the help of a [mutually] acceptable third party' (Solovei 2021). Its goal is to provide an opportunity to reach agreements that the parties consider satisfactory and that they are willing to implement. The signs of mediation within the EU include: 1) peaceful conflict management; 2) the involvement of a third party (a person, group or organisation with its own values, resources and interests) in an interstate conflict; 3) the intervention is carried out by non-violent methods and voluntarily; 4) the parties to the conflict control the results and have the right to accept/reject the proposals of the mediators; 5) the so-called 'ad hoc' principle (i.e., mediators make proposals and then the mediation ends with or without agreement); 6) mediators enter the conflict with the aim of its resolution or transformation, etc. (Bercovitch 2009).

The term 'mediation' also needs clarification. Let us emphasise that this concept is used to denote the role that the EU plays in international conflicts. Mediation is a certain peacemaking cycle in attempts to resolve a conflict, which takes place in the context of the interaction of a mediator (moderator) with the parties to the conflict with the aim of resolving the conflict or reaching a peace agreement (Herrberg 2022).

In a broader sense, mediation activity is the achievement of a certain compromise settlement of conflicting issues between conflict parties, or the minimisation of the consequences of their conflict behaviour. In view of this, the concept of 'international mediation' should be understood as a set of measures implemented by certain international actors for the purpose of managing international conflicts (Vukovic 2014).

The mediating role in facilitating the resolution of EU conflicts was also established during the formation of the Common European Security and Defense Policy in 2000 (Maksak 2020) and adoption of the Gothenburg Program (2001), which provides for preventive measures regarding conflicts, an agreed policy of response to them, improvement of the prevention tools and creation of effective forms of partnership (Council of the European Union 2001). The adoption of the European Security Strategy has also become appropriate for participation in conflict resolution (2003), which added conceptual foundations to the strengthening of the EU's global role and development of the European strategy for neighbourhood policy, within which the EU began to consider its role in relation to 'frozen' conflicts on the territory of the post-Soviet countries. That was the time when the first institutional attempts to regulate them appeared (Maksak 2020). The creation of the Eastern Partnership initiative in 2009, which is related to the EU's desire to improve the security environment on its eastern borders, became especially important (Maksak 2021).

In fact, that was the time when mediation was officially established as an integral part of the EU's foreign policy, and, along with the Administration of Conflict Prevention, Peace and Mediation Tools Department was established within the Directorate of Policy and Security. This made it possible to institutionalise mediation and separate it from the general foreign policy of the EU (Shelest 2016: 474).

The Concept of EU Peace Mediation is also an important document defining the activity of the EU as a mediator. In particular, the European Peace Institute and the European Forum of International Mediation and Dialogue focus their activities on the development of mediation. Therefore, achieving peace is one of the main values of the EU and it has a unique combination of tools to achieve it (Blockmans 2018). Hence, the institution of mediation became part of the legal system of the EU.

The EU institutions for resolving conflicts within the framework of Eastern Partnership are the following: European External Action Service (EEAS) (Davydenko 2016: 439); EU Intelligence Center (INTCEN) (Intelligence Analysis Center 2012); Unit for Conflict Prevention, Rule of Law and Security Sector Reforms, Holistic Approach, Stabilization and Mediation (PRISM) (European Union 2020); European Peace Fund (European Peace Facility 2021).

In addition to the institutional component, the EU also involves financial mechanisms for conflict prevention and settlement in the processes of mediation. Thus, in 2014, the Instrument Contributing to Stability and Peace (ICSP) was developed, which is managed by the Service of Foreign Policy Instruments of the European Commission and provides for the financing of measures aimed at preventing and restraining conflicts, as well as responding to new transregional threats (Instrument Contributing to Stability and Peace 2021).

However, despite a rather powerful institutional component, the EU saw itself as a mediator only in a supporting role. This, in particular, is confirmed

by the EU Global Strategy presented in 2016, which states that the EU's peace-keeping activities are only additional support for UN activities through conflict resolution and stabilisation (Shelest 2016: 473).

Suggesting an integrated approach to conflict resolution, the EU adopted the Civilian CSDP Compact in 2018, which provides for a review of approaches to the national participation of EU members in civilian missions and their resource content and greater orientation towards changes in the security environment (Maksak 2020).

In general, the EU's integrated approach to conflict mediation consists of conflict analysis and prevention that also presupposes a balance between its detection and response. Developing a common approach to conflict management based on a joint approach and post-conflict stabilisation which involves restoration and avoidance of re-escalation is also important. At each of these stages, the actions are coordinated at the level of relevant European institutions (EU Delegations, the Crisis Response Mechanism of the European External Action Service, missions and bodies of the Common Security and Defense Policy, relevant services and departments of the EC, military and civilian agencies, etc. (Tardy 2017).

Therefore, the context of interdependent relations between the countries of the EP and the EU does not allow it to remain aloof from the conflicts that exist on the territory of these states. With the help of the mechanisms and tools of the mediation institute, the EU seeks to play its role in facilitating their resolution, overcoming negative consequences, etc.

### **III. The main part / Research**

It should be noted that historically the EU has not been an active mediator in resolving international conflicts. Only some EU member states have mediation experience (Tocci 2011). *De iure*, this is explained by the purpose of creating the EU and the basic principles of its functioning. According to which, the EU resolves crises and conflicts in the process of implementing its foreign policy on the basis of taking into account the political interests of member states, a common understanding of security threats, the inclination of other states and regions to democracy, freedom, the rule of law, peace, etc. To realise such goals, the EU uses the tools of diplomacy, dialogue, cooperation and integration. Therefore, the priority of the EU is to resolve disputed issues without a military component. Because of this, the EU's conflict resolution policy is often defined as 'peace through integration project' (Tocci 2011). However, in practice, such approaches are not always effective and are subject to criticism.

Considering certain gaps in its mediation policy, the EU has repeatedly attempted to modify its goals. For example, back in the 1990s, after unsuccessful attempts to resolve the Yugoslav and Kosovo conflicts, official Brussels

recognised the need for a greater role in conflict prevention. In view of this, the European Security Strategy of 2003 declared the intention to use the entire range of instruments for conflict resolution – from preventive actions to post-conflict recovery (Maksimenko 2016). The importance of building a circle of stable countries to the East of the EU by forming their economic and political cooperation (i.e. EP) was separately noted.

In general, the EU played a mediating role in this or that way in conflicts in the Balkans in the 1990s, in the signing of the Ohrid Agreement between the Macedonian government and the Albanian minority in 2001 (together with the USA, OSCE and NATO), in the peace process in the province of Aceh between the Indonesian government and the separatists, in the Black Sea region regarding the Transnistrian conflict of 2005, in the conflict in the South Caucasus, in the Middle East peace process (participation in the Quartet), in the settlement of the Russian-Georgian conflict in 2008, in the Russian-Ukrainian conflict since 2014 (Norman format). In total, the EU deployed 29 international missions (Prospects for the development of EU policy: global and regional dimensions 2019: 179). The EU also has experience in six military and eleven civilian missions in different countries (Haidai, Zarembo 2016: 11). Such activities of the EU are based on the principles of the Lisbon Treaty of 2009, which states that the EU has the right to use its civilian and military assets in missions outside its borders for the purpose of maintaining peace, preventing conflicts and strengthening international security in accordance with the principles of the UN Charter (Article 28, paragraph 49) (Shelest 2016: 474).

The experience of EU missions on the territory of the countries of the EP is one of the most complicated. For example, the EU refused to send a peace-keeping mission to Transnistria in 2003 and 2006. Similarly, the EU did not send a monitoring mission to Georgia in 2005, when the activities of the OSCE border monitoring mission were blocked by the Russian Federation. Only four EU missions, EUBAM on the Moldovan-Ukrainian border, EUJUST THEMIS and EUMM in Georgia and EUAM in Ukraine worked in the region. They were all civil. The possibility of sending a military mission has always been ruled out by EU member states (Haidai – Zarembo 2016: 10). It is worth emphasising that until 2005, the EU was not involved in the direct settlement of conflicts on the territory of the Eastern Partnership countries. Only general statements about peaceful methods of solving them were heard on its behalf. In 2007, the EU adopted the first comprehensive document ‘Black Sea Synergy’, which was based on economic development and support for democratic reforms of neighbouring territories. This document partially pays attention to the problem of ‘frozen conflicts’ in this region, indicating the need to strengthen the political participation of the EU in the attempts to solve the problems of Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh. In this aspect, the EU intended to contribute to the strengthening of economic development, social cohesion,

security and stability. However, these tools are insufficient for full resolution of conflicts. After all, their goal is only support, development and struggle with the consequences. And this is a short-term strategy that contradicts the goals of mediation, which requires greater political involvement of the mediator. Therefore, most experts unanimously state the ineffectiveness of the EU as a conflict mediator. For example, among the reasons for the ineffectiveness of EU conflict resolution H. Shelest attributes a limited strategic approach, and focus on post-conflict reconstruction rather than direct involvement in the conflict. The lack of consensus and a unified position in the EU regarding common foreign policy and understanding of European integration (enlargement) as a factor of conflict prevention also affect the EU's attempts to resolve conflicts (Prospects of EU policy development: global and regional dimensions 2019: 172). Another researcher, Steven Blockmans, points out that in matters of implementation of mediation principles, the EU faces the problems of a significant time gap between conflict prevention and response to it, as well as insufficient cooperation with international partners and a general ineffective military-civilian coordination, that is, lack of political will to resolve complex conflicts; a gap between 'opportunities and expectations' (Blockmans 2018). This is explained by the fact that the EU mainly uses 'soft power' methods to resolve conflicts, and not political mediation as such, especially with regard to post-Soviet countries.

It is of crucial notion that the main prerequisite for the emergence of conflicts in the EP countries was precisely the civilisational one, namely, European or Eurasian integration choice of the states, which is often both perceived differently within the societies of the EP countries and objectively increases the conflict (in particular, due to the different attitude towards the EU itself) and from the outside – by international actors (individual EU countries and the Russian Federation). In fact, for the first time, Europe found itself in a situation where military conflicts in European countries break out due to the desire to integrate into the EU or NATO (Maksymenko 2016). In addition, the member countries of the EP with so-called 'unsettled' conflicts do not have a clear perspective of EU membership (with the exception of Ukraine, which, considering the active phase of the war, expects such a perspective before long). Obviously, peripherality in itself affects the EU's attempts to engage in the settlement more strongly. Let us evaluate EU mediation on the example of conflicts in the EP countries in accordance with the chosen methodology.

#### **IV. The EU as a mediator in the Nagorno-Karabakh conflict**

The EU does not have a clear mandate in this conflict, aside from only a symbolic presence in the Minsk Group through separate votes of five EU member states. In this regard, scientists rightly point out that the EU's policy on resolving this conflict lacks a visionary and principled approach (Aliexiechenko 2014). Of-

ficial Brussels is practically not involved in its settlement, it offers its assistance only in building trust, which generally limits its influence in this region.

The weak reaction of the EU to the war in Nagorno-Karabakh makes it possible to determine the following results of its policy: 1) it overly relied on 'soft' diplomacy, which did not contribute to security and stability in the region; 2) its actions were limited to statements/calls that emphasised the need to stop hostilities and settle the Nagorno-Karabakh conflict exclusively peacefully under the auspices of the OSCE MG; 3) de facto, the main role of mediation was performed only by France, which turned out to be an insufficient diplomatic effort; 4) none of so-called 'reasonable sanctions' were introduced against Azerbaijan; 5) the emphasis on democracy within EP politics was insufficient, the main approach was the principle of 'less for less' or 'stick' rather than 'more for more'; 6) the priority was on energy goals, not on conflict resolution. These EU weaknesses have caused geopolitical, security and strategic changes in the South Caucasus. Russia and Turkey became the dominant states in the region, and the influence of the EU decreased.

In an effort to change this geopolitical situation, EU High Representative Josep Borrell published a declaration on behalf of the EU (European Council, 2020), in which he noted that the cessation of hostilities is only the first step to resolving the Nagorno-Karabakh conflict. More important is the renewal efforts for negotiations, a comprehensive and sustainable settlement of the conflict, including in what regards the status of Nagorno-Karabakh. The EU confirms its full support for the format of the OSCE MG led by its co-chairs. It is obvious that Azerbaijan and Armenia actually 'balance' between the interests of the USA, the EU and the Russian Federation (Foshchan 2020: 495).

Based on the indicated results of the EU mediation in this conflict, we may note that according to Jacob Bercovitch's criteria, it is ineffective because of the following: 1) as a result of the mediation, it was the Russian Federation and not the EU that was involved in the signing of the ceasefire agreement; 2) positive changes in the behaviour of the parties and the nature of the conflict are partially visible before the new escalation in 2020 and after it; 3) goals of the mediator were not achieved, and there is no trust between the parties, besides, the conflict itself needs further resolution. Consequently, the EU has not become a 'geopolitical' and/or strategic or security actor in the region.

## **V. The role of the EU in the settlement of the conflict in Transnistria**

The Transnistrian conflict also remains unresolved to this day. However, it should be noted that the EU is not an official mediator in this conflict. Since 2005, as a result of the expansion of the format of the TMR negotiations, the EU and the USA have the status of observers ('5+2' format). To some extent, the

observer status of the EU was motivated by the fact that the conflict around the TMR is not complicated by religious or ethnic confrontation and has an exclusively economic reason. That is why the EU is trying to overcome the economic problems of the region in every possible way.

Primarily, the EU made an attempt to influence the situation 'from the inside' with the help of tools for providing support to Moldova's European integration policy, the appointment of the EU Special Representative, the inclusion of the TMR issue in the Moldova-EU Action Plan, the creation of the EU Assistance Mission on the Ukrainian-Moldovan border (EUBAM), economic interaction and support for the initiative to change the peacekeeping contingent. With the help of this toolkit the EU aims to turn Moldova into an attractive state with an appropriate level of social, economic and political development. And this seems convincing to contribute to the growth of support for the reintegration of the left and right banks of the Dniester. This should also be facilitated by the signing of the Association Agreement, the creation of a comprehensive free trade zone, which is also open to economic entities from the TPR, etc.

In 2012, within the framework of the '5+2' format, the participants managed to agree on a document called 'Principles and Procedures for Negotiations' and outline an agenda divided into three 'baskets' (social and economic issues, legal and humanitarian issues, and a comprehensive settlement). At the same time, there was a softening of the EU's attitude towards the TMR (Fylypenko 2020: 106). The EU started the gradual rapprochement of both sides of the conflict. In particular, the financing of projects 'Support to Confidence Building Measures Programme', which are implemented through the so-called tactics of 'small steps' and 'confidence-building measures' carried out by Moldova and the EU. Despite this, the EU's attempts to economically contribute to the development of the TMR are not very successful. Forasmuch as the population's awareness of the change in its geopolitical orientations, especially due to the parallel influence of the Russian Federation, remains unchanged (Fylypenko 2020a).

Post-conflict stabilisation of the EU in Moldova, includes the EU-Moldova Action Plan, focused on resolving the conflict in the TMR. It is important that the EU did not allow the Russian scenario of 'asymmetric federalization' of Moldova and the 'Kozak plan' to be implemented, but gave a mandate to the EU Special Representative for conflict resolution. The EU joined the negotiation process (as an observer) and focused its mediation role only on creating economic incentives for cooperation between Kishenev and Tiraspol. For this purpose, the reorientation of trade from the Russian Federation to the EU thanks to the Association Agreement and the implementation of the 'Program for supporting trust measures' (Maksak 2020).

Summarising, it is worth pointing out the following results of EU policy regarding the Transnistrian conflict (Parliamentary questions 2011: 1) the Transnistrian conflict was on the agenda of all high-level meetings on political

dialogue between the EU and the Russian Federation; 2) within the framework of the single format of the '5+2' negotiations (where Moldova and Transnistria are parties to the conflict; Russia and Ukraine are guarantor countries; the OSCE is a mediator, and the EU and the USA are the observers), the EU seeks to find a solution to the conflict with full respect to the sovereignty and territorial integrity of Moldova; 3) The EU supports the constructive policy of the government of Moldova regarding the authorities of Tiraspol; 4) extensive progress has been made on confidence-building, in which the EU plays an important role; 5) the working groups resumed discussions and the first tangible results began to appear; 6) The EU Border Assistance Mission (EUBAM) in Moldova and Ukraine complements the EU's joint political efforts to resolve the Transnistrian conflict; 7) The EU remains committed to deepening and strengthening its political association and economic ties with Moldova within the framework of the EP; 8) The Association Agreement between the EU and Moldova may contribute to strengthening the role of the EU in the Transnistrian settlement process; 9) the withdrawal of Russian troops and weapons from the territory of Moldova, which were supposed to leave Transnistria back in 1999, has not yet taken place.

A comparison of the obtained results with Jacob Bercovitch's criteria confirms that: 1) as a result of the mediation, no agreement was signed since the 'Yushchenko Plan' and 'Kozak Plan' did not meet the interests of one or the other party and were not implemented; 2) there have been no positive changes in the behaviour of the parties and the nature of the conflict as the withdrawal of Russian troops from the territory of the TMR and the clarification of the status of the TMR have been a 'stumbling block' for both sides for many years; 3) the goals of the mediator were not achieved since the economic development of the TMR through the mediation of the EU due to the lack of democratic institutions often has the opposite consequences (for example, organised smuggling). Therefore, mediation is partially effective and requires further negotiations.

## **VI. EU mediation in the Russian-Georgian war**

The Russian-Georgian war, which attracted the attention of the international community in 2008, is actually the first conflict on the territory of the EP in which the EU intervened as a mediator. An important feature of this conflict is its multilevel nature. After all, in addition to Georgia and Russia, Abkhazia and South Ossetia are involved in it, each of which having its own conflict with Georgia. As H. Solovei rightly points out, these are the so-called 'nested' conflicts, which are characterised by several levels with different parties having different interests (Solovei 2021). In view of this, it is worth outlining the following four levels of this conflict: internal inter-ethnic (between ethnic groups of self-proclaimed republics); internal intergroup (between the republics and

Georgia); interstate (between Georgia and Russia); geopolitical (between Russia and the West) (Solovei 2021). First and foremost, this causes difficulties in agreeing on the optimal ways to solve it.

The analysis of the Russian-Georgian conflict shows that in the negotiation processes with the participation of the EU, issues of territorial integrity of Georgia were leveled. The representatives of the EU member states only expressed concern about the intervention of one state in the territory of another, which in general proves the ineffectiveness of the agreements accepted for the aggressor's agreement and, thereby, practically establishes the Russian Federation's violation of international norms and principles.

We can assume that this is why, in the conflict on the territory of Georgia, the EU, as a mediator, did not aim to fully resolve it, but only to bring it under control, to settle it in a certain way. Or in other words, there was a dominance of the desire for security and stability over the violation of the norms of international law in matters of violation of the territorial integrity of Georgia.

It is important that 10 years after the occupation of Georgian territories, namely, under the influence of Russian aggression already against Ukraine, in June 2018 the European Parliament adopted a resolution calling on Russia to leave the territories occupied by it and emphasising that the occupation is a violation of international law.

One should single out the following results of mediation: 1) conclusion of a cease-fire agreement between the parties; 3) agreement of the parties to negotiate; 4) organisation of a single negotiation process involving all parties to the conflict; 5) lack of significant progress on the most important issues.

The comparison of these results with Jacob Bercovitch's criteria makes it possible to state that: 1) as the result of the mediation, Russia and Georgia signed an agreement, the conditions of which are almost fulfilled (except for point 5); 2) there were positive changes in the behaviour of the parties and the nature of the conflict, because due to the efforts of the EU it was possible to stop Russia's advance to the capital of Georgia, the parties got to the negotiating process; 3) the goals of the mediator were only partially achieved, since the Geneva discussions de facto intensified the parties' contradictions, and in the period of 2009-2011, armed clashes took place on the territory of the disputed republics, and trust between the parties was not achieved. Therefore, the effectiveness of EU mediation in this conflict is assessed as partial and limited.

## **VII. The EU's approach to the settlement of the conflict in Donbas (Russian war)**

The Russian-Ukrainian conflict began in 2014 and continues to this day. Therefore, when characterising the military escalation of the Russian-Ukrainian conflict, scientists rightly point to its three-level nature. In fact, this is about:

1) geopolitical (between the Russian Federation and the West), 2) bilateral (between Ukraine and Russia) and 3) intra-Ukrainian (manifestations of separatism in Donbas); these all arose almost simultaneously (Filipchuk 2016: 7).

Among the main causes of this conflict, in our opinion, are Ukraine's European integration steps, its increased interaction with the EU, which, according to the official Kremlin, contradict the priorities of the Russian foreign policy in its desire to reintegrate the former Soviet republics. The next reason is the partial disproportion of the defined state borders with the ethnic composition of the population. After all, as a result of the Holodomor, deportations and other repressions, the ethnic composition and outlook of the population of Crimea and the border regions of Donbas underwent changes and was not characterised by clear loyalty to Ukrainian statehood. The political orientations of the population of peripheral territories have always depended on many political, economic or international circumstances (Filipchuk 2016: 4). Therefore, the Russian Federation, through information propaganda, started a peculiar policy of 'protection' of the Russian-speaking population from a pro-European future.

The EU mediation process in the Ukrainian crisis is reflected in the Geneva and Normandy formats. As part of the Geneva format, which was launched in April 2014, the USA and the EU were involved in attempts to resolve the conflict (Metelova 2020: 111). The parties held negotiations on the de-escalation of the conflict in the east of Ukraine, but to no avail. Afterwards the mediation functions were given to Germany and France in the new Normandy format, later known as the Minsk Agreements. The Norman format caused controversy both among experts and representatives of individual EU countries. For example, Poland has repeatedly stated that it wants to be involved in these negotiations, because Ukraine needs stronger support. However, attempts to expand the format have not been successful.

As a result of the escalation of the war in Donbas in August 2014, the aggravation of the economic situation and external pressure from both the EU and the Russian Federation and with the aim of ending hostilities, Ukraine signed the so-called 'Minsk Agreements' in February 2015, which were marked more as a 'negative peace' than conflict resolution (Models and cost of conflict resolution in Donbas: international experience and Ukrainian realities 2016: 4).

Analysing the course of the Russian-Ukrainian conflict, in general, experts note that the Minsk Agreements proved to be a way of partially de-escalating the conflict in Eastern Ukraine, but proved ineffective as a tool for its settlement. It should also be emphasised that the EU was only looking for ways to stop the fire, not an acceptable long-term solution. The Minsk agreements did not take into account the best practices of conflict resolution and did not have the goal of conflict resolution, and their implementation was not possible due to an unfavourable security environment, which, however, could only be guaranteed by an international peacekeeping mission (Haidai – Zarembo 2016: 6).

In spite of the formats for resolving the conflict discussed above, the Russian-Ukrainian war unfolded with even greater intensity, turning into the bloody full-scale military invasion of the Russian Federation in Ukraine on 24 February 2022. It is obvious that the previous formats of cooperation have lost their significance. The EU faced the perception of a new reality, in which relations between it and Russia have also entered a phase of deep crisis. Analysts are almost unanimous in the fact that the essence of a full-scale war of the Russian Federation against Ukraine in 2022 is the non-recognition of Ukrainian independence by the official Kremlin. This is evidenced by the widespread theses about 'one nation' (Russian, Ukrainian and Belarusian) (Honcharenko 2022). In addition to the many political and civilisational causes of the war, researchers often appeal to the fact that Russia is 'stuck in the past' (Korsunskyi 2022).

Currently, we are witnessing a significant increase in EU assistance to Ukraine, particularly in security and defence matters. Although foreign policy decisions regarding the conflict in Ukraine at the EU level were dominated by internal division for a long time, now we see unanimity and determination in EU decisions. In fact, the EU made a significant leap in response to Russian aggression. This is evidenced primarily by the provision of humanitarian and military aid to Ukraine including lethal weapons by EU member states to speed up Ukraine's victory in the war with Russia. The introduction of tough sanctions against the Russian Federation as an aggressor country and the reception of a large number of refugees and the assistance to them also became important. In addition, the EU refuses Russian energy carriers and supports Ukraine's rapid accession to the EU, etc. At the same time, the EU cannot provide clear security guarantees to Ukraine and other EP partners. Also noteworthy is the EU's decision to use the European Peace Fund (EPF) to finance the delivery of heavy weapons to Ukraine. In fact, this is one of the main foreign policy shifts of EU policy (Musiol 2022).

The results of EU mediation in the Russian-Ukrainian conflict were as follows: 1) conclusion of the Minsk ceasefire agreements; 2) their ambiguous perception by Ukrainian society; 3) the impossibility of their fulfillment due to the absence of specific implementation mechanisms, in particular, the absence of international additional missions; 4) for the agreement of the aggressor, Ukraine had to introduce a special status for the territories occupied by it; 5) The Minsk talks became a tool for advancing Russia's interests in Eastern Ukraine and at the international level.

Regarding the evaluation of the effectiveness of the mediation results achieved in accordance with Jacob Bercovitch's criteria, we can note the following: 1) as a result of the mediation, the parties to the conflict signed an agreement, the conditions of which were practically not fulfilled; 2) tangible changes were only in the partial ceasefire, which, however, was often violated by the Russian Federation and the separatists; 3) the goals of the mediator were not achieved, since there started a full-scale war between Russia and Ukraine.

Thus, mediation is ineffective. Russian aggression in the East of Ukraine and its annexation of Crimea became for the entire world community a test of commitment to the principles of international law, declared in many international documents.

### **VIII. The impact of the Russian factor on the settlement of conflicts in the countries of the Eastern Partnership**

The historical experience of absolute power in the Russian Federation and its desire to restore the idea of a 'great state' determine the interference in the affairs of the EP countries, the limitation of their independence and sovereignty, as well as the rejection of EU values by the official Kremlin and its supporters. The confirmation of such rejection can be considered the statement of the Russian Federation that the EU is a morally degenerate organisation that has rejected its roots, the Christian values that are the basis of Western civilisation (Shelest 2019: 75). It is generally known that the Russian Federation does not accept the cultural and economic advantages of Europe and strives to be its equal partner, while keeping the region of the EP in the sphere of its 'privileged interests'. In view of these trends, we can state that the EU actually entered into a direct confrontation for leadership in the EP countries with the Russian Federation, which in the scientific literature is called 'external control' (Shelest 2019: 12). The countries of the EP actually became the object of discord and competition between the European Union and the Russian Federation.

The main problem of the format of relations in the EU-EP-Russia triangle was the implementation of the EU expansion plan in the regions of Eastern Europe and the Caucasus, which the Russian Federation seeks to retain. That is why the official Kremlin constantly claims that the EP countries belong to the sphere of its 'vital interests'. The actions of the Russian Federation in Ukraine, Moldova and Georgia, which have declared their external course of development towards the European Union and NATO, have become particularly aggressive.

To accomplish its goals on the territory of the pro-European countries of the EP, Russia began to actively use such mechanisms of waging 'hybrid wars', which presupposes the systematic involvement of both military ('hard power'), and non-military ('soft power') tools in various spheres of the state with the aim of obtaining a military and political advantage in the region and in general to support and control of the 'frozen' conflicts (Kordun 2021: 54). We can claim that the conflicts in the EP have become a tool for the implementation of the foreign policy of the Russian Federation. At the same time, the methods of such influence differ depending on the 'priority' of the interests of the Russian Federation in the individual countries of the EP. For example, in some cases, the Russian Federation seeks to control the entire territory of the country, and in

others only key internal spheres (military, political, economic, informational, social and cultural) (Maksymenko 2016). This practice is a reflection of the new foreign policy doctrine of the Russian Federation, i.e. 'limited sovereignty' or the so-called 'Putin doctrine'.

The common algorithm of actions of the Russian Federation in conflicts on the territory of the EP became, first, provocations or creation of conflict and bringing it to military action; second, intervention in the form of a 'peacemaker' or 'defender' of the interests of a part of the population that is discriminated against mostly based on language or citizenship of the Russian Federation; third, the creation, support, recognition and further occupation of the so-called 'independent republics' and 'freezing' of the conflict (de facto preventing its real resolution). Russia took these steps in order to use the armed conflict at the moment needed for pressure (Kordun 2021: 60).

Regarding the occurrence of conflicts in EP, Polish experts (Warsaw Institute) single out the following sequence: *separatists (which are Russian agents, collaborators, militants, hidden representatives of the special services and armed forces of the Russian Federation) seize the territory which is not under the control of the central government, then try to legitimise their rule by conducting negotiations with central authorities or holding a referendum, as a result of which an armed conflict arises, which gradually fades into 'non-existence'. The end result is that in order to support separatists, Russia directly or indirectly intervenes in a conflict or war* (Kozubenko 2021).

*We see the implementation of such a scenario in Transnistria, Georgia and Ukraine. As V. Palivoda points out, Russia supports separatist movements, playing the cards of 'oppression of the Russian-speaking population', 'the nation's right to self-determination', and 'the return of illegally lost territory' (Kozubenko 2021). Using such a change of concepts, Russia positions itself as a 'peacemaker' and uses the narrative of 'rescuing' those whom it supposedly comes to protect. At the same time, the Russian Federation's delay in negotiation processes was noticeable in these conflicts. The tactic of the official Kremlin involves consolidating its status as a mediator by limiting the opportunities of the international community to play a more active role in their settlement (Maksimenko 2016).*

Consequently, the conflicts in the EP countries became objects of the destructive geopolitical struggle of the Russian Federation. Each of the EU countries is trying to find a way between competing European and Russian narratives. To varying degrees, they are trying to find a balance between three main factors, i.e. internal stability, Russian influence and European integration. In each of these cases, the Russian military presence has led to latent tensions that call into question the sovereignty of the state and the ability of the international community to intervene. At the same time, military escalation quickly destabilises the region in favour of Russia and creates an international crisis. By supporting these conflicts, the Russian Federation holds back Western integration and

strengthens its power over other countries in the region ('conflict manipulation' technique). In view of this, we can claim that the Russian Federation strives to settle conflicts on its own favourable terms, and not on their resolution.

## IX. Results

The common features of EU mediation regarding the settlement of the Nagorno-Karabakh, Transnistrian, Georgian and Ukrainian conflicts discussed above can be considered that the EU acted on the basis of the principles of democratisation, non-use of force and support of territorial integrity mostly at the level of statements. De jure, the EU does not recognise the independence of self-proclaimed states and considers them occupied territory; however, de facto, it has no real influence on the process of conflict resolution. The main factor in EP conflicts are the interests of the Russian Federation, contrary to which the EU has long tried not to contradict on a practical level.

The results of the analysis, in accordance with Jacob Bercovitch mediation efficiency criteria, are shown in Table 1.

The effectiveness of the EU's mediation efforts was too low. As a mediator, the EU did not play a decisive role in the settlement of conflicts on the territory of the SP. In each of the conflicts, the EU had a limited role. For example, in Ukraine, direct mediation was provided to Germany and France and the OSCE. For the South Caucasus, the EU appointed a Special Representative (EUSR), for Georgia, on the actual borders of Abkhazia and South Ossetia, the EU formed a Monitoring Mission (MEU), which, however, was denied access to these territories. Therefore, conflicts were generally resolved inertially. Instead, international attention was mostly focused on relations with Russia. Therefore, we can state that the EU was not fully aware of its destabilising role in the joint venture. After all, the longer conflicts continue on the territory of the Union of Soviet Socialist Republics, the more the Russian Federation will perceive itself as a 'winner' in the confrontation with the EU, which is unable to prevent protracted conflicts in countries seeking integration.

In our opinion, the reason for the ineffectiveness of the EU's mediation efforts in the settlement of these conflicts is the declared role of the EU as a mediator in international relations in general. It consists in the impartiality and objectivity of the EU in its involvement in the settlement of conflicts and the emphasis on an integrated approach, which is recognised as a condition for successful mediation. Such a mediating role would be appropriate only in conditions where the parties to the conflict observe international law. Instead, in the conflicts we have considered, international law has been significantly violated by Russia, which annexes the territories of other states, enters its troops under fictitious pretexts, and uses a number of other actions that contradict international norms. Accordingly, the application of the principles of

**Table 1: Mediation efficiency criteria**

Jacob Bercovitch mediation efficiency criteria	Nagorno-Karabakh	Transnistria	Russian-Georgian	Russian-Ukrainian
1) availability/lack of agreement between the parties as a result of mediation;	it was the Russian Federation and not the EU that was involved in the signing of the ceasefire agreement	no agreement was signed since the Yushchenko Plan and the Kozak Plan did not meet the interests of one or the other party and were not implemented	as the result of mediation, Russia and Georgia signed an agreement, the terms of which are almost fulfilled (except for point 5)	as the result of mediation, the parties to the conflict signed an agreement, the terms of which were practically not fulfilled
2) presence/absence of positive conflict dynamics;	positive changes in the behaviour of the parties and the nature of the conflict are partially visible before the new escalation in 2020 and after it	there were no positive changes in the behaviour of the parties and the nature of the conflict. The withdrawal of Russian troops from the territory of the TMR and the clarification of the status of the TMR have been a 'stumbling block' for both sides for many years	there were positive changes in the behaviour of the parties and the nature of the conflict, because thanks to the efforts of the EU, it was possible to stop Russia's advance to the capital of Georgia and the parties started the negotiating process	noticeable changes were only in the partial cessation of fire, which, however, was often violated by the Russian Federation and the separatists
3) compliance/inconsistency of the obtained results with the expectations of the mediator	the goals of the mediator were not achieved, and there is no trust between the parties, as well as the conflict itself needs further resolution	the goals of the mediator were not achieved, the economic development of the TMR through the mediation of the EU due to the lack of democratic institutions often has the opposite consequences	the goals of the mediator were only partially achieved, since the Geneva discussions de facto intensified the parties' contradictions	the goals of the mediator were not achieved, since a full-scale war between Russia and Ukraine took place

impartiality and objectivity of the EU creates a dilemma for itself – to settle the conflict, taking into account the interests of both parties and to facilitate the achievement of a compromise between them, thereby ignoring the circumstance of an international violation by one of the parties [accepting it as a fact] or to condemn the actions of one of the parties as illegal and still take the position of the other, injured party and thus lose their neutrality.

The solution to this dilemma may lie in the EU's acting role, which determines the ways in which it is used in conflict mediation and the extent of its interest in stability and security, and can be modified depending on the specific features of the conflict. The EU's acting role or the role of an international/global player is a set of practices and tools that the EU has developed and uses

to solve problems of international importance, in particular security (Herrberg 2022). However, in the conflicts in the countries of the EP, the EU showed itself as a player with a number of its own interests, which consisted in reluctance to intensify the confrontation through this region with Russia.

We can say that due to the underestimation of the role of the Russian Federation, the previous methods of conflict resolution have lost their effectiveness. Today, the international security system is facing serious threats (in particular, the possibility of a nuclear war). This requires the development of new mediation approaches to conflict resolution to prevent further risks for all. At the same time, the depth of modern conflict transformations on the territory of the EP countries, and especially in Ukraine, is not yet fully understood by many political figures, who probably seek to return the status quo. The irreversible dynamism of severe conflicts provoked by the Russian Federation, on the one hand, puts international actors in a state of uncertainty, and on the other hand, gives grounds for re-evaluating the EU's activities in the geopolitical dimension. In view of this, foreign policy forecasting, which is based on the prediction of development trajectories/scenarios of certain international processes in the field of EU foreign policy, acquires special significance in the scientific political and international discourse.

Although the effectiveness of EU mediation on the territory of the EP countries depends on the specifics of each individual conflict, they also have a number of common features. First of all, it is the non-coincidence of state borders with the ethnic, linguistic and cultural characteristics of individual regions, a heterogeneous society with different identities and vulnerability to external interference (Models and cost of conflict resolution in Donbas: international experience and Ukrainian realities 2016: 4). For example, according to the rating of the fragility of states in 2016 (Fragile State Index 2016), internal destabilisation is a threat to the emergence of conflicts for more than 100 countries of the world, in which the total indicator of socio-economic and political-security risks exceeds 70 points. Such states are characterised by imperfect internal political aspects of development (weak institutions, corruption, imperfect judicial system, etc.), due to which they are, in fact, unable to resolve contradictions between different population groups. This provokes a feeling of discrimination on the basis of ethnic, religious or ideological affiliation from the state or other population groups and violates the problem of internal security as well as it contributes to the radicalisation of interests, their armed protection, organised crime, terrorism, etc.

On the basis of the indicated common features of conflicts in international practice, four scenarios of conflict resolution were formed, namely, Bosnian, Croatian, Pakistani and German, which to some extent may be appropriate for the countries of the EP. A SWOT analysis of these scenarios is provided (Tables 2–5) (Models and cost of conflict settlement in Donbas: international experience and Ukrainian realities 2016: 11–21).

At the same time, it is worth noting that experts do not rule out the possible direct involvement of the EU in conflict resolution, that is, as a military player. However, such a scenario is possible in connection with NATO. In case it is implemented in the EU, 'soft power' will be replaced by 'hard power' (Musiol 2022). In this context, the further development of EU mediation will depend on two key factors – internal unity regarding foreign policy goals and the strengthening of security programmes on this basis and external circumstances, that is, the specific security situation in those regions that are strategically important for the EU. In other words, official Brussels will be faced with the choice of which of the conflicts is the one that deserves mediation by the EU.

According to these factors, the likely scenarios can be both maintaining the status quo (emphasis on peaceful classical instruments), the expansion of EU mediation, in particular the increase of missions and military operations (strengthening of security cooperation with coordination of efforts with the UN) and the refusal of the mediating role, in particular as a result of the likely strengthening of EU internal political disputes, economic crises, the coming to power of Eurosceptics, etc.) (Shelest 2019: 184).

In our opinion, taking into account the deep difficulties for the political/peaceful settlement of conflicts due to the influence of the Russian Federation, scenarios based on negotiations with the participation of the Russian side are losing their perspective, because in the conflicts we considered, it was the Russian Federation that initiated and supported the development of conflicts. It is also necessary to take into account the fact that *the dynamics of the development of the EP countries are changing significantly, primarily due to cooperation with the EU. They shift their economic, political and cultural development from Russia to the West. Due to the rejection of imperial encroachments and aggressive actions Russia becomes a 'reinterpreted past'. Ukraine, Moldova and Georgia seek further distancing from the Russian sphere of influence. In the long term, such a change in other countries should not be ruled out. Therefore, the most optimal scenario can be considered the unity/strengthening and determination of the EU as a global actor, its advantage in the confrontation with Russia, as well as the formation of a security system of the balance of power so that the latter's influence is minimised.*

## **X. Recommendations on increasing the role of the EU in mediation for resolving conflicts in the Eastern Partnership region**

Many analysts and experts now emphasise that Europe should form a unified position towards the aggressor country. At the same time, the EU should clearly outline what kind of foreign policy subject it wants to be for the EP countries – an influential strategic or an inert and passive one – and whether the EU is ready today for the possible use of 'hard power'. After all, the practice of conflicts on

the territory of the EP has proven that the emphasis exclusively on 'soft power' is not sufficient to guarantee security, particularly in the geopolitical dimension. In response to modern threats, as noted by Kirakosyan Hasmik, 'soft power' should be supplemented with the tools of 'hard power' (Hasmik 2020). The use of exclusively 'soft' tools has repeatedly proven that the EU remains on the sidelines of conflict resolution and, in this aspect, will significantly lose in the confrontation with the Russian Federation, which has long combined these elements. He also points out that at the EU level, it would be appropriate to form specialised analytical centres with the involvement of professional experts in order to provide greater awareness of the development and specifics of conflicts. It is obvious that such a step could become an important countermeasure at the informational level.

To some extent, we are observing the transformation of the EU's global role today in the context of the ongoing war in Ukraine. Thus, for example, Josep Borrell has recently named four key circumstances of this: 1) European countries showed the unity of the EU in the face of the Russian aggression (they applied powerful economic, personal and financial sanctions); 2) military support for self-defence is provided to Ukraine (this is for the first time in the history of the EU); 3) significant steps have been taken towards energy independence; 4) more than 140 UN countries condemned the aggression of the Russian Federation. He also emphasised that the EU should be ready to defend its values, and security issues should be a response to the global consequences of aggression, and he also added that supplying weapons to a third country 'was a taboo that no longer exists' (Hladenko 2008). Besides, on 21 March 2022, the EU approved the first-ever joint EU strategy in the field of security and defence called 'Strategic Compass'. However, experts note that the adoption of this document has no practical significance for Ukraine (Melnyk 2022).

In accordance with this, scientists and experts highlight various recommendations for the EU in order to increase the effectiveness of its approach in this sense. Among them, *we agree with the recommendations of foreign experts Thomas de Waal and Nikolaus von Twickel* (Waal – Twickel 2020). *They therefore determine:*

- for Ukraine: 1) to continue its support in reforms on the way to democratisation, decentralisation and the fight against corruption; 2) exert international pressure on the Russian Federation by means of strengthening sanctions (personal and sectoral); 3) to develop a strategy to help Ukraine with the help of 'soft power' throughout its territory, in particular, not controlled by the government, in order to overcome the isolation of the occupied territories; 4) to develop financial aid programmes in government-controlled areas, as a model of what could be in the occupied areas.
- for Moldova and Transnistria: 1) to provide diplomatic support to Moldova in relations with the Russian Federation; 2) to promote the implementation of trade agreements between Moldova and the TMR, deepen their economic ties with the EU.

- for Georgia, Abkhazia and South Ossetia: 1) to confirm the policy of non-recognition of Abkhazia and South Ossetia; to condemn the states that recognise these occupied territories; 2) to continue to ensure stability and security in conflict areas through the EU Monitoring Mission (EUMM); 3) to continue to support the development of Georgia as a potentially attractive state for Abkhazians and Ossetians; 4) to carry on working on the implementation of the principles of ‘non-recognition’ and ‘engagement’ (economic, social assistance); 5) to persist the information work with the population.

Likewise, the following recommendations of such Ukrainian experts as H. Maksak (2020) and M. Myronova (2021) deserve peer consideration. They determine: 1) the EU should be more actively and effectively involved in the prevention and settlement of conflicts on the territory of the EP countries; 2) it is necessary to review the approaches to their settlement, first of all on the basis of the established position independent of the Russian Federation; 3) the EU should rethink the drawbacks of its mediation activities of the previous years; 4) to form a separate strategy or security platform of the EU regarding conflicts in the EP, which will clearly define the tools for their settlement; 5) to form/supplement the mechanism for the formation of EU military and civilian missions at the request of a third party (the requests for such a mission were rejected for Georgia in 2005 and Ukraine in 2014); 6) to more practically strengthen the undisputed role of the global leader, in particular by modifying security and defence tools; 7) to strengthen participation in negotiation formats regarding EP conflicts; 8) on the basis of strengthened instruments, to directly participate in the de-escalation of conflicts; 9) to form additional EU missions in the region of the EP; 10) to cooperate more closely with the OSCE, the USA and NATO.

Thus, the world order established long ago, after the end of the ‘Cold War’ is now collapsing. The security architecture of the EP countries, as well as the EU itself, is acquiring signs of insecurity and unpredictability. Therefore, the countries of the Eastern Partnership, due to the acute and unresolved conflicts on their territory and the influence of the Russian Federation (which in every way supports and promotes the development of the conflict environment, and is also the author of the crisis of the world order) objectively need greater involvement of the EU as a mediator, security provider and crisis global actor.

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# The European Parliament as Transformational Actor toward the Reconsideration of the EU Eastern Policy

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**Abstract:** *The main purpose of the paper is to analyse the role of the European Parliament (EP) in the reconsideration of the EU eastern policy in the light of Russian full-scale military aggression against Ukraine. With the view to reaching the stated objective, the following research tasks are taken into consideration. First, particular attention is paid to the change of the EP approach toward the issue of eastern policy building in the aftermath of the 2019 elections and after the 24 February 2022 Russian invasion of Ukraine. In order to define the transformative potential of the EP in the institutional system of the European Union (EU) as regards the eastern dimension of its neighbourhood policy, the analysis covers selected resolutions and recommendations as well as key political addresses delivered by leaders of the EP, European Council and European Commission. Second, the study presents the context of the foreign policy structural competition between the EU and Russia putting particular emphasis on the role of institutions mentioned above in the process of foreign policy-making and on the nature of the EU support for the democratisation processes in the Eastern Partnership (EaP) region before the 24 February 2022. Finally, there is made an attempt to evaluate the steps undertaken by the EP in order to reform the EU eastern policy and enhance support for the Europeanisation processes in partner states aimed at democratic transformation of the region.*

**Key words:** *European Parliament, transformational leadership, transactional leadership, EU eastern policy, Eastern Partnership.*

## I. Introduction

The unanimous decision of the European Council to grant Ukraine the candidate status of the European Union (EU) has been a clear political signal and a response to appeals of the Associated Trio (Ukraine, Moldova and Georgia) to the EU policy-makers to reconsider the concept of the Eastern Partnership (EaP) and provide a clear declaration on membership perspectives for the EaP countries. In light of current geopolitical challenges and democracy threats faced by these countries, the discussion on the possible change in the eastern dimension of the EU neighbourhood policy is topical and necessary. Such discussion should raise the issue of a new tailor-made approach to be applied in a non-uniform manner which takes into consideration existing threats and challenges for the democratisation processes in the associated candidate (Ukraine, Moldova) or potential candidate (Georgia) states. Meanwhile, debates in terms of the Conference on the Future of Europe (CoFoE) devoted to the future role of the EU institutions in building relations with the governments of the member and non-member states have illustrated the complexity of the subject and argued for the solutions relevant to the existing geopolitical realities caused by such crises as the COVID-19 pandemic or Russia's illegal military aggression against Ukraine. It is particularly the latter that has triggered the discussion on the need of reconsideration of the EU position in the EaP region.

In fact, it is the EP that has become a platform for discussions on the nature of relations with the EaP states and has proved to be an important institutional actor directly influencing the EU eastern policy. Meantime, Russia's illegal full-scale military attack on Ukraine became a trigger for the reconsideration not only of EU-Ukraine relations but, more broadly, for the reconsideration of the EU structural foreign policy in the EaP region. To do so, the analysis of the bilateral relations between the EU and EaP states should take into account such factors as the aggressive Russian position in response to closer ties between the EU and the Associated trio: Ukraine, Georgia and Moldova; the state of implementation of the association agreements; the political support for the European membership perspectives for the new candidate states (Ukraine and Moldova) or potential candidate state (Georgia) among the decision-makers in the EU and EaP countries. Therefore, the goal of the article is twofold:

- 1) to analyse the response of the EP to major (un)democratic developments in the EaP region in the aftermath of the 2019 EP elections before Russia's 24. 02. 2022 attack on Ukraine;
- 2) to critically assess the steps undertaken by the EP and the EaP leadership regarding the reconsideration of eastern policy-making in context of the Russia's illegal military invasion of Ukraine.

Such chronological and subject limitations create a favourable ground for an in-depth study of the EP position in the institutional system of the EU and its impact on the transformation of the EU foreign policy in the eastern neighbourhood.

The article puts forward the hypothesis arguing that the EP's transformational impact on strengthening the position of the EU as a structural power in the EaP region is defined by such factors as its peculiar position in the institutional system of the EU, dominant type of political leadership and approach to new eastern policy-making through deliberating and promoting new formats of cooperation with associated states in the eastern neighbourhood in light of geopolitical threats caused by aggressive Russian politics.

The article is structured as follows: the following section briefly explains the methodology and research framework of the article. Then, the focus is put on the Common Foreign and Security Policy of the EU and the role of key EU institutions in the decision-making process. Furthermore, the analysis covers the selected EP resolutions and political addresses devoted to the eastern dimension of the EU neighbourhood policy before and after the Russian invasion of Ukraine in order to compare and assess the transformational potential of the EP as an actor of the EU institutional system. Based on the given empirical analysis the paper makes an attempt to define the major directions of further action posing a question whether the EP might become a transformative structural power as far as the eastern policy-making of the EU is concerned and how successful it has been in conducting the eastern dimension of its structural foreign policy since the 2019 EP elections.

## **II. Methodology and Research Framework**

Due to the dynamic and complex character of the Europeanisation processes and significant role of particular political and social actors on this process, the research methodology is based primarily on the following: 1) the process tracing, and 2) the content analysis that is used in order to critically analyse the selected political speeches, declarations and resolutions of both, individual and collective actors having an impact on the EU-EaP relations. On the one hand, the methodology of process tracing is employed in order to conduct a qualitative analysis of causes that led to key political developments in the EaP region since 2019 such as EP resolutions on the EaP (Ukraine, in particular), the implementation stage of association agreements (AA) in Ukraine, Moldova and Georgia, factors framing the democratisation processes in the EaP region and the impact of EP engagement on the Europeanisation processes. On the other hand, the content analysis was based on a qualitative study of such primary sources as political debates in the EP and its resolutions on matters directly related to the EaP countries, as well as speeches, statements and declarations

on the given topic delivered by the EP leadership. Particular attention is paid to the EP response to major developments in the Association Trio (Ukraine, Georgia and Moldova) in context of the current state of the democratisation processes after Russia's military invasion of Ukraine.

The analysis of the selected documents adopted by the EP that are centred on the existing state of bilateral cooperation and prospects of future developments makes it possible to define its transformational potential in reference to the war in Ukraine and EU engagement into the political and military support for Ukraine. That, in turn, creates ground for the reflection on the transformative potential of the EU in regard to its eastern policy and structural potential in the EaP region.

Furthermore, it is necessary to define the meanings of two essential terms that are used in the research framework such as structural power and transforming (transformational) leadership. Conceptually, the paper uses the classification of political leadership defined by James MacGregor Burns (1978) who underlined the moral constituent and complex long-term goals as specific features of transformational leadership. In the meantime, I argue that before 24 February 2022, the EU structural foreign policy in the EaP region was based on the transactional approach aimed at short-term needs and maintaining status quo with Russia. In fact, the article focuses on the Ukrainian case as a trigger of the EU eastern policy change and the transformation of the EU leadership (from transactional to transformational) in light of a full-scale Russian invasion. Such focus gives ground to reflect on whether the EP might become a transformative structural power as far as the EU eastern policy-making is concerned and how successful the EU structural foreign policy has been in supporting the democratisation in Ukraine since full-scale Russian invasion.

According to Burns (1978: 4), 'the result of transforming leadership is a relationship of mutual stimulation and elevation that converts followers into leaders and may convert leaders into moral agents.' In this regard, transformational leaders are likely to use their leadership to establish their long-term vision through challenging the prevailing culture and encouraging their followers to transform their capabilities. In other words, the transformational leadership involves structural shifts in the beliefs, needs and values of followers. To do so, the transformational leaders appeal to both rational and emotional arguments in order to win the hearts and minds of their followers. Therefore, the article focuses on the actions taken by the EP as a collective institutional leading actor of the EU and on the effects these actions (i.e. adopting particular resolutions) have had on other political and social actors.

Even though the article uses Burns' concept of transformational leadership as a basis for its research, it is important to add that his ideas were further developed by Bernard Bass, who made an attempt to introduce the questionnaire to measure the components of the transformational leadership. As a matter of

fact, both Burns (1978; 2003) and Bass (1985) agree that the transformational potential of a leader may be measured by results and influence on the followers. In accordance with Bass classification (1985: 7), there are four roles for transformational leadership: 1) inspirational motivation – or an ability to encourage followers to believe in a leader’s vision and the need of fundamental transformation; 2) idealised influence meaning that a leader is presented as a role model for other followers; 3) individualised consideration of needs and expectations of particular followers or group of followers; 4) intellectual stimulation that is expected to motivate followers to create new ways of thinking about a particular situation or about a particular actor (individual or collective). As for the definition of the structural power in context of foreign policy, the paper uses the definition of the ‘structural’ offered by Keukeleire and Delreux (2015: 44) who point to two major dimensions in this regard. First, to have structural power means to be able to shape the structures in a particular area. In terms of the article, such an area refers to both selected states of the EaP and to the region of the EaP as a whole. Second, it is sustainability effect that is seen as a key feature of the structural power. As far as the structural power of the EP in the EaP region is concerned, the sustainability effect is analysed in context of the external Europeanisation impact on the ability of newly established institutions to function in accordance with the EU norms and principles and become a legitimate part of the partner state.

Structural power may well be analysed in the context of the transformative power. In fact, Mark Leonard (2005) uses the very same criteria for the definition of transformative power as Keukeleire and Delreux did in the case of structural power. In accordance with Leonard (2005), the effects of the transformative power must be long-lasting and caused by substantial changes of legal and political systems. Interestingly enough, the Keukeleire and Delreux duet as well as Leonard give the example of the 2004 EU enlargement as a success of the EU structural power in the neighbourhood policy. Furthermore, if in 2005 Leonard (2005) pointed out that the transformative power of the EU in its immediate neighbourhood was expected to create a substantial change in political status quo in the given region, in 2015 Keukeleire and Delreux (2015: 46) argued that the EU lost the structural foreign policy competition with Russia in the region of the EaP. Having said that, the most recent observations argue that the EU engagement into geopolitical competition with Russia has stopped the deterioration of the situation in countries such as Georgia and Ukraine (Kakachia et al. 2021: 1348).

Monika Sus (2014: 91) summarises the scholarly research on the transformative potential of the EU by defining five factors determining its power: 1) coherence of the particular EU policy; 2) principle of conditionality as the main instrument of EU pressure on the third countries in context of legal and axiological adaptation; 3) a particular country’s willingness to implement ex-

pected changes; 4) pro-EU aspirations in a particular country; 5) geopolitical factors influencing the position of a particular country.

In this regard, the article poses a question whether the current geopolitical situation caused by the illegal Russian military invasion of Ukraine may become a factor leading to the transformative potential of the EP and, more broadly, to the EU transformative power growth in the EaP, and thus to winning the structural foreign policy competition with Russia in the upcoming years.

### **III. Role of Key EU Institutions in the Decision-Making Process on the Common Foreign and Security Policy**

To answer the question whether the EU might win the structural foreign policy competition with Russia and become a transformative power in the eastern neighbourhood, it is necessary to critically evaluate the role of particular EU institutions taking part in the development of the foreign policy of the EU.

It is the Treaty of Lisbon that defines the nature of the Common Foreign and Security Policy (CFSP) and introduces the combination of the intergovernmentalism and supranationalism in the decision-making process. The provisions regarding the CFSP were aimed at improving the democratic legitimacy of the EU and introducing coherence and consistency to its external policies. In order to increase the international role of the EU, two new positions were established. First, it is the position of the president of the European Council with a maximum of two two-and-a-half-year terms in office. Second, it is the position of the high representative of the Union for Foreign Affairs and Security Policy (HR) who simultaneously serves as the vice-president of the European Commission. What is more, the establishment of the European External Action Service (EEAS) was seen as a clear sign of the increase of the EU international representation. As one might recall, the given body consists of staff from both intergovernmental and supranational institutions such as the general secretariat of the Council and diplomatic services of the EU member states or the European Commission.

It is important to point out that holders of both new positions, the president of the European Council and the HR, represent the EU on the international arena. However, the Treaty of Lisbon (2009: art. 15) gives a field for interpretation as regards their level of engagement stating that ‘The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.’ Such formulation may raise questions on the potential of the EU to speak with one voice on the international arena in case the president of the European Council and the HR represent different positions on particular matter.

It is, in fact, the nature of position of the HR that might create a range of other difficulties in the interpretations. Being a vice-president of the European Commission on the one hand, and a chair of the Foreign Affairs Council on the other, the HR represents both institutions. As a representative of the European Commission, the HR is responsible for ensuring the consistency and coherence of the EU's external action in relations with the third parties. In the meantime, as a representative of the Council, the HR is engaged with CFSP and responsible for ensuring the implementation of the decisions adopted by the European Council and the Council. As for the Foreign Affairs Council, its role is to 'elaborate the Union's external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union's action is consistent' (Treaty of Lisbon 2009: art.16).

Having said that, the balance of the EU-Russia structural foreign policy competition in the Eastern partnership region before Russia's full-scale invasion of Ukraine has illustrated the dominance of the transactional approach of the EU institutions aimed at keeping status quo in given bilateral relations. In fact, when it comes to the EaP initiative one could have noticed both the successes and failures of the Europeanisation efforts in the region that led to such opposite outcomes. On the one hand, three EaP states (Ukraine, Moldova and Georgia) signed the AA with the EU while another two of them (Armenia and Azerbaijan) stopped the association process, and one (Belarus) announced the unprecedented case of its suspension of participation in the initiative (EaP 2022).

Unsurprisingly, on a number of occasions since 2019 political leadership in associated states came forward with the initiative of reconsideration of the EU approach to the concept of the EaP and establishment of the individual approach to each partner state with a clear prospect of the EU membership for the associated states. In fact, it is the 2021 Batumi summit declaration of Ukraine, Moldova and Georgia (2021) that reflects previous statements addressed to the EU policy-makers on the need to reconsider the concept of the EaP and provide a declaration on membership perspectives for EaP countries. The Batumi declaration itself appealed to the EU and argued for the need to guarantee the membership perspective to the associated states. One might recall that the 1200-page AA with Ukraine includes only a vague message on welcoming the EU aspirations of Ukraine, which reflected a lack of consensus on the given issue among the twenty-seven member states. It was the wording of the prospective form of the EU-Ukraine relations that became one of the major controversies among the EU governments and led to the significant delay in the ratification process of the document (Zheltovskyy 2020: 79).

The condition of not reacting to the Association Trio appeal resulted in encouraging their political elites to search for an alternative geopolitical alliance. In this regard, Ukraine serves as a bright example. Since the 2019 elections Ukrainian authorities have argued for the need to create regional formats and

alliances in order to improve the integration prospects for Ukraine. The newly established formats such as the Lublin Triangle, Associated Trio, Ukrainian-Turkish Quadriga and the Crimea Platform illustrated both positive dynamics in closer cooperation with certain EU and non-EU states as well as growing appeals toward the clear membership perspective for associated states. Another example is the declaration on the establishment of the trilateral alliance between Ukraine, Great Britain and Poland aimed at strengthening the regional security. The fact that Ukraine was more successful in finding support among Eurosceptical governments than among such influential EU decision-makers as Germany or France vividly illustrated the lack of unanimous approach inside the EU and argued for the need of transformational leadership that would be able to reach sustainability effects of the Europeanisation processes in the associated states of the EU.

What is more, a lack of clear response to the 2021 Batumi declaration from the EU institutions and the EU Parliament has been regularly used by the Russian policy-makers in order to promote narration that the West implemented the external control in the associated states of the EaP and that the main task of the collective West in this region is to control political elites in order to create security threats for Russia. Similar messages were repeatedly used by pro-Russian politicians inside and outside the EU and created favourable grounds for decreasing the pro-European support among citizens of the EaP states.

In the meantime, there has been a significant increase in the transformational leadership style implementation in the approach of the EU institutions toward their response to growing Russian aggression. The following part of the article analyses the position of the EP before and in the aftermath of Russian full-scale invasion and its attempts to promote the transformative vision among key institutional players responsible for the EU foreign policy.

#### **IV. The Evolution of the EP Approach toward the Eastern Policy-Making Process**

The 2019 EP elections were characterised by the highest voter turnout in the past 20 years – 50.7% – which increased significantly from 42.6% in 2014. Such positive dynamics was primarily influenced by the intense debate on the future form of European integration and the future form of the cooperation between the European institutions and member states' governments. Among other mobilising issues were climate change, economy and immigration, all of which became highly politicised and thus led to the increase of the turnout (Braun and Schafer 2022: 123). The European debate on the future shape of the integration process between supporters of deeper integration aimed at the federalist vision of the EU and their opponents advocating the idea of Europe of nations based

on the narrow and subsidiary nature of the integration process led to rising polarisation among the EU voters (Domaradzki – Zheltovskyy 2020: 16).

As for the 2019 EP electoral results, a number of observations need to be underlined. Overall, the liberal euro optimists' parties turned out to win the majority of the seats despite active anti-EU campaigns conducted by Eurosceptical parties (Nai et al. 2022: 23). The 'pro-EU' political groups consisting of the EPP, S&D, RE and Greens-EFA obtained 518 seats or 69% of the seats in the EP. At the same time, as experts predicted, the coalition of the two biggest groups, European People's Party and Socialists and Democrats, lost its majority (Hix – Frantescu 2019: 1). If after the 2014 EP elections, the EPP group obtained 216 seats and S&D group – 185, the 2019 elections results gave them only 182 and 153 seats respectively.

The 335 votes were not enough to form a coalition and meant that these groups would need to cooperate with other groups in the EP in order to form a majority. Interestingly enough, in all previous EP elections these two groups managed to get enough votes necessary to form an absolute majority that gave them control over the agenda-setting process. In their turn, representatives of Eurosceptic groups comprising the ID Group and other potential allies including Hungarian *Fidesz* that previously belonged to the EPP group, and populist parties in the European Conservatives and Reformists group (mainly consisting of representatives from the Polish ruling PiS party), the Sweden Democrats and Dutch Forum for Democracy received around 23% of seats (Fella et al. 2019). The upshot of the election is the political fragmentation of the EP that argues for the need of consensus among different political groups.

In order to understand the impact of the above-mentioned changes on the position of the EP concerning the issue of the EaP and EU-Russian relations, the following section of the article takes into account selected resolutions adopted by the EP since 2019 with particular focus on those adopted after 24 February 2022. Such a selection gives opportunity to follow the ability of reaching compromise in times of geopolitical crisis and define the changes of the EP position on the prospects of the eastern dimension of the EU foreign policy-building in context of the EU institutional system.

As a reminder, however, it is important to start with the resolution adopted by the EP on 24 October 2013 on the Annual Report from the Council to the EP on the Common Foreign and Security Policy in order to follow the efficiency of its impact on EU policy-making and underline the changes in political groups' approach toward the eastern dimension of the EU neighbourhood policy. As for the structural power of the EU in the EaP neighbourhood and its transformative potential, the above-mentioned resolution stated that the EP '... recalls that the Eastern Neighbourhood is of strategic importance and recalls the European perspective of the countries concerned, which remains a key incentive for these countries to deliver on reforms; emphasises that the EU has real leverage in

this area and should fully assert its transformative power; considers that it is high time for intensified efforts, coupled with greater political commitment, to achieve the objectives of the EaP, including the need to establish a closer link between the CFSP and the ENP... ‘ (EP Resolution 2013).

In the meantime, since the resolution mentioned above, one could have observed the growing politicisation of the enlargement policy (Schimmelfennig – Bélanger 2021; Góra, 2021). On the basis of the EP debates analysis, Schimmelfennig – Bélanger (2021) emphasise two significant observations. First, it is the growing polarisation and politicisation of the enlargement issue since 2014. Second, it is the fact that despite the process of politicisation, the EP enlargement discourse could be characterised as positive and open framing. In her turn, Góra (2021) points to the fact that even though the security issues had a significant impact on the EP debates regarding the enlargement process, the policy evaluation was predominantly analysed from the perspective of the social and institutional implications that might be caused by potential enlargements.

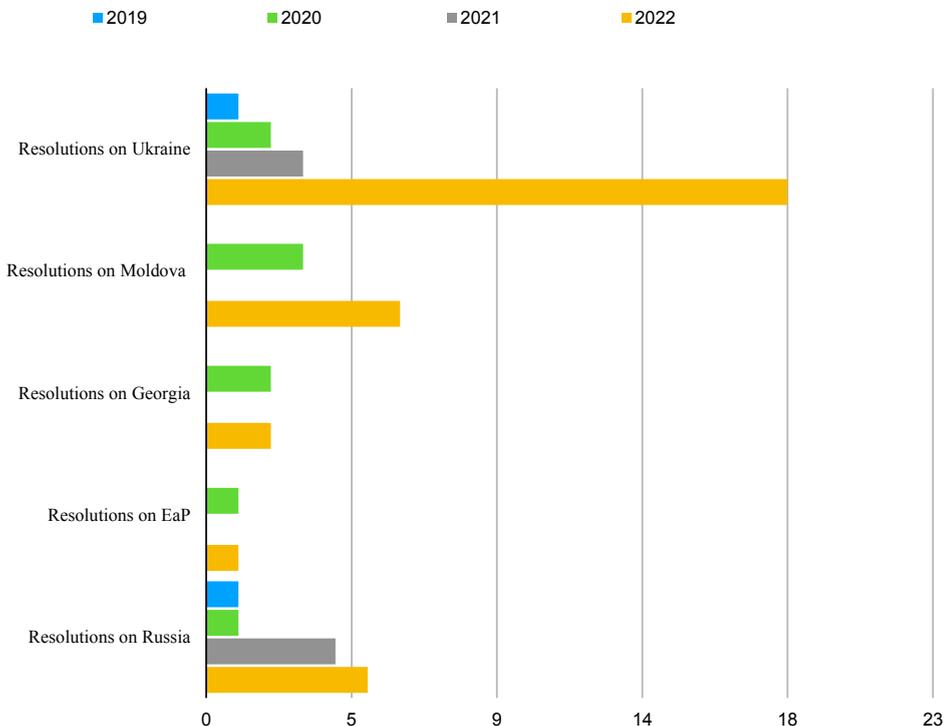
On the other hand, the individual member states veto is seen as a significant challenge for the enlargement process in the EU (Schimmelfennig – Bélanger 2021). The reaction of the EU member states to the Russian illegal annexation of Crimea in 2014 has illustrated diverse attitudes toward future cooperation with Russia and toward the EU sanction policy in particular. In its turn, Russia invested in supporting pro-Kremlin parties and strengthening bilateral relations with selected member states’ governments in order to split the unity in the European Council and to discourage civic support for continuation of sanctions against Russia (Portela et al. 2020: 684). Simultaneously, Russia widely employed the anti-EU narrative aimed at contesting the European values and identity and presented itself as an alternative power that stands for conservative values (Tyushka 2021: 115).

Regarding the EU institutional discourse on the perspective for the eastern enlargement, previous scientific observations on prospects of EU-Ukraine relations point to the lack of resilience approach in the EU response to the Ukrainian crisis in the years 2014 to 2021 and argue that the resilience theme in the official EU rhetoric on Ukraine was not reflected in the transformation of cooperation in the EaP framework (Natorski 2022: 6). One might recall, the concepts of ‘resilience’ and ‘principled pragmatism’ were put at the core of the EU foreign and security policy in terms of its Global Strategy (Rieke and Riddervold 2021: 460). At the same time, despite moderate successes of EU attempts to strengthen societal resilience in Ukraine before 2022 it has managed to develop the sources of resilience and led to the mitigation of domestic risks (Kakachia et al. 2021: 1348).

Speaking about the role of the EP, the following part of the article centres on the content analysis of resolutions and recommendations on the major developments in the EaP region and Ukraine in particular. The content analysis of the

given documentation gives ground to illustrate the impact of the EP as a collective actor in reference to the EU neighbourhood policy-making. The analysis covers resolutions in the timespan of three years, from July 2019 to July 2022, which makes it possible to evaluate the approach of the EP before and after the full-scale Russian invasion of Ukraine. Such a selection of primary sources serves as tool for the evaluation of leadership potential of the EP as a collective institutional actor of the EU. As for the aspects taken into account, they cover such issues as: state of AA implementation in Ukraine, Moldova and Georgia, direction of relations between EU and Russia before 24. 02. 2022, Russia's aggression against Ukraine, candidate status of Ukraine, the Republic of Moldova and Georgia, the prospects of the EU foreign policy toward the EaP region, etc. The diagram below shows the number of resolutions on given matters adopted by the EP in July 2019–July 2022:

**Figure 1: EP Resolutions on the Association Trio, the EaP and Russia in the years 2019–2022**



Source: author's own study of resolutions available at <https://www.europarl.europa.eu/plenary/en/texts-adopted.html#sidesForm>

Previous research on the EP enlargement discourse argues that the EP ‘enlargement discourse is an informative indicator of actual EU external bordering’ (Schimmelfennig 2021). As it is clearly shown in the diagram, the Russian invasion became a trigger for the EU attempts to reconsider the eastern dimension of its neighbourhood policy. That resulted in the increasing intensity of the EP enlargement discourse and active position of the EP as a collective institutional actor aimed at the defining key aspects of the prospective policy toward not only Ukraine but toward the EaP and Russia as well.

This state of events poses a question on the essence and nature of the EP leadership in the institutional system of the EU and its impact on the reconsideration of the EU eastern policy. As a matter of fact, the analysis of the vision envisaged in the EP resolutions and recommendations adopted in the timespan from 2019 to February 2022 in the context of transformational versus transactional approach gives ground to formulate a number of observations. First, there was a low intensity of debate on the issue of the EaP in 2019–2020. Second, one could have noticed a visible increase in transformational elements in the documents adopted since September 2021 when the first signs of a potential Russian invasion against Ukraine became known to the general public. That included the appeal to enhance the strategy for the integration of the EaP countries and to prepare sanctions against Russia in case it decides to launch military action against the EaP countries. Finally, whereas the issue of enlargement was not raised, a range of recommendations argued for the urgent need to fundamentally reform the EU foreign policy regarding the direction of the EU-Russia relations in order ‘not to allow Russia to continue the so-called bilateralisation of relations with the EU’ (EP recommendation 2021/2042)

Having said that, the content analysis of resolutions and recommendations adopted since 24 February 2022 has demonstrated a clear shift toward the transformational vision of the prospects of eastern enlargement and makes it possible to define the EP as a transformational actor of the EU institutional system. The table below presents the examples of major elements of transformational leadership included in the EP resolutions adopted in the three month period from 24 February 2022 to 24 July 2022.

The analysis of the EP majority position on the eastern policy has illustrated the evolution of the MEPs’ approach to the analysed issue. Resolutions adopted between 24. 02. 2022–24. 07. 2022 are dominated by the transformative messages aimed at the reconsideration of the EU approach to its structural foreign policy-making process in the EaP region. What is more, there has been a significant increase in the intensity of political debate resulting in undertaken documents. By taking a proactive position, the EP calls on the key European institutions such as the Council of Europe, the European Commission and the High Representative to resign from a transactional leadership style so that the EU could use its transformative potential in its immediate eastern neighbour-

**Table 1. Elements of Transformational Leadership in the EP Resolutions in Context of the EaP, Ukraine and EU-Russia Relations (24.02.2022 – 24.07.2022)**

Element of transformational leadership	Examples
Transformational vision	repeated appeals to the European External Action Service (EEAS) to develop a more active role for the EU in the eastern region; calling for the EU institutions 'to work towards granting EU candidate status to Ukraine, in line with Article 49 of the Treaty on European Union and on the basis of merit, and, in the meantime, to continue to work towards its integration into the EU single market along the lines of the AA'; calling on the EC, the member states and the high representative of the Union for Foreign Affairs and Security Policy to transform the EaP policy in the light of the Russian war of aggression against Ukraine; reaffirming the commitment to the EU enlargement as 'a geostrategic investment in a stable, strong and united EU'; calling for an EU solidarity mechanism aimed at overcoming the economic and social consequences of Russia's war against Ukraine; considering the involvement of the EaP countries in the Three Seas Initiative (3SI).
Purpose of the proposed action	to create grounds for the enlargement process; to develop transformative and meaningful instruments of the EU eastern policy; to increase political engagement of the EU in the EaP region; 'to expand support mechanisms for the further participation of the EaP countries in CSDP civilian and military missions and operations'.
Moral constituent	the repeated appeal to support the democratisation processes in the EaP region; the declaration to support 'like-minded Ukrainian partners who are fighting and sacrificing for European values and principles'.
Timescale of proposed changes	no direct mention about timescale of proposed changes to the eastern policy of the EU vs. immediate sanctions against Russia, i.e. full embargo on imports of energy resources.

Source: author's own analysis of EP resolutions available at <https://www.europarl.europa.eu/plenary/en/texts-adopted.html#sidesForm>

hood as part of its strategic responsibility. This proactive stance towards the mobilisation of key institutional actors is aimed at reaching a compromise on giving up the transactional style of leadership in relations with Russia by using the transformational potential of the EU.

The analysis of rhetorical strategies in the context of the individual political leadership of the EU institutions allows for the definition of the main elements of the EU institutional position on its structural foreign policy competition with Russia. It is possible to define four major narratives of transformational leadership in the political discourse of leaders of the European Council, European Commission and EP:

- 1) EU as an independent actor in geopolitical relations;
- 2) EU as a transformational power on the international arena;

- 3) EU as a promotor of European values among member and non-member states;
- 4) 'special responsibility' of the EU toward Ukraine in light of Russia's military aggression.

Furthermore the leaders of three institutions unanimously agree that in order to reach the stated objectives, the EU urgently needs to build its own 'strategic vision' and elaborate a new formula of cooperation with Russia. Another step of equal importance is to develop a long-term strategy for the transformation of the EaP region and to bring the issue of enlargement back to the table.<sup>1</sup>

## V. Conclusions

The empirical study of the EP resolutions conducted above gives arguments in favour of dominance of the transformative approach instead of the transactional one that has been implemented on a number of occasions before. It has vividly illustrated the evolution of the EP institutional leadership on the issue of EU eastern policy-making. Aggressive Russian policies and the full-scale invasion of Ukraine have become a trigger for the reconsideration of the EU leadership in the EaP region and it is the EP that has demonstrated a clear transformational leadership potential on the given matter.

Based on the analysed examples of EP transformational leadership, it is possible to state that the evolution of the EP leadership approach to such a crucial issue as the eastern dimension of the EU neighbourhood policy has brought moral constituent to the core of the decision-making process on the future of the EU enlargement policy. Overall, the transformational style of the EP response to the existing geopolitical challenges caused by Russian military aggression has led to the following implications:

- a significant increase in the adoption of strong resolutions on the future relations with the associated states, EU-Russia relations and the essence of the EU foreign policy overall has brought the issue of prospective enlargement in the focus of the European debate;
- the transformational nature of the EP position toward the Russian aggression against Ukraine served as a motivation factor leading to the advance to a higher level of morale and motivation among political leaders of the EU institutions such as the European Council or European Commission and played a significant role in formulating the unanimous position of the EU as a structural power in the EaP region;

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<sup>1</sup> Based on the author's content analysis of political speeches delivered by the president of the European Council Charles Michel, president of the European Commission Ursula von der Leyen, president of the European Parliament Roberta Metsola.

- the change of the EP leadership style regarding the reconsideration of the EU eastern policy may have significant implications for the EP position and role in the functioning of the EU. As one might recall, the CoFoE has started the discussion on the need to revise the treaties in favour of more competences for the EP as the only EU institution that is elected directly by the citizens. In fact, the MEPs adopted a resolution arguing for the need to empower the EP with the direct legal initiative and strengthen the procedure of the EU values protection presented in article 7 of Treaty of the EU (EP resolution 2020/2132). In this regard, the consideration of the EP as the collective institutional actor who has a measurable impact on the functioning of the EU based on the EU values and moral constituent is likely to become a significant consolidating factor among the pro-EU political and social actors and will lead to the increase of public trust among the EU citizens.

It remains to be seen whether the change of the EP discourse on the issue of enlargement and reconsideration of the eastern policy of the EU will further impact the official position of other key EU institutions such as the European Council or the European Commission on the given matter. In the meantime, the tendency of building alliances aimed at helping Ukraine may lead to the creation of multiple centres for solving common problems in Europe and thus may result in individual action and lack of coordination with the EU institutions. Such a scenario is exactly opposite to the mainstream vision of the EU that is able to speak with one voice on crucial foreign policy matters. In this case, the EU inability to become a proactive actor in the region and a transformative power toward the associated states will put at risk the future of integration policies there and lead to the growing structural influence of Russia.

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# REVIEW ESSAY

# Virgil Gheorghiu on Communism, Capitalism and National Socialism

LINO BIANCO



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The focus of this publication is the study of Constantin Virgil Gheorghiu (1916–1992), an important and controversial writer in contemporary Romanian literature, best known for his novel *The 25<sup>th</sup> Hour*. His writings are characterised by the condemnation of the horrors inflicted by Nazism and communism and his critique of capitalism. The book by Iuliu-Marius Morariu presents Gheorghiu's ideas on these three ideologies which dominated the twentieth century and highlights his contribution to the literature on the subject. Based on Gheorghiu's analytical observations, Morariu attempts to identify similarities and differences between these political doctrines. The author poses three research questions: (i) what are Gheorghiu's reflections on these ideologies, (ii) how relevant are they nowadays and (iii) how did the context influence him? Morariu undertakes this task through an inclusive, qualitative approach; given the interdisciplinary nature of this study, analytical–deductive, narrative and inductive methods were also employed in developing the arguments.

The book has five chapters, preceded by an introduction and finishing with a general conclusion. In the introduction, the aims and objectives, the methodology and the achievements and limitations of the research are spelled out. It includes a review of the state of the research of the topic on which this study focuses. The first chapter outlines Gheorghiu's biographic profile and his works. It places him in his historical context and concludes with discussing the relevance of his work. The second and third chapters address his reflections on communism and his perception of National Socialism. Both have two main sections: prior and post 23 August 1944, the day which paved the way for Soviet occupation. The next chapter explores his reflections on capitalism. Similar to the previous chapters, it has sections prior to and post-1955, the later period covered until 1992. His first experience of capitalism was his time at an American

prison camp, following his arrest as a diplomat from an enemy country. The fifth chapter presents a discussion on the feasibility of Gheorghiu's political thought in today's context. The final conclusion crowns the book with a summary of the main findings of the study.

This publication by Morariu is actually not only about a prominent literary figure in Romania, but about an interwar diplomat, journalist and, later, a Romanian Orthodox priest. Despising communism, he chose exile instead of living under such a regime following its establishment in his homeland post-Second World War. The objectives of the book, stated in the introduction, are systematically addressed with numerous and regular references to sources which mainly support the claims made in the main text. This text draws heavily on primary sources, including 30 of the 40 books penned by Gheorghiu, his correspondence with Mircea Eliade and materials from the Romanian Securitate. The manner in which the sources are used is not only interesting but gives an insight into the command of the arguments that the author puts forth in his exposition of Gheorghiu's notions, experience and opinion about communism, Nazism and capitalism. This is not surprising, as this publication is essentially based on the doctoral thesis – entitled *Virgil Gheorghiu's political reflection on communism, national socialism and capitalism* – which the author successfully defended at the Faculty of Social Science, Angelicum Pontifical University, Rome. The thorough bibliography of the book is divided into three sections: primary sources, secondary sources and other articles.

Gheorghiu's biographical overview and the context which forms the backdrop to his writings are presented in a convincing manner with meticulous detail. Over a third of the footnotes of the book are in this chapter. These notes are used to support the points raised in the main text; they provide convincing evidence with respect to the same, and offer additional useful information for the keen scholar. Of the three chapters, one on each of the political ideologies, the one on communism is the longest and contains nearly 30% of the footnotes of the whole book; the shortest is on Nazism and is nearly half the length of the one on communism, accounting for nearly 10% of the footnotes. Communism, like the Bolshevism in which it is rooted and the National Socialism against which it stands in opposition, can be described as a secular religion. Both communist and National Socialist ideologies aimed at establishing a new world order. They are not about power but power itself. Gheorghiu noticed similarities in both regimes: both outlaw opposition, and the atrocities of the Soviet gulags are not dissimilar to those of the German concentration camps. In addressing communism, Gheorghiu makes a number of observations and disapproving remarks, yet he does not undervalue the position of Nicolae Ceaușescu, the successor of Gheorghe Gheorghiu Dej. Unlike his predecessor, who was faithful to Moscow, Ceaușescu was open to the West. Whilst Gheorghiu was against the ideology of communism, he was not committed to National Socialism, understanding

well that it is evil in essence. The chapter on capitalism discusses the crisis of contemporary society which promotes consumerism. Gheorghiu equates this ideology with the ideology of consumption. He is concerned with the synchronisation of ideologies and cultures through the language of consumption. Similar to communism and National Socialism, capitalism is a belief system which is misleading, it is all about escaping reality, it is an illusion. Grounded in reality, all three are deceptive systems which are leading civilisation to tribalism. Just as communism and National Socialism were not successful in establishing societies which met the standards of their respective ideologies, capitalism is not the alternative to redeem the world.

The main contributions of the book are three-fold: it offers an analytical study of Gheorghiu's philosophy, it seeks understanding of his crucial arguments and it highlights their relevance today. The work will prove useful to scholars interested in Gheorghiu's reading of political ideology through literature, those exploring trends and developments in contemporary Romanian literature, and also to the casual reader interested in its theme. The arguments put forward by Morariu are not only plausible but are effectively a theory worth investigating within the realms of political and social sciences and may prove to offer a foundation for international relations and diplomatic studies. Although it has nearly 250 footnotes, the style of writing is flowing; it is both readable and engaging for the general reader who may opt to read the main text without losing track of the points being discussed.

*Iuliu-Marius Morariu, Virgil Gheorghiu on Communism, Capitalism and National Socialism, Berlin: Peter Lang, 2022, 260 pp.*

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Degnbol-Martinussen, John – Engberg-Pedersen, Poul (1999): *Aid. Understanding International Development Cooperation*, Zed Books, Mellempfolkeligt Samvirke, Danish Association for International Cooperation, Copenhagen.

### **EDITED VOLUMES:**

Rittberger, Volker, ed. (1993): *Regime Theory and International Relations*, Clarendon Press.

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George, Alexander L. (2004): Coercive Diplomacy, in Art, Robert J. – Waltz, Kenneth N., eds., *The Use of Force. Military Power and International Politics*. Sixth Edition, 70–76, Rowman and Littlefield Publishers.

### **JOURNAL ARTICLES:**

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Haas, Ernst B. (1961): International Integration. The European and the Universal Process. *International Organization* 15 (4): 5–54.

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## **RESEARCH REPORTS AND PAPERS FROM CONFERENCE PROCEEDINGS:**

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