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The EPP and Fidesz: Correcting Complicity in the face of Democratic Decline

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The EPP and Fidesz: Correcting Complicity in the face of Democratic Decline

BAP: Challenges to Democracy and the Rule of Law in European Politics

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I. Introduction

Since 2010, following the victory of Fidesz, led by Viktor Orban, Hungary has followed a path of democratic backsliding - marking the most serious democratic decline to be experienced by a Member State (MS) of the European Union (EU) up to that point (Freedom House, 2024). Backsliding has important consequences for the EU as it violates the European Treaties (Treaty on the Functioning of the European Union and Treaty on the European Union) and undermines the Union's legitimacy. Scholars have focused on different aspects of the crisis by assessing why the EU should care about democratic backsliding, what role should the EU take towards it, and the kinds of sanctions that are favorable and efficient (Kelemen, 2020; Priebus, 2022; Theuns, 2024, in press).

The basis of the EU's legal and political integration means that, if one MS becomes less democratic, the legitimacy of the Union as a whole is undermined and tainted (Theuns, 2024, in press, p. 8). Therefore, not taking measures against a backsliding MS would be extremely costly for the EU. Legislatively speaking, the laws and policies of the EU are supranational and accepted either via unanimity or qualified majority voting; so, they are co-created by the member states. Therefore, an "in becoming" autocratic state being able to participate in the co-creation of these undermines the entire civic and political freedom of the EU (Theuns, 2024, in press, p. 9). Based on the aforementioned negative consequences that backsliding has on the EU, it is considered that the Union should be responsible for fixing the democratic decay occurring in Hungary, particularly knowing that Union actors are complicit in the process (Kelemen 2020; Meijers & van der Veer, 2019; Theuns, 2024, in press; Wolkenstein, 2022). It has been argued that the Union has supported backsliding both directly, through continued financing, and indirectly, by avoidance of the topic (Kelemen, 2020; Meijers & van der Veer, 2019; Wolkenstein, 2020, 2022). One example of this is the European People's Party (EPP) who has supported and protected the Fidesz government from EU sanctions, allowing the situation in Hungary to deteriorate (Kelemen, 2020; Meijers & van der Veer, 2019; Wolkenstein, 2020, 2022). However, since March 2019, the Fidesz party and the EPP have separated, leading to the question of whether it should remain responsible for fixing the issue of democratic backsliding that its support has facilitated in Hungary. Therefore, this thesis will aim to answer the following research question:

Does the suspension of the Fidesz party from the European People's Party absolve the EPP's complicity from democratic backsliding?

This paper will focus on answering this research question in the context of the democratic backsliding which has occurred in Hungary; particularly, the partisan complicity between Fidesz and the EPP. As will be further discussed below, there is a gap in the literature concerning the concept of "complicity", and particularly the rectification of such complicity. These have not yet been studied at the European level, and even less so with regards to the EPP's complicity in Hungary's rule-of-law backsliding. Therefore, this research is of high social and academic relevance. It is important to assess the complicity of EU actors toward democratic backsliding to question what could be done to prevent it from happening and thus, preclude democratic backsliding. Additionally, providing evidence of party association with un-democratic actors can raise awareness and help politicize the EU as it provides more clarity on EU parties' stand and values which allow European citizens to make an informed choice.

In answering this question, the paper will be organized into three parts: to begin, a contextual analysis of the situation will be provided. This will allow for an assessment of the extent of the complicity between the two parties and help determine whether their separation is enough to excuse the EPP's involvement in the democratic backsliding. The second part of the paper will focus on the conceptualization of relevant terms such as "complicity", "democratic backsliding", and "absolve". Finally, a third section will be argumentative, using the empirical evidence and conceptualization provided in the previous section to answer the research question.

This thesis will argue that Fidesz's suspension is a sign of correction from the EPP, aiming to stop the complicity relationship. However, this is not enough to consider the EPP absolved of its complicity in Hungary's backsliding for three reasons. Firstly, the EPP's suspension of Fidesz came mainly due to certain actors personally attacking other MEPs of the EPP. However, to fully absolve the EPP, their suspension should have been based on their desire to end the democratic recession of Hungary. Secondly, the ending of collaboration between Fidesz and the EPP in 2021 came

mainly from Fidesz, so, in practice, the EPP did not take any actions to sanction Fidesz's actions. Lastly, the EPP has not faced any penalties for facilitating the Hungarian democratic backsliding.

II. Literature Review

a. Democratic Backsliding in Hungary

i. What is Democratic Backsliding?

In order to determine if the EPP can be absolved from its complicity in the democratic decay of Hungary, it is important to define what democratic backsliding entails and what happened in Hungary.

Democratic backsliding is defined as a process that initiates a transition away from democracy toward a more authoritarian or hybrid regime (Bermeo, 2016, p. 14). For the case of the EU members, it includes decline in the rule of law and democratic practice through a concentration of political, social, and economic power (Sitter & Bakke, 2019, p. 3). Backsliding refers to the “deliberate process and intended actions taken by a democratically elected government, designed to gradually undermine the fundamental rules of the game in an existing democracy” (Sitter & Bakke, 2019, p. 3). It includes the control of the states’ apparatus, the management of the electoral process and the shrinking of independent media and civil society’s space (Sitter & Bakke, 2019, p. 5). It is a gradual and open-ended process by nature, meaning that the regime could become autocratic or, since democratic recession is gradual, there may be enough time for democratic actors to resist and bring back democracy (Lührmann & Lindberg, 2019, p. 1108). The gradual change makes it difficult to acknowledge the de-democratization process and thus, to prevent it or stop it. An important factor of democratic backsliding states is that elements of democracy such as competitive elections, still appear to be democratic. Furthermore, the governments often do not eliminate the opposition, but simply marginalize them (Lührmann & Lindberg, 2019, p. 1098).

ii. Democratic Backsliding in Hungary

The democratic backsliding in Hungary started after the 2010 election, when the Fidesz party, led by Viktor Orban, won the $\frac{2}{3}$ majority in the National Assembly required for the government to have the capacity to unilaterally change the Constitution (Kelemen, 2020, p. 483). In 2011, the government passed a new Constitution limiting the powers of the Hungarian Constitutional Court

(Constitutional Court of Hungary, 2011). It aimed to centralize power in the hands of the ruling Fidesz party, weakening the checks and balances, and limiting the independence of the judiciary (Wolkenstein, 2022, p. 106).

For example, the retirement age of the judges in the judiciary was changed so that they were all forced to retire and the Orban government was able to replace them with supporters of his party (Kelemen, 2020, p. 483; Wolkenstein, 2022, p. 107). New administrative courts have also been created, giving more arbitrary power to the government and violating the separation of powers principle which is central to the rule of law. Furthermore, the government passed several laws targeting Non-Governmental Organizations in order to restrict their activities by limiting their access to governmental support if not aligned with the government's values. In December 2010 and March 2011 Free Media was the target of several new media legislations which restricted freedom of expression by changing the regulations on media ownership (Wolkenstein, 2022, p. 58). The regulatory body has more power to deny the registration of certain media and give more arbitrary power to sanction content that is not considered 'fast', 'accurate', 'objective' and 'balanced' (Amnesty International, 2011). Lastly, changes in the electoral system and district boundaries were undertaken to advantage the Fidesz party and limit the competitiveness of the system (Kelemen, 2020, p. 482). This important omission creates a gap in the literature. Thus, this paper will focus on the current relationship between the EPP and the Fidesz party to assess if the suspension was a correction of complicity as it has been framed or a facade to appease internal division.

iii. EU Democratic Backsliding Sanctions: Art.7 and Regulation 1141/2014

The EU has several tools which it can use to sanction a member state who is undergoing a process of democratic backsliding. An assessment of these is important in this paper in order to assess how the EPP could be considered to have overcome its partisan complicity. The two main procedures are Article 7 Treaty on European Union (TEU) and the EU Regulation 1141/2014 which will be explained in further detail below.

The first relevant procedure against violation of the rule of law is EU Regulation 1141/2014 for European political parties and foundations (European Union [EU], 2014). This legal framework sets out an authority that could impose sanctions or even deregistration of EU parties and

foundations. Under this regulation, parties must comply with the EU values written in Article 2 and 10 TEU namely the “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights” which give the authority to check if the parties respect and apply them (EU, 2012, 2016). This regulation is highly relevant when applied to democratic backsliding countries which have national parties on the EU level promoting values that are violating EU’s values. Sanctions through this regulation can be directly imposed on political parties and target actors’ political participation (Theuns, 2024, in press, p. 83).

However, there are two issues with this regulation. Firstly, the regulation has never been used even though violations of EU values have been witnessed. Secondly, Theuns, (2024, in press) argues that the sanction is normatively incoherent making the regulation inefficacious. The sanction of deregistration through suppressing a party’s voice has a heavy impact on equal political rights, as it would mean that the political party is not entitled to equal share of European funding and could not represent their voters equally (p. 84). On the contrary, Wolkenstein (2020) asserts that this measure is normatively and democratically legitimate since EU members joined the EU through agreeing to abide by those rules stipulated in the Treaties.

The second type of sanction mechanism is Article 7. An Art. 7 TEU procedure begins when either the EU Commission, the EU Parliament, or one-third of the member states contact the Council due to a "clear risk of a serious breach" of an EU value, as defined in Art. 2 TEU, by another member state (EU, 2012). Consequently, the situation is assessed by the Council who issues recommendations followed by a discussion, and possible sanctions. Finally, in last resort the Council can decide to suspend the voting rights of the member State in the Council (EU, 2012). Despite the numerous actions taken by the Fidesz government toward weakening the rule of law, Article 7 has not been triggered before 2018 (Wolkenstein, 2020, p. 118). Similarly, triggering the Regulation 1141/2014 against the Fidesz party has never been considered. Wolkenstein (2022) argues that this is due to the protection and support of the European People’s Party (EPP) which the Fidesz party is part of. Similarly, the authors Meijers & Van der Veer (2019) have conducted empirical research on the agenda setting and voting behavior of parties to analyze how parties reacted to the topic of Rule of Law. His analysis showed that the EPP were less likely to emphasize issues such as quality of democracy and the rule of law (Meijers & van der Veer, 2019, p. 846). Similarly, MEPs from the EPP voted against the resolution on the situation in Hungary (Meijers & van der Veer, 2019, p. 851) .

The EPP's systematic support for the Fidesz party only became a source of friction in 2018, with 30% of EPP members condemning Hungary's actions (Meijers & van der Ver, 2019, p. 851). In September of the same year, the European Parliament triggered the Article 7 procedure against Hungary (European People's Party [EPP], 2019). The Fidesz party remained a member of the EPP party until its suspension in March 2019. Wolkenstein's (2020, 2022) articles focus on the complicity between the EPP and the Fidesz party and the moral wrongness of this complicity. However, his analysis does not discuss the implications of the voluntary decision to suspend the Fidesz party from the EPP in March 2019. Kelemen (2020) argues that the suspension is a "ruse" and cost free as the seats of the Fidesz party in the European Parliament would still count towards the EPP's tally (p. 489). However, this analysis also fails to discuss the implications of the voluntary decision to suspend the Fidesz party from the EPP in March 2019. There is no research on the possible dissociation or complicity between both actors and how impactful this suspension was. Therefore, once again highlighting a gap in the literature and therefore the importance of this thesis' research question.

Further, this question is also relevant as it fills a gap in the literature by further inquiring into the notion of complicity and redress. Academics have mainly focused on the role of the Commission, whose role is to protect the Treaties, in the face of these situations, but not much work has been done with regards to the role of political groups of the European Parliament when faced with democratic backsliding. The literature review above highlights that most of the research on the topic has focused on the notion of complicity, legitimacy, and fairness of the EU. However, there is a gap in the research regarding the notions of dissociation, redressment, correction from complicity.

b. Complicity

i. What is Complicity?

Lepora and Gooding (2013) understand complicity as being normatively wrong, defining it as the "secondary acts that are at least potentially essential causal contributions to the wrongdoing of others" (p. 99). Thus, its existence relies on there being primary wrongdoing actions by another party. To be complicit, it is necessary to be involved in a potentially causal contribution/omission

which induces, allows, and encourages another wrongful action associated with a primary wrongdoing (Theuns, 2024, in press). This implies that an omission can be as morally wrong as a causal action. If the actor was aware of the situation and decided to not act, the deliberate inaction is an act of complicity per se because there was a possibility to avert a wrong and the actor wrongfully failed to do so (Theuns, 2024, in press, p. 94). The purposeful omission can be understood as condoning complicity by the secondary agent through accepting or pardoning the morally wrong behavior of the primary agent (Wolkenstein, 2022, p. 128). Contrastingly complicity by connivance can be seen as the secondary agent's willingness to allow or being secretly involved in an immoral act (Wolkenstein, 2022, p. 65).

The literature proposes two views on the causal contribution of the complicit agent to the principal wrongdoing: the Deontologist View and the Consequentialist View. The Deontological perspective of complicity makes complicity morally wrong because of the act itself, not the possible result or consequence of it (Wolkenstein, 2020, p. 130). The Consequentialist view focuses on the intentions of the secondary wrongdoer and thus, the level of blame depending on what resulted from the contribution made by the secondary agent (Wolkenstein 2020; Lepora & Goodin, 2013). In other words, the consequentialist focuses upon duties to avoid causing bad outcomes, and the deontologist focuses upon duties to avoid bad intentions from being enacted (Lepora & Goodin, 2013). This thesis will adopt the consequentialist view, holding that mindfully taking morally wrong decisions is reprehensible to some extent on its own; but the consequences matter even more - a mindful wrongdoing is not as blameworthy if no negative consequence arises from it. Especially because it is near impossible to sanction an actor for intentionally contributing to a wrong that did not happen. Furthermore, it is difficult to accurately determine the intention of an actor as this is highly subjective.

In the context of this thesis, a primary wrongdoing consists of any action or purposeful omission, which aims to deliberately undermine the democratic institutions and social pillars of the EU Treaties. Hence, democratic backsliding can be considered normatively wrong as it is a clear violation of the Treaties' obligations (Wolkenstein, 2022, p. 70). For this thesis, the secondary actor is the EPP, who protected the Fidesz government from receiving EU sanctions (Wolkenstein, 2022, p. 71). In order to be complicit, the involvement of the secondary agent must be less than the act

committed by the primary wrongdoer but more that a simple bystander holding no responsibility for the primary wrongdoing (Lepora & Goodin, 2013, p. 99). Applying the argument of Wolkenstein (2020, 2022) EPP actors took potentially causal actions which facilitated the democratic backsliding of Hungary. In the case of the EPP and Fidesz, the complicity is transnational as it involves actors from different political spheres (national and supranational) acting together in a more or less coordinated way (Wolkenstein, 2020, p. 118). Assessing the type of complicity is necessary to determine what it takes for the secondary actor to rectify the consequence of their implications, which is what this paper aims to inquire about.

Lepora & Goodin (2013) proposed various criteria which can be used to assess the extent of complicity, and consequently extent of wrongdoing. They emphasize that it is necessary to contribute to wrongful actions, and to know that wrongdoings are being contributed to. A secondary action can be categorized as either “definitely essential” to the principal wrongdoing or “potentially essential” (p. 63). For the action to be “definitely essential” it must be a central condition to undertaking the wrong in every way possible. On the other hand, a contribution is “potentially essential” when it is one of the conditions, among others, through which the wrong might occur (p. 63). Lastly, morality is supposed to be a guiding action - meaning that the actions taken are morally assessed through the terms of what can be known by the actors at the time of action.

Thus, according to the aforementioned criteria, it can be said that the EPP knew that they were contributing to the democratic recession of Hungary. Furthermore, their contribution was “potentially essential” as it was one of many others making possible for the Fidesz government to fragilize the democracy. The morality factor is also fulfilled as EU actors were aware of the Hungarian situation as the Tavares and Sargentini report are about the risk of clear violation of the European values committed by Hungary (European Commission, 2013; European Parliamentary, 2018).

ii. Complicity and Democratic Backsliding

Over the past decade there has been an array of research on complicity between EU actors and democratic backsliding actors (Kelemen, 2020; Meijers & Van der Veer, 2019; Wolkenstein, 2020, 2022). My research is based on the assumption that the EPP has been complicit in facilitating the democratic decay of Hungary. This section will discuss the main arguments in support of this.

The Subnational Authoritarianism Theory argues that the EPP has protected Orban because his regime delivers seats in the European Parliament and serves as an ally of the EPP governments in the Council (Kelemen, 2020, p. 482). This theory holds that it is common for authoritarian regimes to survive when surrounded by democracies within large, federal-type polities because the political dynamics support their survival (Kelemen, 2020, p. 482). Those same conditions are the ones under which they are also the most likely to be deterred. Additionally, Kelemen (2020) argues that the EU faces “half-baked politicization” whereby it is politicized enough to incentivize Europarties to protect the autocratic parties which deliver them votes but not politicized enough for those parties to have reputational stemming from their association with such actors (p. 487). This would explain the EPP’s protection of the Orban regime as it is the largest party, so the 12 seats provided by the Fidesz party are important for the EPP maintain power - allowing it to then to nominate the Commission President and take a leading role in Parliament’s legislative processes (Kelemen, 2020, p. 487).

The EPP’s complicity can be seen through two main events. Firstly, the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs’ *Tavares Report* 2013 regarding the weakening of fundamental rights in Hungary was voted against by a majority of the EPP members of the European Parliament (European Parliament, 2013; Wolkenstein, 2022, p. 61). Secondly, in 2014, the Commission established the *Rule of Law Framework* to improve EU tools to counter democratic backsliding (European Commission, 2015). Only parties on the political left voted in favor of the framework, the EPP voted against (Wolkenstein, 2022, p. 61). These events illustrate the EPP support and protection of the Fidesz government and therefore their approval toward the deliberate process to weaken Hungarian democracy.

The Salience Theory explains that political parties attempt to keep issues that are unfavorable to them off the agenda (Meijers & van der Veer, 2019, p. 841). This theory highlights why EPP

members generally voted against censuring the Fidesz party in the Parliament and other EU institutions (Meijers & van der Veer, 2019). “Salience” refers to the perceived importance of political issues to voters or party representatives. Political parties strategically emphasize issues that are important to voters to try and gain a competitive advantage. Parties may adjust their policy positions, rhetoric, and campaign messages to cater to the salient issues of different voter groups (Meijers & van der Veer, 2019, p. 840). Therefore, they expect political parties to remain silent on issues that are less advantageous to them. The analysis showed that the EPP is very reluctant to discuss Hungary or raise issues of democratic backsliding (p. 848). Furthermore, there is clear evidence of the EPP voting against condemning resolutions against Hungary (p. 849). Those pieces of evidence are a significant proof that the EPP has been complicit in the democratic backsliding of Hungary.

Wolkenstein (2020; 2022) delves into the morality behind this long-lasting complicity. He argues that the causal link is clear - the EPP acted intentionally and knowingly in contributing to the primary wrongdoing of Fidesz, and therefore this complicity is morally blameworthy. However, this thesis argues that causality is not always required for witnessing complicity; rather, omissions may also be complicit acts (Theuns, 2024, in press, p. 114). To evaluate how wrong the act of complicity was, Wolkenstein (2022) questioned whether both parties shared the same purpose. He concluded that the EPP and the Fidesz party do not share the same purpose, making the EPP less prone to reiterate its actions. This conclusion is based on the consequentialist view, he argues that the EPP actions are driven by a vote-maximizing strategy and not ideology-driven (Wolkenstein, 2020, p. 139). This could explain why the EPP party occasionally issued warning signals against the un-democratic behavior of the Fidesz government (Wolkenstein, 2020, p. 138). So, according to this view it is argued that the suspension of the Fidesz party from the EPP is a sign of change of attitude and self-correction which make the party less blame-worthy.

This thesis will reflect on Wolkenstein's claim, to assess whether the EPP/Fidesz separation is enough in itself to be considered a self-reparation on the EPP's part. It is assumed that the actors which are complicit in democratic backsliding owe special duties of redress and reparation. The line between complicity by condoning or by connivance is difficult to draw with regards to the EPP because the vote against sanctions for Hungary demonstrates clear connivance; but comments by members of the EPP, for example categorizing the Tavares report as a "wish list of the European

leftist parties who aim to impose their own political agenda on Hungary" demonstrate clear examples of condoning behavior (Wolkenstein, 2020, p. 120).

iii. Conceptualization of Absolve

After assessing the complicity of the EPP, it is necessary to focus is on the concept of correction from it to properly answer the research question. The following section will delve into what “absolve” entails.

In the Cambridge dictionary “absolve” refer to officially removing guilt or responsibility for something wrong that someone has done or might have done (Cambridge dictionary, 2024). To understand how an agent can absolve itself, it useful to first focus on two theories on justice which the concept “absolve” derived from: “Redressive” or “Corrective” justice. Redressive justice occurs when the payback is not provided by the primary wrongdoer but rather by a third-party agent (Gold, 2020, p. 31). The theory is concerned with whether, in what form, and on what grounds a third party should provide redress for the primary wrongdoers’ acts (Gold, 2020, pp. 31-34). Contrarily, corrective justice is concerned with making the wrongdoing party themselves take accountability, and provide payback, for their wrongdoing (Gold, 2020, pp. 33-37). However, both theories focus on material allocations back which is difficult to quantify especially in the case of the Fidesz/EPP relationship. In our case it is difficult to determine the extent of the wrong, the involvement and causality of the secondary agent and therefore to possibly quantify a possible material allocation back. Thus, making both theories redressive and corrective interesting to understand the concept of pay back but not suited for this research. However, the logic remains relevant - graver the wrong in complicity is, higher the duties to redress and repair are (Gold, 2020; Theuns, 2024, in press). In the case of this research to redress imply a “correction of a previous complicitous course of action” (Theuns, 2024, in press, p. 98). Repairing encompasses the special duty that the secondary agent has to those harmed by the primary wrongdoer (Theuns, 2024, in press, p. 98). Those duties must be proportional to both the wrongdoing and the involvement of the secondary agent, which is generally lower than the ones from the primary wrongdoer (p. 98). To assess the relative responsibility of repair that the complicit agent owes it it important to look at three criteria: (1) the gravity of the primary wrong, (2) the extent of the complicit agents’

contribution to the primary wrong, and (3) the burden associated with the complicit agent acting otherwise (Theuns, 2024, in press, p. 99)

Anyone who benefitted, contributed, or participated in a wrong should express a variety of emotions including guilt, remorse, or regret; and these should motivate “confessions, apologies, restitution and reparation” (Peck & Feder, 2017, p. 216). Apology requires that wrongdoers admit to their wrongs and accept responsibility for the harm caused by their complicity (Lazare, 2004, p. 75). A good apology consists of an acknowledgment of the offense, a description of the wrong, identification of the wronged party or parties, and recognition of the harm and its impact (Lazare, 2004, p. 75).

To sum up, in this thesis, to absolve itself, the EPP will require to (1) redress the wrong, (2) acknowledge the wrong, (3) apologize for it, and (4) repair in accordance of the gravity of the wrong committed by the secondary actor.

III. Research Design and Methodology

a. Research design

This research will focus on whether the EPP absolves itself from its decade of complicity in the democratic decay of Hungary (Wolkenstein, 2020). This paper's research question is normatively relevant because it is concerned with the world as it is, and also with how individuals think it ought to be; and these views can guide how actors should act, in order to be in accordance with them (Halperin & Health, 2020, p. 4). The goal of this research is not to give precise guidelines on what the EPP should do to correct itself; rather, it is to determine whether suspending the Fidesz party and the actions taken by the group since, have been enough for the EPP to absolve itself of its responsibilities in Hungary's backsliding. My normative argument will be supported by a descriptive and contextualization part which will enable for an in-depth analysis to establish a clear understanding of both Fidesz and EPP's wrongdoings.

The time frame of the analysis will be from the beginning of Hungary's democratic decay in 2010 until March 2021, which marks the end of collaboration between Fidesz and the EPP (Freedom House, 2024; “FIDESZ membership suspended after EPP Political Assembly”, 2019). This time frame will allow for in-depth behavioral analysis and assessment of the complicity between the

two from March 2019 (the dissociation process between the two) until the final separation in 2021 (“Orbán’s Fidesz quits EPP group in European Parliament”, 2021).

b. Case Selection

The two cases in focus for this research are the EPP, a European People’s party, and Fidesz, a party with a party that has been in power in Hungary since 1998.

These cases are significant because Hungary is the MS experiencing the strongest democratic backsliding, and it has been widely argued that the EPP has played a significant role in being complicit to Hungary's democratic decay (Freedom House, 2024; Kelemen, 2020; Meijer & Van der Veer, 2019; Wolkenstein, 2020). Furthermore, as previously stated, there has been a lack of research regarding responsibility for complicity at the European level, so studying this case of the EPP's complicity in Hungary's rule-of-law backsliding, makes for very interesting research. Since the Fidesz party has been suspended from the EPP since 2019, it makes it possible to assess the complicity, the primary wrongdoing, and the behavior of the EPP since their split. As shown on the aforementioned sections, I will assume that complicity did happen and that if the EPP want to absolve itself, it must provide an apology and if possible, reparation for their action or inaction which contributed to the democratic backsliding of Hungary.

To answer to the research question, I will provide three arguments explaining why in my opinion the EPP did not absolve but did redress itself. To appropriately articulate my argumentation, I will base my analysis on previous events, official statements from the EPP or the Fidesz party and finally reports from the EU.

IV. DISCUSSION

As highlighted in the section on complicity, the EPP did facilitate the Hungarian democratic backsliding by voting against the *Tavares Report* and the *Rule of Law Framework* (European Commission, 2015; European Parliament, 2013; Wolkenstein, 2022, p. 61). Furthermore, the EPP hold a moral responsibility as voting against those reports are evidence of awareness toward the Hungarian situation and proof of purposeful omission. Therefore, I believe that dis-associating with the Fidesz party is by itself an improvement as it marks the end of complicity which I will further explain below. To absolve from its complicity the EPP must (1) redress the wrong, (2) acknowledge

the wrong, (3) apologize for it, and (4) repair in accordance with the gravity of the wrong committed by the secondary actor.

Keeping those criteria in mind, I will argue that the EPP did not absolve itself for 3 reasons. First, the suspension of the Fidesz party was mainly about the behavior of Fidesz MEPs toward other members of the group than about the ongoing Hungarian democratic decay. Second, the final expulsion of the Fidesz party from the EPP in 2021 was not a decision coming from the EPP group but coming from the Fidesz party (“Orbán’s Fidesz quits EPP group in European Parliament”, 2021). Thus, the Fidesz party which is the primary wrongdoer did not get sanctioned or blamed sufficiently regarding of the wrong committed. Thirdly, the EPP did not ‘pay back’ for facilitating the Hungarian democratic decay. Actions should have been taken against Fidezs on the name of protecting or supporting democratic values.

a. Reasons behind Fidesz suspension in 2019

Firstly, if we focus on the events preceding the vote on the provisory suspension of Orbán’s party from the EPP group, it can be argued that the main reason was the disrespect from Fidesz MEP toward other members of the Christian-Democrat group and not the accumulating actions aiming to fragilize the Hungarian democracy. The relationship between Fidesz and the other EPP members was based on a tacit agreement were the EPP tolerated Fidesz domestic agenda and controversial behavior if Fidesz kept being accommodating and constructive at the European level (“Chronique d’une rupture: le départ du Fidesz du group PPE au Parlement Européen”, 2021). In 2017, the Hungarian government through the enforcement of a new law ‘forced out’ the Central European University to move to Vienna in 2019 (EPP, 2019). This event was very mediatized and blamed by the international community. Similarly, Judith Sargentini issued a report about the risk of clear violation of the European values by Hungary, inviting the Council to act upon it (“Rule of Law in European Member States: a shared responsibility”, 2019). Both events pressured the Fidesz government and by the same occasion the EPP group for its association. However, except warning and blaming speeches at the EU parliament, the EPP group did not consider the possibility of a party exclusion at the time.

What triggered the need to rethink the EPP association with Fidesz was their national anti-Brussel campaign accusing Soros (Hungarian-American businessman) and Jucker (European Commission President) to flood Hungary with migrants. This campaign was very problematic for two reasons, it was spreading fake news and attacking personally Jucker which was an important EPP member ("Hungary launches campaign targeting Jean-Claude Juncker", 2019). This attack was the first frontal offense targeted against the EPP's values and beliefs. The situation made it even more difficult for the EPP to support a national party that violated the rule of law, core values of the EU and principles from the EPP group. Thus, Weber, the leader of the EPP in Parliament at the time, required Orban to end the campaign and apologize for his action ("Weber tells Orban to end anti-Brussels campaign and apologize", 2019). The campaign resulted in Fidesz losing respect and support from the EPP members, leading three parties to sign a joint letter to the EPP president Daul asking for Fidesz expulsion ("Weber tells Orban to end anti-Brussels campaign and apologize", 2019). It resulted in a discussion and vote in the beginning of March 2019 where a total of 190 MEPs voted in favor of the suspension and 3 against, meaning that Fidesz could no longer attend any meeting or propose ("EPP votes to suspend Hungary's Fidesz party membership", 2019).

It is not the multiple violations committed by Victor Orbán's party but the new rebellious character of it that led to its suspension. It means that the EPP did not "acknowledge" both the primary wrongdoing of the Fidesz party which is violating EU treaties by actively undermining Hungary's democratic institution and thus, the EPP's complicity. Consequently, the suspension of the Fidesz party can be seen as an attempt to 'redress' but does not meet the criteria to be considered 'absolute'. Some members of the EPP argued that the late suspension was due to a fear that once suspended the Fidesz party will radicalize. MEPs were scared that Orbán's party would become even more Eurosceptic and right-wing and join a more radical coalition which in the long term could be threatening the EU ("Orban faces backlash after attack on Juncker", 2019). They thought that by keeping the party in, they would manage to restrain it from going too far which failed.

It is important to acknowledge that several members of the party were advocating for the expulsion and punishment of the Fidesz party due to their purposeful fragilization of democratic institutions and un-aligned values, but the EPP group as a whole was still quite supportive toward Fidesz as it brings an important number of seats at the European Parliament (Kelemen, 2020, p. 487; Meijers & van der Ver, 2019, p. 851). In any case the vote and suspension are positive actions leading to

an end of the complicity, however on a moral ground, fighting democratic backsliding should be seen as more important and worth expelling than spreading fake news about a party member. It stops the causal complicity but not the moral one. By suspending Fidesz membership, it put a term to the complicity by connivance as the EPP ended their support and protection. The suspension of the Fidesz party weakened its influence and legitimacy on the European level.

b. Final expulsion of the Fidesz party from the EPP in 2021

Secondly, I argue that the EPP did not absolve themselves as they did not dare to expel or sanction the Fidesz party.

The suspension even though voted upon was received by Orban as a mutual decision to appease the intra-party conflict until the election in May of the same year. The EPP was worried about losing seats and therefore influence on the Parliament as the Fidesz party owned 12 seats (Kelemen, 2020, p. 487). At the time MEPs were hopping for a definitive expulsion and punishment as Fidesz violated the core principles of the EPP group and the EU. The suspension of the Fidesz party meant that MEPs could not attend any summit of the EPP groups or present a candidate. Despite the suspension from membership of the Fidesz party, MEPs had remained part of the EPP group in the European Parliament until 2021 (European Parliament, 2019). Thus, this suspension appeared more as symbolic rather than drastic and impactful. It looked like another compromise where the EPP was not associated with Fidesz anymore but could still benefit from their seats in parliament (Wolkenstein, 2020, p. 123). It showed to voters and dissatisfied members that the group took the criticism seriously but still leave the opportunity for Fidesz to regain full membership. Even though in 2019 the EPP had no legal mechanism to expel several MEPs at the same time, the decision appears light if we consider that the motive of the suspension should have been the multiple violations of the rule of law. Yet this suspension not only ignore all fundamental problems with democracy and the rule of law in Hungary; It supports my previous argument saying motive of suspension is more the behavior of certain Fidesz MEPs.

The situation remained quite stable as the Covid-19 and Brexit were the main party priority at the time. There were little to no sense of urgency among member states to act against the democratic decay of Hungary. However, in 2020 Tamas Deutsch gave a speech where he compared Weber to

the Gestapo using a slogan of the Hungary's communist secret police ("EPP sanctions head of Viktor Orbán's MEPs", 2020) leading to his suspension. Several MEPs requested his expulsion for this outrageous comment; however, the party decided again not to and sanctioned him by removing his speaking time right in plenary on behalf of the EPP and the possibility to have any formal position ("EPP sanctions head of Viktor Orbán's MEPs", 2020). Furthermore, the group asked him to reflect on personal behavior and broadly asked the Fidesz group reflect if their values still align with the EPP's ones. Again, a warning was sent but yet, it showed that it would take even more to cross EPP's boundaries and be expelled.

In 2021, the relationship between Fidesz and the EPP got even more tense as internal dissatisfaction was growing between EPP members. Consequently, the EPP members decided to amend the rules of the Group allowing for the suspension and expulsion of several MEPs at the same time if accepted by the 2/3 majority of the party (EPP, 2021). The new rule would re-define the values of the group by citing Article 2 from the EU treaties which clarify the expulsion procedure allowing for the intermediary suspension of an entire party and not only single MEP (EPP, 2021). This attempt to amend shows a desire to 'acknowledge' and 'repair' for their complicity as it aimed to punish Fidesz and protect the Group from the possibility of a future similar case. This new law was seen by Orbán's party as hostile leading him to write a letter threatening to quit the group if the amendments were to pass. He argued that this law would be "undemocratic, unjust and unacceptable" (Orban, 2021b). Blaming the group for having a leadership crisis and destroying the alliance "between traditional, continental Christian, right-wing, nation-oriented parties" and that that the Hungarian citizens are not well represented. This shows that the EPP did not manage to confront their own family members and make them reflect on their action. To be considered absolve, the EPP should have publicly blamed the Fidesz party for its undemocratic actions while acknowledging its own participation to the wrongdoings to make amends.

However, it did not happen and Orban still felt legitimate to argue and call for injustice even if his party is the primary wrongdoer. The new rule was voted and approved leading Fidesz to quit the party in March 2021. The EPP were not brave enough to sanction the party, they slowly push Orbán's party away without asking the party to make amend or redress. By letting Orban quit and not expelling or sanctioning his party, they gave him the power over the situation, thus, the EPP had no leverage to attempt to 'repair' by making the Fidesz party pay-back or apologies for

dismantling Hungarian democracy and violating the EU's core values. It gave an open door for Orbán to save himself and leave as a winner in the eyes of its voters. To sum up, the separation ended the complicity by stopping the support through voting, legitimization and support of Fidesz ideology. However, it was not enough to consider that the EPP absolve as the aforementioned actions or lack of action show a weak aim to redress, acknowledge its implication or even apologize and repair.

c. EPP's duty as secondary wrongdoer

Thirdly, after the depart of the Fidesz party, close to nothing has been done from the EPP's side to rectifying their involvement in the primary wrongdoing, namely the democratic decay of Hungary. Because of their complicity, the EPP has a duty to 'repair' on their name but also on the name of the EU. They must fight for the European values and defend them. No apology came from the EPP's side or acknowledgement that as the group supported a party which violate both the European and EPP values. They focused on blaming Orbán's party for their actions to polish their image but did not take time to self reflect and confront each other for their decade of protection and support. It is not enough to blame the primary wrongdoer, to absolve itself, actions need to be taken toward Fidezs and within the group itself. It is a fact that the Fidesz party hold some legitimacy as they are elected by a majority of Hungarian citizen. It is important to acknowledge that the Hungarians support the Fidesz party as 52% voted for its reelection (Orbán, 2021a). But legitimacy should not hold only on the narrow criteria of a majoritarian democracy especially because this definition is not in line with Article 2 of the Treaty which Hungary willingly signed up to. The union is founded on "the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, [...]. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail." (EU, 2012). The EU values must prevail over Orbán's definition of democracy and legitimacy which goes against what the EU stands for. It is not acceptable to compromise on democracy, rule of law and freedom of press. A democracy requires not only free, fair, and competitive elections, but also freedom of association and expression, the access to multiple sources of information which ensure that the elections are meaningful and that government policies are built upon citizen preferences which the Fidesz government do not fulfill (Dahl, 1971,

p. 84). The interpretation of democracy by Orban no longer distinguishes between, himself, his institutions, his nation and his people (“Rule of Law in European Member States: a shared responsibility”, 2019). To be considered fully absolved must fight for the right values and help fighting for democracy and at least punish undemocratic behavior clearly. They neither ‘apologized’ for it or tried to ‘repair’. The only evidence of acknowledgment was the amendments adopted in the EPP Rules of Procedure as they cited precisely Article 2 of the European Treaty making explicit which value they want to defend and need to protect itself from a possible future similar situation. However, the since 2018 and the trigger of the Article 7 procedure for Hungary by the Parliament, EPP and other parliamentary groups avoided voting to determine whether there is “a clear risk of serious breach” of the EU’s common values keeping the procedure on hold (European Parliament, 2022; EU, 2012). By not actively trying to promote and protect democratic values, the EPP fails to ‘repair’ and thus, to absolve itself.

V. CONCLUSION

After assessing how extensive the contribution from the secondary actor was and if acting otherwise would have been a possible option for the complicit agent, it can be concluded that the EPP cannot be considered absolve (Theuns, 2024 in press, p. 99). To absolve from its complicity the EPP needed to (1) redress the wrong, (2) acknowledge the wrong, (3) apologize for it, and (4) repair in accordance with the gravity of the wrong committed by the secondary actor. By suspending the EPP in 2019, the EPP redressed the wrong by ending a collaboration under the same parliamentary group. However, the EPP cannot be considered absolve for three reasons. Firstly, the EPP's suspension of Fidesz came mainly due to certain actors personally attacking other MEPs of the EPP. However, to fully absolve the EPP, their suspension should have been based on their desire to end the democratic recession of Hungary. Secondly, the ending of collaboration between Fidesz and the EPP in 2021 came mainly from Fidesz, so, in practice, the EPP did not take any actions to sanction Fidesz's actions. Lastly, the EPP has not faced any penalties for facilitating the Hungarian democratic backsliding.

Additionally, the EPP did not provide any sign of acknowledgement of their implication in the primary wrong which consists of democratic decay in Hungary violating EU Treaties. The denial

of its involvement lead to a lack of good apology which would have consisted of an acknowledgment of the offense, a description of the wrong, identification of the wronged party or parties, and recognition of the harm and its impact (Lazare, 2004, p. 75). Lastly, to be considered absolve, the Group needed to display a willingness to ‘repair’ through meaningful action aiming to promote democratic values or punish the Hungarian government for their actions.

This research is highly relevant as the concept of rectification from complicity has been understudied especially at the European level and even less so with regards to the EPP’s complicity in Hungary democratic decay. It is important to assess the complicity of EU actors toward democratic backsliding to question what could be done to prevent it from happening and deter democratic backsliding. Furthermore, providing evidence of party association with an actor violating EU’s core values and Treaties can raise awareness and help politicize the EU as it provides more clarity on EU parties’ stand allowing European citizens to make an informed choice. However, the research focused only on the EPP as a whole and did not delve into the different degree of complicity among members of EPP group at the individual level or party level. Some actors like Sirpa Pietikainen were advocate for the expulsion of Fidesz because of its violations of the Rule of Law (Raw politics in full: Brexit talks at EU summit and Fidesz suspension”, 2019). Therefore, not all members were condoning or conniving Fidesz actions. It could be interesting for further research to delve into the implications of different actors and party to assess their degree of complicity and their impact.

Furthermore, this research only focusses on the case of Hungary, but Poland was also going away from democracy which makes it an interesting case to study even though since the Parliamentary election and the victory of Donald Tusk party in 2023 the process of ended democratic backsliding (Council on Foreign Relations, 2023).

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