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MÁRTON BENE\* AND GABRIELLA SZABÓ\*\*  
Discovered and Undiscovered Fields of Digital Politics:  
Mapping Online Political Communication and Online  
News Media Literature in Hungary

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### Abstract

The article reviews the main theoretical and empirical contributions about digital news media and online political communication in Hungary. Our knowledge synthesis focuses on three specific subfields: citizens, media platforms, and political actors. Representatives of sociology, political communication studies, psychology, and linguistics have responded to the challenges of the internet over the past two decades, which has resulted in truly interdisciplinary accounts of the different aspects of digitalization in Hungary. In terms of methodology, both normative and descriptive approaches have been applied, mostly with single case-study methods. Based on an extensive review of the literature, we assess that since the early 2000s the internet has become the key subject of political communication studies, and that it has erased the boundaries between online and offline spaces. We conclude, however, that despite the richness of the literature on the internet and politics, only a limited number of studies have researched citizens' activity and provided longitudinal analyses.

**Keywords:** digitalization, internet, politics, social media, Hungary

## 1 Introduction

This article identifies the key issues and trends in online political communication in Hungary over the past two decades by combining the approach of literature review and topic review. Several knowledge-synthesis reviews have attempted to summarize all pertinent studies related to the specific topic of the internet and politics (e.g. Jungherr, 2016; Skoric et al., 2016), but country-focused overviews are rare. As some edited volumes suggest (e.g. Aalberg et al., 2017; Eibl & Gregor, 2019), country-specific work makes a substantial contribution to the literature. The latter highlights regional or contextual information and improves the understanding of the consistencies and inconsistencies in diverse evidence. This study adds to this area of scholarship with a view to improving the visibility of country-focused topic reviews in the field of web-based political communication.

On the one hand, it is our aim to provide an up-to-date and comprehensive audit of the scientific literature on the digitalization of campaign communication, news media, and citizen interaction in Hungary. The paper is designed to meet a key goal: to introduce the most important findings of the literature about the internet and politics in Hungary for the non-Hungarian speaking academic community. A review of international literature is beyond our scope, and we concentrate only on those articles and books which deal with Hungary. On the other hand, we pinpoint country specificities in relation to web-based politics, such as the early advance of free online news media, and the extensive use of Facebook since 2010. Beside the particular characteristics associated with Hungary, we also identify gaps in research evidence that will help define future scientific agendas.

Therefore, our article might be especially useful to those scholars who consider Hungary to be a relevant case for comparative work. In other words, this review provides information that may justify the selection of this country for their academic projects.

First, as part of the introduction, we depict the key figures and the main trends related to the internet and social media in Hungary. We then discuss online political communication by focusing on three key agents of interaction: citizens, news media, and political actors. In the concluding session, underexplored and missing pieces of knowledge are presented that suggest new avenues for further research.

### ***1.1 The context: key figures regarding internet penetration and social media use in Hungary***

In Hungary, computer and internet penetration have steadily risen in the past two decades. The proportion of individuals who can access the internet at home via any type of device and connection increased from 7 per cent (in 2000) to 81 per cent (in 2017). These figures have always located Hungary in the cluster of low penetration countries in the EU28 (Tardos, 2002; Csepele & Prazsák, 2010). Although the level of internet penetration in Hungary (81 per cent) is still below the mean level of EU member countries, the lag is rather modest, and it is not far from covering the whole population (see Figure 1).

Now social media, especially Facebook, however, play a major role in online activities in Hungary. As Figure 2 shows, use of Facebook is above the EU mean (54 per cent). Additionally, YouTube is also very popular (72 per cent) while the level of Twitter penetration (15 per cent) is one of the lowest in Europe.<sup>1</sup>

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<sup>1</sup> Reuters Institute Digital News Report 2017. [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web\\_0.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web_0.pdf)

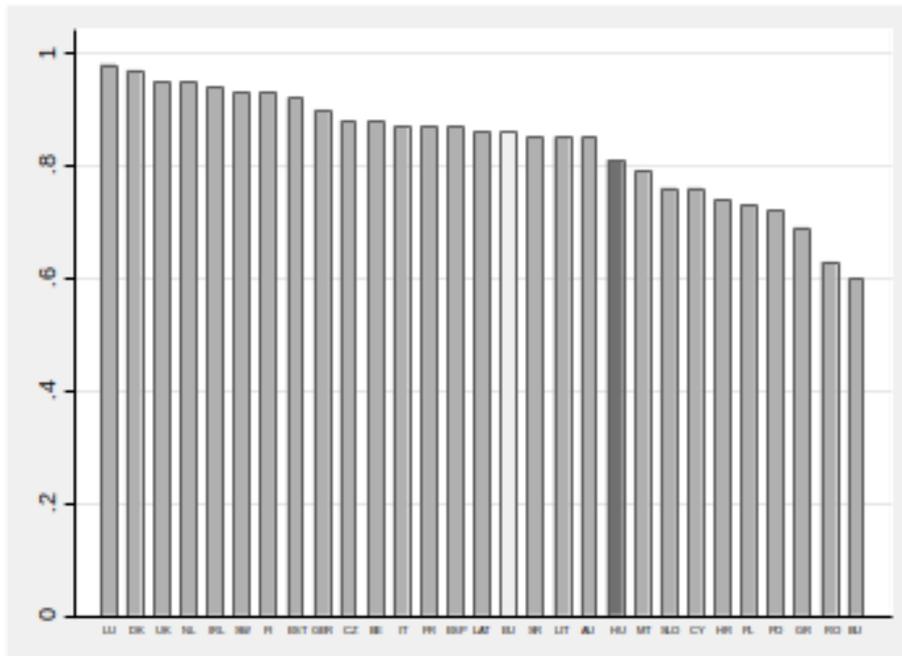


Figure 1: Internet penetration in EU28 countries (*internetworldstat.com, 2017*)

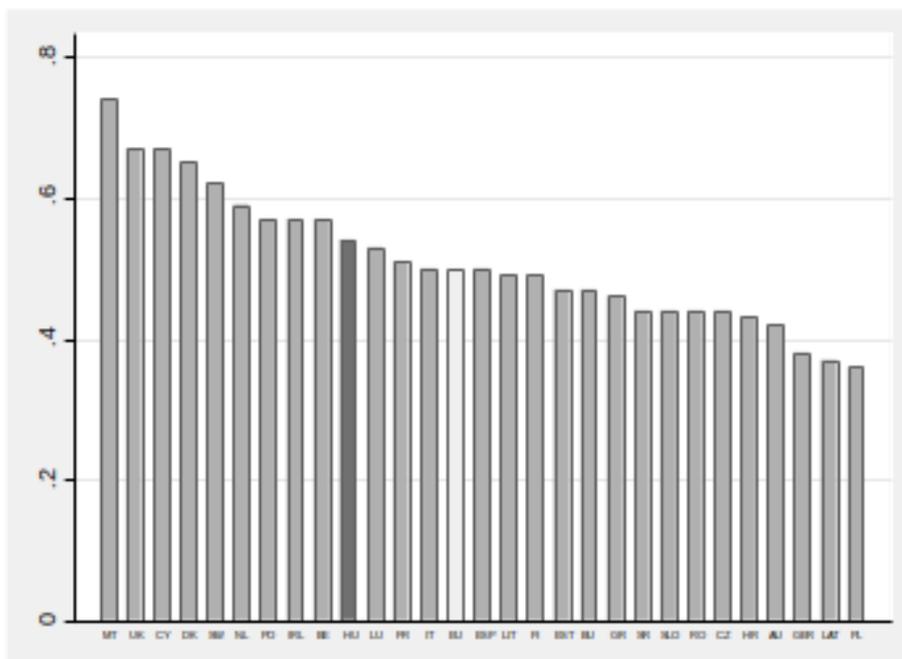


Figure 2: Facebook penetration in EU28 countries (*interworldstat.com, 2017*)

According to the Reuters Institute Digital News Report, Hungary is second out of twenty-three European countries that were examined in terms of the proportion of respondents (64 per cent) who obtain political information from Facebook (see Figure 3).

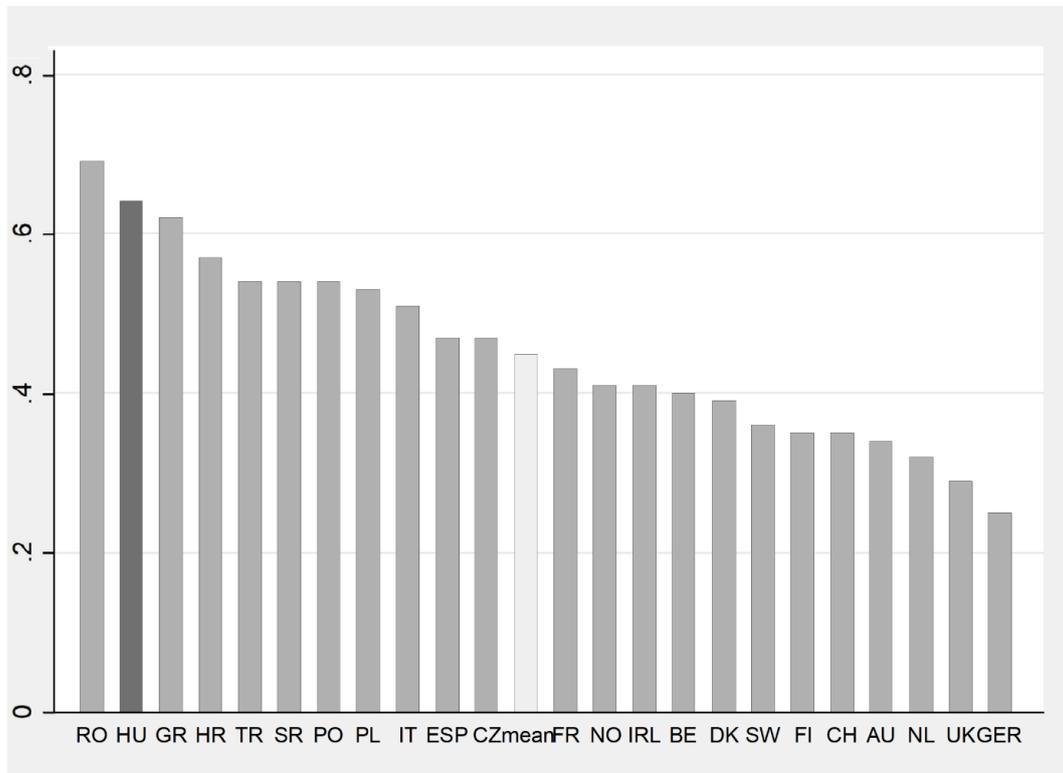


Figure 3: Proportion of respondents who use Facebook for news (Reuters Institute Digital News Report, 2017)

However, this is not tendency without precedent; online political information was important in Hungary well before the emergence of social media. In comparative research on the 2004 EP election, Lusoli (2005) demonstrated that the proportion of citizens who use the internet as a political information source was the second highest in Hungary amongst EU25 countries. While these results indicate that internet and social media are more important as political information sources in Hungary than in other countries, the most recent data suggest that TV, radio, online news sites, and offline political conversations are still more important in relation to how citizens gather political information than social media. In this regard, an age gap is identifiable: for those under 30 years of age, Facebook has been identified as the second most important news platform next to TV (Table 1). As for university students, Facebook is the most important information source for politics, and political content hosted here can reach politically less interested peers (Bene, 2019). However, while numerous citizens use Facebook as an information resource, only a minority engage in disseminating political information on this platform. Eighty per cent of respondents never share political content on Facebook.

	TV	Radio	daily news-papers	Facebook	Websites	offline conversations	N
population (mean)	6.61	4.08	2.90	3.24	3.59	4.05	1990
under 30 (mean)	5.59	3.59	2.35	4.70	4.66	4.05	366

*Table 1. What role do the following information resources play in your political information consumption? (0-10 scale) (Source: First wave of the survey of 'Participation, Representation, Partisanship. Hungarian Election Study 2018' [NKFI-6, K-119603], December 2017 – January 2018)*

## 2 Citizens, social media, and political communication

The literature has primarily focused on the issues of the digital divide and its relationship with social capital. Significant divisions in Hungarian society along the traditional dimensions of social inequality (education, income, age, and domicile) in terms of both penetration of the internet (Galácz & Molnár, 2003; Galácz & Ságvári, 2008) and usage patterns (Csepli & Prazsák, 2010; Nagy, 2008) have been reported. As for social capital, research has found that a strong connection exists between social capital and internet usage (Albert et al., 2008; Molnár, 2004; Csüllög, 2012). However, these issues have mostly been addressed in the context of Web 1.0.

While the political consequences of citizens' online activity is a prominent topic in the international research field (see Boulianne, 2009; Gil de Zúñiga et al., 2012; Skoric et al., 2016) the topic has received little scholarly attention in Hungary. The empirical findings discussed above show that the internet and social media play an important role in political information consumption, while the political effect of consuming online news is highly underexplored. Amongst the few examples, Dányi and Altorjai (2003) have investigated what factors affect the 'e-democratic attitude' – which refers to the belief that the internet enables citizens to participate in politics. It has been observed that it is the use of internet as an information source that shapes this attitude. Fourteen years after this study, it was demonstrated that the political attitudes of individuals who gather political information from Facebook are significantly shaped by their peers who actively express their opinions on this platform (Bene, 2017a). The political perceptions of those who actively search for politics on Facebook are in line with those of individuals who actively engage in political information dissemination on this platform. Consequently, the appropriation of Facebook for political information-seeking purposes strengthens the political influence of the minority of peers who are politically active on social media.

In line with international research findings (e.g. Bakshy et al., 2015; Barnidge, 2017; Beam et al., 2018; Heatherly et al., 2017), it has also been shown that the patterns of political information consumption on social media are fairly heterogeneous. Polyák and his colleagues (2019) found that cross-cutting exposure is a rather common experience on Facebook, and the majority of users are not frustrated by seeing political content they disagree with. Janky and his colleagues (2019) also demonstrated that information consumption is more heterogeneous on Facebook than when people obtain their political information from professional media outlets or offline conversations. Interestingly, the same study also

showed that on Facebook cross-cutting exposure is more typical for right-wing voters than left-wing users (Janky et al., 2019). It is not only Facebook that is able to cut across partisan lines: Matuszewski and Szabó (2019) demonstrated that Twitter networks also show intense political heterogeneity. These findings are especially important in Hungary, as the level of cross-cutting exposure was found to be extremely low in comparison with other European countries before the emergence of social media (see Angelusz & Tardos, 2009; Castro et al., 2018).

Concerning internet-based discourses, Kiss and his colleagues systematically monitored citizens' online political communication. Nasty remarks, ad hominem argumentation, and a lack of a respectful tone dominated online exchanges, although some elements of rational and logical reasoning were also present on these platforms (Kiss & Boda, 2005). More importantly, online conversations have been found to be autonomous in relation to the choice of topics (i.e. independent of mass media agendas) (Szabó & Kiss, 2005). Furthermore, this political communication facilitates the manifestation of latent social conflict by providing an impersonal space where members of social groups can publicly express and discuss their grievances against other social groups (Bene, 2013). However, it is not only the object of these conversations that matters, but also the subjects themselves. The large segment of people who actively discuss political issues online are political opinion leaders in offline contexts and can develop their persuasive abilities and find new information and arguments during online debates (Bene, 2014).

While studies have emerged about Facebook, our knowledge about political conversations on social media in Hungary is still limited. One promising leap forward has been made by a research project involving psychologists and linguistics. Public comments written in response to political posts on Facebook were investigated using novel socio-psychological measures. Data suggest that comments associated with sentiments of communitarian thinking were more frequent during the campaign period for the general election of 2014 (Miháلتz et al. 2015).

The effects of digital media usage on political behavior are an under-examined topic. Kende and her colleagues (2016) applied a psychological approach to investigate the effects of the usage of social media on offline collective action among university students. They claim that it is not the usage of social media in itself that is positively related to participation in collective action, but a special form of it: the use of social media for social affirmation. The latter occurs when students actively express their identities on social media. Nemeslaki and his colleagues (2016) addressed the rather practical issue of online voting and its effects on attitudes toward voting. The opportunity for online voting increases the level of intention to participate, but this is mediated by the level of trust in the internet, ease-of-use, and performance expectancy about online voting systems.

### 3 News media, internet, and social media platforms

The first websites with professional news content appeared in the late 1990s in Hungary (Szabó, 2008), and the scholarly community responded to the challenge of the digitalization of media in the early years of 2000. The specificity of the Hungarian case is that pioneering online news portals were established independently and separately from preexisting publishing houses. The established press entered the online world only later.

The first wave of studies saw the impact of the internet on traditional media as a battle between new and old forms of communication. Building on the branch of international literature which argued that new technologies seemed to threaten to put an end to journalism and do away with traditional journalistic roles (Harper, 1996; Morris & Ogan, 1996; Schultz, 2000; Deuze, 2001; Klotz, 2003: 31–34), the internet was discussed as one of the main contributors to the crisis of journalism and the decline in the readership of the written press. Initially, conceptual and normative reflections dominated the disputes about the topic, and it was mostly techno-optimistic approaches to the internet that were introduced. As for such optimistic accounts, scholarly speculation included the scenario that the internet would transform political communication with its decentralized, accessible, and endless flow of interaction. Grass-roots initiatives and professionals outside of the big media corporations were seen as the winners of the technological turn (Dessewffy, 2002; Dányi et al. 2004: 19; Szabó & Mihályffy, 2009: 94). However, the realist approach drew attention to the role of elites in the diffusion of new technologies, suggesting that news corporations would be likely to capitalize on using the internet in Hungary as well (Kiss, 2004). Interestingly enough, no significant techno-pessimistic voices were represented in the scholarly discussion: little concern was raised about the quality of web-based news production or about the polarizing effects of online self-segregation.

The second wave of research provided data-driven reflections about online platforms and their role in the media environment in Hungary. Conforming to the business-as-usual type of arguments (Margolis & Resnick; Boczkowski, 2004; Bressers, 2006), such empirical evidence moderated the claim of revolutionary change in news media by demonstrating that television was, and still is, the primary source of political information amongst voters.<sup>2</sup> The convergence of online and offline news media appeared as the main paradigm, leading to the production of case studies and comparative examinations of political coverage, user-generated content, digital journalism, and news consumption in the international literature (Achtenhagen & Raviola, 2009; Chao-Chen, 2013; Doudaki & Spyridou, 2013) – and Hungarian studies likewise confirmed these claims (Polyák, 2002; Kumin, 2004; Csigó, 2009; Szabó & Mihályffy, 2009; Koltai, 2010; Aczél et al., 2015).

Research on news media portals highlighted the fact that political topics and elections have been heavily covered on the internet in Hungary as well. On the one hand, such coverage has included following the agendas of parties and regularly reporting about campaign events; on the other hand the agenda-setting capacity of the portals has also been demonstrated (Szabó, 2010; Szabó, 2011). Three distinctive elements of this coverage have been revealed: first, online news has tended to focus on polling data and almost exclusively reported on candidates instead of policy programs (Szabó, 2010; 2011). Second, laypeople's experiences with campaigns have been actively presented with the involve-

<sup>2</sup> A médiafogyasztás jellemzői és a hírműsorok általános megítélése Magyarországon (The characteristics of media consumption and the general opinion of news bulletins in Hungary), National Radio and Television Commission (Országos Rádió és Televízió Testület, ORTT), January 2007, p. 10. See [http://ortt.hu/elemlzesek/21/1175188490mediafogyasztas\\_jellemzoi\\_20070329.pdf](http://ortt.hu/elemlzesek/21/1175188490mediafogyasztas_jellemzoi_20070329.pdf); Mapping digital media: Hungary (country report). A report by the Open Society Foundation. 2012. p. 17. See <https://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-hungary-20120216.pdf>; A politikai tájékozódás forrásai Magyarországon. A médiastruktúra átalakulása előtti és az utána következő állapot (The sources of political information in Hungary. The situation before and after the changes in the media structure), see [http://mertek.eu/sites/default/files/reports/hirfogyasztas2016\\_0.pdf](http://mertek.eu/sites/default/files/reports/hirfogyasztas2016_0.pdf).

ment of user-generated content related to politics (videos, photos, text messages from the readership) (Szabó, 2008). Third, stylistic features have been studied as typical elements of online portals. Most of the news items were written with reference to the personal experience and values of the journalists, with no claims to objectivity (Szabó, 2008; Szabó & Kiss, 2012). This is especially true of publications by radical-right outlets (e.g. *kuruc.info*, and *hunhir.hu*), which have been particularly important for the radical-right parties and movements, since the latter have limited access to mainstream media (Róna, 2016: 52).

The second wave of studies confirmed that traditional media outlets (except for television), especially printed press products, have lost their audiences, while the number of visitors to websites has steadily increased (Bodoky, 2007; Szabó, 2008). However, explanations for this tendency vary (the global financial and economic crisis, freely available web-based news, an apolitical or apathetic audience). As the number of internet users increased, so did the size of audiences for online platforms. Between 2005 and 2011, the top online news sources about politics tripled their average number of visitors.<sup>3</sup> Notwithstanding the fact that television channels should be considered the main source of political information of voters,<sup>4</sup> experts assessed online media portals as being significant competitors of traditional outlets (Popescu et al., 2012: 37). Mostly due to the fragmented media environment (incl. online news portals), audience selection and the gatekeeping efforts of journalist have become equally important when talking about politics in Hungary (Merkovity, 2012: 134–137).

The third wave of studies claimed that online media had become fully integrated into the mainstream news process (Tófalvy, 2017). Researchers of the third wave include a group of international academics who have emphasized that the public sphere today is highly fragmented into different but interconnected spaces for public communication, media platforms, audiences, and agendas (Blumler, 2013; Dubois & Blank, 2018). Nowadays, the public sphere is argued to be an ecosystem with multiple discussion fora, in which consumers' choice of news and other selection processes shape the dynamics of political communication (Thorson & Wells, 2016; Van Aelst et al., 2017). Such evaluations are supported by a study on Hungary that demonstrates that web-based portals are considered a reliable source of political information by traditional media outlets as well (Szabó & Bene, 2016). A recent analysis pays particular attention to the political connections of the owners of internet-based and traditional media, which factor has been evaluated as an indicator of political control over the media in Hungary.<sup>5</sup> It is confirmed that strong governmental and economic pressures challenge the editorial freedom of the digital press, but that the online sphere is still plural, with a wide range of news portals/blogs. It is safe to say that the vast majority of the online news portals in Hungary have an identifiable sympathy or antipathy towards former and current governments, and politically like-minded media outlets and audiences tend to cluster. However, the phenomenon of cross-readership is

<sup>3</sup> Mapping digital media: Hungary. A Report by the Open Society Foundation. <https://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-hungary-20120216.pdf>

<sup>4</sup> A politikai tájékozódás forrásai Magyarországon. A médiastruktúra átalakulása előtti és az utána következő állapot (The sources of political information in Hungary. The situation before and after the changes in the media structure), see [http://mertek.eu/sites/default/files/reports/hirfogyasztas2016\\_0.pdf](http://mertek.eu/sites/default/files/reports/hirfogyasztas2016_0.pdf)

<sup>5</sup> Az újságírók sajtószabadságképe 2016-ban (The perceptions of journalists about media freedom in 2017). See [http://mertek.eu/wp-content/uploads/2017/06/ujsgirok\\_sajtoszabadsag\\_2016.pdf](http://mertek.eu/wp-content/uploads/2017/06/ujsgirok_sajtoszabadsag_2016.pdf)

significant, and multiple voices can be heard in digital spaces,<sup>6</sup> which mitigates concerns about partisan-based selective exposure in Hungary.

The relatively low cost of internet-based content production has facilitated the discursive dissemination of right-wing radicalism. In contrast to the mainstream media, online spaces have facilitated platforms fully controlled by content producers, supporting the breakthrough of the ‘communicative quarantine’ related to right-wing radicals (Norocel et al., 2017).

So far, little knowledge is available about the relationship between social media (Facebook, Twitter, Youtube, and Instagram) and news journalism. There is a pressing need to investigate how mainstream media outlets use social media channels to influence news saturation and distribute our news (Ferencz & Rétfalvi, 2011). The effects of such new tools in civil engagement and participation in the flow of political communication also requires testing, as do innovative forms of investigative journalism. Further studies might also include measures of virality and the discursive connectivity between social media and traditional formats of news media. Data-driven analysis of the dissemination of fake news is also crucial. The impact of social media on the daily work of journalists is also amongst the rather under-researched topics in this field in Hungary (for an exception, see Barta, 2018).

#### 4 Politics and Social Media

One of the most widely investigated topics in the Hungarian literature is the use of online tools by political actors. Similarly to international patterns (see Stromer-Galley, 2014), political parties started appearing online in 1996, and by the time of the national election of 1998 all parliamentary parties owned webpages (Dányi, 2002). At this time, however, the phenomenon did not trigger political science research, and scholars turned their attention to online politics only following the general election of 2002. Although scholars reported that parties and politicians’ websites still played a marginal role in the election campaign of 2002 (Dányi & Galács, 2005), this was the first campaign when the political importance of digital technologies was clearly revealed. During the tight electoral competition between the two rounds of elections, citizens actively engaged in creating and spreading political messages through SMS and e-mail. Sükösd and Dányi (2003) showed that mobilization-related content, humorous messages, fake news, and negative campaigning were widely disseminated through the viral chains of digital networks. Before new online tools became widespread, several pieces of research focused on examples of their innovative usage. In the campaign of 2006, the most important innovation in the field of online politics was that the then prime minister, Ferenc Gyurcsány, started a personal blog that became a crucial communication platform, enjoying significant public and media attention. Ferenc Gyurcsány, who later won the election, employed a highly personal, diary-like style on the blog (Horváth, 2007). In response to this challenge, the leader of the conservative force, Viktor Orbán, started to run a videoblog in 2007 (Kitta, 2011). Social media sites as campaign tools first appeared during the run-up to the election of 2010. The winner of the

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<sup>6</sup> Reuters Institute Digital News Report 2017. Hungary, pp. 74–75. [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web\\_0.pdf?utm\\_source=digitalnewsreport.org&utm\\_medium=referral](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web_0.pdf?utm_source=digitalnewsreport.org&utm_medium=referral)

latter, Fidesz, and its leader Viktor Orbán, reached the most people on Facebook, but the two new parties, Jobbik and LMP, who managed to enter parliament, also strongly relied on social media (Mihályffy et al., 2010). By the time of the election of 2014, social media, especially Facebook, had become established campaign tools (Bene, 2020). A comparative study about the EP election of 2014 found that the evaluation of new media campaign tools reached the second highest value among Hungarian campaign managers of the 12 countries that were examined (Lilleker et al., 2015).

Studies that attempted to map the political social media sphere showed that politicians' social media activities were rather centralized: first the party, and then leaders opened Facebook pages, then candidates later created Facebook accounts for their constituencies, whilst Twitter penetration has remained fairly low (Kitta, 2011; Balogh, 2011; Merkovity, 2018). In the last couple of years, Facebook use has become normal among politicians. In 2018, almost all candidates from parties with measurable electoral support<sup>7</sup> had a Facebook page, but only a small minority of them had Instagram accounts, while Twitter penetration remained insignificant (Bene & Farkas, 2018). Turning to an assessment of performance on Facebook, research demonstrates that in 2014 – during the first election when Facebook was intensively used by political actors – left-wing politicians were more successful in terms of triggering reactions (Bene, 2020), but by the time of the 2018 elections Fidesz performed better in some dimensions, such as the number of likes and overall activity. While Viktor Orbán is still the most followed Hungarian politician on Facebook, most politicians who have a large number of followers are members of the opposition (Bene & Farkas, 2018). Having said that, it seems that politicians from different parties follow similar strategies on Facebook, with only minor differences in their social media communication strategies during the 2014 election (Bene, 2020).

Beyond the issue of the adoption of new online tools, several important topics from the international research field have also been addressed. The scholarly literature on digital campaigning has primarily focused on parties' websites. Consistent with international tendencies (e.g. Davis, 1999; Stromer & Galley, 2000; Jackson, 2007) parties' sites are characterized by top-down communication; they are highly informative, but offer limited opportunity for interaction (Kiss & Boda, 2005; Dányi & Galács, 2005; Merkovity, 2011). Vergeer and his colleagues' (2012) comparative work on the EP campaign of 2009 found that Hungarian parties' and candidates' websites barely use social networking features, but they are the most personalized out of the 17 countries involved.

Political websites, however, are not the only spaces where interactions between politicians and citizens can take place. Merkovity (2014) examined Hungarian MPs' propensity to respond to e-mail messages. The study found that 27 per cent of MPs were willing to answer e-mails sent by the researcher, and women and politicians from opposition parties were more likely to reply than men and MPs from government parties.

Recently, social media interactions and virality have received scholarly attention. The distribution logic of social media is virality (Klinger & Svensson, 2015), as political actors can reach a wider population if they can trigger reactions from their followers. Bene (2018) demonstrated that the number of shares on candidates' Facebook posts have a minor but significant effect on the number of personal votes. Koltai and Stevkovics (2018) found that the number of likes on political leaders' and parties' Facebook pages could some-

<sup>7</sup> Fidesz-KDNP, Jobbik, MSZP-P, DK, LMP, Együtt, Momentum, MKKP (N = 586)

what predict their general popularity. Further, it was found that textual Facebook entries with negative messages and mobilization content are more likely to be liked and shared by followers (Bene, 2017b). Viral posts are characterized by intense negativity and moral critiques of opponents (Bene, 2017c). Additionally, it has been demonstrated that patterns of user engagement are highly similar across political camps: followers of right-wing and left-wing politicians engage with the same types of posts (Bene, 2020). The results show that users share such posts without individual contribution or comment; they do not distort the original messages when they disseminate them (Bene, 2017c).

The equalizing nature of digital campaign tools (see Gibson & McAllister, 2015; Koc-Michalska et al., 2016) has been scrutinized. It was observed that the minor parliamentary parties had more sophisticated websites than the biggest parties (Kiss & Boda, 2005). Moreover, they spent more money on online campaigning than the leading parties (Kiss et al., 2007). Another argument for the equalization potential of the internet comes from the legislative elections in 2010. The year 2010 was the first time since the regime change in Hungary when parties without parliamentary experience managed to enter parliament. Moreover, the radical right party, Jobbik, received nearly 17 per cent of party list votes, but the newly formed green anti-establishment party LMP also passed the electoral threshold. Both parties heavily employed social media during their campaigns (Mihályffy et al., 2011), and attracted and reached more social media supporters than the majority of established parties and politicians (Kitta, 2011). The internet played an important role in the success of Jobbik and research has investigated the online network of radical-right subcultures that have evolved around the latter party (Jesko et al., 2012; Malkovics, 2013).

Internet-based campaign tools, especially social media, are important for minor political actors. Bene and Somodi (2018) interviewed minor parties' (LMP, DK, PM, Momentum, Együtt) campaign managers, who unanimously stated that social media is one of their most important campaign tools, and they use it to increase their public visibility through viral posts. However, smaller parties and less well known politicians have fewer followers on social media platforms, and spent less money on online and social media campaigns than more established political actors (Bene & Somodi, 2018). For example, on Facebook, the most important social media platform, the Hungarian prime minister Viktor Orbán soon acquired a large number of followers (Kitta, 2011), and since then no political actor has approached his number of followers (Bene & Farkas, 2018).

Over the last few years, increasing attention has been paid to digital-media-enabled collective action, which is also a much-discussed topic in the international literature (see Bennet & Segerberg, 2014; Bimber, 2017; Karpf, 2016). According to Mátay and Kaposi's analysis (2008), online communication played a major role in the organization of the anti-government protests in 2006. The latter argued that offline collective action was enabled by the revolutionary rhetoric and language developed in the online sphere that facilitated the bridging of ideological gaps between different segments of protest participants. The Facebook-based, horizontal activist network ('One Million for the Freedom of Press in Hungary' movement), which organized a large-scale, offline series of anti-government protests between 2011 and 2012, has been studied by Wilkin and his colleagues (2015). Dessewffy and Nagy (2016) investigated the Facebook-based grassroots migrant solidarity group Migration Aid. The group used social media to organize civic responses to the migration crisis in 2015. It's flexible 'rhizomatic' structure enabled this organization to react

quickly to contextual challenges and to interconnect low- and high-threshold online and offline activities. Another example of citizens' digitally enabled collective action is the anti-billboard campaign of the Hungarian joke party 'Magyar Kétfarkú Kutya Párt' (Hungarian two-tailed dog party) (Nagy, 2016). After the government initiated an anti-migration billboard campaign, several citizens started to transform and abuse the billboards in order to distort their messages. The counter-billboards caricatured the original campaign, and drew strongly upon humor, citizens' co-creation efforts, and crowd-sourcing. This digitally enabled offline action was able to successfully interfere with and modify the government-driven hegemonic public discourse (Nagy, 2016). However, these case studies also show the limitations of digitally enabled collective action: each of these collective activities was successful within a short time period, but this organizational method was not able to promote long-term, sustainable civic action.

## 5 Conclusion

This article has provided a comprehensive review of online news media and political communication in Hungary. Two main specificities were identified concerning digitalization in Hungary: one is the relatively large amount of academic reflection about the relationship between the internet and democracy in the early years of 2000; the other is the relative lack of data-driven exploration of the political consequences of social media. From the mid-2000s onwards, the field became thoroughly internationalized in terms of the reception of Anglophone-oriented literature. The instrumentalization of the new communication tools by political actors and the convergence of old and new media have been deeply investigated in the Hungarian context. While the digital activities of political parties and developments in online media are amongst the fashionable topics of political communication research, the citizen perspective has only recently been discovered. In terms of methodology, both normative and descriptive approaches have been applied, mainly using single case studies and cross-case comparative methods. Longitudinal analyses are, however, sorely lacking in the assessment of the evolution of digital political communication in Hungary. Critical issues of online polarization, attitudes, and affective polarization in the discussion of politics also remain under-researched in Hungary. In addition, there is a pressing need for comparative analyses in order to help comprehend regional specificities and differences in the perspectives of Central and Eastern European countries.

The digitalization of political communication has created an opportunity for communication scholars to develop new concepts, new methods, and new tools for research. Various challenges are faced by investigators who undertake political communication research. The main theoretical challenge is conducting integrative analysis in political communication studies to overcome the limitations of the classic producer (actor) – content – audience (receiver) types of approaches. While most theories of digital media point to the oscillation between producers and users, textual and visual materials, and originality and repetitive use (Van Dijck, 2009; Bechmann & Lomborg, 2012; Dean, 2018), studies about digital campaigning and online news media still adhere to a linear model. So far, the biggest methodological challenge has been involving the techniques of computational social science. Investigating the digital footprints left behind from politics-related social media activity with the aid of

big data would demand specialized technological knowledge and skills, and this is yet to be accomplished.

We hope that the trajectory of research we have depicted will be helpful in identifying the research gaps and in advancing our knowledge about online politics in Hungary.

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Hungary as a Norm Entrepreneur in Migration Policy

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### Abstract

This paper analyses Hungary as a small state within the EU and the policy it applied during the refugee crisis of 2015/2016 that changed the landscape both on the European and Hungarian level. During the crisis, Hungary acted as a small, interest-maximizing Member State constrained by domestic political interests, and it not only refused to participate in common European policy proposals aimed at solving the crisis, but it also engaged in unilateral actions perceived as solutions, such as erecting a border wall on the southern border of Hungary. This paper examines how Hungary acted during the refugee crisis with the help of small state theories. Presenting the events, legislative changes and discourses surrounding migration policy in the past years will show that Hungary managed to take advantage of the refugee crisis by acting as a norm-entrepreneur by articulating its own views and convictions about the right way to solve the crisis, and also about the future of the EU as a whole. Many EU Member States joined Hungary in its migration strategy, so it became the leading country of the anti-immigration block in Europe.

**Keywords:** Hungary, refugee crisis, migration, sovereignty, norm advocacy, small states

## 1 Introduction

This paper discusses migration and asylum policy in Hungary in light of European Union regulations, with a special focus on the refugee crisis of 2015/2016, which changed the landscape on both the European and Hungarian level. The research examines what kind of policy Hungary followed towards the EU with regard to this issue from the perspective of the theory of small state studies. During the crisis, Hungary acted as a small, interest-maximizing Member State constrained by domestic political interests. It not only refused to participate in common European policy proposals aimed at solving the crisis, but it also engaged in unilateral actions perceived as solutions, such as erecting a border wall on the southern border of Hungary. This paper seeks an answer to the question how did Hungary as a small EU Member State act during the refugee crisis. The research presumes that the Orbán government managed to take advantage of the refugee crisis by acting as

a norm entrepreneur – a smart small-state strategy – which gave the Prime Minister the opportunity to articulate his own views and convictions about the right way to solve the crisis, and also about the future of the EU as a whole. Norm entrepreneurship refers to the strategy when a country takes a certain stance regarding a specific policy and successfully convinces others of its own normative convictions. Many EU Member States joined Hungary in its migration strategy, so it became the leading country of the anti-immigration bloc in Europe. At the same time, the research will reveal that while some interest-driven strategies can be explained by small state theories, there are a number of symbolic, rogue<sup>1</sup> Member State actions that cannot be accounted for even by the academic literature. This paper will try to provide conclusions about Hungary's performance as a small EU Member State in the policy area of migration and asylum. It will apply an inductive method: showing the impact of specific Hungarian migratory regulations and actions on the EU level of handling the migration crisis. First, the theoretical background of small state studies will be presented. Then, the Hungarian regulations concerning migration policy in light of the EU regulations and their changes due to the crisis will be examined. Last but not least, the paper will show how Hungary took advantage and became a norm entrepreneur in this policy area during the crisis.

## 2 Small states – norm entrepreneurs

Generally, small state studies offer a framework for analysis within the discipline of IR/European studies that gives the researcher valuable insight into the behavior of states. Nevertheless, some researchers are doubtful about this argument and ask whether the concept of smallness is a useful analytical tool at all (Baehr, 1975: 455–456). Others claim that small state studies are relevant only to the extent that they allow us to understand the behavior of states in international politics (Conrad, 2013). In my view, if only the latter statement is true, then the researcher can still gain a lot from turning towards small state studies because the latter represent a useful analytical tool or conceptual framework for analyzing certain types of country behavior and strategies, both on the individual level in the international arena and within international organizations. Although small state studies are frequently criticized due to the broadness of the category of 'small' and the diverse nature of states that belong to the group, I argue that the approach is a good starting point for analysis because the small state concept can facilitate understanding of the behavior of the examined state (Gerger, 1975). This is especially true in the case of the European Union. Although small Member States outnumber large ones, the latter are generally believed to be the engine of policy-making, leaving the small ones at the margins of theoretical and empirical attention in terms of their role in EU governance. Researchers who deal with small states argue that these countries are worth examining because they are likely to show some commonalities that are different from those of large states, thus it can be expected that their behavior will be different as well (Thorhallsson, 2000). Authors usually identify the main characteristics of small countries that put them in a special, usually more difficult situation in the international arena than their larger peers. These characteristics are, for example, vulnerability (Bailes & Thorhallsson, 2013), openness (Katzenstein, 2003: 9)

<sup>1</sup> 'Rogue' in this paper refers to a policy of a country that runs counter to mainstream, rule-abiding, norm-respecting Member State action in the European Union.

and a lack of resources (Panke, 2012: 329). One of the most prominent researchers of small EU Member States, Diana Panke, derives all her arguments from the presumption that small EU Member States face structural disadvantages in relation to exerting influence in EU policy-making (Panke, 2008). The main components of the disadvantage of the smaller ones, thus their most important characteristics, are their lack of political power, their insufficient resources to develop policy expertise, the fact that they joined the EU recently, and their lack of expertise and proficiency to operate as policy forerunners (Thorhallsson, 2000; Panke, 2012). The existence of this structural disadvantage is the central tenet of research that focuses on small states and it determines the common thread in most small state studies: scholars who research this topic usually try to discover how the latter countries can manoeuvre in their narrow or broad spheres of interest, and how they can successfully influence international (or European) policy making or promote their own interests. There are certain conditions under which small states can successfully pursue their objectives in the EU. The main researchers of the topic outline strategies for small Member States and the circumstances under which they can exercise influence despite their disadvantages in the EU. These are, in particular, being an old Member State (Panke, 2010: 799), possessing policy expertise (Börzel, 2002; Jakobsen, 2008), having good economic, institutional and administrative capacities (Campbell & Hall, 2009: 547), creating coalitions or partnerships (Meerts, 1997: 463), and having a unified national position (Kronsell, 2002), among others. Many researchers consider institutional aspects, such as holding important positions in the EU (e.g. the Council Presidency) (Luther, 1999: 65), having close ties with the European Commission (Bunse et al., 2005), and applying the 'community method' in decision-making (Veebel, 2014: 161) to be important, too. Political elites can also play a huge part in defining the strategies of small states (Campbell & Hall, 2009).

Although this paper examines Hungary as a small state within the EU, it is not evident that Hungary actually belongs to the category of small countries, therefore it is necessary to define what qualifies as 'small' in the current research. Diana Panke identified the allocation of votes among states in qualified majority voting in the Council, and defined as small those states with fewer votes than the EU average (Panke, 2010). Based on this categorization, she identified nineteen small states (20 after the accession of Croatia in 2013). This paper uses Panke's understanding of 'small,' because the distribution of votes in the Council reflects the size and population of the Member States, so it is a clear and comprehensive categorization. Although since the introduction of the double majority system in 2014, the system of weighted votes is no longer applied in the EU, Panke's categorization still can be used. The old QMV system is still a good basis for differentiating between small and large EU members as it forms the basis of a clear and comprehensive system of categorization that reflects size and population. Based on these terms, Hungary can be identified as a small Member State of the EU.

A distinct type of small state behavior discovered in the 1990s–2000s within small state studies is the 'smart state strategy' (Arter, 2000: 677). Scholars argue that smart states are able to 'exploit the weakness of small states as resource for influence' by having well-developed preferences, being able to present their initiatives as being the interests of the whole EU, and being able to mediate (Grøn & Wivel, 2011). The concept has been further developed by Caroline Howard Grøn and Anders Wivel (2011), who argue that certain developments in the EU introduced by the Lisbon Treaty undermine the traditional

small state approach to European integration (Grøn & Wivel, 2011). Therefore, the authors identified the characteristics of an ideal smart strategy that small states should apply in order to accommodate and ‘take advantage of the new institutional environment.’ They created three variations of ideal smart state strategies: the state as lobbyist, the state as a self-interested mediator, and the state as a norm entrepreneur. Gunta Pastore (2013) also examined the recent behavior of small states, focusing mainly on the youngest EU Member States, and found that these countries moved closer towards a small state smart strategy, which includes compromise-seeking behavior, persuasive deliberation, lobbying, and using coalitions. This paper aims to prove that norm entrepreneurship is a strategy Hungary started to apply in 2015 during the refugee crisis in Europe that helped Prime Minister Orbán to become an advocate for national sovereignty and – from a certain perspective – the ‘protector of the EU’ from ‘the migrant invasion’ (kormany.hu, 2018).

### 3 Migration and refugee regulations in Hungary after the refugee crisis

The Hungarian migratory framework introduced during the refugee crisis is based on certain provisions of the Hungarian Fundamental Law (formerly, the Constitution) and several legal acts that modified the pre-crisis migration system of the country. The Fundamental Law of Hungary outlines that Hungary is obliged to provide asylum to displaced persons (Article XIV (3)), and that it is prohibited to expel anyone to a country in which they would be in danger. Thus, Hungary fulfilled its obligations stemming from international law about providing asylum before the crisis escalated. However, the seventh modification of the Hungarian Fundamental Law enacted some changes, and assessed that those citizens who arrived in Hungary through safe states were not eligible for asylum (Paragraph 4). Moreover, the Fundamental Law also declares that ‘foreign people cannot be resettled into Hungary’ (Paragraph 1). These changes were enacted in 2018 and raise questions about Hungary’s compatibility with international law and European migratory standards.

The refugee crisis of 2015/2016 resulted in general hostility towards immigrants on the side of the Hungarian government and the general population; moreover, the previously well-functioning Hungarian migration system was also modified (Hungarian Helsinki Committee, 2017). The most frequent decision of the Hungarian authorities regarding asylum applications between 2013 and 2016 was either rejection or termination. This meant that there was hardly any substantive decision-making in the system, and that in the majority of cases evaluation and asylum applications were left to another Member State (Nagy, 2016: 1037). The unusually low rate of recognition was alarming compared to the previous years (Nagy, 2016: 1039). A government decree (No. 301 of 2007, November 9) dealing with the procedure and support for applicants was amended 17 times between 2014 and 2019 (Tóth, 2019: 130). The possibility for potential refugees to acquire international protection was decreased both through physical and administrative means, while illegal border crossings were criminalized, the circumstances of those who were let into the country did not meet the minimum humanitarian standards, and solidarity and cooperation with the EU regarding the matter were reduced to a minimum (Vető, 2017). In 2015, the Hungarian government spent 84 billion HUF on migration control and more than 100 billion HUF in 2016 (Tóth, 2019: 131). The Hungarian Helsinki Committee, in a paper that analyzes

the Hungarian way of handling the refugee crisis and provides suggestions for an effective and sustainable refugee system, argues that the main purpose of the re-calibration of the Hungarian refugee system during the crisis was first of all to prevent the entry of refugees to the country; second, to stop refugees from applying for asylum; and third, to urge refugees to move towards Western Europe as soon as possible. The Committee claims that the Hungarian legislation and government actions are contrary to international law, and that Hungary is neglecting its obligations stemming from EU membership and the Schengen zone (Hungarian Helsinki Committee, 2017). In 2015, a record number of asylum claims were filed in Hungary (177,135 applications), four times more than in 2014. This increase was not accompanied by an increase in financial assistance for this policy area, but instead Hungary tried to handle the situation by creating a physical barrier first, and then by legal mechanisms (Hungarian Helsinki Committee, 2017: 8). The following pages describe the most important actions of the Hungarian authorities in relation to their attempt to stop migration: namely, creating a list of safe third states, erecting a border wall, and creating transit zones.

### 3.1 *Safe third states*

One of the most significant changes to the Hungarian migratory system was induced by Act CVI of 2015 on the amendment of Act LXXX of 2007 on Asylum. This law allowed the government to adopt a list of safe third states. In July 2015, government Decree 191/2015 promulgated the list of safe third countries and the list of safe countries of origin. The two lists were identical. The first major change in the refugee status determination procedure came in July 2015 through Act CXXVII of 2015 on the establishment of a temporary security border-closure, and on the amendment of laws relating to migration. This law aimed at accelerating and simplifying asylum procedure in general, but the more significant component of it was the construction of a physical barrier at the Serbian-Hungarian border. Moreover, the act imposed shorter deadlines for the authorities to decide on asylum-seekers' cases and for applicants' right to remedy, expanded the list of potential places they could be detained, and also had the effect that persons could be removed from the country before the first judicial review of their applications had even started (Nagy, 2016: 1046). It is important to note here that these acts were not new to the EU acquis, and it was within the right of the country to promulgate them. However, Hungarian legislators chose the options least favorable to asylum seekers. They also put a huge burden on Serbia by designating it a safe country, thereby forcing it to process hundreds of thousands of applications (Nagy, 2016: 1046). In this case, it is very hard to define where the line is between fulfilling the country's commitments to Schengen by protecting the EU's borders, and making the lives of refugees harder. Creating the list of safe states was not a violation of EU law, meaning that it falls within the category of interest-based Member State action. However, if we take into account the burden this imposed on Serbia and the effect it had on refugees, together with other acts of the Hungarian government, it may be categorized as rogue Member State action. In March 2020, the first Chamber of the CJEU found in a preliminary ruling procedure that refusing to process an asylum seeker's application for international protection because they had arrived to Hungary through a safe state ran counter to Directive 2013/32/EU (Court of Justice of the European Union, 2020).

### *3.2 Border wall along the Serbian and Croatian border*

In autumn 2015, the construction of a wall on the Southern borders of Hungary started, and this action was followed by certain legislative acts aimed at reducing the number of immigrants, without taking humanitarian aspects into consideration. In 2016, a second portion of the wall was built in order to stop immigrants entering from the Western Balkans route, and to keep the problem outside Hungary by pushing the whole issue towards Serbia and Romania (Tóth, 2019: 129). The wall – stretching along more than 170 kilometers of the Serbian and Croatian border – was intended to prevent refugees from entering the country, and crossing the wall was declared a crime by authorities. These measures resulted in a dramatic drop in asylum applications between October 2015 and January 2016, which clearly shows the impact of the ‘fences’ (Nagy, 2016: 1040). This strategy is called externalization in the academic literature. It is important to highlight that Hungary was a policy promoter in its erection of a fence (or a norm entrepreneur, in other words). Hungary saw an opportunity to act against mainstream EU policies and become a leader of anti-immigrant voices in the EU. This happened on the one hand by refusing to participate in the mandatory relocation mechanism of the EU, and on the other hand by erecting the fence along the Southern border of Hungary. These activities indeed served as examples that could be followed by fellow EU Member States. The former position was indeed adopted by some of the V4 countries, and the latter by many more EU countries: by the end of 2018, 10 out of the 28 EU members had erected different kinds of border walls (Stone, 2019). It is important to highlight that no legal criticism may be levelled against the fence itself, as it is defined as a means of protecting the border of the EU in a crisis situation.

### *3.3 Transit zones*

Act CXL of 2015 on the amendment of certain acts in connection with mass migration was the second major change introduced to Hungarian asylum law during the refugee crisis. It adopted an overarching legal framework that amended and affected several other acts (the Asylum Act, Criminal Code, Borders Act, etc.). The basis of the acts was declaring a ‘crisis situation caused by mass immigration’ through which the government could justify its unusually strict policy against asylum seekers. Transit zones were established with the purpose of hosting public officials responsible for managing refugee status determination procedures. However, access to the zones was limited: officials had the authority to decide how many people they would permit to enter a container where the administrative procedures were handled (Nagy, 2016: 1064). A new border procedure was introduced that was only applicable in the transit zone. This process combined detention without court oversight through the imposition of a very rapid procedure involving permitting no real access to legal assistance, and making the use of legal remedy almost impossible (Nagy, 2016: 1048). In addition, a number of criminal procedural rules were changed in a way that removed the protection from immigrants accused of crimes related to the irregular crossing of the fence (Nagy, 2016: 1049). Some researchers argue that, as surprising as the latter initiative may seem, from a legal point of view these acts could be passed because both the Geneva Convention and UNHCR are unclear in relation to this area. In 2016, the UNHCR concluded in its country paper that it ‘considers that Hungary’s law and practice in rela-

tion to the prosecution of asylum seekers for unauthorized crossing of the border fence [is] likely to be at variance with obligations under international and EU law' (UNHCR, 2016).

Act CLXXV of 2015 is called the Protection of Hungary and Europe against the introduction of a compulsory implemented quota, even though it concerns the reception of asylum seekers and the burden sharing of a common European refugee policy. This is part of the government's campaign of deception towards its citizens, which targets refugees and blames the EU's migration policy, both of which are clear manifestations of symbolic, rogue behavior. This law entrusted the government to turn to the CJEU for the annulment of Council decision 2015/1601, pursuant to Article 263 TEU, as will be discussed later (Tóth, 2019: 136).

The rhetoric behind the government's actions was that the country wants to stop illegal migration, while providing proper treatment to those people who have legal documentation for applying for asylum. However, this standpoint did not take into consideration the fact that many refugees could not possibly have the necessary papers due to the conditions under which they were forced to flee their home countries. Moreover, the criminalization of refugees is contrary to the Geneva Convention (Hungarian Helsinki Committee, 2017: 9).

By the end of 2016, several legislative changes had entered into force in Hungary. Act XCIV of 2016 (which entered into force in July) legalized the pushing back of refugees to the non-Hungarian side of the wall without any legal procedure or remedy. Anyone caught within an 8 km radius of the fence was 'escorted' back to the southern side of the wall. This practice, according to the Helsinki Committee, violated Hungarian, European, and international refugee law (Hungarian Helsinki Committee, 2017: 9) and detention during the border procedures might be considered to be a 'legally indefensible punishment' (Nagy, 2016: 1065). In May 2020, the CJEU's decision in two joint cases about the transit zones was published. It stated that 'the placing of asylum seekers or third-country nationals who are the subject of a return decision in the Röszke transit zone at the Serbian-Hungarian border must be classified as "detention"' (Court of Justice of the European Union, 2020). The Court held that persons seeking international protection can be detained, but only for a maximum of four weeks. Moreover, the body also made remarks about the conditions in the transit zones, namely Röszke. The CJEU found that the conditions prevailing in the Röszke transit zone qualified as deprivation of liberty, primarily because the persons concerned could not lawfully leave the zone in any direction. As a result of the judgement, the Hungarian government decided to close the transit zones on the Hungarian-Serbian border (About Hungary, 2020). With this decision, although the government decided to comply with the CJEU ruling, it also made asylum applications more difficult. Since then, asylum seekers have only been able to submit their applications at Hungary's foreign missions. The closing of transit zones might also be problematic from the perspective of the Asylum Procedures Directive, which outlines that asylum applications should be handed in at the border of the given country. If Hungary continues to 'outsource' this task to its foreign missions, it may even face another legal procedure for violating EU law.

The European Commission launched an infringement procedure about the new Hungarian asylum law in December 2015, referring Hungary to the CJEU in July 2018 (European Commission, 2018). In an opinion delivered in June 2020, Advocate General Priit Pikamäe argued that 'there has been a failure to fulfil obligations for breach of ensuring

effective access to the asylum procedure, and for breach of the procedural safeguards relating to applications for international protection, to the unlawful detention of applicants for that protection in transit zones and to the unlawful removal of illegally staying third-country nationals' (Court of Justice of the European Union, 2020).

The Hungarian government's most significant measures and the reaction of the international community to them prove that Hungary's policy-making during the refugee crisis can be evaluated in two distinct ways. In some cases, Hungary acted within its sovereign Member State rights, and was even protected by EU or international law (such as the case of erecting the border wall). However, in other cases it took advantage of the ineffectiveness of EU normativity and engaged in rule-breaking behavior that violated common EU values and principles (for example, in how Hungary placed the burden on Serbia by declaring it a safe state, or the rhetoric it used against 'migrants' during the crisis). Although the CJEU acted in some cases and urged Hungary to change its policies – for example, in its judgement about the transit zones leading to their closing – such pronouncements may not be enough to provide for the effective legal protection of asylum seekers, and nor are they strong enough to address rogue Member State behavior. Closing the transit zones might have stopped the detention of refugees, but it did not make their asylum applications any easier. This is further proof that the legal toolkit of the EU that can be applied to stop violations of EU law might be limited.

#### 4 Hungary and the refugee crisis: evaluating the strategy of the Hungarian government

Hungary, being a transit, source, and destination country of regular and irregular migration (IOM, 2019), was among the first Member States to respond with strict measures to stop immigrants: by building a fence on its southern borders, modifying the applicable criminal and administrative laws, linking the phenomenon of immigration directly to terrorist activities, and arguing that Hungary would protect its borders (and those of the EU as well) at all costs (Euronews, 2019). Moreover, the anti-immigration stance also appeared in Prime Minister Orbán's rhetoric. In a speech delivered to the assembly of the Hungarian diplomatic corps in August 2014, he promised 'rock-hard official and domestic policy not supporting immigration at all' (kormany.hu, 2014).

##### 4.1 *Hungary as a norm entrepreneur in the area of migration*

The refugee crisis provided a great opportunity for the Hungarian government to stick to its 'thematized realism.' This is a kind of realism that appears only in certain strategically important policies. While Hungary aspires to defend its national policies and interests in cases such as immigration, with other less significant policies that do not have much of an external component, it complies with EU rules and values.

Based on the above-mentioned measures of the Hungarian government, it is apparent that Hungary became a norm entrepreneur in the years of the European refugee crisis. According to Björkdahl, norm entrepreneurship is an activity through which actors 'successfully convince others of their own normative convictions, thereby creating an ideational basis for changing the institutional environment and/or specific policies.' Norm promotion does not require the same hard power resources that great powers possess, thus 'norm ad-

vocacy is a strategy to gain influence often used by otherwise powerless actors' (Björkdahl, 2008). Grøn and Wivel argue that when small states decide which policy areas they are going to focus on, they should take into consideration the dominant discourses in the EU (Grøn & Wivel, 2011). In this case, the discourse focused on the crisis situation that the refugee influx was causing in Europe and the apparent incapability of the Dublin system to regulate migratory flows in Europe. Björkdahl also argues that norm advocacy becomes even more convincing if the advocate acts as a forerunner in the given policy area, and complies with the norms it propagates (Björkdahl, 2008). During the refugee crisis, the 'right' or 'desirable' behavior that Hungary tried to promote was the utmost protection of national sovereignty and the European borders through stopping 'illegal' migrants from entering the EU through Hungary. Some experts even talk about the 'Orbanization of Asylum Law,' because the attitude of Hungary in handling the migration crisis spread to other EU Member States as well. S. Peers argued in relation to the EU–Turkey deal in 2016 that certain policies of the EU 'copy and entrench across the EU the key elements of the Hungarian government's policy, which was initially criticized: refusing essentially all asylum-seekers at the external border and treating them as harshly as possible so as to maintain the Schengen open borders system' (Peers, 2016). It is interesting to add here that although the Visegrád countries seemingly acted similarly in handling the refugee crisis and rejected the idea of compulsory relocation, in general the group is not homogenous. Hungary and Poland acted quite differently from the Czech Republic and Slovakia. Moreover, out of the four, Hungary could be considered the most radical, with its 'total denial of the fact that irregularly arriving persons may need protection within the EU' (Nagy, 2017: 2).

#### ***4.2 The defense of Member State sovereignty as the key Hungarian card***

While before January 2015 asylum seekers and 'illegal' migrants were not yet mixed up in the rhetoric of Hungarian government officials, the Charlie Hebdo attack brought about a change in this regard, and after that every would-be immigrant, regardless of whether they sought protection, was considered undesirable (Nagy, 2016: 1053). The anti-immigrant campaign of the Hungarian government was accompanied multiple times by a so-called 'National Consultation': this involved the government sending out letters together with a questionnaire to Hungarian citizens about 'immigration and terrorism' (kormany.hu, 2019). Moreover, in May 2015 a billboard campaign was also started, in which posters alongside Hungarian main roads portrayed immigrants as criminals. The billboards also included messages or notes 'addressed to immigrants' such as 'if you come to Hungary, you should respect our culture,' and 'if you come to Hungary, you cannot take our jobs.' The language of the billboards was Hungarian, which is a clear indication of the real target audience of the campaign (Nagy, 2016: 1054). In June 2017, Viktor Orbán compared the flow of refugees to the Ottoman invasion (Tharoor, 2015) and emphasized that 'No nation may be given orders about who it should live alongside in its own country, as that can only be a nation's sovereign decision' (kormany.hu, 2019). These rhetorical elements, however, were totally unfounded: Hungary was mainly a transit country, so the majority of asylum seekers did not want to stay in the country but to continue on their way to other parts of Europe; moreover, most of the asylum claims were not properly processed due to the newly introduced Hungarian measures throughout 2015 (Nagy, 2016: 1040). One could thus argue, as Boldizsár Nagy does, that immigration was actually a 'total non-issue' in Hungary

(Nagy, 2016: 1040). However, the use of the concept of sovereignty combined with the hostile rhetoric towards refugees was a deliberate decision by the Hungarian government, as it served the purpose of covering its rogue, symbolic politics. The government could easily argue that what Hungary did was not against EU values and norms, but served to protect national identity and sovereignty.

Hungary's particularist stance on the topic of European migration policy not only became manifest in hostile rhetoric and domestic actions against refugees, but the country also tried its best to reject the EU's attempts to reform its migration and refugee policy, and it did so most intensively in relation to the so-called 'quota system.' At its Justice and Home Affairs Council meeting on 22 September 2015, EU ministers adopted the decision to distribute 120,000 persons in clear need of international protection among 26 Member States of the EU (Council of the European Union, 2015). The Hungarian governing party had serious doubts about the legitimacy of the content of the Council Decision, mostly because they considered the whole idea of the quota system to be senseless and dangerous. Moreover, leading Hungarian politicians considered the Decision to be against EU law because it was not approved through a just legal process, national parliaments not being included in the decision-making (Fidesz.hu, 2016). On the day of the contentious Council meeting, the Hungarian Parliament adopted a resolution with the title 'Message to the leaders of the European Union' which was designed to send a symbolic message to the leaders of Europe about the extreme threat immigration poses to the continent. On 6 November 2015, in line with a motion by Fidesz, the Hungarian Parliament accepted a resolution which considered the Council's Decision to be illegitimate and in breach of the principle of subsidiarity.

On 17 November 2015 the Parliament enacted the already mentioned Act CLXXV 'about acting against the compulsory settlement quota in defense of Hungary and Europe.' The law confirms the illegitimacy of the September Council Decision based on the principle of subsidiarity and calls on the Hungarian government to launch a legal proceeding before the European Court of Justice based on Article 263 TEU. The newly accepted Hungarian law argued that the EU's quota plan would increase crime, spread terrorism, and endanger Hungary's cultural values. Hungary's Minister of Justice László Trócsányi emphasized that 'although Member States have agreed to give up their sovereignty to a certain extent in return for EU membership, they still kept some rights to themselves, such as regulating who they allow to enter their country and who they want to keep out' (Magyar Idők, 2015).

As a result, on 3 December 2015 Hungary filed a lawsuit against the Council before the CJEU (Hungary v Council Case C-647/15). In the motion, Hungary claimed that the Court should annul the contested Council Decision, or as an alternative annul it insofar as it referred to Hungary. By choosing to turn to the CJEU, Hungary wished to set a precedent in relation to protecting an EU Member State's sovereignty, and affirm 'its position as a Member State which regards the Union primarily as an arena for vindicating its national interests, and which is not hesitant to prioritize its own interests, mainly in areas which fall within competences retained by the Member States, over those of other Member States and of the Union' (Varju & Czina, 2016).

By bringing this case before the CJEU, Hungary also wanted to set a precedent in defense of Member State sovereignty and interests. Thus, the Hungarian government par-

anticipated before the EU court based on two sources of motivation: the desire to defend domestic national interests, and to promote a national vision in Europe (with the aim of influencing EU law or practices) (Granger, 2014). In addition, the Orbán-government's hard stance on immigration was part of a consciously built political campaign based on Member State unilateralism combined under the broad rhetorical umbrella of national self-defense, and also coupled with creating a 'Hungarian solution' to the migration crisis on the European political agenda (Varju & Czina, 2016). 'While pleasing the domestic electorate was also on the agenda, the adoption of the parliamentary resolution and the act calling for the government to act before the EU Court of Justice was a calculated step towards making [a] case to establish [the] fatal legal deficit [in] the contested Council Decision of violating the rights of national parliaments and the principle of subsidiarity' (Varju & Czina, 2016).

In October 2016, Hungary conducted a referendum about the 'quota-system' of the EU, in which Hungarian citizens were asked whether they agreed with the obligatory settlement of foreigners in Hungary by the EU without the consent of the Hungarian Parliament (Vető, 2016). The referendum was mainly symbolic and part of the Hungarian anti-immigration campaign, which is proved by the fact that the timing of the referendum was completely outdated. It was held on 2 October, which was weeks after the Bratislava Summit that basically rejected the compulsory relocation system based on country quotas. The referendum was ultimately ruled invalid because participation did not reach the 50 per cent threshold, although 98 per cent of respondents answered 'no' to the question (Nagy, 2016: 1073). Despite the result, the Hungarian government went on with its campaign and inserted a clause on the prohibition of compulsory settlement into the Hungarian Fundamental Law during its seventh amendment. It can be argued that the referendum was counter to the principle of loyal cooperation, as outlined in article 4(3) TEU (Nagy, 2016: 1074).

Hungary was not the only EU Member State to choose the path of law to contest an EU decision regarding the refugee crisis. Robert Fico, the Slovakian prime minister, announced as early as in October 2015 that his country would file a complaint against the Council on the subject of handling the migration crisis. The Slovak politician claimed that the Council decision should have been taken unanimously (Robert, 2015). Slovakia finally initiated legal action before the CJEU on December 3 (Slovakia v Council, Case C-643/15), which also called for the annulment of the September Council Decision. The CJEU handled the Slovak case together with the Hungarian one. In July 2017, Advocate General Yves Bot issued his opinion on the two cases, proposing that the Court should dismiss both actions and ordering the two countries to pay their own costs (Bot, 2017). In September 2017, the Court dismissed both cases in their entirety and declared that relocation was lawful and obligatory. After this failure, Hungary still continued its anti-immigrant campaign and launched a National Consultation on the 'Soros Plan,' asking citizens in questionnaires whether they agreed with the compulsory relocation of immigrants among EU Member States (Juhász et al., 2017: 22). In December 2018, the Global Compact for Safe, Orderly and Regular Migration (GCM) (IOM, 2019) was accepted by 152 UN Member States. Several EU Members did not join the pact: Slovakia did not vote, Hungary, the Czech Republic and Poland voted against it, and Austria, Bulgaria, Estonia, Italy, Latvia and Romania abstained from voting (Gotev, 2018).

In December 2017, the Commission referred Hungary, Poland, and the Czech Republic

to the CJEU for non-compliance with their legal obligations concerning relocation (European Commission, 2017). The infringement procedures which started against these Member States in June that year were escalated to Court level because the replies provided by the countries were not found to be satisfactory by the Commission. The Council Decisions regarding this matter required all EU countries 'to pledge available places for relocation every three months to ensure a swift and orderly relocation procedure' (European Commission, 2017). However, none of the three Member States relocated any refugees (either ever, or for more than a year), and they did not pledge to do so, which is why the Commission forwarded the case to the CJEU. The hearings about the so-called 'Quota case' started in May 2019. In April 2020, the Court came out with its judgement in these joint cases, and ruled that '[b]y refusing to comply with the temporary mechanism for the relocation of applicants for international protection, Poland, Hungary and the Czech Republic have failed to fulfil their obligations under European Union law' (Court of Justice of the European Union, 2020). There was much more at stake in this procedure than just enforcing compliance with EU law, and the three Member States in question must have been aware of this when they failed to fulfil their obligations. The CJEU's condemning judgement can be considered a strong message to Member States, because the need for adherence to EU values, such as the rule of law, was thereby confirmed. However, it should also be mentioned that the principle of loyalty was not mentioned in the judgement.

## 5 Conclusion

Hungarian refugee policy after 2015/2016 set a dangerous precedent for Member State unilateralism, as not only asylum law, but several rules pertaining to the Single European Market were also violated (Ziegler, 2019: 33). Small state theories come to our rescue in explaining some of the Hungarian governments' interest-based acts during the refugee crisis, and we can determine that Hungary indeed acted as a norm entrepreneur in projecting its own views about refugees onto other EU Member States. However, the paper also shows that small state behavior did not always prevail, but when the normative leverage of the EU was weak, it gave way to rogue, symbolic Member State conduct (such as generally referring to people in need as 'migrants,' and thus invoking a hostile environment towards them in Hungary).

The potential breaches of EU and international law prove the lack of willingness on the side of Hungary to implement the appropriate measures and ensure the fulfilment of obligations stemming from the Treaties, secondary legislation, and other acts, like the relocation decision (Nagy, 2016: 1080). The essence of being a member of an organization is the understanding of its members that they are forming an alliance with the goal of pursuing a common endeavor. These virtues however, are no longer present in Hungary's attitude towards the EU. 'Mutual trust between Member States and trust in the EU institutions on which the EU is built are crumbling. This is the cumulative result of the inability and occasional reluctance to perform by the EU Member States at the external borders combined with the free-riding attitudes and restrictive practices of others, including Hungary and some other Visegrád countries' (Nagy, 2017: 15). The latter countries' refusal to participate in the fair sharing of responsibility through offering protection to asylum seekers, and their poor performance in returning those not in need of protection undermines the

efforts of those countries that have sought an EU-wide solution based on loyalty and solidarity (Nagy, 2015: 15). The present author agrees with Nagy, who argues that Hungary once was an eminent member of the European club in the field of asylum, but it has performed a U-turn and become a renegade, not only by destroying its own asylum system, but also by blocking the solidarity measures of the EU (Nagy, 2017: 413). Moreover, it has done so by applying a successful small state strategy – norm advocacy, which might set a dangerous precedent in other policy areas within the European Union.

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Cyberbullying Prevention: Which Design Features  
Foster the Effectiveness of School-Based Programs?  
A Meta-Analytic Approach

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#### Abstract

Cyberbullying is a global phenomenon that affects 10–40 per cent of youth (Hinduja & Patchin, 2014) and has severe consequences such as depression, anxiety, and suicidal thoughts. A large and growing body of literature discusses and assesses programs aimed at preventing cyberbullying, to which the present article aims to contribute. My purpose was to examine whether prevention programs that have certain features – in particular, social-emotional learning, a whole-school approach, mentoring and education on online safety, and cyberbullying – are more effective than others. This ambition is novel in the cyberbullying literature. The analysis is based on the results of 23 impact evaluation articles that examined 15 school-based cyberbullying prevention programs or program variants. It was found that programs that include social-emotional learning and mentoring are more effective at reducing perpetration, whereas those including education about e-safety and cyberbullying are more effective at reducing victimization. The policy implications and limitations of the study are also discussed.

**Keywords:** Cyberbullying prevention, Meta-analysis, Social-emotional learning, Mentoring, Education on e-safety and cyberbullying

## 1 Introduction

The phenomenon of cyberbullying arose with the diffusion of personal ICT devices and internet and social media, and had become a severe, global problem by the beginning of the twenty-first century. Cyberbullying has attracted considerable attention from both policymakers and researchers. Numerous prevention programs have been implemented and a large body of related research has been conducted. Cyberbullying studies usually cover the topics of possible consequences, risk factors, underlying psychological processes, prevalence, or similarities/differences with traditional bullying. Other studies discuss potential coping strategies or policy instruments for tackling the problem. There is a growing body of cyberbullying program evaluation literature and meta-analyses have also been conducted.

Although cyberbullying may occur in settings outside of schools, the phenomenon is the most severe and the most prevalent among schoolchildren (Cassidy et al., 2013). In the present study, I focus only on cyberbullying among children and adolescents in reference to school-based prevention programs.

In the cyberbullying prevention literature, there are two distinctive streams. One discusses potential intervention strategies and program elements (such as Ang, 2015; Betts, 2016; Chisholm, 2014) on the basis of mostly behavioral-psychological arguments. The other stream examines prevention programs on a quantitative basis, in the form of either impact assessments or meta-analyses (Gaffney et al., 2019; van Cleemput et al., 2014). However, to my knowledge, the two streams have not been connected yet, and no studies have examined the effectiveness of different program elements or strategies on an empirical basis. The purpose of the present article is to fill this gap.

In Section 2, I briefly discuss the phenomenon of cyberbullying. In Section 3, I present a framework of risk factors related to cyberbullying and prevention program elements that may address them. Then, in Section 4, on the basis of the preceding discussion, I formulate the research question and the hypotheses. In Section 5, I describe the methodology. I then present the findings of the analysis in Section 6. Finally, in Section 7, I discuss the implications as well as the limitations of the study.

## 2 The phenomenon of cyberbullying

It is debated whether cyberbullying is a form of traditional (face-to-face) bullying, or if it is a distinct form of behavior. Definitions of traditional bullying and cyberbullying are rather similar. According to a consensual definition, bullying is intentional, aggressive, and repetitive behavior involving a power imbalance between the perpetrator(s) and the victim (Smith, 2016). Cyberbullying, on the other hand, is most commonly defined as ‘willful and repeated harm inflicted through the medium of electronic text’ (Patchin & Hinduja, 2006: 152).

There seems to be clear evidence of the relationship between traditional bullying and cyberbullying. Cross et al. (2015) conducted a longitudinal study and found significant overlap between traditional bullies and cyberbullies/victims. Others, such as Hinduja and Patchin (2008) and Mehari et al. (2014), also identified an overlap between face-to-face bullying and cyberbullying. Dooley et al. (2009) point out that the overlap suggests that the core behavior of bullying is more important than the medium through which it is carried out.

On the other hand, several important characteristics suggest that digital technologies fundamentally alter the process of bullying (Englander, 2017). For instance, as opposed to traditional bullying, in the case of cyberbullying harm may be repeated even though this is not intended by the perpetrator (e.g. a Facebook post with harmful content may spread without the bully’s intention). Other studies (Hinduja & Patchin, 2014; Cassidy et al., 2013) emphasize that since cyberbullies are not confronted with the immediate negative effects of their act on the victims, and since the digital environment gives a sense of anonymity (although the identity of the bully is usually known to victims), cyberbullies deindividualize their victims and tend to be less empathetic. It is also an important difference that, unlike traditional bullying, cyberbullying does not stop when school ends (Hinduja and Patchin,

2014). Due to the widespread use of the internet and smartphones among youths, victims may be faced with the harmful content at any time. Hinduja and Patchin (2014) also argue that due to these attributes, cyberbullying may cause more harm than traditional bullying.

The negative effects of cyberbullying on victims are severe. Multiple studies (among others, Cassidy et al., 2013; Betts, 2016) have found that victims of cyberbullying may experience depression, anxiety, frustration, and low self-esteem. Gámez-Guadix et al. (2013) examined the relationship between substance use and cyberbullying and found a significant correlation between them. As for the potential causal relation between cyberbullying and suicide, Hinduja and Patchin (2010) found that cyberbullies were more likely to report having attempted suicide than those who were neither bullies nor victims. On the other hand, Cassidy et al. (2013) concluded that, despite famous cases, there is no evidence that cyberbullying alone, without the presence of other important causes, leads to suicide. Raskauskas and Stoltz (2007) argue that victims may also experience feelings of hopelessness and powerlessness as they fear that the relative anonymity of the aggressor makes it impossible to stop the bullying.

Cyberbullying may take various forms, and may be carried out with different tools. The most common forms of cyberbullying include posting unkind or harmful comments, photos or videos, sharing embarrassing gossip, name calling, or creating defamatory voting polls. As for the tools of cyberbullying, the most common ones are social media platforms (such as Facebook or Instagram), instant messaging applications (Whatsapp, Viber), video sharing servers (Youtube), e-mail servers, blogs or other websites, and online multiplayer games. The literature also mentions phone calls and text messages as potential channels of bullying, but in modern times these means are less relevant. For a more detailed list of possible forms and tools, see Chisholm (2014).

Numerous studies have examined the prevalence of cyberbullying. According to a survey ordered by the European Parliament (2016), more than two-thirds of 20,000 respondents from 24 countries had encountered cyberbullying in some form.<sup>1</sup> As for the proportion of victims, most studies estimate that between 10 and 40 percent of 10 to 18-year-old children and adolescents have been cyberbullied, while slightly fewer have bullied others (Hinduja and Patchin, 2014). However, Chisholm (2014) argues that surveys may underestimate the actual prevalence of the phenomenon.

### 3 Cyberbullying prevention

In order to elaborate and evaluate cyberbullying prevention programs, it is essential to examine the related risk factors associated with cyberbullying; that is, the factors that increase the likelihood of becoming a cyberbully and/or a victim. Cyberbullying prevention efforts should address these risk factors in order to reduce the prevalence of the phenomenon. As noted above, although it is debated whether cyberbullying is a type of traditional bullying or a distinct behavior, there are surely important similarities between the two phenomena. Therefore, the risk factors of face-to-face bullying are also likely to be relevant in the case of cyberbullying. It is widely agreed upon that a lack of empathy and a bad school atmosphere that tolerates or endorses aggression are highly important risk factors (Casas et al., 2013; Hinduja & Patchin, 2008; 2011; Cassidy et al., 2013). Other

<sup>1</sup> They have bullied others, have been cybervictimised, have seen or heard of it.

studies also outline psychological problems (Ang, 2015), proactive aggression (Calvete et al., 2010), and bad parent-adolescent relationships as risk factors for cyberbullying (Ybarra & Mitchell, 2004).

There are several risk factors specific to cyberbullying. Many studies outline the importance of insufficient privacy concerns and excessive internet usage (Hinduja & Patchin, 2011; Casas et al., 2013; Ang, 2015). Insufficient privacy concerns may include the disclosure of private or sexual content or the use of weak passwords, increasing the likelihood of victimization. In addition, excessive internet use increases the probability of both becoming a bully and a victim. Several studies (Casas et al., 2013; Machmutow et al., 2012; Kowalski et al., 2012) have shown that there is a causal relationship between traditional bullying and cyberbullying; therefore the former can also be regarded as a risk factor of the latter.

I now turn to the discussion of cyberbullying prevention programs and potential program elements. First, it is important to clarify the notions of 'prevention program' and 'program element.' The term 'coping strategy' is often used in the literature as an equivalent of prevention program. However, sometimes the notion also includes any action that stakeholders (teachers, parents, victims, etc.) undertake to prevent or to deal with cyberbullying. In order to avoid this obscurity, here I only use the term prevention program, which I define as any intervention that schools, NGOs, local or central governments implement to reduce the prevalence of cyberbullying. I define program elements as constituent parts – or in other words, components – of prevention programs.

The large overlap between the risk factors associated with face-to-face bullying and cyberbullying suggests that traditional bullying prevention programs may be efficient against cyberbullying as well (Casas et al., 2013). Accordingly, many scholars suggest implementing traditional anti-bullying program elements in cyberbullying prevention programs. Among others, Cassidy et al. (2013) and Ang (2015) argue that empathy training may be an effective way to reduce cyberbullying. While more empathetic students are less likely to engage in cyberbullying, they are also more likely to support their bullied peers. Hutson et al. (2018) argues that program elements that foster social and communication skills should also be included in prevention programs. These elements are commonly referred to as social-emotional learning (hereafter SEL) (Smith & Low, 2013).

Other sources argue that the systemic, or whole-school approach (hereafter WSA), which has proven to be effective at tackling traditional bullying, should also be applied in cyberbullying prevention programs (Ang, 2015; van Cleemput et al., 2014). WSA means that, besides students, parents, teachers and other school personnel (most of all, psychologists) are also included in prevention programs. Hinduja and Patchin (2014) argue that the involvement of school personnel might improve the school atmosphere, whereas training for parents might foster closer monitoring of adolescents' online activities and better cooperation between parents and their children in relation to creating rules about internet use.

In the case of other kinds of educational programs, such as crime prevention or assistance for disadvantaged children, the effectiveness of peer mentors has been researched, and some supporting evidence has been found (Wood et al., 2012; Ciocanel et al., 2017). As for cyberbullying prevention programs, some scholars, such as Cassidy et al. (2013), argue that children respond positively to peer-led interventions.

Some specific program elements (related to the digital world) are also needed to foster the effectiveness of prevention programs. Cassidy et al. (2013) argue that it is important to educate children about online safety and netiquette to improve their privacy concerns and skills and thus reduce the risk of victimization. Hinduja and Patchin (2014) point out that educating students about the phenomenon and its severe consequences may deter potential bullies and encourage positive bystander behavior. Table 1 summarizes the main risk factors and the program elements that may address them. I note that the above presentation of risk factors and program elements is not exhaustive; my purpose was rather to present the most important ones, and to provide a general framework for addressing the issue of cyberbullying prevention.

	Lack of empathy	Bad school atmosphere	Excessive internet usage	Insufficient privacy concerns
SEL program elements	X	X		
Teacher involvement		X		
Education of parents			X	
Mentoring <sup>2</sup>	*	*	*	*
Education about online safety				X
Education about cyberbullying	X			X

Table 1: Main program elements and the risk factors they address (source: author)

#### 4 Research question and hypotheses

It seems to be clear that prevention programs can significantly reduce the prevalence of both cyberbullies and cybervictims. Van Cleemput et al. (2014) conducted a meta-analysis of eight studies that evaluated cyberbullying prevention efforts and found that the average effect was significant and positive in terms of both reducing perpetration and victimization. A more recent meta-analysis (Gaffney et al., 2019) reviewed 24 similar articles and found that prevention programs reduced the number of bullies by 10–15 per cent, whereas that of victims by 14 per cent, on average. The reviewed programs varied significantly in terms of both program elements and effectiveness.

These two studies did not seek to identify why a program is more or less effective, unlike in the work of Hutson et al. (2018), the latter who conducted a systematic literature review to examine which program elements are the most prevalent in prevention programs that have been implemented and inferred the effectiveness of the elements based on their prevalence. They ignored, however, the extent to which these programs were effective (or ineffective). The present study aims to fill the gap between these efforts and to identify key features that make programs more effective on an empirical basis. I thus formulate my main research question as follows: *Which design features foster the effectiveness of cyberbullying prevention programs?*

<sup>2</sup> Mentoring may affect all risk factors, depending on the content of the mentoring sessions (e.g. awareness raising mentoring sessions, empathy training with mentors, etc.).

Note that in the analytical part of the article I introduce the term ‘design feature’; this is a broader concept than program element and may refer to different program characteristics such as elements, sets of similar elements, or approaches. The identification of key program features allows for a meaningful classification of prevention programs and the investigation of the reasons that make programs more or less successful.

Before turning to the presentation of the hypotheses, I outline an important distinction. A prevention program may be effective at reducing the prevalence of perpetration and/or victimization. Although the two might coincide, it is also possible that a given program is only effective in one of these two areas.

Based on the discussion in Section 3, I identified four key program features that may foster the effectiveness of prevention programs, which are (i) social-emotional learning (SEL); (ii) the whole school approach (WSA); (iii) mentoring; and (iv) education about cyberbullying and e-safety. In line with these features, I formulated four hypotheses, as follows:

*H1: Prevention programs that include SEL (social-emotional learning) are more likely to be effective at reducing perpetration than those that do not.*

Since social emotional learning and empathy training in particular address the risk factor lack of empathy, programs with an SEL focus are expected to be more effective at reducing perpetration.

*H2: Prevention programs that adopt WSA are more likely to be effective at reducing both perpetration and victimization than those that do not.*

Teacher and parent involvement addresses risk factors (*bad school atmosphere and excessive internet usage*) that are related to both perpetration and victimization, thus WSA programs are expected to be more effective in both areas.

*H3: Prevention programs involving peer mentors are more likely to be more effective at reducing both perpetration and victimization than those without peer mentors.*

Mentoring may affect all risk factors and therefore programs adopting this feature are expected to be more effective in both areas.

*H4: Prevention programs that include e-safety and cyberbullying related elements are more likely to be effective at reducing victimization than those that do not.*

Although raising awareness about the severe consequences of cyberbullying may also foster the more empathetic attitude of potential bullies, education about e-safety and the phenomenon in general is expected to reduce the risk of becoming a victim.

## 5 Data and method

Victor (2008) discerns three main types of meta-analyses. On the one hand, the evidence-based approach adopted from medical sciences seeks to address the question ‘What works?’ using quantitative methods. On the other hand, the theory-driven approach addresses the question ‘What works and why?’ typically by applying qualitative methods. Finally, these approaches may be mixed. The present article takes this last approach. The following anal-

ysis was conducted as follows; First, I collected quantitative data about the effectiveness of the selected prevention programs. Second, I operationalized the four key program features and classified the programs. Third, I tested the hypotheses.

As mentioned above, Gaffney et al. (2019) conducted a meta-analysis of cyberbullying impact evaluations. Since the article is recent, and its selection criteria are identical to those required in the present study, I relied on their results. The authors applied the following criteria: studies that were included had to '(1) use an adequate operational definition of cyber-bullying; (2) describe the evaluation of an intervention or prevention program implemented with school-aged participants; (3) include experimental and control conditions; (4) measure cyber-bullying behaviors using quantitative measurement instruments; and, (5) have been published from 2000 onwards' (Gaffney et al., 2019: 136). The authors identified 3994 articles and screened 192. They included 24 articles in the systematic review. The authors also provide a list of excluded articles and the reasons for their exclusion.

Odds-ratios (OR) were used to determine the impact of the examined programs with regard to both perpetration (OR<sub>p</sub>) and victimization (OR<sub>v</sub>). OR in general refers to the likelihood of the occurrence of a certain event in the experimental group divided by the likelihood of the occurrence of the same event in the control group. OR>1, therefore implies a positive program impact, whereas OR<1 implies a negative program impact. While odds-ratios are used to measure the effect size of programs when the pre-intervention odds-ratios are not equal in the intervention and in the control group, OR values can be calculated as the difference of the logarithm of post and pre intervention OR values. For the present analysis, the odds-ratios and standard errors calculated by Gaffney and colleagues (2019) were used. Some programs or program versions were evaluated in different studies. In such cases, the effect sizes were combined using standard error weighting (for details, see Farrington & Ttofi, 2009).

In order to operationalize the four key program features (in line with the four hypotheses), I created four binary variables and defined the necessary and sufficient program element(s) for each. I relied on the program elements that Hutson et al. (2018) list in their meta-analysis (in italics in the listing below).

*SEL* (Social-emotional learning): SEL=1 if a program includes both *empathy learning* and *social/communicational skills* elements; SEL=0 otherwise.

*WSA* (Whole-school approach): WSA=1 if a program addresses stakeholders other than students (*parent involvement and/or teacher education*); WSA=0 if the program addresses students only.

*MENT* (Peer mentoring): MENT=1 if includes *peer mentoring*; MENT=0 if it does not.

*CYB* (Education about cyberbullying and online safety): CYB=1 if a program contains at least two of the three following elements: *education about digital citizenship*, *awareness raising*, and *education about cyberbullying*; CYB=0 if a program contains fewer than two of the above elements.

In the case of studies that were included in Hutson et al.'s meta-analysis, data about the presence of the program elements were extracted from there. In other studies,<sup>3</sup> the presence of program elements was examined on the basis of the related articles. Table 2 displays all the variables and the description of the program elements on the basis of Hutson et al.

Variable name – short	Variable name – long	Related program element	Description
Dependent variables			
OR_p	Odds ratio of perpetration	–	Effect size measured by odds ratio of perpetration
OR_v	Odds ratio of victimization	–	Effect size measured by odds ratio of victimization
Independent variables			
SEL	Social-emotional learning	Communication/ social skills	Teaching youth effective and appropriate skills for communicating in a social setting, either online or in person
		Empathy training	Teaching youth to look at the cyberbullying situation from the perspective of the persons involved
WSA	Whole-school approach	Parent education	Educating parents about important cyberbullying topics
		Teacher involvement in bullying situation	Having teachers moderate the cyberbullying situation
MENT	Peer mentoring		Peer mentors taking part in the program
CYB	Education on cyberbullying and online safety	Digital citizenship	Using technology in a responsible way or being a good citizen online
		Awareness raising	Increasing knowledge and awareness of cyberbullying
		Education on cyberbullying	Teaching youth what cyberbullying is and other information related to cyberbullying awareness

*Table 2: Dependent and independent variables  
(source: author's compilation based on Hutson et al., 2018)*

To test the hypotheses, I examined whether the mean effect sizes of prevention programs in different subgroups differ significantly. Each subgroup is defined by a program design feature (such as the presence or absence of social-emotional learning). The reliability of estimated effects sizes differs from study to study. In order to account for this variance, I calculated weights so that more reliable studies (observations) received a larger weight. To do so, in line with Farrington and Ttofi (2009) and Borenstein et al., (2011), I

<sup>3</sup> Namely: DeSmet et al. (2018) – Friendly Attac; Williford et al. (2013) – KiVA; Chaux et al. (2016) and Schultze-Krumbholz et al. (2016) – Mediaheroes; Espelage et al. (2015) – Second Step; Grading et al. (2015); Grading et al. (2016) – ViSC.

first calculated inverse effect size variances for each study. These were used to weight the observations. In the next step, for each program design feature (H1 to H4) differences between the mean effect sizes of subgroups were calculated. In the third phase, I tested (for each hypothesis H1 to H4) whether the mean differences between effect sizes in the two sub-groups were significant. These differences were tested using Z test scores (Borenstein et al., 2009) (confidence level=95 %). The above procedure was applied to both outcome variables used in the study (perpetration as well as victimization). The formulas that were used can be found in Annex 1, whereas a more detailed description and rationale for the weighted mean effect size and mean difference calculus is provided in Borenstein et al. (2011: Ch. 19).

Studies (n=23)	Design <sup>4</sup>	Programs or program versions (n=15)
Athanasziades et al. (2015)	RCT	Tabby
Chaux et al. (2016)	RCT	Mediaheroes
Cross et al. (2016)	RCT	Cyber Friendly
Del Rey et al. (2012)	QE	ConRed
Del Rey et al. (2016)	QE	ConRed
DeSmet et al. (2018)	RCT	Friendly Attac
Espelage et al. (2015)	RCT	Second Step
Fekkes et al. (2016)	RCT	Skills for Life
Garaigordobil and Martínez-Valderrey (2015)	RCT	Cyberprogram 2.0
Garaigordobil and Martínez-Valderrey (2016)	RCT	Cyberprogram 2.0
Gradinger et al. (2015)	RCT	ViSC (Aus)
Gradinger et al. (2016)	RCT	ViSC (Aus)
Menesini, Nocentini, and Palladino (2012)	QE	NoTrap! v1
Ortega-Ruiz et al. (2012)	QE	ConRed
Palladino et al. (2012)	QE	NoTrap! v2
Palladino et al. (2016)	QE	NoTrap! v3
Pieschl et al. (2017)	QE	Surf Fair
Roberto et al. (2014)	RCT	Social Networking Safety Promotion and Cyberbullying Prevention Promotion
Schultze-Krumbholz et al. (2016)	RCT	Mediaheroes
Shaw et al. (2015)	RCT	Cyber Friendly
Solomontos-Kountouri et al. (2016)	QE	ViSC (Cyp)
Williford et al. (2013)	RCT	KiVa
Wölfer et al. (2014)	RCT	Mediaheroes

*Table 3: Included studies and programs (source: own. Identical to the articles revised by Gaffney et al, 2019)*

<sup>4</sup> RCT=randomized controlled trial; QE=quasi-experimental

## 6 Findings

The list of the articles that were included and the programs examined by them is presented in Table 3. Twenty-three studies were included<sup>5</sup> in the meta-analysis that had been published between 2012 and 2017. The studies examine 15 different programs or program versions. Two program versions were considered identical if the values of the four grouping variables were equal (this was the case with the Australian and the Cypriot versions of ViSC). In such cases, as described in Chapter 4.2, weighted mean effect sizes were computed. Some articles presented the same evaluation data. Figures 1 and 2 display all OR values with 95 % confidence intervals as well as mean effect sizes (using the fixed effects model<sup>6</sup>) for both perpetration and victimization, whereas the values (effect sizes and some statistics) are presented in Annex 2.

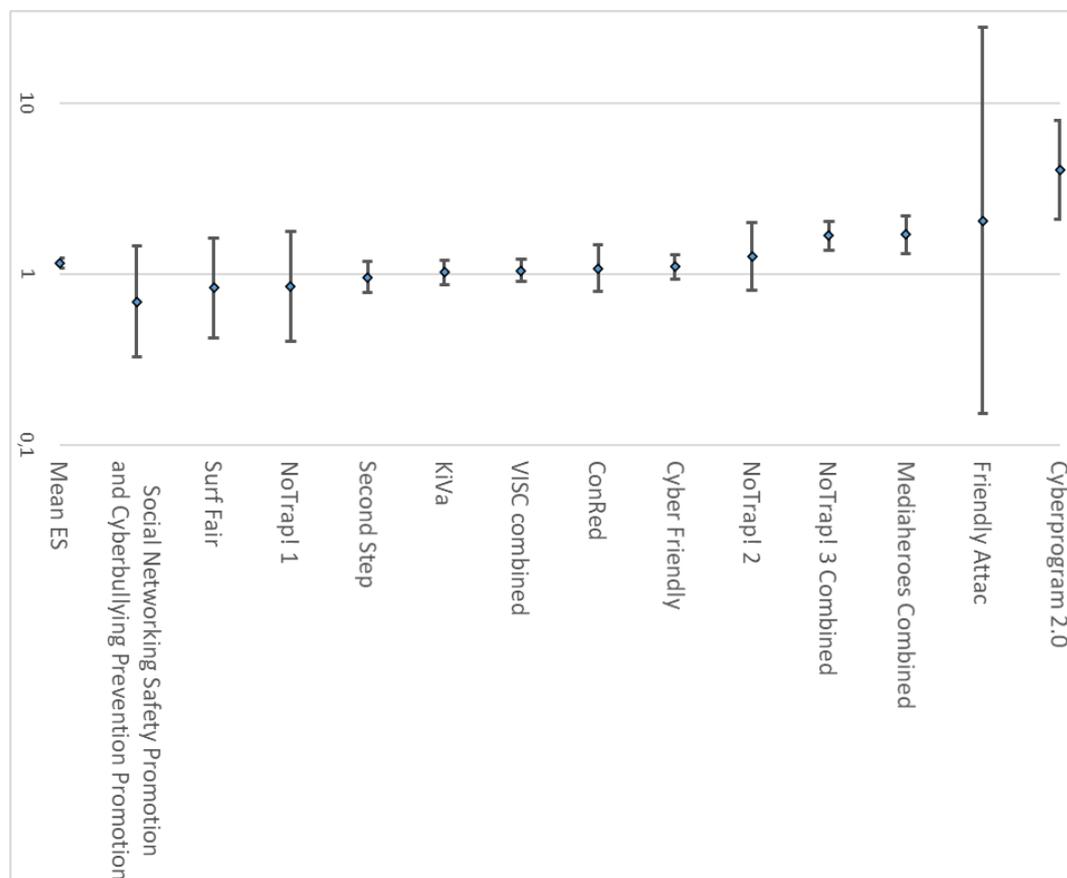


Figure 1: OR effect sizes with CI95% intervals for perpetration (source: author's calculations based on Gaffney et al., 2019)

<sup>5</sup> Gaffney et al. (2019) included 24 articles, but for Harshman (2014) the necessary data was not available.

<sup>6</sup> For details see Farrington and Ttofi (2009).

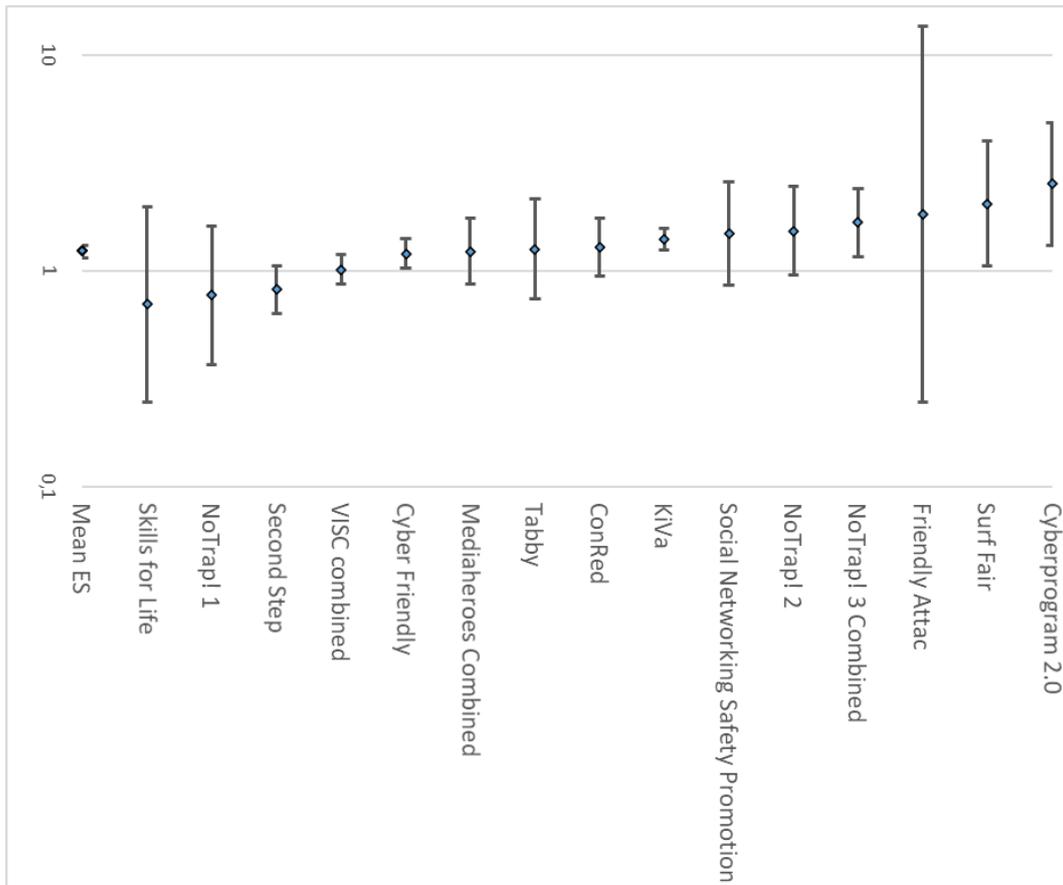


Figure 2: OR effect sizes with CI95% intervals for victimization (source: author’s calculations based on Gaffney et al., 2019)

H1: Prevention programs that include SEL (social-emotional learning) are more likely to be effective at reducing perpetration than those that do not.

Programs including SEL are found to be more effective at reducing perpetration (mean difference=0.33; CI: 0.29-0.38;  $p < 0.01$ ), therefore H1 is confirmed. The difference is relatively large: programs with SEL elements reduce the risk of bullying by 38 per cent, whereas the same proportion is only 4 per cent in the case of other programs. However, the difference is insignificant ( $p = 0.81$ ) in the case of victimization.

	Mean OR	Z	SE	p	n	CI95% <sub>low</sub>	CI95% <sub>up</sub>
SEL=0	1,04	0,92	1,05	0,36	7	0,95	1,14
SEL=1	1,38	5,56	1,06	0,00	6	1,23	1,54
Mean difference	0,33	3,77	1,08	0,00	13	0,29	0,38

Table 4: Test scores for perpetration – grouping: SEL (source: author’s calculations)

	Mean OR	Z	SE	p	n	CI95% <sub>low</sub>	CI95% <sub>up</sub>
SEL=0	1,24	5,38	1,04	0,00	9	1,14	1,34
SEL=1	1,21	2,62	1,08	0,01	6	1,05	1,40
Mean difference	0,02	0,24	1,09	0,81	15	0,02	0,03

Table 5: Test scores for victimization – grouping: SEL (source: author's calculations)

*H2: Prevention programs that adopt WSA are more likely to be effective at reducing both perpetration and victimization than those that do not.*

Programs that addressed only children did not differ significantly from those that involved teachers and/or parents either in regard to perpetration or bullying. H2 is therefore rejected.

	Mean OR	Z	SE	p	n	CI95% <sub>low</sub>	CI95% <sub>up</sub>
WSA=0	1,23	3,04	1,07	0,00	6	1,08	1,40
WSA=1	1,14	3,04	1,04	0,00	7	1,05	1,24
Mean difference	0,09	0,97	1,08	0,33	13	0,08	0,11

Table 6: Test scores for perpetration – grouping: WSA (source: author's calculations)

	Mean OR	Z	SE	p	n	CI95% <sub>low</sub>	CI95% <sub>up</sub>
WSA=0	1,16	1,81	1,08	0,07	8	0,99	1,36
WSA=1	1,25	5,75	1,04	0,00	7	1,16	1,35
Mean difference	0,09	0,82	1,09	0,41	15	0,07	0,11

Table 7: Test scores for victimisation – grouping: WSA (source: author's calculations)

*H3: Prevention programs involving peer mentors are more likely to be effective at reducing both perpetration and victimization than those without peer mentors.*

Programs involving peer mentors are more effective at reducing perpetration (mean difference=0.30; CI95%: 0.26-0.35;  $p<0.01$ ), but the difference is insignificant when victimization effect sizes are compared ( $p=0.68$ ). In the case of perpetration, the difference is rather large: programs with mentoring decrease the chance of bullying by 35 per cent, whereas those without mentoring decrease the chance by only 4 per cent. H3 is therefore partially confirmed.

	Mean OR	Z	SE	p	n	CI95% <sub>low</sub>	CI95% <sub>up</sub>
MENT=0	1,04	0,89	1,05	0,38	8	0,95	1,14
MENT=1	1,35	5,40	1,06	0,00	5	1,21	1,50
Mean difference	0,30	3,53	1,08	0,00	13	0,26	0,35

Table 8: Test scores for perpetration – grouping: MENT (source: author's calculations)

	Mean OR	Z	SE	p	n	CI95% <sub>low</sub>	CI95% <sub>up</sub>
MENT=0	1,22	4,80	1,04	0,00	10	1,13	1,32
MENT=1	1,26	3,58	1,07	0,00	5	1,11	1,43
Mean difference	0,04	0,42	1,08	0,68	15	0,03	0,05

Table 9: Test scores for victimisation – grouping: MENT (source: author's calculations)

*H4: Prevention programs that include e-safety and cyberbullying related elements are more likely to be effective at reducing victimization than those that do not.*

The difference between programs focusing on e-safety and cyberbullying and programs that put less emphasis on these aspects was found to be significant with regard to victimization (mean difference=0.22; CI95%: 0.19-0.26;  $p=0.01$ ) and insignificant with regard to perpetration ( $p=0.68$ ). The 0.22 difference in odds-ratios means that the impact of CYB=1 programs is 22 percentage points higher than the impact of CYB=0 programs in terms of the risk of becoming a victim. The results are in line with the expectations, since education about online safety and cyberbullying mostly affects risk factors related to victimization. Accordingly, H4 is confirmed.

	Mean OR	Z	SE	p	n	CI95% <sub>low</sub>	CI95% <sub>up</sub>
CYB=0	1,18	3,38	1,05	0,00	8	1,07	1,30
CYB=1	1,14	2,51	1,05	0,01	5	1,03	1,27
Mean difference	0,03	0,42	1,07	0,68	13	0,03	0,04

Table 10: Test scores for perpetration – grouping: CYB (source: author's calculations)

	Mean OR	Z	SE	p	n	CI95% <sub>low</sub>	CI95% <sub>up</sub>
CYB=0	1,11	1,84	1,06	0,07	9	0,99	1,23
CYB=1	1,33	6,24	1,05	0,00	6	1,21	1,45
Mean difference	0,22	2,58	1,07	0,01	15	0,19	0,26

Table 11: Test scores for victimisation – grouping: CYB (source: author's calculations)

## 7 Implications and limitations

Cyberbullying is a severe and widespread phenomenon of the twenty-first century. The elaboration, implementation, and evaluation of prevention programs related to cyberbullying is therefore highly important. The aim of the present study was to connect the literature that discusses school-based cyberbullying prevention strategy options with empirical findings of impact assessments of prevention programs. My purpose was to examine the program features that may increase the effectiveness of cyberbullying prevention programs on an empirical basis. This is novel in the literature: although meta-analyses have examined the impacts (Gaffney et al., 2019), as well as the program elements (Hutson et al., 2018) of previous prevention programs, the two efforts have not been connected so far.

My results confirm some of the suggestions presented in the cyberbullying literature. First, programs with a strong social-emotional learning emphasis and those involving peer-mentors are more likely to be effective at reducing perpetration. Second, programs in which education about online safety and cyberbullying are emphasized are more likely to be effective at reducing victimization. The effect size of programs involving parents and/or teachers, on the other hand, was not found to be significantly higher with regard to either perpetration or victimization. These results suggest that:

- (i) Similarly to traditional bullying programs, SEL is a key design feature in the case of cyberbullying, and should be included in prevention efforts;
- (ii) Mentoring is also an effective way to tackle bullying, and
- (iii) Education about e-safety and awareness raising about cyberbullying may effectively

help victims. This implies that although traditional bullying prevention program elements may also be effective against cyberbullying, specific cyberbullying-related measures may be equally useful.

Although the review presented here provides fairly strong evidence for the above statements, it is important to discuss some limitations of the study. First, the number of studies included in the sample was relatively small. Therefore, the reliability of the quantitative analysis is limited. Second, the simplistic methodological approach (z-test comparison of the subgroups), although robust, may hide more complicated causal relations (such as interactions). Finally, the effectiveness of interventions, as well as program elements, may depend largely on contextual factors (such as geographical and time scope, age, etc.). These aspects may be addressed once there is a sufficiently large body of evaluation literature that would allow for the inclusion of other independent (contextual) variables and for the application of more sophisticated statistical methods.<sup>7</sup>

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## Appendix

### *Annex 1: Formulas*

Log of weighted mean effect size in a subgroup:

$$\log OR_{mean} = \frac{\sum \log OR_i * W_i}{\sum W_i} (1)$$

Log of standard error in a subgroup:

$$\log SE_{mean} = \sqrt{\frac{1}{\sum W_i}} (2)$$

Difference of means:

$$Difference = OR_{subgroupA} - OR_{subgroupB} (3)$$

Z-test score of the difference:

$$z = \frac{\log OR_{subgroupA} - \log OR_{subgroupB}}{\log SE_{mean}} (4)$$

P-value of the significance of the difference:

$$p = 2(1 - \Phi|z|) (5)$$

*Annex 2: Effect sizes and main statistics of the impact evaluations*

Program	n	Perpetration					Victimization				
		OR	CI95% (low)	CI95% (up)	Z	P	OR	CI95% (low)	CI95% (up)	Z	P
ConRed	891	1,08	0,79	1,48	0,48	0,63	1,29	0,94	1,77	1,59	0,11
Cyber Friendly	2893	1,10	0,94	1,29	1,16	0,25	1,20	1,03	1,40	2,27	0,02
Cyber- program 2.0	176	4,05	2,08	7,88	4,12	0,00	2,53	1,31	4,87	2,78	0,01
Friendly Attac	216	2,05	0,15	27,75	0,54	0,59	1,83	0,25	13,62	0,59	0,56
KiVa	5651	1,02	0,86	1,21	0,23	0,82	1,40	1,24	1,58	5,59	0,00
Mediaheroes Combined	1657	1,70	1,32	2,19	4,08	0,00	1,23	0,86	1,75	1,15	0,25
NoTrap! 1	174	0,85	0,41	1,78	-0,43	0,67	0,77	0,37	1,62	-0,69	0,49
NoTrap! 2	375	1,27	0,80	2,01	1,02	0,31	1,53	0,95	2,46	1,76	0,08
NoTrap! 3 Combined	892	1,67	1,37	2,04	5,03	0,00	1,68	1,17	2,40	2,81	0,01
Second Step	1 510	0,96	0,77	1,19	-0,37	0,71	0,82	0,63	1,06	-1,52	0,13
Skills for Life	1 394	.	.	.	.	.	0,70	0,25	1,99	-0,67	0,50
Social Networking...	418	0,69	0,33	1,46	-0,97	0,33	1,49	0,86	2,58	1,42	0,16
Surf Fair	150	0,83	0,42	1,63	-0,54	0,59	2,05	1,06	3,98	2,12	0,03
Tabby	263	.	.	.	.	.	1,26	0,74	2,15	0,85	0,40
VISC Combined	3 511	1,05	0,90	1,22	0,62	0,54	1,02	0,87	1,19	0,22	0,83
Mean ES	.	1,16	1,08	1,25	4,19	0,00	1,23	1,15	1,32	5,98	0,00

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ZORA HESOVÁ\*  
New Politics of Morality in Central and Eastern Europe:  
Actors, Discourse, and Context

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### Abstract

Central and Eastern Europe (CEE) have recently witnessed a surge in protest, mobilization, and debates about marriage, abortion, gender, and feminism. This politics of morality has been notably more successful in the east than in the west of Europe: Most CEE countries have legally or even constitutionally precluded any chance of adopting same-sex marriage, some have rejected the Istanbul Convention, and many parliaments have debated ‘gender’ in a hostile manner. The rising conservative voice in politics appears to signal a sort of illiberal, conservative turn in post-Communist EU Member States. Most research on morality politics thus focuses on the conservative backlash in CEE or global conservative religious networks, while leaving particular Central European political dynamics aside. This article intends to shift the focus from the ideological or religious aspects of conservative mobilizations to the role morality politics has played in the context of increased political competition on the right and the rise of populism. Looking at actors, strategies, discourses, and the timing and context of individual types of mobilizations in CEE permits the analysis of the political logic of morality politics and especially an exploration of the instrumental nature of conservative mobilizations in detail.

**Keywords:** Politics of morality, Central and Eastern Europe, conservatism, mobilization, Christianity, populism

## 1 Introduction

In 2013, 80,000 marched ‘for life’ in the eastern Slovak town of Košice. When in 2019, 50,000 marched again in Bratislava, a Catholic website boasted: ‘The Košice miracle has [been] reproduced!’<sup>1</sup> In more secular Prague, 3,000 and 10,000 ‘opponents of abortions and supporters of traditional families’ participated in a similar ‘national march for life’

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<sup>1</sup> [https://prazsky.denik.cz/zpravy\\_region/pochod-pro-zivot-a-rodinu-pribrzdili-odpurci-akce-zasahovat-musela-policie-20190427.html](https://prazsky.denik.cz/zpravy_region/pochod-pro-zivot-a-rodinu-pribrzdili-odpurci-akce-zasahovat-musela-policie-20190427.html); <https://pochodzazivot.sk/>

in 2013 and 2019 (respectively) too.<sup>2</sup> Under slogans such as ‘life is joy’ and ‘I choose life not death,’ pro-life groups, supported by the Roman Catholic Church (RCC), more or less explicitly demanded a restriction or ban on abortions, support for large families, and a cap on the demands of sexual minorities. Massive public opposition to abortion is surprising, to say the least, in both countries. The interruption of pregnancy was legalized throughout communist Eastern Europe in the 1950s, while induced abortion numbers have fallen significantly since the 1990s (Kocourková, 2019). The right to abortion remains supported by Czech and Slovak public opinion.<sup>3</sup> Elsewhere too, the issue of abortion has been re-politicized recently.

Since around 2012, conservative mobilizations have increasingly marked the political landscape throughout Central and Eastern Europe (CEE). Issues that may have been considered politically marginal, long resolved, or far too moralizing (such as access to abortion, sexual education, the definition of marriage, and religious or ‘civilizational’ identity) have been subjects of political conflict. Traditions, values, and social norms are being debated in public gatherings, media debates, and during electoral campaigns. The ‘politics of morality’ regularly overshadows social and economic political issues.

According to the Hungarian historian Andrea Pető, the politics of morality is a ‘new political phenomenon’ with priorities very different from earlier public demands: people mobilize against international agreements, attend religiously motivated political events, and petition on behalf of majorities against individual or minority rights (Gelnarová & Pető, 2017). Large mobilizations against ‘gender,’ same-sex marriage, and abortions started in 2012–2013 and have not since ceased. The politicization of moral norms has polarized political landscapes into ‘liberal’ and ‘traditionalist’ or conservative camps. Legal, and in some countries even constitutional changes have redefined public norms. Public discourse has become markedly more conservative as the framing of women and minority rights has changed. Significantly, after decades of a socially liberal, secular order, petition- and protest-based campaigns are being carried out with an unprecedented level of conservative enthusiasm.

Yet the intensity of mobilization in this politics of morality does not seem to be correlated to the political relevance or practical policy impact of the demands. The question is therefore why have conservative issues and conservative values started to matter, and what explains their relative success in CEE? Two answers are at hand: populism, and the conservative reaction. Populist parties have made broad use of morality issues and their socially conservative positions in association with the new Global Right. The role of conservative Catholic civil society has recently been studied and conceptualized as a conservative turn in CEE (Kuhar & Patternotte, 2017; Bluhm & Varga, 2019; Köttig et al., 2017).

While the politics of morality has indisputable religious and ideological dimensions, this article is intended to focus on a different perspective and analyze the current conser-

<sup>2</sup> <https://rcmonitor.cz/evropa/7281-Pochod-pro-zivot-v-Bratislave-%E2%80%93-kosicky-zazrak-se-opakoval>

<sup>3</sup> Support for ‘the right to abortion’ stands at 70 per cent in the Czech Republic (2019) and 65 per cent in Hungary (2015), while 51 per cent of Slovaks do not consider abortion wrong for socio-economic reasons (2020). See: Czech Radio: [https://www.irozhlaz.cz/zpravy-domov/cvvm-temer-trictvrtiny-cechu-souhlasi-s-pravem-na-interrupci-a-vice-nez-60\\_1706152333\\_pj](https://www.irozhlaz.cz/zpravy-domov/cvvm-temer-trictvrtiny-cechu-souhlasi-s-pravem-na-interrupci-a-vice-nez-60_1706152333_pj), IPSOS for Hungary: <https://www.ipsos.com/en/global-attitudes-abortion>, and Dennikn.Sk for Slovakia: <https://dennikn.sk/1902200/vacsina-slovakov-interrupcie-za-istych-okolnosti-nepovazuje-za-nespravne-grafy/?ref=mwat>.

vative shift; that is, the concrete dynamics of morality policies, i.e. their actors, strategies, alliances, and the timing and the political context of large mobilizations.

The argument developed here is that the arguable successes of Central European conservative mobilizations are also due to the special role the politics of morality has played in the peculiar context of right-wing populist politics. The largest mobilizations emerged at roughly the same time, around similar issues, and with a shared vocabulary and similar political dynamics, usually involving a fragmented right-wing opposition or a governing populist party.

The aim here is first to define the new morality politics and its forms and conceptualizations in CEE, and the methodology employed in the present argument. The second part will identify the main actors and their discursive strategies. The third chapter will analyze political opportunity structures – i.e. recurring patterns in the political dynamics of morality politics.

## 2 Approaching Central European politics of morality

Conservative protests and mobilizations against gender, abortion, same-sex marriage, etc. are part of a wider *politics of morality*. This term describes actors, discourses, and events linked to attempts to regulate moral issues through ‘morality policies.’ The term *morality policies* came into circulation in the late 1990s in US American political science (Mooney, 1999) and refers to political mobilization and conflict in relation to ‘a set of atypical items, known as “morality issues”’ (Engeli et al., 2012: 1), such as abortion, reproductive rights, same-sex marriage, euthanasia, etc. Morality policies generate conflicts around basic moral values, do not allow for a compromise, and are both socially salient and technically simple (Mooney, 2001). These issues typically include principled positions, for example, in relation to the prohibition of drugs, alcohol, religious dissent, or abortion (Mooney, 2001). Morality policies are distinct from social and economic issues due to their ‘reference to fundamental decisions about death, marriage and reproduction, which is what connects them to the existing conflict between secular and religious political groups’ (Engeli et al., 2012: 26). In the context of CEE, the politics of morality has been explored by the anthropologist Joanna Mishtal. Trying to understand why liberalization and democratization have led to ‘declining tolerance for reproductive rights, women’s rights, and political or religious pluralism’ in Poland (Mishtal, 2015: 2), Mishtal explored the Catholic Church’s return to social and political prominence. As she studied the ‘religious and moral governance promoted in the name of Catholic-nationalist state-building’ (Mishtal 2015: 13), her concept of a politics of morality helped conceptualize the redistribution of political power through the moralization of public norms.

Borrowing from Mishtal, the concept of a politics of morality used here is defined not only in relation to efforts to pursue various morality policies, but also in association with a certain type of power politics. When political actors systematically politicize moral issues in order to change public norms through legislative and judicial action or through public awareness campaigns, they engage in promoting not only certain morality policies, but also particular discourses, moral authorities, and political coalitions. This broader meaning reflects a shift from the occasional salience of moral issues as analyzed by Engeli et al. in 2012 in Western Europe, to a constant presence of politically polarizing politics of

morality in CEE. This article will not deal with all politics of morality, but with a very concrete, conservative type of contemporary politics of morality that differs from earlier conceptualizations, as described below.

### **2.1 *The new politics of morality***

The wider context of the early politics of morality was defined by the so-called culture wars of the 1980s and 1990s in US politics (Hunter, 1991). In response to the social and racial liberalization and the normalization of the counterculture of the 1960s and 1970s, the evangelical right attempted to prevent or reverse federal norms regulating the racial desegregation of schools, gay rights, abortion, multiculturalism, and feminism. In the distinct context of Western Europe, morality policies were concerned with the legal and moral consequences of technical progress in bioethics, and with an increase in the acceptance of euthanasia and prostitution. In most countries, and especially in the Netherlands, morality issues were defined by the opposition between the secular, permissive, modernizing part of the political spectrum and the defensive Christian Democrats (Engeli et al., 2012).

More recent European morality politics is markedly different. Rather than controversially debating minor but ethically puzzling liberal or progressive issues, the new politics of morality is driven by a proactive conservative camp that seeks to prevent or reverse liberal legislation, or to incapacitate its effects through sophisticated advocacy and legal action. The conservative agenda has been set by the Catholic Church, activists, and by professionalized civil society organizations (CSOs), rather than by political parties.

The new politics of morality first appeared in Catholic European countries in the mid-2000s, in response to the socialist government's adoption of a same-sex marriage law in Spain (2004), in protest against sex education in Croatia (2006) and Italy (2007), and against same-sex marriage in Slovenia in 2009 (Paternotte & Kuhar, 2018: 7). Conservative mobilizations have had a transnational dimension since 2012 – after the success of a French protest movement called 'Demonstration for all' (La Manif pour tous, LMPT). LMPT mobilized hundreds of thousands for about two years to protest the legalization of same-sex marriage during F. Hollande's presidency. Because it managed to reach out far beyond the fundamentalist Catholic camp, also attracting moderately conservative and right-wing publics, LMPT proved the mobilization potential of this broadly conservative politics of morality (Paternotte & Kuhar, 2018: 8).

The new European politics of morality shares several features with the latest mutation in US American conservative activism: individual mobilizations are ad-hoc, narrowly focused on one issue, and expressed in a civic language of rights (Gayte, 2019). On a discursive level, the former promotes a reformulation of social norms in a traditionalist, yet secular sounding vocabulary. It further puts liberal assumptions about the primacy of individual rights over collective norms into question, and seeks to delegitimize state intervention in certain spheres (gender-related policies, the definition of family, and sex education).

### **2.2 *The mobilizations***

The new politics of morality entered CEE via Western Europe after protests against the adoption of same-sex marriages in Spain and France. Despite mass mobilization, these protests did not succeed in reversing this legislation. By comparison, conservative mobi-

lizations in CEE have been noticeably more successful when it comes to sustained mass mobilizations, political change, and discursive shifts.

CEE's politics of morality developed around three main issues: same-sex marriage, 'gender,' and abortion. Opposition to same-sex marriage is the most salient issue in CEE morality politics. There were four massive petition-based campaigns for legislative change and subsequent referenda in Croatia, Slovenia, Slovakia, and Romania between 2013 and 2018. In 2013, the Croatian organization 'In the Name of the Family' collected almost 750,000 signatures, or those of about 1 in every 5 voters, for a referendum on a constitutional law that was intended to adopt a heterosexual definition of marriage. Since Croatia lowered the threshold for ensuring the validity of EU accession referendum the year before, the referendum for defining marriage as a 'union of man and woman' passed with the participation of 40 per cent of voters (Petričušić et al., 2017). In 2012, this was preceded by a successful petition campaign in Slovenia that led to a referendum in which 55 per cent of voters rejected the new civil code that would have opened the way to same-sex marriage. In 2014, 400,000 (more than 10 per cent of all voters) signed a petition for a referendum in Slovakia, the latter who overwhelmingly voted in favor of an exclusively heterosexual definition of marriage, and rejected the adoption of children by homosexual partners and compulsory sex education in schools, but which initiative failed on account of the low level of participation (21 per cent) (Rybar, 2016). The last referendum took place in 2018 in Romania, where 3.2 million people (i.e., about 17 per cent of the electorate) signed a petition. The referendum had a similar result to the Slovakian one. In the Czech Republic, a conservative petition against same-sex marriage bill was a reaction to an earlier petition in support of the bill. It matched the number of signatures of the former and succeeded in stalling the bill.

Even when ultimately unsuccessful, these massive campaigns have had a profoundly polarizing effect and succeeded in firmly marking out gay rights as a divisive and politically risky topic. They have also stigmatized the concept of 'gender,' which has become a battlefield of its own. Because of the few mentions of the latter in the 'Convention on preventing and combating violence against women and domestic violence' (the so-called Istanbul Convention, adopted by the European Council), opposition to its ratification started in 2012 in Poland (Graff & Korolczuk, 2015: 178). In 2013, Catholic bishops, the Law and Justice Party (PiS), and conservative groups engaged in public opposition to 'gender ideology.' In Slovakia too, the bishop's conference decried 'gender' as a dangerous ideology. Demonstrations against the Istanbul Convention started in 2015, after a failed referendum, and continued until 2019, when the Slovak parliament rejected the ratification a month before the elections. Five thousand people protested its ratification in Croatia, while ratification was also stalled due to conservative opposition in the Czech Republic.

Finally, pro-life events have regularly been held throughout CEE for almost a decade. 'National marches for life' have been massive in Slovakia and Croatia and are growing in the Czech Republic. An organization based in France, One of Us, has counted 150 pro-life events in Poland and a convention was held in Budapest in 2017 under the slogan 'The new world order: Life and Family. The core of our cultural debate.'<sup>4</sup> Abortion is an ongoing political issue in Poland, despite the ban on on-demand abortions in 1993.<sup>5</sup> The

<sup>4</sup> <https://oneofus.eu/>

<sup>5</sup> <https://www.bbc.com/news/world-europe-52301875>

new populist government in Slovakia reintroduced a bill restricting access to abortions after a similar bill was narrowly rejected in 2019.<sup>6</sup> In Croatia, on-demand abortions are legal but largely inaccessible, as most authorized doctors refuse to perform them using their right to conscientious objection.<sup>7</sup>

### 2.3 *Aims and methods*

There are two perspectives about the new conservative mobilizations, which focus either on ‘conservatism’ or on mobilizing. The literature usually stresses either their discursive content, or their social-movement character.

Leading Central European academics have argued that the underlying logic of anti-gender campaigns is ideological. E. Kováts sees anti-gender discourse as an accessory to the populist far-right ideology that uses ‘gender’ as ‘a tool to create a them-and-us divide to delegitimize opposing groups in society and politics’ (Kováts, 2017: 184). Korolczuk and Graff argue that the new conservatism uses the politics of morality as a basis for a new illiberal and authoritarian universalism ‘that replaces individual rights with rights of the family as a basic societal unit and depicts religious conservatives as an embattled minority’ (Korolczuk & Graff, 2018: 798). Anti-genderism is framed as an instrument of an illiberal ideology as it provides a powerful ‘anticolonial framing’ for the new Right. Conservative mobilizations are analyzed ‘as symptoms and consequences of deeper socio-economic, political and cultural crises of liberal democracy’ (Kováts, 2017: 185), since ‘antigenderism has become a new language of resistance to neoliberalism’ (Korolczuk & Graff, 2018: 800).

So far, only one monograph, ‘Anti-Gender Campaigns in Europe. Mobilizing Against Equality’ has offered a transnational comparison of conservative mobilizations (with contributions by Kováts, Korolczuk, and Graff). This more restricted perspective shows the new politics of morality as a distinct, cultural phenomenon – namely, as a conservative backlash against societal liberalization buttressed by a transnational advocacy network, a shared discourse, and a common repertoire of action. The editors frame conservative mobilizations around their most salient feature, the anti-gender discourse, and trace them back to a specific, Vatican-inspired, Catholic reaction to women’s emancipation (Kuhar & Paternotte, 2015). In a separate text, the authors warn against conflating the Global Right and populism with this distinctly Catholic phenomenon (Paternotte & Kuhar, 2018: 8). From the latter’s perspective, the morality politics of anti-gender activism is a religion-centered, modern, discursive phenomenon, and a transnational social movement of a conservative type.

While the two perspectives are important pieces of the puzzle, neither deals with the concrete political context of Central Europe and the breadth of CEE’s politics of morality. As Kuhar and Paternotte note, the development of conservative mobilizations is ‘uneven’ in Europe as state-church relations, timing, and discursive opportunities differ (Kuhar & Paternotte, 2015: 265–267). This is why this paper does not focus solely on the discursive or the transnational dimension of conservative mobilizations, but will fill this gap and attempt to answer questions pertaining to the latter’s political opportunities and contextual dynamics: for example, which actors engage in conservative mobilizations, and what

<sup>6</sup> <https://dennikn.sk/1937657/dlhsia-cakacia-doba-na-interrupcie-aj-zmena-poucenia-zaborskej-navrh-ma-podporu-koalicie/?ref=list>

<sup>7</sup> <https://balkaninsight.com/2016/11/30/abortion-rights-under-fire-in-croatia-11-29-2016/>

is their relationship? Are they ideologically driven, or opportunity-motivated? Is recent morality politics an ideological expression of an illiberal backlash? Or is it a tool of the populist repertoire?

This analysis assumes that an actor-centered analysis will permit a better definition of the phenomenon of the new politics of morality to be created. The study thus builds on the repertoires and opportunity structure of several major conservative mobilizations. This actor-centered perspective relies on conceptual tools of social movement theory, especially the perspective of transnational activism, discursive strategies, opportunities and constraints, and framing (Tilly, 1995; Kitschelt, 1998; McAdam & Tarrow, 2019). By identifying major events, their actors, their strategies, and their political opportunities, the study aims to analyze the various types of political logic of those who engage in a politics of morality. The study also uses extensive textual analysis of publications by influential actors (particularly G. Kuby and Catholic Church positions), as well as image archives and participant observation from several conservative mobilizations.

### 3 Conservative mobilization in CEE

Before exploring the political logic of conservative mobilizations, the related actors and strategies and goals need to be identified.

#### 3.1 Actors

The politics of morality is implemented by several types of actors: single-issue Catholic advocacy organizations, transnational conservative networks that provide discourses and strategies, and finally, right-wing and centrist populists who make use of the mobilizations.

##### 3.1.1 Catholic civil society

The Catholic Church contributed decisively to the successful mobilization of all the mentioned petition campaigns (Rybar, 2016). Croatian, Slovak (and Czech) episcopal conferences have stigmatized ‘gender,’ allowed priests to collect signatures for petitions,<sup>8</sup> encouraged believers to vote in referenda,<sup>9</sup> and helped organize the National Marches for Life.<sup>10</sup> But churches are not the primary agents in the morality mobilizations. A specific feature of the above campaigns is the leading role of professional conservative religious civil society.

The new type of CEE Catholic political activism was pioneered by the Croatian activist Željka Markić. A daughter of Catholic activists who have led a center for a natural family planning since the 1970s, Markić founded a small, single-issue organization ‘In the Name of the Family’ (*U ime obitelji*, INF) in 2013 and carried out the hugely successful referendum petition in Croatia.<sup>11</sup> This model was followed by the ‘Coalition for Children’ in Slovenia, the ‘Alliance for the Family’ in Slovakia, an eponymous organization in the Czech Republic, and by Romania’s ‘Coalition for the Family.’

<sup>8</sup> <https://www.indexoncensorship.org/2013/12/croatia-religion-referendum/>

<sup>9</sup> <https://www.indexoncensorship.org/2013/12/croatia-religion-referendum/>

<sup>10</sup> <https://www.agensir.it/quotidiano/2016/1/13/slovakia-archdiocese-of-kosice-starting-a-series-of-holy-masses-to-support-culture-of-life/>

<sup>11</sup> [http://www.veritas.hr/casopisi/2007\\_12/12\\_2007\\_sugovornici.html](http://www.veritas.hr/casopisi/2007_12/12_2007_sugovornici.html)

The associations themselves do not represent a mass movement. They are (or were) small umbrella organizations which, nevertheless, had a clear agenda, mastered their media presence, and succeeded in gathering broad support from churches, religious societies, and from conservative or populist politicians. They nevertheless are specific morality entrepreneurs with strikingly similar names, programs, and strategies. Their logos, design, and online presentations (Paternotte & Kuhar 2015: 269) echo those of the original French organization.<sup>12</sup> Their secular discursive strategy suggests an organic coherence between individual manifestations of the recent politics of morality. Their objectives are limited to achieving single, clear-cut legislative goals. All formulate these goals concisely and non-ideologically; they do not in any way underline their Catholic identity, and they generally adopt the civil language of rights and a positive, almost festive outlook.

The temporal proximity and the nature of mobilization strategies also suggest that conservative mobilizations against same-sex marriage are part of a larger campaign, modelled after the LMPT.<sup>13</sup> The broad involvement of Željka Markić helps with mapping the transnational context of morality campaigns.<sup>14</sup> Assuming the role model of the successful Catholic activist, Markić supported other campaigns through a series of seminars in 2015 in Slovakia<sup>15</sup> and in 2018 in Romania.<sup>16</sup> She is further active in relation to advising pro-life activists at the European and global level. Markić is also a European Dignity Watch (EDW) lecturer and participant at Alliance Defending Freedom (ADF) conferences.

### 3.1.2 *The conservative Internationale*

EDW and ADF are examples of professional lobbies that have helped spread an American type of politics of morality within the EU. EDW gathers together a range of American and European conservative organizations that are working towards a conservative redefinition and restriction of sexual and reproductive rights. The list includes the European branch of the American Center for Law and Justice; the influential conservative Polish Catholic think-tank *Ordo Iuris*, which in 2016 submitted a bill aimed at totally criminalizing abortion in Poland; the Spanish organization *CitizenGO*, which provides technical support to conservative online petitions; and a host of other traditionalist groups. Their representatives meet regularly at traditionalist conferences, EU lobby groups such as *Agenda Europe*, and the Russian-sponsored *World Congress of Families* (Datta, 2018).

EDW is a lobbying group that provides advice and advocacy on the issues of ‘family defence’ and the ‘right to life’ – that is, on abortion, euthanasia, and gay rights.<sup>17</sup> A prominent anti-human rights organization,<sup>18</sup> EDW advocates the notion of human *dignity*

<sup>12</sup> lamanifpourtous.fr

<sup>13</sup> Tajni plan obiteljiša: Žele zabraniti razvod, pobačaj, kontracepciju, prenatalnu dijagnostiku..., *Faktograf.hr*, 28. 4. 2018, <https://faktograf.hr/2018/03/28/agenda-europe-istanbulska-konvencija-obiteljiši/>

<sup>14</sup> <https://balkaninsight.com/2018/11/21/new-world-order-the-natural-family-franchise-goes-global-11-05-2018/>

<sup>15</sup> 0 “Na Slovensko pricestuje známa chorvátska aktivistka Željka Markić” 4, 12.01.2015, online: <https://rim-katolicka-cirkev.webnode.sk/news/na-slovensko-pricestuje-znama-chorvatska-aktivistka-zeljka-marki%C4%87-4/>

<sup>16</sup> <https://stiripentruviata.ro/declaratia-de-presa-a-d-nei-dr-zeljka-markic-membra-a-comitetului-de-initiativa-care-a-organizat-un-referendum-pentru-casatorie-castigator-in-croatia/>

<sup>17</sup> <https://humanistfederation.eu/campaign/514/>

<sup>18</sup> <https://humanistfederation.eu/campaign/514/>

instead of human *rights*, elevates the ‘complementarity of sexes’ over gender equality, and promotes the absolute protection of life and of ‘traditional families’ rather than individual rights to sexual self-determination. EDW has monitored European referenda, agreements, and EU legislation with regard to morality policies. It was also involved in the European Citizens’ Initiative ‘One of us’ – a pro-life petition which received over 1.7 million signatures in 2013.<sup>19</sup> AFD, in turn, is a conservative legal advocacy group that has, among other groups, participated in prominent freedom-of-religion cases at the European Court of Human Rights, such as *Lautsi v. Italy* in 2011.

The rise of the new politics of morality is related to the consolidation of a professionalized transnational conservative civil society (Datta, 2018). Since around 2013, the network has helped build up capacities for communicating, mobilizing, and setting agendas. Importantly, this conservative network has adopted formerly liberal strategies to achieve social change: these include single-issue mobilizations, the building of large coalitions, legal action, positively formulated goals, and a civic, secular language of rights.

### 3.1.3 *Right-wing populists*

Conservative mobilizations have rarely originated within political parties. Rather, Catholic activists have sought support from the political class by building single-issue coalitions against the policies of liberal or leftist governments. During the time of the four mentioned referenda, right-wing parties were in opposition and all supported the motions. In Poland and Hungary, where, under populist governments, conservative mobilizations cannot feed on the opposition logic, morality politics is nevertheless very present. It is used as a top-down populist governance tool. In Hungary, there is little pro-life or anti-gender civic activism, but a ‘palpable anti-gender discourse’ (Kováts & Pető, 2017: 117). The conservative discourse has developed in right-wing media around issues of sexual education, sexual minorities, and the translations of G. Kuby since 2013. It has been given a prominent place by the Fidesz government, originating both from Fidesz’s small coalition partner, KDNP (the Christian Democratic People’s Party), and from Orbán himself. Orbán’s government introduced the ‘fundamental right to life from the moment of conception,’ restrictively defined marriage in the Hungarian constitution of 2012 (Grzebalska et al., 2017: 72), closed the last gender studies department in Budapest,<sup>20</sup> made abortion less accessible, etc. Conservative morality politics help Orbán profile himself as a pro-natalist illiberal – for example, by hosting the US and Russian-sponsored World Congress on Families.<sup>21</sup> In Poland, PiS has emphasized its anti-abortion stance several times since 2016 and used aggressive anti-LGBT rhetoric since 2019 as a way of opposing liberal centrist political adversaries – especially the mayor of Warsaw, who emerged as the most serious PiS presidential candidate. The move of PiS was supported by some 60 per cent of municipalities who adopted ‘resolutions against LGBT propaganda.’ These resolutions were proposed by Ordo Iuris, a conservative advocacy group and PiS auxiliary.<sup>22</sup>

<sup>19</sup> [europeandignitywatch.org/about-us/](https://europeandignitywatch.org/about-us/)

<sup>20</sup> <https://www.dw.com/en/hungarys-university-ban-on-gender-studies-heats-up-culture-war/a-45944422>

<sup>21</sup> <https://www.theguardian.com/world/2017/may/26/hungary-lgbt-world-congress-families-viktor-orban>

<sup>22</sup> <https://balkaninsight.com/2020/02/25/a-third-of-poland-declared-lgbt-free-zone/>

### 3.2 *Discursive strategies*

Besides legislative changes, the most consequential achievement of conservative mobilizations is a discursive shift in the framing of social issues. Criticism of purported 'gender ideologies' has permitted the integration of various conservative elements into churches, civil society, and the general public within a new, secular master frame of the new politics of morality.

#### 3.2.1 *The hostile takeover of 'gender'*

The concept of 'gender ideology' first appeared in public in France during the mobilizations against gay marriage in 2012, and shortly after in CEE. The phrase 'gender theory' sounds like a neutral description of what gender studies, feminism, and queer theory do. However, its roots date back to the late 1990s, when the term 'gender' was appropriated by church theologians and Catholic publicists, and negatively redefined in a broader Catholic environment.

The concept of 'gender ideology' is central to the RCC's response to the international acceptance of women's rights and gender equality in the 1990s, after the term 'gender' was first officially mentioned in a UN document. In 2003, the Pontifical Council for the Family issued a Lexicon and in 2004 a Letter to the Bishops on the cooperation between men and women, in which the concept of gender was criticized as an ideology (Anić, 2012: 29). All discourses and policies whose perceived impact was the 'denaturalization of the sexual order' (Garbagnoli, 2016) were categorized as 'gender theories.' Church documents define the term 'gender' as 'culturally formed sex,' which is supposed to replace the natural, essential sex binary with sexual fluidity. Since then, 'gender,' consistently referred to as 'gender ideology,' has been systematically targeted by conservative critics of feminism studies as sign of global Marxist elites purportedly seeking to eradicate the sexual differences between men and women (Case, 2011: 805). The strongly simplified, decontextualized, and alarming interpretation of the concept has since the early 2000s been popularized as 'gender ideology' by several Catholic lay publicists: namely, Dale O'Leary (*Gender Agenda*, 1997), Tony Anatrella (*Gender, la controversie*, 2011), and Gabriele Kuby (*Gender. Eine neue Ideologie zerstört die Familie*, 2014). The lay publicists have translated Church social doctrine into a secular language and made 'gender theory' a central concept in the new morality politics.

In Central and Eastern Europe, the term 'gender ideology' was introduced by the German Catholic publicist Gabriele Kuby. Her extensive and seemingly academic book *The Global Sexual Revolution: Destruction of Freedom in the Name of Freedom* explains modern social 'evils' such as high divorce rates, sexual permissiveness, and the social acceptability of homosexuality as due to the liberalizing effects of the sexual revolution of the 1960s. Kuby's arguments are not original. Her book is an extensive, eclectic, and sometimes almost copy-paste compilation of the arguments of the above-mentioned Catholic publicists and of Vatican documents. It has become the single most cited text of reference for conservative activists. The national-conservative intellectual think tank, the European Conservative, offers a more elaborate discourse, especially concerning the criticism of liberalism, reformulation of human rights, and the apologies of Orbán, Marion LePen, Salvini and PiS, and warrants special study.

Kuby brought conservative discourse into Central Europe and has been credited with starting the politics of morality in Slovakia (Farkašová, 2019) and with strengthening the conservative discourse in Hungary (Kováts & Pető, 2017: 121). Her books have been translated into two dozen languages (incl. Hungarian, Czech, Croatian, Slovak, and Polish) and the author has undertaken several lecture tours hosted in church venues in CEE (Slovakia in 2012, 2013, and 2014; Croatia in 2013; Romania and the Czech Republic in 2014).<sup>23</sup> The book met with considerable success. The Czech translation sold out; Croatian Catholics found in Kuby's books an 'authentic Catholic answer' to the issues of gender and sexual revolution (Anić, 2012: 33). In Hungary, she was named visiting professor at one of the National Bank's foundations (Kováts & Pető, 2017: 117). Kuby has actively participated in petition-based campaigns in Croatia, and later in Slovakia. Most importantly, a plethora of religious periodicals and local parish web pages have published translations of interviews or excerpts from her books, and Church officials have reproduced her arguments.

### 3.2.2 *The culturalisation of Christianity*

Kuby's texts and interviews have played the role of a cultural critique of rapid social change and have helped many conservatives to make sense of civilizational issues for which the Church itself has no simple answer. Post-communist Europe was expected to be especially open to a conservative Reconquista because it has not been through the so-called sexual revolution to the same extent as Western Europe. In Kuby's words, 'Eastern European countries were saved by Communism from the cultural revolution in the West in 1968.'<sup>24</sup>

Kuby uses a secular language and strongly stresses her secular concerns: the atomization of society, the weakening of social cohesion, and 'neoliberal' exploitation. Both G. Kuby and T. Anatrella associate 'gender' with an ambivalent genealogy: they portray the latter as a project of left-wing ideology, so-called cultural Marxism, which undermines the dignity of traditional social roles, aims to break social hierarchies, and subverts social norms in order to make individuals more manipulable by world capital. Hence, Kuby's popularization of the Catholic response to liberalization genderism cannot be reduced to a religious narrative. It is also a traditionalist critique of neoliberalism and globalization (Graff & Korolczuk, 2018: 815). In Kuby's texts, traditionalism is the answer to both the spread of social liberal norms and the effects of a globalized neoliberal capitalism.

It is no paradox if the formulation of the traditionalist answer is thoroughly secular. In his analysis of the Catholic response to secularization in the wake of the 1960s, Olivier Roy explored the options of the Catholic 'lay offensive.' In his view, the Catholic Church could choose to reconquer politically lost positions and impose its norms through an alliance with the state (such as it attempted in Croatia and Poland through international treaties), or to withdraw into Christian communities (such as in 'The Benedict Option' of Rod Dreher) – or engage in a spiritual Reconquista. For Roy, the Vatican has chosen the third way. However, the Church has now to work with a secularized, individualized, pagan society. Hence it must 'reconstruct religion starting from [...] culture' (Roy, 2019: 146).

This culturalization of religion is what Catholic lay activists work towards. They for-

<sup>23</sup> <https://web.archive.org/web/20150419183951/https://res.claritatis.cz/cr/6792-ztrata-svobody-ve-jmenu-svobody-globalni-sexualni-revoluce>

<sup>24</sup> My čekali svobodu. Rozhovor s Gabriele Kuby, [immaculata.minorite.cz/images/immaculata/pdf/IM133.pdf](https://www.immaculata.minorite.cz/images/immaculata/pdf/IM133.pdf)

multate a nostalgic vision of a religious past in a secular language, based on a pessimistic cultural diagnosis and provided with a political response: the traditionalist reaction. This reaction explicitly formulates Christianity as a cultural identity – an identity attached to the symbols of Christianity, rather than to its spiritual substance and practice. The politics of morality has thus become the most actionable element of ‘Christianist’ activism (Brubaker, 2017a).

### 3.2.3 *‘Gender’ at the core of the politics of morality*

Since 2013, the discursive take-over of ‘gender’ has succeeded. The simplified and negatively charged notion of ‘gender ideology’ has largely established itself as a neutral, descriptive term in the public sphere. ‘Gender’ and ‘gender ideology’ have been systematically conflated and ‘gender ideology’ has become the main ideological motor of the new morality politics.

The Church actively spread moral panic concerning ‘gender’ through widely read episcopal letters in 2013. The Polish Episcopal Conference wrote: ‘Gender ideology is the product of many decades of ideological and cultural changes that are deeply rooted in the Marxism and neo-Marxism endorsed by some feminist movements, and the sexual revolution. [...] It maintains that biological sex is not socially significant and that cultural sex, which humans can freely develop and determine irrespective of biological conditions, is most important. [...] The danger of gender ideology lies in its very destructive character both for mankind, personal contact, and social life as a whole’ (Kolorczuk, 2014). T. Pieronek, a Polish bishop, caused a short-lived scandal by describing ‘gender ideology’ as ‘a worse threat than Nazism and Communism.’<sup>25</sup> Slovak and Croatian episcopal letters followed suit.

In the Czech Republic, during a national holiday sermon in St. Wenceslas in 2019, Petr Piřha, a priest and a former minister of culture, characterized the Istanbul Convention as a ‘perfectly perverted law, which is [...] directed against the traditional family. [...] The proposed laws and their proponents have adopted the ideology of Marxism and Nazism. [...] Either we are free [...] or we are not. Now, for example, we are supposed to adopt the Istanbul Convention in the name of a powerful pressure group of genderists and homosexuals.’<sup>26</sup> This remarkable speech was later criticized by several Church voices informed about gender issues, such as Tomáš Halík.<sup>27</sup>

Alarming pastoral letters proved to be consequential interventions concerning the definition of marriage, women’s rights, and the scope of human rights. Invoking a bias against minorities, Czech Republic’s new ombudsman, Křeček, refused to deal with ethnic and sexual minority rights. The Slovak ombudswoman’s annual report was rejected by parliament for her defence of abortion and sexual minorities.<sup>28</sup> The director for gender equality at the Slovak Labour ministry quit because the new Labour minister forced the office ‘to accept the comments of the Conference of Bishops of Slovakia, who are trying to erase gender equality from the vocabulary altogether.’<sup>29</sup>

<sup>25</sup> <https://www.nytimes.com/2014/01/27/opinion/sierakowski-the-polish-churchs-gender-problem.html>

<sup>26</sup> [https://www.idnes.cz/zpravy/domaci/kazani-arcibiskupstvi-katedrala-svateho-vita-svaty-vaclav-petr-pirha-istanbulska-umluva.A181009\\_100435\\_domaci\\_lreNa](https://www.idnes.cz/zpravy/domaci/kazani-arcibiskupstvi-katedrala-svateho-vita-svaty-vaclav-petr-pirha-istanbulska-umluva.A181009_100435_domaci_lreNa)

<sup>27</sup> Klaus hájí neobhájitelné (řijen 2018), <http://halik.cz/cs/clanky-eseje/clanek/465/>

<sup>28</sup> <https://dennikn.sk/1892658/spravu-ombudsmanky-poslanci-potopili-zastavala-prav-zien-a-lgbti-ludi/>

<sup>29</sup> <https://spectator.sme.sk/c/22408264/director-of-gender-equality-department-quits.html>

The reach of the politics of morality was thus strengthened by a unified, traditionalist discourse of conservative civil society that caused shifts in the public framing of 'liberal' issues. The conservative framing of gender equality and minority rights has created a platform for right-wing and populist groups to unite against their liberal or centrist adversaries. Coding policies in terms of morality issues whenever they include reference to 'minority,' 'gender,' 'abortions,' and 'LGBT' issues has become a tool for political struggle.

#### 4 Morality politics and political context and opportunities

The relative success of a politics of morality and its ongoing salience is certainly due to the professionalization and breadth of its actors, of the effective discursive strategy and a multi-layered discourse that combines civilizational, cultural, and political criticism, and moral appeal. However, traditionalist answers hardly seem sophisticated or engaging enough to constitute an ideological alternative to liberalism. In fact, the ideological content is thin or shallow, and the diagnosis of civilizational evils is arguably dilettante and naively moralizing. Its appeal is clearly other than ideological, and the reasons for its success need to be sought elsewhere – namely, in the political dynamic of the contexts and opportunities of conservative mobilizations.

##### 4.1 *The symbolic politics of moralist mobilizations*

A surprising feature of the massive mobilizations during the four referenda campaigns is their symbolic character. Unlike in Western Europe, the campaigns did not protest an actual plan to adopt same-sex marriages (with the possible exception of Slovenia). The three remaining states did not allow registered partnerships, and had already defined marriage exclusively as between a man and a woman. In Slovakia, a constitutional definition of family was adopted a year ahead of the referendum. Only in Slovenia and the Czech Republic was a vote on a same-sex marriage bill a real possibility, but this has so far been fended off by a conservative opposition. Hence, the referenda did not seek any fundamental change. So it cannot be said that the campaigns have failed: symbolically, they were very successful. They confirmed the existence of popular opposition to liberal norms and the public role of churches. They also introduced a traditionalist language into public debates.

The politics of abortion also has a strongly symbolic character. A legal ban on abortions is unrealistic outside of Poland, despite regular National Marches for Life. However, in Slovakia, for example, further administrative restrictions on abortions have a good chance of being adopted after Slovakia elected a thoroughly conservative parliament in 2020. In Poland, the conservative government has tried to extend the ban to cover health-threatening pregnancies, causing strong protests in 2016.<sup>30</sup> The symbolic, discursive, and moralizing character of conservative campaigns is also an expression of political power. As Joanna Mishtal has shown, having dominance over reproduction behavior is more important to the conservative establishment than the actual incidence of abortion. Illegal abortions continue to be carried out in massive numbers in private clinics, which covertly advertise their services. This breach of law rarely gets prosecuted. Anti-abortion campaigns

<sup>30</sup> <https://www.theguardian.com/world/2018/mar/23/abortion-poland-mass-protests-against-tightening-of-law>

have been accessory to what Mishtal calls a Church-led *moral governance* that produces docile men and women within a larger religious-nationalist state building project (Mishtal, 2015). A more subtle form of conservative moral governance is in the making elsewhere. Access to abortions in Slovakia and Croatia became difficult after many private and public clinics started refusing to carry them out on conscientious grounds. Hungary has, too, imposed lengthy administrative procedures on abortion.

#### 4.2 *Unifying the right-wing opposition*

The second striking character of conservative mobilizations is their role in structuring the right-wing political spectrum in opposition and in government. The political context of conservative mobilizations shows three rather contingent features.

First, all four major petition campaigns in CEE (and the French and Spanish protests) took place under socialist governments, and were backed by a fragmented right-wing opposition. The mobilizations helped unify the right-wing camps behind a broadly conceived conservative proposition. Second, the governments were led by nominally socialist parties (SDP and Smer governments in Croatia and Slovakia, SDP-supported governments in Romania and Slovenia). Those were direct or indirect heirs of former communist parties that later turned into champions of Europeanisation. The right-wing opposition adopted the rhetoric of protecting freedom, family, and tradition against the purported cosmopolitan liberalism of left-wing governments. These center-left parties could be framed as ‘socially liberal.’ The conservative cultural framing of liberalism made parallels between communist and post-communist social engineering as destructive of national churches and ‘traditional values.’ Third, these socialist parties have also presided partly or fully over the EU accession project. They have thus been credited with implementing European standards of governance and liberal norms, including antidiscrimination laws that protect individuals, minorities, and the environment. An important element of the conservative mobilization is the criticism of social change that is seen as imposed from outside: Brussels is made responsible for dictates that purportedly favor minorities and has introduced an incapacitating political correctness and foreign social norms – including multiculturalism and gender fluidity. Such a foreign ‘moral order’ is explicitly framed as a demographic risk by Catholic proponents: weakening social hierarchies would lead to fewer births and would jeopardize the survival of Christian nations – during a time when a ‘youth bulge’ threatens the South (Kuby, 204: 373). Hence, conservative mobilizations have a strong anti-colonial element (Graff & Korolczuk, 2017) in which socialist (or post-communist) elites are framed as allies of foreign, anti-national policies.

The referenda hence occurred when both the right and conservatives benefited from them. The morality framing of the socialist or center-right as ‘liberals’ helped the opposition to develop a common denominator for broad right-wing mobilization. The whole right has supported the campaigns and has thus legitimized the claims of a conservative fringe. Morality mobilizations have shifted the whole right towards conservative positions. In Poland, anti-gender campaigns have ‘enabled a political alliance between nationalism and religious fundamentalism, contributing to the right-wing electoral victory of 2015’ (Graff & Korolczuk, 2017: 178).

By framing political adversaries, especially the left, as ‘liberals,’ the politics of morality has contributed to culturalizing political cleavages. However, a culturalist strategy has

little traction when it does not get translated into political strategy by centrist or ruling parties. The fate of several leaders of successful mobilizations highlights the primacy of party politics over purely cultural dynamics. Croatian and Slovak activists tried to transform their accumulated capital into electoral politics by founding political parties. So far, all have remained unsuccessful because center-right coalitions did not integrate them. Željka Markić moved into the field of nationalist agitation and collected numerous signatures (370,000) for a change of election law that would restrict ethnic minority rights. A moderate nationalist coalition government, however, blocked her referendum initiative on formal grounds. The Kuffa brothers, morality agitators in Slovakia, were pushed towards the political extreme.

### *4.3 Competition on the right*

The politics of morality is not unaffected by party dynamics: between the right-wing parties and the conservative citizen movements, the parties prevail. But party competition on the right leads to intensified morality politics. In a situation of a generally weakened left in CEE, political competition has largely moved to the right-wing side of the political spectrum. New, civic, populist, and neo-nationalist political subjects appear right-of-center and fight for constituency and for the dominance of the right. Here, morality politics emerges as the central issue of political competition on the right.

Examples of instrumentalized morality politics within the right wing abound, especially as regards polarizing votes, such as during presidential elections. In Poland's 2020 presidential elections, the incumbent A. Duda attempted to push his rival Trzaskowski into a 'liberal' corner by linking him with 'LGBT ideology.' Since they are both right-wing, conservative candidates, the dividing line between liberal and national conservatism is drawn over gender issues. In 2018, the candidate of the governing socialist party Smer in Slovakia presented himself as a candidate of family and tradition, and also attempted to push his rival, Zuzana Čaputová, into a liberal corner regarding adoption by same-sex couples. Namely, the nominally socialist Smer adopted a populist, nationalist, and conservative rhetoric. M. Šefčovič, however, was not a very credible as a Catholic candidate: He could not quote almost any of the Ten Commandments on a live show. Also, Zuzana Čaputová managed to subtly navigate the liberal-conservative divide and eventually won the vote. The shallow instrumentalization of moral conservatism showed that cultural issues have for a time replaced socioeconomic ones, but also that betting on the culturalist framing of political competition is not always an effective strategy.

Lacking the existence of other program issues, right-wing parties compete for leadership of the conservative or Christian camp by doubling up on morality policies. The respective conservative outbidding has entrenched and escalated morality politics. This tendency is most visible in Slovakia, where several populist and nationalist projects have built a conservative constitutional majority since the demise of the liberals at the 2020 elections. They now collectively adopt ever more conservative rhetoric.

### *4.4 Populism and politics of morality*

Finally, a politics of morality has been a key element of the populist strategy in CEE. In a weak conceptualization by Rogers Brubaker, populism is defined as a discursive and stylis-

tic repertoire with an anti-elitist core (Brubaker, 2017b). For the populists, 'the people' is a 'bounded collectivity' defined in contrast to the 'threatening outside' or to 'internal outsiders' such as cosmopolitan elites. Further tropes involve 'antagonistic re-politicization: the claim to reassert democratic political control over domains of life that are seen, plausibly enough, as having been depoliticized and de-democratized'; additionally, majoritarianism, protectionism, and the rejection of expertise and institutional procedures (Brubaker, 2017b).

From this broad and non-ideological perspective, populism is defined as a vessel that specific populists fill with variable content. The politics of morality has provided populists with ready-made tropes and polarizing issues to employ. Migration and 'gender' were two major populist tropes in which anti-elitism, 'common sense,' and nativism came together. Morality entrepreneurs in Central Europe have indeed repoliticised marriage, feminism, abortion, and claimed to defend common sense, native, majoritarian values against 'foreign' cultural imports and liberal, post-communist elites. Andrea Pető coined the concept 'symbolic glue' to describe the hostile rhetoric concerning 'gender ideology,' emphasizing its ability to create broad electoral or protest platforms (Kováts & Pöim, 2015: 126). The abstract, complicated, and therefore easily manipulated concept of gender and an array of new phenomena associated with changing gender roles (transgender rights, homosexual marriage, #metoo, etc.) were easily used by right-wing and populist mobilizations in the symbolic field of morality politics. Opposition to 'gender' has connected Catholics, LGBT opponents, pro-life activists, 'masculinists, and anti-feminists' on the one hand, and the extreme right and anti-globalists, but also some neoliberals on the other (Meyer & Sauer, 2017: 59).

The politics of morality has indeed offered a 'new rhetoric of identity formation' (Kováts & Pöim, 2015: 126). The dual rejection of the cultural other (migrant, Muslim) and the social other (elitist, liberal, 'genderist') has helped to reformulate national identity in populist discourse as conservative, Western, and Catholic or Christian. A Christianist, nativist, anti-colonial national self-positioning has repeatedly and successfully been used by right-wing populists since 2013 to mobilize the public (Brubaker, 2017a). The protean nature of 'gender' and anti-gender politics has been extensively analyzed (Graff, 2016; Grzebalska & Pető, 2017).

## 5 Conclusion

Since 2013, the politics of morality have developed in Central and Eastern Europe in ways that have left durable traces: several countries have witnessed large conservative mobilizations; the idea of same-sex marriage and the concept of 'gender' have been problematized and restrictions on abortion have been put back on the agenda. However, we need not see in those developments proof of a generalized post-communist *illiberal turn* just yet.

The success of morality politics is due, in part, to a specific political dynamic. Conservative mobilizations developed under the condition of a fragmented right-wing opposition when morality issues could dynamize the opposition. Further, morality politics has become the field in which, for a lack of other issues, right-wing parties continue to outbid themselves in a struggle for the leadership of the right. Third, populist parties made ample use of this anti-colonial and anti-elite sentiment, and superimposed on it an anti-liberal one

to dominate and mobilize majorities. On the other hand, we may cautiously conclude that conservative mobilizations depend on the specific conditions of party dynamics. A presence of strong centrist parties, civil populism, or a substantial policy issue (such as public health or the economy) may easily sweep the rug from under the conservative outbidding and moralizing politics.

On the other hand, a possibly lasting effect of the new politics of morality is the culturalization of political competition. The latter is in part also due to situational reasons: the ability of conservative activist networks whose discursive strategies were not met with serious intellectual opposition, and whose claims were promptly legitimized by media and large parts of the political class. The conditions of this initial success may change. What seems to be a lasting change is the discursive shift in the framing of gender and women's rights and human rights in general. An anti-modernist culturalist discourse has shattered the discursive monopoly of a progressive universalism. Hence, creating a deeper understanding of conservative discourses and strategies remains an ongoing task.

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ISTVÁN H. SZILÁGYI\*  
Embarrassing Stories: Legal Storytelling and Sociology of Law

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#### Abstract

‘Legal storytelling’ is one of the most contested areas of the interdisciplinary research field of ‘law and literature,’ and originally took shape in the political and legal context of the United States. The proponents of ‘legal storytelling’ endeavor to ‘give voice’ to groups and minorities in a disadvantageous social position by ‘telling’ – by hearing and publicizing, in fact – their stories, unheard by law. However, many lawyers doubt that these ordinary, often trivial stories contain any legally relevant content, while literati question their aesthetic value. This essay argues against these doubts, leaning on material from focus group interviews recorded in a recent piece of research about Hungarians’ legal consciousness. It aims to expose the important role that these everyday life stories play in legal culture on the one hand, and, on the other hand, claims that the analysis of these uncanonized, not-belletristic texts could be fruitful indeed. For this, the first part of the essay offers a survey of how the concept of ‘legal culture’ emerged in Hungarian legal theoretical thinking, and how the sociological research in which the presented ordinary stories were recorded is connected to the latter. After analyzing several ‘story-bits’ taken from two focus group participants’ narrations, the attention turns to some of the stories told by the ‘greats’ – that is, by writers –, and here enters Franz Kafka. The last part of the essay seeks to determine what is common to the two kinds of narratives – the ordinary and the literary –, and what the differences are between them. In conclusion, it emphasizes that this essay can be seen only as an intuitive theoretical experience related to the use of aesthetic notions in analyzing empirical sociological data, rather than a methodologically well-founded application of this approach. The basic idea of this experiment is that both law and aesthetics are permeated by both moral and social psychological constituents.<sup>1</sup>

**Keywords:** law and literature, legal storytelling, Hungarian legal culture, qualitative empirical research methods

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<sup>1</sup> An earlier Hungarian version of this paper was published as Szilágyi (2018a).

*In memoriam Tamás Nagy*<sup>2</sup>

## 1 Introduction

The headline of this study is slightly misleading perhaps, for one might associate it with Karel Čapek's work (Čapek, 1921; Ort, 2013),<sup>3</sup> although we shall bring into play the aesthetics of one of his compatriots<sup>4</sup> – highly ranked in the canon of 'law and literature' – Franz Kafka, in the following analysis.

As for 'legal storytelling,' it is one of the most contested areas of the interdisciplinary research field of 'law and literature,' and originally took shape in the political and legal context of the United States. The proponents of 'legal storytelling' endeavor to 'give voice' to groups and minorities in a disadvantageous social position by 'telling' – by hearing and publicizing, in fact – their stories, otherwise unheard by law (Delgado, 1989; Nagy, 2010). However, many lawyers doubt that these often trivial stories of everyday life have any legally relevant content (Posner, 1997),<sup>5</sup> while literati question their aesthetic value (Posner, 1997).<sup>6</sup>

The present essay argues against these doubts, relying on material from focus group interviews recorded in a recent piece of research about Hungarians' legal consciousness. It aims to expose the important role that these everyday life stories play in legal culture on the one hand, and, on the other hand, claims that the analysis of these uncanonized, non-belletristic texts could be fruitful indeed – and mainly here, in Hungary, southeast of Kafka.

For this, the first part of the essay offers a survey of how the concept of 'legal culture' emerged in Hungarian legal theoretical thinking, and how the sociological research in which the ordinary stories that were recorded and presented here is connected to that. After analyzing several 'story-bits' taken from two focus group participants' narrations, the attention turns to stories told by the 'greats' – that is, by writers –, and here enters Kafka, of course. The last part of the study seeks to determine what connects the two kinds of narratives – the ordinary and the belletristic –, and what the differences are between them.

<sup>2</sup> Tamás Nagy (1971–2018), a path-setter in Hungarian 'law and literature' studies, and a founding member of the Hungarian Association for Law and Literature. Cf. Szilágyi (2012).

<sup>3</sup> Čapek, who belonged to the generation of the Czech 'national awakening,' was seven years younger than Kafka. He was nominated for the Nobel Prize seven times, and never won it.

<sup>4</sup> If we can consider Kafka – who belonged to the Jewish community in Prague and wrote in German – as Čapek's 'compatriot.' This problem probably intrigued Kafka himself the most.

<sup>5</sup> As Richard Posner observes in relation to the radical feminist Catherine MacKinnon's anti-pornographic writings: 'MacKinnon is a magnet for the unhappy stories of prostitutes, rape victims, and pornographic models and actresses. Even if all these stories are true (though how many are exaggerated? Does MacKinnon know?), their frequency is an essential issue in deciding what if anything the law should try to do about the sufferings that the stories narrate.' Posner (1997: 744).

<sup>6</sup> Tamás Nagy – agreeing with Posner – points out that narrated 'legal stories' often lack the cathartic effect needed to overcome the prejudices of the audience (Nagy, 2010b). As Posner puts it – a bit coarsely: 'The question is the audience for this scholarship and the sensitive issue of [the] narrative skills of the stories' authors. You need considerable literary skill to write a story that will effectively challenge a reader's preconceptions. People read junk that does not challenge their preconceptions; they do not read junk that does challenge them.' Posner (1997: 743).

A few words about the authorial position. My former research fields – legal anthropology (see e.g. Szilágyi, 2009; 2013), and law and literature (Szilágyi 2010; 2014) – and the current one – the sociological study of the Hungarians’ legal consciousness and Hungarian legal culture<sup>7</sup> – are connected in two ways. All of them require an interdisciplinary approach, and all are theoretically linked closely to the concept of (legal) culture. The essay inevitably mirrors these interests. This is why, on the one hand, the second section presents an outline of legal culture: simply to mark out the author’s position in the scholarly debate about the usefulness and explanatory potential of the concept in empirical studies. Without engaging in the controversy (for a concise summary of the scholarly debate see Nelken, 1995: 435–452; Silbey, 2001: 8624–8626) that goes back at least to the mid-1970s when Lawrence Freedman first introduced his ideas about the concept of legal culture (Friedman, 1975: 15–16, 193–222, 223–268), the presented analysis simply emphasizes that the constituents of legal culture – values, norms, symbols, and patterns of social practices – build up an intelligent and structured matrix. Narratives not only weave together these elements into the fabric of culture, but also give shape and style to the cultural texture, and can bridge the inconsistencies and the gaps within it.

On the other hand, the interdisciplinary approach always involves an inherent methodological challenge. How can we construct a discursive space in which we can combine the different disciplines’ concepts and methods without destroying their original explanatory forces instead of successfully locating them in synergic play? From this point of view, as the conclusion emphasizes, the present essay can be seen only as an intuitive-theoretical experiment involving using aesthetic notions in the analysis of empirical data rather than a methodologically well-founded application of that. The underlying idea of this experiment is that both law and aesthetics are permeated by moral and social psychological elements.

## 2 Aspects of legal culture and research in legal consciousness

The concept of ‘legal culture’ appeared on the horizon of Hungarian theoretical legal thinking in the 1990s, first in legal history, then in comparative law (Szilágyi, 2018b), though the cultural approach to law had been already present for more than a century in legal ethnology and anthropology on the international scholarly scene (Szilágyi, 2002). The cause of this delay should be sought, of course, in the five-decade-long enforced dominance of Marxism over the Hungarian social sciences. With respect to the legal consciousness research that begun in the middle of the 1960s (Fekete and Szilágyi, 2017), this meant that – fitting in the peculiar theoretical framework of ‘socialist jurisprudence’ – the notions of ‘social-level legal consciousness’ or ‘social legal consciousness’ took the place of ‘legal culture.’ Since the concept and theoretical perspective of ‘socialist jurisprudence’ stayed alive more or less without any critical reflection in the last decade of the past century, so it still has an influence on contemporary legal sociology.<sup>8</sup> The critical review of this intel-

<sup>7</sup> I joined the research group organized and coordinated by György Gajduschek within the frame of the *Hungarian Population’s Legal Consciousness – A Theoretical and Empirical Analysis* (OTKA no. 105552) project in 2012. Fellow researchers were Balázs Fekete, Zsolt Boda, and Péter Róbert. I undertook, among other tasks, the analysis of the above-mentioned focus group interviews.

<sup>8</sup> We ought to note here that scholars belonging to the Critical Legal Studies movement – which is inspired partly by neo-Marxian ideas, and has a great influence on contemporary socio-legal studies – also apply

lectual heritage has begun only recently (Szabadfalvi, 2003; Szilágyi, 2011), in parallel with the increasing interest in the cultural approach to legal phenomena.

The most trivial argument – although it has far-reaching methodological consequences – for replacing ‘social legal consciousness’ with ‘legal culture,’ a concept more suitable for operationalization in socio-legal studies, is that the former presuppose a kind of ‘collective personality’ (like Marxist ‘class consciousness’), which is pointless from an empirical point of view. For only an individual person has consciousness in proper psychological terms, and all those socially given (and sensually ungraspable) ‘thoughts’ or ‘ideas’ appearing to them externally in a more or less objectified form belong to the realm of culture.

For our present purposes, the concept of legal culture can be defined as a set of values, norms, symbols, narratives, and patterns of social practices. Legal culture is related to political culture through the concept of legitimacy, and it is organically woven into the texture of the entire culture without sharp contours anyway.

Furthermore, we have to divide the sphere of ‘lay’ and ‘professional’ culture within the realm of legal culture (Friedman, 1975: 223; 1977: 76; 1990: 4). The maintenance of the latter is the function – and monopoly, in fact – of the legal profession that attends to the normative layer of legal culture, and works out the adhering doctrinal-dogmatic layer. The ‘professional legal culture’ is evidently of determining importance in the formation of legal culture as a whole. Although it is also clear that the ‘lay culture’ – that is, the vision of law in the eyes of non-lawyers – can be utterly different from the picture lawyers would like to project inward (toward other lawyers) and outward (toward the outside social environment).

To demonstrate the concept, let us present here a conceptual analysis of a constituent of ‘professional legal culture’ – the attorneys’ professional self-image, as used in a recent empirical study (Szilágyi & Jankó-Badó, 2018).

To begin with, self-image is interpreted as a cultural phenomenon. It refers to more or less objectivized content, which regarding its ontological nature differs from individual or social psychological processes that determine its object of motifs and, therefore, influence individual or group behavior. Consequently, the discourse about attorneys’ self-image must be placed into the one about legal culture. In this sense, the self-image of the attorney’s profession is viewed as one of the elements of professional legal culture, as opposed to lay (non-lawyer) citizens’ legal culture. The self-image of the profession, however, can be interpreted as an ensemble of intellectual elements and content; a tapestry of values, norms, prescriptive cultural patterns, narratives, and symbols, and the sociological patterns can be read out of the conduct of the representatives of the profession.

Values characteristic of the self-image of the attorney’s profession, such as professional preparedness (a high level of legal knowledge), a sense of justice, impartiality, and unconditional respect for the interests of the client, belong to the more general values of the broader legal profession and are embedded in the even more comprehensive values of political culture, such as liberty, equality, and social solidarity.

One of the layers of self-image is found closer to the level of social activities and comprises the rules of the profession. Parts of these rules are ‘written,’ such as the binding rules of Act XI of 1998 on attorneys, or other rules of legal nature such as the codes of conduct

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the concept of legal consciousness to ‘ideological’ phenomena of a group, class, or social level (and on individual psychological ones, too) nowadays.

of the Hungarian Bar Association. The profession has unwritten rules as well, including the 'courtesy' rules concerning interactions with colleagues and lay citizens which also form part the profession's self-image.

Descriptive cultural patterns do not prescribe what ought to be done in a particular situation, but they set out the positions and competences of participants. They also designate the place and the scope of activities that take place within society or in the legal sphere. In this case, they can be interpreted as including the rules on pleadings and trial organization laid down in the act on civil procedure, the recipients of which are primarily judges. They also set forth attorneys' positions and their options that influence the course of an ongoing trial.

The values and the layers of prescriptive and descriptive cultural patterns analytically separated above are in this case entwined by narratives – stories known and narrated by attorneys. They also create the 'normative universe,' as coined by Robert Cover, in which these patterns acquire their meaning (Cover, 1983). Every profession has its 'great stories,' such as the development of the Hungarian attorney's profession, which is to be elaborated and delivered in lectures at universities to future attorneys within the discipline of legal history. These narratives are coiled around major turning points and outstanding figures in the profession as a corporate group, and form the basis of the entire professional group. Into these narratives are woven the fabric of local 'urban legends' and personal stories, which inherently relate to other cultural fields (Szilágyi, 2015).<sup>9</sup>

Symbols that express self-image are not to be construed in their own physical realities – such as luxury cars, expensive watches, powdered wigs, gowns, the latest versions of mobile phones or state-of-the-art laptops. They are to be interpreted as signs with multiple meanings. Symbols can signal the fact of belonging to the in-group and, at the same time, are able to animate complex emotions and knowledge content in outsiders. As for attorneys, status symbols are of major significance, and not only signal their belonging to the middle class, but also create an impression of success with clients (such as the luxury car or the expensive watch). However, other symbols (as used to be the case with the attorney's briefcase) distinctly signal their owner's profession.

One must also mention the pattern layers inferred from the behavior of those practicing the profession that are grouped under *tacit* knowledge, and which are acquired by professionals entering the profession through the observation of their colleagues' not so obvious activities. These are the 'tricks of the trade,' which can only be mastered in practice and which are more often than not markedly different from the idealized values and rules of the profession's manifest self-image.

What is important to note here is that contradictions and internal tensions generally arise among the above-mentioned elements and layers of self-image in spite of the basic tendency to strive for intellectual unity and internal coherence during the formation of the professional self-image. Presumably, the more coherent and clear the self-image is, the more it can ensure cohesion among those practicing the profession, which may handsomely contribute to the assertion of interests within professional circles. Conversely, the

<sup>9</sup> This is how the name of the honest attorney, Petrocelli, the protagonist of an American TV show who defends the rights of his clients to the very end, became a pun and sarcastic moniker for a Hungarian attorney who represents Roma rights – namely, 'Putricelli' (the first part of the name, 'putri,' designates a gypsy hut). The brave lawyer who actually got this nickname from his colleagues is the very same Elemér Magyar to whom I later refer (below, in the fourth section of the paper).

more contradictory, fragmented, and vague the self-image of the profession is, the less it will be able to integrate its members and the more vulnerable it will become in the face of adversity. The role of a solid and clear professional self-image from the point of view of how it has evolved socially is always an empirical question: an overly strong corporate spirit may also become a hindrance to reacting adequately to social change.

Finally, one must acknowledge the dynamic relation between the self-image of the profession and the image created of the profession by lay citizens. The two are mutually conversant in defining the playing field, which is indispensable for the adjustment to social change or the actual inducement thereof.

What matters of all the above in furthering our analysis? First, it is important to see that the structure of lay legal culture is similar to the professional one, although its normative layer is much thinner, and it is rather more fragmented and loaded with more logical contradictions. The presence of these two characteristics – the relatively low level of knowledge (Fekete & Gajduschek, 2015), and the existence of logical contradictions in lay views about law (Berkics, 2015a; 2015b) – was detected by the latest legal sociological studies of the Hungarian population, too. However, these differences are only gradual – even if they are important –, and they do not touch the basic congeniality of these two aspects of legal culture with regard to their constituents, structure, and fine connective tissue (Cotterrell, 2006: 81–108). Consequently, stories about law are also important for understanding lay legal culture. These narratives not only connect and order the elements of legal culture – values, norms, symbols, and patterns of social practices –, but also weave the legal culture within the texture of the whole culture. Furthermore, narratives also give shape and style to the cultural texture, and can cover the inconsistencies and the gaps within it, as we shall see it in the next section.

So the research program in which the following tiny stories were recorded aimed to examine the Hungarian population's legal consciousness.<sup>10</sup> In the last period of the project, in the autumn of 2016, four focus group interviews were recorded,<sup>11</sup> two in Salgótarján and two in Budapest. The material with which we shall work is taken from one of the latter two events. The interview in question was recorded by video camera in windowless, meeting-room-like premises. It lasted approximately one and a half hours, with eight participants, who sat around a long table. The moderator sat at the head of the table with her back to the camera. The script of the interviews ran as follows: after the introduction, the moderator asked for the participants' opinions about fare dodgers on public transport; then about buying goods of suspicious origin (e.g. goods 'fallen off a truck,' probably fake or possibly stolen); she prompted them to recall their childhood experiences and parental models in relation to these topics; finally, she questioned them about a failed barter deal (somebody asked a mechanic to maintain a new motorcycle in exchange for a good bike). Our research group had rather explicit hypotheses about the plausible outcomes of the interviews in this phase of the project: namely, nothing good.

Inquiries led by Kálmán Kulcsár and András Sajó in the 1970s and 80s revealed a peculiar schizophrenia in Hungarians' legal minds. This was expressed by the following maxim: 'The law ought to be rigorous, and has to be enforced against everybody – except

<sup>10</sup> The interviews were conducted within the frame of the *Hungarian Population's Legal Consciousness – A Theoretical and Empirical Analysis* project (OTKA no. 105552). Cf. note 7 above.

<sup>11</sup> The interviews were recorded by Königsberg Consulting Ltd. in September 2016.

me' (Fekete & Szilágyi, 2017). Sajó characterized the Hungarians' relation to law with the 'hypocrite-parasitic' attributive in one of his essays written after the democratic changes (Sajó, 2008). Moreover, György Gajduscek, in another study (Gajduscek, 2008) – which examined the public administration practice of applying sanctions – drew attention to the fact that the message of the authorities' observed practice was 'Whoever abides by the law is stupid.' A natural accompaniment of this schizophrenia was the above-mentioned logical inconsistency of views spectacularly exposed by Mihály Berkics's survey: 73 percent of the representative sample simultaneously agreed with the statements 'Rights are due only to those who fulfil their obligations' and 'Certain freedom[-related] rights are equally due to everyone' (Berkics, 2015a). As György Gajduscek put it in an essay:

All these mirror the citizens' 'schizophrenic legal mind.' They do not trust the state and law (which they see as a product of the state), but they expect the resolution of all their problems by the state. They demand thorough regulations and sanctioning of even the least digressions from the rules and strict punishments, however, when they have to face the law then they may outflank it or require bonitarian treatment. All of this is embedded in an unusually pessimistic, cynical and anomic cultural environment. (Gajduscek, 2018, 169; see also Jakab & Gajduscek, 2019)

In fact, our expectations were proved true.

### 3 Niki, Gabi and the others

Now meet Gabi and Niki.

– I'm Gabi, thirty-seven years old. I have been living in Pest for twelve years, and now I'm just serving my period of notice after quitting my job. And I do massage, go on outings and go biking anyway. That's all.

– I'm Niki, thirty-five. I live with my son. I have been working as a credit evaluator for two months, but was in banking before. I love doing everything in my spare time. The range is quite wide. I like reading, but also hiking, going to concerts, frolicking about, theatre. I'll try anything that's available.

Two young ladies, in light summer clothes – we are in the first days of September –, sitting side by side on the moderator's left. Had we not known that they were randomly selected into the panel, we would think that they were friends. As the conversation begins to warm up after getting through the introduction and the topic of fare-dodging, the moderator turns to the problem of the 'goods that fell off a truck': 'Suppose that an acquaintance of yours gets a new coat, or some perfume, a mobile phone or something else very cheaply. So cheap that you may think that the coat or perfume fell off a truck – that is, it was stolen. What do you think about this? Is it acceptable? This is an example.'

Whereupon childhood memories descend on Niki:

We grew up near Ferencváros transfer station. This meant that all kinds of things quite often 'fell off trucks' and everybody living in the housing project worked at MÁV [Hungarian State Railways] or had some relatives there, given that the project was built for railway workers. Things very often 'fell off a truck.' And quite good things sometimes. At that time [when everybody wanted to buy them] Hi-Fi sets, TVs, tracksuits, specifically, everything. And MÁV workers, too, thought, of course,

that they were working for very little money, so something fell off at every stop, but there is no steady demand for railway transportation anymore... it's considerably faded away. A lot of things fell off at every stop, and then some people got in trouble with the police. But, really, why would one pay ten, twenty, or no matter how many thousand for something that could be bought for two. And it was [products were] original or good quality.

One round later in the conversation, the moderator raised a question about the influence of the social environment: 'If acquaintances or friends buy these kinds of goods, to your mind, does it influence one's decision in such a case?' – the question throws Niki back into her memories again.

It just worked that way for us then, and the products kept coming, and specifically everybody did it that way. Thus, nobody thought of buying a Hi-fi set in the shop when it could be delivered for half or three-quarters of the price. And this was quite normal. You shouldn't think of [that we lived in] extreme poverty by the way, for we had cars and spent our holidays by the seaside. We weren't lowlifes. But this was the normal, the accepted [thing to do], and everybody lived this way there. That if there was something, then it was from there [off the train]. The [having a] Hi-Fi set wasn't vital, of course – we simply bought it there, and that was it.

Then, at the finish of the interview, just before leaving, when the moderator asked each of the participants what had been the most interesting thing: 'We've arrived at the end of this conversation more or less, nevertheless I would like to have another round for you to summarize your opinion about what you found to be the most interesting.' – Niki suddenly 'comes out' (as popular media call these kinds of announcements nowadays):

I'm ashamed now, because I feel a bit that everybody is trying to be very honest. [...] I don't know, but it seems to me that way from the conversation, yet I am used to use these opportunities, let's call them that, even in administration for example. I've got a lot of connections everywhere, so that's my way of using them, and this is the most natural thing for me, and I am used to fare-dodging too, when I need to do it. Obviously, not when I'm in a new job and rolling in money, for I buy one [a ticket] then. And I too teach my child to be honest, and he never does fare-dodging anyway, because he's a bit of square, so he seems to be a bit too stiff about these regulations to me. I like that a bit in him, but I'm not so honest. And I tell you, that I feel ashamed of myself anyway.

One question only before we turn to Gabi's story, setting aside any kind of popular psychology: how much might Niki really feel ashamed of herself?

Let us hear, however, Gabi's story now, which is a reflection of Niki's from many points of view. Interestingly, it begins at the end, with a memory from adolescence called forth by the following question of the moderator: 'Let's move to the next topic now. Did it ever occur in your childhood that somebody in your environment, you yourself, or anybody else, lifted a roll, some chocolate, a bun or something else from a shop. What happened to her? Was she caught and accounted for, or what?'

To which Gabi responds:

It happened every day that the others stole. In high school. Doesn't matter. I said OK, I ought to do it too. I went into the shop for a [carton of] milk, I was so much of a

loser. And it [the compulsion to steal] didn't come from inside, but from the need to belong somewhere, to do the same as them, so I tried to steal one, but they caught me, of course. I felt bloody embarrassed because I didn't really want to do it. But it didn't matter – they said that I shouldn't go there ever again behaving like this. I said OK, and I thought through this 'follow the others' thing again.

Moderator: Did the shopkeeper grab you then?

Gabi: There was no visible sign of what we were talking about. She just accosted me, I told her that it was OK, she was right, I gave it back to her and went off, she went back in. There was no humiliation in the story.

However, after several comments, the moderator's next question – 'And how was it within your family? – I asked this already, but you just haven't answered yet' – pushes Gabi further, and she has a kind of attack of sincerity:

Bloody good question! I saw my parents stealing. So we went to the shop, I was only a kid, and saw them putting something away and I felt awful. I don't know why I have become so different, or how it works. For I simply knew in my mind that it would be fucking sticky if they were nabbed. They weren't caught, of course. I just learned from this... that I felt uneasy seeing this. That it's no way for me.

Let us take a closer look at the two stories once again. How should we understand that the two stories are reflections of each other? Niki's narrative begins in the past and ends in the present: she says that fencing is not a problem to me, since I grew up in such circumstances in which this was common, and I make use of every sensible opportunity even nowadays – indeed, I try to guide my son in this direction. Gabi's story starts in the present and moves toward the past: I am honest, because I was caught engaged in petty mischief once in my adolescence, since I was a loser then. I saw my parents stealing in my childhood, and a fear of being collared was already fixated in my mind.

Niki and shame: 'I am not afraid to say that I am not honest, because honesty is not enough for "surviving" – street smarts are what is needed. In fact, I am not ashamed of not being honest; indeed, I wish that my son were not so honest either.' Gabi and shame: 'actually, I am ashamed because being honest is lame. I am honest, in fact, only because I am scared of being caught. I became scared in my childhood, when I saw my parents stealing at the shop.'

Niki and sincerity: 'I'm not sincere, of course – I do not feel ashamed at all for breaching stupid regulations when I need to. Do not think about me, however, that I do not consider honesty to be important, while you play at being innocent.' Gabi and sincerity: 'I am really afraid of breaching the rules, therefore I am really honest, although I know it is lame.'

Accepting honesty – the virtue of following the rules (be they moral or ethical) for their own value – driven by feigned shame or fear represents subordination in both cases. In the former case, subordination to a hypocritically ashamed (self-consciously understood, in fact) 'common sense,' while in the latter, to a sincerely ashamed 'irrational fear.'

However, emerging from the thermal bath of academic moralism – as Richard Posner might strongly approve of<sup>12</sup> – and stepping onto the dry land of Hungarian socio-legal

<sup>12</sup> Considering the way that Posner describes academic moralism: 'A lot of it strikes me as prissy, hermetic, censorious, naive, sanctimonious, self-congratulatory, too far Left or too far Right, and despite its frequent political extremism, rather insipid' (Posner, 1998a: 1640).

studies, we see that the researchers have picked up on another common denominator of Gabi's and Niki's stories in the middle of the 1970s. Namely, the influence of social environment (and practice); that is, the influence of 'others.' This effect has been named 'normalization' – forgetting or setting aside the well-known Roman law concept of *desuetudo* – when the normative effect of social practice derogates the law's normativity. For example, in one survey only 43 per cent of the Hungarian population were inclined to punish minor theft at the workplace, while 11 per cent did not express any kind of disapproval at that time (Sajó, 1986: 372).

#### 4 Legal storytelling as literature

If we were to look for legal stories, then we would find that Hungarian jurisprudence has not yet paid much attention to narratives told about law. The underlying cause of this might not be the late and fragmented reception of the 'law and literature' formed in Anglo-American jurisprudence – for the delay is not long, only two decades, and as for fragmentation – and the actual lack of dealing with legal narratives –, this is rather the result of a deeper theoretical current that defines Hungarian legal thinking: namely, the legal positivism that took shape in the first part of the twentieth century (Szabadfalvi, 2007; 2011), which primarily sees rules as being within the phenomenon of the law – eminently, the positive legal rules issued and enforced by the state. This peculiar narrowed perspective has prevented, for example, Hungarian legal ethnography from studying everyday life stories about law, although ethnographers have probably met regiments of these kinds of stories in the field.<sup>13</sup> Instead of this, they have tried to reconstruct – using the term 'construct' may be more adequate here – the rules of custom and folk law by leaning on carefully prepared questionnaires (Bognár, 2016).

So we have to cast our watchful eyes on the literature! This is true even if a recent high-impact legal story – which raised the attention of both lawyers and (film) critics – was published by Elemér Magyar, an attorney in Eger. However, considering the fact that Magyar, who wrote a drama on the basis of the files related to Dénes Pusoma's criminal case, retired to be a fulltime writer soon after the premier of the film adaptation, Magyar's case hardly questions the above statement (Szilágyi, 2015).

Classic Hungarian literature abounds in legal stories, of course, beginning with János Arany's ballads, to the novels of Dezső Kosztolányi and Géza Csáth, which have been analyzed by scholars interested in 'law and literature' as an antidote to the dryness of the legal curriculum. Anna Kiss's work (2009) has been ground-breaking in this respect – the latter the title of whose first book (also used in legal education) is quite eloquent: *Literary Heroes Who Committed Crimes*. Yet even more eloquent are the legal instruments concerning chrestomathy, serving as material for complex practical training in criminal law and for preparation for the bar exam, which she edited (Kiss, 2010), thereby coordinating the work of a populous scholarly community: *Crimes from the Library-room*. This latter title especially hints at the attitude of Hungarian lawyers, expressing that they prefer to turn to literature rather than to ordinary people when they seek legal stories.

<sup>13</sup> There are always exceptions – for example, see Lanzendorfer (2017). However, on how useful it can be to collect everyday life stories in the study of legal culture (or legal consciousness), see Ewick and Silbey (1998).

However, this may not necessarily be true only for Hungarian lawyers: on the one hand, we have seen the scruples formulated in American jurisprudence against ‘legal storytelling,’ and, on the other hand, like their overseas – or over-Elbe – colleagues, the Hungarians too are inclined to look beyond their own national literature, and to select stories from the inexhaustible store of world literature. At this point, we arrive at Franz Kafka’s works, which are of key importance in our inquiries. Partly because they thematically join together the Hungarian and the international ‘law and literature’ studies, and partly because Kafka’s aesthetics can help us – we hope – to shed light on certain features of Hungarian legal culture.

The most renowned ‘Kafka-logist’ in Hungarian ‘law and literature,’ Tamás Nagy, identifies three interpretations of Kafka’s works (Nagy, 2010c). Two of these are closely linked, being embedded in the same polemics – the so-called ‘Posner debate’<sup>14</sup> –, while the third one is only loosely related to that context. Robin West’s keynote thesis is that the picture drawn about the human condition by liberal economics – homo economicus – is too simplistic. Thus, it too easily identifies the nature of consent based on free choice – which morally justifies the free market and the liberal legal order – with the motive of wealth-maximization based on rational deliberation. West uses Kafka’s novels to reveal that the consent of a party sometimes arises from the ‘freedom of submission,’ which can be destructive in both a moral and a material sense, however (West, 1985).

Posner’s aim is not simply to refute West’s Kafka interpretation again, but to question Kafka’s works’ – and thereby generally literature’s – legal relevancy. In order to do this, he emphasizes primarily that Kafka’s ideas about human nature and his feeling about life is nothing but a projection of his own neuroses and personal historical position, which has nothing to do with modern American life (Posner, 1998b: 199). From this point of view, *The Trial* is no more than a ‘sick Kafkaesque joke’ (Posner, 1998b: 135).

Theodor Ziolkowski, whom Posner mentions in a note, but otherwise leaves out of consideration in fact, elaborates the third interpretation (Ziolkowski, 1967: 37–67; 1997). This omission is no wonder, for Ziolkowski – unlike West and Posner, who rather use Kafka’s short stories such as *In the Penal Colony*, *The Judgement*, or *A Hunger Artist* – concentrates on the analysis of *The Trial*. According to Ziolkowski, the novel can be read in the context of the professional discussion about the contemporary reform of Austrian penal law in which Kafka himself was an interested participant. More precisely, the novel can be seen as a critical reflection on the penal regime of the time that was tending towards an absurd burlesque. This aspect of the text might be evident to Kafka’s contemporaries. As Tamás Nagy points out, evoking a biographical anecdote ‘[...] according to which, when Kafka first read out the first chapter of the novel in company – among many of whom were lawyers like his friend, for example, Max Brod – he had to stop from time to time since he could not continue the reading for the big laughter’ (Nagy, 2010c: 114).

<sup>14</sup> The heated debate, which sometimes was not without personal insults, lasted for years and certainly makes up an autonomous chapter in the history of ‘law and literature.’ Nearly all the leading scholars in the field took part in it, including the challenged Posner himself. Just to mention here several names and contributions in chronological order as illustration: West (1985), Posner (1988), Weisberg (1989), Fish (1988), Balkin (1989), D’Amato (1989), Posner (1989), Posner (1991), Nussbaum (1993), Weisberg (1993), Posner (1998b), Seaton (1999). A survey of the debate is presented to Hungarian readers by Tamás Nagy (2010c).

Each of the above-presented, partly contradictory interpretations contains elements that are worth considering. West is probably right about that the ‘freedom of submission’ apprehended by Kafka is indeed a real psychological factor that can affect the work of law. Ziolkowski, in turn, rightly sees that Kafka’s feeling about life is more directly related to the reality of law’s life than abstract, psychological circumstantiality. We must not brush aside Posner’s insight either, which may seem to be superfluous at first sight: it is possible that the whole Kafkaesque ‘sick joke’ somehow belongs to the spirit of the place and age in fact. Ziolkowski would keenly agree: this spirit is not American, nor modern (or ‘post-modern’ or whatever we call the contemporary *Zeitgeist*). However, to dig deeper, it is inevitable that we look into the nature of the Kafkaesque ‘sick joke’; that is, into the aesthetic program on which Kafka’s oeuvre is built, which in turn can be best grasped by the concept of the ‘absurd.’<sup>15</sup>

If we are to understand the aesthetic working of ‘absurd,’ it is enough to take Kafka’s *Metamorphosis* as an example. It is evidently impossible that one awakes one morning to find himself transformed into a bug. However, this nonsense does not seem to embarrass anybody, including the protagonist of the story, except for the reader. Nevertheless, the absurd does not work only with effects drawn from the tension of cognitive contradictions. In that case, the situation would not be more exciting for the reader than a well-formulated logical trap or paradox – for example: what happens when an irresistible force meets an unsurmountable obstacle? Paradoxes can serve as a starting point for building up the sense of absurdity, as in the case of Joseph Heller’s *Catch 22*, which, however absurd, calls forth ambivalent emotions, too. For example, the reader of *Metamorphosis* may be cast adrift between empathy, commiseration, and compassion on the one hand, and disgust, hatred, and rejection on the other. At the center of the aesthetic impact stands the precipitation of the feeling of incapacity in fact. The reader is unable to understand the story and identify himself with the protagonist, yet he cannot reject him either. What the reader experiences is nothing but this inability. Géza Páskándi accurately expresses this in one of his essays, writing that we can glimpse in the heroes of absurd literature ‘the people who are standing unarmed in the face of the situation, not capable to choose or make a decision’ (Páskándi, 1967: 839).

This feeling of incapacity, in turn, stands only a step away from the ‘freedom of submission’; acquiescence in moral and physical destruction. As Páskándi aptly phrases this in another piece of writing:

Thus for the man, absurd is what carries its own ineluctability in its contingency: it is law and necessity in its fortuitousness. It is such a ‘coincidence’ which has smuggled itself in the Pantheon of necessities to show itself as real god. The essence of absurd phenomenon is the chance that camouflages itself as ineluctability and law to our mind. Therefore the prototype and the source of absurd is: death. (Páskándi, 1969: 171)

Casting a glance over the history of literature is enough to see that Posner is right in that the ‘sick joke’ and ‘freedom of submission’ are not American inventions at all. For the homeland and primary hotbed of the absurd lies in Middle Europe. This is why Kafka and the outstanding writers of the following generations – Różewicz, Mrožek, Hrabal,

<sup>15</sup> Peter Fitzpatrick (2016) nicely brings to light the absurdity of Kafka’s vision of law in his essay, even if he does not use the term itself in his analysis.

Okudzhava – ‘flirt with *absurd* and make the conditions of the region look like a living nonsense. After all, people live, are born, love, and die here too, as if this place were an enchanted garden in which everything stands on its head, and the inhabitants hardly notice this’ (Almási, 1992: 224, emphasis in the original).

## 5 Embarrassing stories and the absurdity of everyday life

Now, we have arrived at the last of our problems indicated in the introduction. What are the similarities between Kafka’s writings and our story scraps, and what are the differences? The essence of their similarity is easily recognizable in light of the above: it lies in their absurdity. The more intriguing part of the question is revealing their differences. Looking for an answer, we should consider the circumstances of the writings’ conception first – that is, we should cast a glance at the author’s social position.

Kafka, the offspring of middle-class parents, graduated in law and worked as a lawyer until the end of his life. He had moderately radical – anti-clerical, pacifist – political views, and – well – some problems with the fair sex (to be fair: who has not had any problems with some kind of sex?). After being diagnosed with tuberculosis, he took his illness seriously and tried to spend more time in fresh air. All in all, he lived a normal ‘bourgeois’ life – except that he obsessively wrote at night. However, the question of who was doing what during their night-time solitude was not counted among the criteria of normality by Kafka’s contemporaries.

Why is this interesting? Because it is evident that – notwithstanding the salient tensions derived from his insecure political and sexual identity, and his spiritual sensibility – Kafka needed a great deal of artistic creativity to write his stories. On the other hand, our contemporary legal storytellers are the protagonists of their own stories. In other words: what was fiction by Kafka is reality today. To put it in a lengthier way: it seems that Kafka’s absurd nightmares have slowly become reality during the past hundred years. What does this mean and how could it happen? Let us see a ‘literary’ example first! Read carefully this text below dated 3 November 1959.

István Örkény has belonged to the group of right-wing writers within the Writers’ Association since 1953. He was elected as a member of the Writers’ Association’s presidency, and the editorial committee of the Literary Paper in the autumn of 1956. He agreed with the counter-revolutionary line of action of these organisations. He looked with favour on the movement started on 23th October 1956, and, to support [...] it, he wrote and read out the ‘Obsecration for Budapest’ on the Radio, and published it in the newspaper entitled ‘Truth’. He also wrote the infamous counter-revolutionary calumination entitled ‘We lied at day, we lied at night’ as the introduction to the Free Kossuth Radio’s broadcasting. After 4 November 1956, he actively took part in the ‘Revolutionary Committee’ of Writers’ Association, and he approved its working. In the company of Tibor Déry, Géza Képes and Áron Tamási, he took part in the informative meeting with Krishna Mennon, Indian ambassador in December 1956. He actively took part in the preparatory works of the Writers’ Association meeting on 28 December 1956, and of the resolutions issued by it. After the autonomy of Writers’ Association was suspended, he continued his inimical activity: he was among the organisers of the writers’ strike, and the boycott of the Literary Committee at the time of its formation. Örkény’s opinion and behaviour has not changed until recently. He has not been capable, and has not wanted to face and admit his faults; consequently,

he has excluded himself from Hungarian literature. On the grounds of the above said, we do not propose to issue a driving licence to István Örkény.<sup>16</sup>

If we take a ‘scientific’ approach to the problem now, via the above-presented contemporary socio-legal studies on the legal consciousness of Hungarian population and legal culture, then we may again refer to György Gajduschek’s insights about the underlying causes of Hungarian legal culture’s chaotic and confused character:

Six different political regimes have dominated in Hungary in the past century. [...] There are some similarities among most of these regimes. The most obvious, though paradoxical, similarity is that their legitimizing ideology was always founded on the harsh denial of the previous one. Most of these regimes, except for the 1990–2010 period, had authoritarian features or had a totalitarian nature. The legitimacy of each regime was mostly not based on free elections, on a democratic arrangement, or on a high level of welfare for the people. Instead, these regimes relied on actively spread ideologies that proclaimed the superiority of the given regime in various respects and served as major legitimizing forces. The end-result of this is that the footprints of official ideologies have continuously been present in citizens’ minds. However, these ideologies have been inherently contradictory. As they were inculcated in an unconscious and unreflective manner, the contradictions do not cause mental problems in everyday life (Gajduschek, 2017: 49–51).

Well, this confused mind-set may be mentally manageable at the outset, except that it can easily make everyday life absurd and anathematize contemporary Hungarians to the constant taste of its bitterness.

Finally, sinking again into the warm thermal bath of academic moralism, let us wave farewell to the Dear Reader by quoting István Bibó, the greatest Hungarian political and moral philosopher of the past century:

Evil, paltriness, and cowardice consist not in any free and dauntingly devilish choice but in the very fact that we wretchedly, unconsciously, and without free choice do and only do what our social, community, educational and personal characteristics, warped and warping experiences, ingrained biases, meaningless platitudes, and comfortable and foolish formulas dispose us to do. [...] It is in this context that we have to raise the issue of our own, our nation’s, and our society’s responsibility. If Hungarian society is indeed a serf-minded and herd-wise one that dumps the issues of responsibility on its masters and occupiers, there is no point in raising the question; it will reject it. But I do not believe Hungarian society was or is so deeply lost in this herd-mindedness and in being downtrodden (Bibó, 2015: 258–259).

He wrote this in 1948.

## 6 Conclusions

In the introduction to this paper, we became aware of the doubts concerning the genre of ‘legal storytelling’ engaged in by both lawyers and literati. This essay argues against

<sup>16</sup> Jelentés Örkény István gépkocsivezetői engedélyéről (Report on István Örkény’s driving licence) (2004). *Rubicon*, 15(8–9) 76, quoted by Nagy (2010a: 183). Nagy aptly notes that had we not known that this were a police document, we would think it one of Örkény’s own ‘one-minute’ stories.

these scruples using the material of focus group interviews taken from recent research into Hungarians' legal consciousness that reveals the important role these everyday life stories play in legal culture.

It takes the analysis of attorneys' professional self-image as a starting point to explore the elements, structure, and the dynamics of legal culture, emphasizing that narratives not only connect and order the elements of legal culture – the values, norms, symbols, and patterns of social practices –, but weave legal culture within the texture of the whole culture. The discussion progresses from this general level to highlighting more specific characteristics of Hungarian legal culture. The alarming symptoms of legal alienation and norm-confusion set the background for the empirical studies that include assorted everyday legal stories.

The stories of Gabi and Niki accurately reflected these problems. The acceptance of honesty – the virtue of following the rules (be they moral or ethical) for their own value – driven by feigned shame or fear, meant subordination in both cases. In the former case, to the hypocritically ashamed (self-consciously understood, in fact) 'common sense,' while in the latter to a sincerely ashamed 'irrational fear.'

At this point, Franz Kafka's works were introduced to enable deeper understanding of the overall cultural context in which Hungarian legal culture is embedded. From the synthesis of three different readings of Kafka – Robin West's, Richard Posner's, and Theodore Ziolkowski's – the aesthetic concept of 'absurd' emerged as a key notion for clipping together everyday life and literary narrations.

Seeking the differences between everyday life and literary stories led us to consider the historical process that has turned absurd fiction into reality in Middle Europe, and more particularly, in Hungary. An official police document and some scholarly notes were used to shed light on the nature of this phenomenon.

In conclusion, we have to point out that this essay can be seen as an intuitive theoretical experiment that uses aesthetic notions to analyze empirical sociological data, rather than a methodologically well-founded application of that. The basic idea behind this experiment is that both law and aesthetics are permeated and cross-infected by moral and social-psychological constituents. This is why the phenomena of these two cultural fields permanently resonate with each other. A great deal of philosophical and aesthetic research and qualitative empirical data is needed to ground this method sufficiently.<sup>17</sup> Nevertheless, we hope that this attempt can stand as a demonstration of the possibility.

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<sup>17</sup> As a starting point for further studies, Desmond Manderson's research (2000) certainly offers itself.

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A Sin or a Health Issue? Morality Policy Framing  
and the State of Harm Reduction in East-Central Europe

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### Abstract

*Aims.* There are significant differences in harm reduction services availability and performance in various countries. The paper examines the state of one of the harm reduction interventions – needle exchange services – through the lenses of morality policy, attempting to establish potential relationships between policy framing and policy outcomes. *Method.* The research uses an explorative design with cross-country comparison. The unit of analysis is drug policy in a country, and the geographical scope includes Czechia, Hungary, Poland, and Slovakia, following the maximum variation case selection procedure. Countries’ drug strategies are analysed to identify the policy frames, and data on needle exchange programmes are used to assess the state of harm reduction. *Results.* The analysis identified health and social drug policy framing in Czechia and Slovakia, the morality frame in Hungary, and no frame in Poland. The availability and coverage of needle exchange programmes is the highest in Czechia, followed by Slovakia, Hungary and Poland. *Conclusions.* The Hungarian case confirms the relationship between morality framing and poor policy outcomes, while the Czech case between health framing and effective policy. Further research is needed to establish the function of morality framing as a necessary and/or sufficient condition for unsatisfactory policy performance.

**Keywords:** morality policy, policy framing, harm reduction, East-Central Europe (ECE), needle exchange, drug policy

## 1 Introduction

The harm reduction approach to drug use, although still relatively new compared to the other three pillars of drug policy (law enforcement, treatment, and prevention; McCann, 2008), has already secured a well-established position in many developed countries, especially in Western Europe. It is understood as ‘policies, programmes and practices that aim to minimise negative health, social and legal impacts associated with drug use, drug policies and drug laws’ (Harm Reduction International, 2020, para. 1). Based on public health and human rights considerations, and promoting pragmatic solutions, it aims to

minimise the adverse health and social consequences of substance use instead of attempting to eliminate use altogether (Single, 1995). Initially controversial and contested by many as potentially promoting drug use, the harm reduction approach has slowly made its way into the mainstream of policy interventions.

Today, there is a plethora of evidence on the effectiveness of harm reduction services in preventing infectious diseases (see, for example, Hurley, Jolley and Kaldor, 1997; MacDonald, Law, Kaldor, Hales, and Dore, 2003; Vlahov and Junge, 1998; Wodak and Cooney, 2006). Moreover, such interventions have proved to be cost-effective as well (Andresen and Boyd, 2010; Wilson et al., 2015). Some scholars claim that in the face of this evidence, '[t]he prolonged scientific debate about harm reduction is over' (Wodak, 2007: 60).

This view seems to be shared by major international organizations. The United Nations, in the Resolution adopted by its General Assembly in April 2016, highlights the need for a balanced approach to drug policy and '[i]nvite[s] relevant national authorities to consider [...] effective measures aimed at minimizing the adverse public health and social consequences of drug abuse [...], as well as consider ensuring access to such interventions, including in treatment and outreach services, prisons and other custodial settings [...]' (United Nations, 2016: 6). The European Union even goes a step further, calling in its Action Plan on Drugs 2017–2020 for '[s]cal[ing] up where applicable, availability, coverage and access to risk and harm reduction services, e.g. needle and syringe exchange programmes, opioid substitution treatment [and] opioid overdose management programmes' (Council of the European Union, 2017: 7).

Notwithstanding this international agreement about the role of harm reduction in drug policies, significant differences in the availability of various interventions across countries can be observed. For example, while needle and syringe exchange programs (NSPs) are available in 29 out of 30 countries reporting to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), take-home naloxone programs are implemented in only ten, drug consumption rooms in eight, and heroin-assisted treatment in five countries (EMCDDA, 2019).

There are also clear between-country differences in the level of accessibility of services. According to civil society experts, while the accessibility of prevention and treatment responses in East-Central Europe countries is similar to Western European one, the accessibility of harm reduction programmes is significantly lower (Kender-Jeziorska and Sarosi, 2018: 43).

One of the explanations for this phenomenon may be the role of values and social norms – drug policy that addresses addictive-behaviour-related matters is one of the typical examples of morality policies (Euchner, 2019). It is possible that while in mainstream Western literature and policy practice the controversy around illicit drugs has become negligible (which seems plausible, among other factors due to the recent normalisation of drug use – Parker et al., 2002; Ravn, 2012; Wilson et al., 2010), it is still contestable in Central and Eastern Europe.

In order to shed some light on the potential reasons for the above-mentioned differences, this paper examines, through the lenses of the morality policy framework, the state of harm reduction services for people who inject drugs (PWID) in the Czech Republic, Hungary, Poland, and Slovakia. The chosen countries share numerous cultural, social, and political similarities on the one hand, and face relatively similar challenges regarding drug

use on the other (more detailed case selection logic can be found in the Methods section). In other words, the goal is to establish whether a relationship exists between the morality framing of drug policy and the state of harm reduction in selected countries. To that end, the following section presents the theoretical framework. Subsequently, data and methods are discussed, followed by empirical analysis and conclusions.

The study uses technical guidelines developed by the World Health Organization, United Nations Office on Drugs and Crime, and Joint United Nations Program on HIV/AIDS (2012) in order to help countries in implementing and monitoring HIV prevention interventions as points of reference. The analysis will focus on needle and syringe exchange programs (NSPs) for people who inject drugs.

## 2 Morality policy

The theoretical framework of this inquiry derives from studies of morality policy. Since the proliferation of research on morality policy is a relatively new phenomenon within the area of policy studies, theories and frameworks in this area are continuously developing, resulting in various approaches to the problem. The primary definitional criterion of morality policies that differentiates them from other kinds of policies is that they essentially include conflicts of fundamental values, as opposed to instrumental conflicts about wealth redistribution (Knill, 2013; Meier, 1999; Mooney, 2001).

There is no agreement, however, regarding the specific criteria for classifying policies as morality ones, nor whether certain policies should be defined as morality policies *a priori*, or whether they *become* morality issues due to policy actors' behaviour. A policy-based analytical approach represents the former orientation. It highlights the policy content and differentiates between four main categories of moral policies: (i) matters involving life and death (e.g. abortion), (ii) sexual behaviour (e.g. same-sex marriage), (iii) addiction, and (iv) restricting individual self-determination by the state (e.g. firearm control) (Heichel et al., 2013: 320).

The latter view, on the other hand, includes two main approaches. The politics-focused one considers morality policy to be a distinctive policy type with political 'process patterns that reach beyond existing policy typologies' (Knill, 2013: 310). In other words, morality policies can be identified based on the politics surrounding them, i.e. technical simplicity, saliency to the general public, and high citizen participation (Mooney, 2001: 7–8).

Finally, the last approach argues that policies become morality policies due to their being framed as such by policy actors. In other words, in cases of morality policies 'those who frame the issues place adherence to [sic] moral principles above alternative considerations' (Mucciaroni, 2011: 191). This paper adopts the framing approach, this being an important and explicit element of two of the most influential approaches to analysing policy change: namely, Advocacy Coalition Framework, and Punctuated Equilibrium Theory. While various policy actors can use different frames, and specific frames are liable to be differently received and supported among various social groups, this paper focuses on the government as the actor that frames policies. Adopting the framing approach, this paper assumes that morality policies can vary in space and time.

### 3 Methods and data

The above discussion implies that (i) the framing of drug (and within it, harm reduction) issues may vary between countries, and (ii) morality policies (the framing policy field as such) tend to have poor results. Therefore, we ask: What, if any, is the relationship between drug policy framing and the state of harm reduction? In order to answer the above research question, this paper adopts an exploratory study design with a cross-country comparison.

The geographical scope includes the Visegrad Group states: the Czech Republic, Hungary, Poland, and Slovakia, following maximum variation sampling, and taking the expert-assessed availability of needle exchange services as the criterion. According to this assessment, the level of NSP availability in the Czech Republic is very high, in Hungary very low, in Poland medium, and in Slovakia low.

The inquiry involves three main steps: (i) determining the dominant frame used to describe drug policy in a country, (ii) assessing the state of harm reduction in a country, and (iii) identifying potential relationships between the two.

The identification of the policy frames was conducted using a framework borrowed from Euchner and colleagues (2013). An analysis of relevant and corresponding parts of national drug strategies (Table 1) was performed.<sup>1</sup> Words and phrases (i) referring directly to the types of frames (see the analytical framework) and (ii) used in the context of describing drug policy goals and functions were counted to determine the dominant policy frames.

Country	Analysed document	Analysed sections
Czechia	National Drug Policy Strategy for the Period 2010–2018	Preamble, General background, Principles, Objectives
Hungary	The National Anti-Drug Strategy 2013–2020	Introduction, Basic values, Vision and objectives
Poland	National Programme for Drug Prevention 2011–2016	Entire document
Slovakia	National Anti-Drug Strategy of the Slovak Republic for the period 2013–2020	Preamble, Introduction

*Table 1: List of documents analysed to identify the policy frame*

The state of harm reduction assessed in the second step is understood as the immediate outcome of policies. For feasibility reasons, the scope of policy outcome was narrowed down to one type of harm reduction service: needle exchange programmes. Thus, needle exchange services in a country serve as the unit of analysis.

The assessment of the state of harm reduction was done based on the official aggregate data collected by the National Reitox Focal Points for the EMCDDA – government agencies responsible, among other things, for data collection about the drug policy field. The following sources were used:

For the Czech Republic, Annual Report on the State of Drugs in the Czech Republic in 2017 (Mravčík et al., 2018).

For Hungary, 2018 Annual Report (2017 data) for the EMCDDA (Balint et al., 2018b).

<sup>1</sup> Using the qualitative data analysis software MaxQDA. The analysis focused on identifying segments that refer to predefined themes.

For Poland, Report on the State of Drug Use in Poland in 2018 (Malczewski, 2018).

In the case of Slovakia, country-level reports do not include the necessary data. Therefore, organisation-level data was collected from all three needle exchange programmes operating in 2019 from organisations' annual reports published online (OZ Odyseus, 2017; OZ Prima, 2017; Združenie STORM, 2017) and through direct inquiries involving data requests sent to organisations' directors or managers.

#### 4 Analytical framework

In the attempt to identify the framing of drug policy, this paper borrows a typology from Euchner and colleagues, who – in their study of drug and gambling policies – identified four policy frames, as summarised in Table 2 (Euchner et al., 2013: 378).

Frames	Features	Examples	Policy outcomes for harm reduction
Morality	Drug use as inherently bad behaviour that (a) does not conform to societal norms and (b) values, and threatens the user in a fundamental and existential way	Drug use contrasts with a positive way of life and traditional norms and values	Low level of availability and coverage of needle exchange services.
Health and social	Drug use as threat to a user's health and social conditions	The main task of drug policy is to control the negative consequences that affect the consumer's health	High level of availability and coverage of needle exchange services.
Security and public order	Drugs as threats to public security and order because of illegal activities or nuisance committed by (a) users/addicts, or (b) suppliers	Trade in illegal drugs and drug-related crime are serious disturbances of public order and security; public order and security have to be defended	Low level of availability and coverage of needle exchange services.
Economic and fiscal	Drugs as damage (health-care costs, missing work-force caused by addicts) or benefits (revenues through licensing, taxation) to the national economy	Drug abuse and addiction cause significant economic damage.	Moderate level of availability and coverage of needle exchange services.

*Table 2: Summary of analytical framework*

Sources: Euchner et al. (2013), Meier (2014)

Further, this paper follows the conclusion of Meier, who argues that one-sided policy issues (drug abuse among them) are often poorly designed and do not work due to the unanimous opposition against them, resulting in both a lack of informed discussion on the matter and the involvement of professional expertise (Meier, 1994). It would follow, therefore, that where drug policy is framed as a moral issue, policy outcomes in the area

of harm reduction will be poor. Similarly, security and public order framing, due to its focus on criminal justice and law enforcement, is likely to be related to the low level of performance of harm reduction programmes. Further, it can be assumed that health and social framing will result in a high level of positive outcomes, as the main goal of harm reduction is to improve or prevent the deterioration of the health status of people who inject drugs. Finally, for economic and fiscal framing, it is plausible to predict a high level of service performance, given that NSPs are ‘one of the most cost-effective public health interventions ever founded’ (Wilson et al., 2015: 6) and help save significant public resources on HIV and Hepatitis C treatment (Kwon et al., 2012).

The choice of output<sup>2</sup> indicators for needle exchange services for PWID was informed by the WHO, UNODC, UNAIDS *Technical Guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users* (2012) – a document developed in the aftermath of the adoption of the 2006 Political Declaration on HIV/AIDS by the UN General Assembly (Political Declaration on HIV/AIDS, 2006). The guide introduces a comprehensive package of interventions for addressing HIV among people who inject drugs, including, among other elements, needle exchange programs, opioid substitution treatment, HIV testing and counselling, and antiretroviral therapy. It also provides a range of indicators to monitor the level of implementation of specific services. Following the Guide, this study focuses on two main aspects of needle exchange service-delivery:

(i) Availability, which is understood as the geographical coverage of needle exchange services.

(ii) Coverage, which is understood as ‘the extent to which an intervention is delivered to the target population’ (WHO et al., 2012: 35).

An auxiliary variable – the estimated number of people who inject drugs – is used to enable the estimation of the services’ coverage.<sup>3</sup> Variables are measured across a range of indicators chosen based on the availability of the data and feasibility of their study. The table below presents the conceptualisation and operationalisation of the variables. (A summary of specific indicators and, where applicable, benchmarks for each variable can be found in Appendix 1.)

Variable	Conceptualisation	Operationalisation
Population size	The magnitude of the phenomenon of injecting drug use in a country	Estimated number of people who inject drugs (PWID)
Availability	The geographical coverage of needle exchange services	Number and location of sites where needles and syringes are available
Coverage	The extent to which an intervention is delivered to the target population	Quantity of needles–syringes distributed; number of PWID reached by NPSs, NSP service occasions (total client contacts)

*Table 3: Conceptualisation and operationalisation of main variables*

<sup>2</sup> The performance of services is a policy outcome. However, from the perspective of concrete services, values for specific indicators are service outputs.

<sup>3</sup> Slovakia is an exception, as only data on the prevalence of problematic drug use is available. The number of people who inject drugs within this population is very likely to be lower. On the other hand, Slovakia is characterized by the widespread injection of methamphetamine (Pervitin). Based on the available data, it is not possible to even roughly estimate the number of people who inject drugs in Slovakia.

## 5 Identification of policy frames

In the Czech national drug strategy, the health and social frame is strongly dominant. It appears 30 times in the analysed parts of the document, in forms such as 'well-being,' 'loss of people's lives,' 'public health,' 'protection from harm,' and 'healthy development of [...] individuals.' The second strongest frame is a security and public order one, with 14 keywords (primarily 'safety' and 'security,' but also 'political stability' or 'rule of law').

In Hungary, the morality framework seems to appear the most – 37 times. However, the interpretation of the language used in the Hungarian national drug strategy is not straightforward. At first glance, it seems that references to health and social issues are the dominant ones and – if looked at without much context – this is true. However, it appears that in Hungary it is the health and well-being of society at large that is being protected, while people who use drugs appear as a threat. They are a 'burden' who 'by abusing substances' 'can harm themselves and their environment,' and drug use itself is 'harming human dignity.' As a result, since rejecting drug use 'is a value in itself,' 'the state is obliged to take action against the vulnerability of the individual' by adopting a 'recovery-oriented approach,' 'fight[ing] against drug consumption' and promoting the 'spread [...] of lifestyles representing clear consciousness' in order to 'popularize drug-free lifestyles.' Further, while 'those people who refuse to use drugs [...] are doing it right' and 'represent something worth giving to other people,' people experiencing drug dependency should 'hope that their recovery is possible.' Such and similar formulations involve a rather strong although implicit critique of drug use as not conforming to decisionmakers' vision of society and supported norms and values. The health and social frame is the second most dominant one in Hungarian drug strategy, with 22 references of a neutral character.

In Poland, there is currently no drug strategy, and the area of drug policy is briefly addressed in the National Health Program. Therefore, the last available document that specifically addressed drugs was chosen for the analysis. The Polish National Programme for Drug Prevention 2011-2016, however, is a purely legal and very technical document and, as such, does not include any narrative elements describing ideas, goals, or values. In consequence, it was not possible to identify the drug policy framing in Poland.

In the Slovak drug strategy, similar to that of the Czech Republic, the health and social frame dominates, with 13 references to 'welfare,' 'public health' and 'reduction of risk,' among others. The only other frame present in the Slovak document is a security and public order one, with two references in the text.

The table below summarises the dominant drug policy frames identified in analysed drug strategies.

This section presents the results of the data analysis. First, within-case analysis is performed for each country, focusing on the current situation. Subsequently, a comparative perspective is adopted, briefly discussing the current (2017) situation, and focusing on the similarities and differences in NSPs development dynamics in four countries.

Country	Analysed document	Dominant frame
Czechia	National Drug Policy Strategy for the Period 2010–2018	Health and social
Hungary	The National Anti-Drug Strategy 2013–2020	Morality
Poland	National Programme for Drug Prevention 2011–2016	None <sup>4</sup>
Slovakia	National Anti-Drug Strategy of the Slovak Republic for the period 2013–2020	Health and social

*Table 4: Dominant drug policy frames*

## 6 Needle exchange programmes

### 6.1 *The Czech Republic*

In 2017, altogether 108 needle exchange programmes were operating in the Czech Republic in 138 cities and villages. This accounts for one-third of all cities and towns in the country. Needle exchange is provided in all of the biggest cities and the vast majority of smaller cities (up to 100,000 inhabitants). In the capital, Prague, and a few other big cities, several services operate in different areas. Services, to a more modest extent, also operate in smaller towns and villages, which indicates the high level of the programs' geographical coverage.

More than 32,000 PWID used services on a country level in 2017, which accounts for the high coverage of the PWID population (approximately 74 per cent). In 2017, clients received services on almost 470,000 occasions. In other words, Czech NSPs provided over a thousand services per every hundred people who use drugs, which is a very high number.

All services in the country distributed close to 6.5 million needles-syringes. This means 198 units of equipment for every NSP client, or 146 needles per person who uses drugs, indicating medium coverage.

Overall, the current availability and coverage of NSPs in the Czech Republic is high, with room for improvement in case of the number of needle-syringes distributed per client.

### 6.2 *Hungary*

In 2017, 40 NSP sites were operating in 20 Hungarian cities and towns (Balint et al., 2018a: 124), which accounts for one-fifth of all cities and towns in the country, including several NSPs operating in the capital, Budapest. Overall, the geographical coverage of services is low and somewhat uneven – i.e. needle exchange is not available in more than one half of Hungary's biggest cities, and completely absent in the smallest ones (up to 20,000 inhabitants).

Over two thousand PWID used NSPs, which indicates medium coverage of the target population – approximately one-third.<sup>5</sup> In 2017, clients came into contact with NSPs on nearly 14,000 occasions. A high number of service units were provided (234 per 100 PWID).

<sup>4</sup> The Polish National Programme for Drug Prevention 2011–2016 is a very technical legal document and does not include any contextual, normative, or value statements.

<sup>5</sup> The most up-to-date PWID population estimate for Hungary is from 2015 (EMCDDA, 2020).

The number of injecting paraphernalia that were provided was 66 per service client in 2017, which translates into only 23 needles-syringes per PWID – extremely low coverage.

In sum, the geographical coverage of NSPs in Hungary is low and uneven. The coverage of the target population is moderate concerning the number of PWID in contact with services and high concerning service occasions per 100 PWID. Coverage in terms of distributed equipment is extremely low.

### 6.3 Poland

In 2017, 12 needle exchange programmes were operating in 10 Polish cities, equivalent to 7 per cent of the cities and towns in the country. NSPs are provided primarily in the biggest cities, but even in this case, only nearly one-fifth of all cities are covered. There are two organisations operating NSPs in the capital, Warsaw. In cities and towns smaller than 100,000 inhabitants, services are virtually absent.

Over 1700 clients used needle exchange services in 2017; i.e. approximately one-quarter of the estimated target population.<sup>6</sup>

Data on client contacts are not available from official government sources. Meanwhile, the data shared by two NSPs located in Warsaw show that in 2017 only 50 service units per 100 PWID were provided. This result should, however, be taken with a grain of salt, since the performance of two services (out of 12) is hardly representative of the entire country.

All Polish NSPs distributed approximately 60,000 needles-syringes in 2017, which is 35 units of injecting equipment per NSP client per year. With respect to the entire PWID population, this translates to eight needles-syringes per person annually, an extremely low number.

Overall, the availability of NSPs in Poland is extremely low and concentrated in the biggest cities only. Even there, however, the geographical coverage of NSPs is inadequate and limited to only a few settlements. Polish services reach out to nearly a quarter of the target population, client contacts are rare, and very little injecting equipment is provided.

### 6.4 Slovakia

Nine NSP sites operated by three harm-reduction NGOs existed in Slovakia in 2017. Two organisations operated fixed location and outreach programmes in the capital, Bratislava, and one organisation operated services in Nitra and outreach in several neighbouring cities. Altogether, NSPs are available in five cities and towns, which accounts for the low geographical coverage of 17 per cent.

According to the data obtained from all organisations operating NSPs in 2019, nearly 2200 PWID used NSP services (exactly one-quarter of the estimated PWID population<sup>7</sup>), which indicates a medium level of coverage.

Clients contacted all NSPs on over 16,000 occasions, which translates to 184 contacts

<sup>6</sup> The estimates of the PWID population can be found in two Polish reports to the EMCDDA. One of them defines the mean of estimates at 7,170 (Malczewski & Misiurek, 2013: 13) and the other at 7,285 (Malczewski & Misiurek, 2014). The median value of these numbers (7,228) is used for the analysis.

<sup>7</sup> The most up-to-date estimation of the population size is from 2008 at 10,500 (Reitox National Focal Point Slovakia, 2009: 67). Importantly, this estimation does not include people who inject drugs but a broader category of 'problematic drug users'. The number of PWID is very likely somewhat smaller.

per 100 PWID – a high result for this indicator of coverage. All three organisations gave away over 400,000 needles-syringes in 2017. The number of needles-syringes distributed per client per year was 184; however, due to generally low level of target population coverage, the amount of injecting equipment distributed among PWID was small, at only 39 units per person. Given the highly imperfect and outdated data on the target population, however, the real coverage concerning paraphernalia distributed is likely somewhat higher.

Overall, the availability of NSPs in Slovakia seems to be low, with services in only a few locations in the western part of the country, with central and eastern Slovakia having no NSPs at all. Service coverage is medium with respect to the proportion of PWID reached. While the number of distributed paraphernalia is medium-high for PWID in contact with services, it is low if we take into consideration the entire target population.

### 6.5 Cross-country comparison

This section applies a comparative perspective in an attempt to identify the similarities and differences between the state of needle exchange programmes in examined countries. Only comparable indicators (ratios) are analysed, and benchmark levels are used next to absolute numbers.

#### 6.5.1 Availability of needle exchange programmes

An important comment regarding the denominator used for NSP availability levels is required. While the level thresholds are adopted directly from the WHO, UNODC, UNAIDS Technical Guide (WHO et al., 2012), the denominator differs. Due to the lack of data on the number of cities in which PWID are present, the availability rate was calculated using the total number of cities of a specific population in each country.

Indicator	CZ	HU	PL	SK
Percentage of cities where NSPs are present, including: Cities of 100,000+ inhabitants	High (100 %)	Low (46 %)	Low (18 %)	Low (50 %)
Cities of 50,000–99,999 inhabitants	High (88 %)	Low (40 %)	Low (2 %)	Low (22 %)
Cities of 20,000–49,999 inhabitants	Mid (76 %)	Low (20 %)	Low (1 %)	Low (0 %)

Table 5: Availability of needle exchange programs

Clearly, in big and mid-sized cities the geographical coverage of needle exchange programs is by far the highest in the Czech Republic, where services exist in all five biggest cities and the vast majority of smaller ones. In three other countries, the overall availability of services is low. Within this group, Hungary performs best with almost half of its 13 biggest cities operating NSPs. In Slovakia, needle exchange is available in one of the two largest settlements, and one-fifth of smaller ones. In Poland, only one-fifth of the biggest cities have NSP, while programmes are hardly available in smaller towns.

### 6.5.2 Coverage of needle exchange programmes

As shown in the table below, most needles-syringes are distributed in the Czech Republic, where almost 150 units of equipment per PWID were provided in 2017. Further, taking into consideration only PWID in contact with services, the result is very close to high in terms of the effectiveness of HIV prevention. In Slovakia, paraphernalia coverage is moderate but leaning towards high among service clients. It remains low for the entire target population. The situation in the remaining two countries is significantly worse, with exceptionally low needle coverage in Poland.

Indicator	CZ	HU	PL	SK
Number of needles-syringes distributed per PWID per year	Mid (146)	Low (21)	Low (8)	Low (39)
Number of needles-syringes distributed per NSP client per year	Mid (198)	Low (66)	Low (35)	Low (184)

Table 6: Injecting paraphernalia distributed

In the case of reaching out to the target population, again, the Czech Republic performs best, ensuring coverage at the level of 74 per cent (Table 7). In contrast, Slovak needle exchange programmes are in contact with only one in five people who inject drugs. Polish services perform slightly better, covering almost one-quarter of the PWID population, while in Hungary close to one in every third person who was injecting drugs contacted NSPs at least once in 2017.

Indicator	CZ	HU	PL	SK
Percentage of all PWID who were reached by an NSP in the last 12 months <sup>8</sup>	74 %	31 %	24 %	21 %

Table 7: Outreach to population of people who use drugs

Regarding client contacts (number of service occasions), country-level data are not available for Polish NSPs. The organisational-level data were successfully obtained only from two organisations operating NSPs, which is not indicative of the entire country. Therefore, the table below presents the numbers of client contacts only in three analysed countries.

Indicator	CZ	HU	SK
The number of NSP occasions of service in the last 12 months per 100 PWID	High (1055)	High (234)	High (184)
The number of NSP occasions of service in the last 12 months per 1 NSP client	14	7	7

Table 8: Occasions of service

<sup>8</sup> Data on NSP clients who inject drugs is available only in the case of the Czech Republic. In other countries, only the total number of clients is available. The coverage of the PWID population in Hungary, Poland, and Slovakia therefore represents the best-case scenario. In reality, the level of coverage is likely to be even lower, as NSP clients are usually not injecting drugs.

The data shows that Czech NSPs provide the highest coverage of the target population in this respect as well. In 2017, the number of contacts per 100 PWID reached 1,055. If we take into consideration only PWID in contact with NSP, it appears that each client visited a service once a month on average. In Hungary and Slovakia, the number is half of this, which means that each person injecting drugs who was in contact with services visited them roughly once every two months. Concerning the occasions of service (contacts) per 100 PWID, the numbers in Slovakia and Hungary are also relatively similar. Notwithstanding the differences, however, in the context of the UN guidelines on HIV prevention services, all countries perform well, achieving high scores in the category of client contact.

In sum, it is clear that in the area of harm reduction the Czech Republic is leading, and is performing well in terms of both service availability and coverage. In Hungary, the availability of NSP is low. Although one in every three persons who was injecting drugs was in contact with services in 2017, and the number of service occasions was high, an average NSP client could be provided with only a minimal number of injecting paraphernalia. In Poland and Slovakia, the availability of services is deficient. Coverage in Poland is the lowest of all the examined countries. Meanwhile, in Slovakia, the situation is somewhat mixed – while outreach to PWID is low, the injecting paraphernalia coverage of organisations' clients is close to high. None of the three countries, however, would qualify as having an effective HIV prevention system concerning needle exchange programmes.

## 7 Conclusions

This paper has attempted to identify the relationships between the framing of drug policy as a health, morality, security, or economic issue, and the outcomes of harm reduction policies in the Czech Republic, Hungary, Poland, and Slovakia. It examined relevant parts of the countries' national drug strategies, borrowing the typology of policy frames from Euchner and colleagues (Euchner et al., 2013). Further, it analysed official data about the availability and coverage of needle exchange programmes using a guide developed by United Nations agencies as the source of the majority of indicators.

The analysis of countries' drug strategies revealed the strong health and social orientation of Czech drug policy and a somewhat weaker such orientation in the case of Slovakia. In Hungary, the morality frame is dominant in the country's drug policy, while in Poland no frame was identified due to the highly technical character of the document.

The examined policy outcomes of needle exchange programmes are definitely poor in Hungary and Poland. In the case of Slovakia, the picture is more complex, with generally meagre performance at the country level and in the context of the entire population of people who use drugs. On the other hand, at the organisational level, the performance of Slovak needle exchange programs seems to be much better, primarily in terms of the number of distributed injecting paraphernalia per NSP client.

Going back to our research question, therefore, have we managed to identify any relationship between drug policy framing and the state of harm reduction? It seems that the Hungarian case confirms the central hypothesis – that the morality framing of drug policy is related to weak policy outcomes. Further, it seems that the strong health orientation of the Czech drug strategy is somehow related to the excellent (compared to the other countries') performance of needle exchange services.

On the other hand, in Slovakia, there is a health-focused drug strategy and noticeably inferior harm reduction outcomes. The complex picture of the situation in this country (see above), however, triggers some questions. Is it plausible that Slovakia's harm reduction policy could have performed much better had there been more organisations providing the services in question? Recently, several NSPs in Slovakia ceased to exist (supposedly, due to a lack of funding), leaving one part of the country abandoned. Is the reason for rather insufficient country-level NSP outcomes indeed the lack of funding, or does the analysed document by itself not capture the actual framing of drug policy? Indeed, Slovak drug strategy is significantly less well elaborated than the Czech or Hungarian one – perhaps there is a need to include more sources to increase the validity of this finding.

Finally, there is Poland, with very low availability and coverage of needle exchange services and unknown framing. Is it justified to presume that Polish drug policy is framed as morality policy? Or are other policy frames related to its severe underperformance as well?

This paper, with its empirical scope and theoretical orientation regarding topics which are highly understudied in the region, contributes to the understanding of morality policies and drug-related policies. Two statements can be made. First, the case of Hungary confirms that morality framing is related to poor policy outcomes. Second, the case of the Czech Republic confirms that a strong health-social orientation is related to excellent policy outcomes in the area of harm reduction policy. Even more importantly, however, it opens interesting avenues for further research, perhaps most interestingly regarding the status of morality framing as a necessary and/or sufficient condition for ineffective policies.

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## Appendix

### *Appendix 1: Variable indicators and benchmarks*

Variable	Indicators	Benchmarks
Population size	Estimated number of people who inject drugs (PWID)	–
Availability	Number of NSP sites	–
	Number of cities where NSPs are present	–
	Percentage of cities where NSPs are present <sup>9</sup>	Low ← 60% ← Mid → 80% → High
Coverage	Total number of needles-syringes distributed by NSPs in the last 12 months	–
	Number of needles-syringes distributed per PWID accessing services per year	Low ← 100 ← Mid → 200 → High
	Number of PWID who accessed an NSP over the last 12 months	–
	Percentage of all PWID who were reached by an NSP over the last 12 months	Low ← 20% ← Mid → 60% → High
	Number of NSP occasions of service (total contacts) in the last 12 months	–
	The ratio of the number of NSP occasions of service in the last 12 months per 100 PWID	Low ← 30 ← Mid → 70 → High

<sup>9</sup> The original indicator refers to the 'percentage of cities/ states/ provinces/oblasts where PWID are located, and NPSs are present'. In this study, the percentage of all cities are calculated (for all country cases) due to the lack of data on the presence of PWID.

### *Appendix 2: Outputs of needle exchange programmes in the Czech Republic*

<b>Availability</b>		
<b>Indicator</b>	<b>Value</b>	<b>Level</b>
Number of NSP sites	108	X
Number of cities where NSPs are present	138	X
Percentage of cities where NSPs are present, including:	65%	Mid
Cities of 100,000+ inhabitants (N=5)	100%	High
Cities of 50,000–99,999 inhabitants (N=17)	88%	High
Cities of 20,000–49,999 inhabitants (N=46)	76%	Mid
Cities of 10,000–19,999 inhabitants (N=78)	37%	Low
Cities of 5,000–9,999 inhabitants (N=133)	23%	Low
<b>Coverage</b>		
<b>Indicator</b>	<b>Value</b>	<b>Level</b>
Total number of needles-syringes distributed by NSPs in 2017	6 401 662	X
Number of needles-syringes distributed per PWID per year	146	Mid
Number of needles-syringes distributed per NSP client per year	198	Mid
Number of PWID who accessed an NSP in 2017	32 300	X
Percentage of all PWID who were reached by an NSP in 2017	74 %	High
Number of NSP occasions of service (total contacts) in 2017	460 900	X
The ratio of the number of NSP occasions of service in 2017 per 100 PWID	1 055	High

### *Appendix 3: Outputs of needle exchange programmes in Hungary*

<b>Availability</b>		
<b>Indicator</b>	<b>Value</b>	<b>Level</b>
Number of NSP sites	40	X
Number of cities where NSPs are present	20	X
Percentage of cities where NSPs are present, including:	21%	Low
Cities of 100,000+ inhabitants (N=13)	46%	Low
Cities of 50,000–99,999 inhabitants (N=15)	40%	Low
Cities of 20,000–49,999 inhabitants (N=41)	20%	Low
Cities of 10,000–19,999 inhabitants (N=82)	0%	None
Cities of 5,000–9,999 inhabitants (N=130)	0%	None
<b>Coverage</b>		
<b>Indicator</b>	<b>Value</b>	<b>Level</b>
Total number of needles-syringes distributed by NSPs in 2017	137 580	X
Number of needles-syringes distributed per PWID per year	11	Low
Number of needles-syringes distributed per NSP client per year	66	Low
Number of PWID who accessed an NSP in 2017	2 093	X
Percentage of all PWID who were reached by an NSP in 2017	31 %	Low
Number of NSP occasions of service (total contacts) in 2017	13 883	X
The ratio of the number of NSP occasions of service in 2017 per 100 PWID	207	High

**Appendix 4: Outputs of needle exchange programmes in Poland**

Availability		
Indicator	Value	Level
Number of NSP sites	12	X
Number of cities where NSPs are present	10	X
Percentage of cities where NSPs are present, including:	7%	Low
Cities of 100,000+ inhabitants (N=39)	18%	Low
Cities of 50,000–99,999 inhabitants (N=48)	2%	Low
Cities of 20,000–49,999 inhabitants (N=136)	1%	Low
Cities of 10,000–19,999 inhabitants (N=160)	0%	None
Cities of 5,000–9,999 inhabitants (N=N/A)	None	None
Coverage		
Indicator	Value	Level
Total number of needles-syringes distributed by NSPs in 2017	60 000	X
Number of needles-syringes distributed per PWID per year	8	Low
Number of needles-syringes distributed per NSP client per year	35	Low
Number of PWID who accessed an NSP in 2017	1 726	X
Percentage of all PWID who were reached by an NSP in 2017	24 %	Mid
Number of NSP occasions of service (total contacts) in 2017	3 646 <sup>10</sup>	X
The ratio of the number of NSP occasions of service in 2017 per 100 PWID	50	Mid

**Appendix 5: Outputs of needle exchange programmes in Slovakia**

Availability		
Indicator	Value	Level
Number of NSP sites	9	X
Number of cities where NSPs are present	5	X
Percentage of cities where NSPs are present, including:	17%	Low
Cities of 100,000+ inhabitants (N=2)	50%	Low
Cities of 50,000–99,999 inhabitants (N=9)	22%	Low
Cities of 20,000–49,999 inhabitants (N=28)	0%	None
Cities of 10,000–19,999 inhabitants (N=31)	6%	Low
Cities of 5,000–9,999 inhabitants (N=40)	0%	None
Coverage		
Indicator	Value	Level
Total number of needles-syringes distributed by NSPs in 2017	404 886	X
Number of needles-syringes distributed per PWID per year	39	Low
Number of needles-syringes distributed per NSP client per year	184	Mid
Number of PWID who accessed an NSP in 2017	2 199	X
Percentage of all PWID who were reached by an NSP in 2017	21 %	Mid
Number of NSP occasions of service (total contacts) in 2017	16 271	X
The ratio of the number of NSP occasions of service in 2017 per 100 PWID	155	High

<sup>10</sup> The number of contacts is based on data acquired directly from (only) two organizations since official, country-level data is not available.

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The Representation of Lithuania's National Minorities  
in the European Parliament: Just Poles?

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### Abstract

There are two channels for achieving the representation of national minorities in representative bodies. One of them is the inclusion of minority representatives on mainstream party lists, while the other is their self-organization via ethnic parties. The arrangements pertinent to the organization of European Parliament elections hypothetically provide citizens with equal opportunities to be elected, regardless of their belonging to national minorities. However, some EU Member States are characterized by a relatively ethnically homogeneous population combined with a small number of allocated MEP mandates. Based on the empirical evidence from Lithuania, this article assesses the feasibility of the use of the two channels by politicians with a minority background in relation to their being elected MEPs, and shows that the latter methods represent two different types of representation according to Pitkin's concept. The article concludes that being elected via the mainstream party lists requires a politician to have a high profile in the public life of Lithuania, whereas the success of use of the monopolized ethnic channel is contingent on the general electoral condition of the ethnic party and its capacity to sustain its constituency among the country's national minorities. The text's findings provide a country-specific illustration that may also be applicable in the wider context of East Central Europe in relation to studies focused on the electoral performances of ethnic parties and the inclusion of minority representatives in the activities of mainstream parties.

**Keywords:** Lithuania, elections, European Parliament, national minorities, minority representation, Poles in Lithuania

## 1 Introduction

The European Parliament (EP) is a representative body of the European Union. This implies that citizens of each EU Member State can seek representation in it based on domestic arrangements that regulate European Parliament elections. In each Member State, representation in the European Parliament is hypothetically equally open to persons belonging to the ethnic majority and national minorities, provided they meet all the requirements

and receive sufficient electoral support. There are two channels available for national minorities to achieve representation in the European Parliament. The first is the inclusion of persons with an ethnic minority background on the electoral lists of the mainstream parties. The second one is the election of minority representatives on ethnic party lists. This configuration, however, raises the problem of the practical feasibility of each of these two channels in terms of national minorities from smaller EU Member States gaining representation in the European Parliament, taking into account the relatively small number of the MEP seats allocated to these countries.

This analysis of the cases of MEPs elected from Lithuania provides substantial empirical evidence about the feasibility of the use of these two channels, which may be applicable in a broader European perspective. In Lithuania, ethnic Lithuanians constitute 84.2 per cent of the country's population, followed by Poles (6.6 per cent), Russians (5.8 per cent), and Belarusians (1.2 per cent).<sup>1</sup> In contrast to the other Baltic States, Lithuania has applied the principle of inclusivity by granting citizenship to all of its residents who wish it (Barrington, 2000: 262; Popovski, 2000: 14). This implicitly suggests that the outcomes of EP elections embody the will of all segments of Lithuania's society. Additionally, the country's national minorities are numerical enough to effectively seek MEP representation on ethnic party lists.

The feasibility of these two channels in relation to national minorities being represented in the European Parliament must also be distinguished from effective representation, which starts when the elected MEPs commence their duties. This article focuses only on the perspective of politicians with a minority background from Lithuania, regarding their becoming elected as MEPs via either of the two designated channels. Accordingly, the following sections of this paper examine these options, taking into account the country's political system and electoral rules. The article addresses empirical evidence based on the profiles of the MEPs with a minority background that have been elected via both channels. Due to the monopolization of the ethnic party channel by one political group, the text also focuses on the general electoral situation of the latter to reveal the relevant constraints to maintaining its constituency and obtaining representation at the EP level. The article concludes that both channels are viable ways for politicians with a minority background to become elected as MEPs from Lithuania. While being elected through mainstream party lists requires a high profile in Lithuanian politics and support from an overwhelmingly majoritarian electorate, the monopolization of the ethnic channel by one political group makes election contingent on the latter entity's general electoral condition, and its ability to sustain its constituency among Lithuania's national minorities.

## 2 Conceptual framework and its application to the empirical evidence from Lithuania

The need for the interpretation of the empirical evidence about European Parliament elections in Lithuania raises several questions about the key concepts which should be applied in this case study. This evidence suggests that the analysis should accommodate the fact that 'how a community chooses its representatives may be just as important as who the

<sup>1</sup> Ethnicity, mother tongue and religion (2013). *Statistics Lithuania*, March 15. <https://osp.stat.gov.lt/en/web/guest/informaciniai-pranesimai?articleId=223122>

representatives are' (Bowler et al., 2003: 6). This presupposes the specification of the concepts of 'political representation' and 'minority background.'

A classical approach to political representation provided by Hanna Pitkin (1972) endorses the notion of 'descriptive representation,' which concerns the fit between the ethnic composition of the population of a certain territory with its proportion of elected representatives. An analysis of contemporary European minority-related legal frameworks and supervisory practices reveals that the concept of descriptive representation is offered as the primary tool for ensuring the representation of national minorities in various decision-making bodies (Henrard, 2008: 128). While construing Pitkin's model, Iris Young (2002: 129) maintains that political representation is a dynamic phenomenon which 'moves between moments of authorization and accountability.' Young also notes (2002: 126) that a diversity of interests, backgrounds, experiences, and beliefs within an ethnic group might significantly affect the ability of its members to vocalize their shared will, although an ethnic group might demonstrate greater coherence than a group whose members share other distinctive characteristics. For candidates with a minority background that are elected through one of two designated channels, this implies different outcomes.

An ethnic party can be defined as

[...] an organization authorized to compete in elections, the majority of whose leaders and members identify themselves as belonging to a nondominant ethnic group, and whose electoral platform includes among its central demands programs of an ethnic or cultural nature. (Van Cott, 2005: 3)

Thus, a classic ethnic party typically does not strive to appeal to the voters outside the ethnic group it represents (Gunther & Diamond, 2003; Horowitz, 1985). However, an ethnic party can claim representation of more than one ethnic category provided it is capable of designating who the common significant other is (Chandra, 2005). In proportional electoral systems, ethnic mobilization is the key concept that explains the ability of ethnic parties and their representatives to obtain electoral success. In other words, an ethnic party 'relies primarily upon coethnic voters for electoral victory' (Moser, 2008: 276). Logically, the scope of successful ethnic mobilization at any election largely depends on the number of persons belonging to a minority community. Within the context of the approach offered by Young, MEPs elected on ethnic party lists are *per se* self-declared representatives of the specific ethnic group authorized predominantly by their co-ethnics and possibly other affiliated ethnic groups. This situation fits the concept of descriptive representation, but poses the further question of how deep the grassroots support of the elected MEP is in the relevant community(-ies) – which is addressed in the following parts of this paper.

For MEPs elected on mainstream party lists, it is important not to ignore the fact that 'a person's participation in large-scale politics can somehow be individualized' (Young, 2002: 143). This individualization of politicians might also imply that the level of articulation of their ethnic affiliation may vary depending on various objective and subjective factors, including their family background, personal values, institutional frameworks, or political practicability. These observations apply to the ethnic majority and national minorities, and emphasize both the diversity within different ethnic groups and the frequently blurred boundaries between them.

Young's conceptualization raises three issues. The first one is the status of potential MEPs within their political group and the latter's impact on their political 'individualiza-

tion.' The second is the apparent contribution of the respective minority in the election of these politicians. However, the most important factor is the third one, which addresses the issue of the individual's ethnic identification, which could also be multiple or inexplicitly articulated. The last factor raises the logical question whether those potential MEPs who do not always identify themselves with a specific minority group may be regarded as examples of minority representation.

To answer this question, it is equally important to define who those persons are with a minority background within the mainstream political landscape of Lithuania. Lithuania's Constitution guarantees individual equality before the law, and ensures citizens' right to freely form political parties and associations provided that their activities and goals are consistent with the country's legislation.<sup>2</sup> This suggests that Lithuania's citizens can equally take part in political processes in the country irrespective of their ethnicity, and that persons belonging to national minorities are active both within mainstream and ethnic parties. Lithuanian legislation lacks an established definition of a 'national minority'. Thus, the common understanding is that national minorities are numerically inferior groups of citizens whose ethnic affiliation is other than Lithuanian.<sup>3</sup> As the Constitutional Court of Lithuania underlines, the issue of belonging to a specific ethnic group is a private matter for each individual.<sup>4</sup> However, the information about the ethnicity of each politician may become public. At various elections in Lithuania, the country's Central Electoral Commission provides standardized candidate profiles with basic information about them. Item 11 of these profiles indicates the candidate's ethnicity (Lithuanian: *tautybė*).<sup>5</sup> Although this item is not subject to compulsory completion, candidates can self-identify themselves as representatives of a specific ethnic group. The empirical evidence from Lithuania suggests that this formalized approach is not sufficient for grasping the complexity of the issue of the ethnic belonging of potential MEPs elected via the mainstream channel. If candidates decide to self-identify themselves, they are not able to specify more than one ethnic affiliation. Thus, candidates with multiple or complex ethnic identities have two options: they can either declare their belonging to just one ethnic group, or not indicate any belonging. Their identification with another ethnic group or refraining from indicating any such group on their candidate profiles does not preclude these politicians from being actively engaged in the community life of their respective national minorities – thus being a part thereof. Since Lithuania has adopted a proportional electoral system and its entire territory forms a single electoral district at European elections, MEPs from Lithuania are not attached to any specific region of the country, including those with a significant presence of national minorities. Due to the above-described qualitative characteristics of the representatives and those they represent, they cannot be formally considered examples of

<sup>2</sup> An English translation of the Constitution of the Republic of Lithuania is available at <http://www3.lrs.lt/home/Konstitucija/Constitution.htm>.

<sup>3</sup> National Minorities (2018) *Department of National Minorities under the Government of the Republic of Lithuania*, February 20. <https://tmde.lrv.lt/en/national-minorities>

<sup>4</sup> Case No. 14/98: On the spelling of names and family names in the passports of citizens of the Republic of Lithuania (21 October 1999). *Constitutional Court of the Republic of Lithuania*, <https://www.lrkt.lt/en/court-acts/search/170/ta1147/content>

<sup>5</sup> See, for instance, Valdemar Tomaševski's candidate profile at the 2019 European Parliament election, available at the website of the Central Electoral Commission of the Republic of Lithuania: [https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/rnk1186/kandidatai/epKandidatasAnketa\\_rkndId-2415249.html](https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/rnk1186/kandidatai/epKandidatasAnketa_rkndId-2415249.html)

descriptive minority representation, although their roles are consistent with the notion of minority representation as such. In line with Pitkin's concept, the latter could be attributed to the substantive type of representation which implies that '[...] representatives have to be responsive to the represented and not the contrary' (Garboni, 2015: 86). As a result, the presence of politicians with a minority background among the MEPs from Lithuania elected via the mainstream channel neither provides a guarantee of minority interest representation, nor implies a full mirror resemblance between them and their minority electorates which could address the needs of the later (ibid.: 87). Still, the presence of MEPs with a minority background is *per se* a phenomenon that contributes to the accomplishment of substantive minority representation. The empirical evidence from Lithuania also suggests that MEPs with a minority background elected via the mainstream channel fail to claim their connection with their relevant communities to the extent they symbolize these minority constituencies, and thus comply with Pitkin's concept of symbolic representation (Stokke & Selboe, 2009: 59). As voting outcomes reveal, the election of MEPs from Lithuania via the mainstream channel is characterized by two features. On the one hand, the respective minority electorates are aware of candidates' belonging to these groups, although on their official candidate profiles candidates may refrain from self-identifying themselves as persons belonging to a specific community. On the other hand, the former demonstrate the relative 'irrelevance of the ethnic dimension in Lithuanian politics' (Lauristin et al., 2011: 135) to the mainstream parties' majoritarian voters, who are also aware of the minority background of these MEPs.

Therefore, the identification of persons with a minority background among the MEPs elected from Lithuania is not limited to a simple check of their EP election candidate profiles on the Lithuanian Central Electoral Commission website. When applicable, it also involves an examination of their profiles in other elections in Lithuania, as well as publicly available information about their memberships in and collaborations with organizations of national minorities. Public information about the selected MEPs' command of minority languages is, however, disregarded. According to 2011 national census data, 63 per cent of Lithuania's population speak Russian and 8.5 per cent Polish.<sup>6</sup> This implies that the mother tongues of the two largest Lithuania's national minorities are distributed beyond these ethnic groups, signifying no direct linkage between the command of a minority language by the MEPs elected from Lithuania and their attachment to a specific national minority.

Based on the above, the related research model is designed as follows. The identified profiles of the MEPs with a minority background are allocated among the two designated channels. For those elected via mainstream party lists, the analysis involves an examination of the MEPs' electoral candidate profiles for EP elections in Lithuania, their self-identification, their roles in the relevant parties, the electoral performances of the latter political groups, and an analysis of their electorates and other information about their potential support among the co-ethnics of MEPs identified as having a minority background. The same framework applies to the MEPs elected from ethnic parties. However, in addition, the general electoral situation of this representation channel will be assessed, since

<sup>6</sup> Gyventojai pagal išsilavinimą ir kalbų mokėjimą: Lietuvos Respublikos 2011 metų visuotinio gyventojų ir būstų surašymo rezultatai (Population by education and language knowledge: Results of the 2011 population and housing census of the Republic of Lithuania) (2013). *Lithuanian Department of Statistics*, March 29. [https://osp.stat.gov.lt/documents/10180/217110/Gyv+pagal+i%C5%A1silavinima\\_ir\\_kalbu\\_mokejima.pdf](https://osp.stat.gov.lt/documents/10180/217110/Gyv+pagal+i%C5%A1silavinima_ir_kalbu_mokejima.pdf)

the ethnic party niche in Lithuania is monopolized by single forms of political collaboration. The research model also requires making reference to public statements of the selected politicians and the retrieval of data on the electoral performances of the relevant political groups and relevant candidate profiles for the municipal and parliamentary elections in Lithuania. The lack of focus on the specific activities of the selected mainstream politicians as MEPs in this analysis is explained by the nature of substantive minority representation discussed above, and based on the premise that the main criterion for the assessment of politicians is their ability to get re-elected.

### 3 The Lithuanian political system and prospects for minority candidates at EP elections

There is a consensus in the academic literature that European Parliament elections should be designated second-order ones because they do not result in the filling of the major political offices of the entire political system at the national level (Reif & Schmitt, 1980; Reif, 1985; Norris & Reif, 1997; Willermain, 2014). Nevertheless, the European elections cannot be viewed separately from the political systems of specific EU Member States because the outcomes of each election are significantly affected by the political situation in the countries in question at the moment of the electoral campaign (Reif, 1985). The results of each European election are substantially predetermined by domestic political agendas and discourses in Member States. Specifically, electoral campaigns could be focused on the issues which are neglected or ignored by governments, which makes the European Parliament elections essentially not only about Europe (Hix & Marsh, 2011). Lithuania is not an exception to this rule since domestic political processes in Lithuania significantly affected the results of the 2004 and 2009 European Parliament elections (Matonytė, 2016: 547). This observation can also be extended to the 2014 and 2019 EP elections.

Lithuania's legislation treats all political groups equally. The MEP mandates assigned to Lithuania are divided among the political groups that reach a five per cent electoral threshold and no concessions are made for ethnic parties or coalitions.<sup>7</sup> Voters of each political group are also entitled to rank candidates on the relevant list, thereby determining the distribution of the allocated mandates. Lithuania's political party system is characterized by its extreme plurality (Cabada et al., 2014: 81). Since 2008, at all Seimas and European Parliament elections the winning political party was capable of attracting around 20 per cent of all votes, and the 26.16 per cent received by the Homeland Union – Lithuanian Christian Democrats (Lithuanian: *Tėvynės sąjunga – Lietuvos krikščionys demokratai*) at the 2009 European Parliament election is rather an exceptional result.<sup>8</sup> The total number of MEP seats allocated to Lithuania dropped from 13 in 2004 to 11 in 2019. As a result, due to the strong competition, it is typical for a Lithuanian political party to be able to claim just one or two MEP mandates.<sup>9</sup>

<sup>7</sup> Law on Elections to the European Parliament, 20 November 2003, No. IX-183, as amended. <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.226195>

<sup>8</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Balsavimo rezultatai Lietuvoje (European Parliament election of 7 June 2009. Voting results in Lithuania) (2009). *Central Electoral Commission of the Republic of Lithuania*, June 14. [https://www.vrk.lt/statiniai/puslapiai/2009\\_ep\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/rezultatai\\_daugiamand\\_apygardose1turas.html](https://www.vrk.lt/statiniai/puslapiai/2009_ep_rinkimai/output_lt/rezultatai_daugiamand_apygardose/rezultatai_daugiamand_apygardose1turas.html)

<sup>9</sup> Only in four cases were political parties able to secure more than two MEP seats: the Labour Party

This configuration has two implications for the candidates with a minority background, depending on the channel. If an MEP is elected to the mainstream party list, it implies that this politician should enjoy sufficient backing by the party to be ranked somewhere among the top of the party list, and supported by the party's electorate at election time. This situation might create a serious constraint for a candidate with a minority background, since their place on the electoral list may not be high enough to ensure their success among the elected candidates (Janušauskienė, 2016: 582) and the preferential voting system does not always contribute to this either. Breaking with this trend requires the 'individualization' of candidates, who should thus possess the characteristic of being high-profile individuals in Lithuania's political or public life.

The empirical evidence from Lithuania suggests that the notion 'ethnic party' within the context of this article can be equated with the Electoral Action of Poles in Lithuania – Christian Families Alliance (Polish: *Akcja Wyborcza Polaków na Litwie – Związek Chrześcijańskich Rodzin*, Lithuanian: *Lietuvos lenkų rinkimų akcija – Krikščioniškų šeimų sąjunga*, EAPL-CFA), since the latter was the only political group of this kind at the EP elections in Lithuania.<sup>10</sup> Its electoral lists are always dominated by the representatives of the Polish and other national minorities. The presence of an EAPL-CFA representative in the European Parliament has two effects. The first one is truly symbolic and qualitative. The ethnic Polish party from Lithuania has a representative in the European Parliament and this very fact distinguishes it from many other minorities throughout the European Union. The second one implies the fully fledged engagement of the EAPL-CFA in the domestic policy-making processes, which involves participation in government coalitions and goes beyond minority issues (Bobryk, 2013: 357–358).

The election of an MEP with a minority background to the ethnic party list seems to involve a combination of opportunities and constraints. At the four EP elections in Lithuania, the EAPL-CFA managed to reach the votes-to-seats ratio only once, in 2009, when the high mobilization of the EAPL-CFA electorate coincided with weak national polling.<sup>11</sup> As a result, ethnic political groups have never been able to claim more than one MEP mandate, even when the votes-to-seats ratio was achieved. This can be perceived as an opportunity, because the election results thus prove this channel to be feasible. Some Lithuanian scholars define the EAPL-CFA as 'an ethnic-based "niche" political party' (Janušauskienė, 2016: 582), which refers to its limited electoral capacities. One of the biggest challenges for the EAPL-CFA under the existing electoral rules is demography, as the Polish minority in Lithuania constitutes only 6.6 per cent of the country's population.

The party consistently lacks the ethnic Polish votes it would need to comfortably reach the five per cent electoral threshold, which has created the precondition of a Polish-Russian minority political alliance (Csergő & Regelmann, 2017: 305; Kazėnas, 2014: 283). At every

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(Lithuanian: *Darbo Partija*) received five MEP mandates in 2004, the Homeland Union – Lithuanian Christian Democrats got four MEP mandates in 2009 and three in 2019, and the Social Democratic Party of Lithuania (Lithuanian: *Lietuvos socialdemokratų partija*) obtained three MEP mandates in 2009.

<sup>10</sup> The regionalist Samogitian Party (Lithuanian: *Žemaičių partija*) which advocates the promotion of Samogitian identity and culture (Matonytė, 2016: 537) participated in the 2009 EP election. However, its marginal result (1.23 per cent) only confirms that it never had any significant impact on Lithuania's politics.

<sup>11</sup> Turnout in areas with a Polish majority was highest in the country: 41.41 per cent of voters cast their ballots in the Šalčininkai district, and 34.81 per cent in the Vilnius district, while in no other region of Lithuania did turnout reach even 30 per cent.

European election, the EAPL-CFA has formed a coalition with ethnic Russian parties. This strategy proved to be effective in the 2009, 2014, and 2019 elections, when the Polish-Russian electoral collaboration between the EAPL-CFA and the Russian Alliance (Lithuanian: *Rusų aljansas*) resulted in one MEP seat.<sup>12</sup> This suggests that the EAPL-CFA and its allies have to collect a sufficient number of votes that will qualify them to take part in the distribution of MEP seats. In other words, the main issue at stake for them is getting into the European Parliament. Another problem with their qualification comes from the composite character of this electoral collaboration. Being the major collaboration partner, the EAPL-CFA needs to fill the gap in ethnic Polish votes with the votes of Lithuania's Russians, and, as far as possible, members of other smaller minorities. Hence, members of these groups should authorize the ethnic Polish party to represent their interests, taking into account that the highest level achievement of the Polish-Russian electoral collaboration is a single MEP seat.

#### 4 What does a politician with a minority background need to become an MEP from Lithuania?

The results of the European elections in Lithuania prove the feasibility of both these channels for politicians with a minority background in terms of being elected an MEP. The scheme with the mainstream party list was viable in the case of two MEPs – Viktor Uspaskich from the Labour Party in 2009, 2014 and 2019, and the late Leonidas Donskis, representing the Liberals Movement of Lithuania (Lithuanian: *Lietuvos Respublikos Liberalų Sąjūdis*) in 2009. However, neither of the two declared their belonging to any national minority in their EP candidate profiles. The ethnic party channel worked for one politician – Valdemar Tomaševski (Polish: *Waldemar Tomaszewski*) from the EAPL-CFA who received an MEP mandate in 2009, 2014, and 2019. An ethnic Pole, Tomaševski, remains the only MEP from Lithuania who clearly self-identified as a member of a national minority in his candidate profile at the EP elections.

##### 4.1 Representation through mainstream parties

The late Leonidas Donskis was one of the most prominent intellectuals in contemporary Lithuania never to hide his Jewish roots (Matonytė, 2016: 540), and who served as deputy chairman of the Lithuanian Jewish community.<sup>13</sup> However, in his candidate profile for the 2009 European election, Donskis declared his Lithuanian ethnicity.<sup>14</sup> However, during the electoral campaign Donskis explicitly addressed the multiplicity of his self-identification. He stressed that his Jewishness had a moral dimension. Renouncing his Jewish identity would mean dishonoring the memory of his father, who was a Holocaust survivor. Donskis

<sup>12</sup> In 2004, EAPL and the Lithuanian Russian Union formed a coalition called 'Together we are strong!' This was supported by 68,937 voters (5.71 per cent) but failed to obtain any MEP seats due to the electoral formula which required a political group to obtain approximately seven per cent of the votes to take part in the distribution of the MEP mandates (Bobryk, 2013: 343).

<sup>13</sup> Leonidas Donskis Dead at Age 54 (2016), *Jewish Community of Lithuania* September 27. <https://www.lzb.lt/en/2016/09/27/leonidas-donskis-dead-at-age-54>

<sup>14</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Leonidas Donskis (European Parliament election of 7 June 2009. Leonidas Donskis). *Central Electoral Commission of the Republic of Lithuania*. [https://www.vrk.lt/statiniai/puslapiai/rinkimai/404\\_lt/Kandidatai/Kandidatas25250/Kandidato25250Anketa.html](https://www.vrk.lt/statiniai/puslapiai/rinkimai/404_lt/Kandidatai/Kandidatas25250/Kandidato25250Anketa.html)

also expressed sorrow for those who believe that a person cannot be a Lithuanian and a Jew at the same time.<sup>15</sup> Considering Donskis' embeddedness in Lithuania's intellectual life, as well as his professional background<sup>16</sup> and political views, this choice of ethnicity in his candidate profile could probably be best explained by a quotation of his in which he called himself 'a citizen [and] a person who has chosen Lithuania for his entire life as his primary and essential political and moral space' (Donskis, 2010).

Donskis appeared on the electoral list of the Liberals Movement of Lithuania without being a party's member. He was invited to join the Liberals' electoral campaign by the party leadership<sup>17</sup> and his first place on the electoral list was decided by a secret ballot at the meeting of the party's council.<sup>18</sup> In other words, Donskis's first place on the electoral list was duly authorized by a democratic procedure within the party. His position *vis-à-vis* the party was characterized by both trust and considerable autonomy. The former was implied by his nomination procedure, while the latter derived from his non-partisan status.

At the 2009 election, the Liberals Movement was supported by 7.17 per cent of voters (40,502 persons)<sup>19</sup> and its only MEP seat was claimed by Donskis. He received 20.89 per cent of the ranking points after preferential voting, substantially more than the 13.72 per cent collected by the runner-up candidate on the electoral list.<sup>20</sup> One can suppose that Donskis's personality might have led to an increase in support for the Liberals Movement among the Lithuanian Jewish community at this election. However, the 2001 population census established that self-declared Jews comprised only 0.12 per cent of Lithuania's population (4,007 persons).<sup>21</sup> This implies that even the very large-scale support of Donskis by Lithuania's Jewish community would not have been the decisive factor in the successful electoral performance of the Liberals Movement and Donskis's first place on the list after preferential voting.

At the electoral campaign, Donskis called the Liberals Movement a 'niche party' which did not enjoy the greatest popularity in Lithuania and which should compete for voters' attention.<sup>22</sup> Based on the above, it is possible to conclude that Donskis's MEP seat was supported by the majoritarian electorate which shared the party's liberal views and values. Donskis's minority background was not an obstacle to his election. On the contrary,

<sup>15</sup> Donskis: svarbu būti skaidriam prieš rinkėjus (Donskis: it is important to be transparent to the voters) (2009). *Alfa.lt*, June 5. [https://www.alfa.lt/straipsnis/10275870/?Alfa.lt.vaizdo.konferencijoje..Donskis=2009-06-05\\_16-13](https://www.alfa.lt/straipsnis/10275870/?Alfa.lt.vaizdo.konferencijoje..Donskis=2009-06-05_16-13)

<sup>16</sup> About L. Donskis. *Leonidas Donskis Foundation*. <http://www.donskis.lt/en/2/169/leonido-donskiobiografija>

<sup>17</sup> Samoškaitė, E. (2009). Su Liberalų sąjūdžiu į EP rinkimus eis L.Donskis (L. Donskis will go to the EP election with the Liberals Movement). *Delfi.lt*, February 23. <https://www.delfi.lt/news/daily/lithuania/su-liberalu-sajudziu-i-ep-rinkimus-eis-ldonskis.d?id=20705589>

<sup>18</sup> Pirmasis Liberalų sąjūdžio sąrašas - Leonidas Donskis (The first on the list of the Liberals Movement is Leonidas Donskis). (2009) *TV3.lt*, April 18. <https://www.tv3.lt/naujiena/lietuva/248509/pirmasis-liberalu-sajudzio-sarase-leonidas-donskis>

<sup>19</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Balsavimo rezultatai Lietuvoje (n. 8).

<sup>20</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Lietuvos Respublikos liberalų sąjūdis (European Parliament election of 7 June 2009. Liberals Movement of Lithuania). *Ibid.* June 14. [https://www.vrk.lt/statiniai/puslapiai/2009\\_ep\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/partijos\\_pirmumo\\_balsai3572.html](https://www.vrk.lt/statiniai/puslapiai/2009_ep_rinkimai/output_lt/rezultatai_daugiamand_apygardose/partijos_pirmumo_balsai3572.html)

<sup>21</sup> Population by Sex, Age, Nationality and Religion. (2002). *Statistics Lithuania*. <https://osp.stat.gov.lt/services-portlet/pub-edition-file?id=3037>.

<sup>22</sup> Donskis: svarbu būti skaidriam prieš rinkėjus (n. 15).

it was the strategy of the Liberals Movement to rely on his reputation and publicity to successfully perform at the election.

Donskis decided not to participate at the 2014 EP election and withdrew from active politics. However, two mandates obtained by the Liberals Movement at this election may have implicitly signified the positive assessment of his activities as an MEP by the party's electorate.

The case of Viktor Uspaskich is even more remarkable since he was elected as an MEP on three occasions – in 2009, 2014, and 2019. This Russian-born Lithuanian politician never indicated his ethnic belonging in his candidate profile at the European elections.<sup>23</sup> Further analysis of his electoral profile at the parliamentary elections reveals that he self-identified as ethnic Russian on one occasion in 2004,<sup>24</sup> while he did not specify his ethnicity in 2000,<sup>25</sup> 2008,<sup>26</sup> and 2012.<sup>27</sup> Despite this, Uspaskich actively contributed to the organization of Russian cultural events in Lithuania.<sup>28</sup>

All three successful EP elections brought quite similar results for Uspaskich and the Labour Party. On each occasion, he was number one on the electoral list, retained this position after preferential voting, and subsequently received the only mandate obtained by his party. In 2009, he received 22.09 per cent of all ranking-related points cast by Labour Party voters, while 21.07 per cent in 2014, and 21.36 per cent in 2019.<sup>29</sup> On every occasion, these figures were substantially higher than those of the runners-up.

<sup>23</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Viktor Uspaskich (European Parliament election of 7 June 2009. Viktor Uspaskich). *Central Electoral Commission of the Republic of Lithuania*. [https://www.vrk.lt/statiniai/puslapiai/rinkimai/404\\_lt/Kandidatai/Kandidatas25574/Kandidato25574Anketa.html](https://www.vrk.lt/statiniai/puslapiai/rinkimai/404_lt/Kandidatai/Kandidatas25574/Kandidato25574Anketa.html);

2014 m. gegužės 25 d. rinkimai į Europos Parlamentą. Viktor Uspaskich (European Parliament election of 25 May 2014. Viktor Uspaskich). *Ibid.* [https://www.vrk.lt/statiniai/puslapiai/rinkimai/426\\_lt/Kandidatai/Kandidatas70828/Kandidato70828Anketa.html](https://www.vrk.lt/statiniai/puslapiai/rinkimai/426_lt/Kandidatai/Kandidatas70828/Kandidato70828Anketa.html); Rinkimai į Europos Parlamentą 2019 m. gegužės 26 d. Viktor Uspaskich (European Parliament election of 26 May 2019. Viktor Uspaskich). *Ibid.* [https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/rnk1186/kandidatai/epKandidatasAnketa\\_rkndId-2415195.html](https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/rnk1186/kandidatai/epKandidatasAnketa_rkndId-2415195.html)

<sup>24</sup> 2004 m. Lietuvos Respublikos Seimo rinkimai. Viktor Uspaskich (2004 Lithuanian Seimas election. Viktor Uspaskich) (2004). *Ibid.*, November 8. [https://www.vrk.lt/statiniai/puslapiai/rinkimai/2004/seimas/kandidatai/kand\\_anketa\\_1\\_294844.htm](https://www.vrk.lt/statiniai/puslapiai/rinkimai/2004/seimas/kandidatai/kand_anketa_1_294844.htm)

<sup>25</sup> 2000 m. spalio 8 d. Lietuvos Respublikos Seimo rinkimai Viktor Uspaskich (Lithuanian Seimas election of 8 October 2000. Viktor Uspaskich). *Ibid.* <https://www.vrk.lt/statiniai/puslapiai/n/rinkimai/20001008/kandvl.htm-133960.htm>

<sup>26</sup> Lietuvos Respublikos Seimo rinkimai Viktor Uspaskich (Lithuanian Seimas election. Viktor Uspaskich). *Ibid.* [https://www.vrk.lt/statiniai/puslapiai/rinkimai/400\\_lt/Kandidatai/Kandidatas21259/Kandidato21259Anketa.html](https://www.vrk.lt/statiniai/puslapiai/rinkimai/400_lt/Kandidatai/Kandidatas21259/Kandidato21259Anketa.html)

<sup>27</sup> 2012 m. spalio 14 d. Lietuvos Respublikos Seimo rinkimai. Viktor Uspaskich (Lithuanian Seimas election of 14 October 2012. Viktor Uspaskich). *Ibid.* [https://www.vrk.lt/statiniai/puslapiai/rinkimai/416\\_lt/Kandidatai/Kandidatas67880/Kandidato67880Anketa.html](https://www.vrk.lt/statiniai/puslapiai/rinkimai/416_lt/Kandidatai/Kandidatas67880/Kandidato67880Anketa.html)

<sup>28</sup> Gaučaitė. M. (2018). Rusų šventė Vilniuje sutraukė didžiulę minią: „Neturime gėdytis savo kultūros“ (Russian festival in Vilnius gathered a big crowd: 'We must not be ashamed of our culture'). *Lietuvos Rytas*, June 9. <https://www.lrytas.lt/lietuvsdiena/aktualijos/2018/06/09/news/rusu-svente-vilniuje-sutrauke-didziule-minia-neturime-gedytis-savo-kulturos-6576802/>

<sup>29</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Darbo partija (European Parliament election of 7 June 2009. Labour Party) (2009). *Central Electoral Commission of the Republic of Lithuania*, June 14. [https://www.vrk.lt/statiniai/puslapiai/2009\\_ep\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/partijos\\_pirmumo\\_balsai3566.html](https://www.vrk.lt/statiniai/puslapiai/2009_ep_rinkimai/output_lt/rezultatai_daugiamand_apygardose/partijos_pirmumo_balsai3566.html); 2014 m. gegužės 25 d. rinkimai į Europos Parlamentą. Darbo Partija. (European Parliament election of 25 May 2014. Labour Party) (2014). *Ibid.*, June 1. [https://www.vrk.lt/statiniai/puslapiai/2014\\_ep\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/partijos\\_pirmumo\\_balsai4947.html](https://www.vrk.lt/statiniai/puslapiai/2014_ep_rinkimai/output_lt/rezultatai_daugiamand_apygardose/partijos_pirmumo_balsai4947.html); Rinkimai į Europos Parlamentą 2019 m. gegužės 26 d. Darbo

Founder of the Labour Party, Uspaskich, at each election acted in the capacity of its chairman or honorary chairman. The role of the party's leader suggests that Uspaskich was authorized by this political group to have a direct impact on and be responsible for defining its strategies. Within Lithuania's political landscape, the Labour Party is seen as 'a model example of left-wing [...] populism' (Aleknonis & Matkevicienė, 2016: 37). The party's typical voter's profile can be described as 'younger, less educated, blue-collar or unemployed [persons] living predominantly in provincial towns and the countryside' (Jurkynas 2014: 336). The electoral successes of this political group have been driven by the personal charisma and popularity of Uspaskich (Kavaliauskaitė, 2014: 126). At the 2019 EP election, the party's electoral slogan 'I take responsibility for my words!' (Lithuanian: *Atsakau už savo žodžius!*)<sup>30</sup> was directly related to the personality of Uspaskich. It was the only personified electoral slogan employed at this election, during which the leader addressed his electoral message to potential voters on behalf of the entire party and thereby took responsibility for its electoral performance.

The Labour Party has a stable connection with Lithuania's Russian minority. It is one of the most popular political parties among the members of this ethnic group, as a considerable part thereof tends to vote for leftist mainstream parties (Csergő & Regelmann, 2017: 304–305; Duvold & Jurkynas, 2013: 148–149; Lauristin et al., 2011: 135; Ramonaitė, 2018: 84). At the 2012 and 2016 parliamentary elections, the Labour Party electoral list incorporated candidates from the Lithuanian Russian Union (Lithuanian: *Lietuvos Rusų Sąjunga*),<sup>31</sup> an ethnic party claiming to represent Lithuania's Russian minority. At the 2019 EP election, the Labour Party presented its electoral list as multi-ethnic.<sup>32</sup> For example, it included a former member of the Lithuanian Russian Union, Larisa Dmitrijeva, who was initially placed in sixth position.<sup>33</sup>

Back in 2011, Uspaskich clearly indicated that he was a leader of a mainstream Lithuanian party and not of a party of a national minority.<sup>34</sup> Although the Labour Party enjoys the substantial support of Lithuania's Russians, their votes are important but not decisive in

Partija (European Parliament election of 26 May 2019. Labour Party). (2019). *Ibid.*, June 3. [https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/2/1548/rezultatai/lt/rezultataiEpDaugmPartPirmVrt\\_rorgId-28032.html](https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/2/1548/rezultatai/lt/rezultataiEpDaugmPartPirmVrt_rorgId-28032.html)

<sup>30</sup> Rinkimai į Europos Parlamentą 2019 m. gegužės 26 d. (European Parliament election of 26 May 2019). (2019) *Ibid.* <https://www.vrk.lt/documents/10180/676652/EP+bendras+leidinys++A5+2019.pdf/>

<sup>31</sup> 2012 m. spalio 14 d. Lietuvos Respublikos Seimo rinkimai. Darbo partija (Lithuanian Seimas election of 14 October 2012. Labour Party). *Ibid.* [https://www.vrk.lt/statiniai/puslapiai/rinkimai/416\\_lt/KandidatuSarasai/RinkimuOrganizacija4132\\_1.html](https://www.vrk.lt/statiniai/puslapiai/rinkimai/416_lt/KandidatuSarasai/RinkimuOrganizacija4132_1.html); Kandidatų sąrašas. Darbo partija (Candidates list. Labour Party). *Ibid.* [https://www.vrk.lt/2016-seimo/kandidatai?srcUrl=/rinkimai/102/rnk426/kandidatai/lrsKandidataiVienasSarasas\\_rorgId-26092.html](https://www.vrk.lt/2016-seimo/kandidatai?srcUrl=/rinkimai/102/rnk426/kandidatai/lrsKandidataiVienasSarasas_rorgId-26092.html)

<sup>32</sup> Darbo partiją Europos Parlamento rinkimuose ves V. Uspaskich, sąraše pusė vietų teko moterims (V. Uspaskich will lead the Labour Party at the European election, half of the list is represented by women). (2019) *Labour Party*, March 12. <https://www.darbopartija.lt/naujienos/partijos-naujienos/darbo-partija-europos-parlamento-rinkimuose-ves-v.-uspaskich-sarase-puse-vietu-20921/>

<sup>33</sup> Rinkimai į Europos Parlamentą 2019 m. gegužės 26 d. Larisa Dmitrijeva (European Parliament election of 26 May 2019. Larisa Dmitrijeva). *Central Electoral Commission of the Republic of Lithuania*. [https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/rnk1186/kandidatai/epKandidatasAnketa\\_rkndId-2415208.html](https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/rnk1186/kandidatai/epKandidatasAnketa_rkndId-2415208.html)

<sup>34</sup> Davydova, L. (2011). Viktor Uspassikh: v Litve - diktatura vlastnogo bolshinstva (Viktor Uspaskich: there is a dictatorship of the ruling majority in Lithuania. *Ekspress nedelia*, December 28. <https://www.nedelia.lt/news-lt/aktual/20523-viktor-uspaskih-v-litve-diktatura-vlastnogo-bolshinstva.html>

relation to the party's ability to reach the electoral threshold. In other words, Uspaskich's electoral successes at three EP elections were predetermined and authorized by the majoritarian electorate, with a substantial number of minority votes coming from Lithuania's Russians and other smaller minorities.

The cases of Donskis and Uspaskich are examples of substantive representation. They demonstrate the relative irrelevance of the ethnic factor for the mainstream type of minority representation. However, the success of these politicians has been predetermined by their high profiles in Lithuania's domestic politics or public life, since the mainstream parties' electorates are predominantly or overwhelmingly majoritarian. This also confirms the importance of the placement of these candidates in top position(s) due to the tough competition among political groups at the EP elections and the small number of allocated mandates.

#### 4.2 Representation through ethnic parties

Valdemar Tomaševski has led the EAPL-CFA since June 1999. The EAPL-CFA was created in 1994 to comply with a novel element of Lithuanian legislation which differentiated the activities of civil and political organizations (Kazėnas, 2014: 270). Hence, the EAPL-CFA is an entity which took up the political functions of the Union of Poles in Lithuania, one of the main tasks of which is to maintain the active civic engagement of the members of the Polish minority and to mobilize it in support of the political activities of the EAPL-CFA (Bobryk, 2013: 109, 121).

Tomaševski is the most domestically and internationally recognizable politician in Lithuania's Polish-Russian minority electoral alliance (Bobryk, 2013: 357; Csergő & Regelman, 2017: 304). As mentioned above, he was elected as an MEP at the 2009, 2014, and 2019 EP elections. On each occasion, Tomaševski was placed first on the electoral list of the Polish-Russian electoral collaboration and retained this position after preferential voting, which enabled him to claim an MEP mandate. Specifically, in 2009 the ethnic Polish-Russian alliance received 46,293 votes (8.20 per cent),<sup>35</sup> in 2014 it attracted 92,108 votes (7.60 per cent),<sup>36</sup> while in 2019 it narrowly crossed the electoral threshold with 69,347 votes (5.21 per cent).<sup>37</sup> In 2009, Tomaševski received 20.99 per cent of the ranking points after preferential voting;<sup>38</sup> while in 2014 this figure was 20.68 per cent<sup>39</sup> and in 2019 20.10 per

<sup>35</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Balsavimo rezultatai Lietuvoje (n. 8).

<sup>36</sup> 2014 m. gegužės 25 d. rinkimai į Europos Parlamentą. Balsavimo rezultatai Lietuvoje (European Parliament election of 25 May 2014. Voting results in Lithuania) (2014) *Central Electoral Commission of the Republic of Lithuania*, June 1. [https://www.vrk.lt/statiniai/puslapiai/2014\\_ep\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/rezultatai\\_daugiamand\\_apygardose1turas.html](https://www.vrk.lt/statiniai/puslapiai/2014_ep_rinkimai/output_lt/rezultatai_daugiamand_apygardose/rezultatai_daugiamand_apygardose1turas.html)

<sup>37</sup> Rinkimai į Europos Parlamentą 2019 m. gegužės 26 d. Balsavimo rezultatai Lietuvoje (European Parliament election of 26 May 2019. Voting results in Lithuania). (2019) *Ibid.*, June 3. <https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/2/1548/rezultatai/lt/rezultataiEpDaugmVrt.html>

<sup>38</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Lietuvos lenkų rinkimų akcija (European Parliament election of 7 June 2009. Electoral Action of Poles in Lithuania). (2009) *Ibid.*, June 14. [https://www.vrk.lt/statiniai/puslapiai/2009\\_ep\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/partijos\\_pirmumo\\_balsai3585.html](https://www.vrk.lt/statiniai/puslapiai/2009_ep_rinkimai/output_lt/rezultatai_daugiamand_apygardose/partijos_pirmumo_balsai3585.html)

<sup>39</sup> 2014 m. gegužės 25 d. rinkimai į Europos Parlamentą. Lenkų rinkimų akcijos ir Rusų aljanso koalicija „Valdemaro Tomaševskio blokas“ (European Parliament election of 25 May 2014. Coalition of the Electoral Action of Poles in Lithuania and the Russian Alliance 'Block of Valde-

cent.<sup>40</sup> In each instance, these figures were approximately twice as high as those achieved by the runners-up. This implies Tomaševski's unquestionable authority among the party's electorate and the lack of equably influential politicians both within the EAPL-CFA and its collaboration partner party that represent the Russian minority.

After the successful electoral performance in 2009 as the EAPL, with representatives of the Russian Alliance on the list, the ethnic Polish-Russian collaboration shifted towards the personalization of Tomaševski's role as its leader. In 2014, it was called the 'Coalition of the Electoral Action of Poles in Lithuania and the Russian Alliance "Block of Valdemar Tomaševski"' (Lithuanian: *Lenkų rinkimų akcijos ir Rusų aljanso koalicija „Valdemaro Tomaševskio blokas“*). In 2019, its full name was "Block of Valdemar Tomaševski" – Coalition of the Christian Families Alliance and the Russian Alliance' (Lithuanian: *„Valdemaro Tomaševskio blokas“ – Krikščioniškų šeimų sąjungos ir Rusų aljanso koalicija*). Since Polish-Russian electoral collaboration is not capable of claiming more than one MEP seat, the electoral list called 'Block of Valdemar Tomaševski' transmits a clear message to its potential voters. They are implicitly prompted with the name of the future MEP from the Polish-Russian minority electoral alliance. To put it succinctly, the voter is indirectly invited to vote for Tomaševski. Hence, European Parliament elections can rather be seen as a vote of confidence in the EAPL-CFA chairman and a means of authorizing him to become an MEP. The other members of the coalition's electoral list merely perform the role of the crowd.

In practical terms, this also proves that the EAPL-CFA has always been the leading partner in the minority coalition. This is confirmed by the statistics related to preferential voting. At all three elections, the total number of ranking points cast for the Russian Alliance candidates on the minority collaboration's list ranged between 17 and 18 per cent. Likewise, the ethnic Russian candidates on its electoral lists dropped down the list after preferential voting. These figures most notably signify the inability of Russian Alliance politicians to challenge the primacy of the EAPL-CFA within the collaboration. Additionally, the Russian Alliance is not capable of attracting the majority of ethnic Russian votes in Lithuania. According to the available data, less than 20 per cent of the members of Lithuania's Russian minority voted for the ethnic collaboration lead by the EAPL-CFA at the 2016 parliamentary election (Ramonaitė, 2018: 84), when this political group claimed 5.48 per cent. Calculations based on the 2011 census results suggest that 20 per cent of all ethnic Russians with the right to vote comprise approximately 1.3 per cent of the total electorate. This suggests that ethnic Russians currently constitute approximately 20 per cent of the voters in the Polish-Russian electoral collaboration.

The composite character of the Polish-Russian electoral collaboration and the consistent lack of ethnic Polish votes made the electoral success of Tomaševski dependent on obtaining sufficient electoral authorization beyond Lithuania's Polish minority. In other words, inter-ethnic coalition between Lithuania's Poles and Russians is a prerequisite for

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mar Tomaševski'). (2014). *Ibid.*, June 1. [https://www.vrk.lt/statiniai/puslapiai/2014\\_ep\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/partijos\\_pirmumo\\_balsai5087.html](https://www.vrk.lt/statiniai/puslapiai/2014_ep_rinkimai/output_lt/rezultatai_daugiamand_apygardose/partijos_pirmumo_balsai5087.html)

<sup>40</sup> Rinkimai į Europos Parlamentą 2019 m. gegužės 26 d. „Valdemaro Tomaševskio blokas“ – Krikščioniškų šeimų sąjungos ir Rusų aljanso koalicija (European Parliament election of 26 May 2019. 'Block of Valdemar Tomaševski' – Coalition of the Christian Families Alliance and the Russian Alliance). (2019) *Ibid.*, June 3. [https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/2/1548/rezultatai/lt/rezultataiEpDaugmPartPirmVrt\\_rorgId-30084.html](https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/2/1548/rezultatai/lt/rezultataiEpDaugmPartPirmVrt_rorgId-30084.html)

their electoral collaboration and sustaining their constituency. The systemic constraints on an MEP from Lithuania in relation to their being elected to the ethnic party list can be illustrated by the retrieval of data about EAPL electoral performances at the recent municipal and parliamentary elections.

The 2019 EP election in Lithuania was held on 26 May, soon after the municipal election that took place throughout Lithuania on 3 March 2019. At this municipal election, the EAPL-CFA formed an electoral coalition with the Russian Alliance in six municipalities, including the city of Vilnius.<sup>41</sup> In four other municipalities, the EAPL-CFA had its electoral lists, whereas in the country's third-largest city of Klaipėda the Russian Alliance competed independently.<sup>42</sup> The EAPL-CFA and the Russian Alliance collected 61,657 votes, including 58,981 as a coalition.<sup>43</sup> This number was less than at the 2014 European Parliament election (92,108 votes), the 2015 municipal election (87,152 votes, both independently and in the coalition with the Russian Alliance),<sup>44</sup> the 2016 parliamentary election (69,810 votes received at the national multi-member constituency),<sup>45</sup> and at the subsequent 2019 European Parliament election (69,347 votes).

A more detailed analysis of these data reveals the direct relationship between the electoral success of the Polish-Russian minority coalition and its support by the minority urban electorate in the cities of Vilnius and Klaipėda. The 2014 municipal election in the city of Vilnius was successful for the minority coalition. Its list collected 38,138 votes and was ranked second.<sup>46</sup> In 2019, the Polish-Russian coalition managed to attract 19,907 votes and finished fourth.<sup>47</sup> In Klaipėda, the Polish-Russian minority coalition came third in 2014 with 5,905 votes.<sup>48</sup> In 2019, the Russian Alliance finished seventh with only 1,941 votes

<sup>41</sup> Partijų koalicijų kandidatų sąrašai (Lists of candidates from party coalitions). *Ibid.* <https://www.vrk.lt/2019-savivaldybiu-tarybu-kandidatai?srcUrl=/rinkimai/864/rnk1144/kandidatai/savKandidataiKoalicijos.html>

<sup>42</sup> Partijų kandidatų sąrašai (Lists of candidates from parties). *Ibid.* <https://www.vrk.lt/2019-savivaldybiu-tarybu-kandidatai?srcUrl=/rinkimai/864/rnk1144/kandidatai/savKandidataiPartijos.html>

<sup>43</sup> 2019 m. kovo 3 d. savivaldybių tarybų rinkimai (I turas). Partijų, komitetų gautų balsų ir mandatų skaičius Lietuvoje. (Municipal councils' election of 3 March 2019 (Round I). Number of votes and mandates received by parties, committees in Lithuania) (2019). *Ibid.*, April 24. <https://www.vrk.lt/2019-savivaldybiu-tarybu/rezultatai?srcUrl=/rinkimai/864/1/1506/rezultatai/lt/rezultataiSavPartKoalBalsuIrMandSk.html>

<sup>44</sup> 2015 m. Lietuvos Respublikos savivaldybių tarybų rinkimai. Partijų, komitetų gautų balsų ir mandatų skaičius Lietuvoje (2015 municipal councils' election in the Republic of Lithuania. Number of votes and mandates received by parties, committees in Lithuania) (2015). *Ibid.*, April 15. [https://www.vrk.lt/statiniai/puslapiai/2015\\_savivaldybiu\\_tarybu\\_rinkimai/output\\_lt/rinkimu\\_diena/stat1.html](https://www.vrk.lt/statiniai/puslapiai/2015_savivaldybiu_tarybu_rinkimai/output_lt/rinkimu_diena/stat1.html)

<sup>45</sup> 2016 m. spalio 9 d. Lietuvos Respublikos Seimo rinkimai. Balsavimo rezultatai daugiamandatėje apygardoje (Lithuanian Seimas election of 9 October. Voting results in a multi-member constituency). (2016). *Ibid.*, October 31. <https://www.vrk.lt/2016-seimo/rezultatai?srcUrl=/rinkimai/102/1/1304/rezultatai/lt/rezultataiDaugmVrt.html>

<sup>46</sup> 2015 m. Lietuvos Respublikos savivaldybių tarybų rinkimai. Vilniaus miesto (Nr.57) savivaldybė (2015 municipal councils' election in the Republic of Lithuania. Vilnius city (No. 57) municipality) (2015). *Ibid.*, June 4. [https://www.vrk.lt/statiniai/puslapiai/2015\\_savivaldybiu\\_tarybu\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/apygardos\\_rezultatai7817.html](https://www.vrk.lt/statiniai/puslapiai/2015_savivaldybiu_tarybu_rinkimai/output_lt/rezultatai_daugiamand_apygardose/apygardos_rezultatai7817.html)

<sup>47</sup> 2019 m. kovo 3 d. savivaldybių tarybų rinkimai (I turas). Vilniaus miesto (Nr.57) savivaldybė. (Municipal councils' election of 3 March 2019 (Round I). Vilnius city (No. 57) municipality) (2019). *Ibid.*, March 26. [https://www.vrk.lt/2019-savivaldybiu-tarybu/rezultatai?srcUrl=/rinkimai/864/1/1506/rezultatai/lt/rezultataiTarNariaiMeraiSavivaldybeje\\_rpgId-19966.html](https://www.vrk.lt/2019-savivaldybiu-tarybu/rezultatai?srcUrl=/rinkimai/864/1/1506/rezultatai/lt/rezultataiTarNariaiMeraiSavivaldybeje_rpgId-19966.html)

<sup>48</sup> 2015 m. Lietuvos Respublikos savivaldybių tarybų rinkimai. Klaipėdos miesto (Nr.20) savivaldybė (2015 municipal councils' election in the Republic of Lithuania. Klaipėda city (No. 20) municipality)

and did not reach the electoral threshold.<sup>49</sup> The lists of parties, coalitions, and committees in the municipal elections in Lithuania can significantly differ from those at the Seimas or the European Parliament elections. However, the discrepancy in the results achieved by the EAPL-CFA and the Russian Alliance at the 2014 and 2019 municipal elections in Vilnius and Klaipėda demonstrates that the stable core electorate of the minority coalition lives in the small towns and rural areas. At the same time, the political competition in big cities is much higher and the votes of the urban Poles, Russians, and representatives of other national minorities are more likely to be attracted by other political groups. Without the substantial number of votes provided by the minority electorate in the cities of Vilnius and Klaipėda, the Polish-Russian electoral collaboration led by the EAPL-CFA fails to meet the five per cent electoral threshold.

This observation is also confirmed by the results of the 2019 election to the European Parliament. In-depth analysis of the latter focused on regional statistics and comparison with the 2019 municipal election reveals two important features.<sup>50</sup> First, the result of the Polish-Russian minority coalition at the 2019 European election was just 2,746 votes above the electoral threshold. Thus, the number of ethnic Polish votes was insufficient to reach the threshold. This conclusion can be backed by the fact that the coalition was supported by 4,942 voters in the city of Klaipėda, with its sizeable Russian minority.<sup>51</sup> Second, in the city of Vilnius, the minority coalition led by Tomaševski received 23,972 votes<sup>52</sup> – i.e. about 4,000 votes more than at the municipal election in March 2019. Thus, the narrow success of the Polish-Russian coalition led by the EAPL-CFA at the 2019 European election and Tomaševski's re-election as an MEP was predetermined by the votes of urban Poles, Russians, and representatives of other minority communities. A substantial drop in the EAPL-CFA's electoral support from 92,108 votes (47.35 per cent of voter turnout) in 2014 to 69,347 votes (53.48 per cent of voter turnout) in 2019 indicates other barriers to sustaining the constituency of this political group for representation in the European Parliament. These challenges are predominantly personality driven and attributed to the self-organization of Lithuania's Polish minority.

(2015). *Ibid.*, June 4. [https://www.vrk.lt/statiniai/puslapiai/2015\\_savivaldybiu\\_tarybu\\_rinkimai/output\\_lt/rezultatai\\_daugiamand\\_apygardose/apygardos\\_rezultatai7780.html](https://www.vrk.lt/statiniai/puslapiai/2015_savivaldybiu_tarybu_rinkimai/output_lt/rezultatai_daugiamand_apygardose/apygardos_rezultatai7780.html)

<sup>49</sup> 2019 m. kovo 3 d. savivaldybių tarybų rinkimai (I turas). Klaipėdos miesto (Nr.20) savivaldybė ((Municipal councils' election of 3 March 2019 (Round I). Klaipėda city (No. 20) municipality) (2015). *Ibid.*, March 26. [https://www.vrk.lt/2019-savivaldybiu-tarybu/rezultatai?srcUrl=/rinkimai/864/1/1506/rezultatai/lt/rezultataiTarNariaiMeraiSavivaldybeje\\_rpgId-19974.html](https://www.vrk.lt/2019-savivaldybiu-tarybu/rezultatai?srcUrl=/rinkimai/864/1/1506/rezultatai/lt/rezultataiTarNariaiMeraiSavivaldybeje_rpgId-19974.html)

<sup>50</sup> Voter turnout at both the elections was quite commensurable. The 2019 EP election attracted 53.48 per cent of voters, while at the 2019 municipal election the proportion was 47.90 per cent.

<sup>51</sup> 2019 m. gegužės 26 d. rinkimai į Europos Parlamentą. „Valdemaro Tomaševskio blokas“ – Krikščioniškų šeimų sąjungos ir Rusų aljanso koalicija (European Parliament election of 26 May 2019. 'Block of Valdemar Tomaševski' – Coalition of the Christian Families Alliance and the Russian Alliance). (2019) *Central Electoral Commission of the Republic of Lithuania*, June 3. [https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/2/1548/rezultatai/lt/rezultataiEpDaugmPartVrt\\_rorgId-30084.html](https://www.vrk.lt/2019-europos-parlamento/rezultatai?srcUrl=/rinkimai/904/2/1548/rezultatai/lt/rezultataiEpDaugmPartVrt_rorgId-30084.html)

<sup>52</sup> *Ibid.*

An in-depth analysis of the personalities on the candidate lists of the Polish-Russian minority coalition at the 2009,<sup>53</sup> 2014,<sup>54</sup> and 2019<sup>55</sup> European Parliament election shows that six of them participated in all three electoral campaigns and nine candidates were involved in two elections. On the one hand, this implies that the EAPL-CFA and the Russian Alliance have a rather stable pool of experienced politicians. On the other hand, the top five of the 'Block of Valdemar Tomaševski' after preferential voting at the 2019 European election included four personalities who ran for election for the third time since 2009, when the current minority electoral alliance was formed. This raises the question of leadership within the Polish minority in Lithuania.

As mentioned above, the EAPL-CFA is closely affiliated with the Union of Poles in Lithuania. Since May 2002, this umbrella organization of the Polish minority has been chaired by Michał Mackevič (Polish: *Michał Mackiewicz*), an MP representing the EAPL-CFA. In other words, the leaders of the main political and civil organizations of the Polish minority in Lithuania have kept their positions for nearly two decades. In addition to the long periods in office of the two leading personalities of the Polish community, a series of internal conflicts within Lithuania's Polish minority in 2018 signified a crisis in its leadership (Knutowicz, 2018). In early 2018, Mackevič was at the center of accusations concerning the use of financial assistance from Poland that evolved through a conflict with Urszula Doroszewska, Poland's ambassador to Lithuania. In May 2018, Mackevič was re-elected as the chairman of the Union of Poles in Lithuania, actively backed by Tomaševski.<sup>56</sup> Subsequent developments in the situation resulted, *inter alia*, in a 'double' celebration of the centenary of the re-establishment of Poland's independence in Vilnius at the Rasos (Polish: *Rossa*) cemetery in Vilnius on 11 November 2018, as the leadership of the Union of Poles in Lithuania preferred not to engage in the activities organized by the Embassy of Poland (*ibid.*).

The public debate about these series of conflicts ranges from accusations of alleged attempts to split the unity of Lithuania's Polish community to the chance for a 'revolution of dignity' that could significantly change the situation within the community (Radzenko, 2018). In any case, it signifies that the current leadership of the political and civil organizations of Lithuania's Polish minority lack a clear public mandate as representatives of the entire community. This situation resulted in partial fragmentation of the ethnic Polish electorate of the EAPL-CFA in both municipal and EP elections in 2019, and proved the public demand for change (Radzenko, 2019).

The ethnic channel for the election of MEPs with a minority background from Lithuania is an example of descriptive representation. It has proved its feasibility on three occasions. Based on the self-organization of ethnic political groups, this channel is monopolized by the electoral Polish-Russian collaboration led by the EAPL-CFA. It is also currently personalized by Valdemar Tomaševski, who has unquestionable authority among the electorate that tends to vote 'ethnically.' This channel provides Lithuania's national

<sup>53</sup> 2009 m. birželio 7 d. rinkimai į Europos Parlamentą. Lietuvos lenkų rinkimų akcija (n. 37).

<sup>54</sup> 2014 m. gegužės 25 d. rinkimai į Europos Parlamentą. Lenkų rinkimų akcijos ir Rusų aljanso koalicija „Valdemaro Tomaševskio blokas“ (n. 38).

<sup>55</sup> Rinkimai į Europos Parlamentą 2019 m. gegužės 26 d. „Valdemaro Tomaševskio blokas“ – Krikščioniškų šeimų sąjungos ir Rusų aljanso koalicija (n. 39).

<sup>56</sup> Rok afery Mackiewiczza (Year since Mackiewicz's fraud). (2019). *ZW.lt*, May 24. <https://zw.lt/wilno-wilenszczyzna/rok-afery-mackiewiczza/>

minorities with a chance to elect one MEP who is authorized by minority voters who has a slim-to-none chance of attracting a majoritarian electorate (Ramonaitė, 2018: 84). Potential constraints associated with this channel include the general electoral situation of the EAPL-CFA and composite character of its electoral collaboration with the Russian Alliance. To a large extent, the former are personality driven and linked to the self-organization of Lithuania's Polish minority. The later constraints suggest that any potential MEP elected from this collaboration-based list will always be an ethnic Pole, taking into account the coalition's capacity to receive no more than one MEP seat. Therefore, Lithuania's Russian and other smaller minorities can be represented in the European Parliament only by an ethnic Polish MEP if they choose to become a part of the multi-ethnic electoral minority coalition led by the EAPL-CFA.

## 5 Conclusion

Based on the empirical evidence from the European Parliament elections in Lithuania, the article revealed the feasibility of politicians with a minority background being elected MEPs both through mainstream party lists and as representatives of ethnic parties. In any case, all electoral lists for the European Parliament elections in Lithuania involve a high level of competition due to the extreme plurality of the country's party system, meaning that each political group typically secures just one or two MEP mandates. Similarly, this candidate requires top placement on the electoral list of the party.

The findings showed that MEPs elected via the ethnic channel are examples of the process of descriptive representation, whereas electing MEPs via the mainstream channel signifies substantive representation. This configuration results in an essential contrast between the context of the election of MEPs through mainstream channels and ethnic party lists. The paper has revealed that MEPs with a minority background that are elected on mainstream party lists should have a high profile in Lithuanian public life and politics, which makes the ethnic factor significantly irrelevant. It also implies the 'authorization' of such politicians by the respective political group in terms of the former's scope to define the strategies of the latter entity or to act on behalf of it. Moreover, the electoral success of these politicians is predetermined by the predominant or overwhelming support of the majoritarian electorate, which might also involve the substantial support of the party and its top candidate by the electorate from a relevant minority. In nominal terms, the number of MEPs of a minority background elected through this channel could potentially be limited only by the total number of MEPs allocated for the country, the electoral capacity of the relevant political group, and the high profile of candidates. Empirical evidence from Lithuania suggests that this number ranged from zero MEPs in 2004 through one representative in 2014 and 2019 to two elected candidates in 2009.

The case of Valdemar Tomaševski exemplifies the ethnic channel of minority representation. *Sensu stricto*, Tomaševski remains the only self-identified minority MEP from Lithuania. His three consecutive MEP mandates can be seen as the electoral success of the Polish-Russian minority coalition led by the EAPL-CFA. Due to objective socio-demographic reasons, this channel is limited to one prospective MEP seat. It also requires electoral cooperation between the Polish and Russian ethnic parties, as neither have the support of a sufficient number of ethnic electorate to comfortably reach the electoral threshold,

set at five per cent. The evidence also demonstrates that this channel is monopolized by the Polish-Russian collaboration led by the EAPL-CFA, and personalized by Tomaševski. The leading role of the EAPL-CFA implies that any MEP elected through this channel will always be an ethnic Pole. Due to this monopolization, the constraints of this channel are directly linked to the general electoral situation of the Polish-Russian collaboration and personality-driven factors related to the self-organization of the Polish minority in Lithuania. This situation signifies a situation of crisis and apparent demand for change within Lithuania's Polish community. It also provides Lithuanian mainstream parties with an additional opportunity to gain the support of a new electorate among the country's minorities, particularly among urban Poles, Russians, and representatives of other communities. For the EAPL-CFA, this scenario could lead to its prospective relegation to a purely regional political party with no representation in the European Parliament and with few mandates in the Seimas, obtained only in the single-mandate districts with a Polish ethnic majority. The findings presented in this text are based on the case of Lithuania. However, they are more broadly applicable in a wider East Central European context, and are not limited by the context of the European Parliament elections. These findings will obviously be of service in comparative studies that focus on ethnic parties' electoral performances and the inclusion of the representatives of national minorities in the electoral strategies of mainstream parties. They can also encourage further case-based and comparative research that focuses on the subjective and objective constraints to ethnic parties which might substantially affect their electoral performance.

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The Transnationalization of Ethno-nationalism:  
The Case of the Identitarian Movement

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### Abstract

The Identitarian movement, a radical-right movement active in a number of European countries, desires to unite European nationalists in international action. Nevertheless, the theory claims that the latter ideology is based on nativism. This might create internal ideological conflict between nativism versus transnationalism. The article offers a qualitative analysis of how the movement solves the issue of identity framing on the transnational level. This is a question of how the ethno-nationalist message is transformed to the transnational level, and how national needs are translated into transnational ones. The findings show that the Identitarian movement constructs a two-fold identity – a national one and a European one; and operates with three types of identity framing, thereby building a complex picture of a common past, present, and future. All three frames always act to maintain a balance between both identities, and always work with the language of civilization. Such framing, then, might lead to the successful mobilization of international resources and turn ideas into action.

**Keywords:** Transnationalization, Identitarian movement, radical right, ethno-nationalism, identity politics

## 1 Introduction

Increasing internationalization raises attention to the transnational mobilization of the European radical right. We can see how radical-right political parties initiate international forms of cooperation in the European Parliament in the form of political factions (Identity, Tradition, Sovereignty in 2007; Europe of Nations and Freedom in the period 2015–2019; Identity and Democracy since 2019) and European political parties (European Alliance for Freedom, Identity and Democracy Party, and the Alliance for Peace and Freedom). Outside the institutional arena as well, the radical right is intensifying its connections and forms of cooperation. In recent decades, transnational radical-right networks have emerged. Political parties have organized themselves into coalitions such as the World

National-Conservative Movement and cooperative networks such as the Anti-Islam Congress (between 2008 and 2011). Political movements are not lagging behind, and also use international processes to intensify their reach and impact. Since 1987, the international neo-Nazi organization Blood and Honour, has expanded to many countries around the world. With the advent of the internet, the internationalization of radical right concepts has even intensified. The concept of autonomous nationalism has gained popularity all over Europe – even in Australia and New Zealand in the first decade of the new millennium. Later, this was followed by the emergence of the new concept of the Identitarian movement, with a return to the thinking of the French *Nouvelle Droite*. With intensified terrorist attacks in Europe and the European migration crisis of 2015, Europe witnessed attempts to transpose radical-right projects from one country to another, and to wake up radical-right powers already in place. The German Pegida movement was disseminated and branches were soon founded in Great Britain, Netherlands, Austria, Bulgaria, Sweden, and Canada. Vigilante movements such as the Soldiers of Odin inspired and were copy-pasted in a few European countries; the same goes for the neo-Nazi organization Nordic Resistance Movement, with local branches founded in all the Scandinavian countries.

The current research on the transnationalization of the radical right pays attention to aspects of the latter's online presence and questions how the internet contributes to transnationalization (Caiani et al., 2012; Caiani & Kröll, 2014); also, how social media empower the radical right and affect interactions inside the radical right online and offline (Froio & Ganesh, 2018); and how social media contributes to the formation of a shared identity and is turned into a weapon of the radical right (Guenther et al., 2020; Maly, 2019). In the offline context, research addresses the transnationalization of the radical right during electoral campaigns (Mudde, 2007), institutional cooperation (Vejvodová, 2012), and there is some focus on collective action (Mareš, 2012; Virchow, 2013; Vejvodová, 2014). Less attention is paid to the ideological level of radical-right transnationalization (Grumke, 2009; Caiani et al., 2012; Macklin, 2013). Nevertheless, the ideological level represents an interesting aspect of transnationalization and a challenge for the radical right because the radical right faces the conflict of nativism versus transnationalism. Even the radical right itself has discussed this issue theoretically, such as in the theoretical approaches of the French *Nouvelle Droite*, which currently serves as an ideological source of the Identitarian movement. Here arises the question how does the radical right solve the issue of identity on the transnational level practically? This involves how the ethno-nationalist message is transformed into the transnational, and how national needs are translated into transnational ones with the usage of global structures and opportunities.

The article responds to these questions by applying a qualitative single-case analysis of the Identitarian movement, which is active in a number of European countries and represents an attempt by the radical-right movement to join European nationalists in international action when mobilizing international resources. The Identitarian movement represents the transnational radical right; Maly (2019) talks about trans-local actors in the context of the Belgian Identitarians. Using the theory of social movement mobilization, the article analyzes identity framing (the interpretative frame), protest repertoire, and, in relation to those collective actions, framing.

The Identitarian movement was established in 2003 in France on the basis of the *Nouvelle Droite*. Since 2012, it has gradually spread across Europe. Nowadays, the movement

operates in Germany, Austria, Spain, Netherlands, Belgium, the Scandinavian countries, the United Kingdom, the Czech Republic, and even overseas in the US. In different countries they use (slightly) different names, but it is still the same entity, promoting the same politics and principles, and referring back to the same brand.

## 2 Radical-right identity and the challenge of transnational mobilization

Transnationalization is understood as interaction between national and foreign actors that is aimed at engaging in protest, making demands, and communicating a message. Thereby, a network of cross-border actors with common objectives of both an international and a national character comes into being. Such actors share an outlook on the world. Their common interests are visible both in word and action. Engaging in transnational collective activity signals the will of actors to establish links with like-minded formations across borders based on a common discourse built on shared interpretative frames (Froio & Ganesh, 2018). Thus, transnationalization means sharing and disseminating ideology, ideological elements, and behavioral patterns (Tarrow, 1998; Virchow, 2013). Frames capture the symbolic construction of external reality; they represent the worldview which impacts or governs the behavior of a social movement. Frames provide a definite identity, and help make sense of things and actions. Such common identity is closely tied to the framing of collective action. We can label such transnational frames master frames. Such master frames allow a common identity to be created throughout the movement. The latter define a common language and common ground, and even create space for keeping some regional or local specificities, but always in harmony with the wider frame. National and regional movements might derive their own identity from the master frame, or shape their identity to fit the transnational one (Vejvodová, 2014). The master frame connects disparate actors who are remote, and it mobilizes them by defining the key problem and its solution, identifying enemies and allies, and presenting shared values and symbols (Della Porta et al., 2006).

Even though the radical right is discussed in terms of transnationalization, as stated in the introduction, the transfer of radical-right identity to the transnational level is not easy due to the fact that the radical right's Identitarian politics stands on nativism and is closely connected to ethnicity. It is no surprise that the history of international cooperation within the radical right is full of failures and break ups caused by an inability to harmonize nationalistic demands.

As Betz states (2009: 195), 'the radical right has adopted a new form of cultural nativism, which, rather than promoting traditional right-wing notions of ethnic and ethnocultural superiority, aims at the protection of [...] indigenous culture, customs and way of life [and] has increasingly shifted its focus to questions of national and cultural identity, and as a result their politics has become identity politics.' The ideology of the radical right is no longer based on biological racism or white superiority, and it does not seek to install a non-democratic regime. Minkenberg (2000) talks about the concept of ethnopluralism, which is accompanied by authoritarian and populist notions. Rather than superiority, it is an incompatibility of cultures, ethnicities, and religions which is believed in; all as a reaction to a changing world, which is perceived by the radical right as endangering and destroying identity (Betz, 1990). The radical right believes in putting people into ethnonational cate-

gories along national, religious, cultural, and ethnic lines (Wodak & KhosraviNik, 2013). Even the silent counter-revolution conceptualized by Pierro Ignazi as a return to materialist values also refers to the need for the protection of traditional values and national and ethnic identity (Ignazi, 1992), which have been challenged by immigration, and has made demands on conservative parties to provide more social stability and security.

Authoritarianism and populism, the defining features of the contemporary radical right, are influenced and shaped by such identity politics as well. Authoritarianism involves the desire to set up a strictly ordered society, the latter which is currently seen as weakened by different ethnic and religious minorities, boosted by processes of change related to globalization and European integration. In the case of populism, we see the strict rejection of the elites allegedly responsible for mass migration, globalization, and multiculturalist approaches that 'destroy identities.' All in all, identity politics links all of the elements of radical-right ideology (based on Mudde's definition, 2007): nativism depicts non-natives as a cultural, security, and economic threat; authoritarianism stresses the decline of morality and of law and order; and populism identifies who should be blamed for changes that threaten national identity.

The radical right claims that globalization, immigration, and multiculturalism represent a threat to national identities. Based on this, the radical right is motivated to protect such identities. It is often cultural changes that are recognized, and thus criticized, by the radical right. There is no doubt about the effect of the negative evaluation of immigration among supporters of the radical right (Coffé et al., 2007; Bowyer, 2008; van der Brug, 2003; Stockemer, 2015; Sørensen, 2016). The idea of ethnopluralism has intensified since 2015 with the start of the European migration crisis. This situation created fertile ground for radical politics that call for the preservation of national uniqueness. By using ethnopluralism, the radical right stresses the right to protect one's own nation and national identity. The radical right promotes a retreat from globalization and propagates policies and narratives against migration and cultural diversification (Handler, 2019).

Based on the theoretical part of the article, the following sections will analyze the radical right transnational Identitarian movement as a case of an attempt to translate and transfer ethno-nationalist messages and demands into transnational messages and demands. Using the theory of social movement mobilization, the analysis looks at identity framing (the interpretative frame), protest repertoire, and, in relation to these collective actions, framing. In the cases of protest repertoire and framing, the analysis works with international activity only. It is there that there is the greatest potential to capture and describe attempts to mobilize international resources and use international opportunities. Overall, the levels of ideology and action are analyzed.

### 3 Two-fold identity

The Identitarian movement (IM) promotes several types of identity – national, regional, and European. All identities are closely interconnected. One influences the other, and vice versa. Without one identity, the others would not make any sense, thus it is necessary to protect and work on all of them at the same time. According to the logic of the IM, not protecting one element would lead to destruction of the others. National and European identities are dominant.

On the national level, the IM represents the concept of ethnopluralism. The IM proclaims that it recognizes the freedom of every nation and the opportunity for the self-realization of every nation and culture, but never at the expense of another nation. It demands the differentiation of individual nations and hence rejects immigration. For the IM, ethnopluralism respects diversity and serves as an alternative to multiculturalism and globalization. Identitarians talk about the right to preserve the culture, customs, and traditions of every ethnic group (Identitäre Bewegung Deutschland, n.d. a). Identitarians use the following slogan: '0% racism 100% identity' as an expression to support their claim that their ideology is not racist. However, some scholars conclude that this appears to be true only at a cursory glance, and that the IM stands for a form of differentialist or cultural racism that leaves behind the superior attitude of classic racism, but nevertheless involves constructing collectives defined by specific characteristics that cannot be verified (Virchow, 2015). In harmony with the ideology of National Socialism, the nation is seen as an organic pre-modern community and homogeneity is defended by promoting difference and exclusivity. Cultures (representing nations) are understood to be exclusive and static groups of people in a specific place. Any mixing destroys their supposed purity and leads to degradation. (Garner, 2017). Identitarians perceive their roots in the context of country (soil), blood, and identity.

The IM defines national identity as characterized by direct ties to a people or a state, representing a comprehensive identification framework characterized by social, linguistic, and cultural rules. In such a context, regional identity is understood as a sub-level of national identity (direct attachment to one's own city, village, and region) shaped by dialect, customs, and regional history. The national and regional levels complement each other. Such aspects of identity, taken together, create a common framework which elements mutually build upon and complement one another (Identitäre Bewegung Deutschland, n.d. b; Generation Identity UK, 2018b). The regional identity also might be of greater importance when it is politically relevant – such as with the Flemish branch of the movement in Belgium.

The ideology of ethnopluralism stands on the belief that equality does not exist, or make any sense. The idea of egalitarianism is rejected. Universal human rights and freedoms and the universal values derived from them are simply abstract terms that are empty of content (Revolta.info, 2013a). Such an ideological position has its source in the French *Nouvelle Droite* (ref. Alain de Benoist or Guillaume Faye) and promotes the idea that a human being does not exist as a universal and abstract entity, and it is not possible to separate the existence of a human being from society and the social groups to which they belong. Instead of universalism, it is the laws of nature and the imperative of social organization which should be applied (Milza, 2002).

However, the idea of ethnopluralism preceded the *Nouvelle Droite*. For example, Carl Schmitt already promoted ethnopluralism as a part of the so-called identitarian democracy (*identitäre Demokratie*). Schmitt was opposed to a pluralism of interests and pluralistic democracy. Instead, he promoted democracy based on identity. Schmitt defined himself as an opponent of universal human rights, replacing this with ethnopluralism (Gessenharter, 2004). He saw homogeneity as a necessary element for promoting the interests of the state and nation, and saw homogeneity (internal homogeneity) as an element of democracy. Pluralism meant danger for the state and its sovereignty. From this comes the idea of

distinguishing between democracy and parliamentarianism: it is claimed that the former can exist without the latter (Pfahl-Traughber, 2004).

Finally, there is civilizational identity, which for the IM is constituted in European identity. Through origin, history, and culture all Europeans share both a common heritage and a common destiny. The European identity serves to mobilize international structures and resources. At this level we can identify three frames that are being used by the IM to define identity.

The first frame refers to the past. It works with the symbolism of historical events, according to which the IM can depict Europe as homogenous civilization, while also different from others. It works with a story about a European civilization that has always had to defend itself against non-Europeans who wanted to conquer the continent. The IM calls for action that resembles the example of ancestors who fought for European civilization and protected European culture and identity. The historical heritage of Europeans is used to justify the exclusion of outsider groups (Fligstein et al., 2012). A demonstration that took place in Poitiers, France in 2012 was historically contextualized by the IM by making reference to Charles Martell who, in 732,<sup>1</sup> halted the expansion of Muslims into Europe at the battle of Poitiers (CBN, 2012). In a public space in Karlsruhe, the German IM displayed figures representing hoplites (soldiers of the ancient Greek infantry) labelled with the dates and names of battles of the *Reconquista* and the Ottoman Wars. This was done to commemorate the fact that more than once Europe succeeded in defending itself from invaders (Zúquete, 2018). The term *Reconquista* has become part of the Identitarian everyday vocabulary, and helps draw a parallel between the medieval period when Christians recaptured territory from the Muslims (who had occupied most of the Iberian Peninsula), and the current fight of the IM against Muslims: namely, the ‘demand for a Reconquista of Europe, the fight against our ethno-cultural downfall and against mass immigration’ (Identitäre Bewegung Deutschland, 2017). The same symbolic role is played by the Ottoman Wars dating from the late Middle Ages through to the early twentieth century. In 2017, the IM from Austria even created an award for outstanding achievements in Identitarian activism after Prince Eugene of Savoy – the Prince Eugene Prize. This personality was chosen due to his fame associated with military feats against the Ottoman Turks (Zúquete, 2018). Even the basic symbol of the IM has a connection with past. The Greek Lambda letter depicted in black and yellow is a symbolic reference to the Spartan warriors who fought against the Persians at Thermopylae. Their battle against the barbarians made them heroes, because they protected European civilization, as the IM does today. The Persians are considered a metaphor for present-day non-European immigrants.

The second frame of the transnational identity involves the current situation, and is built on a definition of common enemies endangering Europe as a civilization, thereby endangering national identities and order on the national level. This frame interacts with the first one (in evoking historical parallels). The IM believes that all these identified enemies are creating a situation in which European nations and Europe itself are gradually losing their identities, and Europeans are not far from losing theirs altogether. This situation is defined by Markus Willinger in his manifesto ‘Generation Identity: A Declaration of War Against the “68ers”’. Willinger explains that Europe is dying out and the current

<sup>1</sup> The number 732 became the symbol for the movement, and is used by the French chapter on promotional materials.

generation is the most important one because only it can save Europe from suicide. He points his finger at the 1968 generation as the one which gave rise to all of our current problems, because this generation rebelled against the order of the time. It stood against everything that created identity. According to Willinger, the 1968 generation adopted a mission of preventing future wars and eliminating inequality among people – i.e., eliminating differences. Multiculturalism was an experiment in how to achieve this. Thus the former took away everything that could give identity to the current generation. Willinger does not consider the Identitarian movement to be a movement, but claims it is the entire (current) generation. He states that a multicultural society does not function. As a result of multiculturalism, the current generation is lacking a European identity, and this must be revived. Multiculturalism leads to the destruction of European countries, and multicultural society is perceived as harsh, unstable, and lacking solidarity. The discrepancy that is articulated between the older generations and the present generation in terms of fighting for values represents an interesting element. Willinger claims that whether Europe will survive is a decision for the current young generation (Identitäre Bewegung Österreich, n.d. a; Revolta.info, 2013; Willinger, 2013).

After the demonstration at Poitiers in 2012, there was a public declaration of war against multiculturalism (Brücken, 2013). A video of the declaration was recorded and uploaded to the internet and quickly spread to other European countries, thus significantly contributing to the dissemination of the concept across Europe. The video addresses the total deterioration of European culture and all that has ever been identified with it. It indicates there is one last chance to save the continent, thus war is openly declared on multiculturalism and a wish is expressed to revive traditions and return to national historical models and principles. Cohabitation between European and non-European nations is perceived as utterly impossible.

Another type of common enemy is more specific and more tangible – Islam and Muslims. The IM articulates the alleged threat of the Islamization of Europe. Identitarians work with the concept of the ‘Great Replacement’ of ‘indigenous Europeans’ by non-European migrants and stress that it is necessary to stop this and revive the old values. One of the biggest concerns is of becoming a minority in one’s own country; therefore, the IM calls for a ‘rebooting of European ethnocultural tradition’ (Handler, 2019) without any further specification. The IM talks about Europe facing a demographic crisis. Declining birth rates, mass immigration, and the increase in parallel Islamic societies endanger European societies and will lead to their complete destruction within a matter of decades if no counter-measures are taken (Generation Identity UK, 2018b; Identitäre Bewegung Österreich, n.d. b). Following the migration crisis of 2015, the perception of such trends and visions of the future intensified. The migration crisis fueled the IM’s fear of the replacement of European people in European countries. The Identitarians see Europe being conquered by Islam, and share a sense of the threat to their identity.

In this context it is interesting to mention that the IM developed a targeted campaign focusing specifically on women. The movement framed the threat with a very sensitive and emotional appeal in a campaign called ‘120 Decibels.’ German and Austrian women spoke up against abuse and violence perpetrated against European women by migrants and encouraged other women to share their experiences. The campaign was named after

the 120-decibel self-defense pocket alarms that some women carry (Identitäre Bewegung Deutschland, 2018).

The fear of being replaced is connected with criticisms of the European Union and globalization – two factors seen not only as engines of migration, but also as responsible for the eradication and loss of identity. The IM rejects both the European Union's bureaucracy and ideological setting, which promotes liberalism, capitalism, globalization, and universalism. The movement opposes the European Union as a source and active supporter of globalization, which is understood as the driver of multiculturalism and immigration. Due to this, the European Union is seen as a cause of the dissolution of nations and national identities. The European Union, by definition, is ruining the mission of nationalists, whose priority is to protect the nation against foreign influence. Hence, nationalist policies are against immigration, labor mobility, and cultural mobility (Halikiopoulou et al., 2012).

From the perspective of the IM, European civilization is currently being destroyed from inside by the multicultural model and from the outside by foreign (non-European) people, with a special focus on Muslims. The Identitarians disseminate an apocalyptic vision of ethnic and cultural deterioration in Europe. Willinger explains the alleged identity crisis as more serious than the partition of Europe by the Iron Curtain, or the devastation of Europe by the World Wars. According to him, the crisis originates at the spiritual level, because the European continent has lost its will to live. The problem is spelled out in biopolitical terms (Virchow, 2015) when Willinger mentions that 'the greatest threat to Europe results from a demographic catastrophe that is already underway' (Willinger, 2013). The IM talks about Europe endangering itself with self-destruction through a multicultural 'zeitgeist' (Generation Identity UK, 2018b). The IM expects ethnic, cultural, and religious conflict unless there is a change in political thinking that leads to the protection of the ethno-cultural traditions of the ancestors of the former (Generation Identity UK, 2018a).

Finally, the third frame used by the IM is the frame of the future. The IM talks about a unified Europe, but not a standardized Europe, as associated with the European Union. It calls for an alternative Europe composed of free European nations. The Identitarians call themselves 'Alter-Europeans' (Dělský Potápěč, 2013). The preferred vision of the world is one composed of ethnically homogenous communities and pan-European nationalism (Handler, 2019). The IM stresses the ethno-pluralistic vision of a unified Europe, and says that any unification of different cultures means destruction. Alan de Benoist draws a parallel between 'genocide' caused by racists and 'ethnocide' caused by so-called anti-racists (Weber, 2004). Not surprisingly, the argument of difference/incompatibility implicitly places Christian, white Europe on one side, and everything else, but Islam specifically, on the other (Garner, 2017). The old theme of civilizations and races failing due to mixing and the endangerment of purity, as known from de Gobineau's work, returns.

This vision of the future fits perfectly with the visions of the European radical-right scene that calls for a unified Europe on the basis of defending European civilization, European values, and European space, while internally respecting the diversity of nations and national states. This is basically the concept of 'fortress Europe' built on the fear of European nations dying out due to low birth rates, along with the presence of a very strong cultural dimension. Here, European culture is perceived as being incompatible with non-European cultures, and the idea that non-Europeans should stay out of Europe, or assimilate if they do come. The different habits, traditions, and religious acts of non-Europeans

conflict with the Christian roots of European civilization and degrade European civilization. The theme is one of civilizations failing due to mixing and a loss of purity.

#### 4 The 'Defend Europe' campaign

That the IM has the capacity to mobilize international capital and resources and turn them into real action was proven in 2017, when the IM of Austria launched the 'Defend Europe' campaign, strongly mobilizing identity organizations across Europe, and at the same time intensifying the internationalization efforts of the movement. The aim of the campaign was to motivate sympathizers to act, to warn against threats related to the migration crisis, and to stimulate the defense of European nations and European civilization. The campaign was a logical consequence of all previous initiatives, such as 'The Threat of Islam' and 'Great Replacement,' the shared leitmotif of which was the defense of European nations and European identity.

With the help of a crowdfunding platform, Austrian Identitarians were able to collect sufficient funds for the Defend Europe project. These finances were used to buy a ship and to secure a crew that would sail the Mediterranean Sea and sink ships bringing migrants to the European coast. Identitarians promised to send migrants back to the Libyan Coast Guard, not to bring them to Europe. The campaign attracted support across the radical-right spectrum and beyond. Within a month, the Defend Europe campaign received more than \$178,000. Originally, the goal was to raise at least \$58,000. In the summer of 2017, the Austrian movement announced the purchase of a C-Star ship and the hiring of a 25-member crew. Oddly, the entire project was then abruptly called off (Bulman, 2017; Holthouse, 2017; Identitäre Bewegung Österreich, n.d. c).

In April 2018, the IM garnered attention again when it paid for a helicopter that landed on the French-Italian border in the Alps. About 100 activists from across Europe unfurled a banner at the border to tell migrants to go back to their countries of origin. In a statement, activists said they were blocking the path of illegal migrants and that teams of people were guarding the area to prevent attempts to cross the border illegally (Vávra, 2018). This action, entitled 'Alpine Mission,' cost about 60,000 euros.

#### 5 Conclusion

The case of the Identitarian movement represents an example of how the radical right is able to overcome the conflict between ethno-nationalist identities and is making efforts to establish a transnational movement. Today's European radical right is highly motivated to cooperate internationally and use international resources and opportunities like any other political actor. However, the great challenge for the radical right is its own ideology, based on ethnic principles and nativism, which are obstacles to long-term and stable cooperation. The Identitarian movement tests the strategy of defining two identities that are closely connected and influence each other – national identity and European identity. The movement uses the argument of the necessity of the cooperation of European nations to protect European civilization (i.e. a European identity) against non-European influences, thereby protecting national identity. On the one side, there is an intense appeal for unification, but on the other, the movement mitigates worries about losing autonomy and

reiterates the principle of respect for the diversity of European nations. The movement uses a strong narrative of endangered Europe as a shared issue that unites all European nations with a common goal, while allowing enough space for individual national identities. It also depicts a type of enemy that cannot be defeated individually (European Union, multiculturalism, Islam, Muslims) – therefore it is necessary to unite. In this way, the Identitarians are active in the transnationalization of nationalist ideas that are framed and (at the same time) triggered by experiences with globalization and migration. Steiger (2014) calls this ‘open-source’ ideology. The framing of the main ideas and goals is so universal that it can be used in any context in any European country.

We can detect three frames. One shows the future of a unified Europe of ethnically and culturally homogenous entities, protected against non-European influences. The second frame is built on the definition of common enemies and an apocalyptic vision if nationalists do not join together and fight. The third one works by referring to a common history and historical events that are employed to define Europe as a homogenous civilization. Notions of European civilization/identity are used to mobilize international structures and resources. This claim is in line with the findings of Brubaker (2017), who talks about civilizationism in the context of national populism. He points out that by labelling Islam a civilizational threat, civilizationism can be understood as a new articulation of nationalism. The IM uses civilizationism as an extension of nationalism, defining self and others in civilizational terms.

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## Book Review:

András Körösényi, Gábor Illés and Attila Gyulai (2020) *The Orbán Regime. Plebiscitary Leader Democracy in the Making*. London/New York: Routledge. 202 pages.

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Since 2010, Viktor Orbán has opened up a new era of Hungarian politics, which is – regarding the degree, scope, and speed of change – almost unique among the old and new democracies after 1989. During the last decade, we have experienced a significant rise in the scholarly and political interest in Hungarian politics, and the need to develop appropriate approaches and theoretical frameworks to grasp these robust changes and describe the characteristics of the new political system. As a result, an important debate about the regime has emerged among Hungarian researchers in the last few years. Some scholars perceive the new political regime as still being a (non-liberal) democracy (Csizmadia, 2017; 2019) or leader democracy (Körösényi, 2015; 2017), while labels and terms like ‘simulated democracy’ (Lengyel & Ilonszki, 2012), ‘hybridisation’ (Gyulai, 2017), ‘hybrid regime’ and ‘competitive authoritarianism’ (Bozóki & Hegedűs, 2018; Böcskei & Hajdú, 2019; Csillag & Szelényi, 2015; Filippov, 2018; Scheiring, 2019; Szűcs, 2018) have also been used. Other authors describe the Hungarian system straightforwardly as an (electoral) autocracy (Ágh, 2015; Antal, 2019; Kis, 2019; Kornai, 2015; Unger, 2018; Szilágyi, 2014).

However, the motivation of András Körösényi, Gábor Illés, and Attila Gyulai was not only to respond with well-founded answers to the question of the nature of the regime, or to provide the first comprehensive and theoretically substantiated political science account of the Orbán regime in English. In the seminal book *The Orbán Regime: Plebiscitary Leader Democracy in the Making*, the authors argue that contemporary political trends not only change democracy, but add up to a different type of political authority that calls for new concepts, just like their proposed concept of Weberian *plebiscitary leader democracy* (PLD). Hence, ‘describing the Orbán regime as an empirical example of PLD may have wider significance [for] understanding some contemporary trends, both in the Eastern-Central-European region and in Western democracies as well’ (p. 14).

Indeed, the authors use a refurbished conceptual frame of PLD that is inspired by political changes in liberal democracies from the 1980s to the present day (Green, 2010; Körösényi, 2005a; Pakulski & Körösényi, 2012). These ‘Millennial trends’ include processes like de-alignment, growing electoral volatility, citizen disengagement, a decline in party membership and alignment, the waning of party government, the growing legitimacy-

related problems of representative democracies, the spread of non-majoritarian institutions, the mediatization of politics, growing personalization and populist rhetoric, and radical or unconventional policy changes. These phenomena, according to the authors, have changed the nature of modern representative democracies and ‘undermined the structural base of party democracy that characterized the twentieth century’ (p. 8). In other words, we are witnessing an epochal shift in the logic and functioning of contemporary democracies (and politics in general), captured in phrases such as the ‘hollowing’ of Western democracy (Mair, 2013) and the labels ‘audience democracy’ (Manin, 1997), ‘post-democracy’ (Crouch, 2004), ‘leader democracy’ (Köröseyi, 2005a), and ‘ocular democracy’ (Green, 2010). The authors claim that the concept of PLD could provide an ‘adequate analytical framework for an account of this new era and its emerging regime’ (p. 19).

However, one thing must be made clear at the outset: Köröseyi, Illés, and Gyulai revolt against the mainstream approaches that claim to provide a radical change of perspective. Namely, PLD offers an alternative to the widely used discourses of populism and hybridization to explain the Hungarian case and other recent processes in democracies and autocracies. However, the two rival concepts are not treated in the same way. Populism, given that it provides only partial answers to questions about regime-level change – in the form of demagoguery (Weber, 1978), rhetoric, discourse, and a populist style (Moffitt, 2016) of politics and leader-citizen communication – is incorporated into the theory of PLD as one of its six main features. By contrast, there is no mercy for the hybrid regime concept, which is, in the eyes of the authors, derived from the mainstream approach about (idealized) liberal democracies and is therefore a (new) manifestation of classical liberal democratic theory that faces the same challenges as its antecedent. As a result, it could be said that the approach of Köröseyi and his fellow authors poses a serious challenge to the whole liberal democratic paradigm, thus the importance of this book is further enhanced by its revolutionary perspective. Consequently, according to their implicit arguments, the liberal democratic paradigm (and its newer manifestation, hybrid regime discourse, with the regime classification paradigm) is unsuitable for framing new global trends in politics and describing puzzling regimes such as those of Orbán’s Hungary. Hence, the authors argue, it has lost its explanatory power and relevance, ultimately questioning its right to exist; on the other hand, this justifies a paradigmatic shift and opens the door to new concepts and approaches such as PLD.

According to the authors, problems with hybrid regime literature and the underlying conceptual framework of the liberal democratic paradigm have various dimensions. First, there is the issue of the normative bias and unreflective praise for the one-dimensional and teleological view of liberal democracy, which neglects the fact that the democratic and liberal pillars of liberal democracy cannot be combined without tension. Moreover, focusing on liberal democratic ideals, the hybrid regime literature examines the ‘lack and violations of certain features’ instead of ‘concrete existing characteristics’ (p. 5). Second, thanks to the universal need for classification, the mainstream paradigm cannot explain endogenous factors such as autocratic tendencies in the internal logic of democracy. In addition, the authors argue, there are other problems with the hybrid (and liberal democratic) paradigm, such as the fact that it has become more method oriented than problem oriented – or too static, by focusing on structures instead of actors (i.e. on agency and on political leaders), and inherently features an imperfect explanation of legitimacy.

However, it should be noted here that the authors' description of the liberal democratic approach is slightly simplified, since nowadays almost no one claims that liberal democracy works without internal tensions or certain trade-offs, especially in the light of an emerging populism. Instead, even liberal democracy apologists speak about the distinction between electoral and liberal democracy; namely, the relative lack or presence of liberal components and majoritarian-democratic aspects (thinking here of the democracy indices of Freedom House, or V-Dem), or talk about the spread of 'illiberal democracies' (Zakaria, 1997), or of the 'growing tensions between democracy and liberalism' and the rise of populism as 'an outcome not of the failures but of the successes of post-communist liberalism' (Krastev, 2007: 58). In fact, liberal democracy is mostly understood as a fragile equilibrium involving the co-existence of liberal and democratic logics (Abts & Rummens, 2007), with an inherent duality and paradoxical tension (Canovan, 1999; 2002; Mény & Surel, 2002; Mouffe 2000). It is able to disrupt the fragile balance both in the direction of the radicalization of liberal-constitutional and democratic-populist logics (Lefort, 1986; 1988). In the same way, the mainstream literature on populism talks explicitly about 'structural tensions within liberal democracy upon which populists can feed' (Mudde, 2004: 563), defining populism as 'democratic illiberalism' (Pappas, 2016), which is an 'illiberal democratic response to undemocratic liberalism' (Mudde & Rovira Kaltwasser, 2017: 116). Finally, and perhaps surprisingly, similarly to the heavily criticized (for its normative dimension) liberal democratic approach, the authors also seek to demonstrate some (albeit modest) normative potential of PLD, which will be discussed in detail later.

To sum up, Körösényi and his co-authors' main critique addresses the idealization of liberal democracy, which conceals its internal contradictions. This means that they go beyond the paradigm of liberal democracy, using the concept of democracy in a minimal and formal sense, understood as the passive approval of charismatic leaders instead of the active self-government of the people (with accountable leaders). With the conceptual framework of PLD (Körösényi, 2019), the authors seek to offer a more sophisticated, realistic, and empirically useful analysis of the legitimacy of regimes than the mainstream approach. Hence, they intend not only to 'unfold how the PLD regime came into existence in the specific Hungarian context,' but to 'demonstrate that the role of agency can be more crucial than political scientists usually assume,' and especially to 'present the Hungarian case as a paradigmatic case of a new regime type' (p. 14), thereby opening the door to the international horizon of empirical research. However, this book addresses the case of the last decade of Hungarian politics through the lens of the conceptual framework of plebiscitary leader democracy. Its approach is thus a qualitative case study that has the aim of facilitating an analysis of the complex phenomena of regime-building in its specific context, by way of 'agency-centred constructivism' or interpretivism. The Hungarian case is seen as an important variant of PLD, because of its empirical clarity, and it could be not just the first case but a pioneer in turning into PLD among the countries of the EU. Therefore, the authors regard Hungary as a 'natural laboratory for PLD,' and consider it essential to obtain 'important insights into tendencies in contemporary democracies in Europe and elsewhere' (e.g. Turkey, Venezuela, the Philippines, USA, UK, France, and Italy) (p. 13).

The structure of the book fits these ambitious aims well, as it is divided into six chapters that build upon each other in terms of the division of politics, polity, and policy aspects. First, the authors present a detailed outline of their theory – namely, a reconstruction of

the Weberian PLD concept as an authority and regime type. This reconstruction is the fruit of long years of intensive theoretical work by all three authors, especially András Körösényi, who has been dealing with the issues of the applicability and refurbishing of Weber's classical framework in today's political reality for almost two decades (Körösényi, 2003; 2005a; 2005b; 2009a; 2009b; 2017; 2019; Pakulski & Körösényi, 2012). In this respect, the early outlines of PLD had already been prepared when Viktor Orbán came to power in 2010, so one might even say – if the approach of PLD is accepted – that Körösényi somehow foresaw the forthcoming radical changes even before 2010. However, over the years, the theory of PLD has been expanded and corrected, thanks to the systematic empirical analysis of contemporary circumstances. For example, Körösényi and his co-authors do not follow precisely the earlier approach of Pakulski and Körösényi (2012) because of its over-optimistic assumptions regarding the normative potential (accountability) of leader democracy.

Following Weber's concept of Führerdemokratie (Weber, 1978: 266–268), the authors define PLD as a mixed type of authority that is democratic in form, but authoritarian in substance, which means it consists of a combination of charismatic and legal-rational authority, in which charisma is routinized through regular elections. In contrast to genuine charismatic authority, in the case of PLD, 'charismatic legitimacy is approved "in advance"; it is not [the] prior deeds or performance of the leader that manifest his charisma, but the trust of the people expressed at elections' (p. 22). The latter institution is interpreted by the authors as a source of democratic legitimacy, regardless of the possibly unfair nature of these elections and political competition in general. Therefore, the concept of democracy of the authors fits with Schumpeterian minimalist traditions, since 'PLD cannot be understood as self-rule or self-government of the people,' but instead as formal 'approval or rejection of the incumbent or other candidates' (p. 23), thus only as giving consent to be ruled through elections. In this approach, 'the function of elections is limited to authoriz[ing] rulers and legitimiz[ing] their rule and the political regime; therefore, the responsiveness and accountability of leaders are rather limited, if they exist at all' (p. 24).

There are six major traits of the PLD regime as an ideal-type that contrast with 'leaderless' (liberal) democracy. *Charismatic leadership*, which includes heroism, vision, and personal responsibility. *Demagogy and populism*, understood as rhetoric and political communication, which is 'less sophisticated, more emotional, more aesthetic, and often accompanied by polarising rhetoric, enemy-construction, "bad manners" (Moffitt, 2016), and identity politics' (p. 33), in contrast to open (liberal democratic) political discourse. The *plebiscitary and top-down nature of representation and democracy* is another factor, which diminishes the role of the representative and other intermediate institutions, and replaces the imperative mandate by a more or less free mandate (blank-check authorization). A state of *permanent crisis and crisis narrative* becomes the normal state of politics and legitimizes revolutionary or radical politics and public policy. *Radical or revolutionary public policy and politics* means that in PLD politics enjoys primacy over legal rule, bureaucratic regulations, and social norms, while rulership becomes arbitrary. *Patrimonial or prebendal wield[ing] of power* is another factor, which includes particularistic decisions based on personal connections and the ruler's discretion. After this chapter, the authors unfold their case study on the Orbán regime, systematically examining its dimensions of politics, polity, and policy.

Körösényi, Illés and Gyulai think the Schmittian concept of political (Schmitt, 2007) with its antagonistic conflicts and the view of the primacy of politics, understood as a sharply conflictual and barely limitable activity, are able to 'grasp the very logic of the Orbán regime' (p. 67). They argue that primacy of politics mean 'ruling the moment' and following the political interests of the day. Orbán as a leader shapes individual preferences and the whole political space through constructing identities, setting the political agenda, and manipulating the dimension of citizens' judgements with the means and techniques of discourse, heresthetics, and the media. In the eyes of the authors, the role of leadership is similar to that adopted by the figure of the Schmittian sovereign 'who does not conform to frameworks already given to him, but, based [on] political decisions, invents them' (p. 68). Therefore, the concept of populism is incorporated into PLD as a performative power that instead of expressing social identities aims at constituting them. Moffitt's (2016) view of populism as political style 'bad manners' can serve as a manifestation of charisma in PLD, and can play a crucial role in maintaining the charismatic bond between the leader and their followers. This requires the ability of a leader to construct and tell stories to their followers that are linked together in an overarching narrative or populist myth about the struggle between the heroic leader and the villains, that 'hovers over the political agenda as an umbrella concept, absorbing and [...] neutralising most individual issues' (p. 55). However, these wars must end with victory to make the charismatic leader fit for the next conflict, which is never the last, hence 'victory and redemption are always partial – a final one, breaking the cycle, would mean that the charismatic saviour is no longer needed' (p. 69).

In the next two chapters, the formal and informal sides of the polity dimensions of the Orbán regime are explored – these remain in a position subordinate to the logic of politics. The authors first focus on constitutional and other institutional changes, and then on the elite-creation and power-wielding of the Orbán regime. Using a modified concept of Skowronek's (1997), the reconstruction of the polity is described as 'order-shattering' (destruction of previously established arrangements), 'order-affirming' (endorsing some common values and constitutional traditions), and 'order-creating' (the process of putting into place the new settlement). The authors conclude that Orbán's reconstruction of the polity 'has been voluntarist, and this voluntarism has consisted of the will to maintain the capacity to act' (p. 88), and the desire to establish a stable polity, even if there were to be a change of government.

These formal aspects of reconstruction of polity have been supplemented by a series of informal changes since 2010. In order to analyze this side of the reconstruction of polity, the authors supplement their approach with Schabert's (1989) concept of 'monocracy' or 'princely rule,' and Mazzuca's (2010) differentiation between the access to and the exercise of power dimensions. On the micro-level, there is a personal, one-man-rule logic that transforms the formal frameworks of the polity into informal ones on the basis of personal loyalty. This is supplemented with macro-level of reconstructions in various dimensions of state-society relationship – namely, the tools of clientelism and prebendalism, and the massive elite change in the spheres of economy, media, and culture, where 'positions, property, and the resulting authority and influence are only derived from those of Orbán' (p. 110).

In contrast to the developmentalist approach and concepts like the 'post-socialist accumulative state' (Scheiring, 2019) or 'embedded neoliberalism' (Bohle & Greskovits, 2018),

as in the case of polity, the authors emphasize the subordinated nature of policy-making (examined in fields of economic, social, and educational policies) to certain political logics. Their concept of *bricolage* refers to the lack of a coherent policy program or paradigm of the Orbán regime, which is instead a ‘blend of pragmatism and innovation, and an alternative to paradigmatic thinking in policy-making’ (p. 134), driven by an electoral, international institutional, and clientelist logic. This is supplemented by the quasi-ideology of *realism*, with its core concepts of survival, stability, sovereignty, strength, and national interest. This can host diverse ideological content, from full-fledged ideologies, and flexibly adapt to changing circumstances.

The wide-ranging applicability of this important book’s theoretical panopticon depends largely on the distinction between antagonistic and agonistic conflicts (Mouffe, 2000; 2005). PLD is a combination of rational-legal and charismatic authority, in which conflictual politics ‘might be different from Mouffean agonism and closer to Schmittian antagonism or enmity’ (p. 51). Therefore, the authors argue, just as Schmittian antagonism could be tamed into agonism by which politics becomes limited (due to traditions and constitutional and institutional constraints), PLD may vary between ‘moderate’ and ‘extreme’ versions. The leaders of such hard and soft cases, and the depth and intensity of the presence of PLD’s traits, can create an international empirical perspective on regimes ranging from Putin’s Russia to Macron’s France, Trump’s USA, or Kurz’s Austria. However, this perspective may have unintended consequences for the authors’ conception. Namely, exactly because PLD is an ideal-type, its diminished form (‘moderate PLD’) could have a reduced level of explanatory power, opening the door to other, more relevant theories. Therefore, using the whole framework of PLD in consolidated liberal democracies could inflate the original concept. After all, Donald Trump, Emmanuel Macron, and Sebastian Kurz do not own or control the USA, France, and Austria as political regimes like Putin, Erdogan and Orbán do their countries. The question for PLD’s framework is, if agonistic (and not antagonistic) political conflicts are dominant – more so than would be compatible with liberal democracy –, may a country in any way be considered a PLD, or, in contrast, would it remain a liberal democratic regime with a potentially populist or autocratic (in the terms of the authors: charismatic) politician? In other words, there is considerable doubt regarding how to identify where PLD as a regime exactly begins and ends, and how to respond to this question of borders.

Another interesting question is the normative merits of PLD and its authorization-based view of representation, which has already been widely debated in Hungarian political science (G. Fodor, 2006; Köröseyi, 2005b; 2007; 2008; 2017; Meszerics, 2008; Szilágyi, 2015; Unger, 2018). The authors reject normative (unrealistic) assumptions of the theories of liberal democracy, and – following, *inter alia*, Machiavelli, Weber, and Schmitt – advocate a pessimistic or realistic view of politics. Despite this, Köröseyi and his co-authors do not give up on demonstrating some normative qualities of PLD, and hence classify it as a democratic system. First, according to the authors, PLD provides a peaceful method for leadership selection and authorization, and solving the associated conflicts, which is compatible with the minimalist concept of democracy provided by Schumpeter and Przeworski. Second, PLD generates a kind of legitimization of rule and the political regime; and, third, it endows the people with a veto power to ‘reject [...] rulers and/or their particular public policy measure[s]’ (p. 180).

However, serious questions and dilemmas arise here. First, the peaceful selection and authorization of the rulers of a regime does not qualify a system as a democracy, since this situation may be identified in many cases and periods of hereditary or elective monarchies and in other autocracies like the Holy Roman Empire or the Austro-Hungarian Empire, and the late Kádár era in Hungary. Moreover, all regimes have their own mechanisms of legitimizing their rule and political regime, including even with certain forms of elections (we think here of imperial prince-electors, or the institution of parliament). Additionally, violent incidents and serious irregularities may occur in a PLD, proving that the peaceful resolution of conflicts is not always a feature of one, like in the case of Erdogan's Turkey or Putin's Russia, and occasionally even Orbán's Hungary. Moreover, there is the issue of elections as a means of selection, which could be seen as the Achilles' heel of the normative merit of PLD. In the eyes of the authors, elections in a PLD are only 'plebiscitary acts of acclamation,' contributing to 'establishing relations between voters and leaders and creat[ing] the authorisation to lead,' and citizens have only 'a negative power, namely the power of approval or rejection of rulers, which they can apply through elections and referendums' (pp. 142, 152). This equivalence of acclamation (as manipulated authorization, or passive consent) and democratic elections is not obvious, not to mention the fact that this view is fairly blind, deaf, and mute to the unfair nature of political competition which, for example, can empower a leader to constitute 'proper' social identities and help win important elections. Consequently, there is potential to classify (electoral) autocracies as (leader) democracies, which exercise their power behind institutions of formally multi-party elections and a democratic façade, and create, systematically, an uneven playing field for political contestation. Therefore, as in the cases of similar autocratic regimes, the very existence of the de facto citizen (veto) power regarding the rejection of rulers is questionable in PLD.

In addition, the claim that PLD regimes (or those of electoral autocracies) provide a peaceful process of selection and change of rulers in which people have at least a real negative veto power is theoretically unfalsifiable and very subjective. The limited extent of political competition exists for the autocratic reason of monopolizing and preserving political power – and a regime with these goals generates uncertainty in terms of the consequences of elections and the possibility of leader or political change. In contrast to the situation in democratic regimes, this uncertainty is vital in autocratic regimes, thus elections cannot be seen as an indicator of the latter's democratic normative values. In these regimes, sometimes people have real veto power and sometimes they do not, so regime change is sometimes an option via peaceful elections, and at other times it is not. And, most importantly, the truth of this is revealed only *retrospectively*, hence we cannot use the formal existence of elections as *present* evidence of democratic control, even in cases when the opposition can achieve sometimes only partial (typically local and municipal) electoral victories. Therefore, elections and other 'formal representative institutions make for lovely decorations in the shop windows of authoritarian regimes' (Schedler, 2013: 69), which could be true in the case of PLD as well. Consequently, given that the real political control of citizens and the accountability of leaders and other normative merits are highly questionable in the case of PLD as a model of democracy, we must face the fundamental question why should we regard PLD as a genuine form of modern democracy at all? And,

similarly, could such a model exist without indisputable normative power and values as part of democratic theory?

The above-mentioned are only a few examples of the similar dilemmas, thought-provoking statements, and approaches of the book. Besides providing an overarching and systematically developed view of contemporary politics, and giving a detailed description of the Orbán regime's *modus operandi*, the greatest virtue of the book is its provocative nature – in a good sense. The authors' revolt against mainstream approaches and theories could encourage a form of self-reflection and renewal that is able to launch exciting discussions about not only the political system of Hungary, but about many important trends in our political world.

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Class, State, and dependency in the European semi-periphery:

Gábor Scheiring (2020) *The Retreat of Liberal Democracy: Authoritarian Capitalism and the Accumulative State in Hungary*. New York, Palgrave Macmillan. xxvii, 367 pages.

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Gábor Scheiring has written an extremely thoughtful and provocative book on the death of Hungarian democracy, introducing many new aspects. Rarely do we find such a well-thought-out, scrupulous, and well-structured work about Hungarian politics, in which the theoretical and empirical parts build on each other in supporting the key statements of the book. In line with the dominant position of political science in Hungary and internationally, the author considers the Orbán regime to be a competitive or elective dictatorship, and consequently places it among hybrid regimes (cf. Levitsky & Way, 2010; Schedler, 2005; 2015). This book, however, is not so much about the nature of the already fully fledged Orbán regime (see, for example, Scheiring & Szombati, 2020) than about the reasons behind its emergence.

The author claims that the primary reason for the historic failure of the fragile Hungarian democracy, emerging in the wake of the change of the regime, is market fundamentalism, which came to dominate Eastern Europe after 1989 (cf. Soros, 1998). Its principles and key concepts, including privatization, deregulation, shock therapy, financial and trade liberalization, macroeconomic stabilization and market society were accepted by the Hungarian parties. Thus, the electorate belonging to social groups below the middle-class were unable to find a political alternative in the 1990s, which would have credibly represented the principle of equality in addition to freedom. Eventually, these voters, having lost their patience, lined up alongside the right-wing and far-right forces operating on the exclusionary notion of ‘nation’. Scheiring points out that for significant groups of voters, the shift essentially implied the replacement of the concept of ‘class’ with the concept of ‘nation’, without a change in the substance of their basic attitudes initially. Workers, who in the early 2000s were not yet receptive to ethnicist ideology (cf. Szalai, 2004), had mostly espoused it by the end of the decade. The 2010 political turn put an end to the era of liberal democracy and voters gave a green light to the rise of an illiberal, competitive dictatorship (initially labelled as a majoritarian democracy).

Because Scheiring sometimes calls the period of 1990–2010 a democracy and other times he dubs it as a ‘simulated democracy’, it is not always clear exactly what he means. In my opinion, the author describes an elite-driven, institution-centred democracy, which re-

mained one-sided over the years because active social participation could not gain strength. Consequently, many identified the concept of democracy with the multi-party system only. In contrast with such democratic deficit, however, the concept of simulation presupposes intentionality on the part of political actors, and it would be an exaggeration to extend it to the entirety of the above-mentioned twenty years. My impression is that it is more likely that the co-emergence of capitalism and democracy was a process laden with serious contradictions. The fact that democracies survived in capitalist systems only does not imply that a newly established capitalism automatically leads to democracy. Nor is it certain that the nascent market economy will automatically consolidate a semi-peripheral democracy which had no historical antecedents, and which emerged as result of an international domino effect.

The term 'simulated democracy' is more fitting for the period starting from 2010, when the regime – in a manner that Prime Minister Orbán himself called a 'peacock dance' – elevated the double speech to the rank of official politics (on the Orbán regime see Magyar & Vásárhelyi, 2017; Kovács & Trencsényi, 2020). The defining moments of the period included the unilateral constitutional process (2011), the fourth amendment of the Fundamental Law, which shattered the rule of law (2013), free but unclean elections, and the proclamation of 'illiberal democracy' (2014). The exaggeration and propagandistic reinterpretation of the dangers posed by the wave of refugees (2015) and a referendum serving the interests of the ruling party (2016) fit into this list as well. As illiberal democracy, despite its misleading name, is not a democracy but a hybrid regime (cf. Bozóki & Hegedűs, 2018a), by adopting it the Hungarian Prime Minister declared his break with the Western-style democratic system that has existed in Hungary since the change of regime. A typical communication strategy of a hybrid regime is double talk, which has appeared in both the domestic and international politics of political leaders in power. After Fidesz's victory in the 2018 'semi-free' elections, peacock dancing was less and less needed, although electoral autocracy persisted until the adoption of the 2020 emergency law (Scheppele, 2020).

According to Scheiring, the key social factor behind the emergence of the Orbán regime was the parallel revolt of the working class and the national bourgeoisie against growing inequality and insecurity engendered by the neoliberal competition state. I believe the author is right in that for a considerable part of the working class it was indeed a revolt: the fact that beside Fidesz, the far-right Jobbik also became visibly stronger, attests to that. What began was not some 'rubbing shoulders with' the future authority, but a search for new, radical political agents who defined themselves in opposition to the policies of the left-liberal coalition government.

In the case of national capitalists, however, this opposition was by no means so sharp, nor was changing sides. In their case, it was not so much a rebellion or ideological identification, but rather a flexible adaptation to the new political environment created by Fidesz, which by 2010 had risen to power. Those Hungarian capitalists who were unable to compete with multinational companies that paid higher wages, created better working conditions, and even tolerated the operation of trade unions sought and found favour in the protectionist nation-state in exchange for their political loyalty. This is evidenced by the fact that 'right-wing capitalists', as Scheiring calls them, almost unanimously opted for Fidesz, rather than Jobbik, from the two right-wing parties available to them. Of the rising

right-wing forces, they turned towards the only party that had a chance to come to power (and which did come to power eventually) because that is what promised them regulatory benefits and state benefits.

Although *The Retreat of Liberal Democracy* is first and foremost a critical political economic analysis, Gábor Scheiring successfully proves that he is also well-versed in the international literature of political sociology and political science understood in a narrow sense. He analyses dominant explanations about the decline of liberal democracy, highlighting interpretations related to the violation of liberal norms by political elites, cultural determinism, the failure of modernization and those referring to the impacts of the world system. Elitist explanations focusing on political voluntarism can be rightfully criticized both by proponents of both modernization theory and world-systems theory. Institutional theory or elite theory, however, which examine the role of political agents, provide better answers to country-specific questions requiring a case study than the overly general world-systems theory.

### The concept of class

Key concepts in the book include class, the state and dependency. One of the innovations of Gábor Scheiring's book is that it boldly rehabilitates class analysis and emphasizes that the concept of class has kept its *raison d'être* even in the bubble societies of the 21st century, amid the unstable political environment and individualized mass society. Scheiring insists that the concept introduced by Marx, which was laid to rest several times in the second half of the 20th century, remains timely, even if not in the same way as Marx had envisaged it. According to the author's definition, all those individuals who sell their knowledge or labour belong to the working class, but he also stresses that societies today cannot be divided into two classes, workers and capitalists only.

Scheiring differentiates between skilled and unskilled workers when it comes to the working class, and between transnational and national capitalists when writing about the capitalist class. By the term 'working class' in the 'narrower sense', he implies those who are forced to sell their own labour in order to make a living and do not have a significant amount of economic, relationship or cultural capital. However, the author does not provide a definition for the working class in the *broader sense*. For a moment it seems that he includes technocracy here as well, but he later claims that he regards managers and the credentialed as a new, cosmopolitan, technocratic class separate from labour, which is ultimately closer to capitalists than to the working class. Then, the author also accepts the thesis of the relative autonomy of the state, based on which he concludes that the operators of state power constitute the political class as an independent actor. According to Gábor Scheiring, there are thus *four classes* in contemporary global capitalism: the working class, the capitalist class, the technocratic class and the political class.

In addition to the ownership of labour and profit, convertible knowledge and state power also become class-forming factors. The class theory followed by the author thus does not necessarily assume given social classes; symbols of the cultural field and political institutions play a role in the lived class positions just as much as the economic division of labour and production method existing in the given historical and geographical context. Moreover, classes do not necessarily have to manifest themselves in everyday life, it is

enough if they come to the surface at certain crisis situations that represent certain critical junctures.

What follows from this is that the author uses a rather loose concept of class, in which economic structures represent only one variable in class formation. Classes appear primarily as 'classes in themselves' (Marx), or as 'status groups' (Weber), which become dynamic only at times of intense social conflicts and organize into 'classes for themselves' or into 'social classes' (Weber). The author further expands the scope of class theory, a step that Marx himself would disagree with, but Bakunin, Dilas, Szelényi and Gouldner would not. The author thus accepts the theory of the 'new class' by interpreting the new, transnational, cosmopolitan, credentialed groups as a class in addition to the traditional antagonistic classes. Finally, in addition to technocracy, Scheiring also introduces the concept of political class in the analysis, thus expanding his own class analysis with theoretical approaches that reflect not only the Marxist tradition represented by Gramsci and Poulantzas, but also the influence of Foucault and Bourdieu.

The author thus seeks to remain true to the research agenda of rehabilitating class analysis by interpreting the concept of class extremely broadly, while also staying open to post-structuralist approaches. He analyses the impact of structure and acting agents together, and attributes class-forming power to structural factors, such as political institutions and the cultural field. The author, however, reaches a slippery ground here because the concepts of 'field' and 'habitus' were developed by Bourdieu precisely as an alternative to class analysis divided into structures and actors.

Scheiring's class analysis stays within the framework of immanent system criticism: his critical stance is not formulated as anti-capitalist, but as a left-wing position within the system. Marx remains an important source for him, but not so much in connection with content as with methodology. He rejects the ideological interpretation of the proletariat as a revolutionary agent and focuses on a sociological approach towards workers. For example, when he discusses the compatibility of capitalism and democracy, he further elaborates the works of Adam Przeworski, written in the 1980s. According to Przeworski's thesis, antagonistic opposition between capitalists and workers is not always present, on the contrary, they are able to make lasting compromises with each other despite their conflicting interests. What unfolds before our eyes through the concepts of capitalist rule, the rule of law, the embedded party system and the protection of collective interests is a social democratic strategy.

In his research on the history of social democracy, Przeworski concluded that democratic welfare capitalism was a more attractive option for workers than a socialist revolution with uncertain outcomes (Przeworski, 1985; Przeworski & Sprague, 1986). As long as the capitalist state can guarantee them the possibility of material prosperity and democracy, workers will choose capitalism over revolution. Democracy is the result of a class compromise concluded by representatives of economically and politically well-organized classes. The social democratic, Christian democratic, and social-liberal systems after World War II were built on the model of democratic capitalism maintained by welfare states. This was perhaps because the Soviet-type regime, referencing Marx, existed until 1989–91 as an alternative to Western capitalist democracies. Although this system was neither culturally attractive nor economically successful, in a military sense it posed a serious threat to humanity for a long time.

What also becomes clear from Gábor Scheiring's book is that classical social democracy, which builds on class compromise, was not an available alternative for the Central and Eastern European countries that were exposed to the shock of post-communist transformation. The new democratic, post-communist elite that came to power in the 1990s believed in the primacy of market coordination; some of this elite even absolutized the societal role of market logic. The author calls them market fundamentalists.

In these countries, the existing left pursued a policy of liberalization, marketisation, and cultural cosmopolitanism within the framework of the modernization paradigm, while the existing right promoted the control of social subsystems by the nation state. The left was both economically and culturally liberal, while the right was anti-liberal in both respects. All this preceded the emergence of social polarization beyond democratic fault lines. Scheiring's analysis convincingly points to the deepening material and cultural gap between Hungarian workers and the economic elite.

The Eastern European societies undergoing transformation were not completely alone in this regard, because by the time of the 2008 financial crisis, the class compromise, which had maintained democracy for a long time, had begun to disintegrate in Western countries as well. Moreover, capitalism, which was left without competition, also underwent a paradigm shift in the decades following the Cold War. Class analysis was made more difficult by the fact that in global capitalism, which has replaced local welfare capitalist systems, the welfare state was replaced by 'market society', while democracy was replaced by 'post-democracy' and an organized working class was replaced by a fragmented and unstable precariat (Crouch, 2004). The livelihood gap between the global elite and workers expanded spectacularly and the culture of inequality was normalized.

Scheiring thinks it is important to bring class analysis back into the Hungarian social science discourse, despite – or perhaps precisely because of – experiences related to Eastern European 'wild capitalism' following the collapse of state socialist class politics. His inspiration to do so may have been the constructivist approach suggesting the existence of all social phenomena which concepts are created for. The author also refers to a working class and a capitalist class in 'peacetime' as well, when organization into a class is politically invisible. It would have been worthwhile to discuss the role of the other two classes he refers to, the technocratic and the political class, in maintaining the regime. If we accept the plausible statement that every democracy is the result of a class compromise, in future research it will be worth examining whether such a compromise is made by class-conscious actors or by actors in a similar class position who randomly drift near power. It can be hypothesized that the parties reach a class compromise at critical historical moments, typically in crisis situations, i.e. when the class consciousness of actors belonging to a similar class position is temporarily dynamized by the crisis.

### **The concept of state**

Another notable innovation of the book is the description of the state's transformation. Comparing the periods during and after the change of the regime, the author differentiates between three stages, assigning a different type of state to each of them. The first is the vestigial welfare state, a legacy of state socialism; the second is the competition state that emerged during the 20-year democratic period; the third is the accumulative state that

gained ground in the post-democratic Orbán era. According to Scheiring, what emerged during the era of state socialism was not a 'premature welfare state', as described by János Kornai (Kornai, 1989; 1993), but a 'vestigial welfare state' which he considers in more positive terms. Thus, the problem with the welfare services provided by the state in the socialist era was not that they came too early, but that they covered only a few areas. Here it would have been an attractive intellectual challenge for Scheiring to critically analyse Kornai's concept in more detail, but he did not take this opportunity – presumably because the primary subject of his book was not an analysis of the pre-1989 socialist state.

In the period following the change of the regime, the vestigial welfare state was gradually replaced by a pro-market (and in some cases neoliberal) 'competition state'. The competition state (for its definition, see Drahekoupil, 2008) considered as its main task to ensure marketisation and macroeconomic stabilization, to create an attractive investment environment, i.e. the successful adaptation of capitalism, while it sought to pacify those who dropped out of the competition through early retirement and unemployment benefits. The latter led to a significant decline in the share of the employed within the population, so the competition state, paradoxically, carried an increasing proportion of dependents on its back. This contradiction allows us to conclude that the competition state was not really neoliberal, as it continued to offer certain achievements of state socialism in order to maintain social peace for the losers in the competition. Here, perhaps it would have made sense to place more emphasis on the responsibility of the economic and political elite in the years immediately following the change of the regime for 'managing' privatisation, not only in an anti-social but also in a criminal respect. The competition state was dominant, but not exclusive, because some structures of the vestigial welfare state persisted throughout the entire era, which reduced social tensions pertinent to the transition to capitalism. For example, the Medgyessy government sought to build on these structures and expectations when it announced its social democratic programme of 'welfare regime change' in 2002.

However, by the end of the second decade after the regime change, it became clear that the competition state was no longer able to enhance the country's competitiveness. What was still successful in the decade between 1995 to 2005 gradually failed in the years that followed. The global economic crisis of 2008 exposed the need for a change in economic policy. However, the elite of the competition state reacted to the crisis in the old way: it continued to think in terms of financial and economic austerity. All this led to a rapid loss of political credit and a radical change in political demand.

Scheiring calls the state that emerged after 2010 an 'accumulative state' (see Wolfe, 1977), a notion that is not frequently used in Hungary but is well-known in international scholarship. In this paradigm, the function of the state is to boost economic development through massively and excessively rewarding certain national capitalist groups, relying on domestic resources. The question, however, is to what extent is the concept of the accumulative state applicable to a context where political entrepreneurs occupying the state from within redistribute public funds to their henchmen and to capitalists connected to them on the basis of political loyalty, while undermining the rule of law? Such a state indulges some but plunders many others: it systematically rewards a relatively narrow circle – provided the state has any 'relative autonomy' and is separable from this circle at all –, while it applies a social Darwinist workfare policy with regard to those lagging behind. Its survival was made possible not only by the world economic conjuncture of the 2010s,

but also by the state control of the public media, the polarization of society, its xenophobic and ethnicist politics, a permanent war rhetoric, the personal charisma of the head of government and the faltering – structurally restrictive, but also occasionally supportive – policy of the European Union (Bozóki & Hegedűs, 2018b; Tamás, 2020).

Scheiring's conduct is fair when he mentions approaches that contradict his own position – in addition to János Kornai's theory, he cites, for instance, Bálint Magyar's concept of the 'mafia state' (Magyar, 2015; 2018) – but he does not challenge them substantially. He calls the latter a neo-utilitarian approach. At one point, he misunderstands the thesis of the mafia state, discussing it under 'crony capitalism'. In crony capitalism, the 'cronies' taking part in mutual sharing are more or less equal. The essence of the mafia state, however, is centralized, vertical, personalised power. Its practitioners cannot be characterized by reciprocity or horizontal relations but rather by the system of relations of the 'adopted political family', governed by a single person, the 'head of the family', who – as a political boss – grants economic and political power, influence and prestige from above, who is uncritically accepted by his followers. In contrast to crony capitalism, every person holding a position in the mafia state is an actor who has been bribed by the 'head of the family'.

The post-communist mafia state is a personalized system; it is not based on existing formal institutions but on the informal power of the leader and the resulting arbitrary decisions. As a consequence, it is irrelevant whether the head of the state, the chief prosecutor, the commissioner of fundamental rights, the constitutional court or the media council are 'independent' actors on paper, because in practice they are governed by the regime's namesake. In this structure, central decisions may also be aimed at rearranging ownership relations, for instance, according to the method of transit nationalization. The 'predatory' nature of the state is based on the chief's efforts to meet the needs of his clientele because the system cannot be sustained without their support. Nevertheless, the thesis of the mafia state is a partial theory because it focuses on the functioning of the state and does not in itself provide an answer to the relationship between the state and society, nor does it analyse the system's legitimacy or society's innermost shifts. The latter are better addressed by theories drawing on path-dependency, i.e. research on re-feudalisation, culture and value systems.

Both nationalization and re-privatization can be observed in the Orbán regime but ultimately it is not important because boundaries are blurred between private and public property, as well as between the state, the party and the leader's clique. The common set of the latter is what could be called a 'political family'. The concept of the accumulative state may be problematic because the head of government treats the country's assets essentially as his own, which makes the system sultanistic (or in other approaches: neopatrimonial, neoprebendal) (Csillag & Szelényi, 2015). Public accumulation is exploitative in that it channels resources away from the low-wage earners and also sets public targets based on whether these resources can be reallocated to the accumulating clique.

The author distinguishes between two phases of the accumulative state. The first phase took place in the end of the 18th century, the beginning of the 19th century, when the old order was able to retain its influence as a result of a compromise between the nobility and the bourgeoisie; in return, the state that was under its control ensured the capital accumulation of the bourgeoisie. This 'pre-democratic' state was not open to integrating the working class into the system – in fact, it was specifically seeking to exclude it – be-

cause its primary goal was to gain domestic and international markets for the bourgeoisie through state intervention. At this point, Scheiring mentions the American railroad construction companies in the Wild West (Central Pacific Railroad, Union Pacific Railroad) and the East India Company affiliated with the British Parliament, citing them as classic American and English examples of the accumulative state's beneficiaries. According to the author, at least in the English case, there were two independent actors: the rising bourgeoisie and the old, aristocratic order, which compromised with each other and embarked on great, collaborative projects.

Another phase (and also type) of the accumulative state, the author claims, can be observed in the semi-peripheral Hungarian economy, where the post-communist accumulative state not only mediates between national and international capital, but also serves the interests of both. Scheiring holds that the competition state focused only on introducing and operating capitalism, and thereby came under the influence of transnational capital. By contrast, the accumulative state, by marginalizing the working class, found an ally in national capital *vis-à-vis* transnational capital and tried to represent the interests of the former to counterweight the latter. This is possible because the state, as a political class, simultaneously represents its own class interests and seeks to exclude both the political opposition and the subaltern. Thus, while the competition state was able to prevail within the framework of democracy, the accumulative state is forced to break with democracy, because otherwise it would not be able to survive.

Thus, the accumulative state is not compatible with democracy. However, while the early accumulative state of the core countries was based on a compromise of two classes, the Hungarian accumulative state of the semi-peripheral post-communist region is described as a threefold alliance (political class, transnational capital, national capital). This is, however, more similar to the model described by the new, South American dependency theories than to the old development strategies in England or North America. In today's semi-peripheral authoritarian system, the political class favours national capitalists, while subordinating them and expecting unconditional political loyalty from them. The author claims that the power bloc is engaging in an authoritarian exercise of power that combines institutional authoritarianism and authoritarian populism to stabilize the new accumulation regime. Companies and their leaders may be catapulted to the top in no time and then go down the drain at the will of the state just as quickly. In the Orbán regime, we cannot talk of a compromise concluded between the national capitalist class and the political class as independent actors, only about the political submission of the capitalist class. It is a capitalism in which the fate of capitalists is in systemic dependence on their political loyalty.

Therefore, finding analogies between these two, temporally distant 'accumulative states' seems to be too adventurous an enterprise. The existence of relevant examples from recent centuries about the accumulative state facilitating the prosperity of some capitalist companies does not mean that state intervention in the given countries was systemic. It takes a great amount of imagination to consider the East India Society, founded by James Lancaster and supported by political circles in London, and the Hungarian corporate empire of Lőrinc Mészáros in the same paradigm, as analogous examples. While the former was involved in global international competition in the Indian Ocean and the Bay of Bengal for several centuries, the latter has a history as a company manager of barely ten years

and does not extend beyond some small states in the Balkans. The two corporate empires – despite all their differences not detailed here – are undoubtedly similar in that they performed both political and economic functions. However, while the East India Company was subject to the British crown only in political matters but was given a free hand in its economic activities, in the case of the Mészáros corporate group the strings of political and economic loyalty cannot be untangled.

It would be extremely exciting if, besides such extremely different examples which are relatively easy to question, Scheiring looked at Hungary's neighbours as well. I would be curious to know if the author would use the context of the accumulative state to describe the corrupt system of Meciar's Slovakia, built on the secret service and the police, or the paramilitary, gangster-capitalist state of Milosevic's Serbia, or even the operation of the Polish authoritarian state today. It is not entirely clear from the analysis to what extent the author considers the Hungarian accumulative state to be unique in the region, where each country embarked on building a market economy from a similar 'starting position' in 1990.

Therefore, the problem with applying the concept of the accumulative state in the Hungarian context is not that it is 'too friendly' with the Orbán regime but that it carries out conceptual stretching, i.e. an over-expansion of the scope of the concept during the analysis. In a comparative exercise covering two hundred years, the nature and number of classes and the real content of their activities can no longer be matched against each other in such an obvious way as the author assumes, therefore the problem is methodological in nature.

### Dependency theories

The third cornerstone of the book is dependency theory. The author defines it in contrast to modernisation theory; rightfully so, since dependency theory emerged in response to the one-sidedness of the latter. However, it seems a bit of overstretching to call the idea of modernization liberal. It was liberal insofar as the post-World War II era can be considered liberal. In the 1950s and 1960s, at the time when the two world systems were competing and coexisting peacefully, modernization theory was not simply a liberal theory, but a developmental paradigm accepted by many political actors and political scientists of different ideological orientations from Khrushchev to Huntington. For a long time, the main tenets of modernization theory were shared by liberals, conservatives, socialists alike, and even by nationalists in emerging countries. Following sharp criticism in the 1970s, the theory's renewal was inevitable, then it resurfaced in new waves from the 1980s onwards. Legitimate criticisms of old modernization theories (too abstract, rejects alternative paths, assumes linear development, absolutizes the Western development trajectory, adheres to the nation-state framework as a unit of analysis, etc.) were no longer valid for new modernization theories.

Dependency theories underwent such renewal as well. The old dependency theory, associated with André Gunder Frank, saw dependence as a historical determination that could not be changed through traditional economic policy, and therefore sought to develop a development strategy that radically breaks with dependence (Frank, 1966). By contrast, proponents of new dependency theories that surfaced starting from the mid-1970s realized

that dependence in world economy was a condition that the revolutionary path would not only fail to remedy but would exacerbate instead. However, dependent development does not only engender disadvantages, but, in the case of a good development strategy, it may also present benefits as well. In his book, Gábor Scheiring sometimes contrasts new dependency theories with *old* modernization theories. New dependency theories are much more sophisticated than old modernization theories, but when compared with the new ones, this no longer holds. The author's position is thus critical of the system, but not anti-system: he does not rely on revolutionary, old dependency theories related to Frank, which consider dependence *ab ovo* as a trap, but – following Cardoso, Faletto and Peter Evans – he draws on analyses that interpret dependence as a new opportunity for the development model (Cardoso & Faletto, 1979; Evans, 1979). The latter no longer leads to the conclusion that a socialist revolution is in order, but to the development of a left-wing social democratic programme within the framework of capitalism.

The Latin American examples are often illuminating regarding the post-2010 Hungarian political system, especially in understanding its international embeddedness. One such example may be the concept of the bureaucratic authoritarian state (BA) developed by Guillermo O'Donnell, which he used to describe the economic policies of the Argentinian dictatorship of the 1970s (O'Donnell, 1988). The characteristic of the BA state was that it consciously restricted democracy and workers' rights in order to boost economic competitiveness, and that it sought to politically marginalize the salaried population. The author does not analyse this approach, although it is very similar to how he describes the functioning of the Hungarian accumulative state: If accumulation were not the essence of the power compromise, then there would be no need to neutralize, i.e. to hamper the organization of the dissent of those who are disadvantaged by accumulation. The seemingly neutral term, 'accumulation', in fact denotes an aggressive intervention, which implies the reallocation of goods, including the arbitrary rearrangement of ownership relations.

The new dependency theories examine economic development in the triad of multinational capital, the national bourgeoisie, and the state bureaucracy, and analyse the effects of possible coalition configurations among the three actors. The power triangle described by Peter Evans is based on the interplay and changing relationships between transnational capital, local capital, and the 'state bourgeoisie' (i.e. the 'entrepreneurial faction' of the state apparatus) (Evans, 1979; 1989). Consequently, based on the alternation of power cycles, dominant politics may be populist or neoliberal, but the system does not have to be tied to a single person. The Orbán regime is similar to the personalist regimes of Latin American countries but differs from others.

Sometimes it seems as if the author's goal, beyond the analysis of the Hungarian case, were to carry out a comprehensive critique of the liberal world order. This is indicated by the fact that he is much more critical of the proponents of modernization theory than of the proponents of dependency or world-systems theories which emerged in opposition to the former. This is so even though world-systems theory is methodologically more difficult (or not at all possible) to apply to explaining the rapid changes taking place in a single country, because its proponents explain those by the shifts in the world system. Thus, cause and effect become interchangeable: a shift in the world system may be both a cause and a consequence in the explanation of a phenomenon. This way theoretical conclusions remain tautological (cf. Wilkin, 2016). As the author is also aware, the world-systems theory

cannot give an adequate answer to the question why democracy collapsed in Hungary – and why it did not in Slovenia, Romania or Slovakia –, as it applies large units of analysis and longer historical perspectives.

There is no such danger when it comes to the analysis of international economic and political dependencies, on the contrary: the research allows us to explore immensely diverse networks which vary case-by-case. For example, the way the leader of a post-democratic country in the European periphery is trying to expand its international elbow room and how he is using the country's EU membership – in a utilitarian way, regarding it as a bargaining chip – in his politics domestically, in the Balkans, and in relation to the 'Eastern opening'. Dependency theory has come a long way in the last fifty years as it has evolved from a peripheral, Third World-focused, revolutionary Marxist theory into a dominant development theory paradigm through the emergence of globalization, the multipolar world order, and networks of interdependence.

### The empirical analysis

The virtues of Gábor Scheiring's book include problem sensitivity, an interdisciplinary approach and methodological pluralism, which allow him to reach not only theoretical but also empirical conclusions. In addition to political economic research, he also carried out empirical sociological research, exploring the operation of the system. Although in this review I focused primarily on the theoretical foundations of the book, I must mention the elegance with which the author applies his theoretical questions in empirical research. This is important because he makes it clear that he considers both theory building and the empirical exploration of reality to be important for scientific inquiry. He is aware that reality cannot disappear in theory's shiny world because, as the Hungarian poet, Mihály Vörösmarty wrote, 'He who longs to see / looks not upon the sun.'<sup>1</sup> In this spirit, Scheiring places great emphasis on the empirical chapters as well, focusing on the economic elite, the working class and the practical operation of the accumulative state, as well as other sub-themes relevant for the main point of the book.

Using the metaphor of the revolving door, the author describes the careers of some members of the economic elite. A common feature of these careers is that in the decades following the regime change, members of the elite showed up behind the steering wheels of state administration as well. The author reviews where they came from, what school they graduated from, where they worked, how these actors switched between the public and private sectors, and to what extent were they active in the world of national and international capital. The research revealed that while 'left-wing' finance ministers more likely came from the banking sector, 'right-wingers' were less typically from the practical domains than from academia. Both groups include radical proponents of marketization and more moderate modernizers, so abstract ideological orientation makes less sense in economic policy. Scheiring provides an outline of their stories, focusing mainly on well-known characters, rather than carrying out a systematic analysis, but the connections exposed are nevertheless revealing. In this form, the first results of the research suggest a further research hypothesis, conceived in the Gramscian spirit, that the attitudes and decisions of economic leaders can be explained based on their life paths. This chapter can

<sup>1</sup> Mihály Vörösmarty: *To A Dreamer*. (Own translation.)

also be read as a stand-alone case study, but it would be worthwhile to elaborate it in detail later in a separate book.

Scheiring's focus, however, is not limited to the elite. In addition to the positional analysis of the various groups of capitalists, which also shows their proximity to central political power, he is keen to give voice to the working class. Interviews with workers from former mining towns shed light on the dramatic changes in the situation of the poorer segments of the working class. Quotations from the, sometimes shocking, testimonies underline that workers, understandably, hanker for the Kádár regime, which allowed them, when they were young and strong, to work in communities with a collective spirit and a strong ethos of equality. Strong family and neighbourhood ties and the internal solidarity of socialist brigades remained a positive example for them even when the broader, more distant framework of their lives was determined by political repression. However, Durkheimian 'mechanical solidarity' between workers (Durkheim, 1984) may have been so strong because it was defensive in nature (Ágh, 1987). Micro-level solidarity communities of social self-defence were designed to fend off macro-level mistrust, i.e. the complete absence of 'organic solidarity' known from democracies. They could not trust anyone but each other.

The true merit of the empirical chapters is that they bring the key statements of the book close to the reader, which the author substantiates using quantitative and statistical methods as well. This is all the more necessary because the interviews themselves are inevitably illustrative in nature and serve to prove and illustrate the story at the same time. After reading the interviews the reader may feel that something is missing, because they unanimously convey a clear rejection of the new system after 1989, dissenting voices do not appear. Respondents assess the new economic situation after the change of regime from the perspective of losers. The research presented by the author tends to suggest that the Kádár regime, in the case of an imaginary survival, would have been better for the salaried people, promising better perspectives for their children than the new democracy that emerged after the fall of the system. However, the author's personal life story, which he briefly shares with readers in the preface, shows that the regime change also provided incredible opportunities for talented youth from non-middle-class families as well. Posterity has an ambivalent picture of the Kádár era, representing the system almost simultaneously as a 'workers' paradise' and the rule of 'labour-buying' cadre bureaucracy. The interviews in the book, however, emphasize the first interpretation.

The rhetoric of the post-2010 system suggests that after the era of 'neoliberal rule,' the government is now set to protect the Hungarian people: the national bourgeoisie has formed an alliance with the state bureaucracy against multinational corporations to protect domestic workers from exploitation. Populism, however, is only meant to cover up what connects the Orbán regime to the democratic era. In reality, Orbán's accumulative state – this time through 'strategic agreements' and favouring certain key sectors – continues to support the raising of foreign capital. It is perhaps not accidental, given that Hungarian workers are ensured better working conditions at multinational corporations, wages are higher, and sports and infrastructural subsidies are possible as well, which contribute to the legitimacy of the system. 'Don't pay attention to what I say, pay attention to one thing only: what I do.' – that is how Orbán summed up the key to his future political system before he came to power (Orbán, 2011).

While the Orbán regime supports its own clientele, the upper-middle class, the church and spectator sports, a considerable part of the state revenue required for this is generated by car manufacturing factories and multinational companies which set up their sites in Hungary. The rest comes from European taxpayers in the form of EU subsidies, and a smaller portion is transferred home by Hungarians working abroad. A large part of the Hungarian working class works as blue-collar entrepreneurs, nannies or social care workers in Western European countries. The working class – supposing we accept this disputed term as valid – has been voting with its feet as well since 2010: you may choose between ‘*exit*’ and ‘*loyalty*’ because you do not have the opportunity to effectively protest (cf. Hirschman, 1970).

Finally, before the reader starts blaming workers for the death of Hungarian democracy, the author emphasizes that the revolt of the working class did not entitle Fidesz to dismantle democracy. Workers’ revolt was not against something, but for something: not against democracy, but for the greater security promised. The author claims that workers may have been anti-liberal, but they were not anti-democratic. However, the validity of this statement is questioned precisely by the workers’ interviews conducted by the author, because interviewees considered Kádár’s dictatorship to be better than the subsequent democracy. Could it not be then that they authorized Fidesz to dismantle democracy in the hope of new job opportunities ensuring existential security?

Maybe they had a different understanding of the concept of democracy. They understood democracy as their own narrower, familial-professional communities, collegial solidarity communities, and were uninterested in large structures, the broader horizon, or the regime itself. They believed that these communities disintegrated after 1989. Contrary to the optimistic expectations, workers did not see the development of capitalist democracy as a positive civilizational turn (cf. Sztompka, 1995), but as a process of dehumanization. On the one hand, they projected the concept of democracy back into the past, into the local solidarity communities that once existed; on the other hand, they were increasingly hopeful with regard to political forces that were drumming the primacy of ethnic identity. They were not seeking democracy as citizens but as dispossessed workers, and they rightly believed that events in the cloud regions of politics could no longer worsen their micro-world; maintaining a democratic system at the national level was not their job, they might have thought, so they had nothing to lose with their revolt.

Scheiring’s book is characterized by comprehensive knowledge of the scholarly literature, sophisticated analyses, and methodological pluralism. He uses both quantitative and qualitative approaches and is successful in balancing theory and empirical work. His is an unusual book: almost all of his key statements might provoke debate, but eventually the reader concludes that in light of the big picture, Scheiring is right.

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