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Bulgaria and Slovenia Protest Event Dataset (2009–2017): Protest cycles and protest patterns in Southeast Europe

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Abstract

This article aims to present findings from an original dataset on collective action in the protest arenas of Bulgaria and Slovenia in the aftermath of the global economic crisis, 2009–2017. Unlike other empirical studies which focus either on particular social movements or individual-level measurements, this dataset consists of all reports of collective action in the form of protests demonstrations, strikes, blockades, occupations, sit-ins, marches, petitions etc., derived from the national Bulgarian and Slovenian press agencies, including information about claims and actors. Along with a description of the data collection, techniques, and coding, the article identifies the phases of protest cycles and explores general protest patterns. The findings depict three distinct periods of activity in Bulgaria and Slovenia: the ascending phase of protest cycle involving immediate protest responses against austerity measures (2009–2011), massive anti-establishment discontent involving the dominant role of new informal protest movements (2012–2013), and the de-mobilization phase of mass protest and the rise of contention about cultural issues (since 2014).

Keywords: protest arena, protest event analysis, social movements, Southeast Europe, anti-austerity

1 Introduction

Mass mobilizations that targeted the democratic deficit, the spread of corruption, and economic austerity measures have occurred since 2008 in most of the post-socialist Southeast European countries. These new waves of contention have challenged the previous negative vision of the (un)civil societies of the region concerning their lack of capacity to organize and mobilize large-scale discontent, and to defend citizens' rights and interests through collective political action. Following the new waves of mobilization, the social movement literature recognized part of these new forms, claims, social groups, and movements by referring to a 'second' generation of movements (Pleyers & Sava, 2015) and focused more on new, moderate civil-society groups such as environmental, urban, and civil-rights movements than on more contentious and radical ones (Jacobsson & Saxonberg, 2013).

Following the recent research interest in the rise of new protest mobilizations, the main research question of this article is what characterizes the recent waves of protest in post-socialist Southeast Europe? Previous case-study research in the region has involved the deep investigation of particular social movements or protest waves, but there is still a need for a more complex, longitudinal, and nuanced approach to the long-term dynamics of mobilization and the interaction of multiple actors. In going beyond the presentist notion of individual-level participation and the movement-centric approach of recent social movement literature, this work aims to explore the long-term dynamics of protest mobilizations, including multiple claims and repertoires, through the perspective of protest event analysis of two paradigmatic cases of mass protest mobilization in SEE: namely, in Bulgaria and Slovenia. In filling the gap in our understanding of the protest dynamics in SEE in the aftermath of the 'Global Recession', the dataset provides new empirical evidence about the characteristics and patterns of recent mass mobilizations.

This work draws on two similar cases involving recent anti-establishment cycles of protest. The discontent in Bulgaria and Slovenia in the period between 2012 and 2014 expanded into the most massive and widespread protest wave since the 1990s, with high levels of public support and citizen participation. The street demonstrations provoked government resignations and party system innovation due to the emergence of new political projects or the consolidation of traditional alliances. The two cases are also similar in terms of their historical trajectories as both countries were ruled by communist parties until the late 1980s and then experienced rapid political and socio-economic transformation. In recent decades, Bulgaria and Slovenia were severely affected by the Global Recession, and the political system was challenged by a rise in electoral instability.

In the next section, the paper introduces the methodology and techniques associated with the protest event analysis and compares the dataset with previous work. The following section explores the case studies and the diverse trajectories of the protest demonstrations. Afterwards, the paper examines initial empirical findings from the dataset, identifying the different phases of protest cycle in Bulgaria and Slovenia, and the patterns of actors, claim-making, and economic contention.

2 Methodology

In the examination of protest arena dynamics, the work employs protest event analysis (PEA). This method helps to make a diachronic and cross-sectional comparison of dynamics and trends in the protest arena through quantitative content analysis of news generated about protest events. The method provides the researcher with a birds-eye view of contentious politics-driving forces, the circulation of demands, types of social groups, organizations that have evolved, repertoires of actions, and other relevant information. As defined by Koopmans and Rucht (Koopmans & Rucht, 2002, p. 231), protest event analysis 'is a method that allows for quantification of many properties of protest, such as frequencies, timing and duration, location, claims, size, forms, carriers, and targets, as well as immediate consequences and reactions.'

2.1 Concepts, data, and variables

Preliminary observations of Bulgaria and Slovenia showed that the associated mobilizations were driven by a variety of social movements and new forms of protest actors based on fragile informal collectives and initiatives. To understand the whole array of protest activities, including diverse sets of actors, claims, and repertoires, the building of the dataset was driven by the aim of analyzing the whole protest arena and its characteristics rather than specific social movements. Hence, the work follows the conception of Swen Hutter of the protest arena as a place with distinct modes of participation, degrees of institutionalization, sites of mobilization, and organizations (Hutter, 2014). In contrast to the electoral arena, Hutter defined the protest arena as the place in which participation is expressed by a protest repertoire that includes demonstrations, strikes, sit-ins, etc., just as voting characterizes the electoral arena. With regard to the degree of institutionalization, the protest arena is defined by a low level of predictability and high variation in volume, initiatives, and resources. In terms of main sites of mobilization, Hutter evokes the street in a literal and metaphorical sense by capturing as many different protest tactics as possible. Organizations typical of the protest arena are social movement organizations and civil society actors who regularly mobilize their constituencies for political goals, while political parties mobilize voters mainly in electoral campaigns and elections.

The protest arena is above all characterized by the related definition of the modes of participation: protest events. Following the tradition of the social movement literature on protest-event analysis (Andretta, 2018; Hutter, 2014; Koopmans & Rucht, 2002), I define protest events as every form of collective action which expresses discontent and disagreement staged by any kind of organization or group of individuals, whether institutional or non-institutional, formally organized, or informal.

In examining the protest arena as a specific place for mobilization, I look further into the concept of the cycle of contention, which helps to delineate large-scale mobilizations with similar characteristics (actors, claims, issues) with long-lasting effects from other protest events. Tarrow defined the cycle of contention as an 'increasing and then decreasing wave of interrelated collective actions and reactions to them whose aggregate frequency, intensity, and forms increase and then decline in rough chronological proximity' (Tarrow, 1993). According to Tarrow, to identify a cycle of contention, five features are needed: 1. heightened conflict, 2. broad sectoral and geographic extension, 3. the appearance of new social movement organizations and the empowerment of old ones, 4. the creation of new 'master frames' of meaning, 5. and the invention of new forms of collective action (Tarrow, 1993). All these features characterized the cases of Bulgaria and Slovenia, where during the period of intense conflict within the protest arena mass mobilizations with new repertoires and frames questioned the path taken since 1989.

In terms of collection techniques, data were collected from the Bulgarian press agency (*Balgarska Telegrafna Agentsia* – BTA) and the Slovenian news agency (*Slovenska tiskovna agencija* – STA) through their search engines using the term 'protest' and terms with the same root (protestors, protesting, etc.) as key words to be found in the title or the description of news. Following other work in the field (Carvalho, 2018; Císař, 2013; Portos, 2019), the codebook of the protest events dataset was organized into 43 variables, including the date of

the event, number of protest participants, characteristics of the organization, the claims made, the target, the reactions of police, the forms of action, and the intensity of violence. Regarding the data collection technique, I chose to collect details of protest events systematically on daily basis instead of event sampling on a particular day of the week.

2.2 Potential biases

Two potential biases of PEA have already been underlined by other scholars: the protest type, and the type of newspaper (Andretta, 2018). Newspapers usually report on events located in big cities, with strong protest participation, or characterized by violence. Some newspapers are more interested in reporting protest events than others, as those sympathetic to the government are less liable to report on demonstrations and in many cases underestimate the number of protesters in order to delegitimize particular protest groups and demands. In the political and media context of Southeastern Europe, media freedom is questioned by independent observers, who point to the clientelism-based relations between media and political elites. From this follows my methodological choice of using state press agencies as sources. On the one hand, the latter are not dependent on particular economic interests and have a long tradition of reporting news. On the other, press agencies have built regional networks of reporters that cover the whole area, which allows for events in small towns and events to be reported. Finally, while newspaper journalists aim to interpret protest events, in state news agencies information is briefly reported, and focused on facts such as place, organizers, demands and number of protesters, etc. In this way, I tried to overcome some of the potential biases reported in the PEA literature.

2.3 Comparing the Bulgaria and Slovenia Protest Event Dataset to other studies

Several datasets about protest mobilizations in Bulgaria and Slovenia have already been published. Table 1 shows the characteristics of other studies in terms of sources, scope, and time period. Two types of preexisting datasets can be mentioned: multi-country datasets, covering a large number of cases, and single-country datasets, specifying a particular case. The first type includes Beissinger and Sasse's (2013) & Kriesi et al.'s (2020) PEA datasets, based on news of protest events from international newswires such as BBC, Reuters, and the Associated Press. While these data provide an opportunity for researchers to make large-N quantitative examinations of protest dynamics, their main disadvantage is the source of information. Usually, international newswires generate news about large and significant mobilizations, or those that involve extreme violence, excluding local-based events. Another bias of such sources is the scope of their information. International newswires tend to report protest events in Northwestern European countries comparably more than often those in Eastern and Southeastern Europe. Whereas these large-N datasets contribute to our understanding of general trends in protest arenas across European countries, they have their own limits concerning the potential for a context-sensitive detailed examination of protest mobilizations.

Table 1 Characteristics of PEA datasets

Dataset	Source	Time-period	Cases
Kriesi et al. (2020)	International newswires	2000–2015	30 European countries; includes Bulgaria and Slovenia
Beissinger and Sasse (2013)	International newswires	2007–2010	18 East European countries; includes Bulgaria and Slovenia
O'Brien (2019)	English version of Bulgarian Press Agency in Factiva	2010–2016	Bulgaria
Rak (2019)	Slovenian National Police reports and media sources	November 2, 2012, and December 31, 2013	Slovenia

Case studies datasets such as O'Brien's (2019) work on Bulgaria, and Rak's (2019) on Slovenia, which provide richer details for within-case analysis, are based on either the international section of the Bulgarian Press Agency or police reports of contention and various media reports. Second, these datasets focus entirely on one country, making cross-case analysis impossible.

Following the comparison with other work, it can be said that the Bulgarian and Slovenian protest-event dataset is the first to collect comparative longitudinal data on protest mobilizations in these countries based on news retrieved from original sources by national press agencies. Table 2 compares the coded number of protest events across the aforementioned works, highlighting the scope and depth of our PEA data.

Table 2 Comparison between Bulgaria and Slovenia PEA dataset and other datasets according to average number of protest events per year

Country	Bulgaria and Slovenia Protest Event Dataset	Kriesi et al., (2020)	Beissinger and Sasse (2014)	O'Brien (2019)	Rak (2019)
Bulgaria	180 (9 years)	40 (16 years)	17 (4 years)	64 (7 years)	
Slovenia	45 (9 years)	16 (16 years)	2 (4 years)		87 (1 year)

In sum, the Bulgaria and Slovenia PEA dataset has several advantages compared to previous work. First and foremost, the dataset is based on news retrieved from national press agencies, which helps with identifying a large share of protest events at the local level which are usually absent in international newswires. Second, the dataset covers nine years, which allows for a long-term comparison of protest dynamics before, during, and after the financial crisis. Third, since this dataset was built on the basis of daily observations it captures all protest events reported in the national press agencies in the investigated period, instead of sampling a particular day of the week.

3 The cases

3.1 The political and socio-economic context

During the protest cycle, the party systems in Bulgaria and Slovenia were undergoing a process of fragmentation, characterized by unstable governments, declining support for traditional forces, and the rise of new political projects. The initial effects of the crisis came about in Bulgaria during the time of the government of the centre-right GERB (Citizens for European Development of Bulgaria), led by Boyko Borisov. The first Borisov cabinet (2009–2013) was at the beginning extremely popular, but the negative social effects of austerity measures and several cases of corruption produced increasing dissatisfaction. According to Eurobarometer, trust in the government dropped from 37.9 per cent in November 2011 to 16 per cent in May 2013, and satisfaction with democracy declined from 26.8 per cent to 14.9 per cent in the same period.[1] After early elections in May 2013, BSP (the Bulgarian Socialist Party) and the Turkish minority party DPS (Movement for Rights and Freedoms), supported by the nationalist Ataka (Attack), formed a coalition for a new government. The former ruling party GERB was isolated as the only oppositional force in parliament, while the traditional right-wing parties failed to surpass the 4 per cent threshold. New early elections at the end of 2014 were won by GERB, which constituted the second cabinet of Borisov (2014–2017) with the support of the coalition of traditional right-wing parties the Reformist block, the nationalists Patriotic Front, and the new centre-left ABV (Alternative for Bulgarian Revival).

The protest cycle in Slovenia unfolded with similar political dynamics. The first government during this period was led by Barut Pahor as prime-minister of the centre-left coalition of SD (Social Democrats) and LDS (Liberal Democracy of Slovenia), and lasted from November 2008 until the end of 2011. The coalition proposed unpopular economic measures and in September 2011 Pahor resigned, which provoked early elections at the end of 2011. The newcomer centre-left PS (Positive Slovenia) won 28.5 per cent of the votes but failed to find support from other parties in parliament to form a government. The right-wing Slovenian Democratic Party (SDS), though coming in second with 26.2 per cent, reached an agreement with four small parties to form a government, and their leader Janez Janša became prime minister. The government lasted only one year (February 2012–February 2013) after investigations revealed that Janša and the leader of Positive Slovenia Zoran Janković had broken the law by failing to report their assets. Trust in the government and satisfaction with democracy dropped from 21.8 per cent and 29.2 per cent (May 2012) to 10.3 per cent and 19.7 per cent accordingly (May 2013). The political parties decided to remain in the same configuration and constituted a new government from the oppositional centre-left parties, headed by Positive Slovenia's member of parliament Alenka Bratušek. The government of Bratušek lasted from 20 March 2013 to 18 September 2014, and in addition to ministers from PS the new cabinet included members from three other parties – the traditional centre-left SD, the single-issue Democratic Party of Pensioners of Slovenia (DeSUS), and the new liberal party of Gregor Virant's Civic List (DL). Trust and satisfaction remained low until May 2014, when it started to increase slowly following the new parliamentary elections.

[1] Data retrieved from the interactive web portal of Eurobarometer: https://europa.eu/eurobarometer/surveys

In terms of socioeconomic threats, during the Global Recession Bulgaria and Slovenia experienced an economic crisis characterized by the collapse of the construction sector, services and manufacturing, and a negative rate of GDP growth (see Guardiancich, 2012; 2016; Lakwijk, 2013; Tzanov, 2011). The fiscal austerity measures that were implemented, such as budget cuts in the public sector, took place mainly through unilateral decisions by governments without taking into consideration interest groups and trade unions (Kirov, 2012; Stanojević & Poje, 2019). In total, the unemployment rate of the active population increased substantially in both countries, from 5.6 per cent (2008) to 13.0 per cent (2013) in Bulgaria, and from 4.4 per cent to 10.1 per cent in Slovenia during the same period. This trend was accompanied by a notable rise in unemployment among the youth from 11.9 per cent (2008) to 28.4 per cent (2013) in Bulgaria, and from 10.4 per cent (2008) to 20.1 per cent (2013) in Slovenia.[2] In general, the crisis affected youth and vulnerable social groups more negatively, but in the case of Bulgaria the economic model before the crisis had already led to weak social protection, a high poverty rate, and increasing income inequality between the top 10 and the bottom 50 per cent. Thus, the recession only strengthened these negative trends (Stoilova 2016), while in Slovenia the financial crisis had comparatively stronger effects on increasing deprivation in a well-developed economy with a strong welfare system (Bohle & Greskovits, 2012; Stanojević, 2014).

The overview of the general political and socio-economic context in Bulgaria and Slovenia suggests that in both cases during the cycle of protest the political context was generally favorable for challengers who wanted to attract bystanders for anti-systemic and anti-governmental action, as well as for protest actors and political entrepreneurs, as the period was characterized by the declining legitimacy of national governments and democracy, the rise of political instability, and the negative effects of the global economic crisis.

3.2 The mass anti-establishment protest waves

At the end of 2012, several hundred citizens held a spontaneous demonstration in Maribor against the introduction of a new speed-camera radar system. Only one month later, across the country, several thousand people demonstrated in the first 'All-Slovenian People's Uprising' against the whole political elite associated with the transition and austerity measures, and demanded the resignation of the conservative right-wing government of SDS (Kirn, 2012; Korsika & Mesec, 2014; Toplišek & Thomassen, 2017). At the end of February, the cabinet resigned after a vote of no confidence, and a new centre-left parliamentary coalition was formed to support a new government. One year later, in the pre-term parliamentary elections, the four-month-old anti-system political party United Left won 6 per cent of the vote share and became the fifth strongest political force in the National Assembly in Slovenia.

The mass protest wave in Slovenia was named by the activists and the media as the All-Slovenian Uprising and the Maribor Uprising, after the city where the mass mobilization started. The country experienced the longest and the largest protest wave since the regime change. The increase in demonstrational activism was also captured by other sources such

[2] Data retrieved and coded from the web portal of Eurostat: https://ec.europa.eu/eurostat/data/database

as the Slovenian Public Opinion Survey, which showed a significant rise in individual participation in demonstrations from 2.7 per cent in 2003 to 7.7 per cent in 2013 (Toš & Vovk, 2014).

In the meanwhile, in the small Bulgarian city of Sandanski, several hundred citizens expressed their frustration with unexpectedly high electricity bills at the end of January 2013. After two weeks, the demonstrations spread to 35 cities, with more than 100,000 participants demanding radical change in the political system and the end of poverty. The resignation of the GERB government at the end of February deepened the ongoing political crisis. The new government of BSP and DPS, headed by Plamen Oresharski, took what turned out to be the unpopular decision to nominate the suspicious media mogul Delyan Peevski as director of the State Agency of National Security (DANS). After only several hours, ten thousand people went out to the streets of Sofia and protested for 404 consecutive days, demanding the resignation of the government.

The mass protest generated significant media attention and numerous analyses and several pieces of analytical work (Vaysova & Smilov, 2014; Ganev, 2014; Gueorguieva 2017; Nikolova, Tsoneva & Medarov, 2014; Dinev, 2016; Rone, 2017; Krasteva, 2016; Stoyanova, 2018; Tachev, 2019). From the beginning of the year until the end of 2013, the media, as well as analysts and researchers, characterized the protests as a significant event in national history due to the high level of contention and public involvement which could only be compared to the demonstrations that had taken place during the regime change in the 1990s.

The increase in public participation in demonstrations in Bulgaria was reported in other sources such as the European Social Survey (ESS), as well as in national surveys collected by sociological agencies. The ESS data show that while in 2006 only 2.3 per cent of respondents reported participating in public demonstrations, the proportion had doubled by 2013, reaching about 6 per cent (ESS 2006; ESS 2012). Also, findings from Gallup showed that during 2013 between 10 and 16 per cent of all respondents reported that they had participated in at least one of the protest demonstrations (Gallup International, 2014).

Although there were general similarities in the protest mobilizations, they differed in their trajectories. In Slovenia, the actors in the protest arena successfully developed a strong political project, United Left (Toplišek, 2019), soon after the end of the peak of mobilization, while in Bulgaria none of the numerous attempts to build a protest party resulted in successful electoral performance. Actually, in Bulgaria, protest actors were either co-opted from external political entrepreneurs or induced the consolidation of political alliances with traditional parties (Rone, 2017). Further, while in Slovenia protest actors introduced strong leftist and progressive messages in line with an anti-capitalist and libertarian frame, in Bulgaria the new-leftist actors remained a marginal voice within the protest arena and did not play a role in party system innovation. Looking at the distinct trajectories after the mass mobilizations, the building of protest event datasets will shed light on patterns of protest throughout the period of investigation.

4 Main characteristics of the protest arenas in Bulgaria and Slovenia: 2009–2017

The scope and depth of the PEA dataset enables an investigation of contentious politics within case and across cases. To illustrate the dataset's potential for case study or comparative analysis, the next part of the paper provides an overview of the main characteristics of the protest arenas in Bulgaria and Slovenia, and discusses the different phases of the protest cycles.

Based on the protest event data, the long-term dynamics of contention during the period can be identified. Table 3 describes the total number of protest events per year from 2009 to the end of 2017. The number of protest events is significantly higher in Bulgaria with 1624 in total compared to 409 in Slovenia, but when these numbers are weighted for population size, the level of contention in both cases is similar. When we divide the average number of events per year with the population size, the result shows 2.49 protest events per 100,000 people in Bulgaria compared to 2.21 in Slovenia. Table 3 also helps with identifying the rhythms of contention in the observed period: the protest-event data depicts that the cycle of protest in both countries follows three phases of mobilization. The *ascending phase* captures the period associated with rising contention from 2009 to 2012 in Bulgaria, and from 2009 to 2011 in Slovenia. The *peak* of the cycle unfolds with a significant rise in events in 2013 for Bulgaria, and in 2012/2013 for Slovenia. Afterwards follows the *de-mobilization* phase with declining contention from 2014.

The timing of the protest cycle can be examined from several perspectives. The initial findings suggest that the trends of contention are related to socioeconomic threats (Almeida, 2019) and changes in the political environment. The austerity measures and the general deterioration in socioeconomic conditions were not met with silence, as previous works have stated (Beissinger & Sasse, 2013). On the contrary, in both countries a rise in economic contention from 2009 to 2013 may be observed. Other interpretations might focus on the factors for mobilizations related to the specific national political context, such as the configuration of the political opportunity structure. After provoking early elections, mass protest demonstrations declined substantially and other issues appeared in the protest arena (refugees). This trend was accompanied by the process of the institutionalization of protest actors in the declining phase of the cycle, which resulted in the formation of the United Left in Slovenia (2014) and the new liberal party Yes, Bulgaria (2016).

Table 3 Distribution of protest events per year in Bulgaria and Slovenia, 2009–2017

Year	*Bulgaria*	*Slovenia*
2009	143	33
2010	181	28
2011	225	55
2012	149	93
2013	565	72
2014	128	25
2015	106	47
2016	72	30
2017	55	26
Total	*1624*	*409*

Source: Author's dataset based on news retrieved from Bulgarian Press Agency (*Balgarska Telegrafna Agentsia* – BTA) and the Slovenian Press Agency (*Slovenska tiskovna agencija* – STA)

In terms of the characteristics of organizations, Table 4 presents the distribution of protest actors in the observed period according to the frequency of protest events (total number of events). This indicator includes all types of public and collective protest event, such as street demonstrations, manifestations, strikes (including general strikes and hunger strikes), petitions, riots, confrontational demonstrations, street blockades, etc.[3] The overall picture suggests that new protest actors – formal civil society organizations (FCSOs) and informal groups and radicals – were more present in the protest arena compared to traditional actors such as trade unions, interest groups, and political parties.

In Bulgaria, new protest actors mobilized 56.7 per cent of all protest events and involved many more protest participants than traditional actors, the latter who mobilized 42.8 per cent of events. Among the new protest actors, informal groups and radicals accounted for 46.1 per cent of all events with the highest concentration of such actors in the eventful wave of 2013 (n = 427), while FCSOs mobilized only in 10.6 per cent of events. Within informal groups, radical leftist organizations were responsible for only 0.3 per cent of events (n = 5), while far-right nationalist groups mobilized in 2.4 per cent (n = 39). The largest share of contentious action was related to groups organized through Facebook, accounting for 24.7 per cent of all events (n = 403), with local groups and inhabitants responsible for 9 per cent (n = 160) and informal student groups 4.6 per cent (n = 74). Within the sample of FCSOs, green and environmental organizations were reported as organizers in 5.0 per cent (n = 81) of cases, and other civil organizations dealing with human rights and minorities 2.2 per cent (n = 70). Among the traditional actors, trade unions organized 17.8 per cent of events (n = 289) and compared to the previous actors their contention was almost equally distributed across the years. The interest groups of farmers, professional associations, employees, etc. organized 14.8 per cent of the protest events (n = 233). Last, political parties were present in 10.7 per cent of the cases (n = 174). In sum, during these nine years new protest actors such as informal groups and FCSOs were a significant part of the protest arena as they were responsible for more than half of all events.

In Slovenia, the driving force of protest escalation was somewhat similar to in Bulgaria, as the movements that mobilized thousands of people across the country during the peak were mainly informal social movements and informal groups who extensively used Facebook for protest coordination and propaganda. Informal groups and radicals were reported to be involved in 47.3 per cent of all protest events (n = 193). In addition, more formal civil society organizations (FCSOs) focusing on environmental issues, human rights, consumers' rights, women's rights, ethnic or religious groups' rights, democracy, transparency, etc., mobilized 16 per cent of all events (n = 66). Thus, in sum, 63.8 per cent of all events were directly connected to new protest actors in the observed period. Among the informal groups, leftist collectives such as occupy movements, social centers, and squatters led 10.1 per cent of the protest events (n = 41), and radical students were reported as organizers of 2.9 per cent of all events (n = 12). Less active in the protest arena were radical right-wing groups, which were reported in 2.9 per cent (conservative groups) and 1.5 per cent of the protest events (nationalist groups). The largest share of contention was related to mobilizations of informal initiatives coordinated through Facebook and local initiatives of inhabitants, which were reported

[3] Following classical work in the field (Kriesi et al., 1995), reports of press conferences, letters and warnings about protest were excluded from the calculations.

in 17.4 and 7.6 per cent of all protest events accordingly. Among the traditional actors, trade unions mobilized about 20 per cent of the events (n = 82), interest groups, including farmers and professional associations, were reported in around 8 per cent events (n = 33), and a similar number of actions were connected to the involvement of political parties (n = 30).

Table 4 Distribution of protest events and participants in Bulgaria and Slovenia by type of protest actor during the cycle of protest (2009–2017)

Protest actors	**% of protest events**	**% of protest events**
	Bulgaria	**Slovenia**
1. Trade unions	17.8	19.8
2. Interest groups	14.3	8.1
– Agricultural groups and farmers	7.5	2.9
– Professional associations and chambers	3.9	3.2
– Pensioners' organizations	0.3	0.7
– Religious organizations	1.1	0.5
– Employees' organizations and private companies	1.5	0.7
3. Political parties	10.7	7.3
– Main left-wing	1.8	0
– Main right-wing	0.3	1.7
– Nationalists	6.1	0.7
– New left	0	3.7
– Other	2.5	1.0
Total traditional actors	*42.8*	*35.2*
4. Formal social movements and civil society organizations	10.6	16.1
– Consumer rights	1.1	0.5
– Human-rights organizations and specific groups' rights	2.2	4.7
– Environmental organizations	5.0	4.4
– Organizations focused on the rule of law and democracy	0.7	3.9
– Student and youth organizations	1.2	2.2
– Cultural and leisure organizations	0.4	0.5
5. Informal groups and radicals	46.1	47.7

Table 4 *(continued)*

Protest actors	**% of protest events**	**% of protest events**
	Bulgaria	**Slovenia**
– Informal workers' groups	3.0	3.7
– Informal interest groups (farmers, professionals)	1.0	0.5
– Informal student groups and radical students	4.6	2.9
– Informal minorities (Roma, refugees, etc.)	0.7	0.7
– Groups organized via social media platforms	24.7	17.4
– Local initiatives of inhabitants and informal groups	9.0	7.6
– Radical conservative groups and organizations	0.4	2.9
– Radical right, nationalist, far-right hooligans	2.4	1.5
– Radical left-wing, anarchist, autonomist	0.3	10.5
Total new actors	*56.7*	*63.8*
6. Other groups	0.6	1.0
All mobilizations	100.0%	100.0%
Total	(1624)	(409)

Sources: Author's dataset based on news retrieved from Bulgarian Press Agency (*Balgarska Telegrafna Agentsia* – BTA) and the Slovenian Press Agency (*Slovenska tiskovna agencija* – STA)

The greater distribution of new actors in Bulgaria and Slovenia reveals the comparatively weaker role of traditional organizations; fewer formal initiatives were better represented in the dataset. In both cases, across traditional actors trade unions had the greater mobilization capacity, followed by interest groups and political parties. In comparison, with new protest actors informal groups and radicals were the main protest actors – they were reported in almost half of all protest events in the dataset. Within these groups, is interesting to note the weak role of radical-left actors in Bulgaria and the significant role of the radical left in Slovenia and the significant portion of protest events related to local initiatives in both countries.

However, these quantitative measures can be misleading, as the number of protests driven by Facebook and local initiatives is strongly related to the eventful protest waves in 2012/2013, whereas both before and afterwards more formal actors such as trade unions, interest groups, and political parties mobilized a large part of the contention. Thus, looking from the diachronic perspective, the dataset can tell us more about the dynamics within the protest arenas. Figure 1 depicts the distribution of events according to five categories of actors: trade unions, interest groups, political parties, FCSOs, and informal groups. It shows that in the ascending phase traditional actors were better represented in the protest arenas in Bulgaria and Slovenia, while the participation of informal groups increased significantly at the peak of the protest cycle, but in the de-mobilization phase declined compared to that of traditional actors.

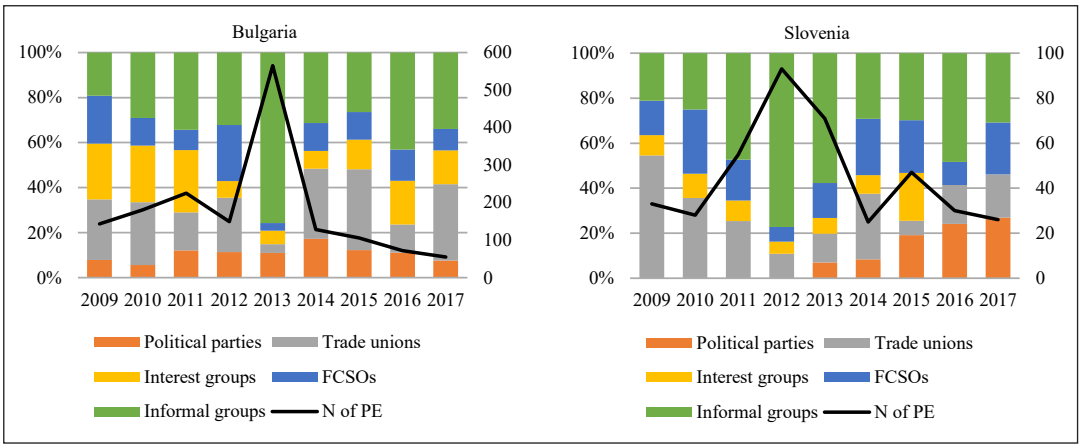

Figure 1 Types of actor per year in Bulgaria and Slovenia, 2009–2017 (total number)

Source: Author's dataset based on news retrieved from Bulgarian Press Agency (*Balgarska Telegrafna Agentsia* – BTA) and the Slovenian Press Agency (*Slovenska tiskovna agencija* – STA)

With regard to the different claims in the protest arenas in Bulgaria and Slovenia, the two countries shared some similarities, but also important differences. Economic claims associated with anti-austerity policies, budget cuts and privatization were reported in almost half of all protest events – 43.1 per cent in Bulgaria and 44.6 in Slovenia, but more anti-systemic contention was observed in Slovenia, where, along with the counter-mobilizations against unpaid salaries, some protest actors, including the radical left and trade unions, challenged neoliberal reforms and free-market capitalism. On the other hand, in Bulgaria trade unions, civil organizations and informal groups reacted to utility and energy prices, poverty and labor conditions, and farmers in favor of economic protectionism. Concerning protests about political issues such as corruption, the state of democracy, the political elite, political parties and governments, these were reported in 33.4 per cent (n = 543) of all events for Bulgaria and 29.7 per cent (n = 121) in Slovenia. Cultural protests that shared claims about issues such as refugees, the environment, Roma issues, family values, and women's rights were 14.8 per cent (n = 241) of protest events in Bulgaria but significantly better represented in Slovenia at 25.2 per cent (n = 103).

Figure 2 shows the long-term dynamic of protest claims by comparing the three main claim clusters per year: economic, political, and cultural protest. The patterns depict the large share of economic protests throughout the whole period and the high concentration of political protests during the peak (2012–2013). The distribution of protest claims displays how protests about political issues were concentrated in the ascending phase and characterized the peak of the cycle.

After the mass protest waves, economic protests increased in proportion together with protests about cultural issues, while political protest declined substantially. These changing trends suggest the need for a closer look at the claim-making practices and perceptions of protest actors during this period.

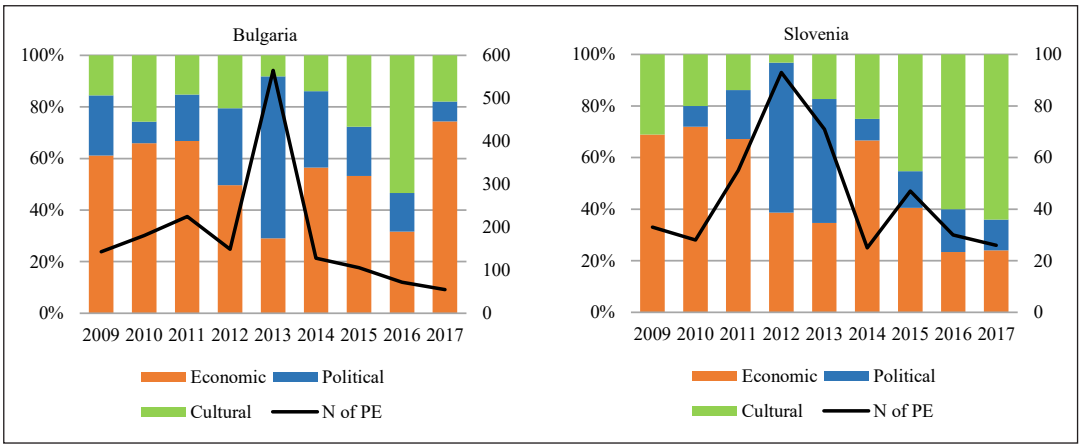

Figure 2 Types of claim per year in Bulgaria and Slovenia, 2009–2017 (total number)

Source: Author's dataset based on news retrieved from Bulgarian Press Agency (*Balgarska Telegrafna Agentsia* – BTA) and the Slovenian Press Agency (*Slovenska tiskovna agencija* – STA)

The PEA dataset suggests rejection of the claim of proverbial patience during the Great Recession (Beissinger & Sasse, 2013). Similarly to what Almeida noted in his work on Latin American's protest arena (Almeida, 2007) the erosion of social and economic benefits, budget cuts, and attempts at structural reforms of the pension system, healthcare and education induced popular reactions by a diverse set of actors. Table 5 summarizes the distribution of economic contention, showing that trade unions mobilized a large portion of the anti-austerity protests, followed by informal groups. Next to them, farmers and agricultural producers regularly mobilized protest events, mainly in Bulgaria, and the lowest rate of economic contention was observed among political parties and formal civil society groups. The largest events that focused entirely on socioeconomic issues were held in the ascending phase (2009–2011), whereas mass protest waves mixed claims about poverty, prices, and austerity measures with general anti-establishment demands.

Most of the largest events during the ascending phase in Bulgaria and Slovenia were organized by trade unions against the privatization of formerly state-owned companies, pension reforms that increased retirement age, austerity measures in the public sector (specifically budget cuts in education and healthcare), and in favor of increasing salaries and for economic justice. In the same period, farmers and agricultural producers in Bulgaria mobilized blockades against budget cuts in the agricultural sector and informal groups held nationwide demonstrations against fuel prices, while academics and students challenged reforms in higher education. From 2011 onwards, in Slovenia protest responses came from radical leftist collectives against global capitalism and the neoliberal reforms of education in the form of street demonstrations and sit-ins. During the peak of the cycle, in Slovenia the mass protest wave challenged austerity measures and involved anti-establishment rhetoric against all political parties. Social movements and horizontal networks organized massive demonstrations across the country, and at the end of January 2013, around 100,000 employees were involved in a general strike. The peak of the cycle in Bulgaria was driven by politi-

cal claims, as only the first protest wave questioned economic injustice and poverty, while the second and third protest waves included demands for the resignation of the socialist-led government and new elections.

Table 5 Distribution of economic contention according to protest actors in Bulgaria and Slovenia, 2009-2017 (total number)

Actor	Bulgaria	Slovenia
Trade unions	264 (37.7%)	75 (40.5%)
Informal groups	214 (30.5%)	75 (40.5%)
Interest groups	165 (23.5%)	19 (10.3%)
Political parties	43 (6.1%)	6 (3.2%)
FCSOs	28 (4.0%)	9 (4.9%)

Source: Author's dataset based on news retrieved from Bulgarian Press Agency (*Balgarska Telegrafna Agentsia* – BTA) and the Slovenian Press Agency (*Slovenska tiskovna agencija* – STA)

Following the early elections and the institutionalization of protest groups, the third phase of the cycle was shaped by regular and small economic protests, but this trend developed on account of the declining contention in general.

5 Conclusion

This article has introduced original datasets about protest events in Bulgaria and Slovenia between 2009 and 2017, described the methodology and techniques used in the analytical approach, and explored initial findings by identifying the phases of protest cycles and the dynamics of actors and claims. The Bulgaria and Slovenia Protest-Event Dataset permits an examination of the dynamics and patterns of protest in two post-socialist countries in South-east Europe, both of which recently experienced political and economic crises and the rise of new protest mobilizations. The initial findings from the protest event analysis are that in both cases protest cycles against the political establishment and socio-economic reforms unfolded in three distinct phases: an ascending phase with immediate protest responses against austerity and budget cuts, massive anti-establishment discontent with the dominant role of new informal movements, and the de-mobilization phase of mass protest and the rise of anti-migrant demonstrations. In terms of protest actors, the findings showed that in both cases new types of protest organizations increased their impact on the protest arena, while tradi-

tional actors such as political parties, trade unions and interest groups declined during mass demonstrations but became again the main protest actors in the aftermath of the mass protest waves. The initial findings contribute to the long-term empirical observation of protest arenas in Bulgaria and Slovenia.

While previous work focuses on emerging new informal protest groups or particular social movements, the current analysis of the PEA data is the first to compare mobilizations across multiple actors in the long term. The PEA illustrated that the austerity-driven economic reforms since 2008 were not met with silence in Bulgaria and Slovenia, as previous literature has suggested. On the contrary, a large share of economic-based contention and trade unions mobilization can be identified in the period between 2009 and 2012. Second, comparing the protest cycles in both cases, the paper identified that even in the ascending phase political protest was on the rise, driven by informal groups organized through social media, but this peaked during the turning point in 2012–2013, characterizing the eventful protest waves. In the phase of de-mobilization an increase in cultural contention was identified which coincided with the migration crisis in Europe.

Through these initial findings, the dataset shed light on the diverse protest arena in Southeast Europe by providing arguments to refute the claim of the backwardness of the civil society sector and 'proverbial patience'. Along with this, the examination of the phases of the protest cycles suggests that the changing of political configurations and socioeconomic conditions played a role in the dynamics of contention. The peak of the cycle was followed by both the restructuring of the party system and institutionalization characterized by the formation of protest parties or traditional alliances.

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Determinants of willingness to help: Evidence from a survey experiment

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Abstract

We analysed determinants of willingness to help using a factorial survey approach (n = 405 individuals, n = 5937 vignettes). We tested the effect of situational characteristics and how characteristics of the bystander and the person in need influence willingness to help in hypothetical situations within the framework of a cost-reward model. We found that the situation itself has the strongest effect: willingness to help was strongest when the net gain of helping was positive, whereas it was weaker in situations when the cost of helping and cost of not receiving help were equal. These results provide support for the cost-reward model of helping and illustrate that the factorial survey approach could supplement or in some cases replace more widely used experimental methods (laboratory or field experiments).

Keywords: factorial survey approach, experiments, willingness to help, cost-reward model

1 Introduction

In this paper our aim is to analyse the determinants of people's willingness to help a stranger in everyday life situations. Our paper is based on empirical research that focuses on social integration in Hungary. In our comprehensive research on integration we studied interpersonal relationships, cooperation, trust and norm-following behaviour as factors that are important in the functioning of a society. An individual can be connected to society in many ways and on many levels: through their personal network including family and friends, through their participation in labour market, through civil society, and through politics.

However, beyond these interpersonal and organizational ties, attitudes and behaviour towards strangers is also a relevant factor in how modern societies function. In modern societies, with the strong division of labour, everyday activities often involve interactions with strangers (Green et al., 2011). Beside individual differences, such as how helpful a person is, the level of willingness to help strangers depends to a great extent on cultural norms. The

issue of trusting a stranger or helping someone who belongs to a different social group is an important aspect of social cohesion. In a socially cohesive society, people take some responsibility for each other, even if they do not share any personal links (Wickham, 2017).

Willingness to help across group boundaries is an important aspect of the study of social cohesion. Class, gender, ethnicity, and religious affiliation have received a lot of attention in the literature (Jenson et al., 2010; Schiefer & van der Noll, 2017), although there is an explicit claim that studying social cohesion should also cover minorities (Jenson et al., 2010; Tolsma & van der Meer, 2017).

Willingness to help strangers is generally studied in lab and field experiments in social psychology (see Eagly & Crowley, 1986; Gneezy et al., 2012; Saucier et al., 2005). Our research is based on a nationally representative factorial (vignette) survey in which we used hypothetical everyday situations to test respondents' willingness to help a stranger.

We tested how different situational characteristics affect levels of willingness to help, and what social characteristics of the helper and of the person in need influence this. We analysed the situations within the framework of a cost-reward model (Dovidio, 1984; Piliavin et al., 1981). Our paper has an additional methodological aim as well: we seek to expand our knowledge by using the factorial survey approach instead of the usual laboratory or field experiments. Although the factorial survey approach has rarely been used for analysing social behaviour, particularly in the literature on helping, it is designed to measure social judgements (Rossi & Anderson, 1982). With the factorial survey approach, we have been able to use extensive and representative survey data in Hungary, which allow for greater external validity and have more statistical power (Highhouse & Gillespie, 2008; Peterson, 2001; Schram, 2005).

This paper is structured as follows: first, we outline the theoretical background of the study – i.e., give a short introduction to the factorial survey approach, and a brief summary of literature on willingness to help. Then, in Section 3, we describe how we designed our factorial survey, the data, and the empirical strategy. In Section 4 we present the results of the data analysis, followed by a discussion of our main findings, the limitations of our study, and concluding remarks (Section 5).

2 Theoretical background

2.1 Aspects of social cohesion

Most scholars agree that social cohesion is a multidimensional phenomenon (Chan et al., 2006; Fonseca et al., 2019; Schiefer & van der Noll, 2017). It is also very closely related to the concepts of social integration, social capital, and solidarity (Schiefer & van der Noll, 2017)). Classical sociological references to social cohesion stem from Durkheim's concept of organic solidarity, which is derived from the division of labour (Durkheim, 2013). Studies on social cohesion also often cite Granovetter's thesis (Granovetter, 1973) according to which tightly bonded small social groups are connected via bridges of weak ties, forming a wider social network in society. Based on these traditions, several definitions of social cohesion have emerged in the social sciences. Many of them are rather broad (Fonseca et al., 2019) and include diverse concepts such as social equality, trust, welfare, and shared norms and values (Schiefer & van der Noll, 2017).

However, for the purpose of our empirical research we needed a narrower definition of social cohesion. Chan and his co-authors offer a detailed yet coherent and analytical definition of social cohesiveness based on general altruism (such as trust and willingness to help and to cooperate with those outside one's primary network), common identity, or a sense of belonging: 'Social cohesion is a state of affairs concerning both the vertical and horizontal interactions of society as characterized by a set of attitudes and norms that includes trust, a sense of belonging and the willingness to participate and help, as well as their behavioural manifestations' (Chan et al., 2006).

Chan et al. (2006) describe the aspects of social cohesion using a two-by-two framework (see p. 294, Table 3). They argue that social cohesion has a subjective as well as an objective component: while the subjective component is people's state of mind, the objective one refers to behavioural manifestations. Social cohesion has horizontal and vertical dimensions as well. The horizontal dimension refers to cohesion *within* civil society, while the vertical dimension refers to the links formulated *between* the state and its citizens.

Our research covers the horizontal and subjective part of this social cohesion scheme, as we analyse willingness to cooperate and help fellow citizens, including people from 'other' social groups.

2.2 Willingness to help

In this subsection, we review the literature on the most important determinants of willingness to help a stranger.

Helping a fellow citizen is an altruistic act; i.e., there is no regard to any benefit in a one-off situation with a stranger. This type of situation is sometimes called bystander-intervention, and it has attracted wide interest in the social science literature.

According to a study by Latané and Darley (1970), a potential helper must undertake the following five consecutive steps to assist the target of help: they should (1) notice the need for help, (2) be able to identify it as such, (3) take responsibility for the action, (4) decide on a way to help, and (5) weigh perceived costs and risks.

The underlying motives for help patterns depend to a large extent on situational characteristics and on the interpersonal relationship between the potential helper and the target. Saucier et al. (2005) suggest considering the following characteristics of helping situations:

1. The time it would take to help
2. The effort one would need to expend
3. The financial costs of helping
4. Difficulty: how difficult it would be to help successfully
5. The perceived risks related to the act of helping (the presumed risk one would take by helping)
6. The perceived emergency level of the situation
7. Perceived ambiguity about whether the target actually needs help
8. The perceived distance between the helper and the target

According to Saucier et al. (2005), it is more justifiable to withhold help if the risks are perceived to be high, if giving help appears to be costly (would take a lot of time, require a great deal of effort, or cost a significant amount of money to help, or the target is

far away from the potential helper), if the level of emergency is perceived to be low, or if there appears to be a high degree of ambiguity about the actual need for help.

At the interpersonal level, personalised and generalised trust appears to be crucial when cross-racial or interethnic interactions are examined. Attributional mechanisms also play an important role in the decision-making process (i.e., the perception of whether the person in need of help is deserving of it, see also Heider, 1958).

Probably the most influential model on bystander intervention is the cost-reward model (Dovidio, 1984; Piliavin et al., 1981). According to this model, another person's distress causes psychological distress to us, and the act of helping decreases this distress. Meanwhile, potential helpers' willingness to help is based on a kind of cost-reward calculation. They consider their own personal cost and the direct cost of helping (time, money, effort, or the violation of personal safety), and they also consider the costs of not helping (guilt, and the empathy-related cost of the recipient not receiving help). According to this model, willingness to help depends on these two factors; potential helpers will choose the option with the lowest net cost (for possible outcomes, see Table 1).

Table 1 The arousal: cost-reward model

The cost of helping	**The cost of not helping**	
	Low	**High**
Low	Social norms or helpers' personality decides	High probability of helping
High	Low probability of helping	Reframing of the situation (avoidance, reinterpretation as low cost of the victim)

Note: Based on Dovidio (1984), Piliavin et al. (1981).

Of the two kinds of cost, it is the cost of helping which is more important: the cost of not helping plays a secondary role (Piliavin et al., 1981). Empirical studies based on this model have confirmed the hypothesis that the higher the cost of helping, the lower the rate of help-giving (Dovidio et al., 1991). In empirical studies, the cost of not helping is usually simplified to mean the cost of the victim not receiving help. If the cost of helping and the cost of not receiving help were both high, the rate of helping is low. In these kinds of situations, people tend to reframe the situation in order to decrease the costs of not helping (i.e., claiming the victim is not really in need or they could not really help). Another possibility is to decrease the cost of helping – for example, by summoning others to help.

The cost-reward model has been empirically tested in various experimental studies (e.g., Dovidio et al., 1991; Schroeder et al., 1995, Fischer et al., 2006; Piliavin et al., 1975). In a meta-analysis, Saucier et al. (2005) found that in situations when the cost of helping was higher, less help was given – as predicted by the cost-reward model.

Using survey methodology, Jenkins and Nickerson (2017) found that students who interpreted a bullying situation as an 'emergency' (i.e., a situation associated with a high cost for not receiving help) were more likely to defend others. Brewster and Tucker (2016), using a factorial research design, found that a time constraint (being late for class), similar to a situation associated with a high cost of helping, had no effect on the likelihood of helping.

Fritzsche et al. (2000) used within-subject design and the factorial survey approach in a study similar to ours. They analysed the motives behind helping a friend. Their results support the cost-reward model as they found that willingness to help was less in situations when the cost of helping was low and the cost of not helping was high. It is not only the situation itself that determines the willingness to help strangers. The social characteristics of a person in need affect the level of altruistic help, either increasing or decreasing the cost of helping.

Gender. A meta-analysis of gender differences (Eagly & Crowley, 1986) – based on 99 empirical studies from the United States and Canada carried out in the 1970s and 80s – revealed that men are more helpful than women and women are more likely than men to receive help; however, gender differences in helping were extremely inconsistent across studies. The highly variable degree to which gender affected helping behaviour is not that surprising from the perspective of social roles: helping behaviour is embedded in social norms and there are certain norms associated with being 'helpful' for male and female members of society (Eagly & Crowley, 1986).

Racial background. Perhaps the most studied aspect of bystander intervention is cross-racial help. Shared identity plays an important role in individual helping decisions. Members of the same social groups may show a higher willingness to help each other (in-group preferences, in-group favouritism) (Sober & Wilson, 1999). This is particularly true in cross-racial relationships where ethnic minorities are treated as out-groups and hence less trusted (Gaertner & Bickman, 1971). A meta-analysis was provided by Saucier et al. (2005) to assess racial differences in helping behaviour. The analysis of the 48 empirical studies conducted since the early 1970s shows significant discrimination against black people in helping studies. The authors also conclude that discrimination against black people was more likely when potential helpers could rationalize their decisions not to help using reasons other than race (e.g., helping would require too much effort in terms of time).

In a recent empirical study based on a large-scale controlled field experiment (analysing 3000 interactions) helping situations were examined in order to test racial, gender and age-based discrimination in US informal markets (Gneezy et al., 2012). The situations were quite similar to those used in our factorial survey (e.g., asking for directions in the street, or dropping a pen or a key). The statistically significant findings show that young white females were most likely to receive help, while young black males were least likely to receive the required help in all the situations which were tested.

Social status and deprivation. A recent series of studies (Piff et al., 2012; 2010) showed that lower-class individuals are more generous, charitable, trusting, and helpful. Kraus and Callaghan (2016) also claimed that higher status correlates with lower levels of prosocial behaviour. However, a study by Korndörfer et al. (2015) found that in representative samples people belonging to higher social classes tended to be more helpful in economic games involving interacting with strangers. According to the findings of Van Doesum et al. (2017), higher status elicits less prosocial behaviour: higher-class people are less helped, while the social status of the helper does not affect helping behaviour. Similarly, Callan et al. (2017) found no effect of socio-economic status in itself, although higher subjective status negatively affected prosocial behaviour. In the same study, people with a stronger perception of personal relative deprivation (a feeling that they are worse off than similar others) were less

inclined to help others. Social exclusion also decreases prosocial behaviour, according to a lab experiment (Nettle et al., 2011). In contrast, the findings of a recent field experiment suggest that there is no difference between deprived and non-deprived neighbourhoods with regard to helping a stranger in the street (Nettle et al., 2011).

Trust. Empirical findings on the relationship between generalised trust and prosocial behaviour are also not equivocal. Certain authors state that generalised trust is necessary for prosocial behaviour (e.g., Irwin, 2009) and is associated with giving (Kolm & Ythier, 2006), while other authors were not able to find any or only found a weak connection between generalised trust and prosocial behaviour in their experiments (Cadenhead & Richman, 1996; Dohmen et al., 2008). However, in a recent comparative 'dropped-wallet' experiment carried out in 40 countries with 17,000 wallets, the best predictor of wallet-reporting rates was the level of generalized trust in the given country (Cohn et al., 2019).

Education. Somewhat contrasting with the aforementioned factors, the effect of education is more unambiguous: there is a wide range of prosocial behaviours (volunteering, blood donation, charity) for which researchers have found a positive correlation with level of education (Bekkers, 2005; Brooks, 2005; Healy, 2000).

2.3 Research questions

Based on the theoretical framework presented above, our research questions were as follows:

1. Are helpers' considerations with regard to the cost of helping and the cost of not receiving help in line with the cost-reward model?
2. What are the characteristics of the situations that influence willingness to help?
3. What are the characteristics of the a) bystander, and b) the person in need (the target) that influence willingness to help?
4. Is it the situational characteristics that matter more or the personal characteristics of the target/helper?

3 Data and methods

3.1 The factorial survey approach to assessing social behaviour

The most important aspect of factorial surveys is that respondents are presented with randomly varied hypothetical situations or social objects (fictive descriptions), also called vignettes, and asked to evaluate these situations or social objects. The vignettes represent different combinations of situational characteristics (i.e., different values of various variables). These characteristics (experimental stimuli) are deemed relevant to the evaluation and to the decision. Since the characteristics are randomly varied, the factorial survey approach is similar to the experimental approach; this is why the result can be described as a quasi-experiment (Wallander, 2009), although this method also retains the strength of surveys in terms of reliability and external validity (Hox et al., 1991; Lauder, 2002).

Factorial surveys are becoming increasingly common in the social sciences (Auspurg & Hinz, 2015; Hox et al., 1991; Jasso, 2006); however, they are still relatively rarely used, which might be explained by the fact that most of the textbooks on research methods for the social sciences do not include them (Wallander, 2009). Factorial surveys were first used in the 1970s (Jasso, 1978; Rossi, 1979); later they were improved upon, and the method of analysis was developed for use with more complex data (Auspurg & Hinz, 2015; Hox et al., 1991; Jasso, 2006).

Compared to classical experiments, factorial surveys allow researchers to use more extensive and representative survey data which provide better external validity and more statistical power (Highhouse & Gillespie, 2008; Ioannidis, 2005; Maxwell, 2004; Peterson, 2001; Schram, 2005). The survey method itself also lets researchers collect detailed information not only about respondents' socio-demographic characteristics, but also about their attitudes and values. Furthermore, the larger sample size makes it possible to dissociate the effects of several stimuli (not only one) in the analysis using multilevel models (Auspurg & Hinz, 2015; Hox et al., 1991; Wallander, 2009). Consequently, the effects of several variables can be estimated in the same model. There are three key additional advantages that these surveys have over social surveys (Alexander & Becker, 1978; Lauder, 2002; Rossi & Anderson, 1982; Wallander, 2009). The situations portrayed in factorial surveys are closer to real life than abstract questions in standard social surveys, making the method appropriate when researchers study the determinants of individual judgements. Using this approach, instead of analysing associations between variables, the effect of the analysed characteristics can be estimated. Last, the answers might be less exposed to social desirability bias since respondents are not directly asked about the determinants of their decisions.

3.2 Design of the factorial survey

In the questionnaire, we showed the respondents hypothetical situations in which a stranger asks for help and asked them to rate their willingness to help in these situations. We chose everyday situations that are familiar to the respondents and/or situations in which they would be able to imagine how they would act. Our second selection criterion was whether the situation fits with the cost-reward model. We chose situations associated with different levels of cost for helping and not receiving help.

The situations were as follows:

1. … a stranger asks for directions on the street. Would you help them?
2. … a stranger does not notice that they have dropped their wallet in the street. Would you warn them?
3. … a stranger loses their ID card. You find it. Would you go to the police station to leave it there?
4. … a stranger becomes ill on the street right next to you. Would you wait 60 minutes for the ambulance with them?
5. … you are waiting at the doctor's office when a stranger arrives. They ask you to let them in before you because they only need a prescription. Would you do this?
6. … you witness a traffic accident. The victim of the accident asks you to give eyewitness testimony in court. You would have to go to court twice the following month. Would you do it?

7. … in the street, a stranger asks you to change a banknote for them into coins. Would you do it?
8. … a stranger approaches you in the street. They say that their mobile phone is not working, and ask you to make a short but very important phone call for them. Would you do it?

Table 2 summarizes the cost of helping and cost to the target in the eight situations. We assigned low, medium, and high costs to the eight situations based on the results of a survey in which university students and researchers (n = 49) evaluated the cost of helping and cost to the target.[1] The cost of helping is perceived to be low in the first four situations (giving directions, warning about a dropped wallet, changing the banknote, and letting someone in line at the doctor's office), where only a few seconds or a couple of minutes (and basically no effort) are required to help the target. The perceived cost is somewhat higher in three situations (lost ID card, mobile phone call, and waiting for the ambulance) when the potential helper needs to invest more time and money, and/or needs to actively do something in order to help. The perceived cost is highest in the last situation when the potential helper needs to invest the most time and effort (go to court twice).

The cost of not receiving help is perceived to be low in two situations (changing the banknote and the doctor's office). It is perceived to be very high in four situations when there is a possibility of losing both money and time (dropped wallet, lost ID card, testimony) or a possibility of health consequences (need for an ambulance). In the remaining two situations (directions, mobile phone call), the level of perceived cost is somewhere between the former two since potential losses appear to be smaller. In summary, the perceived cost of helping and not receiving help varied sufficiently for us to test whether the cost-reward model is able to explain levels of willingness to help.

It is worth noting that there is no difference between the level of the two costs in four situations (doctor's office, changing the banknote, mobile phone call, testimony), whereas in the other four situations the cost of not receiving help is higher than the cost of helping – i.e., there is theoretically a net gain associated with helping.[2]

In addition to the eight situations, the basic socio-demographic characteristics of the stranger in need of help (gender, age, occupation, ethnicity, and residence) were also randomly varied. These characteristics are summarised in Table 3. The minimum and maximum values of the variables were based on low and high values of the given characteristic in real life in order to provide sufficiently broad ranges. The hypothetical stranger might be male or female, and with regard to age either 20, 32, 41, 53 or 62 years old. In terms of their occupations, we included the following jobs: lawyer, high school teacher, administrator, waiter, postman, and cleaner; we did this in order to represent both more and less prestigious jobs.[3]

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[1] Respondents were sociology students from two universities and researchers from a research institute. We asked participants to evaluate the cost (in terms of money, time, and effort) of helping and the cost (in terms of money, time, and effort) for the target in the eight situations using an 11-point scale where 0 means no costs and 10 means very high cost. We categorized the cost as low when the mean cost was 0–4 points, as medium when the mean cost was 4–6 points, and as high when the mean cost was 6–10 points.

[2] Whereas the average difference between the two costs (target's – helper's) was 0.47 points on the 11-point scale in the four situations labelled 'no difference,' it was 4.34 points in the four situations where the cost of not receiving help was higher.

[3] The social prestige of the occupations was taken from the *Standard International Occupational Prestige Scale* (SIOPS) (Ganzeboom & Treiman, 1996).

The place of residence of the stranger might be a village, a town, a big city or the capital Budapest (which is the only city in Hungary with a population of over one million inhabitants). As mentioned previously, the ethnicity of the stranger was also an important variable. The only significant ethnic minority in Hungary is the Roma, who constitute around six percent of the population. They are significantly poorer and less educated than the majority; moreover, anti-Roma prejudice is also widespread in Hungary.[4] If the stranger was not Roma, their ethnicity was not indicated. Vignette examples are shown in Figure 1.

Table 2 Cost of helping and costs of not receiving help in the eight situations

Situation	**Cost of helping**	**Cost of not receiving help**
1. Directions	Low	Medium
2. Dropped wallet	Low	High
3. Doctor's office	Low	Low
4. Banknote	Low	Low
5. Lost ID card	Medium	High
6. Mobile phone call	Medium	Medium
7. Ambulance	Medium	High
8. Testimony	High	High

Table 3 List of stimuli on the vignettes

Characteristics	**Parameters**
Gender	man/woman
Age	20/32/41/53/62
Occupation	lawyer/high school teacher/administrator/waiter/postman/cleaner
Residence	village/town/city/capital (Budapest)
Ethnicity	Roma/non-Roma

[4] We overrepresented Roma strangers in the vignettes at a ratio of 1 Roma to 4 non-Roma in order to obtain a statistically examinable quantity.

Figure 1 *Examples of the vignettes*

Example 1

Imagine that you have witnessed a traffic accident. The victim of the accident, a 50-year-old Roma waitress from a village, asks you to give eyewitness testimony in court. You would have to go to court twice next month.

Would you do it?

Certainly NO 0 1 2 3 4 5 6 7 8 9 10 Certainly YES

Example 2

Imagine that you are waiting at the doctor's office when a 41-year-old administrator from a city arrives. He asks you to let him go before you because he only needs a prescription.

Would you do it?

Certainly NO 0 1 2 3 4 5 6 7 8 9 10 Certainly YES

3.3 Data

Our factorial survey was a random part of a larger survey that was carried out on a nationally representative sample of 2687 persons conducted between March 12 and May 10, 2015. Respondents were selected using a stratified two-stage probability sampling procedure.[5] We asked 442 randomly chosen people from the total sample to respond to an additional, self-completed questionnaire. We used a self-completion questionnaire to minimize potential social desirability bias. Each of the respondents was asked to evaluate 15 situations (vignettes).

Respondents with more than nine missing answers were dropped (3 observations). Respondents with missing answers for ethnicity (1 observation), severe material deprivation (11 observations), trust in others (2 observations), or trust in police (20 observations) were also left out of the analysis, thus we had responses from 405 individuals.

The sample was representative in terms of age (mean age 48.4, ranging from 18 to 92 years of age), gender (54.3 per cent women), settlement type (20.0 per cent living in the capital, 50.7 per cent living in cities, 29.3 per cent living in villages) and education (22.1 per cent with primary education, 62.0 per cent with secondary education, 15.9 per cent with tertiary education).

Our initial 'vignette universe' consisted of 8×2×5×6×4×2=3840 vignettes. We excluded unrealistic vignettes (e.g., vignettes with a 20-year-old lawyer and a 20-year-old high school teacher), thus our final vignette universe consisted of 3584 vignettes. A total of 300 vignettes were chosen at random from this collection and randomly allocated to 20 decks. Finally, the decks were randomly assigned to the respondents. As each respondent evaluated 15 vignettes, and we had answers from 405 individuals, altogether we had 15×405=6075 individual

[5] The questionnaire and other documentation from the survey are available in Hungarian through the following link: https://openarchive.tk.mta.hu/id/eprint/387

vignettes.[6] Vignettes with missing answers regarding willingness to help were also left out of the analysis (138 vignettes in total), thus our final sample size was 5937 vignettes.

3.4 Analytical strategy

After the descriptive analysis we used multilevel or hierarchical regression models, since the data derived from the vignettes have a hierarchical structure and the units of the primary level of analysis are not independent of each other (i.e., vignettes are nested by individual respondents, as each respondent evaluated 15 vignettes, and respondents are nested within decks as 20 decks are randomly assigned to the respondents). As a result, we estimated multilevel models where vignette characteristics were level-one variables, characteristics of the respondents were level-two variables, and decks were level-three. Our level-one model was as follows:

$$H_{ijk} = \beta_{0jk} + \beta_{1jk}\mathbf{V}_{ijk} + e_{ijk}.$$

Our level-two models were as follows:

$$\beta_{0jk} = \gamma_{00k} + \gamma_{01k}\mathbf{X}_{0jk} + u_{0jk},$$

$$\beta_{1jk} = \gamma_{10k}.$$

Our level-three models were as follows:

$$\gamma_{00k} = \delta_{000} + v_{00k},$$

$$\gamma_{01k} = \delta_{010},$$

$$\gamma_{10k} = \delta_{100}.$$

The combined model was as follows:

$$H_{ijk} = \delta_{000} + \delta_{100}\mathbf{V}_{ijk} + \delta_{010}\mathbf{X}_{0jk} + v_{00k} + u_{0jk} + e_{ijk},$$

where H_{ijk} is the response for vignette i by respondent j in deck k, γ_{000} is the grand mean across all respondents, $\mathbf{V}_{ijk}$ is a vector of vignette characteristics for vignette i and respondent j in deck k, $\mathbf{X}_{0jk}$ is a vector of respondent characteristics for respondent j in deck k, v_{00k} is the residual error term at the deck level, u_{0jk} is the residual error term at the individual level, and e_{ijk} is the residual error term at the vignette level.

[6] We chose this design to simplify the fieldwork for the survey as much as possible. Since vignettes were chosen at random, the final evaluated number varied between 551 and 967.

Our individual-level control variables were age, gender, education, place of residence, trust in others, trust in police, labour force status, marital status, material deprivation, and ethnicity.[7]

4 Results

In this section, we first provide descriptive results comparing the level of willingness to help in the eight situations. Then we present the results of the regression models where the intra-respondent variation of the vignettes and socio-demographic characteristics of the respondents are controlled for.

4.1 Level of willingness to help: Descriptive results

Table 4 shows the mean level of cooperation by situation. Overall, the reported level of willingness to help is high: it varies from 6.32 to 8.77 (with an overall mean of 7.55).

The cost-reward model provides an explanation for the varying levels of willingness to help across the different situations. Willingness to help is highest in situations in which the cost for the target not receiving help is higher than the cost of helping them. In these situations, the cost-reward model predicts a high probability of helping. Indeed, mean levels of willingness to help are between 7.92 and 8.77 in these situations, with an overall mean of 8.47.

In situations where the cost of helping and cost of not receiving help are equal, the level of willingness to help is considerably lower, and below the average helping level; it is between 6.32 and 7.06, with an overall mean of 6.50. These results are also in line with the cost-reward model. If both costs are high, the model predicts a low probability of helping since people tend to reframe the situation in order to be able to avoid helping (e.g., by lowering the cost of the target not receiving help). If both costs are low (or medium), the model predicts that social norms (or personality) decide whether someone helps. Since in Hungary motivation driven by self-interest is relatively strong (Keller, 2009) and altruistic attitudes are relatively weak (Giczi & Sik, 2009), it is not surprising that willingness to help is also lower in these situations.

[7] Descriptive statistics of the control variables are shown in Table A1 in the appendix. Education had four categories: primary, vocational school, secondary school, tertiary education. Place of residence had four categories: village, town, county seat, capital. Trust in others and trust in police was measured on an 11-point scale (0 – no trust at all, 11 – complete trust). Labour force status had five categories: working, retired, unemployed, student, other. Marital status had four categories: single, married, divorced, widowed. Material deprivation is a standard indicator of Eurostat. It was measured by nine lack-of-resources indicators. Respondents were classified as living in material deprivation if they experienced at least four deprivation items. Ethnicity was a binary variable that took a value of '1' if the respondents identified themselves as Roma.

Table 4 Levels of willingness to help in the eight situations

Situation	Mean	SD	N	Cost of helping	Cost of not receiving help
Directions	8.77	2.02	941	L	M
Dropped wallet	8.67	2.12	729	L	H
Lost ID card	8.36	2.29	967	M	H
Ambulance	7.92	2.46	622	M	H
Doctor's office	7.06	2.92	551	L	L
Testimony	6.44	3.19	739	H	H
Banknote	6.33	3.28	664	L	L
Mobile phone call	6.32	3.32	821	M	M
Total	7.55	2.90	5937		

Note: H: high, M: medium L: low

4.2 Explaining willingness to help with regression models

Table 5 shows the results of the regression models. In these models we are able to use the intra-respondent variation of the vignettes at the same time as controlling for the most important characteristics of the respondents. Model 1 includes only the dummy variables for the situations. We use the situation of the doctor's office as the reference category since willingness to help is the strongest in this situation of the four situations in which the two types of cost are equal and levels of helping are relatively low. While Model 2 includes the characteristics of the respondents, Model 3 includes the characteristics of the target. The estimates remain the same if we include all control variables (Model 3), which shows that our factorial survey design is indeed close to that of experiments; hence what follows is the interpretation of Model 3.

It should be highlighted, first and foremost, that the situation itself is the most important influence on levels of willingness to help, while coefficients for other variables (except for the ethnicity of the target) are insignificant. Differences between the situations are similar to the differences found in the descriptive results; this means that these effects remained stable after we controlled for the characteristics of the hypothetical stranger and the respondents. The highest level of willingness to help was found in the four situations in which the cost of the target not receiving help is higher than the cost of helping: the estimated coefficients are between 0.820 and 1.686 and are significant at the 0.1 per cent level. Willingness to help is weakest in the three situations where the cost of helping is similar to the cost of the target not receiving help: estimated coefficients are between -0.631 and -0.880 and are significant at the 1 per cent level. This means that there are highly significant differences between levels of willingness to help in situations when the cost of the target not receiving help and the cost of helping are equal, and in situations where helping might result in a net gain.

The socio-demographic characteristics of the target (age, gender, profession place of residence) do not alter willingness to help; the only exception is ethnicity – if the stranger was Roma, they received significantly less help (–0.274, $p < 0.001$), which might be explained by the longstanding prejudice against the Roma minority in Hungary (Bernáth & Messing, 2013; Enyedi et al., 2004; Örkény & Váradi, 2010).

The characteristics of the respondents correlate significantly with levels of willingness to help. Highly educated people report higher levels of helping (the estimated coefficient for tertiary education is 0.783, $p = 0.029$), which might mean that they would indeed be more likely to help, but this might also be explained by their awareness of the social norms of helping, or their finding such norms to be more important; the presence of a social desirability bias in their answers is therefore more likely. Respondents from outside the capital (from smaller towns and villages) report higher willingness to help: the coefficient for living in a village is 1.068 ($p < 0.001$), living in a small town 0.698 ($p = 0.003$), and living in a bigger city is 0.751 ($p = 0.019$). Trust in police and trust in other people also correlate with the reported levels of helping (estimated coefficients are 0.131, $p < 0.001$ and 0.087, $p = 0.087$, respectively), which might be explained by expectations about other people's behaviour and expectations about the correct functioning of institutions that influence willingness to help.

Table 5 Effects on willingness to help, multilevel models

	(1)			(2)			(3)		
	B	**SE**	**p**	**B**	**SE**	**p**	**B**	**SE**	**p**
Level of situation									
Situation (ref. cat.: Doctor's office)									
Dropped wallet	1.714	(0.191)	0.000	1.714	(0.192)	0.000	1.686	(0.199)	0.000
Directions	1.705	(0.172)	0.000	1.706	(0.171)	0.000	1.683	(0.174)	0.000
Lost ID	1.339	(0.189)	0.000	1.337	(0.190)	0.000	1.298	(0.179)	0.000
Ambulance	0.831	(0.230)	0.000	0.833	(0.230)	0.000	0.820	(0.228)	0.000
Testimony	–0.626	(0.238)	0.009	–0.629	(0.239)	0.008	–0.631	(0.232)	0.007
Banknote	–0.694	(0.236)	0.003	–0.701	(0.237)	0.003	–0.664	(0.235)	0.005
Mobile phone call	–0.848	(0.183)	0.000	-0.847	(0.183)	0.000	–0.880	(0.172)	0.000
Woman							0.052	(0.048)	0.277
Age							–0.002	(0.002)	0.332
Prestige of profession							0.000	(0.004)	0.892
Roma							–0.274	(0.068)	0.000
Place of residence (ref.cat.: Capital)									
Village							–0.031	(0.094)	0.742
Small town							0.126	(0.079)	0.111
Bigger city							–0.099	(0.067)	0.139

Table 5 *(continued)*

	(1)			(2)			(3)		
	B	**SE**	**p**	**B**	**SE**	**p**	**B**	**SE**	**p**
Level of respondent									
Woman				0.004	(0.179)	0.980	0.004	(0.179)	0.981
Age				0.013	(0.008)	0.103	0.013	(0.008)	0.108
Education (ref.cat.: Primary)									
Vocational				−0.098	(0.235)	0.675	−0.103	(0.234)	0.660
Secondary				0.103	(0.269)	0.701	0.098	(0.270)	0.717
Tertiary				0.789	(0.360)	0.028	0.783	(0.359)	0.029
Place of reference (ref.cat.: Capital)									
Village				1.065	(0.221)	0.000	1.068	(0.222)	0.000
Town				0.699	(0.235)	0.003	0.698	(0.236)	0.003
Bigger city				0.747	(0.319)	0.019	0.751	(0.319)	0.019
Trust in others				0.086	(0.050)	0.087	0.087	(0.051)	0.087
Trust in police				0.131	(0.036)	0.000	0.131	(0.036)	0.000
Roma				0.426	(0.442)	0.335	0.425	(0.442)	0.336
Labour force status (ref.cat.: Working)									
Retired				−0.047	(0.301)	0.875	−0.045	(0.301)	0.880
Unemployed				−0.059	(0.379)	0.876	−0.061	(0.378)	0.871
Student				0.213	(0.595)	0.721	0.199	(0.598)	0.740
Other				−0.556	(0.380)	0.144	−0.557	(0.381)	0.143
Severe material deprivation				−0.117	(0.266)	0.660	−0.121	(0.265)	0.646
Marital status (ref.cat.: Single)									
Married				0.396	(0.291)	0.173	0.397	(0.292)	0.174
Divorced				0.062	(0.375)	0.868	0.064	(0.375)	0.864
Widowed				−1.085	(0.538)	0.044	−1.085	(0.537)	0.044
Constant	6.407	(0.181)	0.000	5.635	(0.397)	0.000	5.696	(0.400)	0.000
Variance components									
Var(decks)	0.140	(0.037)	0.000	0.098	(0.027)	0.000	0.102	(0.030)	0.000
Var(respondents)	2.915	(0.150)	0.000	2.396	(0.128)	0.000	2.398	(0.128)	0.000
Var(residual)	4.330	(0.096)	0.000	4.329	(0.095)	0.000	4.311	(0.095)	0.000
AIC	27093.3			27036.6			27012.4		
N	5937			5937			5937		

4.3 Robustness

In the robustness test we used two variables to measure the cost of helping and the cost of not receiving help rather than the situation. Both variables had three values (low, medium, and high cost) based on Table 2. This model allowed us to test whether the two costs are related to willingness to help as we hypothesised – i.e., we could test whether willingness to help indeed decreased with the cost of helping and whether it indeed increased with the cost of not receiving help.

Supplementary Table S1 shows the results. In situations when the cost of helping was medium level, willingness to help was 1.5 points less than in situations where the cost of helping was low. When the cost of helping was high, willingness to help was 2.9 points lower than in situations associated with a low cost of helping. Similarly, willingness to help was 1.6 points higher when the cost of not receiving help was medium level, and 2.7 points higher when the cost of not receiving help was higher than in situations associated with a low cost of not receiving help.

The results were similar when we ran the regression models by situation.[8] While willingness to help a Roma target was lowest in situations when there was direct contact with the stranger (dropped wallet, giving directions, phone call, changing the banknote, doctor's office, waiting for the ambulance), in situations when there was no contact with the target the estimated coefficients were zero (lost ID, testimony). The estimated coefficients on the trust variables were highest in situations where there was a possibility of cheating and where institutions (e.g., police or the court) were involved (changing the banknote, phone call, doctor's office, lost ID, testimony, waiting for the ambulance).

5 Conclusion

Our aim in this paper was to analyse the determinants of people's willingness to help a stranger in everyday situations. We tested how different situational characteristics affect levels of willingness to help, and what characteristics of the bystander and of the target person (the one in need) influence this.

We found that the situation itself has the strongest effect on willingness to help, and the socio-demographic characteristics of the target person (except for their ethnicity) do not have a significant effect. Our findings support the cost-reward model of helping (Dovidio, 1984; Piliavin et al., 1981). In the eight situations included in the survey, willingness to help was strongest in situations when the cost of not helping the target person were higher than the cost of helping them; i.e., where the net gain of helping was positive. Conversely, willingness to help was weaker in situations when the cost of helping and cost of the target person not receiving help were equal.

[8] For results see Supplementary Table S2.

In testing willingness to help between strangers, we aimed to study the subjective (attitudinal) component of social cohesion in the horizontal dimension (among fellow citizens) based on the theoretical framework offered by Chan et al. (2006). What are the implications of our results in terms of social cohesion? The level of willingness to help was generally high, with an overall mean of 7.55 on an 11-point scale. In some respects, this might mean that the level of norm establishment for pro-social behaviour and helping in Hungary is high. The observed strong norm of helping referred to the high level of the attitudinal aspect of social cohesion. Moreover, willingness to help did not seem to work in a selective way; in other words, according to our empirical models neither social status nor age, gender, or place of residence influence respondents' self-reported helping behaviour. Consequently, these variables do not play a significant role in creating boundaries that might decrease social cohesion across groups. In contrast, ethnicity was found to have a special relationship with social cohesion – in line with the literature (Schiefer & van der Noll, 2017; Tolsma & van der Meer, 2017).

It is worth noting, however, that the reported high level of willingness to help contradicts the results of the literature about the values and attitudes of Hungarians. Keller (2009) shows that in Hungary self-interested motivation is relatively strong, whereas Giczi and Sik (2009) report that altruistic attitudes are relatively weak in a European context. These findings suggest that respondents might have reported high levels of willingness to help (at least partially) due to social desirability bias (Fisher, 1993; Krumpal, 2013).

Based on our findings it appears that Roma people would receive considerably less help than non-Roma people in several everyday life situations. This result is in line with previous findings about willingness to provide help to minorities, including ethnic minorities (Gneezy et al., 2012; Saucier et al., 2005), and might be explained by the significant and widespread prejudice against the Roma in Hungary (Bernáth & Messing, 2013; Enyedi et al., 2004; Örkény & Váradi, 2010). Our results suggest that in the case of Roma people negative stereotyping overrides general norms associated with helping. This difference suggests that social cohesiveness extends to the Roma to a lesser extent in Hungarian society, even if it is measured in the attitudinal dimension as opposed to the behavioural dimension.

Nevertheless, as our results rely on a factorial survey – as opposed to behavioural data – the data allow us to measure intentions to help and not helping behaviour in real-world settings. Although we chose situations that would be familiar to the respondents, and social desirability bias was low due to the fact that we used a self-completion questionnaire, any extrapolation of our results to the real world should be done with caution. Further research is needed to find out if there are differences between levels of willingness to help and actual helping behaviour, using a more complex experimental research design (i.e., testing the same situations with field experiments and survey experiments).

Using experimental research to assess helping behaviour is crucial not only from sociological and methodological points of view, but may have policy implications. A better and more thorough understanding of the working mechanisms of prosocial behaviour may be helpful for policy makers, for public educators, as well as for those planning public awareness-raising campaigns.

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Appendix

Table A1 Summary statistics

	Mean	SD	Min	Max	N
Level of situation					
Dropped wallet	0.123	0.328	0	1	5937
Directions	0.157	0.364	0	1	5937
Lost ID	0.148	0.355	0	1	5937
Ambulance	0.105	0.307	0	1	5937
Doctor's office	0.094	0.292	0	1	5937
Testimony	0.123	0.328	0	1	5937
Banknote	0.113	0.317	0	1	5937
Mobile phone call	0.137	0.344	0	1	5937
Woman	0.503	0.500	0	1	5937
Age	44.213	13.778	20	62	5937
Prestige of profession	12.034	7.480	1	25	5937
Roma	0.218	0.413	0	1	5937
Village	0.283	0.450	0	1	5937
Small town	0.200	0.400	0	1	5937
Bigger city	0.299	0.458	0	1	5937
Capital	0.219	0.413	0	1	5937
Level of respondent					
Woman	0.543	0.498	0	1	5937
Age	48.481	17.775	18	92	5937
Education: Primary	0.220	0.414	0	1	5937
Education: Vocational	0.315	0.465	0	1	5937
Education: Secondary	0.305	0.460	0	1	5937
Education: Tertiary	0.160	0.367	0	1	5937
Village	0.293	0.455	0	1	5937
Town	0.284	0.451	0	1	5937
Bigger city	0.224	0.417	0	1	5937
Trust in others	4.760	2.325	0	10	5937
Trust in police	5.422	2.448	0	10	5937
Roma	0.071	0.257	0	1	5937

Working	0.535	0.499	0	1	5937
Retired	0.282	0.450	0	1	5937
Unemployed	0.060	0.237	0	1	5937
Student	0.057	0.233	0	1	5937
Other	0.065	0.247	0	1	5937
Severe material deprivation	0.261	0.439	0	1	5937
Single	0.310	0.462	0	1	5937
Married	0.422	0.494	0	1	5937
Divorced	0.141	0.348	0	1	5937
Widowed	0.127	0.333	0	1	5937

Supplementary table

Table S1 Effects on willingness to help, multilevel models

	(1)			(2)			(3)		
	B	**SE**	**p**	**B**	**SE**	**p**	**B**	**SE**	**p**
Cost of helping (ref.cat.: Low)									
Medium	−1.511	(0.144)	0.000	−1.512	(0.144)	0.000	−1.541	(0.147)	0.000
High	−2.903	(0.153)	0.000	−2.906	(0.153)	0.000	−2.928	(0.165)	0.000
Cost of not receiving help (ref.cat.: Low)			0.000			0.000			0.000
Medium	1.602	(0.161)	0.000	1.607	(0.160)	0.000	1.575	(0.174)	0.000
High	2.698	(0.233)	0.000	2.702	(0.232)	0.000	2.673	(0.245)	0.000
Level of situation controls	no			no			yes		
Level of respondent controls	no			yes			yes		
Variance components									
Var(decks)	0.150	(0.037)	0.000	0.109	(0.030)	0.000	0.117	(0.032)	0.000
Var(respondents)	2.902	(0.150)	0.000	2.384	(0.129)	0.000	2.386	(0.129)	0.000
Var(residual)	4.521	(0.104)	0.000	4.521	(0.104)	0.000	4.496	(0.103)	0.000
AIC	27332.8			27282.4			27252.1		
N	5937			5937			5937		

Level of situation controls: as in Table 5 except of situation dummies. Level of respondent controls: as in Table 5.

Table S2: Determinants of willingness to help by situations, multilevel models

	(1)			(2)			(3)			(4)		
	Directions			Dropped wallet			Lost ID			Ambulance		
	B	SE	p	B	SE	p	B	SE	p	B	SE	p
Level of situation												
Woman	0.123	(0.093)	0.183	0.102	(0.149)	0.493	−0.035	(0.058)	0.545	−0.019	(0.122)	0.876
Age	−0.004	(0.003)	0.218	0.001	(0.006)	0.820	−0.005	(0.002)	0.007	−0.001	(0.005)	0.749
Prestige of profession	0.004	(0.007)	0.607	−0.006	(0.011)	0.583	−0.006	(0.005)	0.176	0.021	(0.008)	0.011
Roma	−0.416	(0.107)	0.000	−0.340	(0.152)	0.025	−0.030	(0.059)	0.607	−0.256	(0.155)	0.098
Place of residence (ref.cat.: Capital)												
Village	−0.129	(0.129)	0.316	−0.150	(0.150)	0.318	0.110	(0.074)	0.139	0.046	(0.241)	0.850
Smaller town	0.138	(0.136)	0.309	0.059	(0.328)	0.858	0.092	(0.102)	0.370	0.116	(0.201)	0.566
Bigger city	−0.285	(0.119)	0.016	−0.201	(0.227)	0.377	0.013	(0.085)	0.877	0.054	(0.157)	0.732
Level of respondent												
Woman	−0.034	(0.223)	0.880	0.167	(0.238)	0.483	0.231	(0.309)	0.454	-0.096	(0.225)	0.669
Age	0.006	(0.011)	0.553	−0.004	(0.010)	0.679	0.016	(0.012)	0.202	0.012	(0.010)	0.203
Education (ref.cat.: Primary)												
Vocational	−0.065	(0.285)	0.820	0.030	(0.401)	0.940	0.219	(0.435)	0.615	0.082	(0.360)	0.820
Secondary	0.069	(0.268)	0.796	0.393	(0.342)	0.250	0.127	(0.433)	0.770	0.662	(0.339)	0.051
Tertiary	0.560	(0.385)	0.145	0.881	(0.475)	0.064	1.196	(0.476)	0.012	0.906	(0.464)	0.051

	(1)			(2)			(3)			(4)		
	Directions			Dropped wallet			Lost ID			Ambulance		
	B	SE	p	B	SE	p	B	SE	p	B	SE	p
Place of residence (ref.cat.: Capital)												
Village	0.450	(0.263)	0.087	0.496	(0.388)	0.201	1.206	(0.356)	0.001	1.563	(0.273)	0.000
Town	0.153	(0.245)	0.531	0.336	(0.282)	0.234	0.920	(0.279)	0.001	1.330	(0.328)	0.000
Bigger city	0.154	(0.384)	0.689	0.282	(0.365)	0.440	0.565	(0.352)	0.109	1.528	(0.355)	0.000
Trust in others	−0.042	(0.035)	0.233	−0.088	(0.051)	0.082	0.105	(0.055)	0.058	0.018	(0.058)	0.762
Trust in police	0.056	(0.043)	0.192	0.039	(0.048)	0.414	0.092	(0.042)	0.027	0.131	(0.046)	0.004
Roma	0.403	(0.575)	0.484	−0.025	(0.787)	0.975	−0.537	(0.840)	0.522	1.475	(0.369)	0.000
Labour force status (ref.cat.: Working)												
Retired	0.063	(0.308)	0.839	0.259	(0.344)	0.452	−0.414	(0.412)	0.315	0.081	(0.429)	0.849
Unemployed	0.039	(0.485)	0.937	−0.414	(0.534)	0.438	−0.651	(0.521)	0.211	-0.503	(0.478)	0.293
Student	0.402	(0.541)	0.457	0.781	(0.642)	0.224	0.866	(0.720)	0.229	1.015	(0.507)	0.045
Other	−0.037	(0.591)	0.951	−0.421	(0.680)	0.536	−0.395	(0.575)	0.493	0.239	(0.567)	0.673
Severe material deprivation	−0.195	(0.326)	0.550	−0.505	(0.314)	0.108	0.185	(0.263)	0.482	-0.221	(0.325)	0.497
Marital status (ref.cat.: Single)												
Married	0.618	(0.324)	0.057	0.898	(0.382)	0.019	0.882	(0.377)	0.019	0.059	(0.421)	0.888
Divorced	0.504	(0.488)	0.301	0.584	(0.438)	0.182	0.993	(0.348)	0.004	-0.645	(0.524)	0.218
Widowed	-0.446	(0.562)	0.428	-0.052	(0.689)	0.940	-0.387	(0.598)	0.517	-1.245	(0.701)	0.076
Constant	8.244	(0.544)	0.000	7.725	(0.604)	0.000	6.856	(0.598)	0.000	6.697	(0.545)	0.000

	(1)			(2)			(3)			(4)		
	Directions			Dropped wallet			Lost ID			Ambulance		
	B	SE	p	B	SE	p	B	SE	p	B	SE	p
Variance components												
Var(decks)	0.240	(0.107)	0.108	0.031	(0.079)	0.496	0.110	(0.062)	0.048	0.060	(0.055)	0.121
Var(respondents)	2.368	(0.223)	0.000	3.225	(0.229)	0.000	3.657	(0.250)	0.000	3.007	(0.244)	0.000
Var(residual)	1.122	(0.099)	0.517	0.857	(0.115)	0.567	0.696	(0.076)	0.098	1.673	(0.166)	0.009
AIC	3542.5			2819.2			3207.8			2648.6		
N	941			729			870			622		

	(5)			(6)			(7)			(8)		
	Doctor's office			Testimony			Banknote			Phone call		
	B	SE	p	B	SE	p	B	SE	p	B	SE	p
Level of situation												
Woman	0.283	(0.166)	0.087	-0.051	(0.080)	0.521	0.060	(0.197)	0.761	0.175	(0.134)	0.190
Age	0.001	(0.005)	0.795	0.003	(0.005)	0.496	-0.007	(0.007)	0.354	0.006	(0.004)	0.160
Prestige of profession	−0.015	(0.005)	0.005	0.006	(0.007)	0.387	-0.029	(0.011)	0.006	0.013	(0.012)	0.295
Roma	−0.246	(0.162)	0.128	0.015	(0.208)	0.943	-0.323	(0.195)	0.098	−0.949	(0.105)	0.000
Place of residence (ref.cat.: Capital)												
Village	−0.033	(0.246)	0.895	0.196	(0.162)	0.225	-0.604	(0.305)	0.048	−0.235	(0.194)	0.225
Smaller town	0.302	(0.249)	0.226	0.093	(0.095)	0.332	0.005	(0.324)	0.989	0.118	(0.157)	0.451
Bigger city	−0.136	(0.231)	0.557	0.049	(0.170)	0.774	-0.267	(0.271)	0.323	-0.000	(0.164)	0.998

	(5)			(6)			(7)			(8)		
	Doctor's office			Testimony			Banknote			Phone call		
	B	SE	p	B	SE	p	B	SE	p	B	SE	p
Level of respondent												
Woman	−0.190	(0.291)	0.513	-0.116	(0.431)	0.787	0.208	(0.331)	0.530	−0.061	(0.368)	0.868
Age	0.017	(0.022)	0.427	0.012	(0.022)	0.600	0.021	(0.016)	0.185	0.048	(0.016)	0.003
Education (ref.cat.: Primary)												
Vocational	−0.532	(0.344)	0.122	0.147	(0.730)	0.841	−0.014	(0.352)	0.968	−0.449	(0.360)	0.212
Secondary	−0.497	(0.522)	0.341	0.588	(0.687)	0.392	−0.439	(0.464)	0.344	−0.418	(0.487)	0.391
Tertiary	0.573	(0.635)	0.367	1.714	(0.905)	0.058	1.180	(0.813)	0.147	0.377	(0.639)	0.555
Place of residence (ref.cat.: Capital)												
Village	0.193	(0.486)	0.691	1.184	(0.376)	0.002	1.962	(0.446)	0.000	1.834	(0.442)	0.000
Town	−0.102	(0.330)	0.758	1.249	(0.607)	0.040	1.172	(0.544)	0.031	1.138	(0.340)	0.001
Bigger city	0.384	(0.372)	0.303	0.826	(0.653)	0.206	1.417	(0.584)	0.015	0.967	(0.505)	0.055
Trust in others	0.168	(0.085)	0.047	0.065	(0.111)	0.561	0.120	(0.087)	0.168	0.264	(0.075)	0.000
Trust in police	0.026	(0.090)	0.775	0.205	(0.096)	0.033	0.268	(0.061)	0.000	0.156	(0.064)	0.015
Roma	−0.024	(0.680)	0.972	−1.236	(1.260)	0.327	2.322	(0.509)	0.000	1.237	(0.627)	0.048
Labour force status (ref.cat.: Working)												
Retired	0.087	(0.636)	0.891	0.073	(0.675)	0.914	0.650	(0.491)	0.185	-1.162	(0.499)	0.020
Unemployed	0.767	(0.663)	0.247	0.381	(0.824)	0.643	0.239	(0.683)	0.726	-0.057	(0.599)	0.924
Student	−0.266	(0.985)	0.787	-0.400	(1.273)	0.753	0.658	(0.974)	0.499	1.081	(0.695)	0.120
Other	−0.992	(0.650)	0.127	0.757	(1.034)	0.464	−0.309	(0.956)	0.747	-0.886	(0.863)	0.305
Severe material deprivation	−0.851	(0.512)	0.096	-0.000	(0.541)	1.000	0.319	(0.415)	0.442	-0.065	(0.466)	0.890

	(5)			(6)			(7)			(8)		
	Doctor's office			Testimony			Banknote			Phone call		
	B	SE	p	B	SE	p	B	SE	p	B	SE	p
Marital status (ref.cat.: Single)												
Married	0.325	(0.693)	0.639	0.217	(0.502)	0.666	0.039	(0.571)	0.946	−0.021	(0.537)	0.968
Divorced	0.045	(0.503)	0.929	−0.403	(0.563)	0.474	−0.004	(0.675)	0.996	−0.915	(0.732)	0.212
Widowed	−1.125	(0.895)	0.209	−1.283	(0.817)	0.116	−2.514	(0.775)	0.001	−2.559	(0.762)	0.001
Constant	7.259	(0.587)	0.000	5.122	(0.913)	0.000	5.250	(0.864)	0.000	6.462	(0.722)	0.000
Variance components												
Var(decks)	0.426	(0.177)	0.305	0.256	(0.096)	0.069	0.132	(0.083)	0.107	0.128	(0.139)	0.345
Var(respondents)	4.867	(0.339)	0.000	7.472	(0.323)	0.000	6.096	(0.303)	0.000	6.823	(0.201)	0.000
Var(residual)	2.279	(0.177)	0.000	1.487	(0.105)	0.005	2.754	(0.205)	0.000	2.371	(0.180)	0.000
AIC	2620.1			3225.0			3241.1			3845.2		
N	551			739			664			821		

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Some thoughts on civic education: Lessons from the international literature

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Abstract

From time to time, both political scientists and education researchers articulate that the civic competences of the Hungarian youth should be developed. The phenomena, which should be tackled in this way are varied: lack of basic civic knowledge, low political interest, low level of political participation, relatively high rejection of democracy, and openness to radicalism are among the most frequently mentioned. Based on this, civic education may seem a universal therapy. Since a good deal of empirical research from mature democracies has shown the positive effects of civic education, it should be indeed kept on the list of potential solutions. However, those scholars, policymakers, and practitioners who would like to achieve change, should go beyond this superficial tip and ask the key questions of civic education. Who is a responsible citizen and how can civic education prepare students for this role? The paper does not seek to provide exclusive answers to these questions. It aims to provide a comprehensive picture of possible answers, based on the current literature of various disciplines.

Keywords: civic education; citizenship; Hungary; literature review

1 Introduction

In the twentieth century, many democracies articulated the need for modern civic education, which included the topics of democratic commitment, social inclusion, tolerance, and the need for more equitable societies. Also, school curricula came under the spotlight as a potential means of achieving these goals (Kennedy, 2019). In the 1990s, as the level of civic knowledge, interest, and engagement of youth declined, raising concerns both in the USA and the mature democracies of Western Europe, interest in civic education gained new momentum (Galston, 2001; Torney-Purta, 2002a). At the same time, the topic became relevant in the new democracies of Central and Eastern Europe because of the need for democratic consolidation and the democratic (re)socialization of citizens (Torney-Purta, 2002a). During the past decades, several actors, including governments, educational agencies, and non-governmental organizations, have promoted civic education. For example, civic education has a long

tradition in the United States, and an especially rich literature deals with the country's experiences from various angles. Further often-discussed examples include the German model – which is based on the more-than-40-year-old Beutelsbach Consensus – and the famous Crick Report from 1998, which set out a vision for citizenship education in England. Also, the European Union has prioritized civic education several times in the past decades. For example, the European Commission defined active citizenship as one of the four aims of education in 2001, and the European Parliament and the Council listed social and civic competences among the eight key competences for lifelong learning in a 2006 recommendation. Civic education became a leading theme at the beginning of 2015, after the terrorist attacks in Paris and Copenhagen. As a result of the events, the ministers responsible for education issued a joint statement (Paris Declaration, 2015) stressing that education has a key role to play in communicating shared values and in educating young people to be responsible, open, active and tolerant citizens. A year later, a follow-up report showed that while most Western and Southern European Member States had made some policy responses since the Declaration was adopted, this was less common in Central and Eastern Europe (Eurydice, 2016).

Despite decades of general interest in school-based civic education, the field was relatively neglected in empirical political science between the 1960s and 1990s, mainly due to an American study (Campbell, 2019). Langton and Jennings (1968) examined the effects of civics courses on a broad range of civic outcomes; their results suggested that such courses only have a marginal effect or do not have an effect at all. The 1998 US study by Niemi and Junn brought a turnaround as, unlike the study by Langton and Jennings (1968), it found positive effects. Also, an international civic education study was launched in this period. The International Association for the Evaluation of Educational Achievement has so far organized three waves of data collection: in 2001 (Torney-Purta et al., 2001), in 2009 (Schulz et al., 2010), and in 2016 (Schulz et al., 2017), which have served as the basis for several empirical studies since then. Despite this growing scholarly interest in civic education, no mature messages can be articulated regarding this field. The reasons are manifold. First, the aims of civic education will always be debated due to their political, value-laden character. Even though this is an irresolvable issue, scholars of civic education should be more conscious and more explicit about their standpoints in this debate. In several empirical studies there is no reference to the competing views of citizenship and the authors' normative position. This makes it hard to link the theoretical viewpoints and the empirical results. Second, the exact aims of civic education have to be redefined from time to time, also in line with a given approach, as they are not only value laden, but also context dependent. As the context changes, so do the ends and means of civic education. Third, the study of civic education is a truly interdisciplinary field and involves scholars of political science, sociology, education research, psychology, and economics. Even though there have been some remarkable attempts (e.g. Mouritsen & Jaeger, 2018; Print & Lange, 2013) not to lose sight of this interdisciplinary character and to address the most important questions associated with civic education in their complexity, this is not the general approach. With this in mind, it is not hard to imagine how confused practitioners who are given the task of educating future citizens can be, and why it can be an easier option for many of them to ignore civic education entirely.

In Hungary, there are several phenomena which inspire people to support civic education, especially when youth are considered. It is conventional wisdom that young people are alienated and disengaged from the world of politics. They opt out of traditional forms of participation, but this trend is not coupled with an involvement in new forms of participation.

The level of passivity of Hungarian youth is striking, even within the post-socialist country bloc (Kovacic & Dolenec, 2018). Moreover, studies show that skepticism about democracy is widespread (Szabó & Székely, 2016), and many young people are open to anti-democratic, radical voices (Oross & Szabó, 2019; Sik, 2017). What is more, university students with democratic attitudes are politically less engaged than university students that have an authoritarian attitude (Kovács, Oross & Szabó, 2017). Many scholars who have examined these various phenomena conclude that there is a need to develop the civic competences of young Hungarians and civic education should be fostered. Nonetheless, studies about civic education are quite rare in the field of social sciences. What is known, based on the few pieces of research, is that no educational ministries have prioritized or implemented meaningful civic education since the regime change (Hunyadi & Wessenauer, 2016) and school-based civic education has been empty and dysfunctional since then (Csákó, 2009; *Iskola és Társadalom*, 2017; Szabó, 2009). Although this statement is very important, at best it is good only for self-flagellation if no further suggestions accompany it concerning how the situation could be improved. Given the current state of research on civic education, there is a long way to go before we can arrive at policy recommendations. However, a step forward can be taken: some lessons can be drawn from the international scholarly discourse on civic education for a Hungarian audience. This study is designed according to this goal and has two objectives. First, to highlight some important issues regarding civic education and through this to fertilize discussion among academics. In some cases, it arrives at provisional conclusions that are open to scholarly debate. In other cases, it just formulates questions, hoping they will attract academics to contribute to this field of research. Second, the study is written to attract the attention of teachers and seeks to highlight a range of theoretical and practical issues from more disciplines, hoping that these will provide input for their work. It was emphasized earlier that civic education research has an interdisciplinary character, but reviewing all the relevant research fields is beyond the scope of this article. Mostly, it is the perspectives of psychological research that are missing (for such contributions, please see, e.g., Borgida, Federico & Sullivan, 2009; Carretero, Haste & Bermudez, 2016; Pancer, 2015; Stevenson et al., 2015). In the review no guidelines will be given but rather the complexity and the challenging nature of this work will be shown. Hopefully, this will not deter practitioners but rather motivate them to find ways of implementing civic education that best suit them and the people who they are working with.

The paper proceeds as follows. In Section 2 the basic concepts of citizenship, civic education, and civic engagement are introduced. Section 3 briefly argues why schools ought to play a prominent role in civic education. In Section 4, different approaches to citizenship are presented and some implications for civic education are discussed. Next, empirical findings on the effects of civic education are summarized, and the role of teachers is also discussed. The paper finishes with a short conclusion.

2 Key concepts

Citizenship is an unavoidable notion when discussing civic education. Broadly, citizenship can be defined as membership in a political community characterized by rights and duties, which manifest in three dimensions: a legal, a political, and an identity dimension (Leydet, 2017). Thus citizenship is way more than a legal status – it also implies a broad set of virtues,

attitudes, and behaviors. As Levinson (2014, p. 3) puts it, citizenship can be treated as 'a way of being in the world.' Such basic statements can be often found in the different discussions about citizenship, but after that, disputes and disagreements begin. How can the various dimensions of citizenship be defined? How important are these dimensions and how do they relate to each other? What are the appropriate normative standards of each of them? These are the questions around which the debates on the concept of citizenship unfold (Leydet, 2017), and the answers that are given to them define the good or responsible citizen.

Most definitions of *civic education* are developed within a democratic theoretical framework without making this explicit. However, as Kennedy (2019, p. 18) states, civic education 'is best seen as a political construction designed to serve the purposes of the nation state reflecting its values, its purposes and its priorities.' Some would surely criticize this definition because it focuses solely on nation states, but at the moment it is more important that it acknowledges that civic education can not only be democratic, but also authoritarian in nature. In a post-socialist context, it is worth admitting that civic education is not desirable per se, but only if it has a democratic character. This is especially so because many scholars argue (e.g. Csákó, 2009; *Iskola és Társadalom*, 2017) that civic education in Hungary is still failing due to the legacy of a non-democratic past. Such a legacy might include the fear of indoctrination or the lack of understanding of democracy. Because of this, one could argue that the use of the terms 'education for democracy' or 'education for democratic citizenship' would be more precise, but the use of the term 'civic education,' which implicitly assumes democratic aims, is more common.

According to Scorza (2011, p. 232), 'civic education aims to promote and shape civic engagement by developing citizens' competencies (e.g., attitudes, skills, and knowledge) needed for participation in community, government, and politics.' In its broadest meaning, this is a lifelong process in which several actors are involved, intentionally or even deliberatively (Crittenden & Levine, 2016). Even though this paper concedes the complexity of this process, it intentionally focuses only on one part of it: school-based civic education. Section 3 argues why. It should also be mentioned that civic education not only has a socializing effect, preparing people for their roles in various communities, but also a potentially transformative capacity by equipping them with the competency to be able to think critically and act upon this (Peterson et al., 2016). Last, within the context of schools, civic education is used as an umbrella term as it can be implemented in numerous different ways, such as civics courses, active learning opportunities, overall school culture, and an open classroom climate.

Civic engagement is a central element of the practice of citizenship, and this term has framed the discussion about the topic in past decades. However, as Berger (2009) highlights, civic engagement has become a catch-all-term in the social science literature as it has been used by different disciplines to describe a wide variety of things – from social connectedness through membership in particular organizations such as sports clubs or churches to political activity. Even though the latter are imprints of an intrinsically pluralistic civic life and of the various ways that citizenship is practiced, the use of the umbrella term as an analytical concept is problematic. An overly broadly defined, vague, and imprecise concept can lead to misunderstandings and false conclusions about both the actual and desired levels of civic engagement. To overcome the problem, Berger proposes to drop the qualifier 'civic' entirely and replace the all-encompassing term with a set of more nuanced 'engagements': political, social, and moral. In all three cases, the author understands engagement as a combination of

attention and activity. While in particular cases engagement can also refer to only attention or only action, as a generalized condition it is always a combination of both. Berger defines the three categories as follows. Political engagement is any attentive activity which directly involves any level of polity or which affects government action directly or indirectly. By contrast, social engagement includes associational involvements having no political objective. Such activities have received a lot of attention in political science as they may produce social capital, which may foster political engagement. In this sense, social engagement can be, but is not necessarily, pre-political. Finally, moral engagement is attentive action that supports a particular moral code, moral reasoning, or moral principles. Berger emphasizes that a healthy democracy needs all three kinds of engagement. However, the substance of moral engagement, and the desired level, realms, aims, and means of social and especially political engagement are open to debate (for some details of this debate, see Section 4). The three kinds of engagement often intertwine, but as concepts they are and should be distinctive in the scholarly discourse.

In my view, Berger's approach helps to think about engagement in a more nuanced way as it distinguishes between the different types and emphasizes that only a combination of attention and activity can lead to meaningful engagement. Many argue for the need to increase civic engagement in general, presenting it as a positive thing without explaining what is meant by it or which preconditions it should meet. But only by using a more differentiated approach can we create a realistic picture of the actual levels of engagement and have a meaningful discussion about the desired ones.

Moreover, I believe that this approach can help both in the design of school-based civic education programs and in the design of empirical research on the subject, and can lead to clearer messages about its impact. Accordingly, before civic education is proposed as a cure for a phenomenon, the phenomenon itself should be judged (i.e., the identification of in which category it belongs, and whether it is indeed a threat to democracy). Moreover, when any civic education activity is planned and its effects are later measured, it should be kept in mind which kind of engagement it is intended to promote and shape. Pedagogical approaches and teaching methods should be chosen based on this decision, and measured outcomes should also be in line with the original intentions. Moreover, in a context such as the Hungarian one, where ideas and knowledge about school-based civic education are still immature, such a categorization can help to delimit and enrich the discourse on this issue.

3 Why schools?

In Section 2 two key elements of civic education were emphasized. First, it is a lifelong process, and second, several actors are potentially involved in it. Even though every stage of this process and all the actors involved in it are worth studying, the predominance of the international scholarly interest in schools in the empirical literature is justified.

The emphasis on the young is reasonable due to the characteristics of the various stages of psychosocial development. According to Erikson's theory (Erikson, 1963; 1968), the time from about 12 to 18 years old is the period when individuals are dominantly occupied with the search for a sense of self and personal identity, including personal values, beliefs, and goals. Adolescents explore various options to help them find their identity and fit into society.

Thus civic habits and values are also relatively easily influenced at this age (Crittenden & Levine, 2016). Besides this, conceptual frameworks and content learned at this stage of life serve as a filter for additional socialization effects (Percheron, 1999).

Factors influencing the political socialization process can be formal (school, various organizations, churches) and informal (e.g. family, peers, cultural patterns and individuals' own lived experience) (Szabó, 2013). The socialization mechanism of the particular agent can be direct or indirect, but in most cases, both are involved. Moreover, the role of a particular agent can change over time to great extent (Bognár, 2014). As the effects of the various factors interact and intertwine, it is nearly impossible to argue why some of them should receive more attention. Also, there are many reasons to think that school-based civic education is not the most effective way to shape political, social, or moral engagement. Hence, the reason why schools dominate the discourse on civic education is purely pragmatic: educational institutions are subject to public policy to a much greater extent than other actors (Campbell, 2019). If no attention is paid to school-based civic education, the largest explicit opportunity for public policy is missed. What is more, an absence of attention can lead to a lack of direct, conscious and intentional civic education in schools, but this does not mean that civic education in its broadest meaning does not take place. In this case, its absence has a socializing effect (Csákó, 2009).

The fact that schools are important agents of civic education from a public policy point of view does not necessarily mean that they are on the top of the education policy agenda as educating future citizens is only one of the many possible goals of schooling. The education system has eight main functions (Halász, 2001): (1) developing an individual's personality; (2) cultural reproduction; (3) reproducing or transforming the social structure; (4) promoting economic growth; (5) legitimizing the political system; (6) ensuring social inclusion; (7) providing services; and, (8) accelerating or decelerating social change. These functions do not have equal weight in various education systems and even though some of these elements may amplify each other, there are typically significant trade-offs between them (Halász, 2001). In past decades, qualifications for employability have dominated both policy priorities and education research at the expense of the other aims (Kennedy, 2019; Peterson et al., 2016). However, as economies, and hence the skills employers are looking for, are changing, multiple potential ways of implementing civic education align with emerging business priorities. For example, many of the twenty-first-century skills defined by the World Economic Forum (2016), such as cultural and civic literacy, critical thinking, communication, collaboration and social and cultural awareness, can be developed through civic education. Thus, at this moment it might be easier to reconcile the seemingly conflicting aims of schooling – preparing young people for employability and for being future citizens – than it was in preceding decades.

Despite all of the above, it is worth mentioning that some authors have cast doubt on the necessity for and implementation of school-based civic education. Murphy (2007), for example, criticized the field from two main points of view. On the one hand, he argued that the goal of civic education, the development of civic virtue, cannot be effectively achieved in a school setting. However, based on the empirical evidence that has accumulated since the publication of Murphy's study, this statement is no longer tenable (see Section 5 and the Annex). On the other hand, the author claimed that civic education compromises the inherent moral purpose of school education – namely, developing a desire for knowledge and the conscientious search for truth. For this reason, Murphy concluded that schools can only aim

to impart civic knowledge, and that any activity beyond this (e.g. aimed at developing civic virtues) is fraught with contradictions and can be considered indoctrination. In so doing, however, Murphy did not reject school-based civic education but was arguing for a narrow concept of it, focused on knowledge transfer.

Merry (2020) also questioned the power of schools to produce good citizens. His criticisms were specifically related to the liberal approach to civic education. According to him, the proponents of this approach are too disconnected from the real world of schools and ignore the inequalities in school systems and individual schools. Moreover, many forms of civic education can themselves contribute to the reproduction of inequalities. For example, the form of the latter that focuses exclusively on knowledge transfer and on learning about political institutions – which Murphy (2007) considered the only acceptable form of implementation – favors students who morally or intellectually conform. Merry (2020) further questioned whether state authority is legitimate at all if the same authority is used to determine who is a good citizen, and conveys this idea through education. Despite his criticisms, the author stressed that '[n]one of what I have argued means that schools have nothing to offer, or that the social reproduction of inequality is the whole story' (Merry, 2020, p. 132). He cited several real-life examples that he considers desirable manifestations of school-based civic education. Nevertheless, Merry argued that instead of promoting ideal forms of civic education, it would be more useful to focus on making schools more just institutions. In this vision, however, he left room for current, less ambitious forms of civic education in schools, such as civic courses or community service.

Even though these studies strongly criticize school-based civic education, none of them go as far as rejecting it altogether. Rather, they present models that fit their normative positions as the solution. As civic education is essentially normative, it is associated with no model which could not be criticized. Hence, the more approaches teachers encounter, the more consciously they will be able to choose between the various alternatives, hopefully with the best interests of their students in mind. For this reason, the following section presents some approaches to 'the good citizen.'

4 Approaches to citizenship

Now that the meaning of civic education has by and large been discussed, and the role of schools in civic education justified, it is time to turn to the question that should be the starting point of every discussion about civic education: Who is a good citizen? The answer depends greatly on what kind of democracy is thought to be ideal (and/or practical). The following brief descriptions do not give a complex picture of the various approaches and are not suitable for illustrating the points of contention and different positions associated with each approach. They are, however, adequate for giving a sense of the main differences between the models and of the wide range of very different content that moral engagement can have. Moreover, if we look at these approaches in relation to Berger's (2009) two other categories – political and social engagement – it becomes apparent that they take on different weights in each model.

Many discussions about civic education that entail theoretical reflection mention two approaches as their points of reference: the liberal and/or the republican approach. For liberals, democracy means the ability to exercise control over the government, while for

republicans democracy is understood in terms of civic self-government (Leydet, 2017). In other words, while classical liberals want to safeguard individual liberty against the state and prefer regimes that make relatively modest demands of citizens, civic republicans argue that highly active and deliberative citizenship constitutes a good life and therefore endorse a republican regime (Crittenden & Levine, 2016). Thus the liberal understanding of citizenship emphasizes its first dimension, legal status, while republicans primarily understand citizenship as political agency, accentuating its second dimension (Leydet, 2017). Freedom is a central notion in both approaches, but with a different meaning. For liberals, freedom is non-interference, while for republicans it is non-domination, understood as 'living under the rule of laws that one has a voice in making' (Dagger, 2004, p. 174). Even though the two models are typically seen as two ends of a spectrum, some argue that it is reasonable to consider them complementary. There are times when the liberal approach to citizenship is sufficient to make democracy work, but at least intermittently, when security provided by authorities must be secured, the republican public-spiritedness of citizens is needed (Walzer, 1989, p. 217 cited by Leydet, 2017).

Neither of these normative viewpoints about the desired type of democracy question the importance of civic education, but they strongly influence its content. Hoskins (2013) summarizes the main differences between the two extreme approaches as follows. According to liberals, education should be neutral towards the different conceptions of the good, thus civic education should aim to help young people to become autonomous citizens who possess adequate political skills and enough knowledge to be able to act in their own self-interest. Even though individualism is central to liberals, this does not mean that the importance of interpersonal or group relations is not acknowledged at all. Hence, doing activities aimed at helping others may constitute civic education, but such activities do not necessarily reflect on society, politics, or further critical thinking. By contrast, from the republican perspective, civic education means developing the skills, knowledge, attitudes, and values which enable political engagement and involvement in political decision-making not only as possibilities but obligations and values in themselves. Central, explicitly taught values include public-spiritedness, solidarity, the responsibility to act for the common good, and a belief in the importance of political engagement.

Even though liberalism and republicanism are the most influential theories that affect civic education, there are other approaches to citizenship that are reflected in the practice of many education systems. Mouritsen and Jaeger (2018) mention three of these. First, they describe the communitarian-national approach, which values tradition and religion and sees respect for authority, normative grounding and civil-society voluntarism as desirable virtues. Identity is based on national belonging, and knowledge of national history and culture is required. Community is an important notion both in republicanism and communitarianism. However, while a republican does not value any particular community intrinsically, a communitarian does. A republican esteems a community of self-governing, public-spirited citizens committed to formative politics, while a communitarian desires that the values and preferences of a particular community prevail (Dagger, 2004).

The next approach introduced by Mouritsen and Jaeger (2018) is the intercultural one. It is based on the respect for and recognition of different cultures, with dialogue and empathy as the main virtues. Regarding identity, pride in diversity and group identity play a key role. This approach emphasizes the need for knowledge of postcolonial history and the

legacy of different ethnic groups. Last, Mouritsen and Jaeger (2018) also describe the ideal type of economic, neoliberal citizen. It is debatable whether this is worth considering as an independent approach, or whether it is rather an extreme version of liberal citizenship in which the classical liberal demand of self-sufficiency is strongly emphasized. Although this thin concept of citizenship might have been quite influential in past decades as future employability dominated the aims of schooling, seeing it as a potential ideal that civic education should pursue is questionable. This approach sees the individual only as a worker or entrepreneur and says little about desirable values, virtues, identities, or knowledge in the public and political realm.

A further approach described by Hoskins (2013) is the critical model of citizenship, which centers on the agenda of questioning the status quo and improving social justice and equality. In this sense, civic education aims to develop the competencies needed for a critical assessment of social problems and injustices and transmit social values like empathy and care. Social movements are seen as the appropriate means of creating social change. Even though the critical model is often discussed among academics, it is rarely found in school settings.

These approaches are the most influential ones in the civic education literature, although the abstract constructions might not be easily accessible to practitioners. Westheimer and Kahne (2004) propose a categorization that aims to accord with theoretical perspectives but also reflect the practiced reality of civic education programs and resonate with practitioners. The three kinds of citizens they define are the personally responsible, the participatory, and the justice-oriented citizen. Even though Westheimer and Kahne do not make any explicit references to the theoretical underpinnings, the three types align with the liberal view, the republican view, and the critical model, in this sequence. Being personally responsible mainly involves the character of the citizen – it concerns being a good person within one's community. The most important values that should be fostered through civic education are honesty, integrity, self-discipline, and hard work. Moreover, civic education might also entail engaging students in volunteering. By contrast, the participatory citizen is someone who actively participates in civic affairs and organizes social life. For this purpose, civic education should concentrate on transferring knowledge about how governments and community-based organizations work, and develop skills enabling participation, but also planning and organizing social life. Last, the justice-oriented citizen is associated with the same ideals as described earlier under the critical model of citizenship. To be able to meet these ideals, civic education should ensure opportunities for analyzing and understanding the interplay of social, economic, and political forces and consider collective strategies for change. The authors illuminate the essence of each kind of citizen through the following example: 'if participatory citizens are organizing the food drive and personally responsible citizens are donating food, justice-oriented citizens are asking why people are hungry and acting on what they discover' (Westheimer & Kahne, 2004, p. 243). Westheimer and Kahne make their position about the desirable type of citizen for an effective democracy very clear. They argue that most engagements of personally responsible citizens do not advance democracy, while participatory citizens may become effective contributors, but not necessarily in a thoughtful way. For Westheimer and Kahne, only justice-oriented citizens will understand what causes society's ills and act to diminish them. In the last one-and-a-half decades, this categorization has become fairly widely spread in civic education literature. Presumably, most political scientists find this typology to be an oversimplification, while the overall mes-

sage might trigger intense debate. However, the effort to link practice and theory should be acknowledged and its resonance creates an important message for political scientists: It is worth trying to formulate messages in a more accessible way, even if they are more nuanced and sophisticated.

5 Effects of civic education

Next, an empirical question arises which is worth asking, whatever kind of citizen is thought to be ideal. Is civic education in schools an effective means of shaping the desired civic competencies? It was a prevalent view in political science for decades – mainly based on the results of Langton and Jennings (1968) – that civic education has only a marginal role in political socialization. The landmark event was the nationally representative U.S. study of Niemi and Junn (1998) that showed that civic education classes do affect students' political knowledge. Since then, several methodologically sound studies have shown a positive effect of civic education and have examined its various forms. For the sake of this study, fourteen empirical studies were reviewed (Bruch & Soss, 2018; Campbell, 2008; Condon, 2015; Gainous & Martens, 2012; Green at el., 2011; Kawashima-Ginsberg & Levine, 2014; Keating & Janmaat, 2016; Langton & Jennings, 1968; Martens & Gainous, 2013; Metz & Youniss, 2005; Neundorf et al., 2016; Niemi & Junn, 1998; Torney-Purta, 2002b; Whiteley, 2014). The sampling of the studies was purposive. When selecting the articles, the aim was to cover a wide range of forms of school-based civic education that have been analyzed and the measured outcomes. It was considered important to get an overview not only of the overall effects but also of the effects on disadvantaged students. Another aim was to include studies that examined the long-term effects of civic education. So as not to oversimplify the articles' messages, their main findings are summarized in a table in the annex to this study. This section aims to draw some general statements.

The first is that empirical studies barely refer to theoretical debates about the good citizen explicitly. This may be because the programs and curricula they evaluate do not do so either. Nevertheless, I believe that it is important to try to make the link between theoretical concepts and empirical results. So, if the examined forms of civic education are seen through the lens of the various citizenship approaches, it is obvious that some of them reflect the intentions of the liberal approach, focusing on formal instruction and factual knowledge, and sometimes introducing a special curriculum on civil liberties or having a special focus on voting. But there are other forms of civic education that are better aligned with the republican approach, such as the open classroom climate or education through citizenship, which are deliberative and participatory forms of learning. The idea of the critical, justice-oriented citizen is barely present in these empirical studies – which situation is in line with the statement of Westheimer and Kahne (2004) that only a minimal number of civic education programs seek to educate young people based on this ideal. On a theoretical level, many learning practices such as the open classroom climate and some of the active learning strategies would have been suitable for educating critical citizens, but based on the available data it is not known whether this was the actual intention. However, a study by Kawashima-Ginsberg and Levine (2014) implicitly refers to this citizenship concept as it differentiates two types of service-learning programs: those that also involve a discussion of the roots of the problem, and those which do not. In respect of the measured outcomes, political engagement and so-

cial engagement dominate – moral engagement is rarely of interest. What is more, the dual nature of the desired kind of engagement (in terms of it being partly an attentive activity: Berger, 2009) is not reflected in every study; many of them focus solely on activity. This is not a criticism of empirical studies, which understandably focus on easily measurable outcomes. However, it is risky if civic education programs are designed based solely on such evidence and do not promote goals that are difficult to measure but necessary for maintaining a healthy democracy.

Turning to the results of these studies, some disagreements and ambiguities emerge; nevertheless, some conclusions can be drawn. First, civic education is not an empty promise: it can be an effective policy measure. Nonetheless, it is not a silver bullet. Policymakers and educators not only have to make a conscious choice about which citizenship approach they seek to convey implicitly or explicitly. They also have to be aware of the trade-offs between the desired civic competences associated with the particular ideal. In some cases, teaching strategies, which are beneficial for developing a competence have no effect on, or harm another competence. For example, the results of Gainous and Martens (2012) show a clear trade-off between the development of political efficacy and factual political knowledge in the case of disadvantaged students if a wide range of instructional methods is used. The question is whether it is in line with the overall aim of civic education and the maintenance of a healthy democracy if efficacy grows while political knowledge does not. Is having factual political knowledge an essential characteristic of the democratic citizen? If so, how could this trade-off be eliminated? Also, some characteristics of the good citizen, values, and attitudes are harder to develop in classroom settings. An interesting question is how the moral component of civic education could be strengthened.

Second, political socialization is a complex process, and there is an interaction between the various agents. Civic education matters, but as many studies have shown (e.g., Gainous & Martens, 2012; Langton & Jennings, 1968; Metz & Youniss, 2005; Neundorf et al., 2016), it matters most for students who need it the most: those with disadvantaged backgrounds, who have fewer resources, and lack parental political socialization. Educators should choose the pedagogical approaches which fit the needs of the students they are working with. Third, civic education is a broad concept that can take many forms within a school. But the results of Condon (2015) suggest that we should think about civic education from an even broader point of view than is the case now in the mainstream literature. Condon (2015) shows that there is an important downstream effect: the development of verbal skills can foster civic outcomes. Verba, Schlozman, and Brady (1995) have already pointed out that verbal and cognitive proficiency are essential resources for engagement as they are necessary for information utilization, debate, and argumentation. Also, verbal skills are a precondition for developing other civic skills, as is critical thinking. Nevertheless, verbal skills are rarely framed as civic skills (Condon, 2016). I believe their paramount importance should be emphasized regarding civic education, although it should not be used at the expense of more classical forms of civic education. Also, the essential role of verbal skills can have important implications in contexts in which civic education is typically avoided, such as in the case of post-socialist countries. Approaches that emphasize the importance of the development of verbal skills are less liable to be rejected by practitioners than approaches that explicitly aim at the development of civic competences. Thus they can be a good starting point, on which civic education can be gradually built.

The empirical studies reviewed here offer important messages regarding the effects of civic education, but how to translate these into everyday classroom practices is not self-evident. It should not be forgotten that teachers are key figures in the education process, whose various beliefs – beliefs about self, context, content, specific teaching practices, teaching approaches and students (Fives & Buehl, 2012) – greatly affect what happens in the classroom (Bishop & Wößmann, 2002; Fives & Buehl, 2012; Patterson et al., 2012). Nevertheless, studies that focus on the role of teachers' beliefs in civic education are quite rare, even in the international literature. One robust large-scale quantitative study was undertaken by Reichert and Torney-Purta (2019), who analyzed data from twelve European and Asian countries from the International Civic and Citizenship Education Study of 2009 using latent class analysis. The authors identified three distinct teacher profiles based on the question what teachers thought the primary goals of civic education were. The identified profiles were (1) teaching for dutiful school participation and consensus-building; (2) teaching for knowledge and community participation; and (3) teaching for independent thinking and tolerance. The national samples were relatively homogeneous, and many countries were largely dominated by one of the three profiles. For example, in all Nordic countries more than 80 percent of teachers belonged to the third type. In contrast, in Czechia and Poland teacher profiles were more evenly distributed across the three categories. The results of this study suggest that exploring teachers' various understandings regarding civic education is very important in Eastern European countries, as the situation there is plausibly more fragmented than in more developed countries.

6 Conclusion

The aim of this study was twofold. First, to start the discussion about civic education at the point where most Hungarian studies finish it. I fully agree that we need civic education in Hungarian schools, but I believe that there is a range of controversial questions that deserve more attention from social scientists before a strong claim is made. Hopefully, the results of the international literature presented in this study can fertilize the discussion, but some further directions can also be suggested. Crittenden and Levine (2016) listed a range of philosophical questions pertinent to civic education. For example: What is the relationship between a good regime and good citizenship? Who decides what constitutes good citizenship? What means of civic education are ethically appropriate? This study touched upon the first question in a rather superficial way, but I believe that this and the further questions deserve in-depth discussion. As Crittenden and Levine (2016) write, 'questions are rarely treated together as part of comprehensive theories of civic education; instead, they arise in passing in works about politics or education. Some of these questions have never been much explored by professional philosophers, but they arise frequently in public debates about citizenship.' Moreover, these questions should be discussed pragmatically, not losing sight of the current factors that threaten democracies nor the particularities of the post-socialist context, as civic education has a context-dependent nature.

There is also a range of empirical questions related to civic education. Public discussions are often centered on the question of whether there is an effect, but as the literature review presented here suggested, there are plenty of questions beyond this that are worth examining. For example: Are the effects long-lasting? How do education and family interact?

Is there a compensation effect, and in which domain(s)? What kind of downstream effects are there within the field of education? The thorough literature review of Campbell (2019) provides ample food for thought for those who are interested in such questions. Finally, the state of the current literature suggests that the dialogue between theoretically and empirically oriented scientists should be more intense, while also keeping in mind that their results should be accessible and useable for educators.

The second aim of the study was to shed light on the complex nature of civic education to practitioners, and to provide some inputs for their work. Even though the lack of adequate public policy is often mentioned as a reason why civic education fails in Hungarian schools, this literature review has an important takeaway. Schools themselves and individual teachers can make a difference when they are dedicated to the aims of civic education. An open classroom climate or a positive school ethos are forms of civic education that can be realized within many education regimes. This is not to suggest that education policy does not have a responsibility – naturally, a lot depends on the conditions and incentives created by this. The message is rather that schools and teachers do have agency under many circumstances. Naturally, many characteristics of the Hungarian education system, such as early tracking, the vocationalization of secondary education, and the taboo culture around politics in schools, make this task hard. But there are still opportunities that are worth considering. The development of verbal skills may be one of the most promising places to start as it is not as value laden as civic education is. What is more, it has positive effects not only on civic but also work-related/economic outcomes. Teachers who are dedicated to the aims of civic education may have a means of killing two birds with one stone, while also avoiding some of the costs associated with more classical forms of civic education.

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Annex

An overview of empirical studies on the effects of civic education

Study	Form(s) of civic education examined	Measured outcome(s)	Result(s)
Langton and Jennings, 1968	Formal instruction	• political knowledge/ • sophistication • political interest • spectator politicization • political discourse • political efficacy • political cynicism • civic tolerance • participation orientation	• no overall effect on civic outcomes • positive impact on the civic engagement of African American students
Niemi and Junn, 1998	Formal instruction	• political knowledge (factual knowledge on NAEP civics assessment)	• modest overall positive effect • higher amounts and greater recency of civic courses, a broader range of topics and more discussion of current events have additional positive effects
Torney-Purta, 2002b	Formal instruction Explicit focus on learning about voting and elections Open classroom climate	• civic knowledge • sense of engagement, including willingness to vote • sense of efficacy	• explicit learning about voting and elections is positively associated with willingness to vote • open classroom climate is positively associated with both civic knowledge and sense of engagement
Metz and Youniss, 2005	Service-learning (required)	• interest in and understanding of politics • intended participation in civic life, including voting, various conventional forms (volunteering, joining a civic organization) and unconventional forms (such as boycotting a product or demonstrating)	• positive effect on students who were less inclined to serve (non-self-selected youth) in three dimensions: political interest and understanding, future voting and future conventional civic involvement • no effect on students inclined to serve

Study	Form(s) of civic education examined	Measured outcome(s)	Result(s)
Campbell, 2008	Open classroom climate	• likelihood of voting • illegal forms of political expression • civic knowledge • appreciation of political conflict	• open classroom climate correlates with increased political knowledge, greater appreciation for the role of conflict within a democratic political system and increased likelihood of voting • the relationship between open classroom climate and the likelihood of illegal forms of political expression is negative
Green et al., 2011	Formal instruction with an enhanced civics curriculum designed to promote awareness and understanding of constitutional rights and civil liberties	• knowledge about civil liberties • general political knowledge • attitudes towards civil liberties	• positive effect on knowledge about civil liberties, while no effect on general political knowledge • no effect on support for civil liberties
Gainous and Martens, 2012	Various instructional aspects of civic education, including instructional breadth, social studies frequency and curricular breadth Open classroom climate	• political knowledge • internal political efficacy • external political efficacy • voting intent	• a wider variety of instructional methods has a positive effect on political efficacy among students from disadvantaged backgrounds, but it impacts their factual political knowledge negatively • more frequent social studies have a positive effect on disadvantaged students in all dimensions, except for internal efficacy • curricular breadth has a positive effect in all dimensions for disadvantaged students • open classroom climate has positive effects for all students in every dimension, except for internal efficacy, which is positively affected only in the case of less privileged students

Study	Form(s) of civic education examined	Measured outcome(s)	Result(s)
Martens and Gainous, 2013	Open classroom climate Traditional teaching in civics courses Active learning strategies (e.g., research projects or simulations) Using videos in instruction	• political knowledge • external political efficacy • internal political efficacy • intention to vote	• open classroom climate has a positive effect on all outcomes • traditional teaching increases internal political efficacy and intention to vote • active learning has a positive effect on internal political efficacy, but affects political knowledge negatively • videos increase political knowledge
Kawashima-Ginsberg and Levine, 2014	High-quality civics class (interactive, using a variety of civic education techniques) Democratic school climate Required civics test Explicit focus on learning about voting Main theme in social studies was current issues Required service learning Discussion of the problem's root cause in the service project	• electoral engagement • informed voting • political knowledge	• high-quality civics class is a predictor of electoral engagement and more informed voting • service-learning is marginally beneficial as regards informed voting, if the root causes are discussed, but has a negative effect if discussion is not part of the experience • high-quality civics class did not matter for political knowledge, but learning about voting predicted this
Whiteley, 2014	Formal instruction	• political efficacy • sense of morality • political participation • voluntary activity • political values • political knowledge	• medium-term positive effects on efficacy, political participation and political knowledge

Study	Form(s) of civic education examined	Measured outcome(s)	Result(s)
Condon, 2015	Verbal skills	• voting • volunteering with civic organization • volunteering with political campaign	• strong positive effect on voting • smaller positive effect on volunteering with civic organization • no detectable effect on volunteering for political campaign
Keating and Janmaat, 2016	Education through citizenship (school-based political activities)	• voting • expressive political activities (e.g., boycotting or using social media for political purposes)	• medium-term positive effects on both outcomes
Neundorf, Niemi, and Smets, 2016	Formal instruction Open classroom climate Active learning strategies	• political engagement (measured with an index showing the extent to which students follow socio-political issues)	• civic education has a positive effect on political engagement of those who lack parental political socialization (persisting for decades following high school) • the most important school variables are the amount of formal education and inclusion of group projects • classroom climate has no compensation effect
Bruch and Soss, 2018	School climate, understood as experiences regarding school authority	• voting • trust in government	• negative experiences regarding school authority (punitive school policies and a perception of unfair treatment by teachers) decrease the likeliness of voting and the degree of trust in government in young adulthood

Eszter Neumann

Problem students, problem classes: Polarization, differentiation and language about disruptive student behaviour in Hungarian primary schools

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Abstract

While the effects of social and ethnic segregation in schools have been thoroughly studied, much less attention has been paid to the internal, more subtle forms of classification, selection, and exclusion at work in Hungarian primary schools. This paper focuses on the characteristic features of the language about classroom disruption and norm-breaking behaviour in socially mixed primary schools and how internal grouping structures frame this language and teachers' perceptions of disruptive student behaviour. In the empirical analysis, two key notions by which teachers conceptualize norm-breaking behaviour emerged: the 'problem student' and the 'problem class'. While the notion of the 'problem student' dominated the behaviour-related narratives of both schools, the notion of the 'problem class' was more prevalent and influential in one school, and specifically in those cohorts who attended a rigid, selective internal grouping structure. The in-depth analysis explores the discursive construction of the 'problem class' and the ways in which students identified as 'problematic' narrated their engagement in an anti-school student culture in the latter school. The findings suggest that inflexible internal grouping structures facilitated pathologizing language about 'problem classes' and these two factors together contributed to the polarization of student attitudes and to the development of an anti-school culture, and ultimately played a powerful role in the naturalization of classed educational trajectories.

Keywords: anti-school culture, classroom disruption, Hungary, internal selection, problem student, school discipline

1 Introduction[1]

Since the political transition in 1989, Hungary has seen the emergence of one of the most selective early tracking school systems in the world (Horn, Keller & Róbert, 2016). The combination of multiple forms of internal and external selection, competition between schools in

[1] I would like to express my thanks to Sharon Gewirtz, Meg Maguire, Ábel Bereményi, Rita Hordósy and the anonymous reviewers of the manuscript for their help in improving the text.

the primary-school market, strong tracking at the secondary level, as well as various forms of differentiation and exclusion within schools effectively hinder intergenerational mobility and increase intra-generational inequalities in Hungary (Horn et al., 2016). While the effects of social and ethnic segregation among schools have been widely studied by social scientists, much less attention has been paid to internal, more subtle forms of classification, selection and exclusion at work in Hungarian schools and their impact on learner identities. Moreover, while the forms of symbolic domination and the misrecognition of Roma students have been thoroughly explored by Hungarian sociologists in the last decades, research has paid much less attention to the symbolic violence suffered by working-class students. Contributing to filling this gap in the literature, my paper pays special attention to how a working-class family background features in school language and how this affects teacher-student relations, forges learner identities, and contributes to the disaffection of working-class students. Furthermore, the novelty of the paper is that it explores the interaction between rigid internal school structures and teachers' perceptions of differences between student groups and approaches to student behaviour in the Hungarian context. Through the lens of the school-level narrative framework on classroom disruption and norm-breaking behaviour, the analysis reconstructs the ways in which 'problem identities' are being imposed on working-class students in the studied primary school.

The empirical discussion unpacks two key concepts which teachers used to conceptualize norm-breaking behaviour: the 'problem student', which seems to be a more general feature of the behaviour-related language in Hungarian primary schools, and the 'problem class', which seems to correspond with rigid internal structures. The core part of the paper involves a 'thick' case study on the discursive construction of the 'problem class', and throws light on the ways in which behaviour-related 'problems' are bound to school structures and deeply situated in the perception of social class. The case study suggests that the combination of internal selective practices and pathologizing, essentializing school narratives on student behaviour powerfully cement classed educational trajectories.

2 Theoretical background: The systemic production of educationally problematic identities

The ways in which education systems subtly but powerfully shape class and class inequalities have been thoroughly examined and consistently confirmed by sociologists of education since the 1950s (Weis, 2010). It has been compellingly argued that ethnic and class disparities translate into different family and school practices that lead students from less educated backgrounds to resist learning (Bernstein, 1971; Bourdieu & Passeron, 1990; Bourdieu, 1980, 1984; Lareau, 1987).

Schools reward the social and cultural resources of middle-class students whose behaviour represents what is 'proper', 'normal' and expected by teachers. These expectations make up the implicit system of normativity in schools (Calarco, 2014; Lareau, 2011). A school's institutional habitus (Ingram, 2009), similarly to the habitus of individuals, is a 'system of lasting, transposable dispositions' (Bourdieu, 1977, p. 82); the product of historical, social and cultural actions and interactions. Amongst other key aspects of the school ethos, the institutional habitus, built up from taken-for-granted assumptions, powerfully influences the ways in which disruptive behaviour is tackled (Deakin & Kupchik, 2016), the collective under-

standing of what constitutes disruptive behaviour, interactions between teachers and students, as well as the language used to describe these incidents (Deakin & Kupchik, 2018).

Language plays a significant role in the exercise of power and domination (Bourdieu, 1989; Bourdieu & Passeron, 1990; Bourdieu & Thompson, 1991). Language operates as a structuring force in shaping classifications and assumptions about expected knowledge and behaviour in the classroom. In educational contexts, the power of language becomes palpable when certain students are labelled naturally inferior because they fail to conform to the expectations of the school. When these students react against labelling by performing some form of norm-breaking behaviour, they are sanctioned (Marsh, 2018; Shalaby, 2017). Labelled individuals may eventually embrace their deviant status (Becker, 1963). Repeated interactions and interplays of norm-breaking behaviour and sanctioning responses confirm the immanent problematic personalities of those labelled deviant in the eyes of the dominant groups and thus legitimize the punishments used to discipline them (Vesikansa & Honkatukia, 2018).

The tradition of British school ethnographies similarly placed class relations at the centre of understanding the reproduction of social inequalities, the ways in which schools act as institutions of social control, and the causes of the academic underperformance of working-class students (e.g., Lacey, 1970; Willis, 1977; Llewellyn, 1980; Abraham, 1989; 1995; Ball, 1981). In the following analysis, I will greatly rely on the theory of differentiation and polarization developed and refined in three British English ethnographic monographs written by Hargreaves (1967), Lacey (1970), and Ball (1981) and tested in several consecutive studies. The heuristic potential of these studies lies in the fact that they discuss the structures of schooling, schools' language about abilities and behaviour, and student attitudes to education using a common framework. According to Lacey (1970, pp. 49–73), typically in schools with inflexible, internal grouping structures, the differentiation of pupils based on an academically oriented value system leads to the polarization of students' attitudes toward schooling and into the development of pro-school and anti-school student cultures. Such polarization in attitudes, Lacey found, tended to further strengthen the original differentiation and influentially shaped students' study pathways. Lacey (1970, pp. 172, 178) argued that 'teacher behaviour, conditioned by the reputation of the pupil, is one of the central factors producing differentiation'. While British school ethnographies predominantly concentrated on secondary schools, similar processes seem to be in operation from the early years onwards in Hungarian primary schools.

Another robust stream of school ethnographies has focussed on student resistance rather than school structures and sought to explain how working-class youth (Bowles & Gintis, 1976; Apple, 1979; Giroux, 1983; Willis, 1977) and students of colour (Ogbu, 1987; Fordham & Ogbu, 1986; Cumins, 1986) become more likely to resist school values and develop an anti-school culture. Perhaps the most influential work on working-class boys' resistance to learning is Paul Willis's (1977) book on how English working-class boys actively rebel and reproduce their class position. However, more recent studies have once again emphasised the significance of school structures and the situated development of anti-school student cultures. McFarland (2001), from a study of everyday forms of active resistance in US secondary schools, challenged the causal link between race, class and classroom disruption established in the above-cited literature and contended that resistance does not necessarily relate to class or ethnicity but to school and classroom characteristics, the organization of

classroom activities (instructional forms and taught content), as well as to the characteristics of classroom social networks and the quality of friendships and cliques. We could argue that in the Hungarian context, where students study in and belong to the same group throughout their eight years of primary schooling, stable friendship ties may have even stronger effects on the dynamics of classroom disruption, the formation of defiant class identities, and teachers' labelling practices.

3 Methodology

The findings presented hereunder come from a larger-scale doctoral project which compared categorization processes related to ability grouping and managing behaviour in English and Hungarian schools (Neumann, 2018). The following analysis builds on ethnographic data collection in two Hungarian primary schools over a period of five months in the 2014/2015 school year. The Hungarian fieldwork was conducted in a mid-size Hungarian town. I aimed to select 'ordinary schools' (see Ball, Maguire & Braun, 2011, p. 13) which were not outliers in terms of the relevant aspects of the local educational market, such as size and social and ethnic heterogeneity. The two case-study schools, anonymized as the Nuthatch and Sandpiper schools, were typical examples of socially and ethnically diverse, mixed intake, state-maintained primary schools in the Hungarian urban educational landscape.

I analysed school documents and conducted non-participant classroom observation in the schools. I conducted 22 semi-structured focussed interviews (Cohen, Manion & Morrison, 2011, p. 416) with teachers, which alongside other themes concentrated on their views about classroom behaviour and discipline, both generally at the schools and in the observed classes specifically. In addition, I conducted a total of eight group interviews with 14–15-year- old eighth-grade final-year students who attended the observed classes (with six or seven students in each group). During the fieldwork, I aimed at making sense of the dynamics of the class and peer relationships, as well as of the ways in which authority and power relations were exercised in the schools. I took notes of the interactions between teachers and students, as well as of the use of space and time in the school and the classrooms.

The coding process focussed on identifying key concepts of categorization and classification processes. The interviews and the field notes were processed with the NVivo qualitative data-analysis software. During the first analytical immersion in the data, I coded the interviews and the field diary. Following a within-case method, I identified the emerging themes and key categories related to the theme of student behaviour and wrote up the findings into separate institutional case studies. These case study reports aimed to identify the relations between categories and the constellations of the themes within the institutions with a view to identifying the institutional habitus and the specificities of the school cultures. The institutional accounts provided contextual richness and institutionally specific information and unravelled the ways in which the institutional habitus defines the studied themes. This process highlighted the codes which appear across cases and national settings and singled out those codes which appear in only one setting. For the former, the category of the 'problem student' is a good illustration which was found to be highly relevant across Hungarian case-study schools.

4 The policy context: Social selection, differentiation, and polarization in Hungarian primary schools

A national survey conducted in 2005 found that every fourth primary school operated some sort of selection procedure during their admissions process, with one-fifth of the principals reporting that entrance examinations were in place (Halász & Lannert, 2006). Education research conducted in the 2000s documented that, primarily due to the prevalence of selective practices at the point of school entry, student performance (Csapó, 2003; Tóth et al., 2010) and social status (Horn et al, 2016) in parallel classes within primary schools significantly differ and these differences tend to grow throughout primary education. The ministry of education of the incumbent government between 2002 and 2010 made sure that selective mechanisms and social segregation in primary schools were at the centre of the policy agenda. Primary-school entrance examinations were banned in 2005, although streaming and ability-setting in primary schools were not disallowed by regulatory means. Schools committed to abandoning streaming and rigid internal selection practices were entitled to supplementary per-capita funding and could apply to EU-funded professional development programmes centred on inclusive pedagogies. However, political attention turned away from this area completely after the 2010 elections, and the earlier measures aimed at tackling between and within school segregation were discontinued. Education policies implemented since 2010 have reinforced segregation processes and further exacerbated the social polarization of the primary school system (Fejes & Szűcs, 2018; Bazsalya & Hőrich, 2020).

The transformation of the primary school landscape in the studied town is a typical example of how Hungarian urban education contexts changed after the regime change. Like in most Hungarian towns, a competitive and hierarchical primary school market took shape in the 1980s and 1990s. Due to decades of steady population decrease, the municipality gradually rationalized its emptying, overdeveloped school infrastructure. By the end of the 2000s, due to the combined effect of rationalizing measures and the national desegregation policy, all but one segregated school had been amalgamated into bigger schools located in urban transitional zones. In my research project, I was interested in how these schools responded to their changing status and intake and to the turbulent policy context.

By the mid-2000s, the local primary-school landscape was split between large-size, mixed-intake schools and high prestige downtown schools which continued to offer specialized streams. Therefore, while between-school segregation pertained within the town, the heads of the mixed schools primarily affected by the redistribution of the towns' marginalized population faced the challenge of rethinking their internal selection procedures and pedagogical approaches. In the mid-2000s, the catchment area of a closed segregated school was integrated into each case study school. While the leadership of Nuthatch school decided to carefully distribute newly enrolling pupils to ensure a social mix in each enrolled class, Sandpiper's leadership decided to continue to enforce a rigid logic of status-based separation in its enrolment procedure. The case study included below concentrates on a cohort enrolled in this period. Later, in 2011, a new head was appointed who had previously taught notoriously difficult classes. He instantaneously changed the first-year enrolment procedure and

balanced the social intake of the new classes because he wanted to ensure the fair distribution of teacher workload.[2] Neither of the schools applied for EU project funding for the professional development of inclusive pedagogies.

The comparison of the two schools highlights the interactions between internal selection mechanisms and the school language about disruptive behaviour. The core analysis concentrates on Sandpiper school, and Nuthatch school will only be used as a reference point for exploring the emerging themes and conceptual constellations in the school's behaviour-related language.

5 School language about disruptive behaviour in the two schools: 'Problem students' and the interest of the community

In the past three decades, behaviour management has evolved into a complex, highly professionalized domain of education policy (see Slee, 1995; Millei et al., 2010; Robinson, 2011; Deakin, Taylor & Kupchik, 2018). In contrast, Hungarian national education policies have not so far paid focussed attention to behaviour management, and consequently the language about behaviour is deeply situated in schools' institutional habitus on the one hand and firmly bound to the discretion of teachers on the other. The most manifest, regular, and formalized way of narrating and regulating student behaviour is associated with the longstanding practice of marking students' 'behaviour' ('*magatartás*') and 'effort' ('*szorgalom*'). During my fieldwork, I found that while official house rules were rarely referenced and consulted during the day-to-day operation of schools, marking students' effort and behaviour in their report books firmly signposted the semantic field about behaviour. Staff meetings at which 'behaviour and effort' are graded – where marks are discussed and decided – and form-teacher's lessons during which marks are announced to students were important sites of negotiating school norms and classifying students in both schools.

The analysis of the interviews, field notes on formal teacher meetings about marking behaviour, as well as on their informal chats highlighted that the notion of the 'problem student' was a key element in the teacher narratives about classroom disruption in both schools. As a recurrent element of these narratives, teachers raised concerns about the impact of 'problem students' on classroom order and the class as a community. The interviewed teachers assigned great importance to stability and attachment dynamics within classes, and the removal of pupils from classes by various means was generally justified as a way of defending the 'class community'.

The meaning of being a 'problem' could not be dissociated from the relations between the class and the individual, and tackling classroom disruption was typically narrated as a zero-sum game whose solution was removing the 'problem' – the term was associated with individuals – for the sake of the classroom majority. Notably, in both schools, even though teachers commonly referred to the interests of the class as a community in the interviews, when talking to students, norm-breaking behaviour was primarily framed as insulting to the teacher and rarely as a matter of disrespect to peers or damaging to the class as a com-

[2] I have analysed the enrolment procedures and the internal selection practices of the two schools in detail in Neumann (2018).

munity. In the dominantly frontal classroom practice of the studied schools, the significance of peer relations was much less frequently verbalized and considered than teacher-student relations.

A school's institutional habitus in relation to student behaviour is guided by underlying beliefs, values and emotions both at the institutional and teacher level (Maguire et al., 2010). In both studied schools, this belief system interpreted 'problem behaviour' as the defective performance of a child, thus the solution to behavioural issues was removing disruptive students from the class community. The 'control framework' (Deakin & Kupchik, 2018) applied by the studied schools which considered 'problem students' as threats to order and the community of the class seems to be the polar opposite of the inclusive behaviour approaches and professional perspectives which view such students as members of a community 'whose behaviour can be corrected for the good of that community' (Deaking & Kupchik, 2018, p. 512). Although the school language that centred on the opposition between the 'problem student' and the 'class community' was strikingly similar in the two schools, the analysis showed that the concept of the 'problem class' – even though it was present – was much less central in the language of Nuthatch school compared to Sandpiper's.

6 Differentiation, polarization, and the discursive construction of the 'problem class' at Sandpiper school

Alongside references to 'problem students' (*problémás tanuló*), the coding process shed light on the widespread mentioning of 'problem classes'[3] (*problémás osztály*) in the interviews conducted at Sandpiper school. Upper-school teachers had a shared understanding of which classes were 'problem classes' and what made them so in the school. At the time of the fieldwork, Sandpiper had two infamous problem classes. One of them was Class 8B, of which I conducted classroom observations. In the following, I will concentrate on how internal selection mechanisms and behaviour-related language co-created a school environment in which this particular class had come to be discursively constructed as a 'problem class' over the years.

> There was a reputation, 'oh my God, this class!' So, in each cohort there is an 'oh my God class' This was established when the pre-retirement generation [of teaching staff] chased two children… of course. Or when we closed the door to stop them sneaking out, or begged the children to come down from the top of the stairs – and not by leapfrogging please, because you'll fall over and break your face! (Lower-school 8B head of class)

In the eighth-year cohort, the school had two classes, 8A and 8B. My discussions with the class heads suggested that while Class A had a predominantly middle-class character, parents in Class B typically had blue-collar jobs. Official statistical categories about social disadvantage also confirmed the disparity between the two classes (with three socially disadvantaged students from eighteen in Class A and thirteen socially disadvantaged students out of twenty-six in Class B).

How did this polarized structure, which Lacey (1970) argues tends to generate polarized attitudes towards learning and school norms, occur in the first place? The cohort in dis-

[3] Ball (1981, p. 40) also discussed classes that had obtained a reputation as 'problem' classes in his ethnography.

cussion was enrolled in 2007, two years after the school's catchment zone had been expanded to include a stigmatized, poor-reputation area inhabited by Roma families.[4] In the same year, the educational administration of the municipality limited Sandpiper school to launching two first-year classes instead of the regular three classes. Mrs Bluebell,[5] class teacher of Class 8A in lower school, reported that even though Sandpiper did not have specialized streams, at the time of the former's enrolment the principal aimed to favour middle-class parents by offering them the possibility to choose between the two future class teachers in the first year. Therefore, the internal class structure was shaped by the strategic and voluntary class-based segregation of the parents. Mrs Bluebell recalled that her class was heavily oversubscribed.

The parents selected, so in this respect, I was lucky – many parents wanted to bring their children to me. So, this effectively meant a selective, essentially selected, class. (Mrs Bluebell, lower-school class head of Class 8A)

Moreover, two teachers from Sandpiper school also enrolled their children in Mrs Bluebell's class. Both former lower-school class-heads primarily associated the resulting social disparity with parental choice. Mrs Bluebell was widely known in town for her middle-class habitus, which was also noticeable in our interview and in her teaching style. Hence, the two classes 'naturally' separated along class lines.

> This was the class that I felt that [parents] had brought kids here because of me. […] The parents calculated in advance when I would teach the first year again[6] […and] they asked me how they should plan, because they were prepared to keep their children back in kindergarten for one more year. (Mrs Bluebell, lower-school head of Class 8A)

Reay (2010) notes that schools cater for middle-class parents who aim to ensure that their children are educational winners, in this case by meeting their wish for the latter to be separated from working-class and Roma students, which 'also helps reinforce the position of losers' – otherwise, what is viewed as educational success would lose its value. At Sandpiper school, the selected Class A with a middle-class intake ascribed an inferior position to Class B from the first day of schooling.

When I interviewed the class head of Class B in the lower school, Mrs Lilium, she bluntly said that she didn't have 'positive memories [of that time]. It was perhaps the most difficult four years of my twenty-six years [of teaching]' – she explained. Bourdieu (1986) argues that the 'legitimate addresses' of pedagogical work are groups who have already acquired the dominant habitus through childrearing and other cultural experiences. The illegitimacy of Class B was typically narrated by teachers in highly emotional, moralizing terms – they felt that their work and efforts were not valued or responded to in the expected way. These working-class students may not have engaged in the 'politics of politeness' (Bourdieu, 1986) that their teachers were anticipating. Mrs Lilium emphasized that she did not feel that her extreme effort had been appreciated.

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[4] However, there was only one Roma student in each class by the eighth year. Due to lack of space, I will not discuss their position within the classes in this paper, but instead concentrate on the effects of social polarization according to social class.

[5] Pseudonyms have been used to preserve anonymity.

[6] In most Hungarian schools a primary class teacher spends a consecutive four years with the same class (years 1–4). Following a four-year stint, they repeat the cycle starting again with first-year students. The same process applies to years 5–8.

> They were extremely exhausting over those four years, even though I loved them the same way and I gave them everything as usual. But no, they did not value it, they took it as natural. (Mrs Lilium, lower-school class head)

Similar to Gast's (2018) findings, the themes of race and class were overlooked or dismissed by the teachers and replaced by the use of language about 'family values'. The in-depth analysis of teacher interviews highlighted that 'family values' were a core theme in the teachers' discourses which shaped the conceptualization of social and ethnic differences and what was considered 'normal' behaviour and family background. Mrs Lilium never referred to the social background of the families explicitly; instead, she discussed the challenges stemming from mental distress related to the families' unstable structures and 'bad' parenting. She described her current class in a much more positive tone. She argued that while the social intake of the two classes was roughly similar, the difference lay in the fact that 'problem students' had been more fairly distributed across the three classes when her current class started school. Moreover, she attributed the difference between her two consecutive classes to the fact that, in contrast to the emotionally troubled pupils of Class 8B, in her current class, due to the students' 'more caring parental background' she felt it was easier to establish emotional ties and consequently, her authority.

> In this cohort, I feel that they are like those more docile children from the past, they are more devoted: the type that is truly in love with the teacher, perhaps from a more caring parental background. Perhaps it seems so because [the children in] my present class are easily guided, docile folk. So, they can be guided 100% even now, in the fourth year, and I can make them do things without any problem; they would just do anything for me. (Mrs Lilium, lower-school class head)

Notably, there was dense language about affections and emotions in play when teachers narrated their failed efforts to engage the 'problem' class. The difference between Class A and B was explained by the children's perceived attitudes and emotions towards their teachers: while pro-school, middle-class normativity was perceived as 'true love' towards the teacher, a working-class family habitus was translated into insolence, disciplinary problems, and the teachers' inevitable frustration about the lack of 'love' and their failure to maintain classroom control. Quite deterministically, Mrs Lilium also recounted that in her earlier class (the present 8B), racist slurs and the marginalisation of Roma pupils had been a recurrent issue. She remembered that these incidents were initiated by white boys from unstable families. Arguing – and accepting – that exclusion from the peer-group is a common phenomenon in this age-group, Mrs Lilium illustrated the contrast between the racist atmosphere of her previous class and the 'intelligence' of her current fourth-year class with a story about a recent case of an infection of lice, which, she inferred, originated with a Roma girl, Vanda.

> Honestly, there is no such case that no-one is excluded. But they do it intelligently. […] So, they can deflect in a way that does not hurt anyone. […] Okay, one or two would run away here too, because they don't want to stand next to Vanda, but no one will admit it. […] So, they are mindful and do not hurt anybody. I reckon this is clever of 10–11-year-old children. (Mrs Lilium, lower-school class head)

Mrs Lilium also told a story about the celebration of St. Nicolas from the time when the class in discussion had just started school in the first year, when she invited her previous

– then year-five – class to dress up, recite seasonal poems, and distribute presents to her new first-year class. 'They [the first-years] jumped on the desks and started to shout "Get out! You are not Santa, there is no Santa anyway, you think we are stupid?"' – remembered Mrs Lilium. Mrs Columbine presented the story to illustrate how the children had been untameable and hopeless. Yet the incident arguably manifests how these children felt deeply failed by adults and were suspicious of any expression of 'love' on behalf of their teachers at a very early age. Arguably, Mrs Lilium's frustration about failing to establish and maintain classroom control reveals a more general experience of the failure to make these children conform to the meritocratic educational myths ingrained in the school's institutional habitus. It is striking that children in their very first years of schooling had not only internalized their lack of worth but were already reacting to the symbolic violence enforced by the school's structures by showing ignorance, 'being bad', and engaging in resistance.

> Sometimes you felt that you could stand on your head, and [there would still be no success]. They did not let themselves be enchanted, you know? They shut the gates. […] For them, playing meant crawling under the desks, fighting, running around, destroying the others' games. It was a rough four years – said Mrs Lilium, in summarizing her experience.

In her elementary school ethnography, Shalaby (2017) argues that the school-imposed labelling of children as 'troublemakers' gradually leads to punishments and different forms of exclusion from a very early age. Interviews about the lower-school career of the class showed that the polarization of the two classes had already started in the first years of schooling. By the time of the research, Class 8B had become the school's renowned 'problem class'. Their head of class in upper school, Mrs Gerbera, especially struggled with their persistent defiance, and I observed her standing helplessly behind her desk in front of the class in her lessons several times. A few 'problem students' were particularly well known for their defiant behaviour, and it was suggested that they were the cause of the defiant attitude of the whole class. Mrs. Bellflower characterised Daniel as the 'contagious element' in the class, and Mrs. Tithonia commented that he was 'one of the cleverer ones, but he is evil, I don't like his nature' (field diary, 9 October 2014).

Although it was general practice to discipline learners with the threat of secondary entrance exams in the final year classes I observed in both schools, in Sandpiper's Class 8B these utterances first of all concentrated on shaming pupils by asserting that they would be rejected from schools they aspired to go to. 'The entrance exam will slap them in the face' (field diary, 6 November 2014), Mrs Trollius, their physics and mathematics teacher, commented remorsefully after I visited her class. Eventually, the secondary progression patterns of Sandpiper's two graduating classes solidified the class-based educational trajectories of the two polarized classes, clearly fulfilling the predictions of the teachers.

Table 1: Secondary progression in the two classes (2015)

	8A	**8B**	**Both classes**
Academic	14 (50%)	5 (19.4%)	19 (35%)
Secondary general	13 (46.5%)	12 (46%)	25 (46%)
Vocational	1 (3.5%)	9 (34.6%)	10 (19%)

Source: Sandpiper school statistics

7 The anti-school culture of the 'problem class' at Sandpiper

When I asked teachers to compare the two classes, Mrs Trollius described 8B as 'hopeless' and expressed regret for those pupils who were willing to study within such a disturbing environment. Throughout my teacher interviews, Class 8B was described as 'nobody's children', a class 'without cohesion'; and also as a 'riffraff' class because of its unstable and frequently changing composition. Psychological studies highlight that educational performance and behaviour can be profoundly influenced by the way students feel they are seen or judged by others. Working-class children often experience routine everyday humiliations in the classroom, feel they are treated unjustly, and, in reaction to these experiences, develop a 'sense of righteous indignation' (Reay, 2017, p. 77). As students internalize negative labels, they also gradually come to understand the educational trajectory the school has created for them and their incentive to adhere to school norms weakens (Noguera, 2003). In the following, I turn to discussing how pathologizing teacher language centred on problem students and problem classes and the selective and differentiated class structure together prompted an anti-school culture in Class B.

Students were clearly aware of the different reputations of the A and B classes. In one of the group discussions, the 8B girls, having discussed how the class community could be improved, concluded as follows:

> Student A: I just hate it when, for example, Miss Buttercup despises us, saying that A Class is much better (others: 'yes!'), they study much better, they behave much better, while we… So, after [we were asked to organise] the school disco, they said that they wouldn't have expected such a good job from Class B, such nice decorations.
>
> Student B: Yes, they reprimanded us.
>
> Student C: They always look down on us.
>
> Interviewer: Why do you think is that?
>
> Student A: Because of the boys.
>
> Student D: Because we behave worse than them.
>
> Student A: No, because the boys here are literally losers.
>
> Interviewer: So, is it only because of the boys?
>
> Student B: I would add that there are many teachers' children in Class A, and everybody knows that this is quite a preference thing – all the teachers' children are there. (SP-GD4)

Students in both classes valued their class communities positively and had strong bonds to their classmates, yet the 8B girls' sense of belonging was formed in relation to A Class. The girls endorsed the negative stereotypes about the behaviour of their class and made a causal link between classroom disruption and weaker attainment. When I asked members of 8A about what distinguished the two classes, naturalizing the difference, they concluded that, after all, the differences stemmed from their personalities.

> Student A: […] We have a very good class indeed. Especially in relation to the other class, (others: 'much better'); ours is much better than theirs.
>
> Interviewer: What is the difference?

Student B: They are too relaxed.

Student A: So, they are completely different folk there, I don't know how to…

Student C: Different personalities. (SP-GD4)

Ball (1981, p. 53) viewed the gradually unfolding sub-cultural polarization in selective secondary schools as 'lines of adaptation' and argued that this process is fuelled by the experience of 'failure' in groups perceived as inferior by the school (see also Hargreaves, 1967; Lacey, 1970). Ball (1981, p. 40) argued that anti-school values are based on the negative polarity of the dominant school culture. In line with this, I observed that pupils who adhered to school norms and showed a willingness to learn were often mocked by their peers. The group discussions highlighted that 8B students were well aware of how teachers perceived them and characterized them as a problem class amongst themselves. Throughout the group interview, 8B boys often responded to my questions about their experience of schooling with anger and defiance. But this did not mean that they had not interiorized their teachers' shaming discourse about their further career chances; while they picked on the 'nerds', they were also convinced that in the long run the 'nerds' would become their 'bosses'.

Student A: The nerds.

Interviewer: Do you pick on them?

Student A: Yeah, like we pick on Gergő.

Student B: Yeah, now they pick on him, and in 10 years: 'Yes, boss!' (SP-GD2)

The class dynamics of Sandpiper's 8B class were primarily shaped by a ubiquitous anti-school culture, and classroom interactions were dominated by constant, collective attempts to challenge the competence and authority of teachers as well as mocking and teasing peers. In the group discussions, students were verbally aggressive to each other and repeatedly referred to recollections of physical violence and verbal aggression between students or between teachers and students. In these stories, teachers were depicted as oppressive and distrustful adults.

For girls, friendship ties were primarily associated with standing by others on occasions of peer bullying. While the girls in Class 8B agreed that they were inclusive towards newcomers, the boys recalled how they challenged newcomers and tested whether they were 'cool' (*menő*) or *csicska*.[7] 8B students often used the word *csicska* in relation to another expression, which could be translated as 'playing at being cool' (*menőzik*). 'Playing at being cool' basically referred to the performance of anti-school behaviour, and the fine line between arrogantly showing off and being *csicska*. *Csicska* meant faking being cool but also submitting to teachers' authority. In discussing a film excerpt which I used as a prompt in the group discussions, the following conversation unfolded in the 8B boys' group:

[7] *Csicska* is a difficult-to-translate slang word with pejorative connotations. Its primary, rather archaic meaning refers to 'a subordinate person or a person dependent on others who has to be obedient to them' in a military context. In contemporary spoken Hungarian, it mainly refers to a person engaged in an exploitative relationship with an employer who provides them with shelter in their household in exchange for humiliating, unpaid work.

Interviewer: Why would a student possibly decline to read in class and hence provoke the teacher?

[…]

Student A: She thinks it's cooler.

Interviewer: She plays at being cool?

Student B: And she is *csicska*.

Student C: I don't think so.

Interviewer: Is she *csicska* or playing at being cool?

Student A: She is playing at being cool, but in reality, she is *csicska*.

Interviewer: What do you mean by saying that she is playing at being cool, but in reality, she is *csicska?*

Student A: That's why she is playing at being cool, because she is *csicska*.

Student B: She is *csicska* because she apologized; if she starts to play at being cool, she shouldn't retreat.

Interviewer: She wasn't seriously apologizing. Her apology was not serious.

Student D: Still, I wouldn't apologize.

Interviewer: Have you ever apologized to a teacher?

Student D: Maybe once.

Student E: I never did.

Student A: Oh, D., you are so cool! Really, never? Let's see, in first year, second year, third year…

Student D: When? Oh, leave me alone, five years ago. Did you think I was serious about that? (8B boys, SP-GD2)

This excerpt gives a taste of the anti-school culture of the class, in which classroom disruption is considered cool, and making apologies for such disruption is considered submissive behaviour, which is incompatible with the anti-school norms of the class.

In the group discussions, one of the central concepts for making sense of classroom social relations was respect. In different ways, students expected to be respected by teachers and hoped to be respected by their peers. Students understood the teachers' practice of stigmatizing 'problem classes' and 'problem students' as morally inferior as an expression of withdrawing respect. In Class 8B, respect was primarily invoked in relation to disrespectful and domineering teachers who demotivated students from engaging with their subject.

Student A: They [teachers] expect us to do everything, but they don't show that attitude either.

Student B: Mutual respect.

Student A: Yes, because they despise us, some teachers treat us with contempt, and we won't learn for them then. […]

Student C: You are not learning for them; you learn for yourself.

Student A: Yes, but you see what I want to say. You just simply cannot get yourself to sit down and learn that subject [if you think that] I will be with this moron again, ehh, I don't care and that's it! (8B girls, SP-GD3)

8 Conclusion

In the work for my dissertation (Nemann, 2018), I found that alongside the discourse on abilities, the national and institutional discourse on student behaviour is a key means of categorizing students. Critical studies have highlighted that behaviour management involves more than just a value-free effort to maintain classroom order; instead, these discourses and practices respond to students' different backgrounds in ways that impact their future educational pathways (Deakin & Kupchik, 2018). However, research into behavioural discourses and practices can also help to identify promising policy directions with the potential to facilitate social mobility.

In the analysis of the schools' language about student behaviour, the notion of the 'problem student' emerged from the data as a core classification device in both Hungarian schools, irrespective of their grouping structures. In the teacher narratives it typically gained meaning in relation to the perceived interest of the class community and the school. Students identified as 'problematic' those who failed to adhere to classroom norms, and considered them students that posed a risk to the majority. Furthermore, 'problem' behaviour was conceived as being due to the defective nature of the child, and classroom disruption was considered an 'individual pathology' (Slee, 1995, p. 37). According to the literature, such behavioural narratives enact a 'control framework' of discipline (Deakin & Kupchik, 2018) that seeks to draw a line between 'good' and 'bad' students and tackle disorderly behaviour by removing 'bad' students in various formal and informal, temporary and permanent ways (Noguera, 2003). Due to the lack of wider professional debate and policy initiatives supporting alternative approaches to behaviour management, it can be presumed that my findings point to more ubiquitous trends concerning how disruptive behaviour is narrated and managed in Hungarian primary schools.

Against the backdrop of this broader picture, the main part of the paper explored the possible effects of inflexible grouping structures on school language and on teachers' perceptions of disruptive student behaviour. Alongside the notion of the 'problem student', the 'problem class' was found to be a central element of school-level behavioural narratives in the school, whose internal hierarchies were profoundly segmented along class lines in the upper classes in which students were enrolled following a selective logic. The case study has documented how the label of the 'problem class' was affixed on a predominantly working-class group, and, in turn, how an anti-school culture developed among the white working-class children, mostly boys. The moralizing opposition between middle-class and working-class attitudes towards schooling, and the presumed inadequacy of the working class were key aspects of the production of the 'problem class' (Power, 1996, pp. 97–98). However, the findings suggest that this opposition was generated by the rigid, inflexible internal grouping structures and that the selective structures created a social context in which whole student groups were more likely to be labelled with the self-fulfilling attribute of 'problematic'.

Teachers' language is framed by school structures, the school habitus, and the discursive constraints defined by the wider policy and professional context. In the context of Sandpiper school, this meant that teacher responses to disruptive behaviour involved little or no consideration of the interactive nature of the learners and their environment and the impact of such labelling practices on learner identities. Instead of using pedagogical reasoning, teachers typically employed a highly emotive and moralizing language to describe norm-

breaking behaviours and their experience of failure to engage working-class students in learning, and explained the habitual clashes with the working-class students as the latter's inability to develop the expected emotional bond with the teachers.

Students narrated their learning experience and the causes of their disaffection by referring to the general sense of disrespect they received from their teachers. Such repeated interactions and interplays of norm-breaking behaviour and sanctioning responses confirm the immanent problematic personalities of those labelled as deviant in the eyes of the dominant group and thus legitimize the punishments used to discipline them. Symbolic violence exerted its power by being transformed to the psychological level and producing a hierarchical system of learner identities (Vesikansa & Honkatukia, 2018).

Applying Lacey's theory of polarization and differentiation to my case study helped pinpoint how school discourse about the 'problem class' developed through interplay with the school structure and enrolment practices designed to cater for the social-separation demands of middle-class parents. These two forms of symbolic violence – the differentiated class structure and the 'pathologizing' language about disruptive behaviour (Crozier & Reay, 2005; Vincent, 2003) – cumulatively exerted symbolic domination. The comparison of the secondary progression patterns of the two parallel classes confirmed that the discursive construction of the 'problem class' and corresponding labelling practices were capable of producing 'losers' and thus enforced classed education trajectories. The ways in which the enrolment strategy of the school produced a socially polarized class structure and attracted group labelling practices shows that internal selection and tracking plays an important role in producing non-middle-class disaffection with schooling. While it cannot be deduced that this happens in all schools with rigid internal structures, it can be argued nevertheless that socially selective grouping structures provide particularly fertile ground for pathologizing behaviour narratives.

The concepts of the 'problem student' and the 'problem class' exemplify a behavioural narrative which implicitly assumes that norm-breaking behaviour is the fault of the individual student and does not take into account the influence of the institutional environment. While rigid internal structures further entrenched this discourse, the pathologizing behaviour language centred on 'problem students' and the lack of more professional approaches to behaviour seem to be widespread in the Hungarian school system, independent of grouping structures. Alongside the necessary structural changes, transforming the professional culture of behaviour management is a central means of creating a more inclusive school environment. The currently dominant framework seems to hinder the adoption of more inclusive models of school discipline and of positive behavioural strategies which would facilitate the integration of troublesome students into the school community. To move towards such restorative models of inclusion an essential step would be to explicitly reconsider behaviour-related language at the school level and to adopt a perspective capable of engaging with the underlying causes and conflict dynamics, as well as with social and emotional aspects such as frustration, indignation, and the sense of being unsafe and disrespected that is experienced by both teachers and students – all in all, an approach that focuses on the problem instead of the person.

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Gender differences in popularity discourses: Results from an ethnically diverse Hungarian primary school sample

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Abstract

Status among peers, popularity in particular, is one of the central concerns for adolescents. While popularity dynamics have been extensively researched in 'Western' contexts, less is known about other geographical areas. The present paper is written to address this gap by investigating the gendered patterns of popularity discourses among sixth-grade students (age 12–14) in Central and Northern Hungarian primary schools. The research involved conducting focus-group interviews with 144 pupils in ten school classes with a large proportion of ethnic Roma and socially disadvantaged students. The analysis draws on a critical, primarily Foucauldian, understanding of discourse and power relations. Most of our findings are in line with the 'Western' literature. Popularity discourses of boys were related to traditional 'masculine' traits such as sports, physical strength, and dominance, while girls' discourses were centred on physical appearance, verbal aggression, 'arrogance', and kindness. However, while for boys 'sensitivity', a lack of physical strength, and the inability to 'protect oneself' were considered 'unmanly', no similar discourses of 'unfemininity' emerged. In the case of girls, primarily 'liking boys too much' was disapproved, while aggression, 'bad behaviour', and academic disengagement were not. The paper also briefly covers the intersections of gender and Roma ethnicity.

Keywords: discourse, early adolescence, gender, Hungary, popularity

1 Introduction

Status and popularity among peers are among the central concerns for adolescents and educators alike. An extensive body of research has found an association between one's position in the adolescent status hierarchy and a variety of negative behavioural patterns, such as aggression, academic disengagement, and engagement in risk behaviour (e.g. Mayeux et al., 2008; Schwartz et al., 2006; Schwartz & Hopmeyer Gorman, 2011). Additionally, popular peers have been shown to be influential in setting peer norms (e.g. Sandstrom, 2011), thus they can contribute to the normalization and diffusion of both positive and negative behavi-

oural patterns. Importantly, however, status and popularity are not simply 'given', fixed aspects of one's life; they are, to a great extent, constructed, negotiated, and re-negotiated through discourse. The dynamics of these discursive constructions are influenced by the 'milieu' of school classes as well as by the wider social context. In particular, the role and salience of gender, ethnicity, and social class are strongly shaped by the local and national context, norms, and prejudices. Social expectations about what boys and girls *should* or *should not* do and what the 'place' of men and women or certain ethnic groups or social classes is have a strong impact on what physical, personality, and behavioural attributes contribute to one's popularity or unpopularity as function of sex, ethnicity, and social class, as well as to the ways that children and adolescents *can* talk about and negotiate these dynamics.

The gendered patterns of popularity discourses have already been researched in the British and North American literature; however, less is known about other geographical areas and cultural contexts. This paper is written to address this gap by presenting the results of focus-group research among sixth-grade primary school students (age 12–14) in Hungary. The interviews were conducted in 21 focus groups with 144 students in 10 school classes in Northern and Central Hungary. Our sample is socially and ethnically diverse, with two-thirds of the respondents belonging to the socially disadvantaged Roma minority, which also allows for the analysis of the intersection of gender and ethnicity. Gender differences in the Hungarian context might be particularly interesting, as strong gender stereotypes and traditional gender norms exist among the Hungarian population (see, for instance, European Commission, 2017, pp. 5–7; Gregor, 2016; Gregor & Rédai, 2015), while the Hungarian conservative-populist government and public intellectuals close to it have openly been engaged in anti-gender and anti-feminist discourses (Kováts & Pető, 2017). Additionally, to our knowledge, there is no qualitatively informed research about popularity discourses in the Hungarian school context, and only a few instances of research on gendered discourses in the school setting (e.g., Rédai, 2019a; 2019b).

In our analysis, we will, to some extent, draw on a Foucauldian understanding of discourse and power relations by putting emphasis on the discourse-internal and discourse-external factors that give rise to certain discourses while limiting or inhibiting others. However, we will also show that, in the case of our data, a Foucauldian approach might have its limitations, especially with regard to discourse-external elements. Overall, we will see that the impact of widespread gender-stereotypical attitudes and anti-feminist political discourses on early adolescents' discourses may be limited, in particular in the case of girls.

2 Gender and popularity: A review of the literature

Gender differences in popularity dynamics have been extensively documented in the literature. The quantitative research tradition, predominantly sociometric research, has found that activities and behaviour related to physical dominance (e.g., athletic abilities, 'toughness', physical and overt verbal aggression) are more strongly associated with popularity for boys, while prosocial behaviour (e.g., co-operation, kindness) and relational aggression (e.g., social manipulation, exclusion, spreading gossip) are more strongly associated with popularity for girls (Mayeux & Kleiser, 2019). Additionally, being considered likeable and funny are also more strongly associated with boys' popularity, while the quantitative tradi-

tion has found no significant gender differences with regard to physical attractiveness, affluence, or academic competence; areas where ethnographic research has found important differences (Rose et al., 2011).

According to qualitative interviews and ethnographic observations, the most important traits and skills for boys to be perceived as popular are related to athletic abilities, physical strength (the ability to intimidate and dominate peers), being perceived as smart and humorous, school disengagement, disruptive behaviour, successful cross-gender relationships, and 'doing heterosexuality' (e.g., Adler et al., 1992; Chambers et al., 2004; Francis, 2009; Kehily & Nayak, 1997; Renold, 2000). In the case of girls, the most important traits involve social skills (being 'nice' and compliant but also being 'mean' and manipulative), being fashionable, being perceived as attractive (especially by boys), and 'doing heterosexuality' but without being sexually 'too forward' (e.g., Adler et al., 1992; Chambers et al., 2004; Currie et al., 2007; Merten, 1997; Read et al., 2011; Renold, 2000).

However, the concept of the 'nice' and 'passive' girl, traditionally considered salient in the case of White middle-class girls, has been challenged from multiple directions. First, it has been shown that although overt competition for status (a traditional 'masculine' trait) is considered less acceptable for girls, more covert ways of competing for status, in particular relational aggression, gossiping, and 'meanness', are often considered central to popularity (e.g., Currie et al., 2007; Duncan, 2004; Merten, 1997; Wiseman, 2002). Although popular girls are often not widely liked (e.g., Eder, 1985), they tend to be both envied and feared for their social power (Currie et al., 2007). Peers also often consider them 'snobs' who feel that they are 'better than other kids' (Currie et al., 2007). Second, other alternative constructs have also been discussed recently in the literature, such as 'tough' and confident 'ladettes' (e.g., Jackson, 2006), or 'alpha' girls (Kindlon, 2006 cited by Bettis et al., 2016) who are assumed to be both assertive and competitive (traditional 'masculine' traits) and collaborative and relationship-oriented (traditional 'feminine' traits) (for a criticism of the 'alpha' girl discourse see Bettis et al., 2016).

Discourses of masculinity are also undergoing some changes. For instance, Read and colleagues found in a sample of secondary school students in the United Kingdom that being kind, friendly, and helpful were as frequently mentioned by boys as by girls as characteristics of popular students (Read et al., 2011). The authors argue that being kind and helpful to peers might not be considered feminized characteristics any longer, but being helpful and obedient towards the teacher is still devalued and feminized. Another study by the authors on the same sample found that academically successful popular students needed to 'balance' popularity and school achievement: almost all of them were good-looking and fashionable, and in the case of boys almost all of them were good at sports, so that they could present themselves as 'authentically' masculine, in spite of their engagement in schoolwork (Francis et al., 2010). Additionally, in order to avoid being identified as 'boffs', both high-achieving boys and girls put considerable effort into presenting their performance as 'effortless achievement' (Francis et al., 2010). Moreover, these academically successful popular students were found to be loud, assertive, and involved in the demonstration of 'gender-typical' interests: fashion, celebrities, and the production of 'maturity' for girls, and more physicality (throwing things at each other and fighting) for boys (Francis et al., 2010; see also Skelton et al., 2010).

Additionally, the intersections of gender, race/ethnicity and social class also need to be taken into consideration. For instance, Paul Willis extensively documented in his classical ethnographic study how British working-class boys ('lads') developed a 'counter-school culture' where they could achieve high peer status by adhering to violent, counter-school norms

(Willis, 1977). Although their rejection of school values and authority was the result of their developing class consciousness (and a developing sense of related social injustice), this eventually led to the reproduction of the social structure through their ending up in working-class jobs. Similarly, Ingunn Marie Eriksen described in a recent study how ethnic minority girls with an immigrant background in a Norwegian secondary school participated in the aggressive rejection of school values and in disruptive behaviour, including physical fights (Eriksen, 2019). While these girls experienced the school system as providing the potential for academic success only for (native) Norwegians, their disruptive behaviour provided them with 'the subcultural privilege of local "cool", affording them temporary status and power [...] that does not jeopardise their ethnic belonging or femininity' (p. 12). The ethnographic field studies by Signithia Fordham and John Ogbu are also worth considering. Their well-known 'acting white' hypothesis proposes that 'involuntary' ethnic minorities in a subordinate social position consider certain activities to be 'prerogatives' of the White majority and members engaging in such activities (e.g., good academic performance) are seen as being integrated into White American culture at the expense of their own culture (Fordham, 1988; Fordham & Ogbu, 1986; Ogbu, 1992). Consequently, academic success may be resisted both by individuals and their environment, and well performing pupils may receive a variety of peer sanctions ranging from verbal disapproval to physical violence. In spite of the detailed ethnographic description and theoretical framework, the generalizability of the 'acting white' hypothesis has been questioned as large-scale quantitative studies have found mixed results (see e.g., Ainsworth-Darnell & Downey, 1998; Cook & Ludwig, 1997; vs. Fryer & Torelli, 2010). Similarly, quantitative studies in Hungary among ethnic Roma students have mostly found no support for the 'acting white' hypothesis so far (Habsz & Radó, 2018; Hajdu et al. 2019; Kisfalusi, 2018; but cf. Keller, 2020).

Although the concepts of masculinity and femininity might be changing and the scope of 'acceptable' masculinities and femininities might be expanding, a large body of research demonstrates that popularity is still overwhelmingly ascribed to those students who possess the most 'gender-typical' traits and perform the most 'gender-typical' behaviour (Mayeux & Kleiser, 2019). In their *gender prototypicality theory* of popularity, Mayeux and Kleiser argue that popularity in adolescence is a 'by-product' of intensifying cross-sex interactions and competition for opposite-sex attention, and thus it is disproportionately ascribed to 'gender-typical' peers since it is they who are most likely to attract opposite-sex attention (Mayeux & Kleiser, 2019). Francis and colleagues also found that the most popular students were the ones who had frequent interactions with the opposite sex and appeared to be 'at ease' in these interactions (Francis et al., 2010). In addition, feminist criticism argues that the discourses of femininity are inherently contradictory and insupportable, which results in girls becoming 'impossible subjects': too fat or too thin, too clever or too stupid, too free or too restricted, etc. (Griffin, 2004; Read et al., 2011). Popular girls face pressure in relation to the contradictory expectations of having to look 'perfect' while not being too 'self-absorbed' about their appearance and having to attract boys' attention but in 'the right way' in order to avoid being labelled 'sluts' (Currie et al., 2007). Finally, both boys and girls seem to be concerned with 'authenticity'. Unsuccessful attempts to increase one's status by trying to be 'more cool' than one actually 'is' often leads to pariah status and 'wannabe' stigma (Read et al., 2011). However, non-popular students (especially the ones in the 'middle') sometimes challenge the dominant discourses of 'coolness' (Paechter & Clark, 2016) and authenticity (Read et al., 2011), often suggesting that popular students are the 'inauthentic' ones.

As we have seen, in certain school settings academic engagement and the perception of 'inauthenticity' contributes to students' unpopularity and can also make them the targets of teasing/bullying. Additionally, students who are perceived to lack certain social skills (e.g., being 'shy' or 'quiet') are also widely reported to be unpopular (e.g. Read et al., 2011; Warrington & Younger, 2011). Connecting unpopularity to personality implies that it is the students' 'own fault' that they are unpopular, while in reality these individualized characteristics are, to a great extent, socially constructed (Scott 2007 cited by Read et al., 2011). Generally, kids who 'stand out from the crowd' or are perceived to be 'different' in any way, including appearance (clothes, disability, body shape, attractiveness), behaviour (e.g., being 'shy' or expressing opinions contrary to those of the dominant group), abilities (being too 'smart' or too 'thick', lacking athletic ability in the case of boys) or financial background are most commonly the unpopular ones (Warrington & Younger, 2011).

Finally, the importance of inter-school variability needs to be emphasized. Studies involving more schools have found that the role of factors such as school engagement or substance use varied from school to school (e.g., Warrington & Younger, 2011). Additionally, while most studies were conducted in 'Western' settings, in countries with different value systems and cultural traditions results might be significantly different. For instance, Cobbet found in an Antiguan sample that the association between popularity and traditional gender norms and expectations was particularly strong (Cobbett, 2014). Similarly, Xi and colleagues found in a Chinese sample that popular girls were considered to be friendly and prosocial, in contrast to most 'Western' results (Xi et al., 2016).

3 Discourse and discourse analysis

Discourse is one of the widely used concepts in linguistics and the social sciences, with a variety of diverging definitions and interpretations. Similarly, definitions and approaches to discourse analysis shows remarkable diversity. As a general working definition, we can say that discourse analysis focuses on the ways 'in which language constructs and mediates social and psychological realities' (Willig, 2014, p. 341). Critical approaches to discourse analysis focus on the ways power inequalities are maintained, reproduced, legitimized, or camouflaged through discursive and social practices. In addition to critical linguists, some sociologists and social theorists have also put the concept of discourse and the reproduction of social inequalities through language at the centre of their investigations (e.g., Bourdieu, 1991; Foucault, 1981; Habermas, 1984). As the present analysis, to some extent, draws on a Foucauldian understanding of discourse and power inequalities, some important aspects of Foucault's approach will be briefly summarized below.

In his inaugural lecture at the Collège de France in 1970 entitled *The order of discourse*, Foucault outlined those discourse-internal and discourse-external procedures that he believed 'controlled, selected, organised and redistributed' the production of discourse in a given society as well as the methodological requirements they implied (Foucault, 1981; for a close reading see Hook, 2001). Importantly, he argued that the opposition between true and false is 'a historical, modifiable, and institutionally constraining system' (Foucault, 1981, p. 54) that relies on institutional support and is reinforced by multiple layers of social practices that, at the same time, constrain other alternative discourses. Not surprisingly, the strongest discourses are the ones that attempt to ground themselves in the 'natural' – the scientific

and other arguments that are considered 'reasonable' by the dominant standards (Hook, 2001). An important question for Foucault is how different types of *subject positions*, including the privileged position of the author of a text or utterance, are made possible within the given discourse, as well as what it is that *cannot* be said from those certain positions (Hook, 2001). Additionally, Foucault outlines four methodological principles for discourse analysis: reversal, discontinuity, specificity, and exteriority (Foucault, 1981, pp. 67–73). The *principle of reversal* suggests that the focus of the analyst should be on the forms of exclusion, limitation, and approbation of discourse, while the *principle of discontinuity* argues that discourses should be treated as 'discontinuous practices' that sometimes 'cross each other', while in other cases they are 'unaware of each other' (p. 67). Discontinuities help destabilize the otherwise assumed coherence, unity and 'ahistory' of discourse, showing that even some of the most fundamental concepts are to a great extent discursive entities (Hook, 2001). The *principle of specificity* argues that discourses cannot be resolved into 'a play of pre-existing significations'; instead, we should consider them as a practice that we 'impose on things' (Foucault, 1981, p. 67). We understand meanings and distinguish 'truth-claims' based on discourse itself, as our knowledge of the world, estimation of truth, and speaking capacity are governed by certain discursive formations (Hook, 2001). The *principle of exteriority* suggests that, instead of focusing on the 'interior' of discourse, we should go towards the external conditions of possibility that make certain discourses possible and define the boundaries of such discourses (Foucault, 1981, p. 67).

While Foucault's approach to discourse may be appealing in many aspects, its practical limitations are also apparent. For instance, investigating the external conditions and events that enhance or limit certain discourses at the local and national levels would certainly go beyond the boundaries of a paper like the present one. Nevertheless, the techniques used to problematize or normalize certain behaviours and/or power relations, different subject positions, and 'rarefications' of discourses (i.e., what can and cannot be said from certain subject positions), and, to a limited extent, the external social context, can be addressed in such case studies as well.

4 Data

The data for the present analysis come from the transcripts of 21 focus-group interviews conducted in Northern and Central Hungarian primary schools in the spring of 2015. The sample involved 144 sixth-grade students from 10 school classes in eight schools. The focus-group research complemented one wave of a larger longitudinal survey-data collection effort (1054 students in 53 school classes) that focused on ethnic segregation, status hierarchies, and social dynamics in class. In order to investigate the interethnic aspects of these phenomena, the survey research sampled schools with a 'known' higher proportion of Roma students. In line with the goals of this larger study, the focus-group interviews primarily concentrated on students' discourses related to popularity, and to a lesser extent on their discourses about friendship and ethnicity. The selection of classes for the focus-group research was based on two considerations: a guaranteed large proportion of Roma students (as a few questions were related to ethnicity) and the availability of schools for the complementary qualitative research (as the research took place near the end of the academic year).

The interviews took the time of one school class (45 minutes) and students were asked to form their own groups prior to the interviews (most groups contained four to seven pupils). In spite of the short time frame, the atmosphere was pleasant and friendly in most groups and students were very open about a wide range of topics. This might partly be due to the fact that in most cases they had already met and talked with us during the survey data collection effort a few months earlier, as well as prior to the interviews on the day of the interviews, and partly to the fact that they could form their own groups and thus in most cases participated in these discussions together with their friends. Written permission from parents was obtained in the case of all participants, and 84 per cent of students attending these classes participated in the interviews. The sample involved four school classes in disadvantaged rural areas and six classes in urban areas (three in the capital city and three in other towns) where disadvantaged and ethnic Roma students were overrepresented. Although no systematic data on ethnicity or socioeconomic background were collected during the interviews, the related survey data for these classes show that 68 per cent of the students identified as ethnic Roma (in the full survey sample this proportion was 35 per cent).[1] In spite of not having ethnicity data on individual participants, based on interviewer observations three types of groups emerged: mixed ethnicity groups, mostly ethnic Roma groups, and only-Roma groups. These compositions were in line with the ethnic composition of the respective classes as shown by the survey results, and no general tendency to ethnic segregation was observable in group formation. On the other hand, there was a relatively strong tendency for gender segregation: most groups were fully or predominantly same sex, while a few groups were mixed (typically as the result of 'remaining' students joining groups or a high number of absentees).

The procedure for the interviews was as follows: first, students went through a warm-up session during which they introduced themselves and could express their opinions about the survey research (one or two months prior to the interviews, depending on the school). Then pupils were asked to write individually about the characteristics that they believed made someone popular in the class on a Post-it note; and after a few minutes the moderators collected these notes. Then the moderators discussed the listed characteristics with the group. There was also a list of characteristics (being good at sports, having good/bad grades, having cool gadgets, drinking alcohol and smoking) that they were asked to discuss in case any of these factors did not come up. This was followed by a few optional questions (related to describing popular pupils in the class and same-sex and cross-sex popularity, if these topics had not come up previously) and the section on popularity was closed with visual stimuli about excluded pupils (described in Section 5.1. in more detail). The section on popularity was followed by two brief sections on ethnicity (also with visual stimuli) and the conceptualization of friendship. As can be seen from this description, the interpretation of the

[1] Although it is difficult to estimate the ethnic composition of Hungarian school classes, a nationally representative school sample by TÁRKI found that approximately 10 per cent of eighth-grade students were ethnic Roma, based on parental self-identification (Hajdú et al., 2014, p. 268). Even though the measurement method and the year group are somewhat different, based on this proportion we can confidently assume that our sample did over-represent ethnic Roma students.

term 'popular' (*népszerű*) was predominantly left to the participants – an approach in line with the international literature. Although the term can traditionally refer to both being dominant/influential *and* being liked by peers, international research (mostly from English-speaking countries and Holland) shows that popularity is generally interpreted by adolescents as the status dimension associated with power, prestige, and visibility (Cillessen & Marks, 2011). Similarly, it was used predominantly in this sense by the participants as well (see below). Consequently, the discourses presented in the following sections will mostly refer to the (assumed) personality and behavioural characteristics that participants perceived as contributing to one's popularity in the given class, not necessarily the characteristics that they personally prefer. In cases when the discourse refers to social affection (preference, likeability) it will be clearly indicated.

5 Results

Overall, the description of popular boys and girls was to a great extent in line with the international literature. Girls were primarily seen as '(over)sensitive', gossipy, and manipulative by many boys, while boys were most typically seen by girls as immature and (physically) fighting among one another. Both sexes thought that popular girls were usually 'big mouthed', somewhat aggressive, and 'bossy', while popular boys were thought to be good at sports, strong, and able to 'protect themselves'. Physical appearance also came up in some of the girl's groups, where both being 'too attractive' or 'too ugly' could have negative consequences. Among boys, physical weakness was often seen negatively, in particular if one was only 'pretending to be strong' but in fact was weak. Due to the age of the participants (12–14), contact between boys and girls was typically scarce, although the importance of being popular among members of the other sex – primarily being considered attractive and/or having a romantic relationship – came up occasionally. Some boys expressed their preference for girls who were 'similar' to them, e.g., sporty, outgoing, and funny; while this type of preference did not come up among girls. Importantly, when asked about popular students in the class, boys predominantly named other boys, while girls named both boys and girls at approximately similar frequency. When asked about the meaning of 'popularity', students most typically related it to being 'cool' or to being 'known' and 'famous', while they also sometimes related it to being liked by many peers.

5.1 'Sporty' boys and 'sensitive' girls

The characteristics most frequently mentioned in the interviews were being good at sports and being too 'sensitive'. The former was the most typical factor associated with boys' popularity, while the latter was attributed to both certain boys and girls and was reported to be the most important factor behind unpopularity. Being 'sensitive' seemed to be an umbrella term for a range of characteristics including being shy, reserved, and prone to cry, but also being irritable and reacting to 'teasing' aggressively.

Susan: David, Lisa, Nancy, they cannot talk to everyone and are not popular.[2]

Moderator: Why not?

Tom: They are very sensitive, and when anyone talks to them they run away.

Ron: Or lash out at you.

Moderator: Alright, thank you. Anyone want to add anything to this?

Brian: Yes, in connection to this, when anyone talks to them, they're like [*imitating*] 'oh leave me alone', and they hit me, and they go away together.

(*Boy-majority group with one girl, mixed ethnicity, capital city*)

This excerpt exemplifies the multiple layers and ambiguities related to 'sensitivity'. As students who created the 'sensitivity' discourses were the dominant ones in virtually all classes (although not necessarily the ones in the numerical majority), those students who were more reserved, somewhat introverted, or in other ways less resilient to their peers teasing them were easily labelled as lacking the necessary social skills. Not being able to 'talk to everyone' was clearly presented as the fault of these students (and not, for instance, the fault of those whom they are 'not able' to talk to), while it suggests that high peer status should be attributed to those pupils who, assumedly, can get along with everyone else. Since not getting along is a two-way relationship, 'everyone' primarily refers to the dominant students who set the norms and rules of class life. Not being resilient to mocking and teasing not only leads to the stigma of being 'sensitive', but not being in tune with these dominant students also leads to the essentialization of certain personality traits – i.e., pupils who do not get on with their popular peers become consensually seen as shy or sensitive. Similarly to what we have seen in the literature, popular students often attributed popularity and unpopularity to interpersonal skills, while their less popular peers frequently saw popularity itself in a more negative light and primarily attributed it to physical appearance, sports, and different forms of 'bad behaviour' (in fact, popular students also often attributed popularity to a combination of these traits and interpersonal skills). Importantly, in many of the groups students mentioned 'not fitting in' or 'not adapting to the community' when asked to elaborate on 'sensitivity'; expressions that are typically used by teachers and other adults when they describe 'problematic' students in Hungary. It would be interesting to investigate in the future the extent to which the argumentation schemes and discursive frames that put the blame on students deemed 'unable to fit in' are provided and reinforced by teachers and other adults.

Not surprisingly, 'sensitivity' was more frequently associated with girls and was certainly considered a 'feminine' characteristic. In cases when it was associated with boys, it was considered 'unmanly', and sensitive boys were sometimes labelled 'little girls'. At around the midpoint of the interviews, students were provided with two pictures, one of them showing a group of boys with one clearly being excluded; the other picture a group of girls with the same configuration. Students were asked to describe what they saw in the pictures, why

[2] All transcripts presented in this paper were translated into English by the author, and names have been changed in order to protect the anonymity of participants.

this situation had occurred, and whether there were similar situations in their class. The following excerpt shows one example when students associated sensitivity with being feminine.

> **Mark**: [*about the boy in the picture*] [He's] sensitive, that's why. Look at him, how sensitive he is. He's a little girl.
>
> **Paul**: This is Billie [*a classmate*], and this is whatshisname.
>
> (*Mixed gender, mixed ethnicity group, small town*)

While 'sensitivity' was most frequently mentioned in relation to unpopularity, 'arrogance' was a characteristic sometimes used to describe popular girls. These girls were considered popular, although widely disliked, and were perceived to 'look down on others' while having a 'huge ego'. Coolness and popularity were frequently interpreted as denigrating, mocking, and taunting others; however, this association was more typical in the case of girls.

> **Moderator**: And Sandra, why is she arrogant?
>
> **Several students**: Because she denigrates everybody, she taunts everyone.
>
> **Barbara**: And [she thinks] she's the best at everything. [*others agree*]
>
> **Moderator**: [*asking another girl*] What do you think?
>
> **Carolyn**: She's a loudmouth.
>
> [...]
>
> **Amanda**: She denigrates everyone...
>
> **Martha**: But when we say the same to her, she gets offended immediately.
>
> **Carolyn**: She gets outraged.
>
> **Moderator**: And Martha, why do you think it's possible that Sandra is so arrogant and still popular?
>
> **Martha**: She's not popular at all.
>
> **Moderator**: She's not. [*others disagree*] Uhm, so she's popular but not in the good sense?
>
> **Several students**: yes, yes.
>
> **Amanda**: And if someone dares talk to her, she denigrates them, and shouts at them. So I think because of this. No one dares to taunt her, they look up on her out of fear.
>
> (*Mixed gender, mostly Roma group, small town*)

Sports, football in particular, were presented as being of central importance for every group of boys. Additionally, boxing and the ability to 'protect oneself' physically were also frequently mentioned. Being good at football was a source of pride for boys, and sometimes they also implied that this would make them more attractive among girls. Interestingly, in spite of this central importance, the assumption that not being skilled at sports would hinder one's chances of becoming popular was downplayed or rejected in every group of boys. Among girls, sports only occasionally came up and did not seem to be of central importance. Importantly, as the dominant members of girl groups were typically not very fond of doing sports, girls who were originally more positive about sports eventually also started to downplay their importance.

5.2 Physical strength and violence

As mentioned earlier, the topic of physical strength was central in boys' discourses of popularity. Those who were strong and fought a lot were frequently reported to be more popular and an ethos of 'toughness' was often verbalized. Occasionally, fighting together was mentioned as one of the major bonding experiences and an integral part of school life for boys. Physical violence was almost always framed by the perpetrators as a proportional reaction to another person's verbal or physical attacks, or at least was presented in neutral terms (e.g. 'there was a fight'), and respondents hardly ever positioned themselves as initiators of these conflicts. On the one hand, this shows that physical violence needs to be 'justified' for peers (or at least for the adult moderator) in order to be considered 'acceptable'. On the other hand, the openness with which respondents talked about such events suggests that, under certain circumstances, the surrounding adult environment did not always judge these events as unacceptable, at least not in the case of boys. Additionally, trying to participate in these demonstrations of strength without the corresponding physical capacity ('pretending to be strong') resulted in extreme unpopularity. These unsuccessful attempts to increase one's status (without having the 'right' physical capabilities) are related to the question of authenticity. As we have seen in the literature, students who 'pretend' to be someone other than they 'really are' can become extremely unpopular. In addition to strength being an important 'masculine' trait, 'fearless' attitudes were just as important. The following excerpt shows the difficulty, and almost impossibility, of boys admitting being afraid of violent peers.

> **Moderator**: And, by the way, does it make someone more popular, if s/he is a bit more violent, fights [physically]? Or are you afraid of them?
>
> **Dan**: We are afraid.
>
> **Steve**: It's not that we are afraid of them but… [*hesitates*]
>
> **Moderator**: So you're not afraid of them?
>
> **Brian**: I'm not afraid of anyone either.
>
> **Dan**: I'm not afraid of anyone either.
>
> (*Mixed gender, mostly Roma group, small town*)

Reports of physical fights were rare among girls, and on the few occasions when they were mentioned, these stories were about students not present in the group, or the statements were phrased in very general terms (e.g., 'there are fights'). Realistically, one could expect that such confrontations actually occur more rarely among girls; however, the lack of 'owning up' to such activities shows that these fights might be less acceptable (for adults) in the case of girls, or at least they are less a source of 'pride' (for an exception, see the analysis of some of the only-Roma classes below). However, while physical strength and fights were not central to girls' identities, *never* was it mentioned in relation to any of these reports that such activity would be 'unfeminine' or unacceptable in the case of girls.

It is important to mention that prosocial traits such as 'kindness' and 'friendliness' were just as frequently associated with popularity by boys as aggression. Similarly, 'kindness' was more frequently mentioned by girls than 'arrogance' or different forms of verbal aggression. However, intensive discourses similar to the ones related to strength, sensitivity, or arrogance were not created around these prosocial traits, and even after further questions by the moderators their elaboration remained limited.

5.3 Physical appearance and romantic relationships

Due to the age of the participants, physical attraction and romantic relationships were less emphatic than they are in older age groups. However, the importance of physical appearance, especially in the case of girls, came up occasionally. On the one hand, it involved being physically attractive and having the 'right type' of body, while on the other hand it included being 'fashionable' and 'having style'. While boys talked about attractiveness in rather general terms, pointing out that it can contribute to popularity among members of the other sex, for girls it was often the source of both popularity and jealousy. For instance, in one girl's group some participants argued that pretty girls were popular while their less attractive peers were rejected ('no one wants the ugly one').

Physical attraction and romantic relationships can be difficult topics to talk about for this age group, especially when they are asked about by an adult moderator. The following excerpt exemplifies this difficulty; participants in one of the girl groups were asked (on this occasion by a female moderator) about their popular peers in the class.

Several girls: Lisa, you Lisa

Lisa: Why me?

Pam: I'd rather not say that now…

Amy: Because you love boys.

Lisa: It's not true.

[…]

Moderator: So, girls, why did you name Lisa?

Pam: You only have to look at her.

Moderator: So you think if someone is good-looking then she can be popular among girls.

Pam: Let's say if she's better at something than them.

(*Only-Roma girl group, rural area*)

In this example we can see that, in line with the general gender stereotypes, 'loving boys' is framed somewhat pejoratively in the case of girls, in particular in the case of girls who are pretty and attractive. This negative association is clear from Lisa's rejection of the assumption of 'loving boys', as well as from the seemingly evasive answers of Pam. However, in spite of the pejorative connotations, it is admitted that being pretty and attractive to boys does contribute to one's popularity, and Lisa was indeed one of the most dominant participants in this group.

While being pretty and attractive to boys were related to popularity, having actual romantic or even physical relationships was seen much more negatively and in one group of girls physical relationships were even labelled 'lame'. In particular, having more than one (former) boyfriend or 'switching' between boys came with the risk of being labelled a 'slut' (and consequently losing status, at least among girls).

Amy: And they [the boys] share their girlfriend.

Moderator: Can you tell me a bit about this? What does it mean?

Amy: There is Jennifer for instance who is together with Jason and…

Lisa: … And a brother who took his brother's girlfriend.

Moderator: Okay, so there are two brothers and one took away the girlfriend from the other.

Several girls: No, rather the girl is switching [*others agree in the background*]

Moderator: And why do you think the boys are not bothered by this?

Lisa: Well, the girl is a big slut [*others agree*].

(*Only-Roma girl group, rural area*)

While having 'too much' interest in boys had negative effects on girls' popularity, no such tendency was reported among boys. In fact, present and former relationships were reported to be important parts of some of the dominant boys' popularity, while no stigma was attached to having more relationships at once.

In relation to physical appearance, 'coolness' in appearance (e.g., hair and clothes), being fashionable, and having 'good style' were occasionally mentioned by both girls and boys. As the sample included schools mostly located in disadvantaged neighbourhoods and/or classes with a high proportion of disadvantaged students, financial background and the ability to buy 'trendy' clothes and gadgets were less emphatic factors than they would have been among predominantly middle-class students. However, while explicit references to financial inequality were mostly missing, discourses around being 'stylish' as well as around personal hygiene (e.g., being smelly, wearing the same clothes) often emerged. Both areas, while seemingly related to the 'character' of the pupils in question, are, to a significant extent, related to socioeconomic differences, as not everyone can afford to be stylish even according to the 'local standards' of these classes. Similarly, the ability to attend to personal hygiene is often determined by the housing conditions of the students' families in these disadvantaged regions.

5.4 Themes without gender differences: substance use, 'bad behaviour', and academic engagement

There were some themes regarding which the quantitative and ethnographic literature frequently identifies gender differences in popularity dynamics, but in the discourses of the participants of the current study such differences did not really appear. There were three such well-identifiable areas: 'bad behaviour' (e.g. swearing, fighting, disrupting the class), substance use (smoking), and academic engagement. Given their educational importance and the somewhat surprising lack of difference, these themes will be briefly discussed below.

Different forms of bad behaviour at school, including swearing, fighting, taunting others, and showing disrespect towards teachers, frequently came up during the interviews. In some classes bad behaviour was considered an important component of popularity and dominant participants boasted about their 'acts' and the consequences of their bad behaviour (e.g., disciplinary hearings). However, whether 'bad behaviour' was a source of 'pride' or talked about disapprovingly was rather connected to the local class and school atmosphere than to gender differences. Similarly, the acceptance and prevalence of substance use, almost exclusively smoking, also seemed to be related to the local 'milieu' and not that much to gen-

der. Interestingly, smoking was initially almost always denied, and students frequently expressed their discontent with moderators asking about it. However, after being assured that neither their parents nor their teachers would learn about their answers, they gradually admitted that it was an important part of popularity, as they often looked up to those peers who 'dared' to smoke. Even after admitting its importance, they frequently emphasized that the ones who smoked were 'in the other group' and controlled each other to ensure that no one mentioned names. This silence and reluctance related to smoking clearly reflects the value system of an adult environment that most probably strongly punishes such activities. Some pupils even mentioned that their parents would 'kill' them if they learnt about them smoking, while such fears were never verbalized, as we have seen above, in relation to violence and other forms of 'bad behaviour'.

The stereotype of the ugly, anti-social, and 'lame' nerd frequently came up. In some groups, negative attitudes and hostility towards good students were explicitly verbalized. In these groups, studying and following school rules in general was considered 'lame'. However, similarly to the topics in the previous section, this was rather related to the class and school 'milieu' than to gender differences. The following excerpt gives an illustrative example of good academic performance and a lack of social skills being conflated into the category 'nerd' – one pupil (Rob) had to 'defend' himself by emphasizing that he was 'not learning too much', while his friend (Brian), one of the most dominant and popular students in the class, needed to emphasize the social skills of Rob.

Brian: Rob is not a nerd, not a nerd because he can talk to anyone.

Rob: I'm not learning too much.

Brian: Because nerds study only for themselves.

(*Boy-majority group with one girl, mixed ethnicity, capital city*)

However, while Rob and Brian fought the stigma of Rob being labelled a 'nerd', the underlying narrative that conflates diligence and the lack of social skills and thus stigmatizes 'nerds' was not challenged in any way.

5.5 Ethnicity and gender

Finally, some points about the intersections of gender and ethnicity need to be emphasized. As mentioned above, data on the ethnicity of individual participants was not collected during the interviews; however, based on the interviewers' perception, the ethnic composition of the groups can be divided into three categories: mixed ethnicity, mostly Roma, and only-Roma groups. Due to the lack of individual ethnicity information, the small number of groups, and the non-representative nature of the sample, strong conclusions regarding ethnic differences cannot be made. Nevertheless, different ethnic compositions may be compared: while the different mixed-ethnicity groups did not show remarkable differences and came from either the capital city or small towns, three out of the four classes in rural areas were almost exclusively attended by Roma pupils. While the number of these fully segregated classes (schools) was relatively small in the sample, it is noticeable that in two out of the three of them strong negative attitudes towards school and academic engagement were verbalized by the dominant students as well as a kind of 'ethos' of physical fights and disruptive

behaviour. At the same time, these students expressed negative sentiments towards academically engaged peers and those who follow school rules. This phenomenon, to some extent, seems to resemble the 'oppositional culture' described in the international literature. Since (the majority of) those of Roma ethnicity suffer from social marginalization and widespread prejudice and discrimination in Hungary (including residential and educational segregation and labour-market discrimination) and the gap in the educational performance of Roma and non-Roma students is significant (which means the lack of school success), it is conceivable that similar social dynamics may have been at play in these two classes.

Interestingly, similarly to the findings of Eriksen (2019), these discourses were more powerfully and vehemently expressed by girls; although they were prevalent both in the boys' and girls' groups. Additionally, for the dominant girls in these classes being 'tough' and 'Gypsy-like' (i.e. 'not sensitive') was of central importance. The following excerpts show two examples from the same group of the appraisal of disruptive behaviour and resentment towards peers who follow the rules.

Moderator: And how does behaving badly make someone popular?

Linda: That's just the way it is with us, we dig it if someone behaves badly.

Moderator: And what does s/he do, what does it mean if someone behaves badly?

Linda: Swears at teachers, talks during the class, hits, taunts others.

Moderator: And someone who behaves well?

Linda: That's not really [popular].

Kimberly: That's not good.

Jessica: That's not.

Linda: Quiet, a dog.

Moderator: A dog?

Linda: Someone who is not bad, just is [there]. That's not good.

Linda: Just sitting at your desk [all day], like an old man, that's not [cool].

Kimberly: That's not [cool].

Linda: I'd like to hit them on the head.

Moderator: So it's not possible for someone to be both [a good student and cool]?

Linda: No, not in this class.

(*Only-Roma girl group, rural area*)

Clearly, conducting a systematic comparison of different ethnic group compositions and exploring the dynamics and conditions for such potential 'oppositional cultures' goes beyond the scope of the current paper and related sample. Nevertheless, it would be interesting to conduct research on popularity discourses in more segregated (rural) schools/areas to generate a better comparative perspective, as well as to collect ethnicity information on the individual participants in order to get a more refined picture about potential ethnic differences.

6 Conclusion

The paper focused on the gendered patterns of popularity discourse among sixth-grade students in Northern and Central Hungarian primary schools. The analysis took a critical approach to the discourses and narratives presented by the students. We saw that, mostly in line with the international literature, boys' popularity discourses were primarily organized around athletic abilities, physical strength, and verbal and physical dominance over other peers, while girls' discourses were, to a great extent, organized around physical appearance, verbal aggression, 'arrogance', and kindness. 'Sensitivity' – i.e., a lack of resilience to mocking and taunting – was seen as negative in the case of both genders and was considered 'unmanly' in the case of boys. While a lack of physical strength and the 'ability to protect oneself' was strongly connected to the lack of masculinity in the case of boys, similar discourses of 'unfemininity' did not emerge. In fact, among girls primarily 'liking boys too much' was disapproved of in a way that followed a gendered pattern, while no similar prohibition on 'bad behaviour' or academic disengagement emerged. Since ethnic Roma students constituted approximately two-thirds of the sample, at the end of our analysis we were also able to briefly refer to the intersections of gender and ethnicity. We saw that in two out of the three classes in ethnically segregated school environments a strong rejection of pro-school values and strong approval of disruptive behaviour were verbalized, and this was particularly visible in the case of the dominant, 'tough' girls in these only-Roma classes.

Our results underline the importance of investigating gender differences in popularity discourses in different cultural contexts as well as the importance of focusing on ethnicity and socio-economic background. Even though, as we saw above, the Hungarian population demonstrates some of the strongest gender stereotypes in the European Union, and anti-feminist political discourses have been prevalent in the last few years, the effects of these factors seem to have been limited in the case of our sample. While the boys and girls in the sample frequently associated popularity with 'gender-typical' traits and behaviours, these associations mostly seemed to be in line with 'Western' findings. Additionally, while physically weak and/or 'sensitive' boys were seen as unmanly by their dominant peers, no discourses of 'unfemininity' emerged and constraints on 'unacceptable' feminine behaviour were also limited (with the exception of 'loving boys too much'). This may partly be due to the age of the participants (12–14) and partly to the ethnic and socio-economic composition of our sample; we propose that research on older age groups and different socio-economic backgrounds could clarify temporal trajectories and class differences in the gender-typicality of popularity discourses. Similarly, research in other Central and Eastern European countries, in particular in states with a sizeable Roma minority, could clarify national and ethnic differences, even within similar cultural contexts.

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Eszter Kováts

Only ! know my gender: The individualist turn in gender theory and politics, and the right-wing opposition

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Abstract

The goal of this theoretical paper is to link right-wing anti-gender claims to real processes of the individualization of gender analysis in light of the critical literature on how neoliberal ideology has been affecting feminist politics and gender scholarship. While there has been reflexion about the co-optation of feminist vocabularies such as choice, liberation, and self-determination by neoliberal ideology for a long time, recent critiques add to this the individualist turn within gender theory, and feminist and LGBT activism too. I argue that uncovering these latter trends can contribute to a better understanding of the resonance of right-wing anti-gender messages among large segments of European electorates but also to (self-) critical discussion within gender theory and feminist and LGBT practice about the individualization of structural problems.

Keywords: anti-gender movements, right-wing populism, neoliberalism, gender theory, gender identity

1 Introduction

Only ! know my gender – this piece of graffiti in a women's toilet at Hamburg University in November 2018 intrigued me. While I was aware of the newest trends related to trans and queer activism in Western European and North American countries, coming from a country where the right-wing government has been refusing to ratify the Istanbul Convention[1] with the argument that it would promote the idea that gender can be freely decided upon, this graffiti struck me as proving their point about the meaning of gender: that it is within an individual's capacity to define. Further, replacing 'i' by '!' gives extra emphasis to the claim of authenticity: that the individual is the sole legitimate interpreter of his or her identity, and that this cannot be questioned. All in all, this short sentence expresses the monologistic,

[1] The Council of Europe *Convention on preventing and combating violence against women and domestic violence,* opened for signature on 11 May 2011, in Istanbul, Turkey, came into force on 1 August 2014.

subjectivist, and dogmatic character of the newest gender claims, and at the same time the rejection of knowledge based on social science – it is an illustrative summary of a phenomenon, hence the choice of title for this paper.[2]

In the first step I will briefly describe the politicization of gender in the discourse of the Right over the recent decade, before turning to Hungary. Then I will discuss the changes in the meaning of gender within progressive activism and policymaking, which I see as a move from a structural perspective towards an individual one. I will situate this shift within a broader framework that is discussed by critical scholarship of the ideational underpinning of neoliberalism: individualization. In a last step I will link right-wing anti-gender discourse with this individualized approach to gender.

2 Anti-gender politics

Anti-gender politics has been a global phenomenon since the beginning of the 2010s, with roots in the 1990s and 2000s (Kuhar & Paternotte, 2017). Reproductive rights, violence against women, sexual education, LGBT issues, gender mainstreaming, gender studies, supranational organisations (like the UN, EU, and WHO) and treaties (like the Istanbul Convention) are being targeted by conservative social movements and right-wing populist parties. Some of the issues are old areas of contestation of the Right (like abortion), while others are new (like gender studies). What connects them is that they are now contested for being representative of 'gender ideology' or 'genderism', and as representing a global conspiracy to destroy human civilisation. A discourse originally developed by Popes and intellectuals affiliated with the Vatican (ibid.), this framing has by now become disconnected from its religious origins and is freely deployed by various political actors, from social movements to political parties. While several current feminist and LGBT claims and academic endeavours are contested from within these movements and academic studies, what distinguishes these critiques from the anti-gender phenomenon is the latter's homogenization and vilification: despite their heterogeneity all actors and claims of feminist and LGBT politics, gender policy-making, and gender studies are treated within the anti-gender discourse as being one organized lobby, and their actors presented as a threat to children, the nation, and human civilization.

The usage of the term 'gender' marks a clear difference to former antifeminist and homophobic contestations. It politicizes a formerly academic concept and attributes various contents to it – 'gender' thus serves as symbolic glue, symbolizing and connecting various perceived or real failures of current progressive politics (Grzebalska et al., 2017):

> 'Gender ideology' has come to signify the failure of democratic representation, and opposition to this ideology has become a means of rejecting different facets of the current socioeconomic order, from the prioritization of identity politics over material issues, and the weakening of people's social, cultural and political security, to the detachment of social and political elites and the influence of transnational institutions and the global economy on nation states. (Grzebalska et al., 2017)

[2] To illustrate this trend of gender activism by one example from politics too: The Commissioner for the Acceptance of Sexual and Gender Diversity of the Scholz government since end of 2021 in Germany formulated the same claim as in the graffiti in March 2021, back then as spokesperson for queer politics of the group of the Greens in the federal Parliament: 'Only one person can determine and give information about their body, sexuality and gender – each person himself/herself.' https://twitter.com/svenlehmann/status/1377182730820050950

One of the things opposition to 'gender' might compress and eventually symbolize, is, I will argue, the individualist philosophy of the current neoliberal order.

'"[G]ender theory" found fertile ground in the individualist anthropology of neoliberalism', claims Jutta Burggraf, one of the anti-gender ideologists of the early days of the anti-gender phenomenon, when the Catholic Church played a significant role in developing and spreading the discourse (quoted by Carnac 2014, p. 137). The right-wing actors mobilizing against what they call 'gender ideology' identify the connection between the term 'gender' and neoliberalism in the idea that gender is freely chosen, not constrained by norms, nature, and biological sex.

While anti-gender actors cannot be all classified as anti-neoliberal in economic terms,[3] they indeed address one part of neoliberalism in relation to which so-called progressive actors are unwittingly allied with their claims. This proposal is far from being new: Nancy Fraser stated in her article about Trump's election that 'Trump's victory is not solely a revolt against global finance. What his voters rejected was not neoliberalism *tout court*, but *progressive* neoliberalism [...], an alliance of mainstream currents of new social movements (feminism, anti-racism, multiculturalism, and LGBTQ rights), on the one side, and high-end "symbolic" and service-based business sectors (Wall Street, Silicon Valley, and Hollywood), on the other' (Fraser 2016, p. 281, emphasis in the original). What the Right seems to address about neoliberalism is how this ideology shapes cultural values: that the individual is taken out of context. The Right accuses 'gender ideology' and its presumed promoters of being a vehicle of this individualist trend.

This accusation – that thematizes actually existing trends – begs the question: shall political actors and researchers committed to human rights recognize all individual claims, or is there a respectful way to critically analyse these trends within academia and politics? This paper attempts to contribute to this debate.

3 Anti-gender politics in Hungary

Hungary is a latecomer to anti-gender rhetoric and mobilization: while there were scattered incidences of anti-gender rhetoric from 2009 onwards, anti-gender campaigns began to unfold only in 2017. This may be explained by the fact that the right-wing populist coalition of Fidesz (Alliance of Young Democrats) and KDNP (the Christian Democratic People's Party), in power since 2010, and ruling for most of the time with a constitution-changing two-thirds majority,[4] – in contrast to other countries where anti-gender actors became active in re-

[3] Either because they pursue neoliberal economic policies or because the economic realm is irrelevant for them, as it is for religious NGO actors.

[4] A description of the Orbán regime is outside of the scope of this paper – one can find a myriad of insightful political science analyses about this; also concerning whether it is populist, and if so, how (elitist, neoliberal, authoritarian, paternalist, illiberal populist, etc.); or treats populism as just one element of the regime: electoral authoritarianism, competitive authoritarianism, plebiscitary leader democracy, hybrid authoritarian state capitalism, etc. A brief summary of the institutional changes since 2010 can be found e.g., in Enyedi and Krekó (2018); and of the role of the EU in sustaining and building legitimacy for the regime in Bozóki and Hegedűs (2018). Two recent volumes giving a broad and original account are Körösényi et al. (2020) and Scheiring (2020).

sponse to progressive gender-related legislation – did not plan any legislation to trigger an anti-gender protest. The discourse intensified when it was of use for promoting the polarizing goals of the government itself (Kováts & Pető, 2017).

A defining feature of PM Orbán's regime is the use of ongoing publicly funded fearmongering hate campaigns that target alleged enemies (migrants, liberals, George Soros, or so-called 'gender ideologists') who are presented as committed to destroying the nation. This communication is designed to polarize society and to generate a feeling of being under constant threat. It maintains a wartime narrative, so that the government can present itself as the only true defender and representative of the people against external threats. Hence, in Hungary the government is the main anti-gender actor. The concept of 'gender' became part of the image of the enemy only as recently as spring 2017, but since then has appeared on an almost daily basis in Hungarian government discourse, mainly in an outsourced form in propaganda media and other government-related organisations. The main fields of contestation where 'gender' is vilified are gender studies (de-accreditation of gender studies MA programs in state universities followed in October 2018) (Gagyi, 2018), the Istanbul Convention (the Hungarian parliament adopted a resolution against ratifying it in May 2020), and in relation to issues of trans and genderqueer political claims in the West – ridiculed on a daily basis in the propaganda media. In May 2020, amidst the first wave of the COVID-19 pandemic, the Hungarian parliament adopted a new law according to which 'sex at birth' replaced 'sex' in the civil registry, with alteration of this entry not permitted, meaning that it became impossible to legally change one's gender in Hungary. In December the constitution was amended to include the sentence 'The mother is a woman, the father is a man' – to preclude future trans-inclusive changes. In June 2021 the Parliament adopted the so-called 'child protection law' to ban 'LGBT propaganda' in schools, and are holding a referendum about its content in April 2022, coinciding with the parliamentary elections. All these policy changes were rationalized with references to the threatening 'gender ideology'.

To illustrate the position of the Hungarian government, let me quote three documents that show that their definition of gender and 'gender ideology' refers to 'choosing one's own gender'.[5]

In September 2016, some months before the government's anti-gender attacks started, four MPs of the (then) far-right opposition party[6] Jobbik asked a written question to the relevant ministry about the government's position on 'gender theory'. Here is an excerpt from state secretary Bence Rétvári's answer:

[5] The present paper attempts to make a theoretical argument; empirical material is used for illustration purposes. However, related empirical research has been conducted and is presented elsewhere (Kováts, 2022). For understanding the position of the Hungarian government and the organizations affiliated with it, I collected gender-related statements from the Prime Minister, the two ministers who regularly comment on gender-related issues (the Minister of Justice and then Minister for Families, now President), the government's answers to written questions of opposition MPs in parliament, as well as texts by intellectuals who openly support the government or work in their media, and by the organisations/think tanks that are either directly affiliated with the government or support it in this question. I coded the documents in order to identify the rationale behind the main frames they utilized: gender as mingling of the sexes; gender as ideology; gender as oppression (imposed by foreign powers); and gender as a crisis.

[6] From 2014 on the party implemented a turn towards the mainstream, the credibility of which is still debated. Openly radical and fascist members left the party in 2018 and founded a new far-right party called *Mi Hazánk* (Our Fatherland), two of the four members who posed this written question included.

> In recent years certain circles have attempted to *distort the original meaning of 'gender'*[7] and defended ideas that sometimes even question the biological characteristics of men and women, wanting to mingle the sexes and invent new 'genders'. Besides this, they want to change millenary old linguistic structures (see the Swedish or English developments with regard to neutral pronouns or gender-neutral first names) and organise aggressive action that runs counter to Christian values. Most recently, propaganda activity has started *in favour of transgenderism* that cannot be called reasonable anymore. These activities are quite *far from promoting the goals of equal treatment and social equality between men and women*. We stand on the ground of biological naturalness.
>
> The Hungarian government firmly stands on the ground of the Fundamental Law and does not intend to change this: it continues to promote social equality between men and women, to better women's situation and enhance equal treatment. (Rétvári, 2016, emphasis by EK).[8]

What we can see is that the state secretary distinguishes between an old and a new meaning of gender and differentiates between the goal of gender equality in terms of equality between men and women (what the government – in words – subscribes to) and equality among all presumed genders (hence his allusion to the invention of new genders and the not-so-reasonable transgender activism).

This happened in 2016, so before the debate was associated with concrete political stakes: the campaign against the ratification of the Istanbul Convention, the de-accreditation of gender studies MA programmes, and the anti-LGBT communication campaigns. When those debates surfaced in the context of broader struggles of national sovereignty, academic freedom, and the hegemonic aspirations of the government in February-March 2017, the main argument was that the Convention, gender studies and LGBT organizations would promote so-called gender ideology, which meant in their vocabulary denying the biological reality of the two sexes.

The gender definition of the Istanbul Convention is the following: '3.c. "gender" shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men' (Council of Europe, 2011). While the Convention takes for granted that there are two sexes,[9] and interprets gender in the sense of cultural meanings and consequences attached to the given two sexes, this did not hamper the government-related organisation Alapjogokért Központ (Centre for Fundamental Rights), a government agency that poses as an independent think tank, from disseminating a distorted version of the content of the document.

> Even though it is common sense that *there are only two sexes in creation*, the Convention aims to go against this fact and to do away with the notion of biological sexes and uses the concept of gender

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[7] In the Hungarian language there is only one word for sex/gender (*nem*). The differentiation is made by adding an adjective: biological sex (*biológiai nem*) and social sex (*társadalmi nem*), therefore *nem* is hard to translate when written without the adjective. Here, he used the English word 'gender'; later in the sentence he did not add any adjectives, so translating both *nem*s to 'mingling of the sexes' and 'inventing new 'genders' are my interpretations. In other places I also had difficulty translating sentences containing the word *nem* – e.g. 'changing one's own sex' (or gender). The term 'gender' has acquired plenty of meanings (e.g., as synonymous with biological sex, the system of societal expectations towards males and females [masculinity and feminity] and gender identity, cf. Stock, 2019).

[8] Translations from Hungarian and German into English throughout the text are by the author.

[9] However, the Convention has an anti-discrimination clause that contains gender identity (Article 4, 3.): 'The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status'.

> instead for all legal purposes. *People would thus stop being simply men and women, and would belong to one of the infinite number of artificially created gender categories.* (Alapjogokért Központ, 2017, emphasis by EK)

The Emberi Méltóság Központ (Centre Human Dignity), the director of which is also the director of the Hungarian affiliation of the transnational conservative NGO CitizenGO which also collected signatures against the Convention, puts it the following way, twisting the above-quoted definition of the Convention:

> According to the definition, gender is a social construct that may vary and, basically, is *independent of biological reality* (the fact that someone is either a man or a woman). Accepting this definition may lead to the denial of natural differences between men and women. (Emberi Méltóság Központ, 2017, pp. 4–5, emphasis by EK)

The Centre for Fundamental Rights softened their definition in a text couple of months later:

> [The Convention] treats the roles of women and men not as biological givens in the Creation, but as 'socially constructed roles' – so, in case of *'progressive' legal interpretation* one could include 'asexual genderfluid' or 'genderqueer' too. (Alapjogokért Központ, 2018, p. 3, emphasis by EK)

They acknowledge that the Convention describes the societal roles of men and women (and gender is constructed in this sense); however, they perceive that once the term 'gender' is in the Hungarian legal system, it could pave the way to 'progressive' (= queer) legal interpretations, therefore it needs to be stopped.

So we can see that the accusation of 'gender ideology' in the discourse of the Hungarian government and its corollaries attributes to gender a meaning of 'independent of biological, sexed reality', and fluid gender identities. The thus-far only related quantitative empirical analysis proves this too: sociologist Éva Fodor studied articles containing the word gender in three chosen months of three subsequent years (2018, 2019, 2020) in one of the self-proclaimed pro-government media outlets (*Magyar Idők ['Hungarian Times']*, later renamed *Magyar Nemzet ['Hungarian Nation']*), and found that 'gender ideology' means transgender to them (Fodor, 2022, p. 19).

4 The individualist shift in the meaning of gender

The right-wing anti-gender actors attribute to the Istanbul Convention a gender definition that it does not have: that of a gender identity. However, while the Right distorts the definition of the Convention, why their accusation may sound credible is because they indeed refer to an actually existing trend that needs to be examined more closely, and deserves critique.

I am not intending in this subchapter to take stock of several decades of debates within gender studies about what gender is, and what it should be, or to assess the path of the concept from grammar to sexology to functionalism to feminist theorizing, including its Butlerist turn (cf. Olson, 2012; Repo, 2015; Risman et al., 2019; Stock, 2021, and many others). What I am interested in here is how – partly connected to gender studies debates, partly in relation to activism and policy-making – these debates play out in political terms.

I claim that there is not only a wide range of meanings attached to gender (Olson, 2012; Scott, 2013; Stock, 2019), which is already a challenge in itself for policymaking, but also that there has been a shift in meaning that has moved in the direction from structural to individual – a shift that neatly fits the neoliberal age.

In contrast to the above-quoted gender definition of the Istanbul Convention, in more and more LGBT sensitizing materials gender is defined as gender identity: 'an individual's deeply felt internal individual experience of gender, which may or may not correspond with the sex assigned at birth' (Yogyakarta, 2007, p. 6).

A telling example of this shift can be found in educational material by the Trevor Project, (a US-based LGBTQ NGO), which during the Rowling controversy in June 2020 was – with the active involvement of *Harry Potter* actor Daniel Radcliffe[10] – widely circulated, including by gender-studies scholars. This material defines gender as follows:

> Gender describes our internal understanding and experience of our own gender identity. Each person's experience of their gender identity is unique and personal, and cannot be known simply by looking at a person. Common genders include: [cisgender, transgender, nonbinary, two-spirit – here, definitions are provided]. (Trevor Project, p. 3).

This is clearly not the gender definition of the Istanbul Convention, concerning the power structures in a given society associated with men and women, and the societal roles, possibilities, and constraints accrued from being born either male or female. Even academic articles repeat this individualist definition – e.g., 'gender refers to a person's felt sense of identity and expression' (Green, 2006, p. 247; for a systematic analysis of these cf. Risman et al., 2018).

But it is not only widely circulated LGBT materials that use this approach: more and more EU documents are going in this direction too (Kováts & Zacharenko, 2021). An example of this mixing of sex, gender, and gender identity is the new gender equality strategy of the European Commission, presented in March 2020, for the period 2020–2025. While talking in the strategy about 'women and men, girls and boys', it is always added that they are, 'in all their diversity, equal'. Besides the intersectional approach of the strategy, this addition refers to gender identity too: 'where women or men are mentioned, these are a heterogeneous categories [*sic*] including in relation to their sex, gender identity, gender expression or sex characteristics) (European Commission 2020, p. 2).

What we can observe is that a definitional and ideological debate is being played out in the European polity. It is no longer confined to gender studies journals or activist subcultures, but these debates are taking place on national and European levels (Kováts & Zacharenko, 2021). And this polysemy of gender – i.e. partly a shift from a (classical) feminist and social science structural approach towards a queer feminist/transfeminist and growingly individualist approach – is what is instrumentalized by the right-wing to render any feminist claims suspicious. In the following I assess this trend in light of the critical feminist literature.

5 Neoliberal tendencies in feminism and the individualisation of structural critique

'There are no *pure theories* or *pure ideas*; they are not borne out of thin air without a spatial or temporal foundation' (Čakardić, 2017, p. 33). Čakardić formulates a basic claim about the critical theory of knowledge: that knowledge and ideas are not free-floating; they are also products of their time, shaped by them, and even prone to legitimizing unequal status quos.

[10] https://www.thetrevorproject.org/2020/06/08/daniel-radcliffe-responds-to-j-k-rowlings-tweets-on-gender-identity/

In the same vein, their critical or emancipatory character cannot be solely decided upon their own claims – this requires serious reflection and self-reflection, and emancipatory claims can be incorporated into exploitative systems and ideologies at later points in time (Agostinone-Wilson, 2010; Boltanski & Chiapello, 1999; Fraser, 2009; Soiland, 2017). Feminist and leftist claims, languages, interpretations of the causes of inequalities, and the transformations thereof are also founded in their times and conditioned by the broader political-economic relations they are embedded in. There is a vast feminist critique of the ideology that underpins the current form of global capitalism, including of its co-optations of feminist claims in what critiques term 'neoliberal feminism' or postfeminism (Gill, 2007; Budgeon, 2015; Čakardić, 2017; Rottenberg, 2014; Fraser, 2017; Soiland, 2011; 2017).

The ideological character can be described as follows:

> [B]esides having an influence over economics and politics, neoliberalism also shapes *social values and culture*. By introducing and promoting the abovementioned economic and political practices it serves as a reference point for notions of values in everyday life, relations in personal interactions, ideas about different social groups and their behaviour. By promoting heavy individualism, it overstates the importance and responsibility of individual decisions on someone's social position within the existing unequal social structure, without problematizing the structural oppression within the system itself. (Gregor & Grzebalska, 2016, pp. 11–12)

The issue described here – the 'extension of market principles to ever wider spheres of social institutions and relations' (Budgeon, 2015, p. 304) – is what is at stake here.

Feminist theoreticians critical of current discourses criticize the fact that '[t]he free choice ideology dictates that any time a woman makes a choice, it is an act of feminism' (Čakardić 2017, p. 38). This also means that an old feminist claim is now resignified in neoliberal terms in the name of free choice. And by that, certain questions are excluded from legitimate scrutinization. Budgeon problematizes this as it forbids reconnecting individual experiences to the structures they are embedded in and assumes an authenticity that cannot be assumed: our individual claims and the subjectivation processes of our experiences and identities are shaped by the structures we are part of. 'As long as women's choices continue to be made under conditions of oppression and exploitation the reliability of individual choice as a guarantor of freedom is open to debate' (Budgeon, 2015, p. 308).

This explains why the graffiti with which I illustrated the current trend that disallows any questioning of authenticity is problematic. What Budgeon suggests is carefully analysing 'the slippage choice feminism makes when conflating "critique" with "disrespect" or "agency" with socially transformative "resistance"' (ibid., 309).

Čakardić carries out an analysis of this shift of the meaning of free choice, agency, and authenticity using the example of women's entrepreneurship (Čakardić, 2017). I apply her and Budgeon's approach and tools to analyse the change in the term 'gender' itself, based on similar critiques formulated by others (Brubaker, 2016; Hajdú, 2016; Linkerhand, 2017; Mészáros, 2017; Risman et al., 2019; Salonas, 2018).

My line of argumentation will evolve around the concept of individualisation: the trend towards individualism. This process has been the consequence of social changes enacted by neoliberalism over the past twenty to thirty years in Europe by which individuals are increasingly expected to construct their own lives and own identities, which has far-reaching consequences for social theory too: it entails the individualisation of structural analyses and structural struggles.

That the individualist trend has affected feminism is not considered a new phenomenon, and nor is the critique of it. As early as in 1999 Martha Nussbaum formulated in her fierce critique of Judith Butler that what Butler proposes is a defeatist strategy that gives up on changing structures of power:

> The new feminism, moreover, instructs its members that there is little room for large-scale social change, and maybe no room at all. We are all, more or less, prisoners of the structures of power that have defined our identity as women; we can never change those structures in a large-scale way, and we can never escape from them. All that we can hope to do is to find spaces within the structures of power in which to parody them, to poke fun at them, to transgress them in speech. And so symbolic verbal politics, in addition to being offered as a type of real politics, is held to be the only politics that is really possible. [...] Deprived of the hope of larger or more lasting changes, we can still perform our resistance by the reworking of verbal categories, and thus, at the margins, of the selves who are constituted by them. (Nussbaum, 1999).

This critique relates the individualist turn to postmodern theories, also outside of feminism:

> The instability of the postmodern subject and the floating signifier of power leaves no alternative but to locate meanings within the individual, rather than to external, structural entities. [...] Contemporary culture, assisted by postmodernism, tends to recast structural problems requiring collective solutions into private ones solved only on an individual basis [...]. Larger problems like racism are separated from their historical and institutional foundations and translated into existing 'within' people, composing the simplistic equation of racism = power + prejudice (Bourne, 2002). (Agostinone-Wilson, 2010, pp. 144–145)

Besides a critique of postmodernism as renouncing structural critique (see for feminism also Olson, 2012; Soiland, 2008; 2011; 2017), the shifts around the term 'gender' started to be thematized in critical social science scholarship too.

Rogers Brubaker's volume *Trans: Gender and Race in an Age of Unsettled Identities* succinctly describes the change from how we used to understand and how we currently understand race and gender (Brubaker, 2016). His main argument concerning gender is the following: the proliferation of gender identities does not just recognize hitherto unnamed realities and identities, but also produces and contributes to them in a self-reinforcing manner. Here, he discusses the relationship between materiality (of the sexed body and the body of different skin colours) and social constructedness:

> Morphological, physiological and hormonal differences between the sexes [...] are biologically real and socially consequential. Nothing remotely analogous can be said about racial divisions. Genetically governed differences between socially defined racial categories are superficial and inconsequential; genetically programmed differences between the sexes are neither. Like race, sex is a system of social classification. Unlike race, however, sex is also a well-established biological category.[11] But despite the evident biological basis of sex differences – a biological basis that is utterly lacking for racial differences – it is more socially legitimate to choose and change one's sex (and gender) than to choose and change one's race. (Brubaker, 2016, p. 135).

[11] Here, Brubaker includes a lengthy footnote about the acknowledgement of intersex people, while highlighting that 'the fact that certain individuals can be assigned to the categories male or female only arbitrarily does not make the categories themselves arbitrary; and the fact that sex is culturally co-constructed does not mean it is biologically unfounded' (p. 135).

And he analyses the relationship between materiality/construction using the concept of gender identity itself:

> [W]hile gender identity is understood as independent of the visible morphological features of the sexed body, it is at the same time widely understood as grounded in other – and yet unknown – properties of the body. Gender identity is [...] understood both as a subjective inner essence, accessible to and knowable by the individual, and as an objective constitutional fact over which the individual has no control. The subjectivity of gender identity is seen as grounded in the objectivity of the body. [...] The putative objectivity of the subjectivity allows choice to be defended in the name of the unchosen and change to be legitimized in the name of the unchanging. [...] [I]nstead of imagining the sexed body as an unchosen and unchanging substrate and gender identity as its expression, one can now imagine gender identity as an unchosen, unchanging inner essence and the sexed body as its choosable and changeable expression. (Brubaker, 2016, pp. 136–137)

To put it differently: 'In our technologically sophisticated society, bodies seem more malleable than selves' (Risman et al., 2019, p. 184).

While occasionally recalling the growing significance of individualism, 'the climate of subjectivism' (Brubaker, 2016, p. 24), and the idea that 'the enlargement of choice [...] does not simply respond to this unsettling [of basic categories]; it also contributes to it' (ibid., 50), Brubaker does not systematically analyse why these changes took place initially. I think this must be accounted for in order to adequately assess the situation. I situate these changes in line with those authors who highlight the individualization of structural struggles within feminism and beyond (Budgeon, 2015; Čakardić, 2017; Linkerhand, 2017; Risman et al., 2019; Salonas, 2018; Soiland, 2008).

Thematizing the specific oppression that certain groups experience based on their sex, race, and sexuality is crucial, and we cannot underestimate the significance of the related activism of the 1960s–80s in the countries of the West. But these emancipatory developments were accompanied and co-opted by neoliberal tendencies (e.g., Boltanski & Chiapello, 2005; Budgeon, 2015; Fraser, 2016) that fostered an individualist resignification of hitherto critical terms. 'These liberal-individualist understandings of "progress" gradually replaced the more expansive, anti-hierarchical, egalitarian, class-sensitive, anti-capitalist understandings of emancipation that had flourished in the 1960s and 1970s' (Fraser, 2016, p. 282).

The best example of this is classism. Class analysis – to put it simply – is aimed at explaining how a specific mode of production or market leads to a specific mode of division of labour with different and contradictory positions. Furthermore, it is aimed at analysing wide-ranging levels of power and the capacity to defend the interests of people in related positions. However, within the individualized approach exemplified by the term classism, class has become but another identity category on the basis of which people are discriminated against. Turning class positions into characteristics of certain groups of people empties out class analysis of its original, structural sense, turning it instead into an analysis of the discrimination of individuals (Soiland, 2008).

I see the change in the meaning of the concept of gender and the proliferation of non-binary gender identities in the same context as the shift in the meaning of class: the replacement of the analysis of gendered structural circumstances and exploitations by a critique of cultural norms of differentiation (Soiland, 2011). A politics that defines gender as identity is not fighting narrowly defined gendered expectations towards men and women and the system which sustains them; instead, it suggests that if one does not comply with

the expectations associated with a particular sex, then one does not belong to that sex (that is, one belongs to the opposite sex or is non-binary) (Reilly-Cooper, 2016; Stock, 2021). In line with the discursive turn in social sciences (that has trickled down to activism), instead of treating categories as instruments to articulate inequalities, it sees the categories themselves as sources of oppression (Soiland, 2008; 2017). Hence, it does not pursue changing the system, but promoting individual solutions to systemic forms of oppression: switching between categories or creating new ones (Salonas, 2018). Thus in the context of how hopeless the endeavour seems to be to 'crack the gender structure', it might seem subversive and liberating to fight against being put into the box of 'man' or 'woman'. This approach individualizes structural problems and provides a system-conforming framework of interpretation.

Gender – since it was taken over from functionalist theories into feminist social science – used to denote 'the fundamentally social quality of distinctions based on sex' (Scott, 1986); the power structures in a given society between men and women, and the differential opportunities and constraints accrued from being born either male or female. The shift in the meaning of gender, mediated through the poststructuralist Butlerian turn that problematized the constructedness of sex too, is apparent in much of the current trans and genderqueer scholarship and activism and in European polity (Kováts & Zacharenko, 2021), and is increasingly becoming conceptually synonymous with gender identity, a person's felt sense of identity. Gender in this sense means identifying (or not) with being born male or female, and of having the privilege (or not) of correspondence between one's 'sex assigned at birth' and 'felt sense of gender identity'. This second approach, however, has very little in common with the critique of the hierarchical social structures between men and women.

Also, it blurs the fact that the gendered oppression we observe today is not a response to our identities but to how society identifies us (and, say, gives lower pay to women, or expose them to specific forms of violence – independent of their self-assigned 'gender identity' cf. Reilly-Cooper 2016[12]); 'were we to rely on a neoliberal analytical framework, we would fail to examine the structural consequences of gender. The gender structure bifurcates and stratifies people as women and men regardless of whether or not they self-identify as such' (Risman et al., 2018, p. 183).

There remain inequalities in a material sense that are not there because of categorizations, hence cannot be remedied by linguistic strategies (Nussbaum, 1999; Olson, 2012; Soiland, 2011; 2017). Not only does this individualized approach not pose any challenge to the neoliberal order, but its culturalist, depoliticized and postmaterialist focus is tailored neatly to the requirements of post-Fordist accumulation regimes (Barna et al., 2017; Boltanski & Chiapello, 1999; Fraser, 2009; Soiland, 2011; 2017).

Linkerhand formulates it like this:

> The neoliberal idea of freedom requires every individual to pick her very individual identity ticket from the colourful pot of possibilities and to take it to the market. Queer feminism takes over this ticket mentality: Gender, sexuality and desire seem to be made comprehensible only in forms of identities, not as product of societal relations that are almost unescapable, but can be criticized. (Linkerhand, 2017, pp. 56–57)

[12] '[Y]ou can't slip through the bars. No amount of calling myself "agender" will stop the world seeing me as a woman, and treating me accordingly. I can introduce myself as agender and insist upon my own set of neo-pronouns when I apply for a job, but it won't stop the interviewer seeing a potential baby-maker, and giving the position to the less qualified but less encumbered by reproduction male candidate' (Reilly-Cooper, 2016).

To my knowledge, reflection on this within gender studies has been quite recent; I here reconstruct the arguments presented by Barbara Risman, Kristen Myers, and Ray Sin.

Risman and her colleagues observe this neoliberal 'shift toward individualizing social problems as personal responsibilities and choices' (Risman et al., 2019, p. 186) in the field of gender studies. In their text *Limitations of the Neoliberal Turn in Gender Theory – (Re)Turning to Gender as a Social Structure* they analyse, based on empirical research, among other things the recent trends in the sociological scholarship of gender; and the fact that it occurs more and more often that instead of integrating structure and practice, and co-constructing individuals and society, scholars situate gender as individual identity or strategy with little attention to gender inequality. The authors attribute this turn to 'an unreflexive importation of neoliberal thought into the study of gender that is problematic both as an analytic strategy and as an effective collective feminist project to eradicate gender inequalities' (ibid., 180). Similarly to Brubaker they formulate that: 'the increasing focus on diversity of gender identities and performances without linking them back to the social structure may have the unintended consequence of essentializing femininity and masculinity within the body' (ibid.).

Risman and her colleagues call for breaking the silence of social scientists in this regard: while it might be politically efficient to be silent about certain issues so as not to hamper the striving for equal rights for certain groups, at least within social science these debates should be carried out – for instance, about the 'born this way' claim (frequently deployed in the gay and lesbian movements) imported to the debate about gender.

> [M]uch research in social science shows that biological determinants explain a small variance of gendered responses and identities […]. To the extent that we uncritically accept the essential need to be masculine or feminine as biologically 'authentic,' we support individuals' right to self-determination. But to do so as social scientists requires us to ignore what is at the moment the state of the art social scientific evidence. […] To remain silent in a political movement may be efficacious, but social scientists have not remained silent about the social construction of sexual identities within the social scientific community. We fear the silencing of social science in the face of the rhetoric of a new essentialist gender binary (cis/trans). (Risman et al., 2019, p. 182)

Observing the scholarly debates about these issues, this fear does seem founded. Many people indeed refrain from bringing up certain issues that would offend sensibilities, and that are judged by their political utility, not according to scientific criteria (Speck & Villa, 2020). A trend to silencing can be interpreted as an indicator of hegemony. What Rosalind Gill observes for postfeminism (that this neoliberal sensibility has become ever more difficult to criticize it so much appears as common sense) can be applied to the critique of gender as an identity.

Risman and her colleagues clearly connect this turn within gender studies – just as theoreticians who critically analyse feminism and the term gender itself do – to neoliberal ideology.

> Within a neoliberal framework, attention is narrowed to the 'choice' of individuals with less attention to the governmental and other social-structural explanations for social life. Neoliberalism is in the intellectual air we breathe in the 21st century. In a world with increasingly fewer unions or pensions or stable employment contracts, the individual managing his or her own trajectory has become routine. Individuals are responsible for choosing everything from religious denominations to health care plans to identities. We suggest this individualist focus has been imported into the study of gender. This is problematic both as an analytic strategy and for a collective feminist project to eradicate gender inequalities. (Ibid., 184)

6 Linking the anti-gender rhetoric to the individualist changes in gender analysis

In the political realm there are at least four understandings of how sex and gender are related:[13]

1. Sex as synonymous with gender, so as to avoid associations with sexual intercourse (Case, 1995, cf. Scott, 2013; Stock, 2019)
2. The conservative view: there are only biological sexes and how women and men are to be follows from this; there are two sets of repertoires based on the ahistorical, ontological, and anthropological difference between men and women (in this sense, both sex and gender are binary, and biological sex leads to adequate gender roles).
3. The constructivist view: sex is given (either male or female, although admitting very few intersex people, which does not challenge the claim of sexual dimorphism); however, gender (= gendered expectations towards men and women) is historically constructed, hence being born male or female should not determine chances and constraints in life (i.e., sex is binary; gender roles should not be) (Istanbul Convention).
4. The poststructuralist view: sex cannot be clearly separated from gender; there is no pre-discursive and fixed biological dualism; both sex and gender are fluid; biological sex cannot be read from the body but is only an interpretation of it and is arbitrarily assigned at birth; accordingly, subjective identities are better and fairer indicators of whether the gender of a person is man, woman, or something else. Gender in this sense means gender identity.[14]

What I have tried to show in this paper is that there are various meanings of gender out there in the political arena, and that the main playground on the progressive side concerns the shift between definitions 3. and 4. – i.e., not only towards poststructuralism, but embedded in the neoliberal shift: from structural towards individual. This shift can be and is criticized from various angles, not only from the Right. What the anti-gender Right is doing is equating definitions no. 3. and 4. or saying that no. 3. is a Trojan horse for no. 4.

Right-wing actors who connect 'gender' and individualism/neoliberalism base their claim on the individualized understanding of the concept of gender. While I do not believe that the right-wing anti-gender political actors are truly interested in theoretical nuances and disentangling complexities, or that they would accept the constructivist notion (no. 3.), what merits scrutiny, however, is *why* their discursive strategy of equating definitions no. 3. and 4. resonates with a large part of their electorates and constituencies. What I have tried to show in this paper is – and this is my tentative explanation for their resonance – that it resonates because it refers to actually existing trends: trends that can be and are criticized not only from a right-wing perspective but in critiques of feminist ideology critique too.

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[13] Not to mention in policymaking wherein 'gender' or 'gender perspective' only mean 'women's issues', or how a particular measure affects women; see Kováts (2018b).

[14] Judith Butler originally presents a much more sophisticated argument, emphasising the coercive character of gender, and opposing the voluntaristic interpretations. 'For if I were to argue that genders are performative, that could mean that I thought that one woke in the morning, perused the closet or some more open space for the gender of choice, donned that gender for the day, and then restored the garment to its place at night' (1993, ix). What I have briefly described under Point 4 is the current individualist activist claim, an interpretation or specific adaption of poststructuralist gender theories – what Butler endorses in her recent opinion pieces.

Although right-wing anti-gender actors pursue wider goals (in the case of Hungary for instance, a new hegemony, and a new relationship between state and society, state and science, etc.), in this particular case of vilifying gender, it is these actual individualist trends that make the right-wing accusations 'empirically credible' (Benford & Snow, 2000, p. 620).

So, while for instance the Istanbul Convention does not contain the individualist definition it is accused of, other European and political documents do, and some even lump the constructivist and the individualist/ poststructuralist definition together as if they were synonymous. This makes the right-wing 'Trojan-Horse' framing credible: namely, that if one speaks about gender stereotypes, then the next step would be for children to be encouraged to question their gender (in terms of gender identity).

Lombardo and her colleagues differentiate (2009) four processes concerning how discourse on the meaning of gender equality is formed: fixing a meaning (establishing it, albeit temporarily), shrinking it (e.g., to mean only non-discrimination on a legal basis), stretching it (broadening the meaning to include other – e.g. intersectional – understandings) and bending it (towards other goals than gender equality '*to make it fit some other goal than the achievement of gender equality itself';* Lombardo et al., 2009, p. 109): for example, towards economic or demographic goals (Repo, 2016). One can currently observe a process – a discursive struggle – which involves a possibly hegemonic fight to fix the meaning of gender equality in the poststructuralist sense of the concept (Kováts & Zacharenko, 2021). This is both a shrinking and a stretching of the concept. A shrinking in a sense that the complex and structural meaning of gender is reduced to its application to subjectivities/identities. It is also a stretching in a sense that it attempts to include into the term gender equality the 'equality of all genders'. This seems to be part of a conscious lobbying strategy by actors invested in trans and queer rights, and partly due to an unseen bias generated by the hegemonic discourse: the imperative of the rainbow coalition further accentuated by the strengthening of the right (Kováts, 2018a).

7 Conclusion

Whether there is causality between this shift in meanings and right-wing resistance requires empirical verification. What seems to be clear, however, is that the empirical credibility of the anti-gender accusations of individually chosen genders and the Trojan-horse manoeuvre seem to be grounded in the fact that they have a referent in material life: in the documents and political claims of certain strands of feminism and academia.

What I have tried to demonstrate is that, in light of this polysemy and even shift in the meaning of gender, one cannot simply say that right-wing accusations against gender do 'not capture the current state of art of gender scholarship' (Havelková, 2020, p. 439). And this is the case not because it would be a misunderstanding or a misrepresentation, but rather because they explore and instrumentalize an actually existing – and critiquable – phenomenon.

Hence the dominant culturalist, simplistic, binary interpretation of the anti-gender phenomenon as being a cultural clash between progressives vs conservatives is misleading. First, this interpretation ignores the plurality of positions and the structural background of societal changes that extend beyond attitudes. Second, it willingly or unwittingly pursues a political fight disguised as an intellectual enquiry, whereby someone not sharing the individualist view is accused of being culturally backward, denying individual autonomy, or rallying with the Right.

But the analysis and critical assessment of these changes is important not only for generating a better understanding of the Right. Ignoring the shift, or celebrating it due to the illusion of a conflict-free plurality, obfuscates the political-economic stakes. In failing to address the structural roots of inequalities, the individualist approach is not only analytically wrong, but by insisting on individuality and on the unquestionability of authenticity, it tabooizes structural enquiry.

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The dynamics of 'First-Lady public diplomacy'

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Abstract

This paper was prompted by the growing interest in the role and impact first ladies have on how contemporary states achieve their foreign policy goals through diplomatic means. Specifically, the paper's purpose is to examine whether and how first ladies are involved in the public diplomacy of their states. The literature on this subject is limited, and this paper therefore aims to fill that gap. The argument is that the traditional role of the first lady has evolved – from one outside of any political-oriented activity to one that increasingly involves diplomatic activities, including promoting the respective countries overseas. The main research questions are whether and how any first ladies are involved in public diplomacy activities, and, if so, what are the main areas and directions in which they are involved, and what is the extent of their action? To answer these questions, the paper presents an exploratory, longitudinal single case study about the role and activities of the present First Lady of Poland, Agata Kornhauser-Duda, during the first term of President Andrzej Duda from August 2015 to August 2020. The intention is to both deconstruct and construct a pattern of what we might call 'first-lady public diplomacy'.

Keywords: 'First-Lady public diplomacy', First-Lady diplomacy, First Lady, Poland, Public diplomacy

1 Introduction

On August 2020, Andrzej Duda was sworn in for a second term of office as President of Poland. He took the oath in the company of his wife, Agata Kornhauser-Duda (hereinafter AKD), who had already been Poland's first lady during her husband's first term from August 2015 to August 2020. The result of the 2020 elections and the beginning of the new term of the president provoked commentators to evaluate the previous five years of the first lady's activities as well. She was criticised for her restrained attitude regarding domestic policy, and even referred to as the 'silent first lady' for her reticence to comment on ongoing political events. There was an idea, however, to award her an official salary to reimburse her for her work as first lady (which did not happen). The end of the first Duda term and the begin-

ning of the second term, as well as these various opinions, provoked the author to consider the role of first ladies in diplomacy, and – more specifically – in public diplomacy; that is, their input in relation to promoting their countries internationally, based on a case study of the First Lady of Poland.

AKD is the sixth first lady of Poland to hold this position after the transition. Before her, they included Barbara Jaruzelska, wife of the first president of the reborn Poland, General Wojciech Jaruzelski (1989–1990), followed by Danuta Wałęsa (1990–1995), Jolanta Kwaśniewska (1995–2005, two terms of office), Maria Kaczyńska (2005–2010), and Anna Komorowska (2010–2015). But it was Danuta Wałęsa, wife of President Lech Wałęsa, who for the first time was labelled First Lady of Poland following the American tradition of naming the wives of US presidents. Danuta Wałęsa, however, was not involved in the political activity of her presidential spouse. An interesting note about her activity abroad is that before she became first lady she took a trip to Norway in 1983 to receive the Nobel Peace Prize awarded to Lech Wałęsa (who decided to not leave Poland fearing that he would not be able return to the country). The next first lady, Jolanta Kwaśniewska, wife of President Aleksander Kwaśniewski, was much more present publicly and moreover initiated and then maintained mutual relations between the wives of monarchical and non-monarchical heads of state. In September 1999, Jolanta Kwaśniewska invited a group of queens and first ladies to Warsaw to participate in the conference 'Keep Children Smiling' which she had organised. Also, at the end of her husband's term of office, she was considered a potential presidential candidate (which did not happen). During Kwaśniewski's terms of office Poland applied to become a Member State of first the North Atlantic Treaty Organization, and next the European Union. This led, *inter alia*, to the enhancement of international cooperation, and subsequently Jolanta Kwaśniewska accompanied the president on his trips abroad. Eventually, Maria Kaczyńska and Anna Komorowska maintained the presence of the first lady in the public space. All of them, however, remained aloof from the political activities of their presidential spouses.

The former first ladies and the present First Lady AKD obviously were (are) wives of politicians connected with various political parties that represented different political options throughout the modern political history of Poland. During the last thirty years, the role and the tasks of the first ladies have thus evolved. Previously, the latter mainly involved ceremonial functions such as accompanying the presidential spouse during various visits abroad ('classic' involvement in foreign policy practice). Next, the first ladies became more 'independent' – for instance, they managed to determine, focus on, and next support the 'leitmotif' of the first lady's term. In the case of AKD, the latter is education, as is elaborated below. After 1989, along with the reopening of Poland to international partners as well as the re-establishment (or establishment) of diplomatic relations with other states, the presidents were increasingly involved in foreign activity, in which their wives took part, too. This rapid change was particularly evident in the case of Jolanta Kwaśniewska, as mentioned above. The activities of first ladies are intrinsically connected with their presidential spouses' political work. Regarding the analysed case study, the present President Andrzej Duda, who during the presidential election was supported by the right-oriented Law and Justice party, advocated for mutual Polish-American cooperation since a pro-Atlantic foreign policy was of significance for that party. The first lady of the US occupies a strong position in comparison to other first ladies, and it was perhaps the development of bilateral contacts between the

two states during the first term of office of Duda, among other reasons, that led to AKD's role becoming accentuated. This resulted, as already mentioned, in an (unsuccessful) idea to award her a salary.

Research on first-lady diplomacy is developed in Western states, particularly in the US. It concerns the activities of the spouses of heads of state who play a specific role in foreign affairs. Recently, however, there have been more studies on the contribution of the present First Lady of China to international affairs (Zhang, 2017; Hartig, 2016; Ling & Berkowitz, 2018), although studies on American first ladies continue to predominate (Sferrazza, 1990; Eksterowicz & Paynter, 2006; Hastedt & Eksterowicz, 2006; Kotlowski, 2016; Natalle, 2018). The question of European and particularly Central and Eastern European first ladies has not been explored in the scholarly literature. The term 'first lady' is an unofficial title for the female spouse of a non-monarchical head of state. It was first used by the American press in the nineteenth century in reference to Martha Washington, the wife of the first American president. However, their active involvement in diplomacy dates back only as far as the time of Rosalynn Carter; previously, the activity of presidents' wives was limited to ceremonial or ritual functions such as their inclusion in photographs or accompanying their husbands (Smith, 1997).

Obviously, first ladies do not attract as much public attention as their husbands, and reports about them usually focus on their image, background, daily activities, charitable activities, children, etc. Diplomatic activities fall within the remit of their husbands. Yet, in their own way, first ladies undoubtedly act in the diplomatic realm, too. This is mainly evident when one analyses their activities during foreign visits, which they may make either together with their husband or alone, or when they host foreign guests and delegations. This area of their engagement can be called 'first-lady diplomacy' and, as Keith V. Erickson and Stephanie Thomson (2012) have discovered, their efforts in this field involve nine objective diplomatic roles: manager of presidential credibility, escort, aesthete, surrogate, manager of international relations, goodwill ambassador, cultural ambassador, manager of social issues, and social activist.

The subject of this paper is limited to one particular dimension of first ladies' activities – namely, public diplomacy. The international academic literature contains numerous explanations and studies about what public diplomacy is and what it means (e.g. Nye, 2004; Melissen, 2005; Gilboa, 2008; Cull, 2008; Pamment, 2013 and numerous others; this is addressed in the next section of the paper). Scholars underline the significance of enhancing and promoting a state's image in the international forum in order to build that state's brand and increase its position, and the exercise of soft power to achieve diplomatic ends. For this reason, the potential input of first ladies to public diplomacy is an important means of achieving those aims. This is essential in the case of medium-sized states such as Poland that have to use every available opportunity to make their presence felt internationally. Enhancing Poland's visibility abroad is therefore one of the three main aims of Polish foreign policy; the other two are security and economic growth. According to the document *Polish Foreign Policy Strategy 2017–2021*, 'Poland's brand is thus a key aspect of its foreign policy strategy […]' (Ministry of Foreign Affairs, Republic of Poland, n.d.). This is why public diplomacy is included among the main areas of foreign policy for building up the Polish brand and image overseas. Officially, the government defines public diplomacy as encompassing '[…] strategic, coordination and enforcement activities that seek to make the case and elicit support for

Poland's *raison d'état* and foreign policy by shaping public attitudes and public opinion abroad' (*Public diplomacy*, n.d.). This stance is in line with the 1961 *Vienna Convention on Diplomatic Relations* that catalogues diplomatic functions, enumerating among them 'promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations' (Article 3e). The promotional function of diplomacy is thereby seen as an intrinsic and a leading component of Polish foreign policy aimed at, among others goals, enhancing Poland's visibility abroad through economic, cultural and scientific cooperation (economic, cultural and science diplomacy). This view is also developed in the Polish academic literature on public diplomacy (Ociepka, 2017; Marczuk, 2019a; Surmacz, 2015; Umińska-Woroniecka, 2013; Zięțek, 2010).

The paper includes a case study of the Polish First Lady AKD during the first term of her husband (2015–2020) that examines her involvement in certain promotional activities abroad. A problem-oriented approach has been adopted to show what main issues the first lady concentrated on and what type of activities she undertook. This subject was not chosen arbitrarily. First, the question of European, and more specifically Central and Eastern European first ladies' diplomatic activity has not yet been analysed, while this topic undoubtedly deserves to be researched. Second, there are almost no studies on the role of first ladies in public diplomacy – with the exception of one on the Chinese First Lady Peng Liyuan's involvement in enhancing China's image abroad (Wang, 2018). Third, the author hopes that a term proposed in this study – namely, 'first-lady public diplomacy' – will come into use. Last, the case study was chosen for its longitudinality (five years, the first term of the president), and considering Poland's foreign-policy priority of implementing public diplomacy (using every possible means of promoting the state in international relations). Particularly helpful was the fact that there are numerous, readily available reports on AKD's activities (which is not the case with other first ladies apart from Brigitte Macron of France).

The traditional role of first ladies has evolved. The main argument is that, from originally being uninvolved in foreign policy and policy in general but rather focused mainly on ceremonial functions, first ladies have gradually become involved in what can be called 'first-lady public diplomacy' (that is, the promotion of a given country in the international forum) in a specific way. The main research questions were: 1) Are any first ladies involved in public diplomacy activities, and if so, 2) what are the main areas and directions of public diplomacy in which they are involved? and, 3) what is the international coverage of their actions? To find the answers to these questions, the author examined First Lady AKD's involvement in foreign affairs – that is, the intensity and type of her activities (i.e. visits abroad and hosting foreign guests and delegations), and the areas and directions of international cooperation in which AKD has been involved, taking into consideration her potential involvement in public diplomacy. The representation of the first lady in the media was also analysed; that is, the coverage of activities of an international character, and the target audience. To do this, the author identified and next researched those events which provoked the media to broadcast AKD's activity. This particularly happened in relation to the Polish-American bilateral relations during the first of Duda's terms of office. Therefore, AKD's representation in leading American media was researched.

The purpose of the paper is therefore to approach the term 'first-lady public diplomacy' and to examine whether and if so how first ladies are involved in public diplomacy activities or the campaigns their states run overseas. This is based on the findings that emerged from the case study of the First Lady of Poland.

2 Setting the context: identifying 'first-lady public diplomacy'

The idea of 'first-lady public diplomacy' arises at the crossroads of two concepts: first-lady diplomacy, and public diplomacy. Although the lives of first ladies and their public involvement have attracted the interest of scholars, in particular in the case of the first ladies of the US, the 'study of the first lady is a relatively new area of research' (Wertheimer, 2015, p. 8). Yet the scholarly literature does offer a definition of what 'first-lady diplomacy' means. In this study, the author follows the definition of first-lady diplomacy coined by Keith V. Erickson and Stephanie Thomson (2012): 'the performance abroad of an international relations role'. The word 'performance' is understood by scholars 'as an action displayed or acted out before witnesses (speeches, interviews, photo opportunities, etc.)' (Erickson & Thomson, 2012, p. 241). Such public activity performed abroad by first ladies mostly takes place during foreign visits they pay alone or when accompanying their husbands. This, however, should be complemented by first ladies' in-country activities, which mainly involve maintaining and enhancing international relations and cooperation through, for example, hosting international delegations or guests at home, which can be therefore labelled *intermestic* activity (a term coined by Bayless Manning, 1972). Such moments when first ladies are visible externally – on occasions of international contact – are crucial moments that can be used to perform one of the roles of a first lady that Erickson and Thomson describe – manager of international relations. External visibility enables a first lady to not only successfully represent her country but also to 'spread the word' about it; to take part in building up its image and brand, thereby promoting the respective state internationally. This also entails dealing with media, a skill that some first ladies already have or aspire to acquire (Caroli, 2003). Research on the coverage of first ladies by the media has been popular among American and Chinese scholars, who have looked at the presence of US first ladies (e.g. Shoop, 2010) and the Chinese First Lady Peng Liyuan's presence in the media; in the latter case, 'the number of papers with "first lady" as the key word has tripled in Chinese academic journals since 2013' (Zhang, 2017, p. 34). The media, however, mainly focus on the 'classic' roles first ladies play (host and escort) rather than what they do (Scharrer & Bissell, 2000).

These above-mentioned first ladies' activities encourage the researcher to examine their potential public diplomacy involvement. Public diplomacy is an ambiguous, complex and multidisciplinary concept that is interpreted by various scholars in numerous ways depending on the historical context and political situation and many other determinants. For two decades, scholars have also debated new public diplomacy; that is, public diplomacy associated with new technologies and social media (Vickers, 2004; Hall, 2012) and the impact of these on the evolution of public diplomacy. Public diplomacy is typically combined with propaganda, international cultural relations, public relations, nation branding, soft power, national reputation, communication, and persuasion (Gilboa, 2006). Public diplomacy is conducted within a foreign policy frame, and as such is primarily associated with a given country's soft power (Hayden, 2017). Following Joseph Nye's definition of soft power, this concept refers to attracting other nations, and the aim is for a given nation to attain the results it desires without coercion (2008). In these terms, public diplomacy is therefore a prime tool of a state's soft power (Melissen, 2005). First ladies can be 'used' to promote their state's soft power within the framework of the foreign-policy strategy that has been adopted using public diplomacy channels and in ways particularly available to them. What is more, by doing so they can lay the groundwork for the 'classic' diplomacy (Castells, 2008) their presidential spouses perform.

For the purposes of the present research, the author applied the explanation of public diplomacy proposed by Eytan Gilboa as the most complex, universal, and adequate for researching the chosen case study. Namely, for Gilboa public diplomacy means action whereby 'state and nonstate actors use the media and other channels of communication to influence public opinion in foreign societies' (2008, p. 58). What does this mean in the case of first ladies? First, when they pay visits abroad, first ladies are usually present in the (national or international) media, especially when they accompany their husbands during official events. In particular, this is visible during ceremonial or traditional duties such photo ops, and so on. These are the moments when they attract the attention of the public, and some of them use such opportunities to represent their country using various communication strategies (Burns, 2020). For instance, this can be done by wearing the national costume or outfits inspired by their culture (e.g. Peng Liyuan), or outfits made in their country to promote its own fashion industry (e.g. Brigitte Macron), when this is perceived as an element of the country's brand.

Second, during foreign visits, including when they accompany their husbands, their itineraries are usually organised separately. There may be opportunities, for example, for a first lady to arrange meetings with people who in the future can advocate for the first lady's country, such as young people in schools; or to visit places of particular historical or political significance for their country (such as memorial sites). Such activities, however, do not attract as much media attention as those of the first type (that is, official events when the first lady 'escorts' the president). When they follow their own separate programme, public opinion is informed mainly through social media maintained by the given first lady's office. This provides a first lady with an opportunity to develop their desired narrative using this channel of communication (Paul & Perreault, 2018).

Third, when a first lady hosts foreign guests and delegations, or the wives, husbands or partners of other heads of state, she has an opportunity to communicate her country's narrative directly to them. Again, this often has the potential for increasing mutual cooperation between their countries concerning historical issues, cultural heritage, folk art, etc. For instance, when in 2018 the former First Lady of Ethiopia Meaza Abraham met AKD in Warsaw, the two paid a visit to the headquarters of the Polish folklore music ensemble Mazowsze (Mazovia), one of the most renowned such groups in the world, to enjoy traditional Polish songs and dances performed in national costume. As the First Lady of Ethiopia is a former model and interested in fashion, the visit to Mazowsze's dressing rooms seemed to be a good means of communicating Polish traditions in an attractive way.

These three realms of activity form first-lady public diplomacy. For the purpose of this paper, the author understands first-lady public diplomacy as activities undertaken by first ladies through international contacts, both overseas and at home, aimed at promoting their state and enhancing their brand and image by means that are specific to the position they hold. The particular position of first ladies enables them to do certain things their husbands cannot. Of course, what they can do is limited by their 'wife-only' role, but the contributions they make are often underestimated.

In addition, the particular position of a first lady can also empower a feminist dimension of diplomacy (feminist foreign policy) in countries that incorporate this approach into their foreign policy. Feminist diplomacy (i.e. feminist foreign policy) is a concept mainly developed in the Nordic states such as Sweden, and for instance in France (where the first lady enjoys quite a 'powerful' position). For France, the concept means advancing gender equality

at the international level, and achieving this through 'soft diplomacy, cultural, educational and development cooperation actions' (French Ministry for Europe and Foreign Affairs, 2018, p. 13). Public diplomacy is thereby understood as a key and complex instrument of foreign policy for advancing the core aim of gender equality and the empowerment of women overseas. First ladies can support women-oriented activities and initiatives within their own country and internationally, one example being First Lady Brigitte Macron, who addresses women's issues in her activities. In this sense, the French first lady seems to be a 'component' of the feminist-oriented dimension of the foreign policy of France.

Despite the fact that a feminist-oriented foreign policy is pursued by some countries, in others the participation of women in diplomacy is still considered a peripheral issue (Meyer & Prügl, 1999; Caglar et al., 2013). Although some recent studies have highlighted the role of women in diplomacy (Cassidy, 2017; Aggestam & Towns, 2018), most are focused on exercising feminist foreign policy, and do not address the involvement of women in states' overall public diplomacy aimed at promoting their countries abroad and enhancing their brand using 'girl power'.

First ladies can be involved in diplomatic activities aimed at promoting and supporting women. This may happen, to some extent, even if a given country does not (officially) pursue a feminist foreign policy. First ladies maintain contact with 'diplomatic wives', as Cynthia Enloe (1990) called the spouses of diplomats, in particular the wives of ambassadors, and also women ambassadors. For instance, first ladies organise meetings with 'diplomatic wives' and women ambassadors, or take part with them in events such as charity fundraisers, etc. They participate in women-oriented international initiatives such as conferences or congresses, and can be special guests or the patrons of such events. When travelling abroad, they have an opportunity to maintain contact with other first ladies or female officials and to meet women from other countries, which enables them to undertake public diplomacy activities that address women.

3 Methodology

This research uses an exploratory, longitudinal single case study. The academic literature offers a number of definitions and approaches to case studies. Among them, three definitions are the most commonly used: those of Robert E. Stake (1995), Robert Yin (2018), and Sharan B. Merriam and Elizabeth J. Tisdell (2015). The most workable stance is presented by Stake, who points to 'the complexity of a single case', whereby a case study, according to his definition, 'is the study of the particularity and complexity of a single case, coming to understand its activity within important circumstances' (1995, p. xi). Thus, Stake focuses most on the content (the case) than on how to conduct the research. In contrast, Yin (2018) was more concerned about the process of case study research, and identified a set of steps that lead to research results. Merriam and Tisdell emphasise that 'a case study is an in-depth description and analysis of a bounded system' (2015, p. 37). But Bent Flyvbjerg (2011) again underlined that a case study is a profound analysis of an individual element.

The author followed the approach proposed by Stake, also taking account of Flyvbjerg's position, since the aim was to conduct an in-depth investigation of the case study in order to identify a set of regularities and causes in relation to the activities of first ladies in the field of public diplomacy. As well as content analysis of primary sources in Polish that

included reports and photographs (qualitative analysis), the research included, inter alia, data concerning the frequency of the Polish first lady's activities (quantitative analysis), mainly of visits she made alone or together with the president, and events for foreign guests and delegations that she hosted. Initially, the author found a few hundred sources of various types, a number of which addressed the domestic activities of the first lady. It was then necessary to select the most relevant of these materials and eliminate those that were not pertinent. Eventually, the author arrived at a final data set containing 181 sources (including photographs), all of which concerned AKD paying foreign visits or hosting foreign guests and delegations. Six annual reports summarising each year of her work, which contained quantitative data, were also examined. All the documents the author used were accessed online – they are available on the official website of the President of Poland (https://www.president.pl/en/), which includes a section devoted to the activities of the first lady. The reports that were used cover the whole of Duda's first term (August 2015 – August 2020), and the data set was collected in mid-2020.

Additionally, the author applied a qualitative approach based on an analysis of the first lady's international activities. To do so, the author first identified the events in which AKD took part, and which were reported on in (foreign) media. The research showed that this particularly concerned bilateral Polish–American relations. Therefore, the online archives of the leading American communication channels such as CNN and news agencies such as Bloomberg, among others, were explored using the keyword 'Agata Duda' and, similarly, the online archives of the main American newspapers (by circulation). Content concerning AKD was found in the resources of CNN and Bloomberg, as well as in *USA Today* and the *Chicago Tribune*. In addition, the US edition of *Newsweek* was examined. The research was limited to these sources due to the existence of plenty of other communication channels; second, because of the widespread coverage they provide; and third, their leading position among other media. What is more, the author also examined the main Polish newspapers that contain reports on the bi- and multilateral relations of Poland – namely: *Gazeta Wyborcza* (a daily), *Rzeczpospolita* (another daily) and *Polityka* (a weekly paper) (Marczuk et al., 2021). Although all of them reported on AKD they were mainly focused on her in-country activities. For the purpose of this study the articles published by *Polityka* were considered relevant. All sources were accessed online via the digital archives of these newspapers.

4 Results

4.1 Dynamics and types of activity

The research began with an examination of the set of data; that is, reports (including photo accounts) of AKD's foreign visits, and her hosting of foreign guests and delegations at home. The analysis covered the period from August 2015 to August 2020. The number of materials from each year is shown in Figure 1; it can be seen that the largest number of sources are from 2018, the middle of President Duda's term of office; these comprised 25 per cent of the total, followed by those for 2017 (almost 24.5 per cent), 2019 (about 21.3 per cent), 2016 (18 per cent), 2015 (9 per cent) and last, 2020 (only about 2 per cent). This sharp decline in 2020 can be explained by the spread of the COVID-19 pandemic, which precluded any international

activities for about two months (see Figure 2). The peak of AKD's activity – that is, the years 2017–2019 (totalling almost 71 per cent of materials) – is linked with the middle of the presidential term when politicians are most active, including in the realm of foreign policy. The beginning phase of the presidency (in this case, 2015–2016), in contrast, is characterised by less intense involvement in foreign visits; in this period presidents usually focus more on domestic affairs or defining their foreign agenda for the coming years.

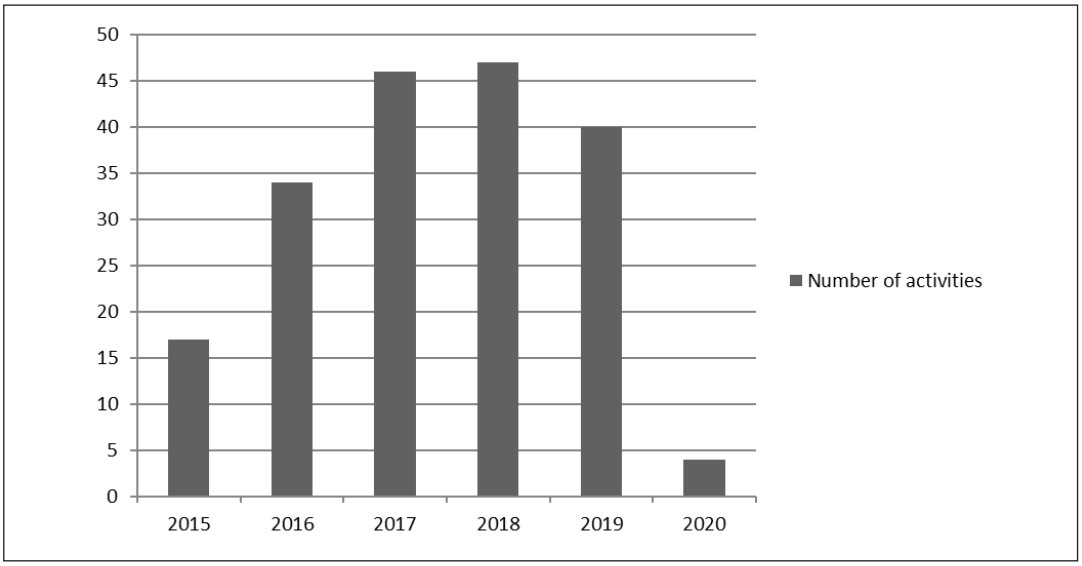

Figure 1 Number of activities of the First Lady per year, 2015–2020

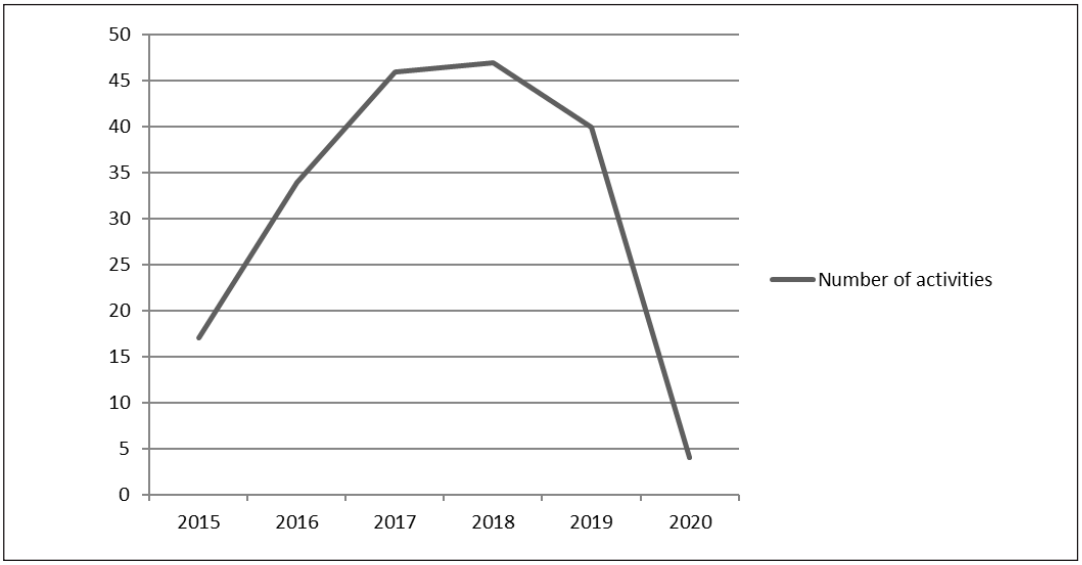

Figure 2 Intensity of activities of the First Lady, 2015–2020

Next, to study the frequency of AKD's activities the author compared the data on AKD's foreign and in-country visits. Between August 2015 and August 2020, AKD participated in a total of 592 in-country and foreign visits. These activities included 526 in-country visits, 258 without and 268 with the president. The first lady made 66 trips abroad, seven without and 59 with the president. The percentage distribution of the first lady's in-country and foreign activities during the period of analysis is shown in Figure 3. In total, about 89 per cent of visits involving the first lady took place in Poland, and about 11 per cent abroad. Among the in-country visits, AKD was involved in 49 per cent without and 51 per cent with the president; internationally, those figures are about 11 per cent and 89 per cent, respectively, as shown in Figure 4. The number of in-country visits was much greater than the number of international visits; this is related to the domestic duties of the president and the overriding role of domestic policy. Interestingly, however, the number of in-country visits of the first lady that she hosted alone is almost equal to the number she undertook together with the president. In contrast, there is vast disproportion in the case of foreign visits, when AKD predominantly accompanied her husband, playing the role of 'escort'.

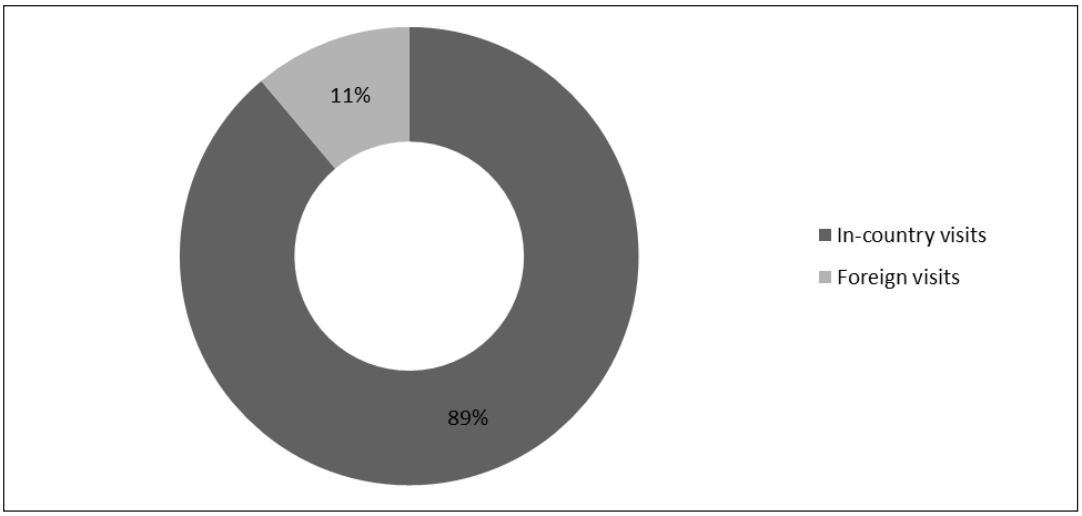

Figure 3 In-country and foreign visits of the First Lady, 2015–2020

Subsequently, the author searched through the documents for quantitative data and analysed the frequency of all types of AKD's activities year by year, both in-country and internationally. This included the various activities that were reported in the documents, not only in-country and foreign visits, but other activities in Poland as well: German language lessons given (AKD is a former German teacher), patronage, writing letters, attending various types of meetings at the Presidential Palace, meeting groups visiting the Presidential Palace, and supporting charitable initiatives. The first lady hosted foreign guests 37 times at the Presidential Palace in Warsaw. She initiated and attended events organised at the Presidential Palace – in total, she took part in 333 of these, attending 143 of them together with the president. Table 1 shows the number of all types of these activities of the first lady in detail.

AKD acted alone in domestic affairs more often than she attended international events, and her in-country duties were more varied, which attests to the formally 'undefined' nature of the role of first ladies internationally. At home, they are more active.

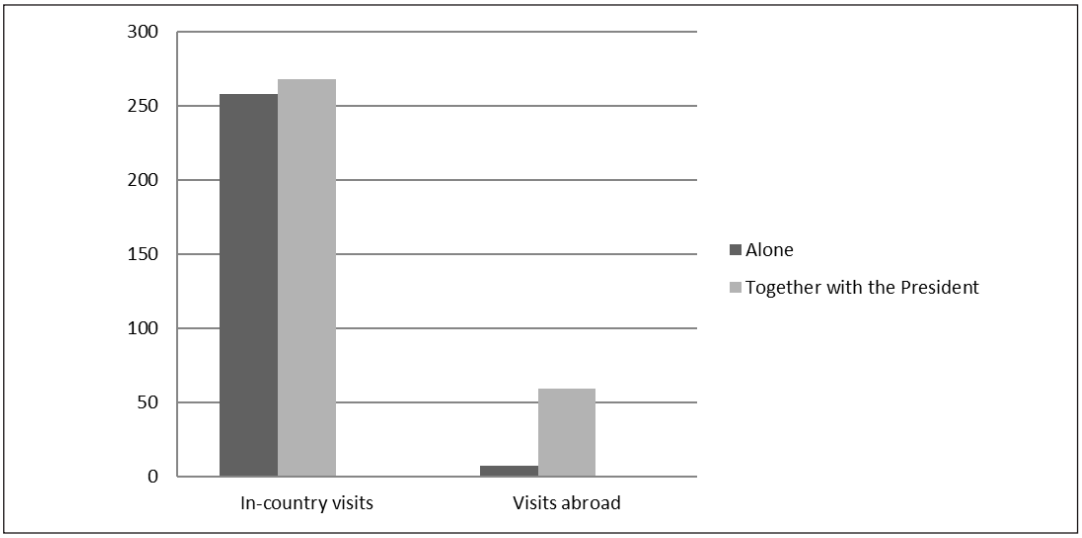

Figure 4 In-country and international visits of First Lady with or without the President, 2015–2020

Table 1 Number of all types of activity of the First Lady, 2015–2020

	15–16	**16–17**	**17–18**	**18–19**	**19–20**	**Total**
In-country visits*	c. 46	c. 54	50	89	287	526
Visits abroad**	14	14	14	12	12	66
German language lessons given	37	18	33	45	n/d	133 (?)
Patronage	76	75	76 (+11)***	62 (+9)****	n/d	309 (?)
Letters	437	81	37	37	n/d	592 (?)
Meetings at the Presidential Palace	43	42	93	49	249	476
Foreign delegations hosted	16		4	10	7	37
Meeting with groups visiting the Presidential Palace	52		52	34	n/d	118 (?)
Support for charitable initiatives	49		41	49	n/d	139 (?)

* Alone and with the president
** Alone and with the president
*** Together with long-term patronage
**** Together with long-term patronage

Note: Figures are approximate due to incomplete data.

The international activities of the first lady mainly consisted of paying visits abroad (64 per cent) and receiving international guests at the Presidential Palace (36 per cent). The frequency of hosting foreign guests and delegations is shown in Figure 5. Comparing the data from Figures 2 and 5, one can state that in the years when AKD was most active abroad (making international visits), she was less occupied hosting foreign guests, particularly in 2017–2018 (only four delegations hosted). In contrast, the first lady hosted foreign delegations more often near the beginning and the end of the presidential term. As mentioned above, she either acted alone or accompanied her husband. In total, the international activities she engaged in accounted for about 11 per cent of her work; the rest of the time she accompanied the president.

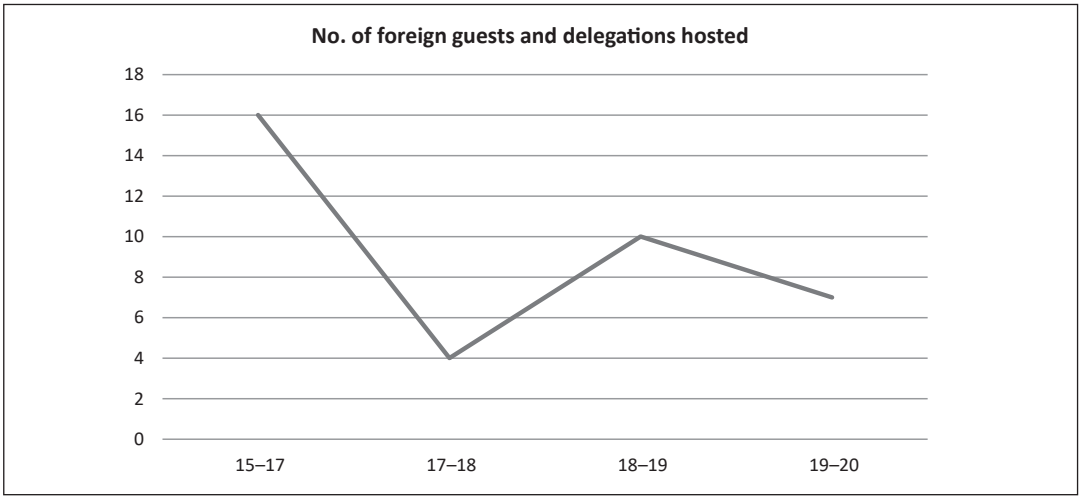

Figure 5 Hosting of foreign guests and delegations, 2015–2020

4.2 Areas and directions of cooperation

The results previously obtained provoked the author to identify the main areas and directions of international cooperation, as well as to investigate the most frequent topics of the first lady's visits abroad. First, taking AKD's background into consideration – that is, her education and profession (a German teacher) – it is not surprising that she was active at promoting and supporting education, particularly teaching children and youth foreign languages, including teaching the Polish language as a foreign language abroad. In her travels she visited schools where Polish is taught or Polish traditions are cultivated. An example of this is a visit to Vietnam in 2017, where she met with Vietnamese students of a high school named after Marie Skłodowska-Curie, and talked with them about their country and Poland.

Second, another area of the first lady's activity is linked with the first type – she has been actively involved in relations with the Polish diaspora abroad (known as *Polonia*). Specifically, she has emphasised the importance of education and of promoting the Polish language not only among *Polonia*, but also among foreigners interested in Poland. For instance, during the first ever visit of the Polish president to Australia in 2018, AKD met with students and teachers at the Polish school in Canberra.

Third, AKD has emphasised the historical dimension of Polish foreign policy. For instance, she has organised meetings at the Presidential Palace in Warsaw with the families of Polish citizens who played notable roles during World War II. During foreign visits she also visited such people, or memorial sites of significance for Poland; this happened, for instance, during a visit to Ukraine in 2019.

A fourth important area of her activity has been maintaining contact with the spouses of foreign heads of state (the majority of whom are women), mainly by accompanying them during official visits to Poland (made alone or together with their spouses), involving official meetings with President Duda. AKD has used such occasions to show her foreign guests Polish culture, folklore, music, history, etc., and to promote friendly relations. For instance, in 2017 she and the First Lady of Germany, Elke Büdenbender, visited the Polish-German Willy Brandt School in Warsaw to present to students their diplomas in German language studies.

The first lady is also involved in maintaining relations with members of the diplomatic corps in Poland, and their spouses. This entails staying in touch with ambassadors' spouses. An example of this type of activity is AKD's support for the Spouses of Heads of Mission (Warsaw) Association, and her personal involvement in a charity bazaar the association organises at the end of every year. Along with the president, she also takes part in annual meetings with the diplomatic corps at the Presidential Palace. Last, she has been involved in charitable activities abroad, thus promoting Polish foreign aid.

Regarding the 'geographical' directions of the first lady's cooperation with international partners, it is worth noting that, again, her background has played an important role. She maintained close relations with the spouse of the President of Germany, and supported the German-Polish Youth Office (GPYO), an international organisation established by Poland and the reunited Germany in 1991 to promote friendly, mutual relations between the young generations of the two states. In her involvement with the Polish diaspora, she has attended meetings with its members in countries where Poles are numerous, either for historical reasons or because of recent emigration (mainly of an economic nature). This particularly concerns Poland's neighbourhood to the east (Ukraine), as well as Germany, the United Kingdom, and the United States. AKD has also maintained close relations with the spouses of the heads of state of the Visegrad Group, a group of countries in Central and Eastern Europe that includes, apart from Poland, the Czech Republic, Hungary, and Slovakia. This is linked to Poland's current foreign policy of developing contacts with its neighbours and partners in the region.

4.3 Coverage of international activities

The research described here provoked the author to consider the coverage of the first lady's activities of an international character, as well as point out the target foreign audiences. Regarding international coverage, this is particularly evident when one analyses the content of media; that is, AKD's representation in (foreign) media regarding her international activities.

During President Duda's term of office, the most important international activities, among others, were his trips to the USA in the company of the First Lady AKD, and hosting US President Donald Trump and First Lady Melania Trump at home. The 2017 trip of Trump to Warsaw was commented on by media, including leading American media including CNN

and Bloomberg, as well the leading US newspapers by circulation. On this occasion, First Lady ADK was also noticed by foreign media. In 2017, the US presidential couple visited Poland ahead of their trip to the G20 Summit in Germany. For instance, First Lady Melania Trump's trip was reported on by CNN, including photo material about the visit of the two first ladies, Trump and Kornhauser-Duda, to the Copernicus Science Centre in Warsaw, in a photo account of the US first lady's activities. However, AKD was particularly present in American media due to one notable photo op – when the two presidents, Donald Trump and Andrzej Duda, and the two First Ladies shook hands with each other. *Newsweek* (the US edition) next reported that AKD did not shake Donald Trump's hand, publishing an article entitled 'Watch Donald Trump Handshake Rejected by Polish First Lady in Hilariously Awkward Exchange' (Riotta, 2017). This did not happen (in fact, the First Ladies AKD and Melania Trump first shook hands, and then AKD shook the hand of Donald Trump) and *Newsweek* subsequently corrected the news. But this moment was also noticed by Bloomberg and the leading American press titles, including *USA Today* and the *Chicago Tribune*, and the photo or a brief clip of the meeting quickly went viral on the internet, although the truth of the report was denied.

This event was commented on by the Polish press, too, such as the weekly *Polityka*, and a diplomatic protocol expert who was interviewed explained that the error had probably occurred by accident. On this occasion *Polityka* also commented on AKD's outfit and compared it with that of Melania Trump.

The event attracted public interest in AKD, including in foreign press, although the perceived slight was unintentional. The first lady does not attend press conferences or other engage in similar forms of activity where she has a chance to be noticed by (foreign) media. Reports on her activity are publicised mainly through social media (for instance, on AKD's official Instagram account) and on the Polish President's official website. Contacts with other first ladies or hosting foreign guests at home also provide an opportunity to enhance her media representation via publicising news about her activity on social media accounts, or by foreign media services, like in the case of Melania Trump on CNN. Activities undertaken abroad by AKD are commented on by the Polish media, such as *Polityka*, although the Polish press is rather focused on her activity in-country.

Regarding the targeted audience abroad, the first lady seems to concentrate on making personal contact than appearing in the mass media. Visiting various places abroad she had an opportunity to meet a great number of people and personally communicate to them the desired narrative. In line with her background, her 'presidential leitmotif' (education), and ongoing foreign policy aims, the former were mainly students, youth, Poles who live abroad, etc. She did not emphasise any particular contact with media representatives. Thereby, her activities in this regard can be seen as complementary to the official activities of the president, who attracts more attention from the mass media, and consequently public awareness.

5 Discussion and conclusion

Without a doubt, in the majority of modern states first ladies work and act both domestically and internationally. Their work, like that of 'diplomatic wives', often goes unnoticed – and is unpaid. Polish public opinion is not enthusiastic about awarding the first lady a salary. A public opinion survey clearly showed that many Poles do not want the Polish first

lady to be paid (49 per cent) while only 40 per cent were in favour of this, and 11 per cent were undecided (CBOS, 2019). This suggests that the public remains unaware of the first lady's role and duties – in an earlier survey conducted in the mid-1990s, shortly after the democratic transformation in Poland, when asked about the duties of the former president's spouse, respondents answered that there were three main ones: first, social and charitable activities (43 per cent); second, accompanying her husband (28 per cent) (the role of escort) (Erickson & Thomson, 2012); and third, taking care of home, child, and family (25 per cent) (CBOS, 1996).

In contrast, according to recent research on the participation of Polish women in foreign policy, both domestically (employed at the Polish Ministry of Foreign Affairs, hereinafter MoFA) and abroad (posted on diplomatic missions), Poland – in comparison with other European countries – ranks relatively highly in terms of representation by and the involvement and competences of women. Although the report is focused on female diplomats and experts employed at MoFA, and does not address the role of the first lady in international relations, it does provide interesting data about the situation of women in Polish diplomacy. For instance, 20 per cent of those employed in the Polish foreign service are women managing diplomatic missions, while 23 per cent of those who work for the MoFA in managerial positions are women (Łada & Druciarek, 2019). Women employed in the foreign service have become more numerous. For instance, in 2018 of all Polish missions abroad 40 per cent of the diplomatic staff were women, while at MoFA the number of women employed was almost equal to the number of men – 49 per cent and 51 per cent, respectively (Marczuk, 2019b). This leads to the observation that the increasing number of women involved in conducting foreign policy may lead to a more decisive role for the first lady in diplomacy, including in public diplomacy.

Although the international activity of first ladies is not predominant – they pay a lot of attention to their in-country duties – they undoubtedly are engaged in diplomacy and public diplomacy, too. When doing so, they – to use a term applied by Robert Putnam (1988) – 'reverberate' in international fora when they visit other states or meet with their counterparts at home. This 'reverberation' overseas encompasses promoting their state, furthering ongoing foreign policy narratives, transmitting their country's culture, history and achievements, and much more, and is made possible by the special position the first lady occupies – outside of policy, but involved with it. This position also enables first ladies to attract the attention of (foreign) media, such as – in the researched case – CNN and Bloomberg, or the top newspapers (*USA Today* or *Chicago Tribune*), so they can attract public interest too. In this way, first ladies do perform public diplomacy.

However, the media representation of first ladies is of a limited character due to the special position they occupy. Media attention is particularly focused on presidential spouses, and first ladies are usually only in the spotlight when it comes to other issues, such as their outfits or image. Also, they can attract the attention of the media when attending official events and accompany presidents, such as in the case of AKD's handshake photo op (although in this case it was unintentional). Thereby, first ladies' media representation is restricted and, when it happens, concerns issues excluded from the ongoing policy agenda. This leads to the observation that their media coverage is complementary to coverage of presidents and involves other channels of communication (such as social media). Thereby, their public diplomacy is of a special character, as it is rather addressed to specific audiences. In the case of AKD, the latter are mainly students or young people connected to her special interest in education, particularly language education.

The following conclusions can be drawn from the research. First, there are two areas of activity of first ladies that have an international impact, and which can therefore be considered as enabling them to engage in public diplomacy. The first and foremost of these is official international visits (with the president). During these events, first ladies meet their counterparts and important female officials, and therefore have the opportunity to communicate the preferred narratives of their state and support foreign-policy aims, including building up their country's brand. In particular, this takes place in the case of international events such as summits, and bilateral and multilateral meetings. For instance, AKD met with both female and male spouses of heads of state on the occasion of the 73rd United Nations General Assembly session in New York in 2018 during an official meeting organised for all of them. The second area involves the official visits of international guests or delegations that first ladies host, during which they can communicate their country's values and encourage their guests to feel positive about the host state. These two types constitute the main instruments first ladies use to engage in public diplomacy via personal relations in international contacts.

Second, other activities that enable first ladies to transmit messages about their country internationally include: 1) official international visits made by the first lady alone (on behalf of the president) to represent the state abroad; this mainly concerns issues of ceremony and protocol. Here, the example of AKD's visit to Japan in 2019 comes to mind. She visited Tokyo alone to represent Poland during the enthronement ceremony of the new Emperor of Japan, which gave her an opportunity to promote Polish–Japanese relations, since the visit took place during the centenary of Polish–Japanese diplomatic relations. Thereby, such international trips enable first ladies to engage in public diplomacy and enhance friendly relations, too; 2) meetings with other first ladies on various occasions (other than official meetings convened by their husbands). These may involve a first lady arriving in another country alone to take part in women-oriented conferences, charitable events, etc. Additionally, some first ladies, such as Brigitte Macron of France, organise meetings with other first ladies to address particular issues (in the case of Macron, this included meetings with the first ladies of some African states). During these events, first ladies can promote their countries. For instance, in 1999 the former First Lady of Poland, Jolanta Kwaśniewska, organised an international conference to which she invited other first ladies and queens, and gave them gifts of Polish cosmetics to promote the Polish cosmetics industry (Gieroń, 2012); 3) maintaining relations with women diplomats, particularly female ambassadors and 'diplomatic wives' (i.e. spouses of ambassadors). This also gives first ladies an opportunity to share with them the desired narrative about their countries; 4) charitable activities with an international dimension that they initiate and organise, patronise, or take part in – e.g. events organised by associations of the wives of diplomats in a given country (in the case of AKD, this included an annual charity bazaar). During such events, first ladies can, for instance, familiarise foreign participants with traditional Polish customs, cuisine, or, as in the case of the abovementioned Jolanta Kwaśniewska – national products; 5) maintaining close relations with representatives of their own nations who live abroad, including women and girls, during international visits. Such events are also used to communicate with the diaspora to encourage them to participate in building up the country's brand in the state they now live in, thereby increasing the international impact of their country of origin.

Third, the activities undertaken by first ladies are rooted in their education and professional experience. During the first term of office of her husband, AKD showed her concern

for education, especially foreign-language education, as a German philologist and someone who used to work as a German teacher. Generally, the programmes of first ladies' foreign visits are based on their background, are 'neutral', and are often associated with charity – they visit schools, meet with children and youth, or visit other places that have some connection with their previous life experience. In this way, the first lady can reach an audience – although usually remaining out of the mass media – and be involved in 'people-to-people' activities that enable her to spread the desired narrative among them.

Fourth, the activities of first ladies during visits abroad are intrinsically linked with the overall foreign policy of their countries and their husbands' specific political aims. The Polish first lady has often attended meetings and made visits to places of historical significance to Poland located abroad, as this dimension of foreign policy is crucial for Poland. This mainly entailed visiting such places as museums of Polish history or attending meetings with descendants of Polish émigrés. It also encompassed the promotion of friendly relations with other states, including the active involvement of the Polish presidential couple in the Polish-Hungarian Friendship Day celebrations in Hungary in 2018 (the two countries have maintained good relations throughout their history). Such events can also be used to communicate information about Poland to foreign audiences, particularly in the context of historical narratives about Poland.

Last but not least, first ladies have to seize the opportunity when it comes to media coverage. Since they are not at the top of the media's agenda, they mainly attract media attention in two cases: due to the particular events in which they are involved, or their image. Their impact is thus of limited nature, provoking them to find other means of communicating their narratives. This is usually done through personal contacts or publicising news about their activities using internet channels. Thereby the attitude of first ladies approaches the understanding of public diplomacy that is adopted in this study – that is, using not only media but other means of communicating desired narratives to attract a foreign audience (Gilboa, 2008). This is in line with an observation of Erica Scharrer and Kim Bissel (2000) that media (here – mass media) tend to notice the traditional roles first ladies play in diplomacy rather than their activity. However, the latter have the potential to be engaged in public diplomacy through the specific ways in which they act. Their activity, thereby, can enhance the 'classic' diplomacy (Castells, 2008) undertaken by their presidential spouses.

The scope of this research is somewhat limited, first, due to the data that were used. Unfortunately, some of the quantitative data associated with the number of AKD's activities retrieved from reports were incomplete. Also, because the study concerns recent events, published reports tend to be of a general character.

The conclusions above confirm, first, that the traditional role of the first lady has evolved – from that of escort and engagement in diplomatic protocol duties (i.e., being uninvolved in diplomacy) to more active participation in diplomacy, including the promotion of their respective countries – thus public diplomacy activities. In this process, the female spouses of presidents are going beyond the traditional aesthetic role of the first lady (Ballif, 2001); first ladies now not only accompany their husbands but also engage in foreign policy activities aimed at enhancing their country's image. First ladies can take advantage of their unique position and of having an international audience to promote issues of concern to their country in an international forum.

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Non-compulsory compliance with the EU: Implementation of European Semester recommendations in the Visegrad countries

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Abstract

This paper examines the extent to which Visegrad countries take into account country-specific recommendations received within the framework of the European Semester, and the level of implementation experienced in the region as compared to that in the European Union. Based on a database created by using assessments of the European Commission's annual country reports, we discuss not only the national-level implementation of recommendations within a term of one year, but also their long-term implementation. According to the annual assessments, the four Visegrad countries all belong to the second half of the field for the EU as a whole, with slightly below 'some progress' achieved in implementing recommendations. However, the impact of EU recommendations on the public policy decisions of Member States is much greater in the longer term than annual assessments can show. Important proof of this statement is that, over a multi-annual period, the Orbán government took measures addressing nearly two-thirds of EU recommendations, which were assessed as at least 'some progress' by the European Commission. In overall terms, this study demonstrates that European integration can make an impact on Member States not only through hard, binding instruments and exclusive powers, but also in a softer way, through public policy coordination.

Keywords: European integration, Europeanization, European Semester, public policy, Visegrad countries

1 Introduction

As a direct result of the global economic crisis of 2008, the European Union has tightened its public policy coordination with Member States, as part of which the European Commission has monitored key public policy developments in annual cycles and made recommendations to national governments on how to move forward (European Commission, 2021). However, due to the lack of a strict mechanism for sanctioning, proposals set out in the European Semester may only be regarded as recommendations, the implementation of which at the national level depends entirely on the activities of the governments of Member States (Darvas

& Leandro, 2015; Verdun & Zeitlin, 2018). In this study, we review how the Visegrad countries (Czech Republic, Hungary, Poland, and Slovakia), which are regarded as renitent in international public discourse as a result of some cases that have become symbolic, have reacted to public policy recommendations made by the European Commission. We sought an answer to the research question whether the governments in the Visegrad countries implemented EU public policy recommendations received within the framework of the European Semester to a lesser extent than other Member States. Additionally, we considered it important to examine not only the extent to which recommendations were implemented within one year, but overall in the long term since the first recommendations were issued as part of the European Semester in 2011. As the European Commission has conducted sub-recommendation assessments for comprehensive recommendations only since 2013, and this study is part of a comprehensive research project examining the impact of EU membership on Hungary's public policy making until the parliamentary elections in 2018, the period we investigated evolved accordingly: the national-level implementation of recommendations between 2013 and 2018 (the end of the annual implementation cycle of recommendations made in 2017) is the subject of our examination.

Toshkov (2012) proved empirically that practical implementation and EU law application in CEE are not disastrous, and a look at the infringement procedures — the major enforcement instrument available to the EU institutions — confirms this picture. When it comes to infringement procedures, Börzel & Sedelmeier (2017) have shown that concerns that enlargement inevitably increases non-compliance by new Member States are unfounded. Börzel (2021) even argues that non-compliance cannot be blamed on the EU's Central and Eastern European Member States. A case study of the Europeanization of law-making in Hungary also shows that the transposition of EU law into national laws has continued relatively smoothly even during the years of the Orbán government (Bíró-Nagy & Laki, 2020). However, we need to distinguish between enforceable compliance with EU law and voluntary compliance with the European Semester. It is far from obvious that general expectations about compliance might still be fully relevant in terms of voluntary compliance. Even in his research about infringement procedures in Central and Eastern European Member States, Sedelmeier (2008, p. 822) underlined that 'the compliance laggards among the EU8 appear to be those with higher Euroscepticism within national parliaments'. When it comes to the non-compulsory element of cooperation with EU institutions, we assume that this is even more the case, as it opens the opportunity for Eurosceptic political actors to engage in non-compliance without serious political or policy consequences.

An investigation of the member countries of the Visegrad group is highly relevant in this respect. Concerning the Hungarian government during this period, it is important to point out that the Eurosceptic Orbán government was in power during all these years. Data on Euroscepticism from the Chapel Hill Expert Survey (Bakker et al., 2021) between 1999–2019 shows that PM Orbán's Fidesz party became strongly Eurosceptic after it came back into power in 2010: by 2019, Fidesz was considered more Eurosceptic than the formerly far-right Jobbik party. We hypothesise that the Euroscepticism of the Orbán government has an influence both on the short-term and long-term implementation of EU recommendations. Given that compliance with the policy recommendations of the European Commission is voluntary, we assume that Hungary's short-term and long-term compliance with EU recommendations will be weaker than the EU average. The same applies to the other Visegrad countries,

as 'soft Eurosceptic' parties (Dúró, 2014) were in government in Slovakia (SMER), and after 2015, in Poland (PiS), while the ANO party of Andrej Babis became a coalition partner in the Czech Republic in 2013 and won the elections in 2017.

In the first part of the study we present the process of the European Semester, the mechanism within which Hungary and other EU Member States receive annual public policy recommendations from the European Commission. Then the main findings of previous academic literature on the European Semester are reviewed – in particular, the nature, objectives, and effectiveness of this public policy mechanism. In the third section, based on a database developed by using assessments published in the European Commission's annual country reports on the implementation of recommendations, we present the extent to which country-specific recommendations have been implemented in the Visegrad countries and how they relate to the indicators of other EU Member States. In the fourth section, the long-term implementation of country-specific recommendations in the Visegrad countries is examined; i.e., the extent to which EU recommendations as a whole were implemented from 2011 until the country reports of 2018. The lessons of the research are presented in the conclusions.

2 Coordinating policies across the European Union: The European Semester

Launched in 2010, the European Semester is a mechanism for economic policy coordination and part of the European Union's economic governance framework. The European Semester is an annual cycle in which EU Member States coordinate their budgetary, macroeconomic, and structural policies in line with the objectives and rules adopted at the EU level in order to meet the economic challenges facing the EU. This mechanism allows Member States to take EU considerations into account in their national budgetary procedures as well as in their economic policymaking, because the European Commission (EC) makes recommendations to Member States and provides ex-ante opinions on national budgets as part of this process. In other respects, however, the Commission also carries out ex-post monitoring activity as it assesses ex post the extent to which national governments have complied with EC recommendations.

As a result of the global economic crisis of 2008, several Member States of the European Union, in particular Greece, Italy, Spain and Portugal, experienced severe credit crises, and confidence in the framework of the Economic and Monetary Union faltered. This institutional structure was not able to ensure that all EU Member States recovered from the recession after the global financial crisis. Thus, the institutional framework needed to be revised, in addition to giving financial assistance to southern Member States (and Ireland). As part of their response to doubts about the institutional framework, European leaders set up the European Semester, which is aimed primarily at reducing macroeconomic inequalities across the Member States of the Eurozone and the EU and establishing a kind of EU public policy oversight of interconnected economies. In addition to preventing macroeconomic imbalances, the declared aims of the European Semester are to promote sound public finances – i.e., to avoid excessive public debt –, to support structural reforms conducive to employment and growth, and to stimulate investment (European Commission, 2021).

In addition, it is important to emphasize that, if we interpret the European Semester narrowly and look only at the acceptance or non-acceptance of country-specific recommendations, then the introduction of the process does not mean giving up national sovereignty. However, since the introduction of the mechanism the European Commission has become more dominant in monitoring, examining, and influencing the direction of Member States' economic, fiscal, and social policies (especially in the Eurozone) than ever before (Verdun & Zeitlin, 2018, p. 138). The European Semester in the broadest sense also includes the examination of budgetary control and macroeconomic imbalances, and since both areas can be sanctioned by the Commission, if we look at the bigger picture, the new public policy coordination mechanism puts the Commission in a stronger position than before. It is also important to add that the European Semester is a special instrument because, on the one hand, it represents continuity; i.e. pre-existing institutional elements (stability and convergence programs) have been subordinated to it and, on the other hand, some new elements of institutional innovation (monitoring macroeconomic imbalances – alert mechanism; part of the 'six-pack') have also become parts of it.

The European Semester, the process of economic governance coordination, begins at the end of each autumn with the publication of the European Commission's *Autumn Package*. In this preparatory phase, the European Commission carries out an analysis of the EU's economic situation and implements follow-up measures related to the previous semester. Part of the Autumn Package is (1) the Annual Growth Survey, in which the EC sets out the EU's main economic priorities and provides general policy guidance to Member States for the coming year. Also, part of the Autumn Package is (2) the Alert Mechanism Report, which shows, through a screening of Member States, which Member States are at risk of economic imbalance. The Autumn Package also includes (3) the Joint Employment Report, which reviews employment and social trends in the Union and Member States' reform measures, and (4) the Euro Area Recommendation, which sets out measures to maintain the stability of the single currency area.

Bilateral meetings between the European Commission and national governments begin the analysis phase, during which the Commission assesses the economic and social situation in each Member State in the form of country reports. In addition to presenting the budgetary and macroeconomic situation in the various EU countries, the reports also review progress made in areas covered by the previous year's country-specific recommendations. In parallel, the European Parliament gives its opinion on the employment guidelines and the Council of the European Union examines the Annual Growth Report and the Euro Area Recommendation, and adopts conclusions. Then the European Council, made up of heads of state and government, issues policy guidelines.

Thereafter, in the spring, Member States present their proposals, including the (1) National Reform Programme, (2) the Stability Programme for euro area countries, and (3) the Convergence Programme for non-euro area Member States. In these documents, Member State governments set out in detail the policy measures they intend to take to address the problems identified in country reports, the macroeconomic effects they expect as a result of their economic policy measures, and how they want to achieve stable growth in their countries. Once Member States have outlined their specific objectives and plans, the European Commission assesses the Member States' budget plans and prepares draft country-specific recommendations (CSRs): the EC makes policy proposals to national governments according

to the situation in each Member State. The recommendations indicate that the Commission basically has an idea of what should be improved and how, but in many cases the Commission leaves it to Member States to decide on the content of policy actions. These proposals set goals that can be realistically achieved in 12–18 months. After the Commission has presented its recommendations, they are discussed by ministers of Member States in the Council; then they are endorsed at the meeting of the European Council of Heads of State and Government in June; and then they are formally adopted at the meeting of the Council of Finance Ministers of Member States (ECOFIN) in July.

In the last phase of the European Semester, Member States make preparations and incorporate recommendations into their reform plans and budgets and send their draft budget proposals for the following year to the European Commission by 15 October. The EC then examines whether Member State proposals are in line with the requirements of the Stability and Growth Pacts and then comments on their plans. At the end of the year a new cycle begins with the Autumn Package – i.e., the European Semester process restarts.

With regard to the primary *output* of the European Semester, the country-specific recommendations (CSRs), it is important to emphasize that the European Commission does not impose measures on Member States but wants to convince them of the importance of achieving commonly agreed goals after extensive consultation. The mechanism encourages the European Commission and national governments to engage in the widest possible consultation, which also aims to increase the legitimacy of the European Semester through the increased participation of Member States (Alcidi & Gros, 2017). In addition, it is important to emphasize that the European Commission does not prescribe exactly what policy changes Member States should make, but its recommendations emphasize what goals national policies should set for themselves (Costello, 2017, p. 1). The Commission makes individual recommendations for all Member States except for those covered by a macroeconomic adjustment programme: the Commission made country-specific recommendations for Greece, for instance, in 2019 for the first time. Some changes in 2015 affected the number of CSRs: while the Commission made a total of 253 recommendations to Member States in 2015, it made only 166 the following year. It should be added, however, that in contrast to the second Barroso Commission (2010–2014), the EC chaired by Jean-Claude Juncker (2014–2019) made integrated and more targeted recommendations covering several areas, with more sub-recommendations included (Alcidi & Gros, 2017, p. 6). Otherwise, CSRs cover a wide range of policy issues, including areas (e.g., education or health) where the European Union has only very limited, so-called supporting competences (Verdun & Zeitlin, 2018, p. 138).

The implementation of country-specific recommendations is assessed by the European Commission in the first half of the following year, when the EC gives information in country reports about the addressing of, or the failure to address, issues identified in the previous year's CSRs. For preparing assessments, the EC conducts in-depth analyses, primarily qualitative ones, involving experts from different disciplines and, based on these analyses, the EC assesses each recommendation on a five-point scale (Deroose & Griesse, 2014, p. 2). The elements of this scale are: (1) no progress – the Member State concerned has not implemented any of the measures in the recommendation; (2) limited progress – the Member State has announced the implementation of certain measures but these are insufficient to address the recommendation or their adoption/implementation is doubtful; (3) some progress – the Member State has announced or has already adopted all or part of the recommended measures,

but the outcome of their implementation is still questionable; (4) substantial progress – the Member State has adopted the recommended measures, most of which have already been implemented; (5) fully addressed – all recommended measures have been effectively implemented.

3 The nature, objectives, and effectiveness of the European Semester

Several streams of academic research on the European Semester have emerged since the introduction of the mechanism in 2011, focusing primarily on (1) the nature of the public policy process, (2) its objectives, and (3) its effectiveness.

3.1 The nature of the European Semester

The nature of EU economic governance has been examined in several studies through the relationship among the various elements within the European Semester – each of these typically emphasizes the hybrid nature of the mechanism. According to Armstrong (2013), the mechanism mixes both rule-based and coordination-based forms of governance, and Bekker (2013) interprets the European Semester as a hybrid constellation of *soft* and *hard* elements. Bickerton et al. (2015) draw attention to a new kind of intergovernmentalism through which closer European integration has emerged without a formal transfer of power to supranational institutions (Verdun & Zeitlin, 2018).

Many analysts approach the investigation of the European Semester from the perspective of democracy, usually (e.g., Chalmers et al., 2016) emphasizing that, with the introduction of the European Semester, various governmental responsibilities have shifted from democratic institutions to unelected and unaccountable technocrats. According to Dawson (2015), the new economic governance that followed the crisis shifted away from previous legal and political accountability mechanisms without developing new models of accountability. Ben Crum (2017), in his research, sought to identify how the introduction of the European Semester has affected the ability of the European Parliament and national parliaments to control economic policy. According to his study, although national governments have retained their budgetary powers, parliaments' accountability powers have been reduced, which is not compensated at the European level, and the European Parliament does not have any effective instruments to influence the substantive decisions of the European Council and the European Commission as part of the European Semester process. Hallerberg et al. (2017) examined the role of national parliaments in the mechanism of the European Semester. In particular, they were interested in how legislative institutions of the different Member States are involved in the process, such as whether they negotiate and vote on their national reform programmes and stability or convergence programmes, and which parliamentary actors are involved in the mechanism – the results suggest that there are significant differences in the legal regulations and political customs of different Member States.

3.2 The objectives of the European Semester

Numerous studies have examined the focus of the European Semester objectives. It is frequently established that, due to the structure of the mechanism, economic goals and actors have inherently been favoured over social goals and actors (Verdun & Zeitlin, 2018). According to Copeland and Daly (2015), as macroeconomic goals (which are prioritised over social goals) have become the number one priority of the European integration, the EU's social dimension has been made dependent on the community's economic development, while earlier it had complemented the community's economic goals. Crespy and Menz (2015) also find the European Semester's primary goal of reducing budget deficits to be contrary to the EU's social ambitions, arguing that reducing poverty in a Member State does not seem viable if its government is encouraged to cut costs in its national social policy. Maricut and Puetter (2017) examined the asymmetric relationship between the economic and social aspects of the European Semester, which they argue is related to the unequal development of coordination infrastructure – namely, that different economic and social actors have different opportunities and instruments to assert their interests in informal policy dialogues.

Bekker (2015), on the other hand, argued that since the economic crisis the concept of 'economic policy' has been defined much more broadly and already includes social issues, therefore the European Semester creates a new opportunity to achieve social goals. Gómez Urquijo (2015) also argues that, due to its increased powers, the Commission has the opportunity to fight poverty through the European Semester, instead of implementing austerity measures. The European Semester has indeed placed increasing emphasis on social issues over the years, with recommendations increasingly urging the achievement of social goals, and the EU's social and employment decision-makers have also received an increasingly important role in monitoring Member States (Zeitlin & Vanhercke, 2017). It is also true that more and more studies have been published that evaluate the European Semester on the basis of specific areas (health, labour market, pension system, social policy, etc.) (e.g., WHO, 2014; Azzopardi-Muscat et al., 2015; Reuter, 2019; Tkalec, 2020).

3.3 The effectiveness of the European Semester

The third priority research area of the European Semester (to which this study is also linked) involves examining the effectiveness of the mechanism, primarily through the analysis of the implementation of country-specific recommendations (Verdun & Zeitlin, 2018). According to the Commission's first study on the subject (Deroose & Griesse, 2014), which created a synthetic indicator to measure performance, the score for Member States' implementation of CSRs was 41.7 per cent between 2011 and 2014. This means that 'some progress' – i.e., moderate progress, can overall be observed with regard to country-specific recommendations, a level which is higher, according to the EC, than previously voiced by critics of the mechanism. Besides this, however, they calculated a 3-percentage point decrease in the implementation of country-specific recommendations by Member States between 2012 and 2013. In addition, they established that national governments tend to implement recommendations to a greater extent if there is no parliamentary election in the country within 12 months. Their

study, furthermore, refuted the hypothesis that there would be a difference in implementation between smaller and larger populations but, on the other hand, they observed higher than average implementation rates in the case of Nordic countries (Denmark, Finland, and Sweden).

Other research results prepared using another methodology show that, since the first cycle of the European Semester in 2011, the rate of implementation of country-specific recommendations has declined. According to a study by Darvas and Leandro (2015), CSRs were not significantly implemented by Member States even in the first cycle, but implementation has further declined over the years: according to their research, while 40 per cent of CSRs were implemented by national governments in 2011, only 29 per cent of them were in 2014, despite efforts to increase the efficiency of the European Semester. It is important to note, regarding the methodology, that the percentage rates represent progress made in the measures proposed by the Commission, and not the number of recommendations fully implemented. A similar downward trend was observed by Efstathiou and Wolff (2018), who examined the implementation of EC recommendations by Member States between 2013 and 2017.

Looking at a breakdown by policy area in the period between 2013 and 2017, CSRs were related to fiscal policy (to the greatest extent) (14 per cent), employment (11 per cent), the long-term sustainability of public finances (including pensions) (9 per cent), education (8 per cent), and the fight against poverty (7 per cent) (Efstathiou & Wolff, 2018, p. 9). In addition, most recommendations were received in respect to active labour market policies; public administration; the promotion of skills development and lifelong learning; and energy policy (6 per cent each) during the period under review. A study by Alcidi and Gros (2017, pp. 6–7) shows that over the years there have been fewer CSRs on fiscal policy, labour market, and pension reforms, while the proportion of recommendations has increased related to the financial sector, social issues, poverty reduction, growth, and innovation, which, according to the researchers, can be explained by changes in the economic environment and policy priorities (Efstathiou & Wolff, 2018, p. 14).

Between 2013 and 2017, recommendations for the financial sector were implemented to the greatest extent by Member States, while CSRs related to taxation were implemented to the least (Efstathiou & Wolff, 2018, pp. 7–8). This is also confirmed by Deroose and Griesse (2014, pp. 6–8), who examined the implementation of recommendations associated with the year 2013: according to their research, recommendations on the financial sector (60 per cent) and public finances (55 per cent) were implemented to the greatest extent by Member States, while CSRs on tax reforms (29 per cent) to the least. According to an analysis by the Bruegel Institute, between 2013 and 2017 national governments implemented recommendations on financial services mostly (54 per cent), followed by proposals on private-sector indebtedness (46 per cent) and funding sources (45 per cent). (Efstathiou & Wolff, 2018, pp. 7–8). In addition, Member States listened most to guidance from the European Commission in the areas of skills development and lifelong learning (43 per cent) and childcare (41 per cent). In contrast, Member States have least implemented the Commission's recommendations on unemployment benefits (29 per cent), competition in the services sector (27 per cent), broadening tax bases, and reducing over-indebtedness (22–22 per cent). The level of implementation of the different policy areas has also been markedly stable over the years, with the exception of fiscal proposals, which have been implemented at a significantly lower rate by Member States over the years.

The above literature review illustrates well that there are serious problems with the effectiveness of the European Semester. Efstathiou and Wolff (2018, p. 14) explain this primarily as due to the fact that national authorities and parliaments that are able to implement recommendations simply do not want to give up their sovereignty. Therefore, in their view, the solution could be for the recommendations addressed to countries under the macroeconomic imbalances procedure to focus on areas that are truly relevant for correcting imbalances and that also spill over to other countries. Less important recommendations, in turn, should be reduced, thus mitigating the administrative burden on Member States. In other words, they say that EU supervision should only deal with problems that pose a real threat to the Eurozone and to the European Union, and other issues should be dealt with at a national or regional level. In addition, they call for better communication by the EC to make their views better understood in Member States' debates.

4 Annual implementation of country-specific recommendations in the Visegrad countries

We review below how Member States of the Visegrad countries have implemented recommendations in comparison to the European Union. We evaluated the implementation of country-specific recommendations on a scale of 0 to 100 by relying on a database based on official assessments issued by the European Commission (these can be found in country reports available on the Commission's website: 2014, 2015, 2016, 2017, 2018). We rated recommendations at 0 point in areas where no progress had been made; at 25 points where limited progress had been observed by the European Commission; at 50 points where some progress had been recorded; at 75 points where substantial progress had been made; and, finally, at 100 points when recommendations had been fully implemented by Member States. In addition to the method we used, of course, there are other ways to approach the processing of the topic. The European Governance Support Unit (EGOV) of the European Parliament (2020), for example, combines several classifications used by the European Commission and uses only three categories: (1) no progress and limited progress; (2) some progress; and (3) substantial progress and full implementation.

Regarding the methodology of the research, it is important to note that the new European Commission, established in 2014, changed the previous practice. While the EC headed by José Manuel Barroso made 6–7 recommendations per country each year, Jean-Claude Juncker's Commission made fewer but more complex policy proposals to national governments. It made 4–5 country-specific recommendations to Member States after assessing their plans in 2015, and it made only 2–3 in 2016 and 2017. In the vast majority of cases, however, each recommendation consisted of several different sub-recommendations, which were assessed separately by the European Commission, so in our research we did not consider the overall assessment of recommendations, but the assessment of each sub-recommendation. As the European Commission has been conducting a sub-recommendation assessment for comprehensive recommendations only since 2013, the period we investigated has evolved accordingly: the national-level implementation of recommendations between 2013 and 2017 is the subject of our examination.

In the case of the four Visegrad countries, we cannot observe any significant differences between them concerning the implementation of the European Commission's country-specific recommendations: if we analyse assessments of implementation for each year, we can identify 30 to 35 points on a scale of 100 points, on average, for all four Visegrad countries in the five-year period 2013–2017 (Figure 1). This means that, concerning an average recommendation, the government of a Visegrad country has made slightly less than medium progress in one year, ranging from 'limited progress' to 'some progress'. This, without exception, ranks the Visegrad countries in the second half of the field for the EU as a whole, lagging far behind the leaders in the period under review. Finland (53 points), the United Kingdom (51 points), and Slovenia (48 points) fulfilled EU recommendations to the greatest extent. The Czech Republic ranked seventeenth, Poland eighteenth, Hungary and Slovakia finished twenty-fifth and twenty-sixth in a tie in terms of meeting country-specific recommendations, when annual implementation is analysed.

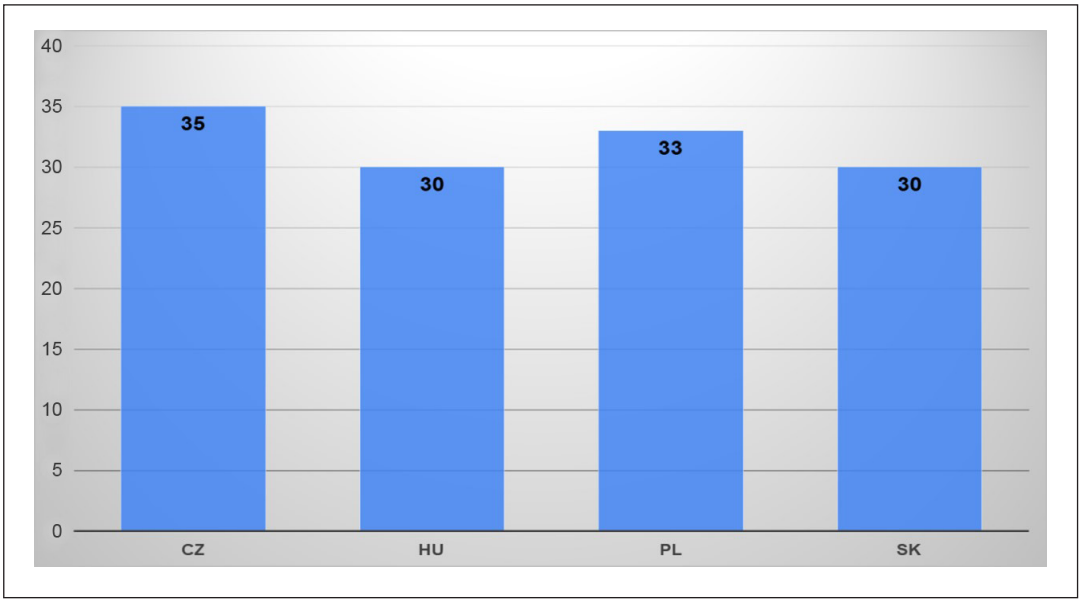

Figure 1 Implementation of country-specific recommendations in the Visegrad countries, on a scale of 0–100, on the average of the 2013–2017 period

Source: Own calculation based on country reports of the European Commission.

In addition to the five-year averages, it is worth taking a look at trends over the five years (Figure 2). This clearly shows that while there have generally been improvements in the implementation of EU recommendations in the Czech Republic, there has been a clear decline in Poland. The trend was broken in 2015 when the Law and Justice party came to power in Poland and conflicts with the EU became a key element of Polish government policy. In the years after 2015, the implementation of country-specific recommendations in Poland did not even reach the average rating of 'limited progress'. Interestingly, Poland did not fully imple-

ment any of the partial recommendations in the five-year period (it is also true that in the case of the other three countries the Brussels recommendations were fully implemented in only one case each). The opposing trend can be seen in the Czech Republic, where the rate of implementation of EU recommendations rose to 46 points five years later, from 25 points in 2013. In Hungary and Slovakia, these five years did not bring any significant change in the extent to which EU recommendations were incorporated into domestic public policy decisions, and the implementation indicator in both countries fluctuated at around 30 points. Overall, the Czech Republic has increasingly embraced Brussels' proposals, Poland has paid less and less attention to the European Commission's guidance, and Hungary and Slovakia were positioned somewhere in-between by the end of the five-year period. This is how in the implementation of recommendations Poland has gone from being a leading driver to trailing behind, and the Czech Republic a leading driver from trailing in the region within five years.

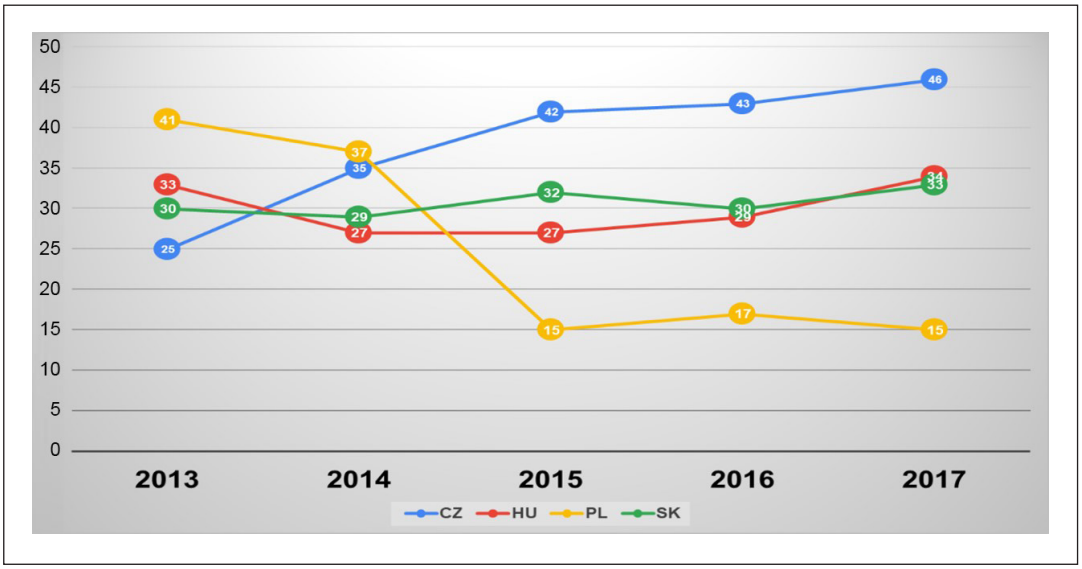

Figure 2 Implementation of country-specific recommendations in the Visegrad countries, on a scale of 0–100, in a yearly breakdown (2013–2017)

Source: Own calculation based on country reports of the European Commission.

4.1 Czech Republic

Between 2013 and 2017, the European Commission made a total of 73 country-specific sub-recommendations for the Czech Republic (Figure 3). Nine of these were not implemented at all, thirty at a minimum, twenty-eight in part, and three were substantially fulfilled by the Czech government, while the EC made only one recommendation during the five semesters that were examined which was fully implemented by the Czech government. In two other cases, the EC did not assess the recommendations afterwards, so we arrive at an implementation score of 35 points in total.

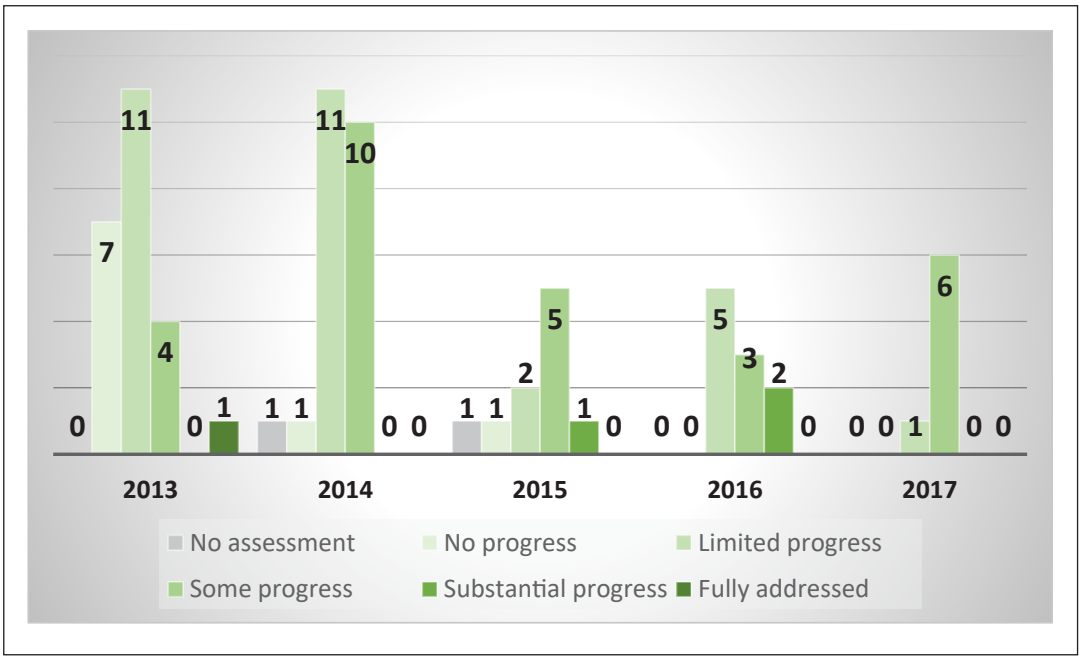

Figure 3 Implementation of country-specific recommendations in the Czech Republic, in a yearly breakdown (2013–2017), pieces

Source: Own calculation based on country reports of the European Commission.

The Czech government implemented the largest proportion of the European Commission's recommendations in the last year under review (46 points) but did not lag significantly behind in the two years preceding it either (2015: 42 points; 2016: 43 points). The Czech Republic took up recommendations the least in 2013, when it implemented 23 partial recommendations with an assessment of only 25 points – this coincides with the term of Jiří Rusnok's caretaker government.

4.2 Hungary

Of the Visegrad countries, Hungary received the most recommendations: The European Commission made 91 recommendations during the period under review (Figure 4). Twenty of these were completely ignored by the second and third Orbán governments, with limited progress in 36 cases, moderate implementation of recommendations in 25 cases, substantial progress in 4 cases, while only one sub-recommendation was fully implemented. We found a total of five recommendations that were not assessed by the Commission. Overall, the Hungarian governments received 30 points as an assessment regarding the implementation of the EC's recommendations during the period under review.

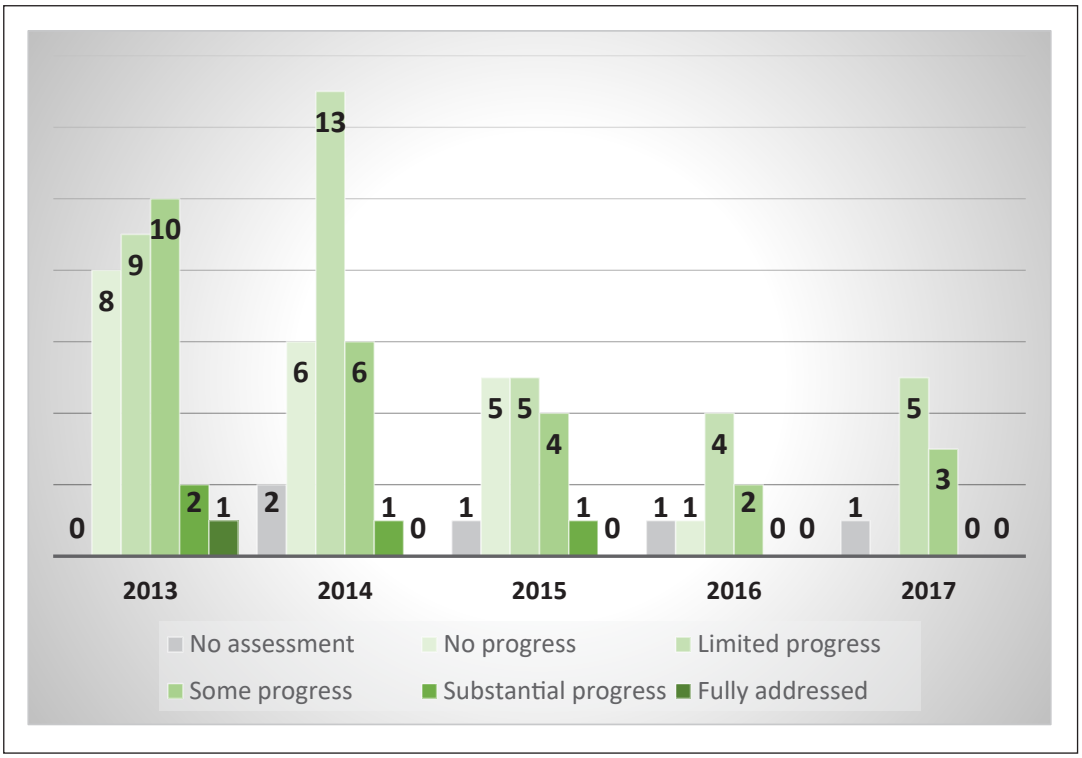

Figure 4 Implementation of country-specific recommendations in Hungary, in a yearly breakdown (2013–2017), pieces

Source: Own calculation based on country reports of the European Commission.

In the case of Hungary, there are no significant differences in the extent to which the recommendations were implemented in the different years. In 2013 we assess compliance at 33 points; the EC recommendations were implemented the least in 2014 and 2015 (27–27 points); in 2016, the score was slightly higher (29 points); while in the last year we examined we find the best assessment (34 points).

4.3 Poland

In the case of Poland, 67 recommendations can be identified during the five public policy cycles we examined (Figure 5). Twelve of these were completely ignored by the Warsaw governments, with 24 cases where minimal progress was made concerning the respective issues, 21 areas where EC guidelines were implemented in part, and only six cases where significant progress was made. In addition, we can find four recommendations the implementation of which was not assessed ex post by the Commission. Examining all the years, we can award 33 points to the different governments of Poland for their progress in the implementation of the European Commission's country-specific recommendations.

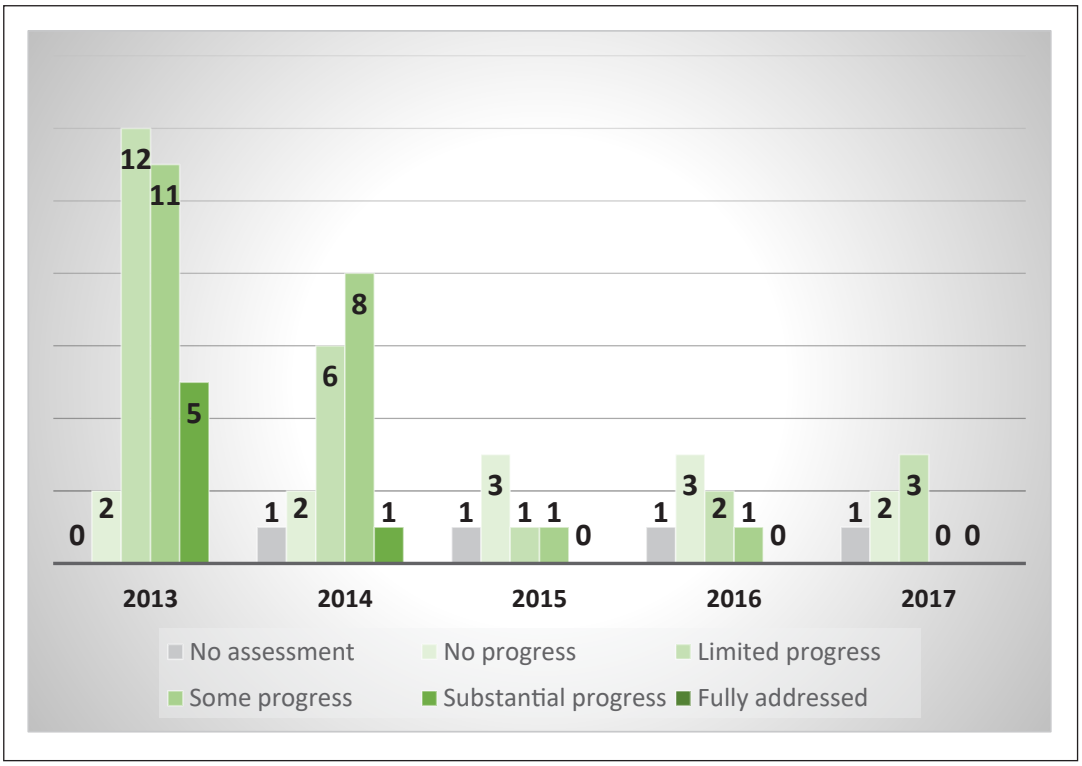

Figure 5 Implementation of country-specific recommendations in Poland, in a yearly breakdown (2013–2017), pieces

Source: Own calculation based on country reports of the European Commission.

The change of government in Poland in 2015 clearly left its mark on the implementation of CSRs: In 2013 and 2014 we awarded 41- and 37-point ratings, while when the clearly Eurosceptic Law and Justice came to power the rate of implementation of recommendations dropped significantly, with only 15- and 17-point ratings between 2015 and 2017.

4.4 Slovakia

A total of 76 country-specific recommendations were issued by the European Commission to Slovak governments between 2013 and 2017 (Figure 6). In 11 of these cases, the EC recommendations fell on deaf ears, in 38 cases the Bratislava government made minimal progress, and in 21 cases moderate progress, while substantial progress and full implementation was observed only for one recommendation each. In a total of four cases during the years under review, the EC did not assess the implementation ex post. This represents a total score of 30 points for Slovakia.

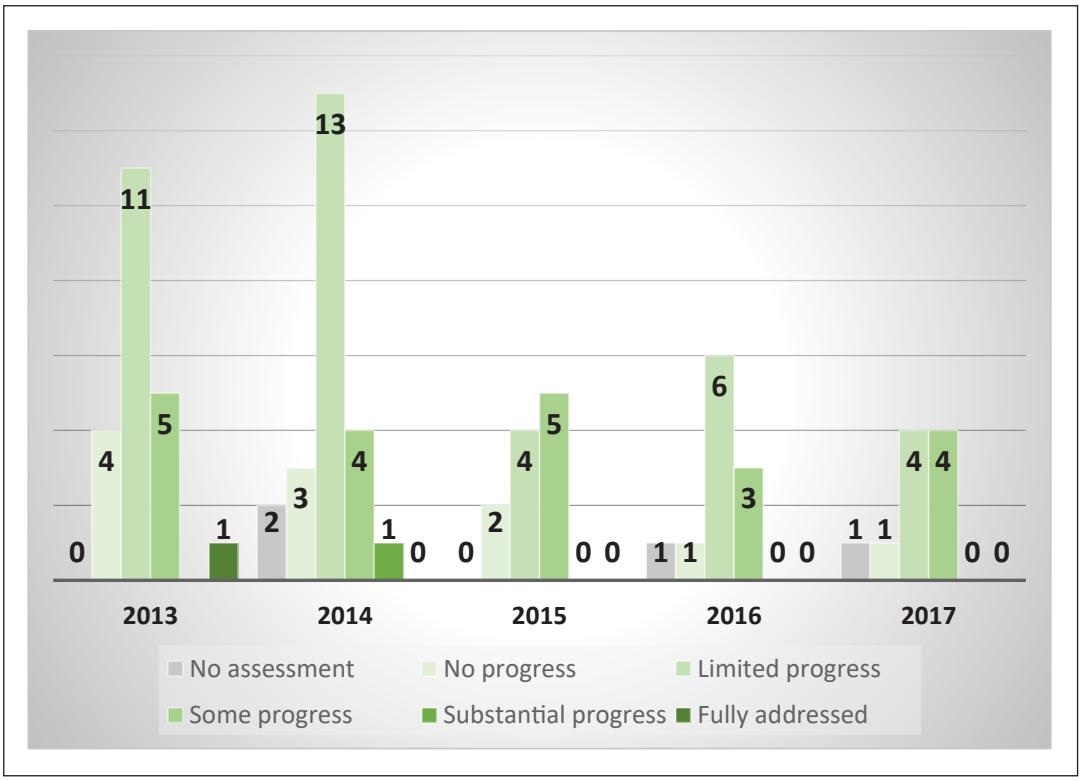

Figure 6 Implementation of country-specific recommendations in Slovakia, in a yearly breakdown (2013–2017), pieces

Source: Own calculation based on country reports of the European Commission.

In the case of Slovakia, we can observe the most stable implementation rate, as the difference between the weakest (2014: 29 points) and the strongest (2017: 33 points) years is only four points. In addition, we assess compliance at 30 points in 2013, 32 points in 2015, and 29 points in 2016.

5 Long-term implementation of EU recommendations in the Visegrad countries

The European Commission not only carries out annual assessments of the implementation of recommendations but also multi-annual assessments to examine the extent to which Member States implement recommendations over a number of years. In the summary below, for the period from the launch of the European Semester to the 2018 country reports, we show the proportion of implementation as established by the European Commission for recommenda-

tions issued earlier, or even many years earlier (Figure 7). In its country reports, the European Commission places particular emphasis on the extent to which each Member State has implemented each recommendation at least at a medium level in the long term. Recommendations associated with a score of at least the middle of the five-point scale (i.e. the level of 'some progress') are recommendations for which the EC may consider substantive progress has been made in the long term.

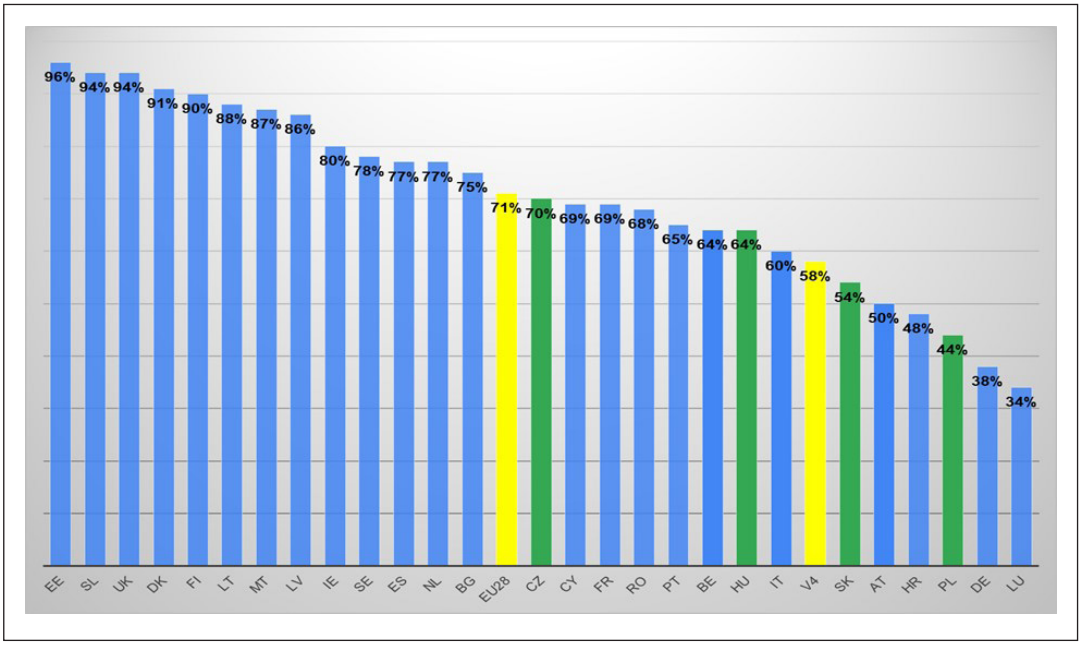

Figure 7 The proportion of country-specific recommendations with at least 'some progress' in the multi-annual perspective, according to the European Commission's long-term assessment (2011–2017)

Source: Own calculation based on country reports of the European Commission.

It is clear from the long-term aggregation that, over a period of a few years, many more EU recommendations have a meaningful impact on national policies and are implemented thanks to national governments. This is no different in the Visegrad countries: in all three countries in the region, apart from in Poland, there was 'some progress' in at least half of the EU's public policy recommendations. From this longer-term perspective, for example, the Orbán government, which is widely considered Eurosceptic, took measures in relation to almost two-thirds of the EU's recommendations (64 per cent), which the European Commission also assessed as 'some progress.' This is the second-best indicator among the Visegrad countries – only the Czech Republic implemented more EU recommendations, at least in part. At the same time, it is striking that even the highest-performing Czechs (70 per cent) still performed a hair's breadth below the EU28 average (71 per cent). The average of the Visegrad countries (58 per cent) is 13 percentage points lower than the EU average. Based on this, it can be stated that although the EU recommendations have a more significant public

policy impact in the Visegrad countries in the long term, they are more likely to be ignored in a few years' time than in most EU Member States. As Poland implemented recommendations to the extent of only 44 percent according to the multi-annual assessment, they have the third worst indicator in the EU as a whole. The Czech Republic is ranked fourteenth, Hungary twentieth and Slovakia twenty-second as regards the long-term implementation of EU recommendations.

Thus, while the Visegrad countries belong to the second half of the field, it is clear from the EU-wide aggregation that this is certainly not an East-West fault line. The Baltic countries, for example, are all among those who follow EU public policy recommendations the most: Estonia leads the EU as a whole, with 'some progress' with 96 per cent of the recommendations in the long term. For the same indicator Latvia scores 88 per cent and 86 per cent for Lithuania, but the examples of Slovenia (94 per cent) and Bulgaria (75 per cent) also show that there is a different attitude towards recommendations from Brussels within Central and Eastern Europe. However, recommendations are also ignored in some Western European Member States (Austria 50 per cent, Germany 38 per cent, Luxembourg 34 per cent), and the outstanding long-term performance of the Scandinavians (Denmark 91 per cent, Sweden 90 per cent, Sweden 78 per cent) are not considered to be typical of countries located to the west of the former Iron Curtain.

6 Conclusions

This study examined Visegrad countries regarding the extent to which they take into account public policy recommendations from the European Commission and whether the level of implementation in this region can be considered low or high in comparison to EU countries as a whole. Looking at the average of the five years we examined, the four Visegrad countries practically moved together when implementing EU public policy recommendations at the national level. There are no major differences across the four Visegrad countries, all of which belong in the second half of the field for the EU as a whole. This finding is in line with our previous expectations given the Euroscepticism of many key governmental players over the years in the region. We expected that non-compulsory compliance would be below the EU average in the V4 countries. In terms of implementing recommendations within one year, the Visegrad countries made slightly below-average progress in implementing recommendations at a national level according to the European Commission's assessments. However, we can observe some opposing trends that underlie this rather uniform average annual performance (ranging between 30 and 35 on a scale of 100 for all four countries). In the Czech Republic, the implementation of public policy recommendations at a national level steadily improved over the period under review, while in Poland the trend was completely the opposite: after the 2015 change of government, the Polish government paid spectacularly less attention to public policy recommendations developed based on EU policy analyses. There were no major fluctuations in Hungary and Slovakia in individual years – their implementation of the EU recommendations at the national level was characterized by values of around 30 points, i.e., 'limited progress'.

However, the impact of recommendations of the European Semester on the public policy decisions of Member States is much greater in the longer term than the level shown by annual assessments. In the long term, country-specific recommendations made a significant

impact not only in other EU Member States, but also in the Visegrad countries, which have a more confrontational relationship with the EU. Important proof of this statement is that, over a multi-annual period, the Orbán government addressed nearly two-thirds of EU recommendations (the latter assessed as at least 'some progress' by the European Commission). This said, it is also true of the long-term implementation of recommendations that they are more likely to be ignored in Visegrad countries than in most EU Member States. All four countries implemented such public policy recommendations from Brussels at a lower rate than the EU average. Examining why compliance is better than expected, at least in the long-term, is beyond the scope of this paper, but this phenomenon suggests an obvious direction for further research.

Overall, an examination of the national-level implementation of country-specific recommendations shows that European integration can make an impact on Member States not only through hard, binding instruments and exclusive powers, but also through softer public policy coordination. This is particularly evident if we look at the implementation of recommendations by Member States not only within a one-year period but after several years. However, in this area the future is likely to involve stronger links between the national-level implementation of public policy recommendations in compliance with EU priorities and access to EU funds. An important sign of this is that the huge economic recovery programme (Next Generation EU) that is designed to address the crisis caused by the Coronavirus, with funds complementing the seven-year budget, may in future be linked to the European Semester, which also means that compliance with and the implementation of country-specific recommendations may be required to access these funds. Such a close link between recommendations and funds did not exist in the 2010s, so by examining the implementation of country-specific recommendations we were able to get an idea of the impact of the EU on national-level public policy decisions when it essentially acted in an advisory capacity.

Acknowledgement

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Constitutional or ethnocultural? National identity as a European legal concept

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Abstract

Identity has long been a contested concept in the social sciences. In contrast, legal scholars have come late to the analytical discussion about the concept. It was only in the late 2000s that the concepts of national and constitutional identity became part of the European legal discourse. Today, *national identity* is a legal concept in EU law. Article 4(2) of the Treaty on European Union obliges the EU to respect the national identities of Member States. A literal understanding of this provision suggests that any domestic interpretation would be consistent with EU law. This paper challenges this view. It differentiates between national and constitutional identity. The former refers to identity that can be connected either to a community's ethnocultural characteristics or to its political institutions and foundational constitutional values. The latter is often called *constitutional identity*. Yet, this article defines the term constitutional identity differently by concentrating on identity attached to a democratic constitution. Thereby, it offers a novel, constitutionalist approach. The article argues that the concept of national identity in EU law is a constitutionalist one and demonstrates, using the example of Hungary, how an ethnocultural national identity runs counter to this constitutionalist concept and how a new constitutional identity may be developed. The implication of having a constitutional identity that respects universal constitutional principles is that such a constitutional identity would be more compatible with values at the European level.

Keywords: constitutional identity, national identity, ethnocultural justification, European Union, Hungary

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1 Introduction

Identity as a concept has been discussed and contested in many scientific disciplines. Historians, sociologists, social psychologists and political theorists have taken a critical stand against this concept (Brubaker & Cooper, 2000; Bar-Tal, 1998; Appiah & Gates, 1995; Erikson, 1974). These insights from social sciences have greatly informed the legal debates and jurisprudence on national identity. Experience has also shown that the relationship may operate the other way around: when the law vows to protect a specific understanding of national identity it can have enormous consequences for social reality, and consequently for social science. That is because state authorities have the means to enforce the law, so a legal entrenchment of a specific understanding of national identity can affect various sectors of society such as government, education, and media.

This article does not offer a general discussion and critique of the notion of identity. Instead, it focuses on constitutional identity and national identity as legal concepts and demonstrates, taking the example of Hungary, how an ethnocultural national identity claim runs counter to the European Union's constitutionalist concept of national identity. Since the article has both descriptive and normative aspects, it employs two distinctive methods – a formal-legal approach and a contextual-interpretative approach – to determine what national identity claims fit the letter and spirit of EU law.

Legal scholars came late to the analytical discussion about the concept of identity. This is because, for a long time, the term 'identity' did not play any role in European legal discourse. It was only in the 2000s that the concept became part of the continent's legal repertoire. European constitutional courts started to use the language of 'constitutional identity' (Claes, 2012, p. 124) to draw certain red lines related to further European integration. In parallel, the 2009 Lisbon Treaty, which amended the two treaties that form the EU's constitutional basis, introduced 'national identity' as a justiciable concept to challenge domestic courts' interpretations. The concept's importance was emphasised by the fact that it was reproduced in the preamble to the EU Charter of the Fundamental Rights.

Currently, both the concepts of constitutional identity and national identity play a central role as a matter of positive law. Article 4(2) of the Treaty on European Union (henceforth, TEU) obliges the EU to respect the national identities of Member States. Although EU law explicitly uses the notion 'national identity', Article 4(2) contextually suggests that national identity has constitutional relevance (Toniatti, 2013, p. 63). It protects national identities that are inherent in the Member States' fundamental structures, political and constitutional, inclusive of regional and local self-government. And, under 'constitutional' the case law of the European Court of Justice (henceforth, ECJ) understands a normative framework that embodies the universal constitutional principles: human rights, democracy, and the rule of law, as they relate to institutional practices in and beyond the state. Therefore, the national identity concept embodied in EU law is a constitutionalist one. Interestingly, although EU law refers to national identity, its concept is essentially constitutionalist.

By contrast, the Hungarian Fundamental Law uses the term 'constitutional self-identity', but its understanding is fundamentally nationalist. According to the solemn declarations and further provisions of the Fundamental Law, it is the duty of every state organ to protect Hungary's constitutional self-identity and Christian culture and ensure that the upbringing of children is based on these values (National Avowal, Articles R and XVI). Ostensibly, the qualifier 'constitutional' suggests that this self-identity is closer to a constitutionalist mean-

ing. In fact, under 'constitutional' the Fundamental Law understands the constitution in the empirical sense of the political condition of the state (Gosewinkel, 2018, p. 947) and not a normative framework. Moreover, the Fundamental Law applies the term 'constitution' only with regard to the 'historical constitution'. The doctrine of the historical constitution can be traced back to the nineteenth century (Radnóti, 2012, p. 94) and its core ideas imply a preference for the Hungarian Kingdom's ancient territory over the current state borders, hierarchy over republican traditions, and a 'mystic membership' of all ethnic Hungarians over constitutional patriotism. So, the 'constitutional self-identity' entrenched in the Fundamental Law does not give concrete form to universal constitutional principles; rather, it represents a national-historical ethnic category.

The Hungarian government labels this 'constitutional self-identity' national identity and applies Article 4(2) TEU as a means of derogating from some of its obligations imposed by EU law. For instance, by invoking Article 4(2), Hungary, together with Slovakia, turned to the ECJ to challenge the legality of Council Decision 2015/1601, which established the EU refugee relocation scheme (Case C-643/15). The claim was that Hungary is different because it rejects migration and multiculturalism (Orbán, 2018); hence, the EU should accommodate its distinctive national identity and allow the country to refrain from participating in the EU refugee relocation scheme. The ECJ rejected this claim by demanding the primacy of EU law and held that the country had breached its EU obligations (Court of Justice, 2020).

The ECJ judgment did not come as a surprise. As the adjudication scheme adopted in cases concerning national identity claims demonstrates, the ECJ respects national identity embodied by the domestic legal system from the moment of the foundation of an independent and democratic state. This suggests that national identity interpreted by domestic authorities as a concept representing a national-historical ethnic category does not correspond to EU law because it runs counter to EU foundational values as ensured by Article 2 TEU and the ECJ's efforts to reconcile the various national identities of the Member States with these values.

This article aims to present an alternative to the ethnocultural Hungarian national identity: an inclusive yet distinctive constitutional identity embedded in a domestic democratic tradition and consistent with the EU's foundational values. The article is structured as follows. Part 2 begins with a critical genealogy of the relationship between national identity and constitutional identity. Part 3 describes Hungary's path from constitutional identity to ethnocultural national identity. Part 4 opens with an analytical account of the meaning and judicial interpretation of Article 4(2) TEU. This is the provision Hungary has applied to fend off EU law. Finally, Part 5 offers a way to reconstruct constitutional identity in Hungary. Part 6 concludes.

2 Two competing concepts: national identity and constitutional identity

On 9 September 2016, when accepting the Person of the Year Award from then-Polish-Prime-Minister Beata Szydło, Hungarian Prime Minister Viktor Orbán said:

> The Central European nations must preserve their identities, their religious and historical national identities. [...] I regret to say that we must [protect these virtues] from time to time not only against the faithless and our anti-national rivals but also from time to time we must do so against

> Europe's various leading intellectual and political circles. But we have no choice: we must protect our identities – Polish, Hungarian and Central European identities– in the face of everyone because otherwise there will be no room for us under the sun. (Orbán, 2016)

Here, I believe, we are presented with a false dichotomy. National identity is portrayed as if it were a thing having DNA that contains all the information necessary to develop a common identity, and as if it were so evident that community members are all familiar with it. If a community does not recognise and protect its 'naturally given' national identity, so the argument goes, it will unavoidably fail.

National identity, however, does not exist naturally, nor does it enjoy timeless validity. It is not a matter of fact; it is a matter of choice. It is an imagined and socially constructed concept (Anderson, 2017); a product of particular conjunctures of ideas and interests. Political actors construct and apply national identity according to the needs of particular historical moments, and invent traditions, sets of practices of a symbolic nature, which imply continuity with a suitable historical past (Hobsbawm, 1992, pp. 1–11). This is made possible by the fact that history offers several options among which political actors may choose concerning when and how to develop a common identity. It is the presenting of history that establishes and re-establishes identity (Rév, 1995, p. 9). History is not a natural science; it cannot be described and explained in the way scientists describe the laws of nature. Hence, one cannot exclude moral categories and judgments from history (Berlin, 1959, p. 267). But this does not mean that presenting history is inevitably biased. The reconstruction of history can be a self-reflective process; one that liberates a nation from its past, but the presenting of history can also be false and misleading. When is it false and misleading? For instance, when it in practice means an 'apologetic relationship to one's own national past' and that 'historical narratives are replaced by an ideological agenda and a sense of victimisation' (Michnik, 2009, p. 446).

The theoretical roots of progressive thought (Kumm, 2005) and the heroic history connected to the struggles for universal constitutional principles are present and waiting to be discovered in every country's past. And, of course, every country's history contains reactionary (Lilla, 2016) ideas and periods, and all have dark chapters in which they have denied the universality of human rights. For instance, many identify twentieth-century Russia with the atrocious cruelties that were committed under the Stalinist totalitarian regime; however, in 1917, before the Bolshevik seizure of power, Russia was among the first countries to grant suffrage to women (Ruthchild, 2017). To take another example, German history includes not only the tradition of the Weimar democratic parliamentary system but also of its predecessor, the Prussian authoritarian regime, not to mention the successor Nazi regime. It is, therefore, crucial to identify which part of the country's history serves as a reference point for identity-making and to determine how those architecting national identity relate to the past of the given political community. They may relate to the community's history reflexively and critically, but they may also be nonreflexive (Michnik, 2009). For example, German national identity is solidly founded on equal human dignity based on an open distancing of the polity of the Nazi past. In Russia, by contrast, aversion to the Stalinist regime is not at the heart of its identity construction. History is not linear but goes in several directions; thus, only a critical and reflexive view can differentiate between better or worse choices when it comes to decisive historical events that can serve as components of national identity.

A narrative about the common past can be an important national identity component, but not the only one. During the exercise of identity construction, political actors who aim to construct an idiosyncratic national identity will likely opt for traditional religious virtues, like loyalty or faith, and they will probably offer special protection to 'traditional marriage'. And the identity components they assemble will most likely include the protection of the majority's language and a specific mass culture that has its antecedents in particularities such as the community's local habits, rituals, and symbols (Smith, 2001, p. 571). All of these things can be distilled into a single adjective of national identity: ethnocultural. Anyone who advocates such an ethnocultural national identity stresses the need for the strict internal homogeneity of the community, and 'the elimination or eradication of heterogeneity' (Schmitt, 2000, p. 9). They also hold that the identity of the community is present prior to any constitutional order and the community consists of members who have 'their roots in the generations that have lived in the nation's territory and share its customs and culture (e.g., language, religion) since childhood' (Haller & Ressler, 2006, p. 822). The underlying foundational idea is that national communities are predicated on genetic affiliation and that ethnically defined people have a common interest and will. Accordingly, the nation is fully formed prior to the adoption of a constitution or to the creation of the state, and national identity is perceived as something given, fixed, and unchangeable that exists in nature, outside time (Geertz, 1973).

This vision, however, is a mirage (O'Toole, 2019, p. 29). The scholarship suggests that nationalists merely imagine a common ethnic community (Appiah, 2018). There is nothing natural about nations. Different groups are created and accidental entities; thus, national identity is neither self-evident nor the product of ancient tradition (Friedman, 1995, p. 503). Instead, it is socially constructed to serve the needs of the community, which is likewise invented (Brubaker, 1996, p. 276). 'The line between members and non-members of the nation has nothing to do with consanguinity' (Holmes, 2019, p. 46) because nations are contingent social constructions that never cease to undergo transformation (Appiah, 2018). So, in terms of national identity, nothing is fixed or given because all of its components are in a constant state of change.

Yet traditionally, the starting point for constructing a common identity was this pre-legal understanding of national identity. In democracies, this understanding of identity has been restricted by universal constitutional principles: the protection of human rights, democracy, and the rule of law. With the advent of this restriction, the understanding of national identity evolved from a pre-legal to a legal understanding. National identity, in this sense, is connected to the demos-oriented *state-nation* (Preuss, 1994, p. 150) or *civic-nation* (Kohn, 1944; Tamir, 1993; Kymlicka, 1995; Miller, 1995; Ignatieff, 1995) concept, whereby membership is based upon political criteria: for example, citizenship (Lilla, 2018, p. 86) or residence. This type of common identity is either called 'national constitutional identity' (Claes, 2012, p. 208) or 'constitutional identity' (Śledzińska-Simon, 2015, p. 124; Khvorostiankina, 2017, p. 45). These terms are interchangeable: they both emphasise that the interpretation of national identity has to move from a pre-legal to a legal approach (Faraguna, 2016, p. 492).

Constitutional identity is a concept difficult to articulate, and views differ about the exact meaning of the phrase. Some scholars approach this concept from the political people's perspective and understand constitutional identity as the people's unique 'collective self-identity' (Rosenfeld, 2012, p. 757). The main problem with this view is that although con-

stitutions are often bearers of particular conceptions of 'collective self-identity', such conceptions may also be different to the identity of the constitution that gives rules to the given people (Martí, 2013, p. 19). When the constitution is externally or internally imposed (Arato, 2018, p. 75) on the people, then the people's self-determination might not be bound up with the constitution. The most blatant manifestations of this phenomenon were the Stalinist constitutions. For example, in 1949 a Stalinist constitution was imposed on Hungary by Soviet forces (Pogany, 1993), and most of the population considered it a sham constitution that was not their own (Kertesz, 1950).

Therefore, the author of this article is more convinced by another argument that leaves out the community's characteristics from consideration and understands constitutional identity solely in terms of domestic constitutional law (von Bogdandy & Schill, 2011). This approach locates constitutional identity within constitutions themselves and considers constitutional identity to be the identity of the constitution (Troper, 2010, p. 201). The roots of this idea go back to Aristotle's *Politics*, where he argues that the identity of the polis is not constituted by its walls, but by its constitution (Aristotle/Barker, 1952, p. 98). And 'whether the community is the same over time depends on whether it has the same constitution' (Miller, 2017). In this case, Aristotle is not referring to a particular document but the organizing principles of the polis. For him, the constitution is a certain way of organizing offices and those who inhabit the polis. Accordingly, the notion of constitutional identity in this paper refers to the fact that it is not the physical characteristics or the ethnocultural form of life of the community's members that matters, but the organizing principles.

Today all countries in the world have either a codified or a non-codified constitution that forms the basis of the organisation of the state: some are constitutions that take the universal constitutional principles (human rights, democracy, and the rule of law) seriously; others are sham constitutions. Although the sham constitutions often proclaim some or all these constitutional principles, they actually reinforce the absolute power of a person or a party, and they tend to recognise human rights in an equivocal and conditional way. This article takes the qualifier 'constitutional' seriously and recognises constitutional identity as a normative concept (Polzin, 2016). Following Mattias Kumm, it calls the approach that considers certain moral commitments as constitutive of the constitutional legal order 'constitutionalist' (Kumm, 2013, p. 605). This constitutionalist approach understands the 'constitutional' in constitutional identity as the set of principles that define democratic politics. Viewed in this way, we might understand constitutional identity as referring only to the identity of those constitutions that are perceived as higher regulatory norms and that establish legitimate authority tied to the protection of human rights, democracy, and the rule of law.

How can such a constitutional identity be determined? When seeking to understand the identity of a constitution, scholars should consider the sets of norms – including the underlying values, the system of constitutional organs, and basic liberties – that provide information about the fundamental structure of a given constitutional order. Second, scholars should also consider preambles and entrenchment clauses that make certain constitutional provisions irrevocable, and constitutional amendment procedures as sources from which we are able to determine a given constitutional identity (Grewe, 2013, p. 40).

Yet, constitutional texts themselves have limited potential to offer information on constitutional identity. The words of the constitution need to be interpreted. There may be inconsistencies in the text, and it is the task of constitutional institutions to 'reconcile and ac-

commodate the disharmonic elements' (Jacobsohn, 2010, p. 22). Socially embedded legislative and judicial institutions have the power to give authoritative interpretations of the constitution. During this interpretative exercise, they focus on the national contestations of universal constitutional principles and give concrete form to these principles.

Constitutional identity is thus rooted in text, reaffirmed by experience, and contingent upon the values embedded in the political culture. Jürgen Habermas – and following Habermas, Jan-Werner Müller – call this embeddedness 'constitutional patriotism'; that is, a devotion, a 'reflective civic attachment' to these values and the way these values are discussed and established in the democratic context (Habermas, 2003, p. 155; Müller, 2007). Only in this democratic context, where the growth of free people is guaranteed, may we expect spontaneous enthusiasm and responsible activism for the political community (Bibó, 2015, p. 161). Without it, constitutional identity will remain fragile and be unable to withstand the test of time.

In short, this article regards constitutional identity as a socially constructed normative concept that is rooted in the text of the democratic constitution and emerges from the dialogical process of democratic institutions. In this sense, it is not pre-institutional; instead, it is the outcome of democratic institutional structures and procedures. Constitutional identity, thus defined as entailing the various understandings of the protection of human rights, democracy, and the rule of law, can automatically be recognised as national identity, but, as we will see in the following sections, not all national identities can be recognised as constitutional identities even if they are in some form enshrined in a domestic constitution.

3 Hungarian dynamics: From a constitutional identity to an ethnocultural national identity

In the second half of the twentieth century, shortly after European states experienced the terror of Nazi and Soviet totalitarianism, a combination of the concept of constitutional identity and a reflexive account of history served as a tool to facilitate constitutional democracy. In the European constitutions adopted after the Second World War, the declaration of human dignity as an inviolable principle became a manifesto for a new era of peace and democracy. Articles 22 and 27 of the 1946 first draft of the French Constitution, Article 3 of the 1947 Constitution of Italy, and Article 1 of the 1949 West German Basic Law nicely illustrate how the principle of human dignity occupied a central place in these new constitutional structures. The centrality of human dignity meant that these countries committed themselves to a universalistic constitutional project.

After successfully transitioning from authoritarianism to constitutional democracy in 1989, former Soviet-satellite Central-European countries, including Hungary, followed this path. Hungary's departure from the Soviet past and openness toward European integration played an important role in its identity formation. The country's constitutional revisions adopted in 1989–1990 (henceforth, the 1989 constitution) gave birth to a constitutional identity based on the core features of constitutionalism – the commitment to human rights, democracy, and the rule of law. The newly established constitutional court's leading decisions (e.g., decision 23/1990 that abolished the death penalty and decision 36/1994 that protected criticism of public figures) reflected this choice, and a constitutional identity developed steadily.

Although several constitutional amendments occurred during the two decades after the transition to democracy, these were mainly connected to Hungary's membership of NATO and the EU. The constitutional changes did not affect the core of the constitution, so the constitutional identity remained untouched until 2010.

The 2010 changes in the Hungarian constitutional framework went to the very heart of this identity. In that year, Viktor Orbán's Fidesz party and its satellite Christian Democratic Party gained a constitutional majority, opening the way for a profound change of direction. One year into its term, the governing coalition passed a new constitution officially called the Fundamental Law. The coalition justified its adoption with the argument that the 1989 constitution's identity had failed to comply with Hungarian national identity. For that reason, the ruling politicians argued, the country needed a 'social contract' that provided a 'foundation for the spiritual and intellectual renewal of Hungary' (Proclamation on Statement of National Cooperation, 2010; Navracsics, 2011). The Fundamental Law does not acknowledge continuity with the previous democratic regime. It explicitly breaks with the essential notion of a republic and changes the country's name from the 'Republic of Hungary' to simply 'Hungary' (Takács, 2020). The act of renaming the state is important: it suggests that the Fundamental Law's concept of identity is incompatible with the concept of the republic and that Hungary does not cherish democratic ideals.

This article does not deal with the difficult question of what caused this shift in identity. What is certain is that constitutional revisions adopted after 1989 are perceived by many political actors and their supporters not as something homegrown or evolving organically, but something imposed by external forces, such as the international community. As Viktor Orbán put it, 'we are writing our own constitution [...] And we don't want any unconsolidated help from strangers who are keen to guide us' (Orbán, 2012).

The term 'identity' features prominently in the Fundamental Law. Among the solemn declarations, we find that safeguarding Hungary's identity is the state's fundamental duty. In Article R(4), we read that every state organ must protect 'Hungary's constitutional self-identity and Christian culture'. Furthermore, the Fundamental Law explicitly mandates that the state ensure that children receive an 'upbringing based on the value system of Hungary's constitutional self-identity and Christian culture' (Article XVI).

This so-called 'constitutional self-identity' rests on three pillars: non-inclusive religious considerations, historical myths, and the mythical concept of the 'nation'. The Fundamental Law's text and the symbolism around it have a relatively straightforward religious profile. It was Easter Monday of 2011 when the Fundamental Law was signed into law by the president. The invocation to God in the very first sentence, 'God bless the Hungarians!' implies that everyone who wishes to identify with the text also identifies with this opening entreaty (Arato et al., 2012, p. 460). The legally binding preamble to the Fundamental Law, called the National Avowal, also has its foundation in religious considerations. The Avowal, as its name suggests, does not only reflect the historical role of Christianity in founding the state, but also expresses that Hungarian constitutionalism today is based upon traditional Christian views. For example, the Avowal 'recognises the role of Christianity in preserving nationhood' and mandates that the state organs protect Hungary's Cristian culture.

Yet, the reference to Christianity is more about the national culture than Christianity as faith (Roy, 2016, p. 186). Some Fundamental Law provisions are worded in the spirit of traditional Christian culture. For instance, Article L defines the family according to the traditional Christian view of marriage and family by stipulating that only a man and a woman

can marry, and declares that families, which are the foundation of the nation's survival, are based on marriage, parent-child relationships, or both. The provision also clarifies that the mother is a woman; the father is a man. The protection of traditional marriage is complemented with a provision seeking to 'protect the foetal life from the moment of conception' (Article II), and another that ensures the children's right to identify with their gender at birth (Article XVI(1)). The latter provision also requires children to be raised with a 'Christian interpretation' of gender roles and have an upbringing based on national identity and Christian culture, thereby mandating that the upbringing should have both a national identity and a Christian component.

Other provisions that are not worded explicitly in the spirit of traditional Christianity, such as the basic principles (e.g., the rule of law) or some fundamental rights provisions (e.g., freedom of assembly), are to be interpreted following the national-historical narrative and Christian culture. This is because the Avowal is not just a solemn declaration which signals a certain self-interpretation of the community; it has normative strength. Article R(3) requires that all Fundamental Law provisions, even those that declare universal constitutional principles, should be interpreted according to the Fundamental Law's objectives, the Avowal and the 'achievements of the historical constitution'.

The Fundamental Law suggests that Hungary's 'constitutional self-identity' is distinctively and uniquely rooted in its 'historical constitution'. But what exactly is the historical constitution? The doctrine of the 'historical constitution' dates to 1896, the 1000th anniversary of the conquest of Hungary's territory (Bak & Bak, 1981). At that time, a claim appeared that Hungary was the only nation in Central Europe with a tradition of statehood dating back 1000 years. The doctrine was built on the Holy Crown doctrine. The crown in question was allegedly the one which the future king (later Saint) Stephen received from Pope Sylvester II as he laid the foundations of the centralised Hungarian Kingdom by converting to Christianity, but there is no reliable scientific evidence backing up this claim (Bak & Pálffy, 2020, p. 263). According to the doctrine, the crown is an ancient source of authority, a literal marker of the unity of the king and the noblemen (Péter, 2012).

The third pillar of the identity offered by the Fundamental Law is the mythical concept of the nation. Although it does not explicitly define the notion of the nation, its provisions imply that under the term 'nation' the Fundamental Law understands a political power located outside the legal order. 'The members of the Hungarian nation' include ethnic Hungarians living beyond the state, even those without an effective link to it (Körtvélyesi, 2012), but there is no place in this concept of the nation for ethnic or other minorities living within the country. Therefore, the 'nation' is construed through an invocation of trans-border co-ethnics and, in parallel, the exclusion of ethnic minorities, refugees, and 'others' who are considered not to belong to the nation.

In sum, the non-inclusive religious considerations, the historical myths of origin, and the assumed common ethnicity of the Hungarian people serve as the core of the exclusivist (Körtvélyesi & Majtényi, 2017) pre-institutional national identity provided by the Fundamental Law. From the point of view of this national identity, the 2015 EU refugee relocation system is believed to impose the model of a multicultural society that the Hungarian government opposes. The government presents the debate within the EU about migration and multiculturalism as a clash between the ideologies of national 'identity protection' and 'identity destruction' (Kövér, 2019). They claim that Hungary's foundational pillars, as a Christian nation, as a nation strengthening its historic national identity, are being under-

mined. For them, the EU is siding with the identity destroyers; thus, the 'fight against Brussels' is an obligation in relation to which Hungary 'as an experienced nation in identity protection ever since 1920' (Kövér, 2019) can lead the way.

Today, 'the death of the nation' and 'the annihilation of the nation' are frequently used phrases (Orbán, 2019). The phenomenon is not new, as István Bibó, the most prominent Hungarian political theorists of the twentieth century emphasised; a characteristic feature of the unbalanced East European political mentality is existential anxiety about the fate of the community (Bibó, 2015, p. 149). What is novel is that Hungarian politicians cite Article 4(2) TEU to justify their stance concerning immigration. They argue that they are only defending Hungary's national identity against any abuse of power by the EU.

4 National identity under Article 4(2) TEU

Article 4(2) TEU obliges the EU to respect Member States' national identities. Although the TEU explicitly uses the notion of national identity, Article 4(2) contextually suggests that this identity has constitutional relevance and makes explicit the relevant aspects of national identity. Only those aspects that are inherent in Member States' fundamental political and constitutional structures are relevant. Article 4(2) focuses on the Member States' political and constitutional structures, which indicates a shift in emphasis from the pre-legal national identity to the legal understanding of constitutional identity (Schnettger, 2020: 20). Thus, although this section follows Article 4(2) TEU when using the notion national identity, it understands it as constitutional identity.

Initially, it may seem that Article 4(2) protects Member States from intervention by EU law and EU institutions and that this article provides them with a wide margin of appreciation in building national identities. The Member States tend to interpret this clause as a sort of competence clause under which the EU should seek to achieve the common objectives without ultimately undermining national identities (Faraguna, 2016, p. 519). According to this view, Article 4(2) allows Member States to use their country's particular identity to justify a restriction of the obligations imposed by EU law.

However, when drafting Article 4(2), the European Commission rejected the idea of the identity clause as a 'counter-limits clause', and it did not specify that the application of Article 4(2) was limited to the cases in which the EU exercises its competencies (Ponzano, 2002, p. 5; Guastaferro, 2012, p. 281). Accordingly, Advocate-General Cruz Villalón argued that 'it is an all but impossible task to preserve *this* Union, as we know it today, if it is to be made subject to an absolute reservation, ill-defined and virtually at the discretion of each of the Member States, which takes the form of a category described as "constitutional identity"' (Case C-62/14, emphasis in the original). In other words, Article 4(2) does not give a blank cheque to national governments to construct national identities in a manner incompatible with EU law (Kelemen & Pech, 2018). The EU has to respect national identities as long as identity retention does not undermine the EU foundational principles (Konstadinides, 2011, p. 195).

Although the concept of national identity had long been part of EU Law prior to the Lisbon Treaty, no reference was made to it in ECJ case law (Besselink, 2010, p. 41) until that treaty came to have legal effect in 2009. Since then, domestic interpretations of identity have been challenged before the ECJ several times. It is not up to the ECJ to decide on the compo-

nents of a particular Member State's national identity, but the ECJ as the final interpreter of EU law is in the position to contain and control the effect of national identity by deciding authoritatively whether the domestic interpretation is consistent with EU law (Opinion of AG Kokott, Case C-490/20). The ECJ distinguishes the valid form of national identity claims that can justify derogations from EU law from those that violate EU values. When a case comes to the ECJ, the court vets (Besselink, 2012, p. 687) Member States' arguments concerning legitimate interests. If the legitimate interest forms part of a Member State's constitutional core, it likely constitutes part of its national identity. In that case, the question the ECJ should answer is whether this characteristic of the national constitutional order is in harmony with EU values.

National identity claims of the EU Member States can take various forms. They can conform to universal constitutional principles, which occurs when domestic judges interpret and contextualise these principles in accordance with those very same principles. Nevertheless, there are national identity claims that are not consistent with EU values. Domestic constitutions and their interpretations may contain anti-constitutional principles. This arises, for instance, when national identity claims are informed mainly by ethnocultural and historical considerations. Thus, not everything presented as national identity by a Member State pertains to its national identity as protected under Article 4(2) TEU.

Article 2 TEU declares the values upon which the EU stands. It states that the 'Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'. These values are worded as facts and not only as deeds, meaning that there is no possibility for a trade-off when it comes to them. Without sharing the basic presuppositions on which constitutional democracy is founded, forming a union would be impossible. Thus, the Member States' margin of appreciation under Article 4(2) applies only to non-Article 2 matters (Sadurski, 2019, p. 223) and the domestic institutions should interpret national identity in a manner consistent with the EU foundational values.

The following section will mention three post-Lisbon cases in which the domestic authorities made express reference to national identity, and the ECJ made an effort to reconcile the domestic interpretations of national identity with EU law. Although on the surface these ECJ judgments do not appear as manifestations of a coherent substantive theory of national identity, they suggest that the ECJ elaborated an adjudication scheme to review whether the domestic interpretation of national identity is consistent with EU law.

In the case of *Ilonka Sayn-Wittgenstein*, the ECJ held that the ban on a person using the noble elements of their name constituted a part of the national identity embodied in the legal system of the independent Republic of Austria (Case C-208/09). Similarly, in the *Bogendorff* case, the ECJ accepted the German constitutional choice to abolish privileges of birth and rank as an element of national identity (Case C-438/14).

Yet, as the *Malgožata Runević-Vardyn* case illustrates, the ECJ seems to include some cultural elements – like the language of the majority – as part of the national identity concept in Article 4(2) (Case C-391/09). Being a member of the Polish minority in Vilnius, the applicant wanted to have her name registered in the civil registry in a form that complied with the rules governing Polish spelling: Małgorzata Runiewicz-Wardyn instead of Malgožata Runević-Vardyn. The government, however, argued that not having the letter 'w' in the Lithuanian alphabet is a crucial element of Lithuanian national identity, which contributes

to the integration of citizens. The ECJ accepted this argument, so it seems that, even under EU law, there is some space for cultural considerations provided that they are connected to the national identity embodied by the domestic legal system from the moment of the foundation of the independent and democratic state.

5 A way to develop an EU-compatible constitutional identity

In Hungary, the independent and democratic state was founded in 1989 when the Soviet-type regime was dismantled peacefully. Since this transition process involved roundtable negotiations between delegates of the undemocratic ruling party and the democratic opposition, a coordinated transition to constitutional democracy happened (Kis, 1995, p. 399). The 1989 constitution eventually was not able to safeguard Hungarian democracy, but it had the potential to facilitate democracy and ensure the self-government of free and equal persons through the law.

The Fundamental Law and its subsequent amendments substantially reshaped this existing constitutional framework and introduced an identity based upon non-inclusive religious and historical considerations, and the mythical concept of the nation (Kovács & Tóth, 2011, p. 198). It cannot serve as a fundamental document that brings together the entire Hungarian community because its legitimacy (Tóth 2019b, p. 37) was compromised by the hasty, top-down and non-consensual process by which it was adopted and its divisive content (Arato et al., 2012; Bánkuti et al., 2012). Ostensibly, the Fundamental Law pledges allegiance to universal constitutional principles (Tóth, 2019a) and juxtaposes religious and historical values with universal principles. Yet, according to the Fundamental Law, all its provisions, including these principles are subordinate to the dictates of the historical constitution and the Christian commitments (Article R(4)). Thereby the Fundamental Law itself forecloses the possibility of interpreting its provisions in accordance with universal constitutional principles. Moreover, the Fundamental Law nullifies the entire jurisprudence of the constitutional court from 1991–2011 (closing provision 5 of the Fundamental Law); thus, none of the decisions that occurred before the enactment of the Fundamental Law can be relied on as legal authority, including all prior constitutional court decisions on human rights, democracy, and the rule of law.

The identity offered by the Fundamental Law is constructed by means of exclusion (Körtvélyesi & Majtényi, 2017), which in many ways contradicts the egalitarian claim that forms the basis of constitutional democracy: the protection of the human dignity of free and equal individuals. It privileges those who identify with the prescribed 'Christian' culture and accept the historical myths as a reference point while at the same time failing to integrate the whole population. Ultimately, the ethnocultural national identity allows only some and not all people to believe that they are part of the same political community.

Thus, it seems improbable that the ethnocultural national identity entrenched in the Fundamental Law and approved by the constitutional court in its decision 22/2016 (Halmai, 2017) would conform with Article 2 and 4(2) TEU (Cloots, 2015, p. 151). Should a case come to the ECJ, the ECJ would likely realize that a claim that Hungary's traditions, cultures, and interests are so special that they cannot follow a particular piece of EU law would weaken the authority of the ECJ itself and, therefore, ultimately, the rule of law in the EU. The ECJ would also likely consider that such a solid ethnocultural national identity claim would negatively affect the European constitutional project and shatter its very foundations (Uitz, 2016).

A constitutional identity connected to both the text and values of a democratic domestic constitution committed to universal constitutional principles is more likely to be in compliance with Article 4(2). But how might such a constitutional identity be developed?

For Hungary to comply with these principles, which are also the foundational values of the EU, it would need to adopt a new democratic constitution suitable for offering an integrative constitutional identity. When developing this identity, the constitution drafters would have to consider universal constitutional values, especially if it is within the national culture to be committed to universal values. For instance, in Hungary, the most notable example is the commitment of the 1989 constitution to ensure everyone's inherent right to life and human dignity (Article 54). However, equally, local peculiarities of constitutionalism should be taken into account. Domestic democratic institutions (national assemblies, courts, ombudspersons) play an essential role in interpreting universal principles and applying them to the local context.

Following the two-pronged tradition of the commitment to universal principles and local peculiarities of constitutionalism, the pillars of the constitutional identity can include (1) the emblematic *political institutions* of the Hungarian democratic period between 1989 and 2010, (2) the universal constitutional *principles* as they were authoritatively interpreted by the independent constitutional court, and (3) the crucial *achievements of EU law* in concretising universal principles as they were implemented in domestic law. All three ingredients – institutions, principles, and EU law achievements – are essential. I will discuss each of them in turn in the following sections.

The first pillar of constitutional identity includes a commitment to basic democratic institutions built around the 1989 constitution during the country's two decades of democracy: representative government, consensual parliamentary democracy, and meaningful constitutional review exercised by an independent judiciary.

The ideal of representative government has its roots in Hungarian legal traditions. Although there was only one very brief republican period after the Second World War, the demand for representative government was embedded deep in Hungarian collective memory – one of the central demands of the revolutionaries associated with the 1848 Hungarian Revolution was a separate national government (and not just branches of the central ministries in Vienna) and annual national assemblies in Buda-Pest (Péter, 2012, p. 143). The April Laws set up an 'independent Hungarian responsible ministry' (Péter, 2012, p. 7) and extended the right to vote to adult males who met certain property-related requirements and spoke Hungarian. A year later, in April 1849, a separate Hungarian government was established within the Austro-Hungarian Empire. Thus, when the democratic opposition made constitutional choices in 1989, it followed this constitutional tradition and demanded real popular representation and a parliamentary republic. Although the then ruling party desired a semi-presidential system with a popularly elected president (Szoboszlai, 1991, p. 203), this alternative was closely identified in the public mind with the *ancien régime*. The introduction of a parliamentary democracy with an indirectly elected president followed the example of the proclamation Act I of 1946 that declared Hungary to be a republic with a president elected by parliamentarians. Hence, the 1989 Hungarian constitutional structure evolved its own constitutional tradition concerning representative government by establishing an adapted parliamentary system instead of importing a presidential architecture.

Another crucial institutional pillar is the *consensual* parliamentary democracy native to continental Europe. It assumes the presence of more than two parties in parliament, a co-

alition government, and a sufficiently proportional electoral system. The 1989 Hungarian constitution required a consensus of the governing coalition parties to govern the country properly. The system was consensual in another sense, too. The model demanded that governing parties involve their coalition partners and the opposition, at least in constitutional matters. Hence, the coalition government was required to agree with the opposition on the system of government and foundational values. This was ensured by the two-thirds-majority rule, which was not only a formal requirement but also proof of a broad political consensus in parliament. The rationale behind incorporating the supermajority statutes (major constitutional organs and fundamental rights) was that the government did not need to reshape the constitutional architecture or limit fundamental rights to govern the state properly. However, the constitution drafters needed to be aware that two-thirds-majority rule should be built on a sufficiently proportional electoral system, otherwise a party could secure two-thirds of the parliamentary seats with a little more than fifty percent of the votes.

Furthermore, constitutional review exercised by an independent court is an institutional pillar of constitutional identity. Independent checks are of utmost importance in a unitary state with a consensual parliamentary democracy, as legislative and executive powers are intertwined in such a system. In Hungary between 1990 and 2010, constitutional review provided crucial protections, and the position of the constitutional court as an important participant in the democratic process had a stabilising effect. Thus, meaningful *constitutional review* has its roots in Hungarian democratic history, and it may also serve as the primary constraint on the executive power in the future. In 1989, during roundtable discussions, the democratic opposition had three demands concerning the constitutional court: first, judges should be elected based upon consensus; second, everyone should have standing before the constitutional court; and third, the court should have the power to review the constitutionality of all legal rules and annul unconstitutional ones. These historical demands could provide a solid basis for the institutional pillar of a constitutional judiciary.

When developing a constitutional identity, the constitution drafters should also consider the 1989 constitution's vital public participatory elements, which gave the people the right to play a meaningful role in the governance process beyond voting in elections. It provided ways to ensure direct exercise of popular sovereignty (popular initiative, referendum) and ensured the right to appeal to an ombuds-institution, which proved to be an efficient remedy against maladministration. All these elements (constitutional review, ombuds-institution and referendum) would give the people a platform to challenge rules that ought to bind them. They would provide the people with the possibility to participate in decision-making processes in a democratic way.

The constitutional identity's second pillar should encompass universal *constitutional principles* and give the independent courts a free hand in contextualising them. Since Hungary is an EU Member State and a member of the Council of Europe, the domestic contextualisation of these universal principles should be embedded within the European constitutional context. Of course, understandings, practices, and interpretations of these principles might differ to a certain degree from one Member State to another because the Member States are self-governing polities. We may think of the German doctrine of militant democracy, which aims to protect the democratic state through a variety of laws that ultimately leads to a specific understanding of free speech. By contrast, until 2010, Hungarian free speech constitutional jurisprudence embraced the idea of content neutrality and did not restrict speech in the interest of social peace. The free speech interpretation of the Hungarian

constitutional court took a different path than other European courts did, but it remained consistent with the universal constitutionalist principles. The same is true of some other leading decisions of the Hungarian constitutional court. For instance, in the death penalty judgment, the court developed a complete theory of human dignity by saying that it is a value *a priori* and beyond law and is inviolable (Decision 23/1990). Or, to take another example, the constitutional court famously stated in one of its decisions that the state was to remain neutral in cases concerning the right to freedom of conscience and that it was required to guarantee the possibility of the free formation of individual belief (Decision 4/1993). These are just a few examples of how some crucial fundamental principles may be defined according to the Hungarian and the European constitutionalist tradition.

In addition to these principles, there are *specific legal safeguards* in EU law that concretise universal principles such as freedom and equality that might also serve as pillars of constitutional identity. These include anti-discrimination laws, including the ban on ethnic discrimination and gender equality measures. A significant milestone on the road to equality in the EU was the adoption of the Racial Equality Directive (2000/43/EC), which prohibits discrimination on the grounds of racial or ethnic origin in both the public and private sectors. Likewise, the equal treatment of women and men in employment, including the principle of equal pay for equal work, is a long-standing EU constitutional tradition (e.g., Directives 2006/54/EC, 92/85/EEC and 2004/113/EC). In 2003, Hungary adopted its first anti-discrimination law (Act CXXV of 2003) in line with these EU directives; however, the drafters constructed the anti-discrimination law such that it was broader in scope. It included other prohibited grounds in addition to those required by the directives and went beyond the employment field by referring to all aspects of social life (housing, access to goods and services, etc.). This commitment to equality in everyday life could serve as one of the main pillars of constitutional identity.

Information rights may be another possible component of constitutional identity. The introduction of technology-neutral information rights, including data protection and informational self-determination, was one of the first important steps taken by the Hungarian authorities after 1989 (decisions 15/1991 and 46/1995). There were strong protections on privacy in domestic law, the institutional underpinnings of which were developed in a system composed of ombudsperson-like and judicial protection (Lánczos, 2019, p. 390). However, the Fundamental Law abolished the office of data protection ombudsperson, discharged the incumbent ombudsman prematurely, and established an administrative agency for data protection. The ECJ later held that Hungary had violated the EU law on data protection, but the ombudsperson was not reinstated (Case C-288/12). Since then, privacy and data protection have been at the heart of political discourse.

It should be emphasised that the catalogue of crucial EU law achievements considered in this part is far from exhaustive. These are just examples of how EU law is contextualised and concretised in the domestic system might serve as pillars of the new constitutional identity.

6 Conclusion

Identity is a contested concept in the social sciences. These contestations have informed the legal scholarship and jurisprudence on the concepts of national identity and constitutional identity. Since the late 2000s, both concepts have played a central role as a matter of positive

law in Europe. The concept of national identity is deeply entrenched in EU law, and as a result there are domestic constitutions that have explicitly incorporated it in the meantime. One of these constitutions is the Hungarian Fundamental Law, which prominently features the term 'constitutional self-identity'. Interestingly, although EU law expressly refers to national identity, its concept is, in fact, a constitutional one. By contrast, the Fundamental Law uses the term 'constitutional self-identity', but it, in fact, refers to national identity connected to ethnic and religious homogeneity and ethnic particularities. This identity serves as a tool for fending off some of the country's EU legal obligations.

EU law encompasses the concept of national identity, and the ECJ is in a position to interpret this concept and reconcile the various national identities of the Member States with EU law. Based upon the ECJ's adjudication scheme, it seems that recognition of national identity as developed by domestic state actors is conditional on its compatibility with the foundational values of the EU; thus, national identity aimed at protecting ethnic or religious purity runs counter to EU law.

For Hungary to comply with the foundational values of the EU, it would need to adopt a new democratic constitution suitable of offering an integrative constitutional identity. The article demonstrates how such an inclusive constitutional identity may be developed. It argues that a sufficiently robust constitutional identity in Hungary may be built upon the prominent political institutions set up during the two decades of democracy: representative government, consensual parliamentary democracy, and meaningful constitutional review conducted by an independent judiciary. The second pillar of the new identity may be the universal constitutional ideals as interpreted by domestic institutions, especially the constitutional court. Finally, constitutional identity may be built upon the crucial EU achievements at concretising universal principles as domestic authorities implemented them. Such achievements could include non-discrimination in all aspects of social life and informational self-determination.

Suppose the new constitution complies with the requirements of constitutionalism. In that case, the identity of the constitution may serve as an integrative identity – i.e., a mirror in which all members of society can equally recognise themselves. The implication of having an integrative identity that respects universal constitutional principles is that such a constitutional identity would be more compatible with values at the European level.

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Constitutional restoration in hybrid regimes: The case of Hungary and beyond

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Abstract

The essay provides an overview of a debate that has been taking place primarily on the columns of a blog symposium on the prestigious constitutional law blog *Verfassungsblog* on constitutional restoration in Hungary. Given that Hungary is the poster child for hybrid, illiberal regimes, the discussion transcends Hungary and gives insightful additions to the illiberalism literature, targeting an audience beyond legal scholars. The starting point of the debate pertains to the classic dilemma of legal positivism vs. natural law, and in particular whether constitutional rules of dubious democratic nature can be replaced in violation of legality, for example in an extra-parliamentary democratic process. 'Hybrid regimes', or 'elective autocracies' and the phenomenon on of 'abusive constitutionalism' provide the framework and specific context of the constitutional restoration debate, as it is placed in regimes institutionalize 'hegemonic preservation', 'authoritarian enclaves' and 'bionic appointments' hijacking the vocabulary and imagination of constitutional democracy and entrenching legal provisions which remain beyond the reach of constitutional politics. The first part provides an assessment of the Hungarian institutional and political scene. The second part first distinguishes between three dimensions of the constitutional restoration-debate: theoretical, political and procedural, and subsequently discusses two focal points of the symposium: the role of constitutions in illiberal regimes and in constitutional resurrection, and the role of international and EU law as a tool for a legal revolution.

Keywords: constitutional restoration, Hungary, Radbruch, rule of law

This somewhat unconventional review focuses on a vehement debate among constitutional lawyers and political stakeholders on constitutional restoration in Hungary, about three months before parliamentary elections to be held in the spring of 2022. A recent electoral reform, intended to make it more difficult for small parties to put forward a national list (Makszimov, 2020), appears to have backfired, having united most opposition parties to form a single list, and polls indicate a chance for the coalition to overcome Viktor Orbán's governance. Also, for the first time in Hungary a national primary was held to elect the prime min-

isterial candidate of the united opposition (Bayer, 2021), invigorating also discussions on constitutional restoration, and the potential overwriting of the 2011 constitution, the Fundamental Law (FL), adopted shortly after Orbán's victory in 2010.

The FL was adopted without seeking political consensus or a transparent popular asseveration (for a detailed assessment, see e.g. Pap, 2018), legitimized retroactively by the alleged constitutional moment created by a 'voting booth revolution', the election which created the parliamentary supermajority of Orbán's governing coalition. There is now a passionate debate on the legitimacy and even the validity of the FL in the Hungarian media and professional fora, involving a broad pool of politicians, academics, also including constitutional scholars and public intellectuals. Given that Hungary is the poster child for hybrid, illiberal democracies, the discussion transcends Hungarian for a and apparently draws international attention. This review essay provides an overview of the blog symposium on the prestigious constitutional law blog, Verfassungsblog (see https://verfassungsblog.de/category/debates/restoring-constitutionalism/), where the number of contributions from leading constitutional scholars is ever growing, standing over twenty at the submission of the manuscript. As a participant in both exchanges, besides a synthesis of the 'international' discussion, I also provide reflections on the Hungarian debate among academics and legal professionals. The debate on constitutional restoration provides insightful additions to the illiberalism literature and arguably targets an audience beyond legal scholars. In order to contextualize the positions, the affiliations of the debate contributors are added. This will also show the notable fact that out of the nine Hungarian authors, only two of us work in institutions within Hungary.

The starting point of the debate pertains to the classic dilemma of legal positivism vs. natural law, in particular whether constitutional rules of dubious democratic nature can be replaced in violation of legality, for example in an extra-parliamentary democratic process. The most well-known example for the jurisprudential question is post-WWII legislation and practice under the Radbruch formula (Radbruch et al., 2006), which advocates that where the conflict between statute and justice reaches such an intolerable degree that the law is "flawed", law must yield to justice.

The initiators of the blog-symposium (Arato & Sajó, 2021), Andrew Arato from New School and András Sajó from Central European University and former Vice-President of the European Court of Human Rights set the stage by emphasizing that 'constitutional restoration poses a challenging question where the constitutional system has entrenched "authoritarian enclaves," i.e. binding institutional solutions that make it practically impossible to restore a rule of law based democracy.' They cite the case of Chile, where it has taken almost '25 years to eliminate the bionic appointments to offices as well as the binomial electoral system that made it nearly impossible to change the constitutional structure unless its beneficiaries were to agree.' Likewise, they point to the Turkish Constitution protecting the generals responsible for the 1980 coup and its bloody aftermath (Arato & Sajó, 2021, para. 1). The questions the call identifies are numerous. For example, what should the methodology and benchmarking be to determine the constitution's incompatibility with the rule of law? Also, when is disrespect of formal constitution-making appropriate in the absence of a collapse of the state or a revolution, if the previous regime is corrupt and based its existence on a violation of the rule of law? What should be the procedural and substantive minimum be in case such process is considered legitimate even if illegal? What kind of popular participation, i.e. referenda can legitimize extra-constitutional constitution-making?

The discussion covers an even broader array, including for example the question of what kind of political or state practice can provide moral and constitutional legitimacy for constitutions and constitutional regimes that are (as often happens) established under politically extraordinary circumstances and questionable procedures. Does for example the repeated electoral victory of those orchestrating the changes suffice? How about a continuous democratic and constitutional good practice affirmed and documented by international democracy-watchdog institutions?

The debate also has implications beyond illiberal regimes where the amendment of the constitution may be warranted but cannot be achieved under formal, regular procedures. Sanford Levinson (2021) from the University of Texas Law School brings the example of the US, where by 2040 70 per cent of the population will live in only fifteen states (today it is 50 per cent in ten), thus, 30 per cent of the population will control 70 per cent of the votes in the Senate, and these sates are also more rural, with the voters being older, more religious, and more white than the larger states.

'Hybrid regimes', or 'elective autocracies,' these relatively new forms of authoritarianism provide the framework and specific context of the constitutional restoration debate. Arato and Gábor Halmai from the European University Institute (Arato & Halmai, 2021) emphasize that these regimes rely on both more less competitive elections and 'abusive constitutionalism', the use of traditional constitutional instruments against constitutionalism. 'Hegemonic preservation', 'authoritarian enclaves' and 'bionic appointments' are the terms used to describe the strategy. Renáta Uitz from Central European University (Uitz, 2021a) explains how hybrid regimes rely on a trifecta of plebiscitary mobilization, ruling by cheating, and abusive constitutional borrowing from the global constitutional canon for the purposes of illiberal constitutional normalization. Illiberal constitutional learning strategically draws on the ideas, language and design of 'constitutions', but actually hijacks the vocabulary and imagination of constitutional democracy (see e.g. Sajó, 2021a; Landau & Dixon, 2020; Braver, 2018). Ironically, Sajó adds, sometimes it is the logic of the rule of law that supports such enclaves – through entrenched provisions which remain beyond the reach of constitutional politics and maintain the effective influence of undemocratic forces – as a politically corrupt judiciary is protected by the principle of judicial irremovability (Sajó, 2021).

The first part of the review essay will provide an assessment of the Hungarian institutional and political scene. The second part will first distinguish between three dimensions of the constitutional restoration debate: theoretical, political and procedural; and subsequently discuss two focal points of the symposium: the role of constitutions in illiberal regimes and in constitutional resurrection, and the role of international and EU law as a tool for a legal revolution.

1 Hungary: a laboratory for constitutional restoration?

The Hungarian case has implications for all electoral autocracies, yet, in order to understand and properly contextualize the discussion, we need to first elaborate on the institutional and procedural, as well as political specifics of Hungary at the first days of 2022.

1.1 The Hungarian political, institutional and constitutional landscape: The tradition (and consequences) of parliamentary supermajority

The requirement of a two-third parliamentary supermajority for the adoption for certain laws and the amendment of the constitution has been present for almost two-thirds of a century in Hungary. Introduced by the Stalinist 1949 constitution, it was been preserved by the 1989 roundtable-negotiated, constitutional 'refolution' pact (see e.g. American University International Law Review, 1997); a vast amendment (involving over 100 provisions), promulgated on the thirty-third anniversary of the 1956 revolution and just two weeks before the fall of the Berlin Wall, practically creating a new constitution with essentially only one provision remaining from the original Stalinist document: declaring Budapest as the state capital. The requirement of a parliamentary supermajority for a broad array of legislation was a mutually beneficial safety measure to prevent political and constitutional backsliding in the unpredictable times of 1989 reassuring both to the Communist government and the unelected representatives of dissident groups. The regionally unique feature of the Hungarian velvet revolution lies in the fact that the amended constitution, designed as the first of a two-step process, was never followed by the adoption of a new constitution after the first democratic elections in 1990, as it turned out to be suitable for liberal democracy and a capitalist market economy.

As János Kis (2012) points out, however, the lack of a democratic confirmation constituted a lethal weakness of the substantially workable constitution, and the unfulfilled reference in the preamble of the 1989 amendment, which stated that a new constitution will be adopted after the first free elections, created the impression that the new Hungarian post-communist society was still unfit for constituting a political community. The constitution, although built to foster a constitutional partnership, could not withstand a polarizing and obstructive powerful political party. The widespread supermajority-requirement has also enabled pre-2010 oppositions to obstruct structural reforms for decades. The German chancellor-type model, in which the prime minister can only be removed by a constructive vote of no confidence, created a strong government with a limited responsibility to the strong opposition and only one incumbent government was ever removed by this procedure (and even then the prime minister was replaced by a nominee of the same parliamentary coalition).

For the first time in democratic Hungary, 2010 brought a two-third victory for one political group (formally Viktor Orbán's FIDESZ is in a coalition with the Christian Democratic party, but practically it is a single political formation). Due to the specificity of the electoral system, this was achieved with a 52.7 per cent of the votes, and following a vast electoral restructuring, and gerrymandering (see e.g. von Notz, 2018), Orbán repeated this success with a mere 45 per cent in 2014 (see e.g. Scheppele, 2014a) and 48.53 per cent in 2018 (Deloy, 2018). While hopes for an opposition electoral victory are moderate, should the tide turn, given the disproportionality of the electoral regime, a slim 'normal' electoral success can even translate to a parliamentary supermajority.

Currently a supermajority of two thirds of members of parliament (MPs) present (these are the so-called cardinal laws) is required for the regulation of over thirty legislative areas, and a dozen or so decisions, including the election of constitutional court judges, the presi-

dent of the high court, the Curia, the prosecutor general, the head of the State Audit Office and the Central Bank etc. The amendment of the FL requires an even higher bar, two-thirds of *all* MPs.[1]

The FL also provides a long list of subject matters, including the amendment of the FL on which referenda cannot be held, and procedures for a referendum require an approval of the National Electoral Committee (the members of which are elected by a simple majority of Parliament), in case of intricate appeal procedures involving the Curia, the Constitutional Court, the President – all appointees or collective bodies staffed with a majority of proven government loyalists, most cemented into office for 9 or 12 years, some even automatically prolonged if no predecessor is elected.

As Sajó explains (Sajó, 2021b), winning the election in Hungary may not result in actual governmental power. 'If the budget is not approved by the Budget Council, the President can (will?) dissolve Parliament. ...The future President (who will be elected a few weeks before the national election by the FIDESZ majority) has the power to send all bills to the Constitutional Court where these may be declared unconstitutional in the hands of judges elected by FIDESZ.' [2]

As Csaba Győry (Eötvös University, Hungary) adds (Győry, 2021), 'the governing majority has been moving billions of euros of public property (mostly in the form of shares of Hungarian multinational corporations) as endowments into nominally public, but effectively private foundations governing, among others, universities, but also FIDESZ-aligned think tanks. Through these, it will not only be able to keep a network of its international apologists and right-wing intellectuals on the payroll almost indefinitely, but also a huge pool of politicians and former public administrators, ensuring their long-term loyalty and effectively running a shadow government. These institutions are also enshrined in the Constitution (Art 36, Section 6) and cardinal laws.'

As Michael Meyer-Resende from Democracy Reporting International (Meyer-Resende, 2021) points out 'FIDESZ pretends to represent the majority of Hungarians as long as it wins (flawed) elections. Once it loses, the party will withdraw behind the cemented barricades of legal norms to escape majority will. ... we will find ourselves, from one day to the next, on the flipside of the argument: We will argue that democratic majority should matter and FIDESZ will insist on the rule of law.'

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[1] The requirement of a parliamentary supermajority in itself raises concerns. Meyer-Resende points to the criticism raised by the Venice Commission: 'The functionality of a democratic system is rooted in its permanent ability to change. The more policy issues are transferred beyond the powers of simple majority, the less significance will future elections have and the more possibilities does a two-third majority have of cementing its political preferences and the country's legal order.' ... 'When not only the fundamental principles but also very specific and detailed rules on certain issues will be enacted in cardinal laws, the principle of democracy itself is at risk.' Meyer-Resende (2021), CDL-AD(2011)016 Or. Engl. European Commission For Democracy Through Law (Venice Commission) Opinion on the New Constitution of Hungary, Strasbourg, 20 June 2011 Opinion no. 621/2011)

[2] The Constitution also requires the consent of the Fiscal Council to submit the budget to the Parliament (Art 44, Section 3). This organ consists of the President of the National Bank (a former minister of finance in the FIDESZ government), the head of the State Audit Office (a former FIDESZ MP), and the president of the Fiscal Council, a former chief of the State Audit Office, himself a fixture of FIDESZ-aligned economic think tanks. There is fear that the Council can veto the first budget of the incoming government. (see Győry, 2021).

In the Hungarian case the scholarly, philosophical debate on the limits of legal formalism and the departure from formal rule-making (constitution-making) is situated in a context where the previous regime is held to be intrinsically corrupt and have pursued a continuous, well documented abuse of constitutionalism, yet a military or economic collapse of the state or of an international alliance is absent, and nor is there a revolution, or even a sweeping unified political support from 'the people' on the streets.

Even widespread endorsement of a constitutional referendum is questionable after months of agonizing governance in a potentially volatile rainbow-coalition (unified against Orbán, but not for a complex government program) working against Orbán's deep-state, in an economy crippled by the Covid-pandemic.

Also, a broad, consensus-seeking negotiated round table-like discussion on a new constitution involving Orbán's party is not a realistic scenario, but rather an internal cold war with massive perpetuated political mobilization. Furthermore, while a general discontent against Orbán's illiberal regime is apparently on the rise (in urban settlements), this is not channelled into or ignited by a (coherent) political identity or ideology, and no overwhelming concern or enthusiasm for democratic principles or procedures is apparent to evolve into a 'Hungarian Spring'.

It needs to be added that in the 'value statement' establishing the joint list and rules the primary elections, a commitment was made to adopt a new constitution which is to be affirmed by referendum (cf. https://elovalasztas2021.hu/erteknyilatkozat). Thus, the opposition is in a political and moral obligation to pursue this commitment in some way.

In sum, the constitutional entrenchment triggered a widespread discussion on the philosophical, political and legal justification and techniques for amending or replacing the FL in order to restore constitutionalism and a functioning system of check and balances. The options considered included formally illegal and extra-legal means. The debate in Hungary transcended the academic and political terrain, the President of the Constitutional Court, and the President of the Supreme Court, issued a declaration that 'a constitutional coup is being planned' and that 'breaking' the basic law would mean breaking the sovereign Hungarian state (see https://hunconcourt.hu/uploads/sites/3/2021/12/nyilt_level_en.pdf; Makszimov, 2021; Uitz, 2021b). The ombudsman (Commissioner for Fundamental Rights, n.d.) as well as the Prosecutor General (Magyarország Ügyészsége, 2021; Cseresnyés, 2021) joined the statements which hinted at potential criminal sanctions. Adjacent to this, a member of the Constitutional Court raised the possibility of dissolving opposition parties on these grounds (Pokol, 2021).

In order to properly understand the quandary, we need to dwell on the procedural details.

1.2 The procedural toolbox

Ironically, the most formally 'rule of law-compatible' methodology to terminate the mandate of Orbán-clientele in pivotal constitutional offices, say the constitutional court or the prosecutor general would be to reorganize and rename the entire institution: a strategy Orbán used to dismiss the National Radio and Television Body, the Data Protection Commissioner (ombudsman) and even the President of the Supreme Court. This practice was univocally condemned by the ECJ (ECLI:EU:C:2014:237) and the ECHR (Case of Baka v. Hungary, Appli-

cation no. 20261/12), and, of course, the current opposition. Of course, here the argument could be made that the re-enactment of institutional restructuring would now be used to restore and to implement higher standards for constitutionalism.

Commentators have expressed deep-running fears of a political and legal chaos that a potential dual constitutional institutional structure may cause (Sepsi & M. Tóth, 2021), e.g. if the Constitutional Court is replaced by a constitutional amendment it does not recognize and continues to operate, say in a rental office, striking down laws, first of all the allegedly unconstitutional constitutional amendment. This may not only lead to street violence, but also an inability for judges and the administration to navigate in the maze of legal validity.

András Jakab from the University of Salzburg (Jakab, 2021) warns that there is no Gordian knot that one can simply cut, constitutional restoration 'is lengthy, tiring, and full of small-print' even if revenge-hungry politicians and angry voters would prefer theatrical solutions. He warns of the dangers of parallel legal systems as well as 'unimaginable violent scenes (not just violent street protests, but with armed forces and casualties on both sides) that we have only seen so far outside of the European Union – with no perspective for a peaceful solution.' In line with this, Győry (2021) argues that 'such a crisis could very well lead to new elections and the return of the previous government, which would then have a legal excuse to use the criminal justice system aggressively against the opposition.' Nevertheless, in agreement with Jakab, he adds that a new government would not necessarily be powerless. For example, 'in its fight against corruption. It can, for example, beef up the investigative arm of the tax authority and increase its resources to conduct wealth gain investigations. Or through changes of the Criminal Procedural Code, it can weaken the prosecutor's influence on criminal investigations conducted by the police without touching the prosecutor's indictment monopoly. It can use tax policy creatively to recoup at least parts of the public wealth "privatized" through grand corruption.'

2 The constitutional restoration debate

Overall, three dimensions of the debate can be distinguished: theoretical, political and procedural. Let us address these in turn.

2.1 Theory, rhetoric and politic

Participants of the debate on constitutional reconstruction are not divided along political or even ideological lines: liberal commentators and conservative critics of the Orbán regime are equally divided on how to solve the contradiction that a constitution adopted in a formally adequate manner by a two-thirds majority could be overwritten by a simple majority, relying on the very 'voting booth revolution' that had been severely criticized from both the political and theoretical point.

There are no easy choices: one can blame themselves (and others) for being collaborators for observing legal formalism, or atone for not only jeopardizing the foundations and integrity of the legal system by allowing moral judgments to override normativity (and opening a Pandora's box of potential permanent constitutional revolution) but also making martyrs of autocrats who can then cynically claim to be defenders of the very rule of law.

Let us never forget: the very nature of a hybrid regime is in the legal finesse of avoiding blatant violations of international standards, and the sustenance of a political and legal rhetoric for constitutionalism.

Emphasizing that constitution-making is rarely a matter of pure legality, and a number of constitutions were created illegally, Sajó (2021b) sets the stage for the debate by arguing against the 'constitutional despair' according to which the rule of law cannot be restored by its antithesis, as it would only start an endless cycle of illegality. 'The standard justification among the irregular constitution-makers … is that the constitution served injustice or became illegal because the government did not respect it. Grievance is legitimation.' He claims that the above-mentioned Radbruch formula is wrongfully conceptualized as applicable only in cases where injustice reached a degree of intolerableness as in the Nazi-like regimes. 'If this is the standard, there is no ground to depart from the legal prescriptions and constitutions of illiberal democracies like Hungary. Illiberal democracies do not reach that threshold. … the Nazi legal system was flawed law not only because of a fundamental violation of equality etc., but because … it was a system of lies.' He argues, however, that Orbán's legal regime pertains to the same family: like the Nazis, the Orbán regime institutionalized a legal system based on cheating by the law (for a monography-deep assessment see e.g. Sajó, 2021a).

2.2 Procedures

Arato and Halmai (2021) argue that the replacement of the Fundamental Law is necessary with a rule of law constitution that restores freedom, adding that the new document should be created by a democratic constituent power according to newly enacted rules (including roundtable-like mechanisms), making every effort to avoid civil war and the violence it is usually accompanied by.

In agreement with János Kis (2012), Halmai (2021) points out that the 1989 democratic transitions did not mobilize the constituent power of the people and established a substantively full-fledged liberal democratic constitution without participatory constitutionalism. Legal constitutionalism, a judicial, technocratic control of politics, blunted the development of civic constitutionalism, and participatory democracy, reducing the Constitution to an elite instrument. Now, given the lack of civic interest in constitutional matters due to poor constitutional culture, if the civic participation cannot establish a constitutional culture supporting the values of liberal democratic constitutionalism, the new constitution will again be in vain, and authoritarianism will prevail as it happened in 2010.

While few would doubt the value of developing and widely advertising innovative and inclusive procedures (involving the civil society, NGOs, unions, informal citizen groups, individuals etc.) (see e.g. Tushnet, 2021), the debate and even political programs are mostly silent on actual procedures.

The one notable exception is put forward by legal scholar and former Constitutional Court judge Imre Vörös (Vörös, 2021), who, accompanied by two former ministers of justice, declared that 'in the case of change of government the restoration of the rule of law must begin with a new republican constitution, that would be ratified after the parliamentary vote by a popular referendum'; in other words, there is no need for 2/3 for the enactment of a new constitution (For more on this see Arato & Halmai, 2021). Under this script, Parliament would

pass a law of nullification by a simple majority withdrawing the appointment of all state officeholders chosen by 2/3 but without consensus, and could also replace the Constitutional Court (see Arato & Halmai, 2021). This is the only course of action that actually elaborates on the procedural aspects, including the feasibility of publishing the resolution in the official gazette, as it does not need the countersignature of the President (who will be elected by the current parliamentary majority shortly before the elections).

Moving away from Hungary, we can see that constitutions often arise under questionable circumstances. The American founding fathers transgressed their accreditation (see e.g. Levinson, 2021; Klarman, 2016), the Japanese was commissioned by American generals (see e.g. Maki, 1990), and we could continue with examples from France (see e.g. Uitz, 2021a) to Germany (see e.g. Bakó, 2021). Apparently, a continuous constitutional good practice (recognized as such by international organizations or the scholarly community) or a long-term electoral confirmation and reaffirmation can create retroactive legitimacy and make the world forget the original sin. See the glorification of the 1989 Hungarian constitution and the round table talks which also lacked actual democratic authorization.

Sajó (2021b) argues that 'just for being extra-legal, constitution-making does not have to be lawless. Extra-constitutional constitution-making requires its own rules that satisfy the rule of law (procedural fairness), civility (inclusive rational discourse) and democracy (participation of the citizenry), and concern (toleration) for minorities including the opposition. …Constituent assembly (disciplined by constitutional principles and supported by referendum) is the textbook solution to this kind of a problem, though not the only possible technique.'

On the other hand, citing examples from the 1977 amendments to the Indian Constitution, the 2015 amendment in Sri Lanka, and the Correa-Moreno deal in Ecuador, Rosalind Dixon (University of New South Wales) and David Landau (Florida State University) point to the dangers and complexities of an 'abusive' constitutional change, the constitutional 'tit for tat' or 'ping pong' between abusive and pro-democratic amendment, when the same tools are used to achieve abusive change can be used to reverse it (Dixon & Landau, 2021).

Roberto Gargarella (2022) from the University of Buenos Aires adds lessons to be learned from Chile's 1980 Constitution (just about to be changed), the self-amnesty law passed by the *military junta* in Argentina in 1983, and describes the Janus-faced 'electoral extortion' of the 2004 Bolivian Constitution orchestrated by Evo Morales. In these cases, although widespread consultations were held involving millions of voters, the widely supported clauses related to social and economic rights for indigenous communities were combined with a repulsed power-grab, granting the president further terms for re-election.

Renáta Uitz (2021a) points to how the reputation of constituent assemblies has been damaged by President Maduro in Venezuela in 2017 when he used it to circumvent the opposition-controlled legislature and to remove public officials who stood in his way. She also reminds of cautionary tales stalling the work of the constituent assembly under the guise of procedural complications in Tunisia, or the implementation of a new constitution in Kenya in 2010. Sometimes even evaluation is difficult, for example the 2008 constitutional reforms of Myanmar (Burma) has also been narrated as ingenious constitutional innovation that circumvented formal constitutional constraints and as compromised democratization.

Building on Turkish experiences, Ece Göztepe (Bilkent University), Silvia von Steinsdorff and Ertuğ Tombuş (Humboldt-Universität zu Berlin) warn (Göztepe et al., 2021) that

radical and undifferentiated political purges may endanger the long-term stability and resilience of the restored democratic order. For example, the new state president could copy from the French example of cohabitation, where the head of state renounces the use of some of his competences in respect of a changed political majority in the National Assembly. This political self-effacement should also be applied to the field of judicial appointments.

Discussing the history and contemporary implications of Yeltsin's 1993 constitutional coup, Dmitry Kurnosov (2022) from the University of Helsinki points to how 'Russia teaches us how dangerous extra-constitutional constitution making can be – and that it should always be just a last resort … (and) that mere political inconvenience cannot be a reason for extra-constitutional constitution-making (and) … It could only be applied in a 'negative' sense, i.e. by annulling individual provisions aimed at perpetuating the previous regime …'positive' extra-constitutional rule-making must be limited to the establishment of an interim framework with clear deadlines and outcomes. … Otherwise, there will always be the danger that breaking the rule of law will continue even after constitutional change has taken place. This is precisely what Russian intellectuals and jurists, who supported Yeltsin in 1993, learned under the rule of Vladimir Putin. We should try to avoid repeating their mistakes.'

3 Two prominent questions in the debate

The following section will overview two pre-eminent questions that many contributors addressed in the symposium: the positioning of the constitution in illiberal regimes and in the subsequent constitutional resurrection; and the role of international, but even more so of EU law as a tool for a legal revolution and instrument for validating constitutional restoration.

3.1 The role and importance of the constitution in a *Frankenstate*

On a basic level, constitutions set forth three things: the institutional design of the state and the morphology of power structures (including rules of recruitment for crucial offices); the list of fundamental rights; and, optionally, the fundamentals of constitutional identity. Arguably, while Hungarian opposition politicians and citizens find certain, or even many ideological commitments in the FL controversial and annoying, in part because of the initial lack of public debates and consensus, and there are certain, but not too many unacceptable shortcomings in the philosophy and policy for fundamental rights for some (such as the criminalization of homelessness), the unified opposition (which would need to take political and legal action) is not a coalition built on commonly held principles of identity politics.

Furthermore, the overwhelming majority of the FL's provisions on constitutional institutions triggers no objections. Sajó (2021b) underlines that 'the Hungarian Fundamental Law (except some divisive, ideologically driven articles) does not deviate from the constitutional textbook, although it is far from ideal in terms of separation of powers. It is not by accident that in 2011 the Venice Commission (CDL-AD(2011)016 Or. Engl. EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) OPINION ON THE NEW CONSTITUTION OF HUNGARY, Strasbourg, 20 June 2011 Opinion no. 621/2011) called the Fundamental Law a "commendable step" and could not find major shortcomings in it except regarding the non-inclusive process of its making and sensing the potential for abuse in the institutional setting.'

Rather, as this is how hybrid illiberal regimes work, it is the meta-constitutional fabric of practices building up, what Scheppele identifies as the *Frankenstate*,[3] stitching together perfectly normal rules from the laws of various EU members into a monstrous new whole, abusing constitutionalism and the rule of law (Sajó, 2021a). This is epitomized and operated by irremovable public officers.

Most contributors seem to agree on that the problem is not so much with the text of the constitution, but with practice (Bakó, 2021). Johanna Fröhlich (2021) from the Pontifical Catholic University of Chile draws attention to the fact that complex social-political-legal problems are viewed as exclusively legal problems to be resolved by a constitution, but at the same time the legal enforceability of the constitutions is denied by overemphasizing their aspirational, political aspects of social justice. In other words, social-political hurdles are reduced to and turned into constitutional design problems, while constitutions claim to be less and less the 'rule of the land', and more and more symbolic political acts of social justice.

Jakab (2021) also argues that the central feature of the Hungarian 'electoral autocracy', or 'defective democracy' is 'plausible deniability'. The regime is not using open and brutal methods of oppression, and legal rules in most cases remain within the limits of Western constitutionalism. He argues that the nature of the regime cannot be understood based on its legal rules, as the typical modus operandi is exactly the biased application of laws. In agreement, Győry (2021) expands the regime's description by invoking Ernst Fraenkel's elaborate description of a 'dual state' (Fraenkel & Meierhenrich, 2017) where in 'cases that are politically irrelevant, the public administration and the justice system operates normally. In politically sensitive cases, however, the logic of action changes: the decisions are not guided by the law but what is in the interest of those holding political power.'

Bogdan Iancu (2021) from the University of Bucharest points to a related difficulty: operationalizing the (resurrected) rule of law. He uses the cautionary tale of Romania (and other peripheral jurisdictions) where the rule of law was equated and reduced to anticorruption measures. Here along prosecutors being lionized and immortalized in the high-brow press, all political problems are translated in anticorruption terms, 'driving pre-existing cleavages to extremes and leaving no legitimate space for classical ideologies, negotiation, and compromise (in short, for recognizable party politics).'

In sum, it appears that in Hungary problems with the constitution are twofold: cementing political appointments and preferences – such as the pension system, family support, and taxation, ordinarily belonging to statutory law, in the entrenched constitutional text – and legitimacy (Halmai, 2021).

Be it as it may, it is unclear, and remains insufficiently decompartmentalized what the current opposition aims to achieve by the prospected constitutional amendment/reconstruc-

[3] 'The component pieces of the Hungarian Frankenstate might have operated perfectly well in their original contexts, but combined in a new constitutional system, these once-normal rules produce abnormal results. As government spokespeople have said every time there is criticism of a particular aspect of the new constitutional order: that rule exists in Greece. Or Germany. Or the United Kingdom. It's normal. End of story. But nowhere do all those rules exist together, except in the Hungarian Frankenstate.' (Scheppele, 2014b). Such example is combining Germany's much-criticized rules for drawing electoral districts with Britain's highly disproportionate first-past-the-post rules for constituency elections, and topping it off with the widely used d'Hondt system for deriving proportional representation from party-list votes, a system that marginalizes small parties. Cf. Scheppele (2013).

tion project: to prevent an obstruction from a deep state instructed and held in captivity by Orbán, or to produce a symbolic (political speech) act and procedure to mobilize and expand pro-democratic electorate. Positions also diverge, and as far as political statements go, remain unclear whether the entire FL should be replaced by a new constitution based on a more inclusive consensus-seeking process, or only surgical strikes are needed to dismantle the robust illiberal monolith (or the latter should at some point be followed by the first). Strategically speaking it is unclear whether it should be a one-time Blitzkrieg, initiated instantly after the elections, or a long process, (or both), or even only as a last resort if democratic reconstruction is turns out to be possible without extra-constitutional measures, for example by setting up anti-corruption special task forces without formally overriding the prosecutor general.

3.2 The role of international, and EU law

As Renáta Uitz (2021a) points out, 'in constitution-making, supranational institutions are routinely presented as sources of minimum standards, facilitators of dialogue, fora of accountability, sources of expert advice (for constitution building) and transnational embedding,' as well as fora for validation and archiving: 'supranational litigation, monitoring and inquiry serve a key function in establishing a transparent and trustworthy public record of domestic events, a record that can be relied upon for setting a starting point for constitutional transition out of hybrid regimes.'

Kim Lane Scheppele (2021) from Princeton University offers a daring recipe for a way out of Orbán's legal lockdown. She claims that as the European Convention on Human Rights and the EU Treaties were brought into Hungarian law requiring a two-thirds vote of Parliament, thus when it comes to the Orbán regime's law, two two-thirds laws are in conflict, and the FL is clear in giving treaties priority over statutes regardless of whether the statutes are ordinary or supermajority cardinal laws. Hence, the new Parliament could simply highlight the obvious, that international agreements take precedence over statutes, including cardinal laws. Thus, the process could begin by 'disapplying' these, admitting that disapplication does not amount to invalidation. Yet, her argument continues, 'if the Hungarian Parliament were to say that it cannot change a two-thirds law with its mere majority, the ECJ would no doubt respond … that the national rules blocking compliance with EU law must also be changed. In such a situation, the Hungarian Parliament could justify changing two-thirds laws by a simple majority because it must to do so to comply with EU law. … EU law might even be interpreted to permit particular personnel changes that would otherwise pose challenges for the rule of law.'

The new Parliament, Scheppele (2021) argues, could, for example, revisit judicial appointments which the ECJ or the ECHR found illegal to properly enforce these judgements. Also 'a new Hungarian Parliament could rely on the April 2021 ECJ judgment in the Republika case, which announced the principle of non-retrogression from EU values, to revisit the changes that the Orbán government made to the judiciary with the goal of restoring judicial independence.' Scheppele also has an idea to dismantle the Constitutional Court: 'first, the Parliament, as a body entitled to ask for abstract review from the Constitutional Court, could send EU-law-violating Hungarian statutes to the Constitutional Court for review, with requests that the Constitutional Court send references to the ECJ for confirmation of whether

the spotlighted laws are in violation of EU law.' Should the Constitutional Court fail to do so, or follow the ECJ's answer, it can face the fate of Poland's Constitutional Tribunal, which under the ECtHR Xero Flor judgment (Case of Xero Flor w Polsce sp. z o.o. v. POLAND (Application no. 4907/18) that found was not to be a 'tribunal established by law'. If the Constitutional Court is thereby certified to be captured and packed 'a new Parliament would be justified in simply ignoring decisions of this Court. Or in dismantling it.'

Armin von Bogdandy and Luke Dimitrios Spieker (2021) from the Max Planck Institute set forth a similarly valiant proposition by pleading for the criminal responsibility of those judges who severely and intentionally disrespect EU values.

4 Closing remarks

In regard to the Hungarian case, as much as I sympathize with the concept of a constitutional assembly and subsequent referendum, lacking an overwhelming evidence of democratic popular support (i.e. the articulate and unambiguous, specific, eruptive manifestation of popular sovereignty), I find arguments relying solely on (an admittedly large stock of) infringement procedures by the European Commission, reports adopted by the European Parliament, the Venice Commission or Council of Europe and UN bodies, alongside case-specific ECJ or ECHR judgments too thin to override constitutional normativity, even if a systematic disregard for the rule of law is adequately demonstrated (for a more detailed elaboration, see Pap, 2021).

I would also need to see how exactly such configurations would fit in or override the current constitutional and administrative procedural framework. Because just as the devil, the saviour archangel is also in the details. There are only two technical options: the unveiled overriding of the constitution with a simple majority transitional justice constitutional amendment (paving the way for a constitutional drafting body, a referendum and other surgical cleansing) lacking formal legal validity; or a formally valid constitutional amendment with Orbán on board. I do not see how middle-way solutions, such as a resolution of parliament or constitutionally non-recognizable initiatives can avoid having to interact somehow at some point with the formal constitutional architecture in one of the two aforementioned ways.

If we must choose, I am optimistic that there can be political means and viable strategies to achieve the constitutional goal of forcing the then-opposition (Orbán) to agree to introduce constitutional amendments. A political campaign and rhetoric advocating new institutions for anti-corruption, or a circumscribed invitation to hear the voice of the people can be very difficult to reject or obstruct for a populist like Orbán. The current opposition can turn Orbán's rhetorical weapon against him. If certain specific instruments for constitutional restoration are clearly and centrally positioned in the electoral campaign (such as for example the elimination of the constitutional ban on referenda on constitutional amendments, or the establishment of a constitutional convention, along the detailed description of its composition, along a roadmap for a two-step constitutional process), the 'voting booth revolution' argument regarding the 'will of the people', will be hard to disregard by Orbán. But this requires targeted and specific campaigning beyond grand narratives and theatrical argumentation.

Furthermore, I find moralizing generalizations unhelpful. While it is important to support arguments with solid constitutional theory, the debate needs to be focused and the objectives specified. The chosen model for constitutional restoration needs to be clear: is it an entirely new constitution with novel institutional design and constitutional identity, or a surgical intervention to secure certain goals for (or beyond) governmentality? Is this the time to, say, eradicate the double-edged institution of cardinal laws? Also, what is the point of reference for restoration: a specific pre-authoritarian constitutional historical moment, or the standard minimal (or optimal) design? For example, should the 1989-model for constitutional adjudication be reinstated with unrestrained *actio popularis*, or other institutional solutions can also be considered?

Innovative models for proactive consultation (i.e. preliminary advisory opinions) and monitoring by various instruments of multilevel constitutionalism is essential to provide political (and doctrinal) legitimacy. This could be extended to invite advisory panels from professional organizations or individual esteemed colleagues – it is unlikely to for these initiatives to be rejected – especially since the EU is already heavily engaged in operationalizing the concept of rule of law via the new rule of law conditionality mechanism against Hungary,[4] which may result in the suspension of payments of EU funds.

Also: Orbán's trick for getting rid of uncooperative public officers and offices can only be applied in cases where the newly introduced institutional design meets, or arguably goes beyond international (and certainly current) standards. For example, reinstating an independent data commissioner, a new model for the National Electoral Committee, the Media Authority or even the administrative body overseeing and managing the judiciary with higher standards of political neutrality can easily be defended. One may even argue that the incorporation (and practical subordination) of the prosecutor general's office to the Ministry of Justice is a well-established and non-controversial practice. A red line will always be there though: certain constitutional institutions better not be messed with, in order to achieve a politically more diverse composition. Such are constitutional and high court appointments. To monitor partisan bias in these institutions (and pertaining to numerous other issues unaddressed here), extra-constitutional and even extra-legal avenues need to be sought. Transparent and democratic societies with open political discussions can provide the necessary tools. This takes time. As Sajó (2021b) writes, 'In a country where democratic and rule of law culture is weak, the restoration of the rule of law may last for many years. Perhaps the forty years (two generations) of wandering in the desert are still a requirement of liberty. Countries where different forms of populism were successful continue to oscillate between the rule of law and its abuse. Or perhaps only different forms of abuse will alternate.' It may be the case that the silver lining only shines as bright as Renáta Uitz (2021a) contends: 'in the context of hybrid regimes, where constitutional change is gradual, the search for a magical (if not revolutionary) '"moment" of constitutional reset is futile. Instead, constitutional scholarship is better off with envisioning a process of constitutional (re-)settlement through legally imperfect processes of trial and error.'

[4] Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget.

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DISCUSSION NOTE

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On (missing) critical distance and (involuntary) alliances: A warning about the reproduction of far-right ideologies in academic papers

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Abstract

In recent years, far-right actors and movements have become a growing field of scientific research. The specific challenges of this political spectrum have led to a number of interdisciplinary debates on methodology and ethics. In this context, questions concerning a critical distance in research have played a crucial role since there is a constant risk of an involuntary reproduction and thus amplification of far-right ideology. The article 'The Transnationalization of Ethno-nationalism: The Case of the Identitarian Movement' by Petra Mlejnková (published in *Intersections*) illustrates these pitfalls. It shows the consequences of a lack of reflexivity when approaching far-right activism. As a result, the author's findings appear rather one-sided when contrasted with critical debates on far-right ideology and current methodological discussions. Moreover, the presentation of the results creates the impression of, at least implicit, empathy towards the 'Identitarian Movement.' This, in turn, shows the risk of scientific research turning unintentionally into a (discursive) ally of the far-right and promoting ideologies of inequality.

Keywords: far-right ideology, research methodology, research ethics, Identitarian Movement

1 Introduction

Research on far-right movements raises specific methodological and ethical questions. There exists in this field a particular risk of – consciously or unconsciously – promoting ideologies of inequality. In the most recent publication on methods and ethics in the study of the far right, the authors state in their conclusion: '[B]y focusing on such movements, researchers are giving them a platform through which these actors can express, explain and even legitimize and normalize their ideas' (Mondon & Winter, 2021, p. 371). This kind of legitimization and normalization are what we perceive to have happened in an article which Petra Mlejnková recently published in *Intersections*. In her paper 'The Transnationalization of Ethno-nationalism. The Case of the Identitarian Movement,' the author attempts to reconstruct how a movement of the far right frames its agenda to mobilize transnational. In this commentary, we want to focus on selected examples of pitfalls in researching the far right.

2 Methodological critique

In the debates mentioned above on researching far-right movements, questions have been regularly raised about the methods applied. A major discussion concerned the methodological approaches to this specific field in order to gain the desired insights. Working with publicly available primary sources, such as pamphlets or social media content, is, on the one hand, a way of maintaining distance from the stigmatized field of far-right politics while allowing its actors 'to speak for themselves' (Pilkington, 2016, p. xiii). On the other hand, Kathleen Blee describes such sources as 'front-stage presentations' that just 'communicate what racist groups want the public to know' (Blee, 2017, p. 1). Therefore, those sources only offer limited insights into the politics of far-right groups and bear the risk of duplicating their self-representation. One possible mitigation for such difficulties could be the integration of other methods into the research design (e.g. critical discourse analysis). Mlejnková mainly concentrates on primary sources instead, seldomly supplemented with other scientific research or media interpretations. In addition, the empirical database is – with only twelve (short) texts published online and an outdated manifesto – comparatively narrow and the selection of sources is not further explained.

3 Misconception of the object of research

Moreover, hardly any reflection on the terminology used in the article is provided. For example, the author classifies the Identitarian Movement (IM) as 'radical right,' with reference to Hans-Georg Betz (2003). It certainly would have been beyond the scope of Mlejnková's article to repeat the debate about terms such as 'radical right,' 'far right,' 'right-wing extremism,' or 'populist radical-right' which has been going on for decades. Still, some basic terminological reflection would have been necessary since Betz's article was written years before the international diffusion of the IM and mainly concentrated on political parties like *Vlaams Blok*. Mlejnková disregards the context of Betz's paper and transfers the conclusions to a quite different phenomenon. Without a proper explanation, the use of Betz's concept in the context of the IM seems like a discursive de-radicalization of the movement. This becomes clear when reading the author's own sources which clearly place the IM at the outermost edge of the right-wing spectrum. For example, Fabian Virchow characterizes the Identitarians as part of the 'Extreme Right' (Virchow, 2015, p. 181) and Heinz Handler classifies them as an 'extreme right-wing movement' (2019, p. 1).

Only by ignoring the terminological debates and the state of current research on IM can one then conclude that 'The ideology of the radical right is no longer based on biological racism or white superiority, and it does not seek to install a nondemocratic regime' (Mlejnková, 2021, p. 138). It is surprising, that in discussing a far-right group viewed by her own sources as one steeped in the traditions of fascism (Handler, 2019, p. 6; Weber, 2004, p. 157), the author presents their beliefs in a harmless light. Therefore, we will critically discuss the three dimensions mentioned by Mlejnková: Neo-Racism, white supremacy, and democracy.

3.1 IM and Neo-Racism

It is undisputed that certain parts of the far right distance themselves from biological racism. The IM ideologically promotes (historical) concepts of ethnopluralism. One main dispute between actors of current far-right movements and (liberal) theoreticians is the question of whether ethnopluralistic concepts constitute a differentialist 'neo-racism' (Balibar, 1991) that is grounded in and promotes inequality based on the perception of 'cultural belonging.' The research literature has extensively illustrated how 'the incompatibility of cultures' is used to conceal racist attitudes (Hall, 1989). From this point of view, IM's claim of not being racist must be seen as a rhetorical strategy, described in the research literature, for example, as 'politics of denial' (van Dijk, 1992). Nevertheless, without referring to the relevant literature, Mlejnková argues that '*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' (2021, p. 140; authors' emphasis). By contrast, not 'some' but *all scholars* (especially all authors quoted by Mlejnková) attest that the IM is engaged in forms of 'politics of denial' and refers to neo-racialized ideologies of inequality based on perceived 'cultural differences.'

3.2 IM and (white) supremacy

Adding to this, Mlejnková claims that the IM would stand for a simple 'differentialist' view without elements of supremacist thinking. Referring vaguely to Minkenberg and Betz, the author presents the IM as if it *really* believes in a pluralistic and non-hierarchical ideology: 'Rather than superiority, it is an incompatibility of cultures, ethnicities, and religions which is believed in' (2021, p. 138). This argumentation ignores influential theories according to which 'differentialist' ideologies constitute hierarchies, since the construction of differences (and the choice of criteria in doing so) produces, at least implicitly, a (hegemonic) position (Balibar, 1991, pp. 24–25). This is acknowledged in a variety of Mlejnková's own sources. For example, Minkenberg describes the practical consequences of such 'differentialist' views: 'Ethnopluralism only appears to be pluralist and liberal; its essence is a politically *enforced segregation* of cultures and ethnicities according to geographical criteria, a *global apartheid*' (2000, p. 180; author's emphasis). That 'only' the incompatibility of cultures constitutes the IM's reading of ethnopluralism seems hardly appropriate.

3.3 IM and democracy

In consequence, an actor that pushes racism and white supremacy can barely be called democratic. Mlejnková even hints at this anti-democratic dimension herself when she writes that the IM would reject 'universal human rights and freedoms' and argues 'in harmony with the *ideology of National Socialism*' (2021, p. 140; authors' emphasis). Against this background, it seems clear that the authoritarian ideology of the IM has, to say the least, strong anti-democratic dimensions. After all, their political strategy ultimately aims at the change of the political system (Havertz, 2021, p. 103).

4 Repetition and mirroring of right-wing ideologies

In consequence, the claims that the IM is not racist, does not seek white supremacy, and does not have anti-democratic intentions do not only ignore the state of research but repeat far-right arguments. In the paper discussed here, the mirroring of far-right ideology already appears at the linguistic level. Mlejnková uses terms like 'barbarians' or 'invaders,' both coined by the IM, to refer to migrants from the Middle East and North Africa, without declaring them as quotes (Mlejnková 2021, p. 141). But there are more such examples, like when the author writes about the 'concept of the Great Replacement,' which makes the racist conspiracy myth appear like a serious scientific or political concept (ibid., p. 142). This lack of (e.g., linguistic) distancing makes it in parts hard to distinguish whether Mlejnková refers to IM's ideology or presents her own arguments. Adding to that, there are passages in the text that present far-right ideology in a rather unbalanced way.

Here we would like to refer to a particularly striking example, namely Mlejnková's presentation of the '120 Decibels' campaign (p. 142). With this campaign, IM's goal was to create a scandal around sexual violence, not in general, but only that committed by alleged 'migrants.' This reduces the social problem of femicide to a certain group of perpetrators and victims, as crimes against non-white women or crimes conducted by white men are ignored. This racialization or culturalization of social problems is an established strategy of the radical right. And still, Mlejnková simply repeats such argumentation: 'German and Austrian women spoke up against abuse and violence perpetrated against European women by migrants and encouraged other women to share their experiences' (ibid.). First, the author fails to mention that all women presented in the campaign video are well-known female activists of the IM, not ordinary 'German and Austrian women.' Second, the female IM-activists did not 'speak up' but alluded to publicly discussed cases previously instrumentalized by the far right. In addition, the 'speak out' also implies that such violent crimes had been silenced in the public debate. This redoubles the staging of the campaign instead of deconstructing it. But not only does Mlejnková needlessly repeat the message of the IM, which manipulatively plays with emotions and fears. She even describes the campaign as '*very sensitive and emotional*' (ibid.; authors' emphasis). In the end, the passage reads like an affirmation of a far-right political campaign and its underlying ideology, an ideology which should not under any circumstances be presented 'worthy of [...] *empathy* or *sympathy*' (Mondon & Winter, 2021, p. 374; authors' emphasis).

5 Conclusion: Pitfalls of scientific research on the far right

In conclusion, it should be noted that Mlejnková's paper does not reflect upon the methodological debates in this specific research field. As a consequence, the formal and rhetorical presentation of the findings is questionable. Various passages in the article fail to distinguish between the citation of far-right ideology and its scientific analysis and thus blur the lines. Such an (even unintentional) reproduction is in itself ethically problematic – especially if the presentation of research results creates an emphatic impression. This poses the risk of academic articles introducing the language and topics of far-right ideology as valid arguments into the scientific discourse. At this point, scientific research remains at risk of becoming an (unwilling) ally of the far right. Through our criticism, we hope to have clarified that there is a special responsibility in studying the far right, especially when presenting the research results.

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DATA NOTE

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The European Government-Opposition Voters (EGOV) Data Set: Data on the government–opposition status of European voters and party identifiers

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Abstract

The paper describes a new dataset, the European Government-Opposition Voters Data Set (EGOV), which categorizes European voters and party identifiers based on their individual party preferences, dividing them into pro-government and pro-opposition groups. The dataset includes two variables that can be used to supplement the integrated data sets of the European Social Survey project, which publishes one of the most comprehensive and most widely used social scientific database covering Europe. The present data enables the recoding of (any part of) an integrated dataset containing responses from more than 420 000 respondents in 33 European countries between 2002 and 2020, covering eight data waves and 215 country-years. The EGOV Data Set facilitates research that includes the aspect of respondents' government-opposition status either as an independent or a control variable. Being a winner or a loser in a political sense strongly influences not only political opinions but also a wide set of perceptions from subjective well-being to economic performance. This way, these data could be especially helpful for research addressing polarization, institutional trust, economic perceptions and well-being.

Keywords: government, opposition, winners, losers, European Social Survey, comparative politics

1 Background & summary

Political elections are rendering every voter who participated into government or opposition groups, and they could be characterized as winners or losers. The aspect of being a winner or a loser in a political sense has received growing attention in the last decade by social scientists. More and more research focuses on the correlations and consequences of being an incumbent or an opposition partisan or voter, proving that this aspect is a crucial one in the formation of political evaluations, beliefs and trust (Anderson & Tverdova, 2001; Chang et al., 2014; Craig et al., 2006; Curini et al., 2012; Dahlberg & Linde, 2015; 2016; Delgado, 2016; Howell & Justwan, 2013; Singh et al., 2012). This implies that including winner-loser positions in statistical analysis often reduces the amount of unobserved heterogeneity when political

preferences, satisfaction, well-being, ideology, values or trust are investigated, even if the winner-loser aspect is not in the main focus of the research. Nevertheless, the inclusion of this aspect remains difficult as acquiring information on winner-loser positions in a comparative context requires extensive and lengthy coding works. Our data set facilitates the inclusion of this aspect in future quantitative investigations in one of the most widely used openly available social science data sets in Europe, the European Social Survey (European Social Survey Cumulative File, ESS 1-9, 2020), that contributed to the production of thousands of research pieces to date.

Although recent research in the field shows that winner-loser positions have key importance in the formation of a number of evaluations and beliefs, the lack of ready-to-use data renders the inclusion of this aspect in cross-national quantitative research difficult. The main challenge is that there are no automated crosswalks that could be used to generate government/opposition preferences based on data on either party identification or party choice, that are generally queried in social science surveys. Hence, the identification of political winners and losers requires a time-consuming manual recoding process, which is further complicated by the usage of party names and abbreviations in a variety of forms in English and the original language of a given country.

This paper describes a dataset that aims to overcome this problem. The database contains two manually coded variables that supplement (any part of) the integrated data sets of the first nine data rounds of the European Social Survey (European Social Survey Cumulative File, ESS 1-9, 2020) project, including 215 country-years for 33 European countries. This way, it offers an opportunity to differentiate between winners and losers in any of the ESS's datasets with a fast and easy merging process. The presented data files include a data table that can be used to supplement any European Social Survey (European Social Survey Cumulative File, ESS 1-9, 2020) (ESS) datasets (separately downloaded from 'ESS Cumulative Data Wizard') as well as a ready-to-use set of codes written in STATA to produce that data. This latter file is annotated, that is, any unusual changes in government composition and other events that may have influenced coding decisions are reported.

These data are of value especially for researchers of comparative politics. However, as government/opposition status of respondents is connected to a wide set of social perceptions, values, preferences, and decisions, researchers from other fields of political science, sociologists and economists could also benefit from them.

2 Method

The European Government-Opposition Voters Data Set (EGOV) has been produced by using the following pieces of information coming from the (European Social Survey Cumulative File, ESS 1-9, 2020), Comparative Political Data Sets (Armingeon et al., 2016a) and ParlGov (Döring & Manow, 2019) data sets.

- partisan preferences, that is, respondents' vote on the last general election (164 variables, ESS) and respondents' partisan identity (167 variables, ESS)
- date of the interview (year, month, day, ESS)
- date of national elections and investitures in each country-case (CPDS and ParlGov)
- cabinet composition (CPDS and ParlGov)
- official sites on information on national elections for clarification, if necessary

As we mentioned above, we could not use automated methods in the coding process. As party names, abbreviations and language (original language or English) are not consistently reported in the ESS database, we identified the position of each party and eventual changes in that position one by one, using other high-quality datasets [CPDS (Armingeon et al., 2016a; 2016b) and ParlGov (Döring & Manow, 2019)], the documentation of the survey process (European Social Survey, n.d.), and if necessary, official electoral sites.

First we categorized parties in the ESS database as political winners and losers based on cabinet composition data and survey fieldwork data. Once government-opposition parties have been identified, we coded respondents based on (1) their party identities and last vote choice into pro-government and pro-opposition groups and (2) the exact date of the survey interview.

In order to make a clear distinction between government and opposition identifiers, we excluded the cases where the incumbent government was a technocratic one, that is, neither parties' supporters could have been identified as government supporters (Slovenia in Round 2 and the Czech Republic in Round 4). We also excluded the periods between elections and investiture of the new government, as in that periods we could not unequivocally identify government and opposition members. Our coding process took into consideration the changes in cabinet composition occurred during the fieldwork period of the interviewing process, regardless of whether they were the results of elections during the fieldwork period or only minor changes in the government during an electoral cycle. This means that all respondents are coded as government or opposition supporters based on their position according to the date of their interview, (and not for example based on the government/opposition status of their preferred party right after the investiture of a new government). Individuals are coded as 'government supporters', 'opposition supporters' and 'non-identifiers' according to their survey response. Those who refused to reveal their party preferences were excluded and assigned a with missing value.

The coding work was done by the two authors. At the end of the coding process, we carefully revised the result of coding for eventual mistakes and we reported and discussed special cases. These cases included the ones where unusual changes in parties or cabinets needed an individual decision, as well as cases when the two original databases [CPDS (Armingeon et al., 2016a; 2016b) and ParlGov (Döring & Manow, 2019)] provided differing information on the same case. The code we share here includes notes about our decisions on all these cases. All other cases were recoded until the point when the same code was provided by both of us.

3 Description of data and variables

There are two data files attached (https://figshare.com/s/ffd32a1e9f4272dd677f).

1. 'European Government-Opposition Voters (EGOV) Data Set' is a comma-separated values table (.csv format file) that includes three variables.
   a) The variable 'votedforwinner' differentiates between government voters (1), opposition voters (0) and non-voters (missing values); thus it defines the government-opposition status of European *voters* based on their last vote on the previous election.

b) The variable 'closetowinner' differentiates between government partisans (1), opposition partisans (0) and non-partisans (missing values); thus it defines the government-opposition status of European *party identifiers* based on their partisan attachment.
c) The variable 'cseqno' is a unique identification number for European Social Survey (ESS) respondents included in the integrated data sets of the ESS project.

2. 'European Government-Opposition Voters Data Set – do file' is a do file that can be used to reproduce the content of the above table. These codes are annotated, that is, unusual changes in government composition and overlaps of elections and fieldwork periods are indicated.

Our codes provide a tool for researchers using any part of the integrated datasets of the European Social Survey (European Social Survey Cumulative File, ESS 1-9, 2020) project to easily differentiate between respondents based on their political affiliation, dividing them into pro-government and pro-opposition groups. Individuals are coded as 'government supporters', 'opposition supporters' and 'non-identifiers' according to their survey response, while we excluded refusals. The database includes data for 422 985 respondents from eight data rounds between 2002 and 2020 from 33 European countries, organized all in all in 215 country-years.

Notes on reuse of data

Our data set provides a tool that facilitates the inclusion of the government/opposition aspect in comparative social scientific research in one of the most widely used social scientific data sets, the European Social Survey (European Social Survey Cumulative File, ESS 1-9, 2020). That is, it has been created with the exact purpose of fast and easy re-use. The easiest way to use our data set is to merge it with any ESS data tables with a single-line merging command in Stata, using *cseqno* (*consecutive identification number of all respondents*) as a key variable. An annotated code organized by ESS Rounds that can be used as a Stata do-file to generate the variables of interest is also available together with the data set.

The attached codebook contains the authors' comments for the special cases which were treated differently for various reasons. Moreover, the attached codebook is not only supporting the transparency in the coding process, but also serves as a template for the expansion of the Data Set with the following ESS rounds in the future.

Competing interests

The authors declare that they have no known competing financial interests or personal relationships which have, or could be perceived to have, influenced the work reported in this article.

Ethics Statement

The source questionnaire and data collection projects are ethically approved by the ESS ERIC Research Ethics Committee. Informed consent from respondents is obtained (European Social Survey, n.d.).

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BOOK REVIEW

Marginalised lives, centralised topics

Hann, C. & Parry, J. (Eds.) (2018) Industrial labor on the margins of capitalism: Precarity, class and the neoliberal subject. Berghahn

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There is a connecting link between the chapters in this volume: the (neoliberal?) industrial worker in their different social, political, historical and cultural contexts. It is almost as if the authors agreed on telling the story of the same actor over and over again, drawing, however, attention to the 'ethnographies of the particular' by meticulously describing the variety of settings and storylines through which the particular circumstances and occasionally very different emotions and alternate possible outcomes become visible. Despite the particularities, however, the stories are inevitably connected by the central figure, the precariously (un) employed labouring subject, who is present through the miners of Zambia (Lee) or Kazakhstan (Kesküla), through the self-employed (women) workers of the Trinidad garment industry (Prentice) or the informal or regular workers of the Tiruppur garment region in India, through the steel workers (whether 'precariat' or 'salariat') of Bulgaria (Kofti) or Egypt (Makram-Ebeid).

The volume contains fourteen ethnographic accounts in which the particular precarious experiences of workers in heavy and textile/garment industries are described in detail and analysed. We can read ethnographies of mining industries in Lee's and Kesküla's accounts, of steel industries in Trevisani, Kofti, Strümpell, Rudnyckyj, Makram-Ebeid, Sanchez's texts, studies about the ship-building and automotive industries in Schober's and in Morris and Hinz's chapters. The particular precariousnesses of the textile and garment industries are described in Craswell and De Neve's and in Prentice's analyses respectively, whereas Fang and Hoffmann's chapters focus on workers in general from their respective field sites in China and Nepal.

The chapters all touch on, analyse and challenge in varying degrees the three main concepts revealed in the subtitle, which are introduced in detail by Jonathan Parry in the Introduction, namely precarity, class and the neoliberal subject. Precarity is analysed in three respects: whether the regular (salary) worker is/was historically and cross-culturally the norm; whether the precariat can be understood as a class and whether the concept of class is useful at all in studying workers in precarious conditions; and whether the neoliberal subject is intrinsically precarious, or the precarious worker is a neoliberal subject if we accept the premise that 'in a world created by the neoliberal economy, most people are prevented from becoming anything like a "proper" neoliberal subject' (p. 33).

One of the main tensions felt in the increasing precariousness of industry workers is, in fact, the tension of the changing (often waning) relationships between the generations. This includes generations in the family and generations of workers, connecting points in lines of succession and (re)production. The change is important in its radicality, in its effect on the very fundamental aspect of continuity that is immanent to the concept (from the Latin *generatio,* going back to Latin *generare,* 'bringing into being'). Generations in the current (post)industrial, global capitalist, neoliberal contexts simply stop being the connecting point between past and future in a reality where fragmentation (another aspect of the new buzz-word *flexibility*) becomes the norm. Fragmentation – a main trait of neoliberal economies – however, produces precarious workers, 'and precarity', as Parry notes, 'is inimical to planning for the future, and encourages clientelism and dependence on family support' (p. 32). The tension, thus, is especially present in industrial and post-industrial settings, where the impossibility to follow in the footsteps of the previous (worker-class) generation creates loops of dependency, where the younger generation depends on the family for sustenance and education in hopes of a better future (Kesküla, Trevisani, Strümpell, Craswell and De Neeve, Hoffmann), but at the same time, the (older generation of) core industry workers depend on the strata of precarious, disposable workforce (who are often their own children) to strengthen or maintain their stable positions (Kesküla, Makram-Ebeid; Parry quoting Parry, 2009 and 2013, on p.7). I believe that youth in (post)industrial settings are often constrained by very different (fragmented, crumbling, often strikingly incoherent) experiences of the past and different understandings of the future than their parents and elders, and I believe that studies focusing on their views would add different understandings to *what* and *how* the precariat is.

Growing anthropological attention is turned toward industrial communities on the peripheries and toward the ever-more precarious industrial worker in a time when the economy is increasingly turning toward 'knowledge-based industries' (Goddard, 2017), and in a time when industrial realities are becoming *post*-industrial, i.e. mere memories of stable, wealthy lifestyles workers *could* and *did* have. This heightened interest now in these aspects of society and the economy can be an incentive to consider whether anthropology is intrinsically *salvage* anthropology in that it continues to focus on peoples and communities that are being lost or somehow radically changed, or whether anthropology is inherently a social science that strives to understand humanness, economics and social realities by focusing almost exclusively on 'studying down', on the ever-expanding and (re)producing margins and the marginalised.

It is interesting how this volume and the one edited by Susana Narotzky and Victoria Goddard (2017) do not seem to communicate with one another, when they both bring new insights to the conversation, for example about precarity, about the effects of the global capitalist economy on industrial production, and about understanding change and continuity in worlds increasingly dominated by neoliberal thought. I credit this to being published on dates so close to each other, but for a reader interested in industry on the margins of capitalism and in the precarious worker, I would suggest reading them interchangeably, in a conversation, or simply one after the other, and to read the vivid ethnographies through the lens of the two differing analytical approaches.

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BOOK REVIEW

‘All that custom has divided’

Ryder, A. (2020) Britain and Europe at a Crossroads: The Politics of Anxiety and Transformation. Bristol University Press

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Due to recent events on the globe such as the pandemic and US elections the issue of Brexit has faded into the shadow of diplomatic talks, despite having both short- and long-term socio-economic consequences. A daringly fresh take from the pen of Andrew Ryder is here to remind us: our lesson of social history is far from over.

The result of the Brexit referendum has been one of the defining, shocking moments in modern European history. Less graceful was the following political and social tug-of-war, and the countless extensions and transitions, which may drag on even further than this year. To provide a clear overview, and in hope of a possible remedy, Andrew Ryder provides a thrilling inquiry into the heart of Brexit and related political speech acts in his book: *Britain and Europe at a Crossroads*. His research encourages the reader to see Brexit as a long-term phenomenon rather than a single event. Most of the factors which determined the referendum results in 2016, arose in consequence of decades of politics and social developments.

Andrew Ryder is an Associate Professor at ELTE Factulty of Social Sciences in Budapest, an Anglo-Hungarian academic living in Hungary with strong ties to both countries. As a passionate enthusiast of social justice, his work is a search for an antidote to Brexit. His concept presumes the narrative of a poisonous Brexit, something malformed which needs to be corrected. His explanation regarding his involvement serves as a lead to the Foucauldian critical approach, which is also the focus and the method of his work. Contrary to the crowd of EU and IR experts who opened the gates to a flood of books and papers, pleasing a widespread general interest, his confession of bias distances Mr. Ryder’s work from the ‘talking heads’ who supplied the mass hysteria surrounding Brexit. Consequent to this, his take feels fresh and the scientific reader is spared from the gloomy impression of ‘yet another book on Brexit’ while reading. The author also aims to present the social transformations by examining phenomena such as the securitization of immigration, which was weaponized by the illiberal smoke and mirror politics of right-wing media outlets. The author presumes the perversion of the Foucauldian trilateral balance (state, market, and civil society), which he aims to present with critical discourse analysis of political texts. The inquiry aims to go beyond the frame of presenting another set of empirical data, although the work is an exceptional ‘social, historical, and political’ (p. 14) synthesis of earlier works on the topic.

The author cleverly balanced his methodological chapter around the fundamental sociological and critical works. He picked the most influential thinkers to support his arguments, set from a wider theoretical frame (e.g.: Bourdieu, Habermas, Berkley), to a narrower perspective of political science (Brubaker). The book consists of case studies based on different aspects of the research. The first texts explore nationalism and identity mixed and embedded in history, the second chapter is the brief story of Brexit, while the third and fourth chapters describe the changes within the great political parties. A complex coding table is provided to the reader to demonstrate the variety of topoi used in the discourses. According to the book, topoi such as British exceptionalism and imperialism had key roles in formulating the present political scene in the United Kingdom. Ryder presents how playing the second fiddle to the Franco-German axis, and being a latecomer to the ECSC, and the abandoned dreams of empire locked in the feeling of resentment towards continental nations (pp. 18–21). The second half of the book mainly focuses on the two kinds of nationalism within SNP and UKIP, and also the reception and challenges of the EU. Interestingly enough the government of Theresa May and the opposition of Corbyn fit in the third and fourth chapters, unlike the character and career of Boris Johnson, who deserved a separate chapter. Finally, the last chapter offers the social-democratic remedy to 'solve' Brexit.

Based on the theory of Karl Polanyi, Ryder argues that crises set the events in motion; citizens sought social protection and alternatives from the traumatic experience of a financial crisis. Therefore, rising nationalism is presented as a public answer to the crises both in the 1930s and in the 2010s. Ryder identifies the complex factors behind political acts pressured by the crisis; failing social models, and the multicultural concept at the heart of the humiliated white voter insurgency. Throughout the book, the narrative remains coherent, but it struggles to present circumstances. Concerning the former case of voter behaviour, the book explains why immigration was such a key issue in the last decades. However, similar to other monographic works, keeping the focus is at the price of overlooking some subjects which might have deserved a more detailed explanation. The narrow scope of investigation falls short in one particular chapter, where it leads to a one-sided interpretation regarding the previously mentioned topic of displacement. As Ryder connects the case of immigration and the growing mass anxiety in Britain, he observes the role of media elites and the responsibility in fanning the fire of sensationalism, but he does this mainly by mentioning right-wing media outlets, whereas the role of media on the political left received little criticism (pp. 30–36).[1] The image of a boy on the shores of the Mediterranean, the emergence of a counter-narrative of philanthropism are just a few examples of media sensationalism. A fight for sympathy (to earn political capital) widened the gap further between the partisan divide and accelerated tribalism hence providing a larger space for identity politics. The unique critical approach, however, makes up for such smaller shortcomings where the reader has to rely on his own prior knowledge or context.

The undeniably unique feature of the book is that Ryder presents what has been *implied* by politicians and manifested in speech acts. Structural, pre-existing factors prior to the referendum campaigns have been analysed in other works (Clarke et al., 2017) the meaningful explanation concerning Brexit is exactly the unveiling of implied notions and speech acts which affected and connected the structural issues. Therefore, the critical approach is a

[1] Although it must be noted that the book mentions one particular case of the *Guardian*'s outrage on page 44.

key device of the book and serves as a tool to lead the reader to a more thorough understanding. Ryder masterfully grasped the essence of certain events and presented the connection of party politics to other concepts. For instance, the issue of nationalism and populism is presented in one of the chapters where Ryder highlights the concept of a 'tripolar stratagem' of Nigel Farage's politics. In short, it is a tactic where the demagogue plays the victim card by appearing as the champion of the people and proposing controversy, then met by the condemnation of the liberal elite (the outgroup of the Manichean dichotomy), the politician can pose as the victim of 'liberal oppression'. In the subsequent chapter, the strategy of the mentioned method of vote gaining is clear. The further the Conservatives play the similar cards of the immigration issue, the more support they got. Pointing out these connections, Ryder presents the conflicted premiership of Theresa May, and how the Conservative Party set on a path of ultra-libertarianism, then steered even more to the right.

Another intriguing part is Ryder's assessment of the changes which Labour went through, while different parties contested for the leadership within. Blairites and Lexiteers certainly made it difficult for Jeremy Corbyn to have an unambiguous stance as the former group owned the Europhile and neoliberal argument, while the latter group tried to hijack a potential remain or reformist campaign. The fight for Labour might have benefitted one group or the other in the short-term, but it turned out to be a 'deadly cocktail' and completely discredited the opposition before the elections (p. 96). Ryder used these cases to support the argument highlighting the crisis of representative democracy, which is most salient in his quotation of David Lammy when Europhile Labour representatives stood against their own constituents.[2]

The chapter on the political speech acts of EU politicians somewhat counters the narrative of a much needed radical turn in Labour, and rather highlights the changes in the EU since the referendum. The leaders and negotiators of the EU took a hard stance on Brexit, countering the efforts of hard Brexiteers. Mr. Ryder highlights the speech acts of politicians like Michel Barnier and Guy Verhofstadt. The clever narrative of Britain's cherry-picking, the clear language, and the unanimous support of the member states – even the reluctant Visegrad members (pp. 140–141) – gave way to 'Bregreters' and a rise in pro-European public opinion. The internal changes combined with resistance may have come as too little too late to answer the challenges. Nevertheless, the author assumes that the European project's shift to a more socially engaged future has the potential to cause some difficulties for the masterminds of Brexit.

Such a mind is Boris Johnson. According to Ryder's research, Johnson heavily favoured nationalist, populist topoi, political showmanship, and the populist mixture of emergency measures, which veiled the conflict of globalist policies and nationalist desires apparent in his rhetoric. The conflict resulted in Johnson using the smokescreen of a scapegoat (liberal elite) and the issue of representative democracy to portray himself as the victim who embodies the hero of the people, while the parliamentary elite obstructed the people's will. Throughout the chapter, Ryder provides a chronicle of how Johnson put British democracy in limbo by undermining the rule of law and using emasculative-nationalist speech techniques.

[2] 'We have a duty to tell our constituents the truth, even when they passionately disagree. We owe them not only our industry but our judgment. We are trusted representatives, not unthinking delegates, so why do many in the House continue to support Brexit when they know that it will wreck jobs, the NHS and our standing in the world?' (p. 100).

The 2020 general election campaign was a display of this terrifying strategy. To demonstrate the former, Ryder provides a set of evidence of authoritarian practices and notorious ad nauseam falsehoods used by Conservatives. He also applied a set of game theories, but these theories were commonly reflected by political commentators in the media. The theory of *madman* – to maximize the amount of bluffs and lies – however, stands out from the rest as it gives a rational explanation to Johnson's unusual success in politics and why he faced a backlash from libertarian and other conservatives.

In the manifesto-like final chapter, 'Antidotes to Brexit', Ryder mainly calls for action in the areas of the public sphere, identity, and for a renewal of democracy in both the UK and Europe. I have to highlight the idea of the latter two, deliberative democracy and the concept of a more social Europe (pp. 165–176). Deliberative democracy seems like a bold and idealistic concept, in an age of constant technological revolution, when partisanship, and activism are only a 'touchscreen away' and – as Ryder observes – people are emotionally engaged to the extremes. We may as well advocate for self-control (instead of a nanny state) to limit our wishes and to gate populism. This would be somewhat joined to the issue of voter representation on the broader scale of the EU, where the democratic deficit is already present and produced the topoi of a sluggish machine steered by technocrats who make disconnected decisions based only on economic rationale. Throughout the book, Ryder mostly explained Brexit as a set of social phenomena, however, the economy is a less reflected topic of his book. Although, there is an economic argument against ordoliberalism, it is meant for the advocacy of a more inclusive and social Europe, and not to change the minds of those, who merely see the social backlash of Brexit as a result of the EU's monetary, fiscal, and federal policy. The proposed changes on both the economic and social side of the argument are therefore co-dependent. In the end, Ryder's vision on the 'return and reform' approach seems to be a more viable and inviting alternative to illiberal nationalism or 'one country socialism' (p. 177).

In the shadow of recent events in the world, the book certainly provides an argument for a remedy against populist politicians miring in fiction. Giving a coherent 'centrist' or social vision would possibly end rampant tribalism and social mending could take place. After the pandemic shook illiberal regimes and some countries are on the path to vote out leaders from power who are incapable of handling a real crisis, the writings are on the wall (see the US elections). If one of the roadmaps on how to overcome illiberal regimes succeeds, it might be followed worldwide, even in the resident country of Mr. Ryder.

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