

## Enforcing the Rule of Law (ENROL)

### What can the European Union do to prevent rule-of-law deterioration from within?

#### 1. Introduction

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Article 2 of the Treaty on European Union (TEU) defines the core values on which the EU is founded and which constitutes the basic conditions for membership: Respect for human dignity, freedom, democracy, equality, the rule of law (RoL), and human rights. The Treaty postulates that these values “are common to the Member States”. In reality, this is no longer the case. In Hungary, the respect for democracy and rule of law has deteriorated to such an extent that the country is now routinely classified as a “competitive authoritarian regime” (Levitsky & Way, 2020). Poland has embarked on a similar trajectory, including the political capture of the judiciary and the media, making way for an unconstrained executive power (Sadurski, 2018).

One would expect the EU to react strongly against such direct breaches of its own membership principles. After all, the EU is one of the world’s most active imposers of foreign policy sanctions against violations of the same fundamental values in other parts of the world (Hellquist, 2019). Furthermore, no other international organization (IO) has such strict membership criteria when it comes to democracy and RoL and such an elaborate toolbox to help candidates to fulfil those criteria before joining the Union (Hillion, 2011). Indeed, knowing that RoL is essential to the functioning of Union, Member States (MS) reformed the EU Treaties prior to the Union’s 2004 enlargement, notably to include a suspension clause (Art 7 TEU) targeting violations of its fundamental values precisely in anticipation of potential post-accession democratic backsliding (Sadurski, 2010).

However, many scholars argue instead that the EU has largely looked the other way, as the *Fidesz* party has solidified its authoritarian grip over the Hungarian state and the *Law and Justice Party* (PiS) has engaged in a similar systematic dismantling of the separation of powers in Poland (Closa, 2020; Kelemen, 2020; Pech & Scheppele, 2017). Rather than systematically using the strong enforcement tools available to it—including court actions, suspension of funding and membership rights—the EU has engaged in seemingly toothless “dialogue” with the Hungarian and Polish governments, while continuing to disperse large structural funds to the same governments. In contrast, close partners like Norway have taken a more assertive stance, invoking agreements with the EU to suspend financial transfers to, and sectoral cooperation with, backsliding countries (Holmøyvik, 2020).

This relative dearth of EU action poses a puzzle: Why has the European Union—described as a “community of law” and as a uniquely powerful and “legalized” IO by any comparative standard (Keohane et al., 2000)—failed to devise a stronger response to flagrant violations of its most basic membership principles? What are the legal, political and normative bottlenecks that stand in the way of stronger EU action? More generally, what are the conditions for legitimate and effective RoL enforcement within IOs and federal political systems? ENROL aims at addressing these questions by investigating **the legal foundations, political feasibility, empirical effectiveness and normative legitimacy of the toolkit available to the EU for tackling its RoL crisis.**

The project is structured around four WPs. WP1 maps out the ongoing development of the EU’s toolbox to address the deterioration of the rule of law in some Member States and describe how it has been—and is being—used. WP2 investigates why the EU has chosen to employ some tools, refrained from engaging in others, and continued to develop new ones. WP2 identifies existing bottlenecks in the form of political incentives, institutional mechanisms and legal and normative concerns about the legitimacy and effectiveness of different tools. WP3 and WP4 take these concerns to the test through empirical, legal and normative analysis. WP3 studies the implications of EU action—and inaction—for domestic political resistance against RoL backsliding in Poland, one of the EU’s largest MS where the political struggle over RoL is ongoing. WP4 evaluates the key legal and normative arguments for (in)action in public discourse and academic literature, assesses their validity and builds a normative understanding of the legitimacy of EU enforcement actions.

Ultimately, ENROL seeks to articulate what the EU—and possibly other comparable IOs and federal political systems—can and should do to mitigate RoL deterioration within its own ranks. Such prescriptions will rely on philosophical analysis and doctrinal legal scholarship. Yet, they also require that we understand the political impediments to action, and the likely consequences of (in)action for public opinion, media and civil society in backsliding countries, grounded in rigorous empirical research. This is why lawyers, philosophers and political scientists must join forces to address these questions.

## 2. Theory, research questions and structure of the project

ENROL's theoretical approach stands in contrast to much of the previous political science literature on compliance with EU law, where the main focus is the interaction between EU institutions and MS governments (Börzel & Sedelmeier, 2017). The problem with the previous approach is that it presumes that the MS will not systematically resist their EU legal obligations in ill-faith, which is in fact precisely what the Polish and Hungarian governments have been doing. Hence, we will argue that the RoL crisis is a *different type of compliance problem* compared to what the EU has experienced before, which requires a new theoretical approach that is informed by research on compliance with international norms by authoritarian regimes.

For that purpose, we take as our point of departure the concepts of *normative focal points* and *compliance constituencies*. International relations (IR) scholars have used these concepts to theorize the conditions for international legal obligations to contribute to forcing wilfully norm-violating governments into compliance, by boosting the mobilization and advocacy of norm-friendly domestic actors, such as opposition parties, civil servants, judges, and civil society organizations (CSOs) (Alter, 2014; Simmons, 2009). At the same time, we are wary that the IR literature tends to assume that CSOs and the domestic public sphere are largely on the side of the (liberal) norms being violated. That assumption is increasingly problematic when, as in Hungary and in Poland, critical CSOs experience “shrinking civic spaces” (Buyse, 2018), both through regulatory, financial and discursive means, while government friendly organizations receive strong state support (Szuleka, 2018). In that context, international norm violations will be domestically contested both by government critics and supporters. From the research on *foreign policy sanctions*, we know that international interventions may not only mobilize norm-friendly compliance constituents, but also supporters of the incumbent regime (Sejersen, 2020). Furthermore, from the research on political communication, we know that processes of opinion formation will be shaped by the prevailing modes of presentation—*framing*—in elite rhetoric and news media coverage (Scheufele & Iyengar, 2017). Thus, if the incumbent government largely controls the media, international sanctions may be framed so as to trigger a *rally-round-the-flag* effect in the public and in government-friendly parts of civil society (Galtung, 1967).

This is why we must understand the conditions for successful mobilization of compliance constituencies in the specific context of democratic backsliding (Haggard & Kaufman, 2021). For that purpose, we build on research on legal mobilization, which emphasizes the potential of societal groups to acquire a *legal consciousness* and to collectively identify and mobilize around social and political rights (Vanhala, 2010). We note in particular that effective legal advocacy is most likely when the obligations are clear in terms of being legally uncontested and normatively legitimate (Müller and Slominski, 2019). Furthermore, from social movement theory, we take the concept of *political opportunity structure*, emphasizing the significance of formal and informal state institutions for successful CSO mobilization, as well as access to resources, including human capital and organizational capacities. In this context, we consider in particular the research on (and critique of) previous and existing EU financial (and other) support to CSOs, including both its effects on professionalization, opportunities for coalition-building, transnational learning and critical empowerment of CSOs (Börzel, 2010).

Finally, from the research on civil resistance (Chenoweth, 2020) and competitive authoritarian regimes (Levitsky & Way, 2020), we note the significance for successful resistance of mobilizing extensive *cross-cutting coalitions* that can challenge the incumbent regime from a broad societal base. We also note that trends towards political *polarization* in many European societies advances the pivotal role of those (shrinking) parts of civil society and public opinion that may be categorized as moderates or apolitical (Haggard & Kaufman, 2021). In this regard, we follow Schattschneider's (1960, 3) classical recommendation: “If a fight starts, watch the crowd, because the crowd plays the decisive role”, meaning that those parties not yet involved in the battle are likely to determine the outcome if they can be persuaded to weigh in.

In sum, the theoretical starting point for ENROL is that successful EU enforcement actions with regards to its RoL crisis must be based on clear legal and normative grounds, including well-defined EU membership obligations, thereby providing useful tools to RoL friendly compliance constituencies, with the willingness and capacity to mobilize broad societal opposition against norm violations—in competition with incumbent governments that will not shy away from using undemocratic methods. Hence, in order to assess the conditions for effective and legitimate EU action, and to make concrete prescriptions, ENROL will:

- **Ascertain the normative focal point**, by
  - specifying the legal obligations with regards to RoL inherent to EU membership, by doctrinal analysis (WP4)
  - specifying the values of adhering to these obligations, by normative analysis (WP4)

- **Identify effective and legitimate RoL enforcement tools**, by
  - appraising the legal soundness of different instruments in the EU toolkit, by scrutinizing legal arguments against and in favour of their employment (WP1 and WP4)
  - analysing the effectiveness of different instruments in the EU toolkit, by empirically studying their likely impact on key compliance constituencies (WP3)
  - specifying the normative legitimacy of the different instruments in the EU toolkit, taking into account the values they promote, their democratic foundation, legality and effectiveness (WP4)
- **Detect political and institutional bottlenecks and reconstruct the politics of rule of law enforcement**, by
  - identifying perceptions, incentives and institutions that impede the employment of legitimate and effective EU tools, via an empirical analysis of EU decision-making (WP2)

Figure 1 illustrates how the four work packages combine to fulfil the foregoing project objectives.



Figure 1. Structure of the project: Assessing the EU's Enforcement of RoL Toolkit

### Work Package 1. Mapping and Monitoring the Toolkit

As a necessary foundation for the research to be conducted in the other work packages, WP1 will map the variety of tools which the EU may deploy to enforce the RoL, as envisaged by EU law, and as partly explored in the literature. The way these tools have been used (or not) will also be charted, particularly to establish what type of instruments the EU has favoured in enforcing the RoL.

WP1 will first unpack the specific toolkit which EU institutions have progressively constituted and activated, in the particular context of the RoL deterioration in Poland and Hungary. These range from soft tools for “naming and shaming” (e.g. the EU Justice Scoreboard established in 2013, and the more recent Commission’s RoL Review Cycle) to dialogue-centric mechanisms (the annual RoL dialogue in the Council, the Commission’s RoL Framework established in 2014 and the dialogue phase of the Art 7 Procedure established by the 1998 Treaty of Amsterdam) to more adversarial and sanction-centric mechanisms (the European Commission’s infringement procedure, the suspension of EU funds under the new EU conditionality regulation, and the suspension of membership rights, including voting, via the procedure of Art 7(2)-(3) TEU). Mechanisms to promote a RoL culture and support critical watchdogs across the EU are also considered, notably in the form of financial support to CSOs (e.g. the European Value Instrument, EEA funds).

The mapping exercise should also cover less obvious legal devices which the EU could further deploy to enforce the RoL, but which have not yet, or only scarcely, been used to that effect. Of particular relevance are the rules typically associated with the operation of the EU single market (such as free movement of service, the prohibition of discrimination based e.g. on age, or competition law), the Area of Freedom, Security and Justice (e.g. the European Arrest Warrant), and the European Monetary Union (e.g. the European

Semester). External agreements the Union has concluded with third states or international organisations, and its international standing more generally also provide hitherto underexplored legal grounds for EU enforcement action (so as to maintain its status as trustworthy partner, and credible supporter of internal law). These agreements impose obligations on the EU that are equally binding on its MS, as part of their obligations under EU law.

In sum, WP1 aims to provide a comprehensive account of the instruments and mechanisms the EU has at its disposal to secure the compliance of its MS with the RoL (e.g. incentives, dialogue, infringements, suspension of funds, and membership privileges), and/or to protect the EU legal order (including other MS) from the corrosive effects of RoL failures (suspension of voting rights, suspension of access to funds to protect financial interests of the EU, potential acknowledgement that a state no longer intends to comply with its EU membership obligations). While exploring the broader RoL toolbox the EU may have at its disposal, WP1 will also help establish how actively the EU has used it (e.g. how selective, creative, strategic, consistent it has been in deploying various instruments), and what mechanisms it has favoured to prevent further deterioration of the RoL within its ranks. Indeed, while endorsed by the Court of Justice of the EU (CJEU), and as advocated by parts of the legal scholarship, the development and activation of the different EU tools, as well as the broader question of the Union's mandate (and legitimacy) to enforce the RoL at the level of MS, remain contested. The governments (and revamped courts) of EU countries and especially those that have been subject to various EU procedures (infringement, RoL framework, and Art 7(1)) have invoked a series of legal arguments to dispute the EU authority to act in the field, including when justifying non- or partial compliance with decisions of the CJEU. Several scholars have also questioned the legality of various forms of EU involvement to enforce the RoL (von Bogdandy, 2020). This contestation, whose terms will be systematized and appraised in WP4, may in turn take its toll on the ability and willingness of EU institutions systematically to use the EU's enforcement toolbox. This particular question will be tested in WP2 which identifies the bottlenecks hampering EU action.

## **Work Package 2. Identifying the Bottlenecks and Explaining the Critical Junctures**

As mapped out in WP1, the EU boasts an evolving (albeit contested) RoL enforcement toolkit for ensuring that MS respect the RoL and the EU's core values enshrined in Article 2 TEU. At the same time, there is a growing consensus amongst social scientists alike that the EU has been "paralyzed by fear" and stuck in an "equilibrium" of inaction when it comes to mobilizing the RoL enforcement toolkit (Bakke and Sitter 2020, 1; Closa, 2019; Kelemen, 2020). The problem appears not to be an absence of RoL enforcement tools, but an absence of the political will to act: "the European Union and the MS seem to be doing as little as they can to resolve this situation" (Bakke and Sitter, 2020; Kochenov, 2017, 1). For instance, the Commission remains hesitant to leverage its longstanding enforcement powers via the infringement procedure against Hungary and Poland, the Art 7 procedure has stalled in the Council with little hope that it will proceed past the dialogue phase (Soyaltin-Colella, 2020), and EU structural and development funds continue to be disbursed to governments that systematically undermine the RoL (Scheppele et al., 2020).

These emergent findings raise an important question: What are the bottlenecks that have repeatedly obstructed the effective use of EU enforcement tools? This question emerges from two primary gaps in existing research. First, we lack a timeline identifying the "critical junctures" (Capoccia & Kelemen, 2007) – or key decision-points – wherein EU actors had the discretion to develop new enforcement tools or use existing tools, yet instead chose to forbear or buy time. Second, we lack a compelling empirical account of how negotiations unfolded at these junctures: What ideas or arguments predominated these negotiations and discussions? Which institutions and individuals pushed for or resisted EU action, and how did they justify their positions?

Consider the conflicting hypotheses that have been offered as explanations for the EU's unwillingness to mobilize its RoL enforcement toolkit. On the one hand, Kelemen (2020) claims that national and EU actors in the *European People's Party* (EPP) obstructed enforcement actions in order to shield the EPP-affiliated government in Hungary. On the other hand, Closa (2019) argues that partisan motives cannot explain the Commission's reluctance given its deeply-entrenched commitment to nonpartisanship. While Schlipphak and Treib (2017) suggest that Commission and Council officials worried that EU RoL enforcement would spark a *rally-round-the-flag* effect in Hungary and Poland, Closa (2019, 708-9) retorts that such concerns had minimal impact. Other scholars have hypothesized that the EU's reluctance to deploy its the RoL enforcement toolkit might be due to legal concerns about the Union's competence to intervene in domestic affairs (Closa, 2020; Sedelmeier, 2017) and fears about the perceived legitimacy and impartiality of EU action (von Bogdandy, 2020). While the foregoing accounts have face validity, no comprehensive empirical study exists to assess or

reconcile these sometimes contradictory explanations for inaction. To this end, WP2 revolves around answering two research questions:

1. *What are the primary decision points since 2010 when EU actors chose to forbear from using the RoL enforcement toolkit by delaying enforcement or focusing on creating new tools instead?*
2. *What explains the impasses and the reluctant behavior of EU actors at these key decision points?*

Answering the first question requires developing a detailed ‘event history map’ (Waldner, 2015) of the critical junctures wherein the European Commission, Council, and Parliament debated RoL enforcement actions, particularly in response to the deteriorating situation in Hungary and Poland since 2010. This requires identifying moments of EU decision-making when RoL enforcement was discussed – including during the creation of the RoL framework, the activation of the Article 7 procedure against Poland and Hungary, the debates about attaching RoL conditionality provisions in the EU budget, and the various moments when the Commission considered launching infringements against recalcitrant governments. To this end, we will combine secondary descriptive accounts, public records of EU deliberations, and semi-structured elite interviews with purposively-sampled key informants within EU institutions with firsthand knowledge of how these negotiations and decisions unfolded (Tansey, 2007). The event history mapping will produce a list of decision points that will focus the media analysis in WP3a. We refer to these as *ENROL Critical Junctures*.

Proceeding to question 2, we will conduct an explanatory analysis of the *Politics of Rule of Law Enforcement* at the aforementioned critical junctures by making use of process-tracing methods. In particular, we will follow a mechanistic approach to process tracing that identifies the most influential actors engaging in particular activities (ex. negotiating or blocking EU RoL enforcement actions) that leave observable traces in the historical record (Beach and Pedersen, 2019, 100). First, via elite interviews we will probe how key decision-makers perceived the legality, legitimacy, efficacy, and political feasibility of the EU’s available enforcement tools. Elite interviews will also be crucial for identifying both internal and public documentation that speaks to decision-makers’ perceptions and argumentative strategies (Risse, 2000). Second, on the basis of this oral history and textual evidence, we will identify the most influential pro-enforcement actors and anti-enforcement actors, and whether they were driven more by ideational factors and rhetorical arguments (for instance, a worry that forceful enforcement might not be legal or democratically legitimate [von Bogdandy, 2020]), by political and material incentives (for instance, efforts by states in the Council to preclude supranational interference [Closa 2020], or partisan attempts to coddle allied national autocrats [Kelemen, 2020]), or a combination of these factors. This will require ‘triangulating’ interviews with individuals occupying different political and institutional positions (Tansey, 2007) to reconstruct an unbiased account.

Ultimately, process tracing the *Politics of Rule of Law Enforcement* will enable us to reconstruct the political struggles determining whether *ENROL Critical Junctures* actually produce what we call *ENROL Critical Events*. As previous historical institutionalist work has highlighted (ex. Capoccia and Kelemen 2007), not all critical junctures actually produce concrete events that transform or alter the course of politics. In the politics of EU rule of law enforcement, the ‘criticalness’ of events depends upon the extent to which the EU undertakes an action that is *innovative* (expanding the EU’s rule of law enforcement toolkit), *unifying* (mobilizing a broad coalition for enforcement at the EU level), and *provocative* (mobilizing a domestic reaction from the targeted national government, civil society, and public). This logic is mapped in Figure 2:

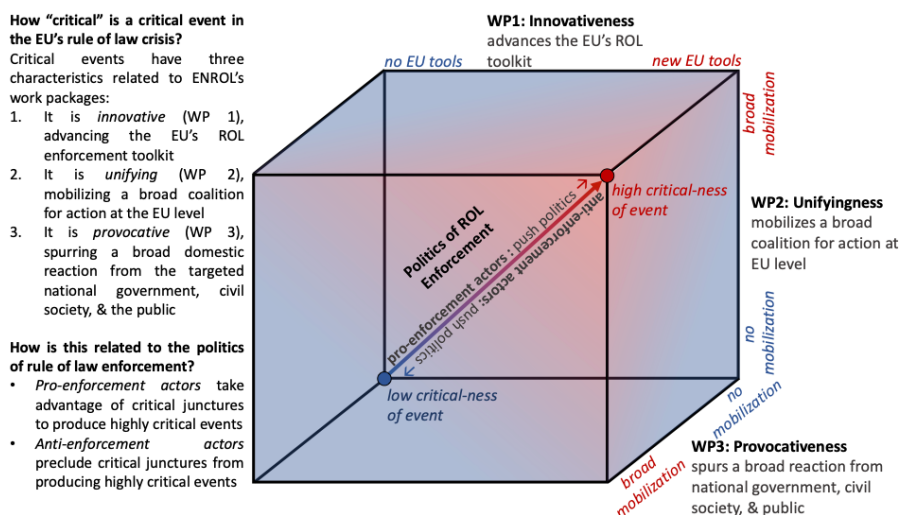


Figure 1. Mapping critical events and the politics of rule of law enforcement in the EU’s rule of law crisis

### Work Package 3. Estimating the Consequences of EU Action for Domestic Compliance Constituencies

WP3 investigates how EU decisions to use the available toolkit influence domestic political battles concerning RoL in backsliding countries. It studies empirically how EU enforcement actions are framed and contested in domestic media (WP3a) and how such actions affect public opinion (WP3b) and influence civil-society mobilization (WP3c). WP3 thereby connects to the other WPs by testing EU policy makers' assumptions about the likely domestic effects of their actions (WP2), by studying how the different legal and normative justifications for (in)action (WP4) are framed domestically, and by investigating the impact of different, and differently framed, enforcement actions (WP1) on civil-society mobilization and public opinion.

ENROL's theoretical starting point is the claim in extant scholarship that IOs foster norms such as the RoL primarily by providing normative focal points for the mobilization of domestic compliance constituencies and by bestowing legitimacy on actors that happen to 'have international law on their side' (Alter 2014, 14). The effectiveness of EU action can thus be expected to hinge on its ability to support the work of RoL-friendly CSOs and to influence public opinion. To maximize the internal validity and feasibility of the empirical research designs, WP3 will focus on Poland as a case study, where we are able to build on existing work to conduct a wide survey of CSOs. Compared to the more consolidated authoritarian regime in Hungary, the risk of not getting access to necessary fieldwork is lower in Poland. Poland is also the largest of EU MS experiencing a serious decline in the RoL, which means that its fate will be especially significant for the EU.

#### 3a: Mapping the framing of EU enforcement actions in domestic media

The reception of EU enforcement actions in public opinion, and their usefulness to key compliance constituencies, is likely to be affected by how these actions are framed in the domestic media. In political communication research, framing effects refer to behavioral or attitudinal outcomes that are not due to differences in what is being communicated, but rather to 'variations in how a given piece of information is being presented (or framed) in public discourse' (Scheufele and Iyengar 2017,1). WP3a will study how EU enforcement actions are covered and portrayed in Polish media, while at the same time laying the ground for the surveys in WP3b and WP3c. Specifically, WP3a will ask:

1. *How much coverage do EU enforcement actions receive and what are the dominant frames?*
2. *Who gets to be heard in the media coverage on EU enforcement actions and whose frames are promoted in different parts of the Polish media landscape?*

The Polish media landscape is characterized by strong and concentrated TV networks, which dominate news provision, weakening but still influential newspaper groups, and growing news portals offering journalistic commentary, investigations and analysis (Klimkiewicz, 2020). For the content analysis, we will select media sources based on their online and offline popularity. We will sample (a) government-friendly and government-critical news outlets, (b) TV, press and digital platforms, and (c) quality and tabloid coverage. Table 2 indicates our tentative selection.

Table 2. Tentative selection of media sources

Profile/news background	Expected stance towards Law and Justice Party Government	
	<i>Favourable</i>	<i>Critical</i>
<i>TV</i>	tvp.info	tvn24.pl
<i>Press</i>	fakt.pl	wyborcza.pl
<i>Digital only</i>	wp.pl	onet.pl

The content analysis will be conducted as follows: First, we will collaborate with Polish media analytics company PRESS-SERVICE to collect content from the selected news sources, according to relevance to the *ENROL Events* identified in WP2, e.g. Commission infringement actions, CJEU judgments or Council decisions. We will include time windows of one week prior and after the event, to capture debates both in anticipation of and following the events. Second, our corpus of news coverage will be quantitatively classified to determine: (a) how the *ENROL Events* are framed in the texts (building on Semetko and Valkenburg's (2006) media frames of European politics, by incorporating relevant legal and normative justifications relating to the *ENROL Events*); and (b) their related sentiment (negative/positive). Third, we will select ca 120 news texts (20 items per news source; stratified selection to ensure inclusion of all frame and sentiment variables from step 2) for in-depth qualitative analysis, to determine: (a) which actors are present in the selected texts; and (b) how their public claims link to *ENROL Events* in terms of frames and sentiment. In this step, we thus shift focus from whole news texts as units of analysis to public claims within texts made by/attribution to individual or institutional actors, building on the methodology of political claims-making (Michailidou et al., 2014)

#### 3b: Studying the effect of EU enforcement actions on public opinion

WP3b will study the likely impact of EU RoL enforcement action—or inaction—on public opinion using experimental methods. First, we will design a *survey experiment* to study how citizens respond to being randomly assigned to information about different forms of EU (in)action. All respondents will receive a short vignette describing the challenges against RoL in Poland. The treated respondents will receive additional information, compared to the control group, about hypothetical or actual EU (in)action based on the *ENROL Events*. In order to make these treatments as realistic as possible, we will rely on the results from WP3a to either select real news coverage that respondents will be exposed to or to design vignette texts that are similar to typical news coverage (Grossman et al., 2018). The treatments will include factual information or scenarios clearly presented as hypotheticals, such as ‘considered EU actions’, so as not to deceive the respondents.

Tentatively, we expect that the treatments will vary along three dimensions. First, we will vary whether respondents receive information about EU action or inaction. By inaction we mean moments where the EU decides not to employ one of its enforcement tools, as for example when the Commission decides to refrain from triggering the RoL conditionality clause. Second, we will vary which tool is employed, which will also involve varying the EU institution involved. Finally, we will – building on the media analysis in WP3a – vary how the information about (the lack of) actions is framed (including sentiment) (see Table 3).

Table 3. Treatment attributes in survey experiment

Variable	Possible values
EU RoL Enforcement Action	Action, inaction
EU RoL Enforcement Tool	Commission infringement, CJEU judgment, Council Article 7 decision, EP resolution/ other action
Frames (with sentiment)	Frames with positive, negative and neutral/no sentiment, as derived from WP3a.

Following exposure to the treatment vignettes, respondents will be asked to answer a battery of questions (in randomized order) measuring support for e.g. the incumbent government; national policies strengthening or weakening the RoL; domestic courts and independent media; EU institutions and EU enforcement actions. Both the sign and magnitude of the treatment effects may be expected to vary depending on pre-treatment covariates such as respondents’ political affiliations, as well as their knowledge and awareness of the RoL challenges and EU efforts to counter them. This heterogeneity is also of substantive interest, as we theorize that it is particularly important to win the support of ‘moderates’ not (yet) taking side in the political battle. Prior to presenting respondents with the treatment vignettes, we will therefore collect pre-treatment information about political attitudes, respondent characteristics, as well as knowledge and awareness of both the domestic RoL situation and EU (in)action. Our research design involves both multiple outcome variables and heterogenous treatment effects. To provide transparency concerning how the results conform with our *ex ante* theoretical expectations, we will register a pre-analysis plan in an online repository before fielding the survey experiment.

Second, although survey experiments provide strong internal validity, an important concern is whether identified causal effects are generalizable to real-world events. To understand the causal effect of actual EU enforcement (in)action we will exploit the relatively slow pace of much EU decision-making to collect a panel dataset in which respondents are interviewed both shortly before and shortly after an *ENROL Event*, such as an anticipated CJEU judgment or a Council decision. For instance, we anticipate that Poland will challenge EU conditionality measures before the CJEU and while we cannot predict the outcomes of such challenges, we can predict the timing of the judgments and field surveys immediately before and after a judgment is handed down. A recall measure – capturing whether respondents are aware of the *ENROL Event* – will be used as a treatment variable, and we will consider how this treatment affect within-respondent changes in the same outcome variables as for the survey experiment. Assuming that there are no simultaneous events or unrelated time trends that correlate both with these outcomes and with recall of the *ENROL Event*, we can credibly estimate the causal effects of the real-world event on public opinion. This *event-during panel* design is similar to the unexpected-event-during-survey designs that have become increasingly popular in political science (Muñoz et al., 2020). The key difference is that because we know in advance when important CJEU judgments will be rendered or when Council meetings will be held, we can survey the same individuals before and after the event and we can design the survey items so that they are directly relevant to the specific *ENROL Event*. Because we cannot know in advance what the outcome of a CJEU judgment or Council meeting will be, we will take care to choose an event where both EU action and inaction will be interesting to study empirically.

### *3c: Studying the effect of EU enforcement actions on civil society organizations*

WP3c will study the likely effect of EU RoL enforcement (in)action on civil society mobilization, both against and in favor of policies affecting RoL in backsliding countries. From research on social movements, resistance and interest groups in democratic and authoritarian contexts, we derive a set of conditions for successful mobilization and advocacy that speak to the likely influence of EU (in)actions in countries experiencing RoL backsliding.

First, there is broad scholarly consensus that organizational capacity is key to advocacy success. This includes both tangible financial and material resources as well as skills, experience and other forms of human capital (Chenoweth, 2020). Research has shown that the EU in the last two decades has played a transformative role for CSOs in Central and Eastern Europe, by providing new opportunity structures offering civil society actors participatory rights, money and networks. However, the extent to which the various EU funding and learning programs have been truly empowering—fostering critical watchdogs able to provide checks and balances vis-à-vis their governments—is debated (Císař, 2010). The EU funding programs have been criticized for being excessively complicated and bureaucratized and requiring a level of professionalization that only a few well-established actors are able to handle (Matysiak, 2017). Training of CSOs by EU experts has focused on management, conflict-resolution and decision-making rather than campaigning, contestation and protesting skills (Börzel, 2010). Furthermore, EU opportunities often require partnering with state actors, which may be particularly problematic for opposition groups in backsliding countries. Hence, WP3c asks the question:

1. *What are the conditions for the support-based EU tools to be effective in strengthening CSOs ability to put pressure on the government to refrain from deteriorating the RoL?*

Second, existing research emphasizes the importance of the breadth of the coalition protesting against norm violations. The wider the coalition is (preferably including industrial workers or the urban middle classes), the more effectively organized it is, the less polarizing it is, and the broader its repertoire of actions—the more likely it will succeed in challenging autocrats (Chenoweth, 2020). Building a cross-cutting coalition requires a clear normative focal point that can motivate a broad spectrum of groups around the same cause. Hence, WP3c will study the significance for the opportunity structure of Polish CSOs of EU actions that provide—or fail to provide—clarity regarding the obligations inherent to EU membership:

2. *What are the conditions for government-critical CSOs to make use of EU RoL enforcement actions to build coalitions and put pressure on the government to refrain from deteriorating the RoL?*
3. *What are the conditions for government-friendly CSOs to make use of the same actions (or inaction) to mobilize support in favor of the government's policies?*

WP3c will take a mixed methods approach, including both case studies and a survey to a broad range of CSOs. Both the case studies and the survey will assess the impact of EU (in)action—in terms of providing legal focal points and resources—on the opportunity structures of Polish CSOs. While the survey will be able to describe and explain general patterns of mobilization and advocacy, the case studies will be used to derive a deeper understanding of CSO's perceptions of their opportunity structure and the mechanisms by which that structure interacts with EU (in)action.

The case studies will focus on identifying mechanisms and developing hypotheses that will subsequently be tested in the survey. We will select both liberal and conservative CSOs active at the national level in two policy areas that are highly affected by RoL backsliding and the politicization of the Polish judiciary; family policy and environmental policy. A tentative selection of groups in family policy would be *Federacja na Rzecz Kobiet i Planowania Rodziny* (government critical), *Związek Dużych Rodzin 3 Plus* (government supportive) and *Sieć Przedsiębiorczych Kobiet* (no explicit positioning). The case studies will be based on interviews, public position papers, media reporting, and other sources shedding light on the opportunity structure and activities of the selected CSOs. In particular, we will study how these CSOs have managed the increasing polarization after 2015, how their conditions were impacted by government and EU actions in this period, how they balance their strategies between advocacy in their core issues (family/women's rights, environment) and advocacy and coalition-building in the broader RoL governance issues, and how they perceive and act upon opportunities created by EU (in)action with regards to the RoL.

For the survey, we will make use of the Polish interest group population data collected by Rozbicka et al. within the comparative CiG-Survey project, in which PI Naurin also participated (Hofmann & Naurin, 2020; Rozbicka & Kaminski, 2021). This data was collected in 2018 and contains information on about 900 CSOs active at the national level. We will update the contact lists and field the survey in collaboration with Prof. Patrycja Rozbicka (Aston University) and Prof. Pawel Kaminski (Polish Academy of Sciences), who have



demonstrated experience in successfully mitigating risks with regards to low response rates in Polish CSO surveys. We will ask the survey respondents to react to similar scenarios of *ENROL Events* as in the survey experiment in WP3b (building on the framing analysis of WP3a). We will also include simplified survey items relating to mobilization and advocacy in the context of EU RoL enforcement actions. Furthermore, we will explore to what extent Polish CSOs are not only reacting to EU (in)action, but also engaging in advocacy targeting EU institutions in relation to the deterioration of the RoL.

#### **Work Package 4. Establishing which EU Courses of Action are Legally and Normatively Legitimate**

WP4 will develop a normative understanding of the legal and democratic legitimacy of different EU RoL enforcement tools, as identified in WP1 and empirically investigated in WP2-3.

##### *4a. How should EU RoL enforcement tools be assessed from a legal perspective?*

WP4a intends to (re)appraise the extent to which the EU legal mandate gives the means to address RoL deficiencies appearing at the level of its MS, by revisiting primary sources and their interpretation by key protagonists, as it transpired from the research done in the other WPs and in existing literature. The purpose of this exercise is to engage, legally (based on both primary and secondary sources), with arguments that have been deployed to restrain EU action to enforce the RoL, in particular the bottlenecks identified in WP2. It will also factor in possible implications that failure to use EU mechanisms may have not only in countries experiencing backsliding as envisaged in WP3, but also more generally on the operation of the EU legal order as a whole, including on the sustainability of mutual recognition and trust.

For this purpose, the primary sources to be re-examined not only comprise EU Treaty provisions (including the Charter of Fundamental Rights), international obligations to which the EU is subject (particularly through agreements it has concluded with third states such as Norway), EU secondary legislation, case law of the CJEU (particularly in relation to the RoL, and in particular the EU obligation of MS to provide effective judicial remedies) and relevant MS courts' case law (questioning the functioning of the judicial systems of other MS, and the duty of mutual recognition). They also include legal argumentations deployed by e.g. EU institutions in various proceedings against the governments of Hungary and Poland, and the latter's defence lines to contain, counter and contest EU engagement to enforce the RoL. Of particular interest are the arguments articulated by concerned governments in their exchanges with the European Commission (e.g. in the context of infringement proceedings, and after activation of the Commission 'RoL framework' and of Art 7(1) TEU in relation to Poland), the European Parliament (e.g. in the context of the legislative process leading to the adoption of the Conditionality Mechanism, and in the context of its activation of the procedure of Art 7(1) against Hungary), the Council (e.g. in the context of its handling of the two Art 7 TEU procedures, and the RoL dialogue), the European Council (e.g. in the context of the dispute regarding the adoption of the multi-annual financial framework in 2020), and before the CJEU (not only in the context of the above mentioned infringement cases, but also in related preliminary ruling procedures). WP4a will also re-examine and build on secondary sources, e.g. scholarship advocating EU enforcement of the RoL (Closa & Kochenov, 2016) and literature contesting it (von Bogdandy, 2020).

While some of the legal arguments pro and contra EU action have been tested (and rebutted) in previous research, and in practice by EU institutions and some governments, some still have not. The ensuing legal ambiguity that endures weakens the normative focal point, potentially contributing to explaining the restrained approach taken by EU actors (WP2) and impacting on the mobilization of domestic compliance constituencies (WP3). WP4a should thus provide new insights into the relevance (or lack thereof) of oft-invoked legal arguments such as the principle of *limited EU competence* to contest the legal ground for EU involvement, or the 'national identity clause' (as per Art 4(2) TEU) to dispute EU interference with alleged democratic choices.

Importantly, WP4a should also bring new light on the grounds and scope of *MS' obligations to observe the RoL under EU law*, whose fulfilment EU institutions must secure. The analysis will entail exploring new and/or alternative legal avenues further to substantiate and articulate the EU mandate and toolbox to secure continuous MS fulfilment of conditions of membership, including the RoL. Such avenues will involve:

1. Further exploration and clarification of MS' specific obligations to observe the RoL as membership requirements, e.g. by uncovering systemic connections between Art 2 TEU and other obligations deriving from the EU founding treaties (including the Charter of Fundamental Rights), thereby unveiling additional legal bases for infringement actions (akin to Art 19(1) TEU as interpreted by the ECJ: ex. Art 10 TEU). This survey should also include an analysis of the interactions between various clauses included in EU primary law to 'protect' MS' prerogatives (e.g. 'national identity' clause in Art 4(2) TEU, withdrawal under Art 50 TEU) and their obligation to respect the RoL as membership requirement.

2. Further exposing the practical and systemic implications of the case law of the CJEU requiring the scrupulous observance of the principle of mutual trust (building on literature on mutual trust: Lenaerts 2017), and the problematic *RoL enforcement deficit* this case law potentially engenders (e.g. MS courts' are deprived of the ability to contain the effects of other MS' RoL deficiencies because of the obligation of mutual trust, while EU institutions are not compelled resolutely to address those deficiencies and the negative impact they have on mutual trust). In an attempt to overcome the growing tension (and paradox) between the dogmatic presumption (and application) of mutual trust and the growing institutional recognition of an EU mandate to secure observance of the RoL, the analysis should consider the legal feasibility of a decentralized and transnational monitoring of MS' compliance with the requirements of membership, including the RoL, in case of deficient enforcement at EU level.
3. More generally, WP4a will envisage the EU's mandate in preserving and nurturing mutual trust for the operation of the Union's legal order (based as it is on mutual recognition), notably by exploring the potential for further consistency between pre- and post- accession conditions of membership and their respective monitoring and operationalization, ultimately to enhance the effectiveness of mechanisms for domestic EU RoL enforcement.

The legal analysis thus provided should help reappraise the legal grounds for EU enforcement as deployed, and possibly identify new and alternative legal tools for EU enforcement. It should thereby help address the bottlenecks identified in WP2, and set out potentially stronger EU duties to act.

#### *4b. How should EU RoL enforcement tools be assessed from the perspective of democratic theory?*

WP4b will assess different normative arguments used in the literature and in public discourse to delegitimize EU RoL enforcement actions. This entails identifying and assessing the validity of the normative justifications and rhetorical means that potentially contributed to the bottlenecks hindering effective action from the EU (WP2) and diluting the normative focal point employed by domestic compliance constituencies (WP3).

For example, it has been argued that the EU can legitimately take action only if it is itself democratically legitimized, or alternatively if it is understood as a political insurance scheme, i.e. as a self-binding system to preserve democracy and RoL (Müller, 2015). Regarding the first point, it may be relevant that the whole system is democratically legitimized, not that the decisions are made by an institution with direct democratic accountability (ibid., 146). This points to the option that the EU can be seen as democratically legitimized by European citizens and peoples. In other words, this depends on an understanding of democracy, according to which the EU should be assessed not as a unitary but based on several peoples, i.e. a *demoicracy*. Newer contributions to the literature have proposed different broadly *demoicratic* theories (Bellamy, 2019; Cheneval, 2011; Cheneval & Schimmelfennig, 2013; Habermas, 2012; Nicolaidis, 2004). Reaching beyond the traditional state-based idea of democracy these theories provide a more appropriate framework for EU democracy and therefore EU RoL enforcement's legitimacy. Yet some of their core principles, such as mutual trust and respect of national identities, in particular constitutional tolerance (Weiler, 2001), have been invoked to argue against EU action. Therefore, ENROL will provide a normative assessment about which form of mutual respect is demanded from a *demoicratic* perspective and whether this does indeed require inaction from the EU regarding RoL questions in its MS. This assessment concerns fundamental questions of democratic theory, such as who should be regarded as the people, i.e. the demos, and how far this constituent power is constituted through RoL (Maus, 1992; Patberg, 2013; Scherz, 2013; Scheppele, 2020). The *demoicratic* perspective is particularly interesting as it takes into account values such as national identities and constitutional pluralism that have been used to justify diversions from the RoL standards in some MS. If deterioration of the RoL can still be criticized from this theoretical foundation it provides an even stronger argument for its problematic character.

Two connected questions that WP4b seeks to address are: First, what are appropriate criteria to assess RoL backsliding? Should it rely on on-going or past assessment and how should the *systematic* character of violations be taken into account? Instead of a fixed set of criteria for all MS context specific criteria are also conceivable, e.g. based on the departure from clear previous commitments, taking into account country-specific historic trajectories and sequencing. Second, WP4b will address which institution(s) within the EU should make these assessments and/or take action. This is important since they differ with regard to their independence and democratic legitimation.

Bringing together this normative framework, the doctrinal analysis and the empirical findings from the other parts of the project WP4b will analyze the normative risks and benefits of specific EU RoL enforcement tools, some of which have so far mostly been neglected in the normative debate:

1. Economic conditionality of EU funds that may risk reducing welfare could destabilize democracy further. Here the question arises whether the final beneficiaries can and should be protected or if they will be

- punished for failures of their governments. This is also a question of justice not only democracy. This analysis connects with the research on targeted international sanctions (Sejersen, 2020).
2. Suspending membership rights under Art 7(2)-(3), in particular restricting voting rights of MS in the Council has been criticized as a performative contradiction, as it undermines the very values of Art. 2 that it is meant to protect (Theuns, 2020). The validity of this argument depends, however, on the understanding of democracy that is applied. From the perspective of multilateral democracy (one form of democracy) this may not be as problematic as it is made out to be if individual citizens still have a right to participate in other democratic fora, such as European Parliament elections. We will also draw on the literature on militant democratic theory to answer these questions.
  3. A more drastic measure would be the expulsion of backsliding MS from the EU. Besides the question of legal foundation, we will develop an understanding of what the democratic costs are. We will assess the working hypothesis that there are two possibly contradicting democratic goals that need to be balanced. These are, on the one hand, the effectiveness of preventing RoL backsliding and protecting the democratic inclusion of MS and their citizens, and on the other, the sectioning off of undemocratic influence in the EU as a multilevel democratic system. In contrast to an all-affected understanding of democracy there seems to be no costs of excluding a member state according to an all-subjected understanding (Theuns, 2020). This means that if EU law is no longer binding on the state in question there is no democratic loss in not including them in the democratic decision-making. However, other assessments accounting for the loss of individual rights of citizens of expelled countries may be possible, according to different versions of the all-affected principle or some form of ratchet effect (Patberg, 2019).
  4. The support-based tools that focus on the promotion of domestic opposition in civil society (e.g. through the European Value Instrument) may be criticised as undue interference in MS internal affairs (Poppe & Wolff, 2017). We will assess whether such claims have a normative foundation or can be refuted.
  5. Finally, we will also address the costs of inaction of the EU. Specifically issues of complicity (blameworthy omission) (Wolkenstein, 2020), or even worse the EU's enabling function of RoL backsliding through its political structure and funding programs (Kelemen, 2020) need to be evaluated.

## References

- Alter, K. J. (2014). *The New Terrain of International Law: Courts, Politics, Rights*. Princeton, NJ: Princeton University Press.
- Bakke, E., & Sitter, N. (2020). The EU's Enfants Terribles. *Perspectives on Politics*, 1–16.
- Beach, D., & Pedersen, R. B. (2019). *Process-tracing methods: Foundations and guidelines*. University of Michigan Press.
- Bellamy, R. (2019). *A Republican Europe of States: Cosmopolitanism, Intergovernmentalism and Democracy in the EU*. CUP.
- Börzel, T. A. (2010). Why you don't always get what you want. *Acta Politica*, 45, 1–10.
- Börzel, T. A., & Sedelmeier, U. (2017). Larger and more law abiding?. *Journal of European Public Policy*, 24(2), 197–215.
- Buyse, A. (2018). Squeezing civic space. *The International Journal of Human Rights*, 22(8), 966–88.
- Capoccia, G., & Kelemen, R. D. (2007). The study of critical junctures. *World Politics*, 59(3), 341–69.
- Cheneval, F. (2011). *The Government of the Peoples*. Palgrave Macmillan.
- Cheneval, F., & Schimmelfennig, F. (2013). The Case for Democracy in the European Union. *Journal of Common Market Studies*, 51(2), 334–50.
- Chenoweth, E. (2020). The future of nonviolent resistance. *Journal of Democracy*, 31(3), 69–84.
- Chenoweth, E., & Stephan, M. J. (2011). *Why civil resistance works*. Columbia University Press.
- Cisár, O. (2010). Externally sponsored contention. *Environmental Politics*, 19(5), 736–755.
- Closa, C. (2019). The politics of guarding the Treaties. *Journal of European Public Policy*, 26(5), 696–716.
- Closa, C. (2020). Institutional logics and the EU's limited sanctioning capacity under Article 7 TEU. *International Political Science Review*.
- Closa, Carlos, & Kochenov, D. (2016). *Reinforcing rule of law oversight in the European Union*. CUP.
- Galtung, J. (1967). On the effects of international economic sanctions, with examples from the case of Rhodesia. *World Politics*, 19(3), 378–416.
- Grossman, G., Manekin, D., & Margalit, Y. (2018). How sanctions affect public opinion in target countries *Comparative Political Studies*, 51(14), 1823–57.
- Habermas, J. (2012). *The Crisis of the European Union: A Response*. Polity Press.
- Haggard, S., & Kaufman, R. (2021). *Backsliding: Democratic Regress in the Contemporary World*. CUP.
- Hellquist, E. (2019). Ostracism and the EU's contradictory approach to sanctions at home and abroad. *Contemporary Politics*, 25(4), 393–418.
- Hillion, C. (2011). EU enlargement. In P. Craig & G. de Búrca (Eds.), *The Evolution of EU Law* (pp. 187–216). OUP
- Hillion, C. (2020). Poland and Hungary are withdrawing from the EU. *Verfassungsblog: On Matters Constitutional*.
- Hofmann, A., & Naurin, D. (2020). Explaining interest group litigation in Europe. *Governance*.
- Holmøyvik, E. (2020). For Norway it's Official: The Rule of Law is No More in Poland. *Verfassungsblog*.
- Jakab, A., & Kochenov, D. (2017). *The enforcement of EU law and values: Ensuring member states' compliance*. OUP
- Kelemen, R. D. (2020). The European Union's authoritarian equilibrium. *Journal of European Public Policy*, 27(3), 481–99.
- Keohane, R. O., Moravcsik, A., & Slaughter, A.-M. (2000). Legalized dispute resolution. *International Organization*, 54(3), 457–88.

- Klimkiewicz, B. (2020). *Monitoring media pluralism in the digital era*. European University Institute.
- Kochenov, D. (2017). Busting the myths nuclear: A commentary on Article 7 TEU. *EUI Working Paper No. LAW 2017/10*.
- Levitsky, S., & Way, L. A. (2020). The New Competitive Authoritarianism. *Journal of Democracy*, 31(1), 51-65.
- Mansfield, D., & Pevehouse, C. (2006). Democratization and international organizations. *International Organization*, 60(1), 137-67.
- Matysiak, I. (2017). Between tradition and modernity: The case of rural women's organizations in Poland. In K. Jacobsson & E. Korolczuk (Eds.), *Civil Society Revisited* (pp. 231-56).
- Maus, I. (1992). *Zur Aufklärung der Demokratietheorie: Rechts- und demokratietheoretische Überlegungen im Anschluss an Kant* (1. Aufl.). Suhrkamp.
- Michailidou, A., Trenz, H.J and de Wilde, P. (2014). *The Internet and European integration*. Berlin: Barbara Budrich.
- Müller, J.-W. (2015). Should the EU Protect Democracy and the Rule of Law inside Member States? *European Law Journal*, 21(2), 141-60.
- Müller, P., & Slominski, P. (2019). Legal framing and the EU's external relations. *Journal of European Public Policy*, 26(6), 906-926.
- Muñoz, J., Falcó-Gimeno, A., & Hernández, E. (2020). Unexpected event during survey design: Promise and pitfalls for causal inference. *Political Analysis*, 28(2), 186-206.
- Nicolaïdis, K. (2004). The New Constitution as European 'Demoi-crazy'? *Critical Review of International Social and Political Philosophy*, 7(1), 76-93.
- Patberg, M. (2013). Constituent Power beyond the State. *Millennium*, 42(1), 224-238.
- Patberg, M. (2019). Can Disintegration Be Democratic? *Political Studies*.
- Pech, L., & Scheppele, K. L. (2017). Illiberalism within. *Cambridge Yearbook of European Legal Studies*, 19, 3-47.
- Pevehouse, J. C. (2002). Democracy from the outside-in? *International Organization*, 515-549.
- Poast, P., & Urpelainen, J. (2015). How international organizations support democratization *World Politics*, 67(1), 72-113.
- Poppe, A. E., & Wolff, J. (2017). The contested spaces of civil society in a plural world: Norm contestation in the debate about restrictions on international civil society support. *Contemporary Politics*, 23(4), 469-488.
- Risse, T. (2000). "Let's Argue!": Communicative Action in World Politics. *International Organization*, 1-39.
- Rozbicka, P., & Kaminski, P. (2021). Have they already emerged?. *Europe Asia Studies Journal*.
- Sadurski, W. (2010). Adding Bite to a Bark. *Columbia Journal of European Law*, 16(3), 385-426.
- Sadurski, W. (2018). How democracy dies (in Poland). *Revista Forumul Judecatorilor*, 104.
- Schattschneider, E. E. (1960). *The semi-sovereign people*. Rinehart and Winston.
- Scheppele, K. L., Pech, L., & Platon, S. (2020). Compromising the Rule of Law while Compromising on the Rule of Law. *Verfassungsblog*
- Scherz, A. (2013). The Legitimacy of the Demos: Who Should Be Included in the Demos and on What Grounds? *Living Reviews in Democracy*, 4(0).
- Scheufele, D. A., & Iyengar, S. (2017). The state of framing research. *The Oxford Handbook of Political Communication Theories*. OUP
- Schlipphak, B., & Treib, O. (2017). Playing the blame game on Brussels. *Journal of European Public Policy*, 24(3), 352-365.
- Sedelmeier, U. (2017). Political safeguards against democratic backsliding in the EU. *Journal of European Public Policy*, 24(3), 337-51.
- Sejersen, M. (2020). Winning Hearts and Minds with Economic Sanctions?. *Foreign Policy Analysis*.
- Semetko, H. A., & Valkenburg, P. M. (2006). Framing European politics. *Journal of Communication*, 50(2), 93-109.
- Simmons, B. A. (2009). *Mobilizing for human rights*. CUP.
- Soyaltin-Colella, D. (2020). The EU's 'actions-without-sanctions'? *European Politics and Society*, 1-17.
- Szuleka, M. (2018). *First victims or last guardians? CEPS Liberty and Security in Europe No. 2018-06, April 2018*.
- Tansey, O. (2007). Process tracing and elite interviewing. *PS: Political Science and Politics*, 40(4), 765-772.
- Theuns, T. (2020). Containing Populism at the Cost of Democracy? *Global Justice : Theory Practice Rhetoric*, 12(02), 141-60.
- Vanhala, L. (2010). *Making rights a reality?* CUP.
- von Bogdandy, A. (2020). Principles and challenges of a European Doctrine of systemic deficiencies. *Common Market Law Review*, 57, 705-40.
- Waldner, D. (2015). Process tracing and qualitative causal inference. *Security Studies*, 24(2), 239-250.
- Weiler, J. H. H. (2001). Federalism Without Constitutionalism. In K. Nicolaïdis & R. Howse (Eds.), *The Federal Vision*. OUP
- Wolkenstein, F. (2020). Partisan Complicity in Democratic Backsliding. *Global Justice : Theory Practice Rhetoric*, 12(02), 117-140.