THE POLITICS OF EUROPE’S RULE OF LAW CRISIS

DOROTHEE BOHLE, BÉLA GRESKOVITS, AND MAREK NACZYK
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ABSTRACT

This paper explores the long-term trajectory and the recent acceleration of the conflict over the rule of law in the EU. It focuses on the motivation of the two governments in Hungary and Poland to challenge European core values increasingly aggressively, and even directly at EU level, despite the threat of significant material costs to both countries. Putting forward a Gramscian understanding, we argue that this radicalization is the result of a counter-hegemonic strategy that aims to replace the liberal order with a new, nationalist, ultraconservative, Christian order on the domestic and European levels. The paper traces core elements of this strategy which are either disputed or underestimated in existing literature, most importantly the pursuit of a core ideology and the massive and long-term investment into winning moral and cultural leadership through the penetration of civil society which precedes and complements electoral strategies and autocratic institution building.

KEYWORDS

Rule of law, EU, Poland, Hungary
INTRODUCTION

The COVID-19 pandemic hit the EU at a particularly vulnerable moment in its history. The series of fast burning crises that the EU had to face during the 2010s – from the euro and the so-called ‘migration’ crises to Brexit – had led to simmering distributive conflicts, the rise of anti-liberal political forces, and the increasing politicization of integration. The pandemic put this fragile fabric to another major test. Where fast cross-border policy making was required, it exposed the EU to its lack of capacities in issues of public health and to a nationalist gut reaction of its Member States to reinsert border controls. Where unconditional socioeconomic solidarity was required, it exposed the EU to its contested legacy of an economic conditionality regime, and where industrial policy was required, it exposed the EU to the vulnerabilities of global supply chains. Against this background, it is remarkable that the EU has by and large passed the test of the pandemic. Rather than further disintegrating, it has not only been “failing forward” as in past crises (Jones et al. 2021), but integration has deepened, most notably in the areas of fiscal, health, and industrial policies (e.g. Dimitrakopoulos and Lalis 2021, Rhodes 2021, Becker and Gehring 2022).

However, there is one area – the rule of law – where, despite ambitious plans from the European Commission (EC) and increasing pressure from the European Parliament (EP), massive contestation has stalled further integration (Emmons and Pavone 2021). That is, while the EU has stepped up its effort to combat rule of law breaches amongst its members, the two countries most targeted by these measures – Hungary and Poland – have simultaneously radicalized their resistance against complying with what the EU considers to be its core norms and values.

Our paper explores the radicalization of the conflict over the rule of law in the EU. It focusses on the motivation of the two governments in Hungary and Poland to challenge European core values increasingly and aggressively, even at significant material costs to both countries. What explains the increasingly uncompromising stance of the two governments, and why are they willing to face material losses over their uncompromising stance?

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1 A significantly revised version of this Working Paper has been accepted by the Journal of European Public Policy.
Recent studies that tackle this question fall broadly into three camps. A first strand of literature ascribes the uncompromising stance to the self-interest of government leaders in Hungary and Poland to safeguard their project of autocratic state-building. As any effort of the EU to step up its defense of the rule of law would compromise these endeavors, government leaders push back (e.g. Scheppele 2019, Sadurski 2019). A second body of scholarship points to the domestic purpose of opposing the EU. This literature stresses the populist nature of the ruling parties in Hungary and Poland and sees attacks on liberalism and the rule of law would compromise these endeavors, government leaders push back (e.g. Vachudova 2020, Müller 2017, Enyedi 2016, Vachudova and Hanley 2018). A third strand in the literature takes the ideas of the Hungarian and Polish political leaders more seriously. As Coman (2022:2) argues, the “emerging rule of law policy at the EU level is shaped by a clash between liberal and anti-liberal ideas, and this marks a shift from the overemphasised rule of law consensus .... to increased dissensus and contestation”. Thus, rather than seeing anti-liberal ideas as mere tools for these leaders to assert their “raw power” (Scheppele 2019), these authors point to the contested meaning of terms like rule of law, liberalism, and democracy. Accordingly, this scholarship takes the political ideas uttered by the Polish and Hungarian political elites seriously, analyzes their origin, development, and how they shape policies and political practices, and considers their popular appeal (e.g. Coman 2022, Coman and Volintiru 2021; Bluhm and Varga 2019, Buzogány and Varga, 2021, Blokker 2019).

Our paper builds on and seeks to advance the latter scholarship. We argue that the radicalization of the Polish and Hungarian positions on the rule of law and liberal values is fueled by an ideologically motivated attempt to reshape their domestic polity and the European polity in line with an alternative, nationalist sovereigntist, and right-wing Christian vision. However, we do not take the ideational explanation as an alternative to authoritarian state building or the strategic use of polarizing rhetoric as motivating the Hungarian and Polish political leaders. Advancing a Gramscian analysis of these leader’s political strategies, we rather seek to bridge ideational, institutional, and strategic explanations. Where we differ from the “autocratic state building” explanation is that we argue that these are not autocratic state building projects without a social purpose that legitimates them. And where we differ from the “strategic use of (ethno)populist
rhetoric” argument is that we see the ideas expressed in the rhetoric as less flexible and malleable than this literature suggests.

The paper is structured as follows: The next section outlines the outcome of interest and introduces the research question. Section three presents our argument and sets it up against existing explanations. The following sections substantiate the Gramscian counter-hegemonic strategies in Hungary (section four) and Poland (section five). These case studies focus in particular on the ideological core – demonstrating that the appeal to anti-liberal values is more than a rhetorical device; the penetration of civil society – pointing to the long-term political strategy of the elites that occurs beyond elections; and the increasing radicalization that stems from both domestic entrenchment of the anti-liberal project and a perceived weakness of the West. The final section concludes.

OUTCOME OF INTEREST: THE RADICALIZATION OF THE POLISH AND HUNGARIAN ATTACKS ON THE EU AND THE RULE OF LAW

The EU’s rule of law crisis has been persistent ever since the Fidesz government under Viktor Orbán took power in Hungary in 2010 and used its two-thirds parliamentary majority to eliminate democratic checks and balances systematically. Similar developments have been taking place in Poland since the PiS-led United Right coalition took power in 2015. As widely documented, the EU has struggled to find responses to these developments. It has been divided internally both within and among institutions, and despite having developed a number of hard and soft policy instruments to counter rule of law infringements and democratic backsliding, it has often lacked the capacity and political will to use these instruments in a determined and effective fashion (see e.g. Schepele 2013, 2018, Pech and Schepele 2017, Blauberger and Kelemen 2017, Kelemen 2020, Coman 2022, Closa 2019). Nonetheless, recent years have seen the development of a more stringent approach. Arguably, the most remarkable development is the effective threat of financial sanctions in case of rule of law breaches, which was introduced by Regulation 2020/2092 on a general regime of conditionality for the protection of the EU budget. Regulation 2020/2092 was linked to the adoption of the EU’s new 2021-2027 budget (the Multiannual Financial Framework (MFF)) and

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2 The dismantling of democratic checks and balances in both countries has been widely documented and analyzed. See e.g. Bánkuti, Halmai and Schepele 2012, Krekó and Enyedi 2018, Hegedüs 2019, Grzymala-Busse 2019, Przybylski 2018, Surowiec et al. 2020, Sadurski 2019a.
the post-COVID recovery plan (supported by the NextGenerationEU instrument), and responded to the concerns of some Member States and EU institutions that saw the financial interests of the EU being jeopardized by rule of law breaches. The regulation manifested the thought that material interests might finally push Hungary and Poland to make concessions.

This expectation is certainly not entirely unfounded. Both Hungary and Poland are significant net recipients of EU money. In 2018, net EU transfers amounted to 5% of Hungarian, and 3.4% of Polish GDP, and both countries would benefit significantly from the Union’s new long-term budget. They are also bound to benefit from the recovery fund, which earmarked €8 billion for Hungary, with more than €6 billion in grants. The respective numbers for Poland are €30 billion euro, with €23 billion in grants (Financial Times 2020). EU resources are a crucial underpinning for the ruling parties’ political success in both countries. Like most of their Eastern European peers, these countries have also been highly vulnerable to the socio-economic and health consequences of COVID-19 (Bohle and Eihmanis 2022) and are therefore in need of transnational solidarity.

Both countries initially tried to torpedo the new rule of law instrument by vetoing in November 2020 the package that linked the EU’s €1.8 trillion MFF and recovery plan with rule of law conditionality, this way endangering the EU’s “Hamiltonian moment” (Hall et al. 2020). While this move led to a watering down of the conditionality mechanism, and also delayed its implementation (Coman 2022), the instrument of financial sanctions has now become effectively part of the EU’s toolbox as in 2022 the European Court of Justice (ECJ) ruled in favor of its legality.

Rather than giving in to the EU’s pressure, however, both Hungary and Poland have radicalized their attacks on the EU and the rule of law, thereby risking a loss of substantial economic resources. In Poland, in a most important landmark ruling of 7 October 2021, the politicized Constitutional Tribunal challenged the primacy of EU law over domestic law. About a month before this ruling, representatives of the European Commission and of the European Parliament actively called on Mateusz Morawiecki – Poland’s conservative-nationalist Prime Minister – to withdraw the question that he had submitted to the Tribunal in April 2021 (AP, 2021). In this context, Jarosław Kaczyński, the long-time leader of Law and Justice (PiS), sent a letter to the President of the Gazeta Polska clubs – a group of civil society organizations closely allied with PiS – in which he berated EU officials’ calls
as “an incredible demand against the foundations of our sovereignty” (PolskieRadio24.pl, 2021).

Until very recently, the Polish government also refused to yield to the Commission’s demand to dissolve its Supreme Court’s controversial disciplinary chamber. In October 2021, on the request of the Commission, the CJEU ordered the country to pay a daily penalty of €1 million until the disciplinary chamber was dismantled and judges who had been dismissed were reinstated. By May 2022, the fines have accrued to more than €160 million, and they are now being deducted from the European budget allocations to Poland (Coffey 2022). The refusal to yield to the Commission’s demands has also led to a freezing of the allocations from the COVID recovery fund. The Polish Minister of Justice, Zbigniew Ziobro (a member of United Poland, a smaller radical right coalition party, and architect of the judicial reforms) doubled down, however, arguing that Poland should not pay a single zloty and announcing further reforms of the judiciary (Wanat 2021). Other policy measures that, while not directly within the competence of the EU, do violate individual liberties and human rights and erode democracy also attest to the country’s radicalization. Most prominently, in October 2020, the Constitutional Tribunal issued a de facto total ban on abortion, a step which according to the European Court of Human Rights is a violation of the right to family and private life (Peseckyte 2021). The government also strengthened its grip on the media, partly through the use of authoritarian shareholding and targeted special taxes (Bohle et al. 2022).

To some degree, the material losses do seem to have had an effect on the Polish government’s position. As the country is also strongly affected by the Russian war in Ukraine, the government has been looking to unfreeze the blocked money from the recovery fund. In June 2022, the Polish Parliament passed a bill to eliminate the controversial disciplinary chamber. However, this step has been widely judged as being merely cosmetic, as the controversial chamber will be replaced with a new ‘chamber of professional responsibility’ (Wądołowska 2022).

In Hungary, the radicalization of the government’s position on the EU and rule of law issues started already in 2015. This year brought about much more assertive and noisy policies of defending Hungarian borders, sovereignty, and culture from the assaults of ‘Brussels’, and an increasingly outspoken alternative ‘Christian nationalist’ vision of Europe. Fidesz directly attacked the EU in national consultations and large-scale billboard campaigns, and ran personal campaigns
against the then President of the European Commission. During the COVID-19 crisis the Hungarian government further radicalized its anti-democratic and anti-EU stance. In March 2020 the Hungarian Parliament passed the Act on Protecting against the Coronavirus that installed a state of emergency which allowed the government to rule by decree and restrict fundamental freedoms during the pandemic. The country has been ruled by states of emergency ever since (Kovács 2021). Most recently, against the background of the Russian war in Ukraine, in May 2022 the Hungarian Minister of Justice submitted yet another amendment to the Hungarian Constitution, introducing a new special legal order that empowers the government to declare a state of emergency “in the event of [an] armed conflict, war or humanitarian catastrophe in a neighboring country.” (Sethi and Pásztor 2022).

In 2020-2021, ties between the Orbán government and its former political ally, the EPP in the European Parliament (EP), were also cut. Relations became increasingly strained since a majority of the EPP voted in favor of the Sargentini Report, and supported a resolution in January 2020 that “notes with concern that the reports and statements by the Commission and international bodies (...) indicate that the situation in both Poland and Hungary has deteriorated since the triggering of Article 7(1) of the TEU” (Macek 2021). An open conflict emerged in December 2020 when EPP chairman Manfred Weber, who had requested Hungary to accept the conditionality mechanism, saw himself personally attacked by a Fidesz EPP member, who compared his methods to those of the Gestapo (ibid). In March 2021, the EPP decided to change its internal rules by defining the group’s core values as well as a procedure to exclude a member of the group. When the rules were adopted, Fidesz left the EPP (ibid.), and sought to build new alliances with other European radical right-wing parties. In July 2021, 16 European far-right parties, among them the French National Rally, the Italian Lega and Brothers of Italy, the Polish Law and Justice party, Austria´s Freedom Party, and the Spanish Vox party issued a declaration outlining a common course of action to reform the EU (dela Baume 2021). Finally, similarly to Poland, radicalization manifests itself also in areas which are not in the direct competence of the EU, such as Hungary’s 9th constitutional amendment from 2021, which discriminates against sexual minorities. As in Poland, the Hungarian government’s uncompromising stance has led to significant material losses. To date, the Commission has not approved Hungary’s recovery plan, thus preventing Hungary’s access to more than €7 billion
in grants, or 5% of GDP, as well as more than €2 billion in loanable funds. In April 2022, the Commission announced that it will trigger the conditionality mechanism.

These developments inform our research question: why have both the Polish and Hungarian governments radicalized their stance on the rule of law question and core democratic values against the EU, and why have they done so despite the fact that this has led to significant material losses? The next section develops our argument and sets it up against existing explanations.

**EXPLAINING RADICALIZATION: THE FRUITS OF A GRAMSCIAN COUNTER-HEGEMONIC PROJECT**

In a nutshell, we argue that this radicalizing agenda is the result of a counter-hegemonic project of nationalist-conservative political leadership that had a decades-long gestation period, stretching from a period when the now ruling parties of the two countries were still in opposition, to the COVID-pandemic, punctuated by the Great Recession of 2010 and the so-called refugee crisis of 2015. Underlying this project is a strategic aim to replace the liberal order with a new, nationalist, ultraconservative, Christian order. Radicalization builds on the deepening entrenchment of this project in domestic political institutions and civil society, a perceived weakening of liberalism on the European level, and it aims to overturn the liberal order at the European level.

In order to make this argument, we apply a Gramsci-inspired framework. Gramsci is well known for his concept of hegemony, and the strategic consequences for counter-hegemonic struggles. The Italian Marxist philosopher and party leader of the inter-war period was preoccupied with the question of how a socialist movement could take power in Western capitalist societies, where – in contrast to Russia – it is not enough just to occupy existing state institutions and change ownership structures. This is because, in Western societies, bourgeois hegemony has developed through a dense cultural and civil society which is crucial for generating broad societal consent. Accordingly, Gramsci understands hegemony as political leadership which, while ultimately being rooted in the material relations of production and exercised through coercive state institutions, also provides moral, cultural, and ideological guidance – in this way appealing to broader parts of the population. He argues that, for any counter-hegemonic strategy to be successful, it needs to penetrate the cultural, moral, and ideological spheres, and appeal to people's common sense. Only this way can the take-over
of state institutions and the change of material-economic foundations be successful. In terms of a concrete counter-hegemonic struggle, Gramsci therefore distinguishes two different strategies: a war of position, which is the penetration of civil society and a slow displacement of previously held views in society, and a war of maneuver – a frontal and speedy attack of existing state institutions (Gramsci 1971: 481-495). The war of position therefore stresses the long-term hegemonic struggle that precedes the attacks on existing institutions, and without which a struggle for hegemony cannot succeed. For the war of position, “organic” intellectuals – intellectuals and cadres close to the political leadership – are crucial, as they are the ones who organize, educate, and lead others.

At first glance, applying a Gramscian framework to understanding the politics and strategies of today’s nationalist ultraconservatives might seem misplaced. However, there are two reasons why we think this choice is adequate. First, since the 1980s ultraconservative circles have appropriated Gramsci to develop their “playbook” for taking over power by penetrating civil society and the cultural-moral-ideological sphere (for the German, French, and American cases see e.g. Leggewie 1987, Pfahl-Traughber 1998; Wilson and Kamola 2021). As Gramsci developed his political strategy from the analysis of diverse historical events, and by closely observing Mussolini’s rise to power, this strategy is not necessarily tied to a socialist political agenda but can be exported into a different political context and used instrumentally, which is exactly what new right and ultraconservative movements in the West did. Interestingly, the same holds true for our two cases. Viktor Orbán himself had explored Gramsci’s notion of civil society in his masters thesis, in which he analyzed the Polish Solidarity movement (Orbán 1987). More recently, historian Márton Békés, research director of the House of Terror, the museum of Communist and Hungarian Nazi Arrow Cross oppression, which along with its linked research institutes also serves the Orbán regime as a think tank, claimed that the systemic “building blocks of the strategy followed in the last 12 years, such as the central political force field, System of National Cooperation, [and] national consultation” add up to a “model of a national bloc and the implied consensual hegemony” whose “theoretical foundations were also laid by Gramsci” (Békés 2022, see also Békés 2018, translation ours).

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3 Gramsci’s political thought is scattered and fragmented. Our summary relies on selections from the prison notebook (Gramsci 1971), Leggewie 1987 and Kebir 1980.
Likewise, in Poland leading right wing intellectuals explicitly refer to Gramsci when outlining their political strategy. Already as early as 1996, in reaction to two consecutive electoral victories (parliamentary elections in 1993 and presidential elections in 1995) for the post-communist SLD, Andrzej Nowak “called on Polish catholic conservatives to take to the ‘battlefield’ of ‘media, schools and cultural institutions’, ... referring to ‘Italian communist Antonio Gramsci’ and his concept of cultural hegemony as a source of inspiration.” (Nowak 1996, quoted in Behr 2021: 6). Nowak would become Presidential advisor in 2015. More recently, in an interview on building a transnational right-wing alliance, PiS MEP and former Jean Monnet Professor at Bremen University, Zdzisław Krasnodębski (2022, translation ours) suggested to “learn from the left, which knows that to gain political power (learned from Antonio Gramsci) is to gain cultural hegemony first. Poland is quite unique in this respect.” In a similar vein, a former PiS collaborator who was closely involved in the intellectual networks surrounding the party argued that “everyone on the thinking side of the right knew that it was all thought up à la Gramsci, although not everyone had heard of Gramsci” (authors' correspondence).

Secondly, we claim that, ultimately, a Gramscian framework provides a more encompassing understanding of the political strategies and ambitions than other explanations. It is to this point that we now turn.

EXISTING EXPLANATIONS

To sum up, we argue that the radicalization of the Hungarian and Polish stance on rule of law, the EU, and liberal norms is the result of a long-term counter-hegemonic project of nationalist-conservative forces. The project is guided by a strategic aim that seeks to replace the liberal order with a new, nationalist, ultraconservative, Christian order. The project relies on waging a long term war of position in the cultural-ideological sphere that partly proceeded and laid the foundations for the electoral victories which allowed for the conquest of existing political institutions. How does this argument differ from existing literature?

While existing approaches do not necessarily address the radicalizing agenda, they do seek to explain the political strategies of the leaders in both countries on the domestic and European levels, and their findings can therefore be extrapolated to radicalization too. A first prominent explanation is that of autocratic state-building. This argument focusses on the strategies of the Polish and Hungarian governments to dismantle systematically all checks and balances that stand in the
way of their grip on power (e.g. Bánkuti et al. 2012, Kelemen and Pech 2019, Scheppele 2013, 2016, 2018, 2019, Sadurski 2019a, 2019b, Grzymala Busse 2019). These authors document the increasing assault on horizontal checks and balances – the attack on the judiciary, politicization of non-majoritarian state institutions, changing of electoral rules and gerrymandering, and attacks on independent media and liberal NGOs – in short, what Sadurski (2019b) describes as the colonialization of virtually all state institutions by the ruling party. For this literature, the prime purpose of autocratic state building is to secure the power of the self-serving ruling elites. The radicalization of the Hungarian and Polish attacks on the rule of law, the EU, and core democratic values can be explained by the increasing entrenchment of authoritarianism, which needs to be defended against any external interference.

While we agree that autocratic state building is a chief aim of the Hungarian and Polish political leaders, and that their entrenchment of power plays an important role for the radicalization of both parties’ attacks, we wonder whether there can be power without social purpose. In line with our Gramscian understanding of hegemony, we contend that autocratic state building is underpinned by the quest for ideological, moral, and cultural leadership.

Most of the autocratic state building literature is focused on the issue of power and the dismantling of democratic institutions, and neglects the ideological, moral, and cultural question of power. In this respect, Scheppele (2019) provides an interesting exception, as she seeks to understand whether a populist ideology informs the autocratic state building process in Hungary. Ultimately, she finds that even the chief ideologist of the regime sees ideology and normative appeals in merely instrumental terms. Ideological challenges to liberalism, Euroscepticism, and populism are therefore “used by Orbán opportunistically. In Orbán’s world, power is all that matters.” (Scheppele 2019: 329). Scheppele’s argument is compelling exactly because she engages seriously with the ideas developed by “organic intellectuals” around Fidesz, and by Orbán himself, in order to discard them on the grounds of these actors only talking the talk, but not walking the walk.

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4 In a somewhat related manner, Schlipphak and Treib (2017) stress the instrumental use of Eurosceptic rhetoric by Hungarian political elites, who skilfully engage in a “blame game” with the EU in order to shore up domestic support. They can do so successfully because they can tap into existing popular Euroscepticism.
The instrumental and opportunistic use of illiberal ideas with the purpose of winning elections and entrenching authoritarian power further is also a key argument proposed by the literature on populist strategies (e.g. Vachudova 2020, Enyedi 2016, Grzymala Busse 2019). Thus, Vachudova (2020: 328) argues that “ethnopopulist incumbents use a playbook of democratic backsliding that is interwoven with and justified by the companion playbook of ethnopopulist appeals.” Building on Jenne (2018), she uses ethnopopulism “to describe political parties that intertwine the defense of “the people” with the defense of an ethnicity, culture, nation, religion, and/or race” (ibid.: 318). In her understanding, the hallmark of ethnopopulism is a flexible, instrumentalist, and opportunistic appeal to voters, which variably plays the nationalist, xenophobe, homophobe, misogynist, racist, illiberal, Christian and/or Eurosceptic card, depending on context and opportunity (ibid: 320). While not explicitly addressing the question of radicalization of the ethnopopulist appeal over time, it implicitly shines through that moments of crisis are inducive to radicalization.

While we certainly agree that the ruling parties construct foes instrumentally to win elections, and that this electoral strategy is interwoven with democratic backsliding, we contend that the unique focus on instrumental rhetoric overlooks an underlying canon of relatively coherent ideas. Relatedly, this focus cannot explain the efforts and material resources that go into long-term ideology production, a process which started long before these political parties won elections. Finally, the focus on electoral strategies overlooks the long-term strategy of civil society building as a core element of providing ideological, moral, and cultural leadership.

A third body of literature focuses exactly on the ideas and ideology production in Eastern Europe’s anti-liberal regimes (Coman and Volintiru 2021, Behr 2021, Bluhm and Varga 2019, 2020; Buzogany and Varga 2018, Blokker 2019, Grzebalska and Petö 2018). These authors broadly define the ruling ideas as anti-liberal, which share some common core: “a majoritarian understanding of power; the rejection of pluralism and multiculturalism; economic nationalism and the contestation of international/regional organisations and the EU in the name of sovereignty and national identity. Anti-liberal ideas contain new and old conservative ideas about abortion, minority rights and gender issues; most of their promoters are anti-immigrants, they tend to be patriotic and religious” (Williamson et al. 2011, quoted in Coman and Voltirini 2021: 5). While this canon of ideas does not differ from those identified by the populist literature, what sets ideational literature apart is
that it analyzes the process of idea production. Focusing on leading intellectuals and think tanks, the literature thus shows that the effort to challenge liberalism by anti-liberal ideas has a long history in the region, and builds on homegrown rather than imported ideas.

The table below summarizes the core arguments and observable implications of the three approaches and our Gramscian framework.

**Table 1: Explaining the radicalizing positions of the Hungarian and Polish ruling elites**

<table>
<thead>
<tr>
<th>Approach</th>
<th>Core argument</th>
<th>Observable implications</th>
<th>Criticism</th>
</tr>
</thead>
</table>
| Autocratic state building | • Dismantling of checks and balances to secure the power of self-serving elites  
                                 • Radicalization serves the purpose of defending increasingly authoritarian institutions | • Power is all that matters  
                                 • Appeal to anti-liberal values is used opportunistically  
                                 • There is no core ideology that guides elite behavior | • Can power be exerted without a broader social purpose?  
                                 • Pays little attention to long term investment in ideology production |
| Ethno-populist strategies | • Dismantling of democratic checks and balances is justified with ethno-populist appeals  
                                 • Moments of crisis give rise to radicalization | • Ethnopopulist appeals are flexibly and opportunistically used to win elections  
                                 • There is no core ideology that guides elite behavior | Focus on short term electoral strategies underestimates  
                                 • the ideological coherence  
                                 • long-term investment in ideology production  
                                 • material and ideational investment in civil society building |
| Ideas and Ideology production | • Leading intellectuals and think tanks have been preparing the anti-liberal political project for a long time | • Existence of a relatively coherent ideological core • Ideology production beyond the political leaders | • should be complemented with analyses of civil society building and institutional take-over |
| Gramscian approach | • Radicalization is the expression of an entrenched hegemonic project • Entrenchment results from the resources accumulated during a long-term process deploying two complementary strategies (war of position and war of movement) | Hegemonic Project: • Existence of a relatively coherent ideological core |
| | | Strategies • long term investment in ideology production and civil society penetration (war of position) • Takeover of institutions (war of movement) |
Our paper builds on the findings of the ideational approach. We will complement these findings by focusing on the ideological core related to the EU, and, in the Polish case, the rule of law, and by drawing attention to parties’ attempts at conquering civil society, and thus gaining moral and ideological leadership. We focus on the *long durée* of these efforts, demonstrating that building a core ideology and strategies of civil society penetration preceded the electoral victories of the Fidesz and PiS coalitions in 2010 and 2015 respectively (the war of position). We also concur, however, with existing literature that electoral victories gave political elites more resources to change institutions, build broader coalitions, and also instrumentally use political rhetoric to broaden their support base (the war of movement). Finally, we briefly demonstrate how, in the perception of political elites, the so-called refugee crisis as well as Brexit showcased a weakening of the West, which offered an opportunity to take on the EU head on. Figure 1 illustrates these three phases, which indicate increasing radicalization. Radicalization builds on accumulated resources and the increasing assertiveness of the counter-hegemonic projects. To make our case, we select core speeches of the two political leaders, party manifestos, organic intellectuals, and we draw upon our own previous research on civil society building (Greskovits 2020) as well as secondary sources on civil society building.
COUNTER-HEGEMONIC IDEOLOGY AND STRATEGY UNDER VIKTOR ORBÁN

IDEOLOGICAL CONTINUITY

In a programmatic speech addressing the participants of the 2018 summer university in Balse Tusnad (Tusnádfürdő), Viktor Orbán drew a stark contrast between the “old” Christian Europe in which “there was honor in work…the family was the basis of the nation, [and] the nation was the basis of Europe”, and “today’s open society Europe” where “European people can be readily replaced with immigrants; the family has been transformed into an optional, fluid form of cohabitation; [and] the nation, national identity and national pride are seen as negative and obsolete notions”. His conclusion was: “Thirty years ago we thought that Europe was our future. Today we believe that we are Europe’s future” (Orbán 2018).

Far from being mere catchwords for short-term electoral mobilization, in the last 20 years references to God, nation, and work have been a common fil rouge woven through Orbán’s narrative of purpose of power and vision for Europe, whether in opposition or in government. At an important event in 2004, when he was decorated by John Paul II with the Grand Cross of the Oder of St Gregory, Orbán said that “Europe is not ready, it needs to be shaped”, and expressed his hope that with the accession of the Central European countries, the power and influence of the peoples of Europe professing Christian values would increase (Civic Circles Event Database). On the occasion of Helmut Kohl’s visit in the same year, Orbán emphasized that “Hungarians would bring the love of work to Europe: the attitude of Hungarians to work – because we come from poverty – is different from that of Westerners.” He added that “[t]he freedom of the whole of Europe is given by the freedom of the nations that make up Europe” (Civic Circles Event Database).

5 The Civic Circles Event Database (Database) of about 4800 events organised, co-organized, or sponsored by the Civic Circles Movement and attended by its members from July 2002-April 2006 was compiled by one of the authors. The data is compiled from the movement’s Electronic Newsletter and other media sources. Originally collected by civic circle members and preserved by the Open Society Archives, Budapest, the Newsletter consists of civic circle messages. The Database does not contain personal, secret, or classified data. According to Hungarian and EU law, the messages are anonymized except for those from persons performing public functions about public matters and used solely for historical research.
This is not to credit Orbán as a mastermind who discovered the key to moral leadership. Instead, through nurturing sentiments of wider resonance among the citizenry, Christian culture, national sovereignty, and the work-based society functioned as glues for a lasting “community of identity”, which transcended the instrumental logic of a pure electoral coalition, and solidified Fidesz’ hegemony even in inter-election periods and through good times and bad.

From 2002-2010 forging the identity community mainly happened through the penetration and conquest of civil society, which helped Fidesz to accumulate ample social capital well before its political triumph. This process was decisively advanced by the Civic Circles Movement founded by Orbán when, after a term in government, his party marginally lost the spring 2002 elections to the Socialists and Liberals. The movement was militant in terms of its hegemonic aspirations and contentious collective practices; massive in terms of its membership and activism; dominantly metropolitan and urban but also transborder on the spatial dimension; and educated and middle-class in terms of social stratification.

The movement’s hegemonic agenda is best illustrated by the title of one of the many manuals for organization and activism circulated among the circles: *The Recapture of Everyday Life and the Holidays* (László 2002). Along these lines, patriots, priests, educational and healthcare professionals, politicians, pundits, and petty bourgeoisie entrepreneurs offered new frames for Hungarians to feel, think, and act as members of “imagined communities”: the nation, Christianity, and Europe. The numerous nationalist organizations’ cultural and political agendas and the Christian churches’ spiritual influence were increasingly permeating the holidays, education, entertainment, leisure, and contentious or non-contentious events on the local and national plane alike. Witness the large number and variety of events organized or sponsored by the civic circles: from 2002-2006 there were more than 1800 events that matched one or another type of national sentiment from local patriotism to attachment to a civic “European Hungary” and to the ethnic/cultural community of “15 million Hungarians”. Similarly, in the same period, 1300 events took place in churches or church-related institutions, had church-related activists, or had partly religious themes (Greskovits 2020).

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6 This subsection builds on the research of one of the authors on the Hungarian civic circles movement (Greskovits 2021).
Rather than setting the agenda of thousands of civil society organizations, Orbán’s role was to balance occasionally conflicting civic and electoral interests while attempting to widen the conservative coalition. However, the movement was not open to everyone, and political maneuvering did not violate the ideological constraints. Accordingly, while the movement tried to embrace all fractions of the right and even some environmental, pro-poor, or anti-war organizations, it did not welcome gays, feminists, or liberal human rights and civil rights NGOs. The circles’ trade union allies, such as the Munkástanácsok (Workers’ Councils) union came from the Christian cultural milieu, and one Social Democratic Party aligned with the movement claimed “to feel Hungarian thrice before feeling Social Democratic” (Civic Circles Event Database).

**FROM WAR OF POSITION TO WAR OF MANOEUVRE**

Since 2010, repeated landslide electoral victories have given the ascendent Orbán regime access to an ever-increasing amount of symbolic and material resources to deepen its social embeddedness. The government’s early moves were cautious, and almost surreptitious. After being left vulnerable in the aftermath of the Global Financial Crisis and Great Recession, the administration initially tried to shelter its policy strategy against the EU’s criticism and sanctions by accommodating some crucial EU standards, especially the Maastricht criteria of budget deficit and state debt. At the same time, the regime justified its increasing deviation from the “Europeanization path” through the adoption of a patchwork of illiberal “worst practices” allegedly emulating other democracies (Scheppele 2016).

Overall, the pursuit of hegemonic power shifted from a civic activist to a dominantly statist pattern, and from a war of position to a war of maneuver. Building an “illiberal state” consisted first and foremost in the elimination of democratic checks and balances, which is widely analyzed in the relevant literature. However, no less important was the extension of state control over the regime’s social base, coupled with the repression of liberal NGOs. As to the former, after 2012 the state-sponsored Civic Association Forum organized almost a dozen “Peace Marches” to defend the government from colonizers and enemies within and outside of Hungary. Rather than being mercenaries bribed by the regime, research found peace marchers to be heirs of the civic circles spirit in that they trusted “their” (i.e. Orbán’s) democracy, believed in the sense of their activism, were frequent participants in patriotic and religious organizations, and followed right-wing media (Susánszky, Kopper, and Tóth. 2016).
On its own terms, the Orbán regime took many other promises of the “prefigurative politics” of the civic circles’ era seriously. It acquired output legitimacy through a half-turn to economic nationalism, i.e. it supported national capitalists without challenging the most powerful agents and binding rules of the EU’s Single Market (Bohle and Greskovits 2019). It instituted its own vision of the "work-based society" through retrenching welfare benefits, implementing "carefare” policies, such as housing and family benefits for employed middle-class families with children, and it instituted a repressive workfare regime of local public works programs for the unemployed poor (Fodor 2022, Szikra 2014, see also Orenstein and Bugaric 2022).

**INSTRUMENTAL AND OPPORTUNISTIC METHODS OF PERMANENT MOBILIZATION**

All in all, the war of maneuver phase also brought about a move towards more instrumental and opportunistic methods of permanent mobilization, such as the half-dozen referenda and almost a dozen “national consultations”. While the government propagated these initiatives as direct democratic ways of staying in close touch with the citizenry, these exercises were also intended to nurture, and indeed radicalize, the identity community at the regime's base (Pócza and Oross, 2022). Widely media-promoted top-down culture wars on gender, migrants, political correctness, and globalization increasingly took the place of the civic circles’s grassroots mobilization in defense of religious morals, traditional family, and honorable work.

Especially from 2015, we can detect escalation in the tone of these culture wars, as well as material investment. The purpose of hegemonic power was no longer merely defined as protection of true Hungarian values from unwanted influences on the road back to Europe, but rather in terms of advocating Europe’s return to its original moral self in order to survive the impending crises. The radicalization and scale-shift are also attested to by the highly suggestive “questions” asked during the referenda and national consultations, turning these encounters more and more into forums of incitement against “Brussels”.

**USING THE OPPORTUNITY OF THE WEST’S PERCEIVED WEAKNESS**

Indeed, in taking stock of 2015, Orbán labelled the year as a historical juncture for opening a new era of mass migration as a grave threat to European culture and security. However, in his view, the EU proved impotent in coping with the threat because "its senior positions were occupied by ‘globalist-liberal forces’ seeking to
build a European United States. Christian nationalist European will have no say” (Daily News, 2016). Importantly, around the same time, the European and global political climate was marked by other critical challenges as well. The Brexit referendum, Donald Trump’s election as US President in 2016, and the rivalry of China as a world economic powerhouse all converged to produce a situation revealing the EU’s vulnerability on multiple dimensions of the economy, political cohesion, solidarity, and international affairs. Against this background it is less surprising, then, that Orbán declared that 2017 was going to be the year of revolt of nations and middle-classes against political correctness, isolation, and stigmatization (Daily News, 2016). He appeared to have a sense that the gun was loaded and only the trigger had to be pulled.

COUNTER-HEGEMONIC IDEOLOGY AND STRATEGY UNDER JAROSŁAW KACZYŃSKI

IDEOLOGICAL CONTINUITY

While Poland’s challenge to the primacy of EU law over Polish law in October 2021 epitomized the radicalization of PiS’s agenda for reform, there was nothing novel in Kaczyński’s emphasis on the need to defend national sovereignty as well as the Christian character of the Polish nation and of the European Union. These themes had been consistently developed by the party’s leader and activists not just in recent years, but since PiS’s creation in 2001. During Law and Justice’s main programmatic convention of its victorious 2019 legislative election campaign, Jarosław Kaczyński gave a long speech about his party’s “value system”, which, he argued, “is not a secret. We have already presented it in different ways. That system of values does not really change, but circumstances change, so there is a need to remind ourselves about it” (PolskieRadio24.pl. 2019). In the speech, Kaczyński listed “the inherent dignity of man and his life”, “heroic values [of national defense and security]”, “freedom”, “solidarity”, “equality of rights and opportunities”, “justice”, “family” and the “nation” as some of his party’s core values. While talking about the “nation”, Kaczyński emphasized that “a great role in shaping the Polish Nation, and later in its defence, was played by the Catholic Church.” Kaczyński also rejected the idea that “Polishness” would be in any way opposed to “Europeanness” since “We are full-fledged Europeans, also in a cultural sense, in every sense!”
Very similar themes were already at the center of the party's discourse around the time of its creation. Although, in early 2003, PiS invited Poles to vote “yes” to their joining the European Union, it also called for the “pursuit of a new European policy, which will definitely break with the errors of euro-enthusiasm and a policy devoid of the spirit of sovereignty. (...) we demand respect for the foundations of the Christian civilization of the West and for the spiritual and moral dimension of Europe's unity. (...)” (PiS 2003).

Apart from those values, one should also emphasize the fact that, from the beginning, the reform of Poland's judiciary system and a replacement of the elites ruling Poland was at the heart of the political project developed by PiS. The choice of “Law and Justice” as the party's name was a sign of the importance of this issue for the Kaczyński brothers (Jarosław and his twin brother, Lech) both of whom were doctors of law and had made the denunciation of supposed corrupt deals between “post-communist” politicians and business elites, as well as weaknesses in the criminal justice system, a centerpiece of their political agenda in the 1990s (Kaczyński, 2016). The first slogans the party proposed in a “political manifesto” published at the time of its creation in early 2001 were the need to “clean up politics”, to “repair the state” and to reinstate “security for citizens - prisons for criminals” (PiS, 2001).

**BUILDING CIVIL SOCIETY**

From the beginning of his political career, Jarosław Kaczyński has tried to reinforce the societal bases of the political parties he has headed (PC - Porozumienie Centrum – Centre Alliance – between 1990 and 2002; PiS since 2002) typically by relying on befriended conservative media groups to forge close links with civil society organizations allied with those media. In his own words, “it all started with Tygodnik Solidarność [Solidarity movement's weekly magazine of which Kaczyński was editor-in-chief in 1989-1990]. It was a center around which people gathered to build the party. Without it, it [party-building] would have failed, although it was never an organ of the PC” (Kaczyński, 2016, p. 391). Kaczyński would most directly capitalize on these links with the Solidarity movement – which was now controlled by Catholic-nationalist leaders (Ost, 2005) – during PiS's victorious 2005 electoral campaign when he involved Solidarność union activists in the preparation of his party manifesto and presented his party as the representative of “Polska solidarna” as opposed to “Polska liberalna.”
The PC’s/PiS’s penetration and conquest of civil society has nonetheless gone well beyond a dwindling labor movement and its magazine (Ekiert, 2021). Apart from the relationship PiS has developed from the mid-2000s with the ultra-conservative Radio Maryja media group (which also includes catholic television Trwam – literally: “I continue/last [in the catholic faith]” and newspaper Nasz Dziennik – literally: “Our newspaper” and the “Radio Maryja Families” civil society groups [Krzemiński, 2016]), another prominent example is the very close relationship Kaczyński’s parties have forged with the editors of the Gazeta Polska newspaper and with its “clubs” that were created in 1993 (Ślarzyński 2022). The organization of memorial events to celebrate “patriotic” resistance to communism was the clubs’ initial hallmark before they focused their attention on the very intensive – and highly politicized – commemoration of the 2010 Smolensk air disaster in which President Lech Kaczyński and 95 other – often high-profile – people died while travelling to commemorate the victims of the Katyn massacre. These efforts had a lasting impact on many Poles’ attitudes and on PiS’s capacity to cement a core electoral constituency since, by 2020, 34% of Poles believed that President Lech Kaczyński had died as a result of an assassination and 21% “did not know” (CBOS, 2020).

FROM WAR OF POSITION TO WAR OF MANOEUVRE

Further steps in building ideological counter-hegemony – and in moving the political strategy from a war of position to a war of maneuver phase – were largely thought up as part of the Polska Wielki Projekt (“Poland as a Great Project”) conferences that have been organized from 2011 and were described by Jaroslaw Kaczyński as a “conference of the Polish intelligentsia – that with an ethos” (Youtube, 2011). In those conferences, the party’s organic intellectuals – e.g. Piotr Gliński, Zdzisław Krasnodębski, Ryszard Legutko (on these intellectuals, see e.g. Buzogány and Varga, 2021) – participated in panels on topics such as “Public, private and social media” and “Polish national interest” (2011), “Crisis of the fourth estate? Media and the quality of Polish public life” and “Who Really Rules Poland?” (2012), and “How are culture wars waged and won?” (2013). In that latter panel, presentations focused on Gramsci-related questions such as “Cui bono - or who initiates and wins cultural wars?”, “Is it possible to win the culture war without domination in mass culture and media?”, “Can conservatives use state institutions as a tool in the culture war?”, and “How are the conservatives in Hungary, the USA, 

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7 See research on how populist attitudes are strongly correlated with conspiratorial thinking (Balta et al. 2022; Pirro and Taggart, 2022).
England, and France dealing with the ideological offensive of the left?” (Ośrodek Myśli Politycznej, 2013).

Once it was back in power, PiS not only took direct – and very visible – control of state institutions such as the public prosecution service and the public media (television and radio), but also used state institutions to give further financial support to private media and civil society organizations allied with the party so that, like in Hungary, these can publicize top-down culture wars on gender, political correctness, globalization, etc. Although its attempt to ban foreign-owned liberal media during COVID-19 failed under American pressure (Kość, 2021), Poland’s state-owned – and now effectively party-controlled – enterprises have become central providers of highly significant advertising revenues to PiS-allied private media such as Gazeta Polska and media (e.g. weekly Sieci) controlled by the Karnowski twin brothers and partly owned by a foundation funded by a network of credit unions (the ‘SKOK’), which is itself controlled by long-time PiS senator, Grzegorz Bierecki (e.g. Mikołajewska, 2021).

A powerful tool for reshaping civil society has been the newly established state agency “National Freedom Institute – Centre for Civil Society Development” (Narodowy Instytut Wolności – Centrum Rozwoju Społeczeństwa Obywatelskiego), which has been used to cut public funding for liberal/progressive NGOs and to redirect that funding to allied nationalist-conservative civil society groups (Bill, 2022). It is certainly not a coincidence that the Institute was founded by the Minister of Culture Piotr Gliński. As an organic intellectual of PiS, Gliński has been taking an active part in the Poland Wielki Projekt conferences where right-wing strategies for counter-hegemony building are regularly discussed. Yet, as an academic sociologist specializing in research on civil society, Gliński has also been – as mentioned to us by a former colleague of his at the Institute of Philosophy and Sociology at the Polish Academy of Sciences and as evidenced by his publications (e.g. Gliński, 2004, p. 433) – “well aware of Gramsci’s theory of cultural hegemony” (authors’ interview, 1 June 2022).

**WAR OF MANEUVER & PERCEIVED WESTERN WEAKNESS**

Since it knew that it could count on support from Fidesz at the European level, PiS acted very fast in taking over state institutions after it returned to power in 2015. Just like Fidesz, the party’s leader was also emboldened by the refugee crisis and by Brexit in wanting to shake up the European liberal order well before COVID-19.
A perfect symbol of the two parties thinking and acting in unison was a two-man – Orbán-Kaczyński – panel held at the 2016 Economic Forum in Krynica (South of Poland). At the time, Viktor Orbán declared that “Brexit is a fantastic opportunity for us. We are at a historic cultural moment. (...) Because Brexit is not a cause; it is an effect. Brits decided that what was going on in the European Union was not good and that is why they will quit. (...) The crisis strengthens our argument. All these phenomena observed in Europe today show that a cultural counter-revolution is possible. We, in Central Europe, can initiate this renaissance” (PiS, 2016). Kaczyński agreed that “the only alternative is change. Of course, change must lead to a cultural counter-revolution in essence. (...) [Brexit] is part of a wider phenomenon that can be described as a crisis of European consciousness. This crisis of consciousness meant for a long time that the EU was not being questioned.” (Ibid.)

**CONCLUSION**

This paper sought to explain the increasing radicalization of the Hungarian and Polish attacks on the EU, rule of law, and core values. We were especially intrigued by the fact that these attacks have radicalized since the adoption of Regulation 2020/2092 on a general regime of conditionality for the protection of the Union budget, which effectively meant that both countries were facing significant material losses when pursuing their uncompromising stance. The fact that Regulation 2020/2092 coincided with the worst phase of the COVID-19 pandemic, which hit both countries very hard, means that both countries are risking their access to the EU recovery funds.

In our paper we put forward a Gramscian interpretation of this radicalization. We argue that it is the result of a counter-hegemonic project of nationalist-conservative political leaders that had a decades-long gestation period, stretching from a period when the now ruling parties of the two countries were still in opposition, to the COVID-pandemic, punctuated by the Great Recession of 2010 and the so-called refugee crisis of 2015. Underlying this project is a strategic aim to replace the liberal order with a new, nationalist, ultraconservative, Christian order. Radicalization builds on the deepening entrenchment of this project in domestic political institutions and civil society and a perceived weakening of liberalism on the European level, and it aims to overturn the liberal order on the European level. The paper highlighted four aspects of change within the relatively stable matrix of ideas and power interests: escalation from an initially defensive
to an increasingly assertive pattern; the scale shift from the national to the EU level
diagnosis of and suggested remedy for the problems; the lengthening time
horizon for strategies allowing attack and retreat depending on the context; and
the increasing material resources devoted to, and risks taken for, the pursuit of
purposeful power.

Why do we put forward a Gramscian interpretation? Our first contention is that
existing literature has focused mostly on the institutional aspects of “democratic
backsliding”, as well as short term opportunistic electoral calculations of the
strategies of Hungary’s and Poland’s political leaders. While these are crucial
building blocks of the authoritarian power grip, a Gramscian interpretation
complements this by shedding light on the deep societal entrenchment of the
counter-hegemonic project and the long-term strategy that underpins the
authoritarian power grip. Secondly, this has important implications for how the EU
can fight rule of law breaches. Even if the EU’s resolve in addressing these issues
has increased in recent years, and its toolbox has been sharpened, the EU is at
best only prepared to push back against the war of maneuver. This way it might
achieve some backtracking – as recent signals from Poland seem to indicate – but
it is unlikely to be a permanent victory, as it does little to address the societal
entrenchment of the anti-liberal project. To put it differently, the main battlefield
is not that over institutions but that over fundamental values, ideas, and moral
leadership, and it is a battle that needs to be fought in and through civil society as
much as through institutions and legal procedures.
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