

## Shades of Resistance: Factors Influencing Populist Mobilization Against the EU Budgetary Conditionality Regime

Robert Csehi 

Institute of Social and Political Sciences, Corvinus University of Budapest, Hungary

**Correspondence:** Robert Csehi ([robert.csehi@uni-corvinus.hu](mailto:robert.csehi@uni-corvinus.hu))

**Submitted:** 31 January 2024 **Accepted:** 26 June 2024 **Published:** 9 September 2024

**Issue:** This article is part of the issue “Unpolitics: The Role of Populist Governments in EU Decision-Making” edited by Ariadna Ripoll Servent (University of Salzburg) and Natascha Zaun (Leuphana University of Lüneburg), fully open access at <https://doi.org/10.17645/pag.i381>

### Abstract

Although the past decade has shown how populist governments may challenge the EU’s budgetary framework, we still lack an understanding of the circumstances under which populists are more likely to mobilize against EU-level decision-making in this field, and what this mobilization may look like. Combining the literature on populism as an ideology and EU decision-making, the article zooms in on the negotiations regarding the general regime of conditionality in EU budgetary politics and argues that economic and political factors have influenced populist mobilization. A qualitative comparison of the nine cases where populist parties feature in the government highlights that only two countries, Poland and Hungary, have actively opposed the introduction of the so-called rule-of-law conditionality. A closer look indicates that a combination of Euroscepticism, European Parliamentary affiliation, membership in the European Public Prosecutor’s Office, and the political power that populist parties possess at home, along with key macroeconomic indicators, have influenced populists in government to mobilize against the conditionality mechanism. In the second part of the analysis, the article showcases the actions of the Hungarian government, highlighting it as a specific example of populist mobilization. Viktor Orbán’s government has built a populist narrative around the issue, questioned the norm of the decision-making process, exerted a veto to block the agreement temporarily, and later challenged the regulation in court—in short, it engaged in unpolitics.

### Keywords

budgetary policy; European Union; populism; rule of law; unpolitics

## 1. Introduction

Populism has received increased attention in the EU lately. While we know much about how and why populist political actors gain support and their effects on nation-states' political, economic, and societal fabric, we know less about their implications in the transnational context. Recent studies have tackled the impact of populism within the EU (Csehi, 2023; Meunier & Vachudova, 2018; Zaun & Ripoll Servent, 2023), yet a specific focus on the EU's budgetary framework is still lacking, even though populists in power have occasionally resisted further economic and budgetary integration (e.g., Hungary in the case of increasing fiscal capacity of the EU); challenged EU budget contributions (e.g., France and Austria); and disputed and sought modifications of EU budgetary rules and regulations (e.g., Spain and Italy). Interestingly, there is no across-the-board contestation by populists in government; rather, conflict is often confined to a few states. This leads to the following research questions: Under which conditions do populists in government mobilize against EU-level decision-making—in this case, about the budgetary framework—and how do they do so?

This study focuses on the introduction of the general regime of conditionality and assesses the factors that spurred opposition by some populist governments. The EU has noted the de-democratization tendencies in some member states and realized the potential budgetary costs thereof as it jeopardizes the efficient use of EU fiscal means (cf. Ádám, 2019), which culminated in the introduction of the new conditionality regime. The budgetary policy area was selected because it involves (re-)distributive as well as regulatory and value-based measures. Theoretically, the article complements the framework advanced by Zaun and Ripoll Servent (2023) as it looks at a set of political and economic factors that determine the extent and nature of the populist mobilization against EU-level decision-making. Instead of focusing on comparative cases across policy areas, where the nature of the policy area might be of greater importance, this study zooms in on a single policy area and underlines the factors that serve as scope conditions for populist mobilization. Actions culminate in “unpolitics” (Ripoll Servent & Zaun, 2024), defined as a political behavior that unsettles or even transgresses democratic decision-making. Empirically, the study provides a comparative analysis of the constraining and enabling political (domestic political power, level of Euroscepticism, European Parliamentary [EP] affiliation, membership in the European Public Prosecutor's Office [EPPO]) and economic factors (overall macroeconomic indicators) in nine countries to highlight the relevance of each component in populist mobilization against EU decisions. In a second step, the article zooms in on the Hungarian case to determine the contours of populist mobilization that align with unpolitics (rejection of norms, compromise, and solution).

First, an overview of populism, EU integration, and the budgetary framework is provided. This is followed by a theoretical groundwork that formulates expectations with regard to the factors influencing the mobilization against EU decision-making by populists in government. The third section turns to the empirical analysis. First, it describes the individual country cases in light of the selected political and economic variables to highlight why populist mobilization was lacking in most cases. Secondly, the contours of populist mobilization are assessed through the actions of the Hungarian government. The article concludes with lessons drawn and suggestions for future research.

## 2. Populism, EU Integration, and the Budgetary Framework

Populism may be studied from different angles (cf. Kaltwasser et al., 2017). One approach defines populism “as a political strategy through which a personalistic leader seeks or exercises government power based on

direct, unmediated, institutionalized support from large numbers of mostly unorganized followers” (Weyland, 2017, p. 50). Although this understanding had been applied broadly within the Latin-American context, Rueda (2020) convincingly argued that rationalism claims within the strategy approach are limited inasmuch as they consider populists purely as office-oriented political actors with no ideological fervor. Also, one may argue that this strategic approach by populists is driven by the ideological understanding that populists and populists alone represent the people. Another understanding considers populism a discursive, antagonistic, community-building exercise whereby a populist leader constructs an imagined community, the people, in order to mobilize and unite diverse social groups under a common political identity to challenge hegemonic power structures and narratives (Laclau, 2005). While Arditì (2010) highlighted some problems with Laclau’s framework, the discursive approach has little to say about the polity and policy implications of populism. Lastly, and also used in this article, populism is considered to be a political ideology (Mudde, 2004), at the core of which there is a *morally* defined antagonistic relationship between the honest people and the corrupt elite and an understanding of politics as a reflection of the will of the people. Populists’ understanding of the people, in contrast to the democratic understanding of the demos (Mueller, 2019; J.-W. Müller, 2014), usually leads to attacks against political opponents, non-majoritarian institutions, transnational/supranational organizations, and epistemic communities that allegedly serve the interests of the corrupt elite and act against the will of the people. The EU is a perfect scapegoat: It is distant and often portrayed as an elite project that lacks real democratic legitimacy. There is a great overlap between Eurosceptic and populist political movements (Rooduijn & van Kessel, 2019), which often culminates in Eurosceptic populist narratives and action (cf. Csehi & Zgut, 2021). However, the political implications of populism do not stop at a heightened level of mistrust towards transnational institutions but also concern decision-making (Bartha et al., 2020) and policies (on specific policy areas see, e.g., Lockwood, 2018; Visnovitz & Jenne, 2021). Given the exclusionary understanding of the people and the idea that populists and populists *alone* are the true representatives of the people, the decision-making process under populism generally limits access for key political players, including the electorate, technocratic associations, and social interest groups. Populism influences not only the formal institutional settings but also the informal norms of democratic decision-making (Grzymala-Busse, 2019). Additionally, morality claims are used as an identity-based proclamation of conformity between the populist leader and their electorate. However, instead of being a result of a normal bottom-up process, populists rely on top-down political claims and effectively create the will of the people (Moffitt & Tormey, 2013; J.-W. Müller, 2016), even in EU affairs. This gives them greater room for maneuver in EU political deliberations and action. As domestic democratic controls are sidelined, the government’s autonomy in EU affairs increases, which is often coupled with a transformation of societal preferences about the EU (Csehi, 2023). Although populism is often difficult to disentangle from Euroscepticism or authoritarianism (cf. Pirro & Stanley, 2021), looking into the factors that may influence the behavior of populist governments in the EU is a worthwhile endeavor.

Christiansen (2020) described the populist challenge to the EU in its stance against liberal democratic norms, which questions the constitutional order of the EU. Csehi (2023) also argued that populism fundamentally changes the domestic democratic process (above all, preference formation and societal interests), which in turn may influence populists’ actions at EU-level decision-making. Meunier and Vachudova (2018) also talk about the impact of illiberal regimes on democratic preference formation, which may influence their behavior at the EU level and, ultimately, the EU’s role as an international actor. Zaun and Ripoll Servent (2023) analyzed the negotiations about refugee distribution and Dublin IV and showed that populist governments engaged in unpolitics and challenged the formal and informal rules of Council decision-making, rejected traditional means

of compromise, and questioned final solutions to perpetuate the crisis. The foreign policy literature discussed the populist impact specifically and showed that populists have particular foreign policy preferences (Cadier, 2024; P. Müller & Gazsi, 2023; Visnovitz & Jenne, 2021) and that populists have a distinct way of politicizing foreign policy (Destradi et al., 2022). Yet, we know comparatively little about the conditions under which a populist influence is to be expected (for an exception, see Giurlando, 2021). Within the sphere of EU economic governance, while Blesse et al. (2022) show how populist parliamentarians in France, Germany, and Italy differ in their skepticism towards further fiscal integration in the EU, it is still unclear under which conditions and how populists in government mobilize against EU decision-making.

### 3. Populist Mobilization Against EU Decision-Making: Under Which Conditions and How?

#### 3.1. Theoretical Expectations

Given that populist mobilization against EU decision-making happens in some cases but not in others, various factors are expected to be at play, and a specific combination of these variables could determine populist government action. In the following, the article focuses on a number of political and economic components.

First, the level of domestic political power matters. The more powerful the populists are, the less the domestic political channels are expected to curtail populist mobilization against the EU. Naturally, the influence a populist actor exerts over government action differs if said actor serves as a junior coalition partner, leads a minority government, or—at the other extreme—possesses a constitutional majority in the legislature. The higher the concentration of political power in the hands of populists, the stronger their claim to represent the will of the people, and the greater the chances of populist mobilization against the EU.

Secondly, it is argued here that Euroscepticism matters. Euroscepticism is a multifaceted political phenomenon (Bijmans, 2020) which—at the most general level—refers to a critical attitude towards the European integration process. Even though there is a strong correlation and overlap between populism and Euroscepticism, the two concepts are distinct in various aspects (cf. Harmsen, 2010; Rooduijn & van Kessel, 2019), which is demonstrated in the fact that one may be skeptical about the EU without being a populist, and vice versa, a populist ideology does not necessarily entail a criticism of the EU. However, it is argued here that populists in government are more likely to mobilize against EU-level decision-making if they have Eurosceptic views. They easily equate the EU with the corrupt elite, which acts against the will of the people.

Thirdly, given the relevance of the EP within the ordinary legislative procedure, it is expected that populists who belong to major EP party factions are less likely to mobilize against EU decision-making. While Kelemen (2020) argued that EP factions tolerated MEPs of illiberal regimes in order to maintain their power within the EP, it is argued here that populists in government are more likely to mobilize against EU decision-making once these ties are severed. It may be considered as another tool to upset EU decision-making, while mainstream EP factions are equated with the alleged corrupt elites who act against the people. Ultimately, this may radicalize populists in government that do not belong to the three mainstream EP factions (European People's Party [EPP], Socialists and Democrats, Renew Europe) and make them mobilize against the EU more.

The first three components are considered more general and may travel across different policy areas. However, there is an additional political factor that seems relevant in populist mobilization against the general regime

of conditionality in budgetary affairs: membership in the EPPO. “The rationale for creating a European Public Prosecutor emerged from legitimate concerns over extensive ‘internal’ mismanagement and misappropriation of EU funds” (Öberg, 2021, p. 165); thus, the EPPO’s main objective is very similar to that of the rule of law conditionality. Beyond the regulation establishing the EPPO, the so-called PIF directive (EU 2017/1371) specifies the offenses which affect the financial interests of the EU, and thus fall under the jurisdiction of the EPPO. Given that EPPO was not adopted under an ordinary legislative procedure because of divergent member states’ interests but was created within the frames of enhanced cooperation, membership is not mandatory. While initially, 20 states adopted the regulation, altogether, there are 23 members today. It is expected that populists in government are more likely to oppose the conditionality regime if their country is not a signatory to the EPPO, as the EPPO is easily equated with a malevolent elite that encroaches on the sovereignty of the people by interfering in domestic legal affairs. In contrast, those member states that are already members of EPPO might consider the conditionality regime as a minor change. Thus, its political costs do not push them to oppose the measure.

As far as the economic factors are concerned, key indicators of macroeconomic stability are expected to have an influence over populists in government. It may be argued that the more vulnerable the economy is, the more likely that populists in government will be constrained in their mobilization against decisions that involve budgetary assistance. Among these macroeconomic indicators, public debt, deficit, and GDP growth are expected to play a relevant role. High deficit levels with high overall public debt are considered to be a constraining factor for a government, as external fiscal stimulus is required in this situation to address imbalances. Similarly, low GDP growth, or even GDP contraction, will likely lead to a less confrontational approach to budgetary policies. Overall, the weaker the economy, the more dependent a member state may be on EU-level solutions, which may influence populists’ mobilization strategies against EU decision-making. Additionally, euro-area membership is likely to constrain populist governments’ actions further. Not only is it expected to limit populist narrative opportunity structures, but it generally serves as a mediating force. Building on Rodrik’s trilemma, various authors have claimed that euro-area membership has somewhat hollowed out member-state autonomy in financial and economic matters (Crum, 2013; Ruiz-Rufino & Alonso, 2017). Additionally, as Györfy (2022) demonstrates, being a member of the eurozone could act against de-democratization tendencies pushed by populist governments.

As a second step, the article theorizes about the nature of populist mobilization against EU decision-making. First, populist governments are anticipated to rely on a populist discourse linked to the issue in question. In line with the ideational approach, populists in power will likely claim that a corrupt elite is acting against the will of the people. Democratic claims against the EU are also expected, and in parallel, populists will overemphasize domestic political processes allegedly underlining political legitimacy behind the government position (cf. Cadier, 2024). On the one hand, in line with arguments made by Csehi (2023), it is expected that domestic preference formation will become more constrained, and the government’s discretion on EU budgetary affairs will increase vis-à-vis other stakeholders. On the other hand, the symbolic role of the parliament will be increased: Populist governments instrumentalize parliamentary declarations as manifestations of popular sovereignty against an elite-driven European political agenda.

Not only is there a strong (Eurosceptic) populist narrative to be expected in domestic (and EU) politics, but also a less cooperative attitude on the side of populists (cf. Cadier, 2024). This may culminate in populist governments’ engagement in unpolitics. Unpolitics is considered to be obstructive behavior aimed at

undermining EU policy-making, a “repudiation of politics as the process of resolving conflicts” (Taggart, 2019, p. 81) where the aim is to unsettle or disrupt democratic decision-making and solutions (cf. Ripoll Servent & Zaun, 2024). Accordingly, it is expected that populists in government will challenge EU-decision-making norms (e.g., qualified-majority rules), decision-making processes (e.g., willingness to compromise), and final decisions on the basis of their popular sovereignty argument. In this sense, unpolitics is very similar to the notion of populist politicization, as described by Cadier (2024). In fact, both Taggart (2019) and Cadier (2024) consider this populist behavior as a continuation of domestic politics with other means, and both Ripoll Servent and Zaun (2024) and Destradi et al. (2022) consider it as part of a two-level game. Yet, elements of unpolitics (rejection of norms, compromise, and solutions) should be understood as consequences of populist foreign policy strategies (cf. battleground foreign policy and subdued foreign policy in Cadier, 2024) and manifestations of foreign policy politicization by populists (Destradi et al., 2022). Overall, this article aims to identify scope conditions under which populist governments’ engagement in unpolitics is more likely. Here, it is argued that domestic political and economic factors determine whether mobilization against EU-level decision-making in the form of unpolitics is to be expected.

### 3.2. Case Selection and Methods

The article analyzes the introduction of a general regime of conditionality (Regulation 2020/2092) into the budgetary framework (see also Coman, 2024). Often regarded as a legal matter, the regulation originated from the DG Budget and “was about the obligation to protect the EU budget *avant toute chose*” (Coman, 2022, p. 210). Also, the scope of the conditionality mechanism applies not only to the EU budget but also to the NextGenerationEU and loans and other instruments under the EU budget. The regulation was first drafted in May 2018, and most technical discussions were concluded by mid-2019. The political discussions didn’t start until the summer of 2020, and the regulation was not adopted before the end of 2020. In parallel, the EU was negotiating the new Multiannual Financial Framework and the post-Covid reconstruction plan, the Recovery and Resilience Facility. Ultimately, the three files were combined, which underlines the relevance of the conditionality mechanism in the EU budgetary framework. The article focuses on this sensitive period of the second half of 2020, during which nine member states had populists in government according to the PopuList dataset (Rooduijn et al., 2023): Bulgaria, Czechia, Estonia, Hungary, Italy, Poland, Slovakia, Slovenia, and Spain.

In the first step, in order to analyze and evaluate the different conditions that are likely to influence populist mobilization, a qualitative comparative approach was selected. On the one hand, official documents (e.g., Council conclusions, COREPER documents, Presidency proposals, national reports, and declarations) were studied, and keyword searches (e.g., “rule of law”) on the LexisNexis database in the given time period were conducted in order to assess country contexts. Economic data were retrieved from Eurostat. In a second step, to describe how populist mobilization manifested itself in Hungary, six semi-structured, in-depth interviews with key stakeholders (e.g., Council Secretariat, Permanent Representations of Hungary, and other member state and national parliamentary committees) were conducted. Interviewees were selected on the basis of their involvement in the rule-of-law conditionality negotiations and their preparations, which provided interesting insights into the positions of populist governments.



#### 4. Why Some Populists Remained Silent

The Bulgarian government under Boyko Borisov did not mobilize against the introduction of a general regime of conditionality. Borisov's party, the GERB, is not considered to be Eurosceptic, and Borisov himself never really indulged in ideological debates with the EU on identity politics. Also, party members sit within the EPP faction, which often proves lenient toward the government. In fact, when in October 2020—after months of protests in Sofia against the government—the EP passed a resolution condemning the corruption and democratic backsliding in Bulgaria, other EPP members tried to protect their Bulgarian counterparts and stressed the pro-European stance of the government (Gotev, 2020a). Also, the whole discussion of the conditionality regime was first initiated under the Bulgarian Council Presidency, which made them potentially more attached to the issue. At one point, Borisov stressed the importance of tying the rule of law to the disbursement of EU funds (Gotev, 2020b). Additionally, Bulgaria's membership of the EPPO and its low government debt and deficit, with GDP growth declines below the EU average in 2020, could have allowed Borisov to challenge the conditionality regime. However, as an interviewee pointed out: "Various governments had different interests: Bulgaria wanted to gain accession to the Schengen area" (Int. #1). One may also add that the Borisov government had wanted to join the euro area for years by then, making him and his government less interested in mobilizing against conditionality.

In Czechia, a minority government was led by the populist leader Andrej Babis and his party, ANO. Even though President Zeman argued that Czechia should have supported Hungary and Poland in their fight against the EU on the matter, the Babis government did not mobilize against the conditionality regime. Quite the contrary, the foreign affairs minister (Brzozowski et al., 2020) and even the prime minister ("Money distribution from recovery fund," 2020) stressed the relevance of the conditionality regime. The lack of mobilization was not only because Babis had a minority government and was under investigation into alleged illegal EU subsidies to his own company but also because ANO is not Eurosceptic. Additionally, Vera Jourová served as a European Commissioner for Values and Transparency, a portfolio that was also closely linked with the rule-of-law reports, and members of ANO sit within the liberal Renew Europe faction, which was one of the strongest proponents of the conditionality regime within the EP. The Czech case also resembles Bulgaria on the macroeconomic front. Although there was a higher negative growth in Czechia than in Bulgaria, both public debt and deficit levels remained well below EU averages, which would have allowed the government to exert more opposition. However, although not a euro area member state, political factors seem to have trumped economic ones in this case.

In Estonia, the populist Conservative People's Party of Estonia (EKRE) joined the government as a junior coalition partner in 2019. Despite their Eurosceptic characteristic and membership in the Identity and Democracy faction within the EP, given their confined role within the government, they could not pressure their senior coalition partner to mobilize against the conditionality regime. While EKRE members were critical of the new conditionality ("Martin Helme on European Council accord," 2020), the minister of finance (coming from the party) actually agreed to the recovery plan, which also included the conditionality scheme (Sildam, 2020). Overall, the Estonian government was not very vocal about the issue. As an interviewee claimed, "the Baltics kept silent most of the time" (Int. #1), which coincides with former European Commission Vice President Siim Kallas' interview where, in relation to the conditionality dispute, he claimed that "keeping quiet is a sign of wisdom....We should maintain a low profile here. It is not our battle" (Sildam, 2020). The silence of EKRE was most likely also because political scandals plagued the party. First, in

October 2020, high-ranking party officials made outrageous remarks about the LGBTQ+ community—arguing that they would be better off in Sweden—then Mart Helme, the interior minister, made claims on a radio program about the fraudulent nature of the recent US elections. As a result, a motion of no-confidence was foreseen against him and his son, Martin (who was finance minister at the time and also participated in the radio show). While Mart resigned before the motion, his son eventually survived the no-confidence vote. However, not long after, the prime minister resigned over a corruption scandal. Estonia is also a member of EPPO. Similar to Czechia and Bulgaria, the macroeconomic conditions would have allowed for greater opposition, although both euro-area membership and the abovementioned political factors seem to have had a greater influence on the actions of the government.

In 2020, the populist Five Star Movement was the most dominant party in Giuseppe Conte's Italian government. The Five Star Movement is habitually described as a Eurosceptic party, and their members belonged to none of the EP factions (served as non-inscrits). While the country is a member of EPPO, despite the political factors enabling a potential mobilization, the Italian government favored a rule-of-law conditionality from the beginning. It even argued that the mechanism could be more ambitious (Fortuna, 2020). This openness was likely the result of macroeconomic pressures. The country had (and still has) a soaring public debt and a substantial deficit, and its growth was expected to decline below the EU's average in 2020. As an interviewee pointed out: "Italy and Spain were economically pressed to move ahead with the reconstruction fund" (Int. #2), as their economies were majorly hit by the Covid-19 pandemic. As the vetoes of Hungary and Poland materialized, the Italian government grew ever more impatient, which resulted in further delays in their much-required fiscal injection ("EU—Hungary and Poland ignore the pressures," 2020). The room of maneuver of the government was also constrained by the fact that Conte was caught up in negotiations about the reforms of the European Stability Mechanism in November 2020, which caused internal divisions within the Five Star Movement, which had opposed the European Stability Mechanism in the first place.

In February 2020, Igor Matovic formed a coalition government led by his populist OLaNO (Ordinary People and Independent Personalities) in Slovakia. His government, mainly through his Foreign and European Affairs Minister, Ivan Korcok, voiced their support of the conditionality regime as a mechanism that was in line with the conditions for drawing funds from the EU outlined in their government manifesto ("Korcok: EU's conditions to draw funds," 2020). While neither OLaNO nor SR (We are Family) are considered to be Eurosceptic parties, the latter did join the Eurosceptic Identity and Democracy in the EP. Nevertheless, given OLaNO's senior position within the government and its EPP membership within the EP, it is expected to have had a constraining effect. There was also a political scandal in July 2020 when the prime minister admitted to a plagiarism charge concerning his university thesis. Slovakia is also a member of EPPO. While macroeconomic indicators should not have pushed the government to mobilize against the conditionality regime, the country's euro-area membership also served as a constraint.

In March 2020, the conservative populist Janez Jansa returned to power in Slovenia, leading a four-party coalition. Jansa's party sits within the ranks of the EPP and is not considered Eurosceptic. While the country is a member of EPPO, Jansa continuously failed to appoint delegated prosecutors (Benec, 2021). The country's euro-area membership seems to have constrained the mobilization efforts by Jansa, which macroeconomic indicators would have enabled. However, the Slovenian prime minister was the only populist in government who actually showed some backing of Hungary and Poland in their challenge to the conditionality regime



("Slovenia PM backs Hungary," 2020). This was somewhat surprising, given that, as an interviewee pointed out, "even though the Slovenian prime minister was more active, the Slovenians did not do anything at the technical level" (Int. #2). Also, Jansa ended up alone with his view, and his coalition members stressed that Jansa's support of Hungary and Poland was not the government's view but rather that of the prime minister alone.

In Spain, the left-wing populist party Podemos entered Pedro Sánchez's government in November 2019. Populist mobilization in Spain was highly constrained. Podemos is generally described as pro-European or soft-Eurosceptic at most. Not only was Podemos only a junior coalition partner in the government, but the country—much like Italy—was hard-pressed economically and needed EU funds to boost its economy. Economic interests trumped all other political considerations, and even though Podemos was a member of the Green faction in the EP, given that one of the rapporteurs of the conditionality file came from Spain (Socialists and Democrats), it also constrained the populists' room for maneuver. The Spanish government was highly active in the push for an agreement. Before the July European Council meeting (where the contours of the Recovery and Resilience Facility and the conditionality mechanism were decided upon), Sánchez toured the Northern countries to raise awareness of the financial needs of Southern Europe. Also, when negotiations reached an impasse in November 2020, the Spanish government called upon their Hungarian and Polish counterparts to rethink their position, stressing that the agreement should not be changed ("EU—Spain tells Hungary and Poland," 2020). However, the Spanish government also had to deal with many pressing issues at home: In August, a corruption scandal surfaced, resulting in King Juan Carlos leaving the country. In September, the removal of the Catalan President by the Supreme Court led to a political debate. Additionally, Sánchez tried to reform the nomination system of the General Council of the Judiciary, which also triggered a great debate between him and the opposition party (Popular Party). Although this was also criticized in the rule-of-law report, the Spanish government did not feel threatened by a potential application of the conditionality regime against them (Segovia, 2020).

In summary, in seven of the nine cases where populists had some role in the government, we did not witness any mobilization against the conditionality regime. Either political or economic (or both) factors constrained opposition (see Table 1 in the Supplementary File). In many countries, populists lacked substantial governmental power (CZ, EE, ES); were not Eurosceptic (BG, CZ, SK, SI, ES); belonged to a big EP faction (BG, CZ, SK, ES); and were signatories to the EPPO (all except HU and PL). In the case of Italy and Spain, macroeconomic constraints were considerable. While EPPO membership may have been a determining factor, some member states are not signatories to EPPO yet did not contest the conditionality regime either. One feature that stands out is that in many member states, governments also had to deal with political scandals, which could have distracted populist governments from mobilizing against the conditionality regime.

## 5. The Contours of Populist Mobilization Against the Conditionality Regime

Hungary and Poland politically mobilized against the new conditionality regime. Key political and economic factors were similar in the two countries. While the Hungarian government enjoyed a constitutional majority in parliament, their Polish counterpart also had a majority, although in a coalition. Both government parties are considered to be Eurosceptic, and members of the Polish Law and Justice (PiS) also belonged to the Eurosceptic EP faction of European Conservatives and Reformists. Although the governing Fidesz party in Hungary had long been affiliated with the EPP, they gradually grew apart (thanks partly to the de-democratization trends in Hungary), with Fidesz MEPs being suspended from the EPP since March 2019.

Ultimately, Fidesz left the EPP in March 2021. Also, both the Polish and the Hungarian governments were under the Article 7 Procedure and generally had a conflictual relationship with EU institutions, above all, the Commission and the EP. Neither country was a member of EPPO at the time of the negotiations. The Hungarian justice minister, Judit Varga, even claimed that the EPPO was unconstitutional and raised sovereignty questions. As for their economic conditions, while both countries were the biggest beneficiaries of cohesion funds, their 2020 economic indicators were no worse than EU averages, and thus, they were not pressed to adopt a recovery plan for the EU. In fact, the Hungarian prime minister even argued that Hungary did not need the Recovery and Resilience Facility funds. Given that both countries also maintained their own currencies, this also did not provide any constraints on their behavior. As a final point, neither government faced any domestic political scandals that triggered public opposition and could have distracted government mobilization efforts. Altogether, their domestic political power, Euroscepticism, EP party position, and macroeconomic conditions were favorable for the Hungarian and Polish governments to exert their opposition to EU decision-making on the conditionality regime. In the following, the article zooms in on the Hungarian case to demonstrate what this opposition actually looked like.

The Hungarian government mobilized a strong populist narrative against the new conditionality regime. Orbán interpreted the mechanism as “the rule of blackmail: It is not about the rule of law initiative, but a blackmail strategy” (Orbán, 2020b). He stressed that “Hungarians’ money cannot be taken away” (“Prime Minister Viktor Orbán on the Kossuth Radio programme,” 2020) and claimed that the mechanism was based on vague legal definitions and could lead to political abuses. According to the justice minister, the mechanism was “about causing pain to countries, and Hungary has always been the main target of this proposal” (“Hungary and Poland continue to block a final agreement,” 2020). A Hungarian diplomat also argued that “the mechanism was clearly targeted against two countries [Poland and Hungary]” (Int. #2). Similar voices were expressed within the Parliamentary Committee of European Affairs in Hungary. In the seven meetings where the conditionality regime was addressed, the representative of the government, MEPs, and MPs framed the issue as an attack of the internationalist left against the government (European Affairs Committee, 2020a), arguing that the “rule of law is a baton they want to beat us with” (European Affairs Committee, 2020d). Hungarian MEP Tamás Deutsch denounced the EU’s colonialist approach towards the East-Central European region (“Rule of law conditionality,” 2021). Additionally, there was strong criticism towards European institutions, claiming that they disregarded the rule of law (European Affairs Committee, 2020b), as they overstepped their mandate (European Affairs Committee, 2020c) and violated the treaties (Int. #1). Orbán even likened the EU to the Soviet Union, as the EU wanted “to blackmail countries on ideological grounds without objective criteria and without the possibility of appeal” (“Prime Minister Viktor Orbán on the Kossuth Radio programme,” 2020). Additionally, he claimed:

What was truly at stake was the question of who would control Europe in the future: Whether it would be governments elected by the citizens of member states and the Council comprising prime ministers and heads of state; or whether George Soros would succeed in forcing on us his own power network....They wanted to have a new weapon which at any time they could use against countries that George Soros doesn’t like. (Orbán, 2020a)

Discussions on the conditionality regime were bundled with the Multiannual Financial Framework and Recovery and Resilience Facility negotiations, and even though the country faced some economic pressures, Orbán actually downplayed the relevance of the recovery fund: “If the European crisis management fund

doesn't come into being, Hungary wouldn't incur any financial loss as a result. The need for this fund is not primarily on account of Hungary" (Orbán, 2020c). Given the understanding that the conditionality issue was not going to be separated from the other two issues (Int. #1), the bundle approach was as much a constraint as an opportunity for Orbán (and Morawiecki) as he could not block the introduction of a conditionality regime. Yet, he could veto segments of the other two files. All in all, there was a clear politicization of the issue, which is often a prerequisite for unpolitics (cf. Ripoll Servent & Zaun, 2024). Once a populist narrative had been built around the topic, the government also engaged in unpolitics at the behavioral level.

First off, while at the governmental level, Hungary did not question the norms of the procedure (Int. #2), Orbán did challenge the November deal, arguing that:

What is on the table right now as a debate about the rule of law would not promote the rule of law, but the rule of the majority....I must not allow there to be any risk of someone using a simple majority to force upon Hungary positions which Hungarians are unable to accept. (Orbán, 2020c)

Although Orbán's reading of a "simple majority" is misleading and false, the claim is clear: He considered any decision on the conditionality regime to be in contrast to the will of the Hungarian people. This approach highlights the double standard in Orbán's populism: Domestically, he always favors majoritarian rule (i.e., the will of the people as represented by his government), yet at the EU level, he often disputes it. As a result, at one point, he and his Polish colleague wanted to open an intergovernmental negotiation on the necessity of linking rule-of-law conditionalities to the financial interests of the EU ("Hungary and Poland request amendment," 2020). In line with unpolitics expectations, Orbán challenged the procedure's norms to some extent.

Orbán also mobilized against the political process itself. First, the government only half-heartedly participated in the negotiations (cf. Coman, 2022, p. 223). The Hungarian delegation made it clear from the beginning that they wanted to push the discussion to the highest political level (Int. #2) and stressed that "we are in negotiation, but we cannot accept the instrument" (Int. #1). Others interpreted this as a quasi-boycott of the technical level (Int. #5). Secondly, the government—along with the Poles—used its veto power. The veto was not directly linked to the conditionality mechanism, as it only required a qualified majority scheme, but to the Own Resource regulation necessary to adopt the NextGenerationEU recovery package and the Multiannual Financial Framework, which both required unanimity. The veto (very much like cross-policy blackmailing; see Bergmann et al., 2024) came in mid-November 2020 and led to a quasi-pledge between the Polish and Hungarian prime ministers: They announced that neither party should accept a deal that was not acceptable to the other ("Hungary and Poland will coordinate their position," 2020). This alliance of defense and defiance managed to gain some concessions. The December 2020 European Council Conclusions expressed an intention on the side of the Commission to adopt guidelines on how the Regulation would be applied and delayed this exact process (by first waiting for a Court decision on the legality of the regulation), which effectively gave a de facto amendment power in the hands of the European Council in the legislative process (Coman, 2022, p. 232). Thirdly, the Hungarian parliament—as the voice of the Hungarian people—passed a declaration in the summer of 2020 stating that "linking the disbursement of funds to political and ideological conditions described as 'the rule of law' is unacceptable" (Orbán, 2020a). While the plenary played this symbolic role, the EU affairs committee was downgraded into a "rubberstamping institution" (Int. #4) that wanted "to avoid debates at all costs" (Int. #3 and #4), where "professionally competent people were leached out" (Int. #3), where the "committee did not play any

oversight role” (Int. #3). Overall, the Orbán government engaged in unpolitics inasmuch as initially they were not ready for compromise, which also manifested itself in their reluctant participation in negotiations.

As a final instrument, the Orbán government (along with the Polish one) waged a legal challenge against the regulation. Living up to their promise, they turned to the Court of Justice of the European Union to annul the new regulation, arguing that it did not intend to protect the EU budget and was a political tool (Bayer, 2021). By December 2021, the Advocate General of the Court of Justice claimed in a statement (a proposal of a court decision) that the conditionality mechanism was legal under EU rule. Ultimately, the court dismissed the motion in February 2022.

Orbán mobilized against the conditionality regime at different levels with different intensities. As one interviewee argued, “the Hungarian government did not necessarily challenge the process, but they definitely pushed it to the limits...they were not against the process, they simply took advantage of it” (Int. #5). Another interviewee had a similar opinion:

The Hungarian government did not really challenge existing norms and procedures, but has definitely pushed the system to the extreme...it was almost like an abuse that had changed the culture of the council discussions a bit...after all, vetoes are generally used for defending national interests not to push domestic political agendas. (Int. #6)

Overall, one may argue that the Hungarian government relied on unpolitics as they tried to unsettle EU policy-making by challenging its decision-making norms, its procedural culture, and its solutions as well.

## 6. Conclusion

The article set out to analyze under which conditions and how populist governments mobilize against decision-making concerning the EU budgetary framework. Looking into the case of the adoption of the general regime of conditionality, it was highlighted that the period studied featured many populists in government across the EU. Yet, only two opted to mobilize against the regime. It was shown that only when a range of favorable political and economic factors aligned did European populist governments mobilize against EU decision-making. An important lesson drawn from the study is that populism in itself does not determine a negative mobilization against the EU and its policies, nor does Euroscepticism. Rather, in most cases, populist opposition to the EU is shaped by a mix of economic and political factors, some of which might be context-dependent. The article thus adds to the discussion that aims to evaluate the circumstances under which populism becomes relevant in transnational and EU politics (cf. Giurlando, 2021). The Hungarian example, on the other hand, showed how populist mobilization manifested itself in unpolitics. While the study has important theoretical and empirical contributions, it does have a few shortcomings. In theoretical terms, a more systematic approach may be developed in terms of the variables affecting populist mobilization. Beyond the economic and political ones listed in the text, additional social factors may be studied, also on the demand side. Additionally, further studies could also tease out the complex theoretical and conceptual relationship between populism, populist politicization/mobilization, and unpolitics. As far as empirics are concerned, and very closely linked to the theoretical point, a more extended comparative study should evaluate the effects. This empirical extension should be done both in terms of the budgetary policy, but also in other policy areas. Although this study has highlighted the variegated nature of

budgetary policies, populist mobilization may play out slightly differently on redistributive rather than regulatory questions. Nevertheless, the findings suggest that populists in government are likely to exert a more differentiated influence over EU decision-making and thus require an equally differentiated approach to offset said impact.

### Acknowledgments

I would like to thank the organizers of the thematic issue, Ariadna Ripoll Servent and Natascha Zaun, for the fruitful discussions on the article we had during a workshop in Salzburg and the ECPR Joint Sessions in Lüneburg on 25–28 March 2024. I would also like to thank the three anonymous reviewers for their constructive and helpful comments and suggestions, which truly contributed to the final product.

### Conflict of Interests

The author declares no conflict of interests.

### Supplementary Material

Supplementary material for this article is available online in the format provided by the author (unedited).

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## About the Author



**Robert Csehi** (PhD) is an assistant professor in the Political Science Department at Corvinus University of Budapest. He received his PhD from Central European University (CEU) and has been a postdoctoral researcher at the Technical University of Munich. His research focuses on EU integration, EU (economic) governance, comparative East-Central European politics, and the study of populism. His previous work has appeared in *Democratization*, *Journal of European Public Policy*, *West European Politics*, *JCMS: Journal of Common Market Studies*, and *European Politics and Society*.