Unpolitics: The Role of Populist Governments in EU Decision-Making

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Edited by Ariadna Ripoll Servent and Natascha Zaun

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EDITORIAL

Under Which Conditions Do Populist Governments Use Unpolitics in EU Decision-Making

Ariadna Ripoll Servent [1] and Natascha Zaun [2]

[1] Salzburg Centre of European Union Studies, University of Salzburg, Austria
[2] Institute of Political Science, Leuphana Universität Lüneburg, Germany

Correspondence: Ariadna Ripoll Servent (ariadna.ripoll@plus.ac.at)

Abstract

Until recently, we knew very little about the role of populist governments in EU decision-making. The "crucial case" of refugee distribution within the EU demonstrated that their behaviour was ruled by unpolitics: they rejected formal and informal rules of decision-making if these were not conducive to their preferred outcome, they rejected traditional means of ensuring compromises, and they rejected solutions to perpetuate crises. However, to what extent is unpolitics a phenomenon unique to migration—an area prone to (nativist) populist capture? This thematic issue compares the behaviour of populist governments in the Council of the EU across different policy areas. The goal is to better understand under which conditions unpolitics is more likely to manifest in EU decision-making. We argue that unpolitics is intrinsically linked to vote-seeking strategies, where populist governments use EU decision-making to mobilise domestic audiences. Hence, unpolitics is more prone to "high gain" and "low risk" issues, since they can be more easily politicised. Unpolitics is also more likely to manifest in venues that act as a tribune, where populist actors can directly speak to domestic audiences. Finally, since unpolitics relies on the mobilisation of voters, it is essentially a two-level game largely determined by domestic political and socioeconomic conditions. Overall, we see that, although the EU institutions have proved relatively resilient, unpolitics is gradually unsettling and hollowing out norms, institutions, and discourses.

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1. Introduction

In recent years, there has been a growing disruption of the "permissive consensus" that had prevailed in EU decision-making for decades. Not only has domestic politicisation put increasing pressure on mainstream governments from the bottom up (Bressanelli et al., 2020; Hooghe & Marks, 2009), but there has also been a fragmentation of the European integration consensus brought about by the presence of populist parties in government within the EU institutions.

Drawing on Taggart's (2018) concept of unpolitics, we initially developed a theoretical framework to account for the disruptive behaviour of some populist governments at the EU level in the reform of the Dublin IV Regulation in EU asylum policies. We argued that this reform was mainly blocked by populist governments that capitalised on the EU's inability to pass the reform. They blocked the adoption of Dublin IV even though it would have benefitted them in redistributive terms. For instance, the Italian government prevented an agreement in the Council despite the potential for increased support, urgently needed given the high numbers of asylum-seekers the country was receiving (Zaun & Ripoll Servent, 2023).

We understand unpolitics as a destructive approach to politics that populist governments in the Council employ to undermine EU decision-making. We argue that they do so in three ways: (a) they reject shared formal and informal norms of EU policymaking, such as the norm of consensual decision-making in the Council; (b) they reject compromise and go for their maximum positions, which reflects their self-understanding as representatives of the will of the "pure people" as opposed to the corrupt elite (cf. Mudde & Kaltwasser, 2017, p. 6); and (c) they use non-decisions to mobilise against the EU and show how weak and unproductive the EU is. Hence, unpolitics is connected to the Eurosceptic profile of populist governments.

However, the question remains: Is asylum a unique case or do we see similar uses of unpolitics by populist governments in the Council? This editorial presents the theoretical framework of unpolitics in EU decision-making and evaluates under which conditions unpolitics is likely to be present across EU policies. We expect that populist governments use unpolitics only in policy areas where their political game is likely to yield high electoral gains at low political cost, i.e., in areas that are easily *politiciseable* and where the potentially negative consequences of unpolitics are not immediately visible.

2. Unpolitics in EU Decision-Making

Traditionally, the EU has been a political system characterised by a culture of consensus—despite major differences in their positions, policy actors try to accommodate each other and avoid being seen as losers. However, if we consider populism as a thin-centred ideology that considers society to be ultimately separated into two homogeneous and antagonistic camps—"the pure people" versus "the corrupt elite"—and which argues "that politics should be an expression of the volonté générale (general will) of the people" (Mudde & Kaltwasser, 2017, p. 6), we can expect populist governments to pursue different goals and follow other norms of behaviour.

This other type of behaviour has been identified as unpolitics, where populist actors "engage....with politics but in a way that is at odds with that politics" (Taggart, 2018, p. 81). Unpolitics is a form of political

behaviour—that is, it is not anti-political or apolitical—but aims to unsettle and transgress shared understandings of democratic procedures and solutions. We argue that populist actors are more likely to use unpolitics as it allows them to express their anti-elitism and maximalist positions (speaking on behalf of the general will) and hence mobilise their electorate. When using unpolitics, populist governments are exclusively vote-seeking rather than policy-seeking. We consider this a necessary condition for the presence of unpolitics (although see Taggart, 2024, for a discussion on the use of unpolitics by non-populist actors). To determine whether we observe a case of unpolitics, we need to establish a connection between transgressive behaviour and an attempt (be it successful or not) to mobilise domestic voters. Indeed, as national governments and even EU parliamentarians are elected at the national level, the relevant audience for them is the national electorate. At the same time, given that EU politics are often opaque and distant for voters, using them to mobilise domestic audiences is usually complicated. Unpolitics is, hence, inherently a two-level game (Figure 1).

Three main features of populism foster the rejection of norms. First, breaking established norms of consensus helps populist governments underline that they are not part of the "elite." The norm of consensus and compromise is closely linked to notions of trust and iterated negotiation, where people need to find solutions for not just isolated problems but ones across issues and over long periods. Hence, breaking these norms can signal a sense of "otherness," of not being part of the club (and not caring about it). Populist actors are, thus, keen to demonstrate that they are not part of the system by explicitly questioning its procedural rules and shared understandings of potential solutions to policy problems. Consequently, we expect that a manifestation of unpolitics will be the rejection of formal and informal rules and norms. This rejection can be rhetorical—for instance, questioning the legality of previously adopted procedural norms—or come in the form of specific actions, such as repeated use of vetoes that are seen by other
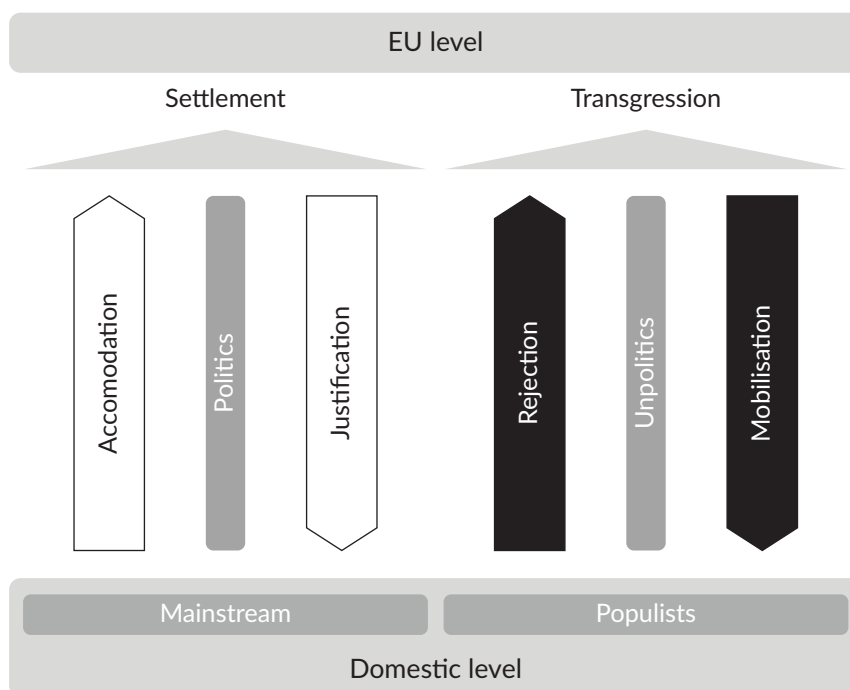
Figure 1. Unpolitics as a two-level game.

participants as disproportionate and unjustified, or even going against the interest of the veto-wielding country. Indeed, vetoes are not a form of unpolitics *per se*, but they can take on that role when performed strategically to unsettle the usual political process. By doing so, vetoes can help populist governments mobilise domestic audiences.

> H1: *Populist governments are more likely to break the EU's formal and informal rules and do so explicitly (reject norms).*

Second, if populist governments are supposed to represent the "will of the people," compromises are out of the picture. Giving in would mean betraying their voters and this would question their ability to represent "pure" positions. In extreme cases, this means refusing compromises even if they benefit their domestic constituents. This rejection is particularly easy to identify on the rhetorical level. However, actions serve as even stronger evidence since they demonstrate that populist governments are also ready to walk the walk and put their words into practice. This form of unpolitics sends a strong signal to their voters and shows they are ready to do anything to stand by their positions. However, not all extreme cases of persistent vetoes, such as the Empty Chair Crisis, are unpolitics, as this crisis was the result of policy-seeking and not vote-seeking—De Gaulle prioritised maintaining intergovernmental control over the Common Agricultural Policy, reflecting his substantive preferences. Hence, we expect the following:

> H2: *Populist governments are less likely to compromise than mainstream governments and stick with their maximum positions (reject compromise).*

Finally, rejecting compromises not only helps in depicting them as "loyal" to their people but also provides populists with further reasons to continue opposing and fostering crises. Populist governments are incentivised to use unpolitics to supply further populism and Euroscepticism (Mudde & Rovira Kaltwasser, 2018; van Kessel, 2015). Highlighting the EU's inability to solve crises supports their Eurosceptic (and hence anti-elitist) arguments, allowing them to depict the EU as dysfunctional and unable to solve problems and to emphasise the capacity of populist governments to better address the needs of their people. We would expect this form of unpolitics to be particularly visible at the rhetorical level. Populist governments aim to keep the EU in a permanent state of disequilibrium (Hodson & Puetter, 2019; Kelemen, 2020) by making EU decisions unpopular and thereby legitimising alternative (more popular) domestic narratives and solutions. We observed this in the EU asylum reform process, where Salvini blocked any EU solutions on Search and Rescue because he wanted to portray the EU as too weak to provide an answer. He then pushed for domestic solutions, which allowed him to be seen as a leader caring for the worries of his citizens (cf. Zaun & Ripoll Servent, 2023). Thus, our third hypothesis is:

> H3: *Populist governments tend to use non-decisions by the EU strategically to show that the EU is weak and useless (reject solutions).*

These three hypotheses aim to facilitate a comparison of unpolitics as a form of behaviour. To assess whether unpolitics is present, one can engage in process tracing or Bayesian reasoning (Beach & Pedersen, 2019). Using process-tracing tests (straw in the wind, hoop test, smoking gun, or double decisive) can help us assess the strength of the evidence. For instance, seeing some instances of vetoes or uncompromising positions could be a straw in the wind; however, persistent occurrence could give us more certainty that unpolitics is being

employed. Moreover, a government blocking a policy that would benefit its country (cf. Zaun & Ripoll Servent, 2023) could be considered a smoking gun. If one cannot confirm that a veto was pursued for mobilisation purposes, this would result in a failed hoop test and confirm that this behaviour does not correspond to unpolitics but is something else.

In this thematic issue, we are interested in examining which policy areas manifest unpolitics and which of these three components are present or absent in our different cases. This is a necessary first step to mapping the phenomenon we intend to study.

3. The Conditions Facilitating Unpolitics

A second necessary step is to consider the conditions that lead to more or less unpolitics. Why do we see it in some cases and not in others? What explains the different manifestations of unpolitics? We expect that two main conditions facilitate the emergence of unpolitics: the *politicisability of issues* and the *choice of venues*.

Regarding the first condition, the easier it is to mobilise domestic voters around an issue, the more appealing it becomes for populist governments to use unpolitics. Various factors might contribute to the *politicisation* of specific problems or issues. The literature on crisis policymaking shows that crises can benefit those who question existing norms and ideas. A crisis environment creates uncertainty and opens a window of opportunity to contest the status quo and ask for change. Zeitlin et al. (2019) also noted that the accumulation of crises in the EU in recent decades has led to a feeling of polycrisis that fosters conflict on a multiplicity of cleavages, hence enhancing the chances of deadlock. Recent literature has underlined the importance of understanding how actors are responsible for identifying and explaining potential crises. They note how the process of framing and constructing crises is essential in determining their impact on EU policymaking: not all problems are crises and not all crises lead to constraints and deadlock (Ripoll Servent, 2019; Voltolini et al., 2020; Wendler & Hurrelmann, 2022). Therefore, it is important to understand how populist governments contribute to defining problems as crises, supplying and reinvigorating existing crises, using them to find electoral support, and undermining existing norms and ideas. Issues that can be linked to crises are hence more easily politicised and can more easily be used to mobilise domestic audiences.

Furthermore, previous research has pointed out that the nature of policy issues can also be relevant to understanding variation in which policy issues are captured and mobilised by populist actors. Schimmelfennig (2020) noted how issue risk was essential for determining the chances of being politicised. Issues with low or diffused costs, particularly if potential policy failures can be addressed in alternative venues (e.g., at the domestic level), are more likely to be politicised. Similarly, Genschel and Jachtenfuchs (2016) pointed at core state powers as potential targets of politicisation, especially if they involve a transfer of capacity-building (rather than just regulatory resources) to the EU since this leads to the identification of clear winners and losers. These arguments also support post-functionalist theories, which argue that politicisation is particularly notable in areas that can be mobilised through cultural and identity claims rather than raising purely functional conflicts (Hooghe & Marks, 2009). Therefore, we expect that issues that can be framed as having a potential for "high gain" and "low risk" will be the preferred targets of populist governments. We understand "high gain" as issues where populists can easily capitalise on their gains by appealing to identity and culture—although there might be some variation here depending on their "host" ideology (e.g., nativism or socialism). Still, we expect that issues that can be mobilised on a GAL/TAN

cleavage will be more prone to politicisation by populist governments. As for "low risk," we understand this as an issue where a non-decision causes no immediate or evident harm to the government. Hence, if negotiations end up in deadlock, the country will not lose out (e.g., in terms of funding), and governments might provide an alternative domestic solution.

This variation across policy issues has been partially confirmed in Council oppositional voting, where member states tend to vote against or abstain mostly in areas that have wider financial implications (i.e., where the winners and losers are more visible); in Justice and Home Affairs, since governments are under more pressure from Eurosceptic parliamentary opposition; and in areas affected by the polycrisis and hence more politicised (Pircher & Farjam, 2021). However, we are interested in understanding how populist actors make sense of "high gains" and "low risks" and how they frame them in a way that helps them mobilise domestic audiences.

The second condition that also shapes the use of unpolitics is the *choice of venues*. The latter might affect two aspects of unpolitics. On the one hand, certain venues might facilitate the capacity of populist governments to mobilise their "people." Schimmelfennig (2020, p. 350) argues that this is easier for governmental representatives in the Council than for members of the EP, where the representative links to voters are weak due to the second-order nature of EP elections. Therefore, the Council might be a more likely site for unpolitics because it is easier for populist governments to claim their actions are directly linked to the will of the people. It is also an easier place for individual governments to block decisions. On the other hand, the choice of venue might determine their ability to utilise institutions as public tribunes and shape discourses. Hence, when it comes to framing issues as crises or justifying their decisions to block compromises, a venue such as the EP or the European Council might be better suited than the Council, which does not provide many opportunities for public announcements or speaking directly to domestic audiences. Therefore, it is important to understand where decisions are made and how different venues might support different types of unpolitics and reinforce the efforts of populist governments across policymaking arenas. A comparison across policy issues can help us understand how these conditions interact: Are certain venues better at mobilising certain issues? Are some issues or venues more prone to be captured by populist governments?

Finally, we are also interested in comprehending what happens to the institutions and actors that interact with unpolitics. We expect unpolitics to produce chaos in EU decision-making, and it is hence interesting to examine how other actors deal with it, including in the long term, after governments have changed and the populist actors have left the scene.

4. Comparing Unpolitics Across Policy Issues

This thematic issue covers a range of policy areas. Most of the articles do find instances of unpolitics, but two do not, even in areas where we would expect it. In these two cases, unpolitics did not occur because of the absence of the conditions facilitating unpolitics: In one case, the issues under discussion were not *politiciseable* (Grabbe, 2024). Grabbe demonstrates how, in the case of social security systems, the main beneficiaries would have been citizens from countries, especially in Central Eastern Europe, that tend to send workers to other EU member states rather than receive them. Hence, regarding vote-seeking, it would be counter-productive for these governments to block negotiations. In the case of gender policies, de Silva and Tepliakova (2024) find that, despite the *politiciseability* of the issue, key actors in the Council actively

sought to keep negotiations at the Council Working Party level rather than shift the issue to the political level. This kept populist governments from using the Council as a tribune and exploiting the issues in the Istanbul Convention for vote-seeking purposes.

In the successful examples, one important commonality seems to be that governments engaging in unpolitics are acting in "bad faith." Deters (2024) shows how the Austrian government engaged in post-factual justifications, i.e., it openly lied about previous agreements. Similarly, Bergmann et al. (2024) indicate that countries that had never engaged in policymaking in the area of development suddenly started being invested and blocked decisions at the very last minute to mobilise on connected issues of migration and gender. In a way, they turned a low-gain issue (development policy) into a high-gain issue (migration and gender). Coman (2024) shows that Hungary's Fidesz has used opposition in the Council selectively, focusing on democratic backsliding. There, unpolitics has manifested in the shape of "extreme" legalism, used to contest procedures and decisions to slow down actions related to rule of law. In foreign policy, Juncos and Pomorska (2024) also see instances of bad faith in conjunction with the persistent use of vetoes and the unwillingness to compromise, which is highly unusual among diplomats. However, they also show that this behaviour is dependent on risk perceptions. A country (Poland) stopped using unpolitics once it perceived that blocking EU initiatives would undermine its own security. Not only Juncos and Pomorska but also Deters show that unpolitics is not a permanent and fixed behaviour. Instead, it is a toolbox that actors can choose to utilise. A government may use unpolitics at one point in time but recur to "normal" politics at another.

All articles show the importance of "mobilisation" and hence the need to compare domestic conditions to better understand when and why unpolitics are used by specific governments. Csehi (2024) systematically compares nine populist governments to determine which domestic conditions explain the use of unpolitics in EU budgetary policies. He shows that a combination of economic and political factors (particularly the Eurosceptic nature of the government and its links to European party families) explain why some governments are more prone to blocking EU policies for vote-seeking purposes. He also shows that the strength of governmental support at the domestic level lowers the risk of using unpolitics, which helps to understand why Orbán's Fidesz plays a leading role in many other articles (Bergmann et al., 2024; Coman, 2024; Juncos & Pomorska, 2024). Zartaloudis (2024) highlights the importance of this temporal dimension at the domestic level, drawing on the case of the eurozone crisis in Greece. He also shows that this behaviour is not limited to right-wing populists but can easily be used by left-wing populists. This demonstrates that unpolitics is not related to a specific ideology but rather to the populist character of these governments. Both Zartaloudis' contribution and Taggart's article on Brexit underline the use of the European level to mobilise voters domestically. They both show the legacies of extreme cases of unpolitics and how it is difficult to overcome the chaos left behind by Syriza and the Johnson governments.

5. Research Agenda

Overall, we have seen that, although the EU institutions have proved relatively resilient to unpolitics, it is gradually unsettling and hollowing out norms, institutions, and discourses. This might have long-term effects on the democratic functioning of the EU, its policy outputs, and trust among the actors involved. It might mirror the chaotic effects of unpolitics left after Johnson's handling of Brexit (Taggart, 2024).

The thematic issue has also shown that there is still more work to be done in the area of unpolitics. We still need to study more systematically under which conditions it is employed and when it is not. We also know very little about the actual mobilisation success of unpolitics and how other actors respond and engage with it. Do they tacitly accept it, do they openly challenge it, or do they try to circumvent and isolate its proponents? Moreover, is the EU, as a technocratic and consensus-oriented political system, more resilient than domestic systems, which might be even more prone to polarisation? These questions open a new research agenda.

Understanding the phenomenon of unpolitics is important because the erosion of liberal democracy does not usually occur as a big bang but trickles down into daily practices and often goes unnoticed until it is too late.

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Conflict of Interests

The authors declare no conflict of interest.

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About the Authors

Ariadna Ripoll Servent is the Academic Director of the Salzburg Centre of European Union Studies (SCEUS) and professor of politics of the European Union at the Department of Political Science (University of Salzburg). She is also a visiting professor at the College of Europe in Bruges. Her research interests are European integration, EU institutions (in particular the European Parliament), informal decision-making processes, populism and Euroscepticism, and EU internal and security policies (with a focus on EU asylum and migration).

Natascha Zaun is a professor of political science, especially public policy and law, at the Institute of Political Science at Leuphana University Lüneburg. She specialises in EU policymaking and EU integration with a focus on asylum and immigration as well as international migration governance.

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The Changing Unpolitics of Covid-19 Vaccine Procurement

Henning Deters

Centre for European Integration Research, University of Vienna, Austria

Correspondence: Henning Deters (henning.deters@univie.ac.at)

Abstract

Populist governments engage in "unpolitics" when the electoral incentives for doing so outweigh the distributive risks from policy failure. Studying the joint procurement of vaccines against Covid-19, I show that a group consisting of mostly populist governments led by Austria negotiated in bad faith, rejected compromise solutions, and obstructed joint problem-solving. They deployed these "unpolitical" tactics only once the legal framework for joint procurement was in place and the roll-out of the jointly ordered vaccines had begun. At this point, populist governments no longer faced the distributive risk of having limited access to affordable vaccines. By contrast, the electoral incentives for hard-nosed bargaining in bad faith had increased, as the distributive issue of vaccine allocation became more salient and as populist governments came under pressure to deflect responsibility for having ordered insufficient vaccine doses.

1. Introduction

This contribution examines to what extent and why populist governments engaged in "unpolitics" (Taggart, 2018) in the European joint procurement of vaccines against Covid-19. In the context of the EU, unpolitics refers to a paradoxical "destructive approach" (Ripoll Servent & Zaun, 2024) to policy-making by right-wing populist governments that risk bad policy outcomes to gain electoral support. Scholars have traced unpolitics in EU asylum policy, where right-wing populists claim issue ownership (Zaun & Ripoll Servent, 2023), but does unpolitics also shape populist government behavior in other areas? If so, under what conditions? I try to answer these questions by considering the trade-off between distributive risks and electoral rewards. Unpolitics may improve populist governments' voter appeal, but subverting effective problem-solving can also hurt their distributive policy interests. The behavior of populist governments in

joint vaccine procurement suggests that they only engage in unpolitics when the electoral opportunities outweigh the distributive risks.

The case offers an empirical test for this conjecture because the balance between risks and opportunities changed over time. In the first period under study, the member states discussed centralizing vaccine procurement at the EU level. In the second, they discussed supporting countries that suffered from local vaccine shortages. Overall, unpolitics did not result in the kind of gridlock observed by Zaun and Ripoll Servent (2023) in EU asylum reform, yet from one period to the next, it changed in expected ways. Although absent in the first period, unpolitics proliferated in the second, when several populist governments flouted informal norms of consensual good-faith negotiations and stuck to maximalist bargaining positions. Some also obstructed joint procurement decisions, but without success.

The observed growth of unpolitics matches the changing risk balance. Without joint procurement, all populist governments would have been severely disadvantaged in the resulting international scramble for vaccines. By contrast, the distributive risks from a failed aid package were much smaller, because at worst, each country would still have received its population-based share in future vaccine orders. The electoral relevance also increased from the first to the second phase because several populist governments came under pressure to deflect responsibility for misguided procurement decisions.

By examining the conditions under which populist governments engage in unpolitics, this study contributes to the discussion about populism and the politicization of EU governance in general (Bressanelli et al., 2020; Hooghe & Marks, 2009). In particular, it adds to the emerging research on the behavior of populist governments in EU policy-making (Pirro & Taggart, 2018; Taggart, 2018; Zaun & Ripoll Servent, 2023). The study moreover contributes empirical knowledge about recent developments in the fields of procurement and health policy in the wake of the Covid-19 crisis. Traditionally, these areas have seen little EU activity but were pushed toward more integration by the global pandemic (Brooks et al., 2021; Deters & Zardo, 2023). The following section reviews the concept of unpolitics, its observable manifestations, and hypothetical conditions. After that, I give an account of the study's research design. In the two subsequent sections, I examine the congruence between unpolitics and its hypothesized conditions across a sequence of two issues related to vaccine procurement. The conclusion compares both issues and situates my findings in the broader debate.

2. Populist Unpolitics and Its Preconditions

Although populism is "quintessentially mercurial" (Taggart, 2000, p. 2), many agree that its hallmark is a "thin-centered ideology" (Mudde & Kaltwasser, 2017, p. 19) that is not based on "universal key values" (Taggart, 2000, p. 5) but on a distinction between a "pure people" and a "corrupt elite" (Mudde & Kaltwasser, 2017, p. 6). Most right-wing populist parties are also Eurosceptic. Although the form that populist Euroscepticism takes varies from country to country, an essential and common trope of Eurosceptic populism locates the corrupt elite in the foreign "Brussels bureaucracy" in contrast to the native people who are imagined as a homogeneous collective of national citizens that resides deep in the "heartland" (Taggart, 2000, p. 96, 2018, p. 83; see also Pirro & Taggart, 2018).

The rift between the elite and the people implies ambivalence toward representative politics, which populists perceive as "messy and corrupting" (Taggart, 2000, p. 3). Representative institutions, "such as political parties,

big organizations, and bureaucracies…are accused of distorting the 'truthful' links between populist leaders and 'the common people'" (Mudde & Kaltwasser, 2017, p. 11). Since populists can hardly eschew politics, they engage in what Taggart (2018) calls unpolitics. Unpolitics frames political competition in terms of religion, conspiracy, and war, which are used to justify setting aside ordinary rules and conventions (Taggart, 2018). That is why "populism revels in its transgression of norms" (Taggart, 2018, p. 85). Elaborating on the discussion in the introduction to this thematic issue (Ripoll Servent & Zaun, 2024), I consider three ways in which populist norm transgressions could manifest within EU policy-making.

First, I expect populist governments to engage in hard-nosed bargaining from fixed, maximalist positions. EU policy-making is guided by unwritten normative expectations that are credited with facilitating intergovernmental conflict resolution and the discovery of efficient bargains. Prominent among them is the "culture of consensus," which requires member states to be flexible in their positions and treat vetoes and negative votes as a last resort (Hayes-Renshaw & Wallace, 2006; Heisenberg, 2005). This logic of diffuse reciprocity is anathema to nativist populists, for whom it amounts to a betrayal of the will of the people (Ripoll Servent & Zaun, 2024). Rather than settling for compromise, populists adopt an all-or-nothing attitude, because they can blame likely bargaining fiascoes on the EU.

Second, I expect populist governments to adopt underhand bargaining tactics based on insincere positions. This violates another informal rule of EU policy-making that asks member states to negotiate in good faith. The interactions in the Council of the EU and the European Council are often based on deliberation and arguments rather than on hard bargaining and threats. With decreasing prevalence, this applies from the technical up to the summit level (Lewis, 2016; Puetter, 2012; Warntjen, 2010). The informal norms of Council decision-making do not require member states to explain and justify every contested opinion, but at a minimum, governments expect each other to put forward consistent positions and remain accountable to them. Encapsulating the will of the people, populist governments, however, see no obligation to explain their positions to the Brussels elite. Moreover, while all governments must consider their domestic constituencies, populist governments are especially given to performative signaling without regard to the merit of their position. At the extreme, populists use disinformation to "flood the zone with shit" (Steve Bannon, as cited in Rauch, 2021, p. 163), that is, undermine the basis of reasonable discourse.

Third, I expect populist governments to deliberately obstruct joint problem-solving, even if this means incurring material costs or foregoing material benefits. Zaun and Ripoll Servent (2023, p. 654) argue that unpolitics may amount to "active efforts of populist governments to maintain the EU in a state of permanent crisis." Under this "destructive approach to policy-making" (Ripoll Servent & Zaun, 2024), populists aim to subvert solutions to common policy problems in the hope of scoring popularity. Eurosceptic populist governments hope to gain electorally from (the semblance of) a dysfunctional EU that allows them to posture as a bulwark against interference with national sovereignty. Because they discount policy-seeking in favor of vote-seeking, their strategic obstruction pays little regard to the damage it may impose even on their own country.

When deciding whether to engage in unpolitics, populist governments balance electoral opportunities and material risks. Overall, I expect populist governments to engage in unpolitics if the electoral opportunities they hope to exploit by engaging in unpolitics outweigh the associated distributive risks. The opportunity for electoral gains is presumed to be high when the issue concerns national culture and identity or salient

transfers of resources and competencies (Ripoll Servent & Zaun, 2024). Distributive benefits are mostly at stake in "compulsory negotiations" (Scharpf, 1997, pp. 126–127), where unilateral action cannot change the status quo, and where cooperation is required to improve collective and individual outcomes. This may be due to institutional rules that prohibit or (asymmetric) interdependencies that constrain unilateral policy choices.

Ripoll Servent and Zaun (2024) hypothesize that the extent of unpolitics varies across policy areas along with their risk profiles. The pooling of financial resources and the delegation of authority for joint vaccine procurement was an easy target of Eurosceptic politicization, implying electoral opportunities. Yet joint procurement strongly mattered for economic and health policy outcomes, implying distributive risks. Given these conflicting incentives, the policy area has a moderate potential for unpolitics. More importantly, however, the risk balance may also vary across sub-issues within single policy areas, as I show in the case study below. As the negotiations moved from the centralization of vaccine procurement to the vaccine roll-out, the distributive risks declined while electoral concerns became more salient.

3. Empirical Strategy

To answer the question of how electoral and distributive risks affect populist unpolitics, I use an empirical case study on the joint procurement of anti-Covid vaccines in the EU. The time frame covers two important events: The first is the setting up of a legal-institutional framework that allowed EU member states (and some third countries) to jointly negotiate advance purchase contracts with pharmaceutical companies under the auspices of the European Commission. The second event was the start of the vaccine roll-out when the first doses were distributed. Together, these events span one year between April 2020 and April 2021. For empirical data, I rely on primary documents and secondary literature. The former includes EU Council protocols, official statements by the European Commission, and documents published by domestic regulators. The latter are academic studies and journalistic accounts from reputable field experts who cover relevant developments at the domestic and European levels.

My analysis focuses on the behavior of populist governments. During the period under study, eight member state governments included at least one populist party (Armingeon et al., 2023; Van Kessel et al., 2023). Except for Cinque Stelle in Italy, all were conservative or far-right. In Austria, the larger of two coalition parties was the conservative ÖVP, which since the "turquoise" transformation qualifies as "center-right populist" (Liebhart, 2022, p. 31). Bulgaria was governed by the conservative-populist GERB with the nationalist United Patriots as a junior partner. Both ÖVP and GERB are exceptions to the rule of thumb that right-wing populists are also Eurosceptic. The Czech government was a coalition of ANO, which represents a "technocratic form of populism" (Petrović et al., 2023, p. 274) and the social-democratic ČSSD. Hungary was governed by the right-wing populist Fidesz and its fundamentalist satellite KDNP. In Poland, a coalition of five populist, conservative, and Catholic-nationalist parties was at the helm, led by the right-wing populist PiS. Slovakia was governed by a four-party coalition that included two populist parties, including the leading OĽaNO. The latter is based on an anti-establishment and anti-corruption platform that has been described as conservative by some and as populist by others (Petrović et al., 2023, p. 275). Finally, the Slovenian government consisted of four parties led by the SDS. Although nominally social-democratic, its outlook is a nationalist and right-wing populist one.

My dependent variable is the extent of unpolitics, which I assess separately in the two periods by surveying the observable implications that were derived in the previous section. I am agnostic about whether the different manifestations are additive, that is to say, whether bad faith negotiation contributes as much to unpolitics as obstruction. Empirically, it turns out that this question is irrelevant, as all manifestations occur together. The independent variable is the balance between the risks and rewards that populists anticipate to incur when they engage in unpolitics. I assess this balance in both periods by discussing the plausible ideal points and default outcomes (distributive risks) and the likely electoral consequences (electoral opportunities) of unpolitics. Overall, risks and opportunities pointed in conflicting directions, but as the risks decreased and the opportunities increased toward the second period, the balance shifted in favor of unpolitics.

The case study applies a "congruence method" (George & Bennett, 2005, Chapter 9). It ascertains whether the extent of unpolitics observed in both periods matches the theoretical expectation formed on the basis of the observed risk balance. Corresponding to this approach, I selected the case of joint vaccine procurement for two reasons. First, the issue is sufficiently salient to make unpolitics theoretically possible, even if it should not manifest empirically (Mahoney & Goertz, 2004). There is no point in looking for unpolitics in obscure technical decisions, because as a performative strategy unpolitics needs an audience. Second, the case has sufficient variation across both independent and dependent variables to study not only whether there is congruence at one point in time but whether both co-vary in line with the theoretical expectation. In terms of cross-case analysis, both periods represent "diverse cases" (Gerring, 2007, pp. 97–98).

4. Centralizing Vaccine Procurement

4.1. High Distributive Risks, Moderate Electoral Opportunities

The joint vaccine procurement was a potential target of populist campaigning because it pooled 2.9 billion euros for upfront payments at the EU level and put the Commission in charge of leading the negotiations with pharmaceutical manufacturers (European Court of Auditors, 2022, p. 8). Vaccine procurement was therefore unrelated to identity issues, but it involved a salient transfer of resources and competencies. At this point, however, the negotiations focused on the creation of joint gains by making the procurement more efficient than it would be on a unilateral basis. Likewise, vaccine procurement only became a salient topic in the second phase, when production shortfalls delayed the inoculation drive (Wheaton & Deutsch, 2021). Overall, the electoral potential of politicizing the centralization of vaccine procurement at the EU level was moderate.

All governments urgently needed vaccines to mitigate the pandemic and relax the unpopular safety measures that put their economies on hold and restricted fundamental rights (Engler et al., 2021, p. 1088). Unilateral options were most limited for the majority of member states without strong pharmaceutical infrastructure. In particular, the populist-governed CEE states lacked "scientific capabilities...to pull off the task of developing a vaccine" (Naczyk & Ban, 2022, p. 574), while "researchers at the Institut Pasteur and Sanofi in France and CureVac in Germany had promising vaccine candidates under development" ("The European Union's vaccine-acquisition strategy," 2021, p. ii). The need for vaccines was best met by joining forces. Member states' combined purchasing power increased their leverage in the negotiations with the pharmaceutical industry, and pooled resources allowed them to finance a diverse vaccine portfolio (Baute & de Ruijter, 2022; Deutsch, 2021). By obstructing joint procurement, the populist governments would have cut themselves off the supply. With their comparatively weak healthcare capacity and residualist

welfare systems, the CEE states were most vulnerable (Saxonberg et al., 2018). As the pandemic progressed, Bulgaria, for example, suffered the highest per capita mortality of any country in the world (CVRC, 2023). All this meant high distributive risks from policy failure.

Early in the pandemic, member states had undercut each other's supply of ventilators and protective equipment (Genschel & Jachtenfuchs, 2021, pp. 355–356), so when France and Germany in April 2020 agreed on financing and procuring vaccines together, there was concern that the two largest states would gobble up the first available doses before anyone else. In June 2020, they invited Italy and the Netherlands to join what became the Inclusive Vaccine Alliance (IVA). Despite the IVA's proclaimed inclusivity, this move barely allayed fears of a two-tier procurement system (Deters & Zardo, 2023, p. 1060; "The European Union's vaccine-acquisition strategy," 2021, p. ii). The first steps toward joint procurement thus laid bare how much all member states, including those governed by populists, depended on cooperation and solidarity.

4.2. No Unpolitics

Congruent with the member states' converging interests, the joint procurement framework was created without much delay. On 11 March 2020, the World Health Organization declared the Covid outbreak a global pandemic. Some three months later, on 17 June, the Commission presented a draft framework, which the member states adopted the next day (European Commission, 2020). Although the decision took a month longer than the launch of Operation Warp Speed in the US, and nearly four times longer than the UK needed to establish the Vaccine Taskforce (European Court of Auditors, 2022, p. 16), the pace was rapid compared to the usual duration of significant EU policy-making. And significant it was. The new framework was the first to cover all member states, it included a budget of almost three billion Euros, and it was much more centralized than the existing 2014 Joint Procurement Agreement, which granted few powers to the Commission, did not prevent individual countries from pursuing side-deals, and had no budget attached to it (Deters & Zardo, 2023, p. 160; European Court of Auditors, 2022, p. 8).

Already in late April, the Commission began to investigate vaccine candidates to immediately start negotiations if—and once—the European procurement framework was set up (European Court of Auditors, 2022, p. 17). Although the Commission was with hindsight criticized for prioritizing indemnification and costs over the speedy conclusion of advance purchase agreements (Wheaton & Deutsch, 2021), it signed the first contract (with AstraZeneca) one day before the UK, on 27 August 2020 (European Court of Auditors, 2022, p. 17). Serious delays emerged only months later when AstraZeneca did not meet the delivery schedule. No populist government attempted to stall the move toward joint procurement. If anything, progress was delayed by the detour of setting up the short-lived IVA. Despite calls for a European approach, the German health minister defended the IVA until his Chancellor reined him in before the start of Germany's Council presidency (Deters & Zardo, 2023, p. 1060). In summary, neither the institutionalization of vaccine procurement at the EU level nor the negotiation of the first contracts were encumbered by populist unpolitics.

One issue that caused mild controversy among member states was the choice of vaccine developers and the allocation of advance purchase agreements. Because it was uncertain which potential vaccine would succeed, and when, the Commission proposed to invest in a broad portfolio of candidates to mitigate the risk of betting on the wrong product. This meant concluding advance purchase agreements with as many reputable manufacturers as possible. The development of any given vaccine required a minimum volume to

be feasible, so a diverse portfolio implied many orders. The Commission's original plan was to distribute the jointly procured vaccine doses in proportion to each member state's population, i.e., pro rata (Deters & Zardo, 2023, p. 1061).

Some member states resisted this approach because they considered the expenses too high and feared being left with excess doses, as in the 2009 H1N1 pandemic (Deutsch, 2021). The group included the rich "frugal four"—Austria, Denmark, the Netherlands, and Sweden—and the poorer CEE countries Bulgaria, Croatia, Czechia, Estonia, Slovakia, and Slovenia (Horaczek & Tóth, 2021; Mussler, 2021). They moreover preferred the cheaper vector vaccine that AstraZeneca promised to supply on a non-profit basis over the more expensive mRNA vaccines BioNTech-Pfizer and Moderna were developing. Next to costing six, and respectively, nine times less, the AstraZeneca jab was easier to store and promised to be very effective, while the innovative mRNA vaccines still had to prove their worth (Deutsch, 2021; Deutsch & Gijs, 2020). The member states therefore agreed on a flexibility clause that allowed them to buy fewer doses from the joint orders than their pro rata claim, leaving them free to pick and choose. The excess doses could then be taken up by others through a process nicknamed "bazaar" within the Vaccine Steering Board, in which all governments were represented. Contrary to unpolitics, this conflict between states with different risk dispositions was settled by pragmatic compromise on the expert level and without political confrontation (Deters & Zardo, 2023, p. 1061).

5. Vaccine Distribution

5.1. Smaller Distributive Risks, Larger Electoral Opportunities

With the legal framework in place, the EU launched the first round of vaccine orders. Until 4 December 2020, the Commission signed contracts over the delivery of 1965 million vaccine doses with six different manufacturers (in February, the EU concluded another two contracts with BioNTech-Pfizer and Moderna, over 300 million additional doses each, but these were due only in the second quarter of 2021 or later; see European Court of Auditors, 2022, p. 9; Kodjaivanova, 2021a; eventually, the EU relied mostly on BioNTech-Pfizer and Moderna, which supplied 2400 million and 460 million doses at the end of 2023; see European Court of Auditors, 2022, p. 32). The scattered sources reveal that several countries used the flexibility clause and ordered smaller and more homogeneous portfolios than they could have. For example, Austria (Rechnungshof Österreich, 2023, p. 59) and Estonia (Sotsiaalministeerium, 2021, p. 28) bought roughly two-thirds, Czechia (Kodjaivanova, 2021b) and Croatia (Croatian Public Health Institute, 2021) about one-third, and Bulgaria 45 percent of their respective share (Kodjaivanova, 2021a). All of them failed to exhaust their allotment of mRNA vaccines in favor of the cheap vector vaccines (Poland, Greece, Portugal, and Belgium also bought fewer doses than their pro rata allocation; see Deutsch, Furlong, et al., 2021).

In late February 2021, it became manifest that the à la carte orders were mistaken. BioNTech-Pfizer and Moderna rather than AstraZeneca were the first to get a green light from the European Medicines Agency. Their vaccines also turned out more efficacious. AstraZeneca and Jannssen moreover announced severe delays, and would eventually deliver just a third of the agreed volumes before the third quarter (European Court of Auditors, 2022, p. 34). Countries that had relinquished mRNA vaccine doses now faced the worst shortages and depended the most on tardy vaccine makers. The uneven roll-out divided the governments that had followed a risky procurement strategy from those that had hedged their bets.

As later detailed, a group consisting of four populist governments (Austria, Bulgaria, Czechia, and Slovenia) and two conservative mainstream governments (Croatia and Latvia) responded to the shortage by demanding additional doses. This backdrop changed the distributive risks and the electoral opportunities. Although the distributive salience was higher now, the earlier risk of ending up alone in an uncoordinated bidding contest had become negligible under centralized procurement. From the perspective of the governments that lobbied for redistribution, the worst-case scenario consisted of the vaccine top-up not coming to pass, but even then they could still rely on the joint procurement and exhaust their pro rata shares in the subsequent orders.

While the distributive risk was thus diminished, the electoral stakes increased. The negotiations on the legal framework used to highlight the production of joint gains and the EU-wide procurement had been regarded as a positive-sum game. But now distributive issues with identifiable winners and losers moved into the spotlight. This encouraged an adversarial perspective under which populist governments could profess to defend national entitlements. Moreover, the governments that lobbied for redistribution had contributed to the domestic shortages by relinquishing claims from the first joint order. Their bad decisions imperiled electoral support, which encouraged them to deflect responsibility and adopt an uncompromising attitude in the hopes of bringing home a victory.

5.2. Rampant Unpolitics

Congruent with the lower risk of distributive losses and the heightened chance of electoral gains, four populists together with two non-populist governments engaged in unpolitics during the battle over the vaccine allocation. They violated norms of good-faith cooperation and consensus-seeking, and partly obstructed the joint procurement process. I address each issue in turn.

5.2.1. Bad Faith

By adopting underhand bargaining tactics based on insincere positions and false claims, several populist governments violated the norm of good-faith cooperation. In response to the vaccine shortages in their countries, the heads of six governments, among them four right-wing populists, launched a public campaign in which they alleged having been short-changed in the roll-out. The initiative was orchestrated by Austrian Chancellor Sebastian Kurz, and it included Bulgaria, Croatia, Czechia, Latvia, and Slovenia. In a joint letter to the Presidents of the Commission and the European Council, the Vienna group claimed to have "discovered" only "in recent days" that "deliveries of vaccine doses…are not being implemented on an equal basis following the pro rata population key" (Kurz et al., 2021, para. 5). They argued that this ran afoul of the "spirit of European solidarity" and deviated from what member states had agreed on. In a publicized meeting a few days later, the group demanded a "correction mechanism" (Hochmuth, 2021). Kurz alluded to conspiring elites when he claimed in a special press conference that many of his peers in the European Council "could not believe their eyes and ears" (as cited in Kronbichler, 2021). This was mirrored in an oblique remark by Bulgarian Prime Minister Borisov: "They say a committee had someone who was making the most important decisions of the European Council" (as cited in Kodjaivanova, 2021a). The overall narrative had the Vienna group help national governments in curbing a runaway Brussels vaccine bazaar.

All allegations were untrue. The Vienna group argued that the doses were to be allocated strictly pro rata, but the Council, with the Vienna group at the forefront, had introduced a flexibility clause that allowed individual

countries to deviate from the population-based distribution. Moreover, the populist governments implied that dubious side deals and an unaccountable Brussels bureaucracy were behind the deviation, when in fact they had deliberately relinquished eligible doses. To be sure, the vaccination rates in four of the six countries trailed behind the EU average. Bulgaria in particular had made very liberal use of the flexibility clause, which, combined with high vaccine hesitancy (Spirova, 2022), resulted in the lowest vaccination rate in the EU at the time. Neither Austria nor Slovenia, however, suffered disproportionately from vaccine shortages (ECDC, 2023).

Good-faith cooperation would moreover have required the six to first raise their grievances with their colleagues on the Vaccine Steering Board or, if the issue could not be resolved at the technical level, with the responsible ministers. Instead, the Vienna group published open letters and staged press conferences before even entering into negotiations. The Vaccine Steering Board had already organized pragmatic help in the past (Kodjaivanova, 2021a), most recently by sending an advance delivery of 100,000 BioNTech-Pfizer doses to a hot spot in an Austrian ski-resort with lenient infection protocols (Rechnungshof Österreich, 2023, p. 65). However, instead of targeting the working level, the Vienna group deliberately shifted the policy venue, asking "to hold a discussion on this important matter among leaders" (Kurz et al., 2021, para. 8). This behavior highlights the performative nature of unpolitical negotiations, in which signals to the domestic electorate are as important as substantive policy decisions.

In their response, the Commission and the member states rebuffed the false allegations. In a terse note, the Commission recalled that "it would be up to the Member states to find an agreement if they wished to return to the pro rata basis" it had suggested in the first place (European Commission, 2021, para. 4). The Commission refrained from proposing any redistribution, but since the production shortfalls put it on the spot, it had already begun to discuss a tighter delivery schedule with BioNTech-Pfizer (Deters & Zardo, 2023, p. 1062). The resulting advance shipment of 10 million doses became the focal point of the negotiations, starting at an informal video summit on 25 March. During the meeting, several member states called out the Vienna group's disregard for good faith. Germany's Chancellor Merkel observed: "It turns out that not everyone has made use of pro rata" (as cited in Herszenhorn, Barigazzi, et al., 2021). Less dryly, she also remarked that the vaccine contracts were "signed by member states and...not by some stupid bureaucrats" (as cited in Peel et al., 2021).

5.2.2. Hard Bargaining

The Vienna group's public campaign also violated the norm of consensus-seeking, first by strongly politicizing the issue and shifting it to a salient policy venue. Technical expert deliberations are crucial for compromise in the EU (Warntjen, 2010). The campaign not only excluded this pathway; by taking a very public stance on how vaccines ought to be distributed, the Vienna group also created a commitment that was hard to retreat from and thus tied its members' hands in the subsequent negotiations. This made it harder to compromise, as we know from the literature on two-level games (Bailer & Schneider, 2006; Schelling, 1980, p. 24). At the March 25 summit, however, the heads of state and government ("heads") eventually delegated the issue to the permanent representatives (COREPER; European Council, 2021, p. 1). It is unusual for COREPER to be tasked with resolving such clearly distributive conflicts because its typical role is to prepare non-political positive-sum issues for formal approval by the heads or ministers (Hayes-Renshaw, 2017). By nevertheless "passing the hot potato" to the technical level, the heads arguably countered the Vienna group's venue-shifting attempt to contain the politicization.

Second, Austria, Czechia, and Slovenia also subverted the consensus culture by engaging in hard-nosed bargaining from fixed, maximalist positions. During the first COREPER discussions, most ambassadors agreed to give between one and two million doses from the advance delivery to states in need of additional vaccines, including Bulgaria, Croatia, and Latvia. Only a minority, led by Poland, was against distributing any doses over the pro rata key, but there was more disagreement about whether Czechia, Slovakia, and Estonia should also qualify (Deutsch, Herszenhorn, et al., 2021). Consistent with the earlier position of the heads (Herszenhorn, Barigazzi, et al., 2021), a top-up for Austria, which had demanded 700,000 additional doses, found no support at all (Rechnungshof Österreich, 2023, p. 65). The compromise proposal by the Portuguese presidency made additional concessions. It enlarged the aid package to three million doses and included Czechia, Estonia, and Slovakia. Due to their relatively benign position in the roll-out, Austria and Slovenia were still excluded (Herszenhorn, Deutsch, et al., 2021). Not only Austria and Slovenia but also Czechia remained committed to rejecting the proposal, which meant giving up on 140,000 additional doses. Although the former two had a distributive reason for the rejection, it would have been consistent with their purported advocacy for member states affected by shortages to accept a compromise that gave them relief.

5.2.3. Obstruction

A populist hard core of the Vienna group also obstructed joint problem-solving. The day after the summit, even before the COREPER ambassadors had a chance to discuss, the Austrian Steering Board delegate threatened to veto the larger order of 100 million doses from which the advance delivery was to be taken. This held the entire European inoculation drive hostage. Austria claimed to be supported by the remaining Vienna group (Deutsch, Herszenhorn, et al., 2021), but the coalition was crumbling. While the Czech Republic and Slovenia remained loyal, Bulgaria, Croatia, and Latvia no longer agreed with the increasingly hard-nosed bargaining that jeopardized the aid package (Herszenhorn, Deutsch, et al., 2021). The fault line was thus between the countries included and excluded from the proposal. Bulgaria moreover suffered from the most severe shortage, while neither Croatia nor Latvia were governed by populists. The other member states perceived the veto threat as a stark norm violation. One diplomat criticized it for exacerbating the shortage in countries "in dire need...like Latvia and Bulgaria"; another deplored that "solidarity is a one way street to Vienna," and a third pondered the exclusion of Austria from joint procurement: "If Vienna doesn't want to participate...any longer, it will surely get its way" (all cited in Deutsch, Herszenhorn, et al., 2021). Kurz had become, in the words of another official, a "persona non grata" (as cited in Herszenhorn, Deutsch, et al., 2021).

The member states eventually bypassed the vetoes by resorting to a voluntary aid package without contributions from the three antagonists (Herszenhorn, Barigazzi, et al., 2021). The advance delivery was thus allocated pro rata, but nineteen member states passed on 2.8 million doses—three million doses minus the missing contributions from the antagonists—to Bulgaria (1.100.000 doses), Croatia (680,000), Slovakia (600,000), Latvia (376,000), and Estonia (41,000). Austria, Czechia, and Slovenia did not donate or receive any extra doses (Khan, 2021). Neither the growing indignation nor the loss of allies stopped their obstruction. In a last-ditch effort, the remainder of the Vienna group attempted to block even the voluntary aid package "until Council lawyers made clear that EU countries could do as they wished with their allotment of vaccines" (Herszenhorn, Deutsch, et al., 2021). Austria and Slovenia had not been part of the presidency compromise, but Czechia paid for its intransigence with 140,000 doses (Herszenhorn, Deutsch, et al., 2021). Perhaps the country anticipated (correctly) that Austria would reward its loyalty with a bilateral vaccine donation if the campaign failed (Horaczek & Tóth, 2021). Although the obstruction backfired, Kurz

maintained that Austria had not only emerged as a winner but also helped unfairly disadvantaged countries (Rechnungshof Österreich, 2023, pp. 67–86).

5.2.4. The Dogs That Didn't Bark

Unpolitics was widespread but not uniform across the seven governments in which right-wing populist participated during the study period. The Vienna group included only four of them. In particular, the two largest and long-standing populist governments of Poland and Hungary neither participated in the Vienna group nor engaged in unilateral unpolitics in vaccine-related policy-making at the EU level. Hungarian Prime Minister Orbán, however, supported the group's allegations in a public radio address (Horaczek & Tóth, 2021). Hungary also ordered the Chinese and Russian vaccines Sputnik and Sinopharm, despite their lack of approval by the European Medicines Agency (Moreno et al., 2021). Orbán claimed that Hungary was able to vaccinate many more people than any other EU country of similar size "because we don't rely solely on the EU's slow vaccine distribution," for which "slow Brussels bureaucrats" were to blame (as cited in Hloušek & Havlík, 2024, p. 161). In fact, Hungary received more vaccines from Western manufacturers than from its Eastern suppliers, but its political communication strongly emphasized Hungary's sovereign decision to rely on China and Russia (Peragovics & Kállai, 2021). Asking for more Western vaccine doses would have contradicted this rhetoric. In brief, Hungary's political communication showed signs of populist unpolitics, but since its electoral and distributive incentives and therefore its particular risk balance were different from those of the Vienna group, the Hungarian unpolitics did not shape governmental behavior in vaccine-related EU policy-making.

The Polish position seems more idiosyncratic and at odds with the hypothesis that unpolitics is determined by the balance of electoral and material risks. Like many others, prime Minister Morawiecki criticized the slow pace of the joint procurement, but his criticism was framed "as an appeal for the EU to be strong and efficient" (Hloušek & Havlík, 2024, p. 162). It also lacked the fierce attack on the distributive fairness of the vaccine roll-out that was central in the Vienna group's campaign. This was so even though Poland, like the Vienna group countries, had not procured all mRNA vaccine doses it was entitled to (Deutsch, Furlong, et al., 2021). But rather than joining the call for redistribution, it rejected the notion of an aid package. In contrast to unpolitics, Poland did not block the package but opted out while letting the other member states proceed (Deutsch, Herszenhorn, et al., 2021; Herszenhorn, Barigazzi, et al., 2021).

6. Conclusion

The centralization of anti-Covid vaccine procurement shows all the hallmarks of unpolitics, but with lower intensity compared to the paradigmatic case of the Dublin IV asylum reform (see Zaun & Ripoll Servent, 2023). Unpolitics occurred only in the roll-out, and it did not result in gridlock. This finding is congruent with the expectation that unpolitics varies according to the incentives in a given policy area. In the present case, electoral and distributive risks provided conflicting incentives. On the one hand, the joint procurement implied a salient delegation of competencies and pooling of resources, opening a Eurosceptic attack vector. On the other hand, the human and economic costs of the pandemic made it risky to subvert cooperation and end up without affordable vaccine access.

As risks and opportunities changed between the first and the second phase of the joint procurement, so did the extent of unpolitics. Unpolitics was absent at first and emerged only during the roll-out. When the member states set up the institutional framework, populist and other governments faced the risk that the larger and more affluent countries would leave the others scrambling for scraps. This had happened, after all, with important medical equipment during the first weeks of the pandemic (Genschel & Jachtenfuchs, 2021, pp. 355–356), and for a long time, it accurately described the global situation (Deters & Zardo, 2023). But once the first joint orders had been placed and the roll-out was about to begin, being left out in the rain was no longer a risk. In the ensuing redistributive battle, the Vienna group risked a one-time top-up but it could still rely on its pro rata shares. It had little to lose except goodwill. The possible electoral gains from unpolitics now increased too, as the governments that had passed on urgently needed vaccine doses came under pressure to deflect blame for this in hindsight mistaken decision.

The joint procurement example shows that unpolitics is not limited to individual issues like migration policy for which right-wing populists claim ownership. It moreover corroborates the hypothesis that differences across policy areas are related to specific risks and opportunities. At the same time, the risk profile may be situational and subject to change even within single policy areas and between countries. While unpolitics in the vaccine roll-out was extensive, it did not include all populist governments. Hungary and Poland, the largest countries governed by populist coalitions, did not join the Vienna group, although Hungary offered rhetorical support. Conversely, two of the six states in the Vienna group were not governed by populist parties, although only populist governments engaged in full obstruction. These complications highlight, on the one hand, that the risk balance for individual populist governments may differ according to local conditions. On the other, they show that populist unpolitics is but one of several potential factors that may explain why governments chose to transgress informal norms of EU policy-making. The different forms in which unpolitics can manifest provide yet another opportunity for further research. In vaccine procurement, bad faith negotiations, maximalist bargaining, and obstruction all occurred together once the risk balance had shifted. This may not always be the case. Based on different empirical material, future research could develop a more fine-grained analysis of how populist governments choose between these strategies.

Conflict of Interests
The author declares no conflict of interests.

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About the Author

Henning Deters is a political scientist in precarious employment as a senior postdoctoral researcher at the University of Vienna. One half of his work focuses on EU policy-making, especially in environmental policy and, more recently, also in vaccine procurement. The other half deals with EU judicial politics and the Court of Justice of the EU, in particular judicial appointments.

Blackmailing and Identity Profiling? The Behaviour of Populist Radical Right Governments in EU Development Policy

Julian Bergmann [†] [ID], **Niels Keijzer** [†] [ID], **and Christine Hackenesch** [†] [ID]

German Institute of Development and Sustainability (IDOS), Germany

Correspondence: Christine Hackenesch (christine.hackenesch@idos-research.de)

[†] These authors contributed equally to this work

Abstract

EU development policy has in recent years become more contested and politicised. One key factor driving this trend is the increasing influence of populist radical right parties (PRRPs). Previous studies have focused on PRRPs as opposition parties. This contribution breaks new ground by exploring the behaviour of PRRP-led governments in EU development policy. More specifically, the article analyses how and to what extent this behaviour is characterised by "unpolitics," an approach to undermining EU policymaking. We define "cross-policy blackmailing" and "identity profiling" as two potential strategies of unpolitics in EU development policy and probe these in two case studies. The first case concerns the New European Consensus on Development and the second is the EU's positioning in the negotiations and signing of the Samoa Agreement. In the first case, we find that PRRP-led governments fundamentally rejected the decision-making rules as well as the norms on migration, gender, and sexual and reproductive health rights, using a strategy of identity profiling. In the second case, PRRP-led governments significantly stalled the conclusion of the agreement by combining cross-policy blackmailing and identity profiling. Based on this analysis, we generalise on the scope conditions of unpolitics in EU development policy.

Keywords

development policy; European Union; gender; migration; populism; populist radical right parties; unpolitics

1. Introduction

In recent years, the EU has faced challenges from within as some member states have deliberately undermined EU decision-making processes or positioned themselves against EU values. In particular,

governments led by populist radical right parties (PRRPs) have challenged the EU on migration and asylum, contested the EU's response towards Russia's invasion of Ukraine, and questioned trade, security, and climate policy, or the European integration process more generally (Biedenkopf et al., 2021; Costa, 2019; Csehi, 2023; Koß & Séville, 2020; Petri et al., 2020).

PRRPs have gained electoral support across Europe since the end of the 1990s and, in particular, since 2015 (Rooduijn et al., 2023). PRRPs can influence EU decision-making indirectly by pressuring mainstream parties to adjust their position, or they can exert a more direct influence once they become a governing party. Most research thus far has analysed their indirect influence as opposition parties, reflecting the fact that until the mid-2010s only a few PRRPs had assumed governmental responsibility.

In this article, we focus on PRRPs as governing parties, analysing their behaviour concerning EU development policy. Previous studies suggest that some PRRP-led governments, such as the Fidesz government in Hungary or the Law and Justice (PiS) government in Poland, have been "troublemakers" in European development policy (Szent-Iványi & Kugiel, 2020; see also Bergmann et al., 2021; Hackenesch et al., 2021, 2022; Hammerschmidt et al., 2022; Suzuki, 2023). The Hungarian government, for instance, has, on various occasions, actively objected to positive wording on migration in Council of the EU (hereafter Council) statements on EU development policy (Szent-Iványi & Kugiel, 2020). However, the strategies and motivations behind this and other instances of obstructive behaviour in EU development policy have not been systematically studied.

This article addresses this research gap and analyses whether, and to what extent, the behaviour of PRRP-led governments in EU development policy constitutes a case of "unpolitics." We follow this thematic issue's definition of unpolitics as an obstructive approach to undermining EU policymaking. From an empirical point of view, the presence of unpolitics in EU development policy appears counterintuitive. First, an occurrence of unpolitics might be unlikely, as development policy is considered by PRRP-led governments of limited relevance. Furthermore, development policy is a low-salience policy field, which gives PRRPs (as well as other political parties) limited possibilities to mobilise electoral support. Indeed, earlier research indicates that EU member states with PRRP-led governments hardly mention development policy in their national government statements or coalition agreements. By extension, they also do not engage much in EU development policy processes in Brussels (Bergmann et al., 2021; Lightfoot & Szent-Iványi, 2014). Second, development policy is an area that involves limited legislative action and is mainly focused on the financing of cooperation programmes in countries in the Global South, which at first glance seems to offer few opportunities for disruption.

Our empirical analysis investigates the behaviour of PRRP-led governments in two EU development policy processes: the negotiation of a New European Consensus on Development, conducted between December 2016 and May 2017, and the preparation of the EU's negotiating directives and subsequent signing of the Samoa Agreement with the Organisation of African, Caribbean and Pacific States (OACPS). The negotiating directives for the Samoa Agreement were prepared during the first half of 2018, while the negotiations on the legal nature and subsequent signing of the agreement took place from December 2020 to April 2023. Both the New European Consensus on Development and the Samoa Agreement were among the main EU development policy priorities during the Juncker and Von der Leyen Commissions (European Commission, 2014, 2019).

Since 2016, PRRPs have been part of governments in more than 10 EU member states: Austria (2017–2019), Bulgaria (2017–2021), Croatia (2015–2017), Denmark (2015–2019), Estonia (2019–2021), Finland (2015–2017; 2023–), Greece (2015–2019), Hungary (2014–), Italy (2018–2019, 2022–), Poland (2015–2023), Romania (2017–), Slovakia (2016–), and Slovenia (2020–2022; Rooduijn et al., 2023). Our analysis focuses on the behaviour of the Polish and Hungarian governments in the negotiations of the New European Consensus on Development and the Samoa Agreement, as the PiS and Fidesz governments were the only PRRPs in power throughout the 2016–2023 period of analysis and were active in both processes. Moreover, they were the only ones leading the government, whereas in the other cases, PRRPs served as junior partners in coalition governments. The unit of analysis is thus the behaviour of the Fidesz and PiS governments in the negotiations of the New European Consensus on Development and the Samoa Agreement.

The case studies are based on two types of data sources. We comprehensively reviewed publicly available documents, academic literature, and media reporting about the two cases. In addition, we conducted three semi-structured interviews with policymakers from EU institutions and one member state in December 2023 and January 2024 (interview 1, EU official; interview 2, EU member state official; interview 3, EU official). The interviewees were selected for having had a key responsibility in either or both of the policy processes. Building on these different data sources, we reconstructed the negotiating behaviour of the two PRRP-led governments for the different negotiation phases in the two case studies and analysed how PRRP-led governments use strategies of "unpolitics," as developed in our conceptual framework.

To analyse the engagement of PRRP-led governments in EU development policy, we conceptualise two main strategies used by PRRP-led governments to undermine EU policymaking in this area, namely "cross-policy blackmailing" and "identity profiling." We conceive cross-policy blackmailing as a strategy whereby PRRP-led governments block the making of development policy to extract gains in an unrelated policy domain. Identity profiling involves contesting norms and values and making attempts to upload the PRRPs' own norms to the EU level. We explore three scope conditions that can explain the choice of strategy, namely potential material returns, normative dissonance, and the salience of negotiated policy documents.

The remainder of the article is structured as follows. First, we conceptualise the aforementioned strategies of unpolitics and the scope conditions under which these strategies may be applied. We subsequently analyse how these strategies are employed in the two cases. Finally, we draw broader conclusions for future research on the role of PRRPs in EU decision-making.

2. Conceptualising the Dynamics of "Unpolitics" in EU Development Policy

Following the definition introduced by Mudde (2007), PRRPs are political parties that share three constitutive elements: nativism/nationalism, authoritarianism, and populism. As a result of these core features, PRRPs are generally sceptical about European integration. Put differently, cultural diversity across the EU and supranational decision-making, which are inherent to the European integration process, run counter to PRRP core preferences (Vasilopoulou, 2018). Despite these commonalities, PRRPs differ in their level of Euroscepticism; individual PRRPs can change their positions over time or even signal softer and harder positions on the EU to different audiences at the same time (McDonnell & Werner, 2019).

Being generally critical towards supranational decision-making and European integration per se, we expect PRRP-led governments to position themselves in the EU by engaging in unpolitics (see also Ripoll Servent & Zaun, 2024). The concept of unpolitics (Zaun & Ripoll Servent, 2023, p. 654, building on Taggart, 2018) was originally inspired and informed by insights from studies of asylum and migration policy and has been defined as:

> The active efforts of populist governments to maintain the EU in a state of permanent crisis, on the one hand, and the willingness of mainstream governments to sacrifice policy reforms for the sake of maintaining a fragile equilibrium on EU integration, on the other hand.

As per Taggart (2018), unpolitics distinctly deviates from what is considered "normal politics" in the EU's development policy. Traditionally, EU development policy has been characterised by a proactive involvement of a core group of states, in particular France, Germany, Italy, the Netherlands, Spain, the Nordic countries, and the UK (before Brexit). A majority of member states engage much more selectively, or not at all (Carbone, 2015, pp. 900–901). Long-standing controversies and delays, or even blockages in decision-making, have been a clear exception in this policy domain, where decision-making has been shaped by consensus (Elgström, 2000, pp. 466–469). This might be related to the low priority many governments attribute to their own bilateral (national) development policies, but it is also linked to the fact that there is little legislation being adopted in EU development policy, except for the creation and revision of financial instruments. In other words, instances of "policymaking" in EU development policy are mostly limited to soft laws such as Council Conclusions and other non-binding statements (Orbie, 2020), which means that tangible implications for member states' national development policies are limited.

We conceptualise two different strategies of unpolitics in this policy area: "cross-policy blackmailing" and "identity profiling." We expect that the behaviour of PRRP-led governments in EU development policy is shaped by their core norms and interests and that their behaviour is often primarily motivated by interests unrelated to development policy. By engaging in cross-policy blackmailing, PRRP-led governments use development policy to extract (or unblock) material gains from the EU in other policy domains related to their core policy interests, whilst identity profiling instead focuses on shaping EU norms according to their preferences.

2.1. The Strategy of "Cross-Policy Blackmailing"

Despite the comparatively small amount of law-making involved in EU development policy, established EU bargaining practices such as issue linkages and side payments are brought into play. In the logic of issue linkage, member states that expect few benefits from a decision taken at the EU level on one issue, link it to another issue on which they have stronger preferences and expect gains, making their agreement to compromise on the first issue conditional on other member states' willingness to compromise on the other issue (Moravcsik, 2018). In a similar vein, asking for side payments while threatening to block or veto a decision is common practice by governments that benefit least from a negotiated agreement with other member states (Moravcsik, 2018, pp. 1653–1654; Poast, 2013). Typically, such governments calculate the limit on side payments that can be negotiated without threatening the European integration process or its consensus-finding norm. An example of the use of issue linkages in EU development policy is the negotiations on the EU–Jordan Compact, in which the European Commission only managed to gain the

support of several EU member states by linking trade preferences granted to Jordan to the employment of Syrian refugees in the country (Vaagland, 2021, pp. 58–59). Another example is the French backing in the late 1990s for Germany's policy preferences regarding Central and Eastern European countries, in exchange for Germany's support for the conclusion of a new agreement with African, Caribbean, and Pacific states (ACP; Schieder et al., 2011).

While cross-policy blackmailing as a strategy of unpolitics may at first glance resemble established bargaining practices such as issue linkages and side payments (Moravcsik, 2018), it is fundamentally different and thus diverges from mainstream political behaviour. One fundamental difference of cross-policy blackmailing is that it involves unpredictable and erratic behaviour that may concern the content-related dimension of decision-making in the sense that PRRP-led governments obstruct negotiations on issues that other member states may not have expected to be controversial, and they may do this inconsistently in that they raise the same issue in one process but not in another. Cross-policy blackmailing may also involve references to conspiracy theories and other acts of disinformation, which renders it difficult for other member states to argue and engage in negotiations. There is also a temporal dimension of the unpredictability of cross-policy blackmailing in the sense that PRRP-led governments may not adhere to the regular timeline of intra-EU negotiations and may, for example, engage in cross-policy blackmailing even if the negotiation process has been formally concluded. Blocking decision-making processes can involve the rejection of compromise solutions, the purposeful delaying of decision-making processes, or veto threats, but it can also involve the contestation of established procedural norms. The primary target group of this obstructive behaviour are EU institutions and other EU member states from whom PRRP-led governments seek to extract concessions (Juncos & Pomorska, 2021).

We assume that PRRP-led governments adopt cross-policy blackmailing in response to the preferences they presume to be pursued by other member states to extract national gains. This strategy—and the very reason why we associate it with unpolitics—differs fundamentally from issue linkages in which two or more issues are jointly considered to find mutual agreement (Poast, 2013). PRRP-led governments show a transactional approach to foreign policy—following a "zero-sum worldview where all gains are relative and reciprocity is absent" (Bashirov & Yilmaz, 2020, p. 167)—and are only interested in short-term national gains while ignoring the potential long-term consequences of their actions. PRRP-led governments' behaviour is guided by a different calculus from that employed in mainstream bargaining practices. As they are generally sceptical towards the European integration process (McDonnell & Werner, 2019; Vasilopoulou, 2018), we expect them not to shy away from outright undermining established EU decision-making processes if it advances their interests. Such undermining might be a welcome side-effect of their seeking to achieve a policy goal—or it could be a goal in itself, helping PRRP-led governments to enhance their profile in the domestic arena and mobilise their electorate. It can therefore be considered an instance of transgressive political behaviour, which is a key feature of populism (Aiolfi, 2022).

We would therefore expect that in terms of policy objectives, a cross-policy blackmailing strategy by a PRRP-led government would pursue relatively narrow policy goals related to the PRRPs' core topics and interests. Since PRRP-led governments, by definition, tend to challenge the EU as a supranational polity, we would not expect them to reinforce it by agreeing to EU-wide legislation, but rather to extract distributive gains from the EU (Zaun & Ripoll Servent, 2023).

2.2. The Strategy of "Identity Profiling"

In EU development policy, it is not uncommon for a member state government to seek to profile themselves by advancing their specific agenda on the EU stage, or by trying to upload certain norms or ideas to the EU level. For example, Steingass (2018, pp. 149–180) illustrates how British government officials utilised the debate on aid effectiveness principles at the EU level during the 2010s to promote nationally relevant norms of accountability and transparency.

Identity profiling, the second type of unpolitics behaviour we conceptualise here, is, however, different from these mainstream practices in that it primarily serves to defend a PRRP's identity from being associated with (EU) policies that are deemed to be non-compatible. In turn, such behaviour is likely to differ in intensity from mainstream practice, and may explicitly involve transgressive elements, as it relates to the core identity of the PRRP.

We expect a PRRP to engage in unpolitics behaviour on norms and policy issues in EU development policy when there is a strong dissonance between these norms and issues and the ideology and identity of the PRRP. Nationalism, anti-immigration, and traditional family values are core norms embraced by PRRPs (Vasilopoulou & Halikiopoulou, 2015). In our understanding, identity profiling thereby becomes a strategy for a PRRP to promote or defend its key norms, protect its citizens from foreign influences that go against these norms, and mobilise PRRP supporters against the EU. Underlying this motivation to protect the core features of their identity from external influence is a strong emphasis on state sovereignty, which is an inherent characteristic of populist parties more broadly (Lehoczki, 2024).

While enhancing their own political profile, PRRPs engage in the "othering" of fellow EU member states, which are portrayed as seeking to weaken PRRP-led governments' main role of protecting the will of "the people" against European or international "elites." As with cross-policy blackmailing, the PRRPs' key target group is their domestic audience. PRRP-led governments seek to use EU-level debates to shine a spotlight on their political profile as the protectors of the key norms and values of "the people."

Migration, gender equality, and sexual and reproductive health rights (SRHR) are key targets of identity politics and are often the focus of identity profiling (Badell, 2023). We expect PRRP-led governments to engage in tactics to delay policy processes—haggling over details and using their veto. In contrast to cross-policy blackmailing, however, PRRP-led governments who adopt the strategy of identity profiling are not looking for material returns. Instead, they seek to legitimise and reinforce the self-image of the PRRP in the EU and amongst their domestic constituents. In such instances, we assume that PRRP-led governments are less willing to broker compromise agreements than when engaged in cross-policy blackmailing—unless other member state governments are willing to accommodate their normative positions. If PRRP-led governments have little interest in ensuring the general functioning of EU institutions and decision-making processes, they can veto or delay the adoption of Council Conclusions, international agreements, or other policy statements until their preferences for the framing of key norms and concepts are adopted.

Consequently, we expect that identity profiling often results in delays or the failure to adopt joint statements, which erodes the time-conscious and concerted signals these were supposed to emit vis-à-vis European citizens or other international actors. For PRRP-led governments, supporting EU-level

compromises on party identity issues could backfire at the domestic level, where this could be interpreted as the government giving in to EU pressure. Inversely, blocking such compromises can be presented as defending traditional values that are contested by "elites" in Brussels and other member states. Identity profiling can also be observed in the analysis by Vaagland and Chmiel (2023) that describes how the Polish government instrumentalised what the authors refer to as "parochial attitudes," which involve a highly selective application of solidarity to some groups while withholding it from others.

2.3. Scope Conditions

We anticipate that the following three scope conditions influence the (non-)occurrence of the two strategies of unpolitics in EU development policy. *Material returns* apply to cross-policy blackmailing and *normative dissonance* to identity profiling; the *salience of negotiated policy documents or issues* shapes both strategies:

> Material returns: We expect PRRP governments to engage in cross-policy blackmailing when decisions on the allocation of funds are pending. Such blackmailing tends to be more effective but also more risky when the material returns of other EU member states are likely also to be affected, such as during budget negotiations.

> Normative dissonance: We expect PRRP governments to engage in identity profiling when there is a strong dissonance between the statements to be adopted by the EU and their own normative standpoints. Such standpoints are typically linked to their core identity, such as issues related to migration, gender, or SRHR. PRRPs may not only challenge the substantive framing of norms and policy issues but also claim that the EU institutions have "hidden agendas."

> Salience of negotiated policy document or issue: We assume that the salience of the policy process to other stakeholders influences whether PRRP-led governments engage in identity profiling or cross-policy blackmailing. The more importance other member states or the EU institutions attach to the policy document or policy issue, the more it is that identity profiling or blackmailing would occur. With regard to identity profiling, this is because normative statements in such documents are expected to pertain for a long time and are of a defining character for the overarching policy field. Concerning blackmailing, PRRP-led governments will look for higher salience issues to increase their chances of extracting financial benefits in other policy areas.

3. Case Studies

Two case studies serve to explore the use of the two strategies of unpolitics in EU development policy. As with other domains of EU external relations, development policy is characterised by decision-making processes intended to reach a consensus. For a long time, decision-making on EU development policy was dominated by those EU member states that have significant bilateral development cooperation programmes, whereas member states with limited bilateral programmes of their own were less engaged (Lightfoot & Szent-Iványi, 2014). Our two case studies show how these dynamics have changed with the rise of PRRP-led governments. During the negotiation of the New European Consensus on Development in 2016–2017, both the Polish and the Hungarian governments used identity profiling to influence core norms included in this policy statement. During the preparation of a negotiation mandate in 2018, and between 2020 and 2023, when EU actors

debated the legal nature and signing of the agreement, the Hungarian and Polish governments sought to engage in both cross-policy blackmailing and identity profiling. In using these strategies, they did not follow established decision-making processes to reach consensus but instead behaved in unpredictable ways, used the threat of veto, sometimes erratically, and even fostered conspiracy theories about the EU's "real motives."

3.1. The New European Consensus on Development

The first version of the European Consensus on Development was adopted back in 2005, a year after the "big bang enlargement." It was an important tripartite policy strategy, endorsed by the Commission, Council, European Parliament, and, finally, by the European External Action Service (EEAS) in 2014. The Consensus outlined shared norms, standards, and objectives for European development policy. While not legally binding, the formal endorsement of the EU institutions gave it a much higher political relevance compared to Council Conclusions. In practical terms, the Consensus guided the reform of the EU's development instruments in the Multiannual Financial Framework (2007–2013). It also had a key "arbitrating" role in political discussions by reflecting a minimum ambition and was frequently used as agreed common language for Council Conclusions and joint positions (Bergmann et al., 2019).

The adoption of the 2030 Agenda for Sustainable Development and the Paris Climate Agreement in 2015 necessitated the preparation of a new Consensus. At the start of the Juncker Commission in November 2014, the Commissioner for Development Policy was mandated to prepare a revision. Following a public consultation, the Commission published a Communication that outlined a text proposal (European Commission, 2016). This became the basis for an "informal trilogue" (informal because the ordinary legislative procedure did not apply) during which the European Parliament, Commission, and Council sought to reach an agreement on the statement. The joint statement was subsequently adopted and presented at the European Development Days in June 2017, titled the New European Consensus on Development (European Union, 2017), replacing its 2005 predecessor.

3.1.1. Positioning of PRRP-led Governments During the Negotiations: Identity Profiling

The Council position for the informal trilogue was prepared in the Council Working Party on Development Cooperation (CODEV), where different EU member states made proposals on how to revise parts of the text to better reflect their specific policy priorities. The Fidesz and PiS governments engaged in identity profiling and stood out in threatening to veto the entire Consensus if the text relating to migration, gender, and SRHR was not changed to better reflect their preferences (Chmiel, 2018, p. 21). Hungary went as far as registering a general dislike of the text during a meeting of the Committee of Permanent Representatives of Member States of the EU (COREPER; interview 2).

Concerning migration, several member states pushed for more critical language compared to the Commission proposal. In light of the sudden increase in refugees and migrants in 2015, several member states called for a direct link on how development policy should be used to stem migration pressures (interview 2). The Polish and Hungarian governments, however, stood out in terms of how they presented their positions and by threatening to veto the entire document if the wording was not changed. Hungary argued that no positive development effects of migration should be mentioned and that, instead, emphasis should be placed on the risks and threats of migration.

A comparison of the Commission proposal (European Commission, 2016) and the final version of the Consensus (European Union, 2017) shows that the Fidesz government was at least partly successful in shaping the language related to migration (Table 1). The Commission's desire to present the statement at the European Development Days in June 2017 prompted it to bilaterally discuss and agree on wording changes with Hungary, which subsequently were presented by the Presidency to the informal trilogue for agreement (interview 1). The Commission proposal starts with a longer paragraph on how migration makes a major contribution to inclusive growth and sustainable development (for this and the following refer to Table 1). By contrast, in the final version of the Consensus, key emphasis is placed on member states' sovereignty in determining the number of refugees that are admitted, and the various challenges of migration for host countries are highlighted, whereas positive contributions to development are watered down. Moreover, the final version of the Consensus mentions generic problems associated with irregular migration, which was also not in the Commission's proposal.

In addition to migration, both the PiS and Fidesz governments positioned themselves as protectors of what they consider traditional (family) values, and engaged in identity profiling to change the language on gender as well as SRHR (Szent-Iványi & Kugiel, 2020, p. 133). Regarding gender, Poland was successful in—at least partially—uploading its understanding of gender equality as equality between women and men. Whereas the Commission proposal focused on strengthening the role of women and girls, the final version of the Consensus speaks more generally about "equality between men and women of all ages" (European Union, 2017, p. 13; see also Table 2). Moreover, the text no longer depicts the EU as a "global leader in promoting gender equality," and references to the EU Gender Action Plan (2016–2020) that were made in the Commission proposal were dropped (Table 2).

The wording on SRHR was one of the issues that remained controversial until the very end of the negotiations (interview 2). For the Polish and Hungarian governments, two issues were particularly controversial: references to giving women rights over their sexual and reproductive health, and references to sexual and reproductive education (interview 2). However, compared to the language on migration and to some extent gender, Poland and Hungary were less successful in shaping the final wording of the Consensus regarding SRHR (Table 2). Although the reference to sexual orientation was removed from the box on gender proposed by the Commission, another reference remained in paragraph 16 of the final statement, and a new paragraph 34 was added with a longer outline of the EU's objectives related to SRHR.

Table 1. The framing of migration in the Commission's proposal and the final text of the New European Consensus on Development.

Proposal (European Commission, 2016)	Final text (European Union, 2017)
Migration is a complex, global, long-lasting phenomenon requiring a carefully designed, balanced, evidence-based and sustainable policy response. The 2030 Agenda clearly recognises the positive contribution of migration and mobility to inclusive growth and sustainable development. (para 56)	Migration is a complex, global, long-lasting phenomenon requiring a carefully designed, balanced, evidence-based and sustainable policy response which shall respect national competences, and in particular not affect the right of member states under Article 79(5) TFEU to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work. (para. 39)

Table 2. SRHR and gender in the Commission's proposal and the final text of the New European Consensus on Development.

Proposal (European Commission, 2016)	Final text (European Union, 2017)
The EU and its Member States will vigorously promote the protection and fulfilment of women's and girls' rights. (para. 31)	The EU remains committed to the promotion, protection and fulfilment of all human rights and…. (para. 39)
Women and girls continue to be deprived of rights, resources and voice….The EU is a global leader in promoting gender equality and women and girls' empowerment in its external relations, particularly through the comprehensive, results-oriented EU Gender Action Plan 2016–2020. (gender box)	Equality between women and men of all ages is critical for sustainable development….The EU and its Member States will ensure that the gender perspective is systematically mainstreamed across all policies as a key contribution to the successful achievement of the SDGs. (gender box)
(no specific text proposal in the Communication)	The EU reaffirms its commitment to the promotion, protection and fulfilment of the right of every individual to have full control over, and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence. The EU further stresses the need for universal access to quality and affordable comprehensive sexual and reproductive health information, education, including comprehensive sexuality education, and health-care services. (para. 34)

3.1.2. Scope Conditions: Normative Dissonance and Salience

Normative dissonance between the Commission proposal and the positions of the PiS and Fidesz governments on migration, gender, and SRHR were clearly high. Whereas the Commission put a strong emphasis on the development benefits of migration, to Hungary, national sovereignty in determining admission of migrants, active migration management, and explicit mention of the assumed security challenges were key (interview 1).

The *salience* of the New European Consensus on Development was high as it represents an important reference document and is unique to the policy field in being endorsed by four EU institutions. Despite its length and apparent lack of prioritisation, it has been relevant to European development policy as the lowest common denominator on which EU institutions and member states can agree and refer to when framing policy issues for the EU's budget or when developing other sectoral strategies. PRRP-led governments thus had an interest in this document reflecting their norms and values. Moreover, the negotiations on the Consensus took place in parallel to international debates on the UN Global Compact for Migration, which Poland and Hungary—among other member states—rejected and refused to sign in 2018 (Badell, 2023). They were thus wary that language they objected to in the UN Global Compact for Migration would find its way through the backdoor into EU policy documents.

On the other hand, the EU institutions and those member states active in development policy had an interest in reaching an agreement on the new Consensus (Raunio & Wagner, 2021). For the Commission in particular—given that it took the initiative to prepare a new statement—a non-signing would have been a defeat. Time was an issue too, since the Commission pushed to have the statement ready by the European Development

Days in June 2017. Other EU member states who actively engaged in development policy at the EU level had an interest in demonstrating to their domestic constituents as well as partner countries that the EU is (still) able to agree on common objectives and principles in development policy (interview 1).

3.2. Negotiating and Signing the Samoa Agreement

Following the start of the Juncker Commission in 2014, EU policy debates started on how cooperation between the EU and the 78 ACP states was to be governed following the scheduled expiration of the Cotonou Agreement (2000–2020)—a legally binding cooperation framework for EU–ACP relations that had evolved from the Rome Treaty's association policy and governed development funding and trade relations between the EU and the ACP group (Keijzer, 2020). Whilst promoting an open debate on reform options, the Commission was clear in its intentions to adopt another legally binding international agreement with the same group of states and managed the process to this effect (Chmiel, 2018; Keijzer & Schulting, 2019).

3.2.1. Combining Cross-Policy Blackmailing and Identity Profiling

EU member states used two main windows of opportunity to shape the negotiation process. First, member states engaged in the preparation of the EU's negotiation directive in the Council in the first half of 2018. Once the directive was agreed, the negotiations were conducted between the chief negotiators of the EU and ACP, who reached a political deal in December 2020. Second, between 2021 and 2023, the political deal was taken back to the member states, who controversially debated with the Commission and EEAS on the legal nature of the agreement (EU competence versus mixed competence, which would require the ratification of the agreement by member states).

In 2018, during the preparation of the EU's negotiating directives, the PiS and Fidesz governments both used identity profiling. During the deliberations in the Council working group, both governments remained rather quiet and hardly engaged. Only in May 2018, towards the very end of the process, when the negotiation mandate reached COREPER, did the PiS and Fidesz governments suddenly block the mandate, criticising, in particular, the provisions related to migration and SRHR (Keijzer & Schulting, 2019; Szent-Iványi & Kugiel, 2020, p. 132). Both governments argued that the negotiation mandate would erode their sovereignty via the backdoor of an agreement with developing countries, a conspiracy theory view that Hungary would reassert later in the negotiations ("FM Szijjártó," 2021). Following a meeting of the Foreign Affairs Council, Hungary's foreign minister publicly stated that the migration chapter would need to present legal migration as a security threat to Europe and that it would need to include the objective of stopping illegal migration to Europe before Hungary could sign off on the agreement (van Densky, 2018). While Poland did not join Hungary in blocking the negotiation mandate, it urged other EU ambassadors to find a solution at the 7 June 2018 COREPER meeting. However, in the following weeks, Poland suddenly raised its own reservations on SRHR. The negotiation mandate was subsequently adopted on 22 June 2018, with Poland making a unilateral declaration on SRHR (Carbone, 2022, p. 756; Chmiel, 2018, p. 22). Table 3 compares the European Commission's (2017) recommendation and the negotiating directives (Council of the European Union, 2018) as adopted, and shows minimal differences concerning gender (removal of "migration status") and an emphasis on national competencies relating to migration, while the text on SRHR is based on the agreed text in the New European Consensus on Development, as shown in Table 2 above. In particular, the additional text on migration appears to move towards the Hungarian government's assumed concern that the agreement might infringe on its own migration policy.

Table 3. SRHR and migration in the Commission's recommendation and the final negotiating directives.

European Commission (2017) recommendation	EU negotiating directives (Council of the European Union, 2018)
On gender	On gender
The Agreement will promote rights-based policies, encompassing all human rights and ensuring equal access to opportunities for all members of society, regardless of ethnicity, gender, age, disability, religion, beliefs, sexual orientation and gender identity, migration status or other factors. (p. 6)	The Agreement will promote rights-based policies, encompassing all human rights and ensuring equal access to opportunities for all members of society, regardless of ethnicity, gender, age, disability, religion, beliefs, sexual orientation and gender identity. (p. 6)
On migration	On migration
(no specific text proposal)	The Agreement will strengthen the commitment of the Parties to enhance cooperation, in a spirit of genuine partnership and shared responsibility and in full respect of international law, including international human rights law, EU and national competences. (p. 10)
On SRHR	On SRHR
The Parties will promote the protection and fulfilment of women's and girls' rights and their empowerment, including on matters related to their sexual and reproductive health, and will cooperate to eliminate all forms of sexual and gender-based discrimination and violence. (p. 12)	The Agreement will commit to the promotion, protection and fulfilment of the right of every individual to have full control over, and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence. (p. 31)

After a political deal had been reached in December 2020, final details were discussed between the negotiating teams to produce a text that could be "initialled" by the chief negotiators before proceeding to be signed and ratified. In March 2021, in the margins of a Foreign Affairs Council meeting, the Hungarian foreign minister publicly expressed Hungary's opposition to the concluded agreement, and spread a conspiracy theory, arguing that the purpose of the new agreement was to put "increasing migration pressure on the bloc's member states" ("EU 'aiming to increase migration pressure on Member States,'" 2021). The agreement was subsequently initialled on 15 April 2021, with "[EU Party]" bracketed in the text to signal the need for the EU to reach an agreement on the legal nature of the agreement. During the summer of 2021, further changes were made to the legal nature to reflect a mixed competence agreement, without changing the substance of the agreement's provisions. The choice of legal nature necessitated parliamentary ratification of the agreement by the 27 member states and thus required consensus in the Council before the agreement could be signed and moved to the ratification stage. The Hungarian government used this opportunity to refuse to agree to the signing, and the agreement once again became stuck in the COREPER. This was accompanied by stronger language from the minister, who, at a migration conference in Hungary, referred to the agreement as "a new madness" and referred to it as the "EU version of the UN pact on migration" ("FM Szijjártó," 2021). To avoid a "legal vacuum" in the relationship with the ACP states, the existing Cotonou Agreement was extended again.

As the partnership was of high salience for the Commission (the Directorate-General for International Partnerships in particular) but of low salience to many EU member states, Hungary's position did not lead to

considerable discussion or pressure, but rather to a combination of limbo and radio silence as Hungary sought to engage in identity profiling on provisions related to migration. The relative ease with which the Cotonou Agreement could be further extended considerably weakened Hungary's veto possibilities. Overall, following several extensions, it emerged that Hungary was able to delay but not prevent the new agreement from being signed. The delays were nonetheless considered damaging to the EU's international reputation (ACP–EU Joint Parliamentary Assembly, 2023) and the realisation that Hungary's position would not allow it to extract any returns accentuated its obstructive nature. Hungary subsequently lifted its blockage in April 2023, resulting in an awkward situation whereby Hungary (as reported in its media) seemed to have received written guarantees from the Commission, which the Commission denied ("Hungary agrees to EU signing," 2023; "Magyarország csak bizonyos," 2023).

April 2023 was not yet the end of the process since the Polish government took over from Hungary the role of cross-policy blackmailer and blocker of the agreement in COREPER. The Polish government seemed to act very erratically as it did not initially make the reasons for its blocking transparent. Only later did it emerge that the upcoming general elections played an important role. More specifically, Poland tied its support to the Samoa Agreement to EU funds being used to buy up excess grain production in Poland, to be used to support food security in ACP states. The ACP states had not requested such Polish support and the Polish government did not appear to have consulted them on this (Chadwick, 2023).

This move by the Polish government increased the internal and external pressures on the EU to reach an internal agreement at a time when substantive negotiations on the agreement had already been concluded more than two years before. While earlier statements were less explicit, in June 2023 the co-presidents of the ACP–EU Joint Parliamentary Assembly deplored the continued blockage—naming both Hungary and Poland—and argued that their stance undermined "a partnership of over one hundred countries from four different continents, constituting a third of the UN Membership[,] an important platform for advancing multilateralism" (ACP–EU Joint Parliamentary Assembly, 2023).

Media reporting suggests that in early July, the Spanish EU Council Presidency successfully packaged the decision on the Samoa Agreement in COREPER with another decision on EU sanctions on Belarus, a topic of much higher importance to the Polish government (interview 3). Further social media debates indicate that after the signing of the agreement, Poland switched back to identity profiling and presented a written declaration in COREPER on 18 July to present its position on SRHR, while supporting the decision to sign the agreement.

3.2.2. Scope Conditions: Financial Return, Salience, and Normative Dissonance

The negotiations on the Samoa Agreement provide an example of PRRP-led governments engaging in both cross-policy blackmailing and identity profiling at different times. As with the European Consensus on Development, the Samoa Agreement is a high salience issue in the field of European development policy where, first and foremost, the EU institutions, but also some member states, had an interest in successfully concluding the negotiations. Failure to decide on the signing of the agreement would not only have meant a weakening of the Commission's Directorate-General for International Partnerships but would also have reputational costs for the EU as a whole. This informed the Polish government's stance of (unsuccessfully) pressing for material returns in 2023 (interview 1).

In addition, normative dissonance regarding the framing of migration and SRHR was perceived to be high by both Hungary and Poland. In contrast to the European Consensus on Development, the Samoa Agreement would be a legally binding document valid for a minimum of 20 years, which made both governments particularly wary of including positive language on both issues.

4. Discussion and Conclusions

This article investigated the extent to which the behaviour of PRRP-led governments in EU development policy reflects unpolitics. It conceptualised two strategies of unpolitics: cross-policy blackmailing and identity profiling. Our empirical analysis of the two cases shows that PRRP-led governments in Hungary and Poland applied these strategies and thereby obstructed established decision-making processes in development policy.

Concerning the first case, we find that the PiS and Fidesz governments engaged in identity profiling related to the framing of the norms on migration, gender, and SRHR in the New European Consensus on Development. While other member state governments also sought to shape the framing of the Consensus related to migration, the Fidesz and PiS governments stood out by openly threatening to veto the entire text if their preferences were not respected—a type of government behaviour never seen before in comparable development policy dossiers on which member states generally work towards consensus. The engagement of these two governments in identity profiling was driven by strong normative dissonance between the Commission's proposed text and the position of the PRRP-led governments—as well as by the high salience of the Consensus for the policy field as such.

In the second case, we find that the same governments adopted unpolitics behaviour throughout the different phases of negotiations of the Samoa Agreement. We observe that cross-policy blackmailing and identity profiling were used selectively and to some extent erratically by both governments during critical junctures of the negotiations. Vetoing an agreement when it reaches COREPER without using opportunities to engage during Council working group meetings or spreading conspiracy theories as to the "real" intentions of the Commission in proposing an agreement was behaviour rarely seen before in development policy, and was clearly different from established decision-making practices. The assumed high salience of the Samoa Agreement for the Commission, as well as the expected possibilities for extracting material returns, provided entry points for PRRP unpolitics strategies.

The findings illustrate that we can observe unpolitics even in apparently low-risk, low-gain policy domains such as EU development policy. Hence, this article contributes to a better understanding of the issues on which and the conditions under which PRRP-led governments apply obstructive behaviour in EU policymaking processes. Although we have distinguished two different strategies of unpolitics, the case of the Samoa Agreement also demonstrates that cross-policy blackmailing and identity profiling are not mutually exclusive and may reinforce or complement each other.

In our case studies, it was mostly the PiS and Fidesz governments that engaged in cross-policy blackmailing and identity profiling. This finding is in line with other studies, which showed that although other EU member state governments have featured PRRPs since the mid-2010s, the PiS and Fidesz governments set themselves apart by their broad oppositional stance towards the EU's development policy (Chmiel, 2018; Szent-Iványi & Kugiel, 2020). Future research may dig deeper into the question of why other PRRP-led governments did not

play an obstructive role in the negotiations on the Consensus and the Samoa Agreement and if, or whether, they engaged on other EU development policy issues. This would also involve zooming in on the domestic drivers of unpolitics behaviour, which might be an important avenue for future research.

Conflict of Interests
The authors declare no conflict of interest.

Data Availability
All data is publicly available and listed in the list of references.

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About the Authors

Julian Bergmann (PhD) is a senior researcher at the German Institute of Development and Sustainability (IDOS) and a senior lecturer at the University of Mainz. His research interests include EU development policy, EU foreign and security policy, and conflict prevention and peace mediation. He holds a habilitation and a doctoral degree from the University of Mainz.

Niels Keijzer (PhD) is a senior researcher and project lead at IDOS. His research focuses on European development cooperation, aid and development effectiveness, policy coherence for development, and financing for development. He holds a PhD from Radboud University Nijmegen (the Netherlands) based on a doctoral dissertation on the European Union's development policy.

Christine Hackenesch (PhD) is a senior researcher and project lead at IDOS and a senior lecturer at the University of Mainz. Her research focuses on European democracy support and development policy, the influence of populism on EU external relations, EU–Africa relations, as well as China's foreign policy and engagement in Africa. Christine holds a habilitation from the University of Mainz and a doctoral degree from the Free University of Berlin.

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ARTICLE

Populists in the Shadow of Unanimity: Contestation of EU Foreign and Security Policy

Ana E. Juncos [1] and **Karolina Pomorska** [2]

[1] School of Sociology, Politics and International Studies, University of Bristol, UK
[2] Institute of Political Science, Leiden University, The Netherlands

Correspondence: Ana E. Juncos (a.e.juncos@bristol.ac.uk)

Abstract

The arrival of populist political parties to power in several member states and the increasing politicisation of EU foreign policy has made intra-European consensus more difficult to reach in the past decade. This article examines the impact of populist contestation on EU foreign policy negotiations in the Council, a policy area governed by unanimity. This decision-making mode makes the policy especially vulnerable to the impact of contestation and, at the same time, gives power to those willing to use their veto. Drawing on the idea of unpopulist politics, this study shows how Hungary and, to a lesser degree, Poland have contested the established formal and informal norms (such as consensus-building or reflex coordination) through discursive and behavioural non-compliance. The "domestication" of EU foreign policy has meant that, in general, populists show less willingness to compromise and resort to non-decisions to demonstrate the EU's weakness. However, there are exceptions, and it is possible to see variations in populist strategies when faced with similar challenges, as exemplified by the EU's response to Russia's war in Ukraine. By testing the scope conditions under which unpolitics might be activated, we show that the same crisis situation did not lead to a uniform response amongst populist governments. This is because both the nature of the crisis and perceptions of risk/gain were understood differently (and actively constructed as such) by populists in power. This finding emphasises the social, relational, and multi-level nature of unpolitics as a phenomenon.

Keywords

Common Foreign and Security Policy; EU; politicisation; populism; unpolitics

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1. Introduction

The foreign and security policies of the EU were, for some time, excluded from scholarly debates on the rising influence of populism within the EU. This was because, generally speaking, foreign policy tends to be characterised by continuity despite changes in government. In the case of countries such as Poland, for instance, a cross-party consensus had existed on these policies since the early 1990s. In other cases, populist parties seemed not overly concerned with foreign policy, focusing instead on matters relating to migration and identity politics. However, even in the Common Foreign and Security Policy (CFSP), research has shown increased politicisation, contestation, and more difficulties in reaching a consensus (Biedenkopf et al., 2021; Hackenesch et al., 2021; Petri et al., 2020). This has been partly attributed to the crisis of the liberal international order (Zürn, 2019) and the rise of populists in power in several EU member states (Börzel & Zürn, 2021). Recent discussions over the introduction of a qualified majority voting (QMV) in this policy domain are partly a result of the frustration with countries governed by populists blocking consensus and contesting established constitutive and procedural norms (Pomorska & Wessel, 2021).

"Unpolitics" has been described as a destructive approach to politics that representatives of populist governments use to undermine EU policy-making (Taggart, 2018; Zaun & Ripoll Servent, 2023). This article contributes to the debate about the nature and impact of unpolitics by focusing on EU foreign and security policies as a case study. In so doing, we seek to determine whether it is possible to see the use of unpolitics across different policy areas and the conditions that enable its use by populists in power. We put to the test the three hypotheses linked to unpolitics and the expected behaviour of populist governments in EU negotiations: (a) the rejection of formal and informal norms in the Council, (b) the rejection of compromise and preference for maximalist positions, and (c) the use of non-decisions to mobilise against the EU. Compared with other policy studies on this thematic issue, we expect that foreign policy is especially vulnerable to unpopulist behaviour because of the unanimity rule and the fact that populist governments hold veto powers. While foreign policy has never been high on the populist agenda, we suggest in this article that the arrival of populist parties to power in several EU member states has recently led to a "domestication" of foreign policy, with foreign policy goals increasingly subjected to domestic and party goals. This domestication of EU foreign policy has meant that populist governments are more likely to disregard the established informal procedural norms, use non-decisions as a negotiating strategy, and show less willingness to compromise.

Although we observe many similarities in populists' behaviour within the Council in the area of foreign policy, we also see differences. To illustrate this, we consider the EU's response to Russia's aggression against Ukraine to show how the same crisis can be differently constructed for the domestic audience and, consequently, how the populist governments of Hungary and Poland acted differently within the Council. Whereas Poland, largely due to its security concerns and perceived high risk, remained constructive, Hungary repeatedly threatened to use its veto to block agreements.

We first discuss the specific features of foreign policy and how this matters for the likelihood of unpolitics impacting EU policy-making. In this regard, we discuss each of the three hypotheses and then continue by delving into the empirical evidence to determine the extent to which we can observe instances of unpolitics in this policy area. Finally, we focus on the case study of the EU's reaction to the Russian aggression against Ukraine and the divergent behaviour of the governments of Poland and Hungary. Our empirical evidence comes from 40 in-depth, semi-structured interviews conducted with national representatives in the Council

and officials working for the European External Action Service who were involved in CFSP negotiations either by attending or chairing the working groups or committees. The interviews used a semi-structured questionnaire, lasted an average of one hour, and were coded to maintain the interviewees' anonymity.

2. Unpolitics, Populist Foreign Policy, and EU Policy-Making

Several characteristics of foreign policy are relevant to this article and to comparisons with other policies analysed in this issue. Firstly, unlike some other policies covered in this thematic issue, in our case, negotiations do not take place under the "shadow of the QMV," but under the "shadow of the veto." This makes the policy highly vulnerable to the disruption caused by populists. Secondly, as explained in the editorial of this thematic issue (Ripoll Servent & Zaun, 2024), the extent to which populist governments employ the strategies of unpolitics is facilitated by a crisis environment, which makes politicisation and mobilising domestic audiences easier. Foreign policy is often described as crisis-driven, so there are plenty of opportunities for populist parties to politicise these, though most of the time, foreign policy tends to be characterised by continuity and cross-party consensus. However, crises in the EU's neighbourhood have become more frequent and intense in the past decade, so this might provide a fertile ground for populist governments to politicise foreign policy, including at the EU level. Yet not all crises are the same, and we argue in this article that the type of crisis and how populists construct it at home matters in their response and contestation in Brussels. Thirdly, foreign policy is usually (with exceptions) not very high on the populist's agenda (Chryssogelos, 2021; Mudde, 2016). This has not diminished opportunities for populists to make instrumental use of foreign policy or to politicise foreign policy issues. In fact, an issue that unifies populist parties and governments is their anti-foe mentality and the use of foreign policy and external threats to mobilise supporters at home (Destradi et al., 2022). Therefore, we argue that foreign policy is increasingly subjected to domestication, with an almost exclusive focus on domestic audiences. In other words, in countries governed by populist parties, foreign and security policy becomes disproportionately subjected to the goals of internal or even party politics. As a result, negotiations in Brussels have become more politicised and more public and incentives to find consensus and a compromise at the EU level have decreased as foreign policy is seen as another way for the party to defend the sovereignty of the "people" vis-à-vis undemocratic international bureaucracies.

Though foreign policy could be generally seen as an area of high gain and low risk and consequently very prone target of unpolitics (see Ripoll Servent & Zaun, 2024), we would like to nuance this picture and emphasise that in some situations, such as in the face of Russia's war of aggression against Ukraine, the costs of non-decision may be very high. This has proven to be the case for countries bordering Russia, for whom national security is at stake. Therefore, we would argue that foreign policy issues may be classified across the whole spectrum, i.e., from low to very high risk, depending on how the crisis is perceived and constructed by populist governments. When the risk is perceived as high, we would see less behaviour linked to unpolitics and the inverse. To investigate this difference, we have included in this article the case of Russia's aggression on Ukraine and we examine responses to this crisis by different populist governments, namely Hungary and Poland.

The editorial of this thematic issue lays out three hypotheses regarding how populist governments will likely use unpolitics in Council decision-making. We consider each of them in turn, how they apply in the specific context of the CFSP, and our expectations regarding the outcomes.

H1: Populist governments are more likely to break formal and informal policy-making rules and do so explicitly (reject norms).

We expect that this hypothesis will be confirmed by the analysis of EU foreign and security policy. This is because there is a clash between some of the procedural rules underpinning CFSP policy-making in the Council and the norms embedded into the populist ideology. CFSP has historically developed in a very informal manner and in an atmosphere of relative secrecy and insulation from public debate, which allowed for a high level of flexibility. The CFSP has also developed a well-defined set of policy-making practices or procedural norms, defined as rules of appropriate behaviour an individual should adopt within a particular group in a particular situation (Juncos & Pomorska, 2006). These norms are well documented in the academic literature (see Juncos & Pomorska, 2006, 2008, 2021; Michalski & Danielson, 2019; Smith, 2004; Tonra, 2001) and include coordination reflex, consensus-building, respect for the so-called "agreed language," retaining horizontal and vertical consistency and avoiding isolation within the group. The literature also shows that, in general, the norms have been followed by member states' diplomats, which made agreements possible in this policy. However, because populists prioritise domestic over foreign policy and emphasise the defence of the people from "unaccountable" supranational institutions, we expect that some of the procedural norms will be questioned and undermined, including the need to consult with others prior to negotiations, consensus-building, and avoiding isolation. This differs from non-populist governments, which comply with the norms as documented in the literature.

An additional argument that supports this expectation is that as a result of the anti-elitism embedded into the populist ideology (Stanley, 2008, p. 101), populist governments tend to distrust experts (Lequesne, 2021) and put greater emphasis on officials' loyalty to the party. This general mistrust towards the elite, in turn, may manifest in more frequent rotation from postings abroad, including in the case of EU positions, and a higher level of clientelism when it comes to distributing posts in ministries of foreign affairs and defence. It might also result in a reduction of the leeway of experts negotiating in these domains. This has often led to substantial changes in diplomatic staff, such as in the case of the permanent representations to the EU.

H2: Populist governments are less likely to compromise than mainstream governments and stick to their maximum positions (reject compromise).

Given the fact that unanimity is the prevailing formal procedure in CFSP, compromise (or consensus-building) has become one of the core norms in CFSP decision-making. In this sense, it provides a different institutional set-up from many other policies analysed in this thematic issue. This explains how 27 member states, with very different foreign policy interests and strategic cultures, have managed to avoid paralysis in the past. Consensus-building has been mentioned as a key practice underpinning European foreign policy negotiations since its establishment in the 1970s. According to Nuttall (1992, p. 12), the European Political Cooperation "[did] not operate under the perpetual threat of veto," but instead, participants would make "genuine efforts to reach a positive outcome." Later research on the Committee of Permanent Representatives (Lewis, 2008), the Political and Security Committee (Howorth, 2010; Juncos & Reynolds, 2007; Maurer & Wright, 2021), and other CFSP committees (Cross, 2010; Juncos & Pomorska, 2006, 2021) confirmed that consensus-building, rather than hard-bargaining was the predominant behaviour in CFSP negotiations. Sticking to maximum positions is generally perceived as unhelpful "trouble-making" and is likely to be followed by peer pressure from the other member states. Even if the positions of

(non-populist) governments differ from the consensus, in foreign policy there would traditionally be a strong pressure to move from the radical position towards the common ground. Diplomats based in Brussels often re-negotiate their mandates with their capitals in such circumstances, acting as "change agents." If they need to retain their position, it is done only exceptionally. National diplomats will ensure their position is well-explained and understood by others.

However, the literature on populist foreign policy has suggested that populists in power often seek to break with long-established foreign policy principles and partnerships, and that they are less likely to adopt compromising attitudes on foreign policy when compared to non-populist governments (Destradi et al., 2022). While acknowledging that these assumptions are still very preliminary and need further testing, they align with the second hypothesis in that we should expect unpolitics to result in less cooperative attitudes towards negotiation compromises. This is further strengthened by the perception of the EU as an arena where national interests clash. While valuing consensus and trying to keep everyone on board have often been considered traits of a successful European-oriented negotiator in the CFSP, national diplomats representing countries governed by populist governments are now expected to act as "national heroes" in Brussels, even if this means isolation or no agreements at the end of the day. Therefore, in our case, this hypothesis is very closely linked to the previous one (i.e., the rejection of procedural norms), and we expect it to be confirmed.

> H3: Populist governments tend to use non-decisions by the EU strategically to show that the EU is weak and useless (reject solutions).

As support for European integration in the area of foreign and security policy consistently scores high among the citizens of the EU, with overall 77% support for a common European defence policy across the Union (European Union, 2022), contestation in this policy area may bring relatively lower advantages vis-à-vis domestic audiences compared to other policy issues (e.g., migration policy). As mentioned previously, this is also one of the reasons that this policy tends to be, in general, not among the priorities of populist governments (Chryssogelos, 2021). For this reason, we could expect less strategic use of non-decisions than in other areas. Having said that, an issue that unifies populist parties and governments is their anti-foe mentality and the instrumental use of foreign policy to mobilise domestic audiences, which we refer to as domestication (see Destradi et al., 2022). In addition, by emphasising that the EU is unable to deal with crises, populist governments can show their capacity to solve problems as the true representatives of the people in contrast to the international elites. In this way, they strive to legitimise their own domestic actions by keeping the EU in a "permanent state of disequilibrium" (Hodson & Puetter, 2019; Kelemen, 2020). While the phenomenon of blaming Brussels for certain actions or non-action has been known to apply in the case of non-populist governments, it has usually been done as an excuse for the government's failures. In the case of populists, as explained in the editorial of this thematic issue (Ripoll Servent & Zaun, 2024), drawing attention to the EU's weaknesses presents an opportunity to further their Eurosceptic and anti-elitist agendas and to keep the EU in a permanent state of disequilibrium (Hodson & Puetter, 2019; Ripoll Servent & Zaun, 2024).

As mentioned above, when discussing the characteristics of foreign policy, the perceived risk of non-decision will vary depending on the issue. While blocking the signing of a new agreement or a statement condemning China's violations of human rights may be considered as low risk, any non-action in the case of Russia's invasion

Table 1. Unpolitics expectations in the case of CFSP negotiations.

H1: Populist governments are more likely to break formal and informal policy-making rules and do so explicitly (reject norms).	To be confirmed: Domestication of foreign policy and populist foreign policy (anti-pluralism and anti-elitism) work against informal procedural rules in CFSP negotiations and expert role of national diplomats.
H2: Populist governments are less likely to compromise than mainstream governments and stick to their maximum positions (reject compromise).	To be confirmed: Populist foreign policy (sceptical of international cooperation, supranationalism, and anti-foe mentality), rejection of procedural norms (consensus-building) + shadow of the veto = likelihood of populist governments less likely to compromise.
H3: Populist governments tend to use non-decisions by the EU strategically to show that the EU is weak and useless (reject solutions).	To be partially confirmed: Euroscepticism and conservatism of far-right populist foreign policy; Use of non-decisions likely where decisions touch upon migration or gender issues or where costs of non-decision are low.

of Ukraine may be seen as very high risk, especially in bordering countries. We also expect greater contestation of foreign policy issues that relate to issues that are high on the populist agenda, such as reproductive rights or immigration. Therefore, we expect partial confirmation of this third hypothesis, depending on the issue. Having laid out our expectations (see Table 1), in Section 3, we turn to our empirical evidence to examine each of the hypotheses in turn.

3. Populists and CFSP Negotiations in the Council: A Case of Unpolitics?

3.1. Non-Compliance With Formal and Informal Rules

After populists came to power in countries such as Hungary and Poland, one of the first observable impacts of populist foreign policy was on staffing policies and, in particular, the recall of senior diplomats based at the permanent representations in Brussels to be replaced with loyal officials ("Ambasador przy Unii Europejskiej," 2016; Müller & Gazsi, 2023; Visnovitz & Jenne, 2021; "Zmiany personalne w MSZ," 2016). This policy removed those diplomats who had already been socialised into the informal norms of policy-making and negotiations and replaced them with those loyal to the government and aware of the roles that populist parties expected them to play (Interview 29 and 25; Lequesne, 2021). Another notable change has been the increasing centralisation of decision-making, in line with populist mistrust towards elites (Interviews 17, 21, 23, and 30).

As a result of these changes, national diplomats in Brussels have less room for manoeuvre to work on compromises. This lack of flexibility and the more hierarchical and centralised policy-making process has, in turn, affected the reputation of experts from countries such as Hungary and Poland and undermined trust from other colleagues within the group, impacting negotiation dynamics. Reflecting on the impact this had on the ability of Poland to negotiate effectively in Brussels, a diplomat stated: "Poland is no longer the attractive nucleus that grouped together [in the past] some member states. Now, we still have some ability to form coalitions, but it is 'dry' and not making too much noise" (Interview 18). Another Polish diplomat mentioned that Poland's declining reputation undermined his ability to form coalitions due to the rule of law

issues: "It does matter. It has its consequences, maybe not so much in formal settings but rather in informal ones" (Interview 20). It was also noted that although there was clear evidence of such change in behaviour at the working group level, this change was even more pronounced at higher levels, i.e., the Committee of Permanent Representatives and the Foreign Affairs Council (Interviews 23, 24, 33, and 34).

As mentioned earlier, CFSP procedural norms are routinely observed in negotiations to facilitate compromise in a context where the shadow of the veto is always present. However, representatives from countries with populist governments, namely those from Hungary and Poland, were more prone to break those informal rules. For instance, recalling incidents where the consensus-building norm had not been respected, some representatives summed up their frustration as: "It is impossible to come up with a common position!" (Interview 37). Other representatives saw this kind of behaviour as a clear breach of the code of conduct: "What we don't like is [when] a member state comes and blocks [the decisions] for a domestic agenda, and it happens. If you have a strong national interest, then defend it" (Interview 22).

Interviewees were not only frustrated with the blocking of particular decisions but with the fact that the usual "way of doing things" was not being respected; in other words, procedural norms themselves became the object of contestation. For instance, expressing strong national positions within the Council or even threatening to veto decisions was now seen by populist governments not as a last resort or something to be avoided but as a show of strength (Interview 19). Representatives from populist governments were criticised for not following this code of conduct, particularly in the following instances: (a) when national diplomats challenged the consensus without any clear justification, (b) when it was always the same diplomats that became isolated in the group, and (c) when national representatives went against previously agreed positions within the Council/Committee.

To be sure, disrespecting the informal procedural roles in the Council was not a result of not being aware of them but rather a choice to behave differently to benefit domestic political goals. As noted by the interviewees, for the governments of Hungary and Poland, blocking was "not a weakness" (Interview 19) but rather an action related to demonstrating "heroism back at home" (Interview 21). The evidence presented here thus confirms H1 as diplomats from populist governments have contested procedural norms through discursive and behavioural non-compliance.

3.2. Consensus-Building and the Rejection of Compromises

Following on from the previous discussion, our evidence suggests that populist governments often opt to stick to their maximum positions without attempting to fit into the compromise. In the case of Poland and Hungary, one interviewed diplomat mentioned that "there are no good faith efforts, some people have no space to make concessions...the negotiator does not have power, there is no space to work out a solution" (Interview 17). This attitude towards Brussels mentioned above also pointed to the increasing tension between the capital and national representatives in the group, as noted by some colleagues in the working groups: "Hungary does not care about being isolated. The diplomats here try to compromise, but it is difficult" (Interview 21). Evidence from our cases showed that for populist governments, becoming isolated—a key CFSP informal rule—was not a problem. In fact, in some cases, they made a virtue of it (Interview 39). For instance, a Polish diplomat recognised that perspectives in Warsaw differed greatly from those of diplomats based in Brussels: "Is blocking a weakness? Our leaders have a different approach. They will even say 'A' if the other 27 say 'B' and do that

loudly ['demonstracyjnie'], even at the working group levels" (Interview 19). This was especially true with Hungary, whose "capital did not mind being isolated" (Interview 21). As a result, one of the interviewees argued that populist governments no longer negotiated "in good faith" (Interview 17).

For instance, Hungary's opposition to the Global Compact for Migration (GCM) showed its disrespect for previously "agreed language," breaching another key CFSP practice. As explained by Badell (2020, p. 355): "The EU delegation in New York tried to persuade Hungary by referring to the entrapment of the common position." This strategy was not successful, and Hungary pulled out of the GCM. Still, the EU managed to save some face and hold off Hungary's contestation by appointing Austria (at the time holding the rotating presidency of the Council of the EU) to speak on behalf of the other EU-27. However, this success was short-lived, as Austria's populist government would later join Hungary in contesting the GCM. It is interesting to note that, according to Badell (2020, p. 356), it was still possible to differentiate between the very "aggressive" style of Hungarian diplomats and the more "respectful" tone adopted by the Austrian counterparts, which was duly acknowledged by other colleagues in the working groups.

The effects of this rejection of compromise have become visible in that foreign and security policy decisions have been blocked more frequently in the past years, especially because of Hungary's use of the veto. Some of those have been highly public and made it to the international press, for example, the blocking of the €50 billion EU aid for Ukraine in December 2023 (Lukiv & Parker, 2023) and the threat to veto the start of accession negotiations with Ukraine at the same summit. In a similar vein, Hungary has been making continuous threats to block EU funds for weapons for Ukraine to aid its war efforts (Rankin, 2023). Because of the position of Hungary, the EU has also been more silent than it would have liked on human rights issues at the UN, with Hungary blocking an EU statement on China (Chalmers & Emmott, 2021).

Drawing on empirical evidence, we see that the H2 (populist governments are less likely to compromise than mainstream governments and stick to their maximum positions) is confirmed. Our interviewees and evidence from the Council and European Council decisions point to the fact that, with time, populist governments have become more assertive and ready to reject compromise (Interviews 18 and 24).

3.3. Strategic Use of Non-Decisions

As we have shown in the previous two sections, populist governments violate informal practices in the Council and, more often than other governments, stick to radical positions without making efforts to achieve compromise. H3 focuses on the aftermath, i.e., how these decisions are framed at home. One of the interviewees also noted this strategy being used, saying that "Hungary is building its power through negating the EU. Their negotiator would stop the political talks. They make a show" (Interview 15). Another diplomat remarked: "What is not appreciated here [in Brussels] is when the EU is used domestically and telling 'we show the EU how things work'" (Interview 22). Occasionally, populists spoke very openly about their strategy, such as the Polish foreign affairs minister, Witold Waszczykowski, who publicly stated his government's intentions: "We have to drastically decrease the trust towards the European Union, start conducting a negative policy" ("Szef MSZ," 2017, para. 1).

There is indeed some evidence to support the hypothesis that non-decisions in foreign and security policy and broader understood external action are used to show the weaknesses of the EU, in contrast to a strong state.

In October 2023, Viktor Orban, speaking on the state radio, claimed that the EU's strategy on Ukraine "has failed" ("Hungary's Orban," 2023, para. 1), which echoed the foreign minister announcing earlier that the EU's sanctions were "a total failure" (Roya News, 2022; see also CNBC International TV, 2023a). Almost a decade earlier, Orban had already called the EU's sanctions against Russia "shooting oneself in the foot" ("Hungary PM Orban condemns," 2014, para. 1). Hungary also referred to the EU sanctions against China as "pointless" (Chalmers & Emmott, 2021, para. 5). The Hungarian government used a similar rhetoric when talking about the so-called migration crisis, which is, of course, intertwined with foreign and security policy. For example, Orban emphasised that in the case of the migration crisis, "Hungary wanted to take its own initiative in handling the migration crisis because the problem was great enough; however, it did not believe that the European Union had enough power or the ability to handle this issue" (Orban, 2015). He suggested that Hungary should act on its own because of the EU's weakness. Hungary also blocked the EU's Africa–Pacific Trade and Development Deal because it would encourage more migration into the EU (Komuves & Emmott, 2021).

At the same time, populist leaders have tried to build a common front against the EU. As formulated by the Hungarian minister of foreign affairs, "The Brussels bureaucracy is waging a revenge campaign against Hungary and Poland, but the two countries can always count on each other" (Szijjártó, 2019). In a similar vein, Polish Prime Minister Morawiecki said in 2020 that "the Union after the financial crisis, the Union with growing inequalities, the Union after Brexit eagerly reacts over its failures in Poland and Hungary" (Partyła, 2020, para. 8), while Polish President Duda described the EU as "weak decision-making-wise" ("Andrzej Duda krytykuje," 2016, para. 1). These are, however, more general remarks about the weakness of the EU as an institution rather than its foreign and security policy specifically.

As shown in this section, populist elites have indeed used their discursive justifications of opposition to certain EU decisions to show that the EU is weak and unable to address those issues; however, this strategy has been limited to the few areas where the perceived risk is low and gains high (e.g., migration; or in the case of Hungary, sanctions against Russia and China). It should be noted, however, that in most cases, it is not non-decisions per se but a threat to veto decisions that has been more frequently used. On those occasions where Hungary has blocked a decision, such as the EU's statement on China (Chalmers & Emmott, 2021), this has been used to protect Hungary's commercial interests (in this case, with China) rather than as a way to undermine the EU. Moreover, while there is plenty of Eurosceptic discourse and anti-EU elite statements coming from populist leaders because the shadow of the veto is always present in CFSP and used by both populist and non-populist governments (e.g., Cyprus' veto on sanctions against Belarus), it is difficult to conclude that populist governments have made more use of non-decisions to prove the weakness of the EU.

4. Russia's Aggression Against Ukraine: Divergence of Populist Responses

We have explained earlier that foreign policy is usually categorised as high gain and low risk, but there are exceptions to this rule, particularly when it comes to (acute) crises. To illustrate this, we present the case study of the EU's response to Russia's aggression against Ukraine, which, for many member states, is a clear example of a low-gain and high-risk scenario.

We have shown in Section 3 that populists in power share many characteristics regarding foreign policy. However, there are also differences, as shown in this section. The purpose of this example is not to show the

typical behaviour of both governments, which we have addressed in the earlier parts of this article, but to caution against generalisations regarding populists' reactions to crises. Often, a crisis creates an opportunity for populists to mobilise their supporters and construct the perception of "others," but there are also times when a crisis does not easily allow for the construction of populist narratives (Kopper et al., 2023). An example of this is Russia's war of aggression against Ukraine, launched in February 2022. In this case, the behaviour of the Hungarian and Polish governments diverged, and it is important to understand why. Regarding risk perception, this case may be considered exceptional, at least in the case of Poland, for whom the risk of non-action was very high. The crisis was perceived as existential and of utmost importance for the state's national security. Therefore, in a situation considered high risk and low gain, we could expect fewer incentives to resort to unpolitics in the Council. The situation was somewhat different in the case of Hungary, where the invasion did not seem to be perceived as such high risk by the Hungarian government. Therefore, we could classify it as medium risk but also potentially high gain if Orban's government managed to use this opportunity to successfully construct the perception of the "other" to further the government's interests.

From the very start of the war, the Polish government showed solidarity with Ukraine and generally supported common EU solutions. President Duda immediately condemned Russia and expressed solidarity with Ukraine ("Duda: Zrobię wszystko," 2022). He subsequently visited Ukraine five times between February 2022 and August 2023. A year and a half into the war, Duda emphasised that for Poland, "supporting Ukraine is something obvious" (Żurek & Rebelińska, 2023, para. 1). Within the EU, Poland often pressed for stricter sanctions against Russia, e.g., in the case of diamonds, the ban on liquefied petroleum gas imports, and it also volunteered to host the Headquarters of the EU's Military Assistance Mission in support of Ukraine. The Polish government also lobbied from the start in favour of a quick decision on accession negotiations with Ukraine. Poland did not block decisions or go against the consensus in this case. The domestic narrative was one of national security, solidarity with Ukraine, and the need for the EU to be active and assist. As put by President Duda, "If Russia is not defeated, it will attack again….We have no doubts that today Ukraine is a place where the fate of our security is decided" (Żurek & Rebelińska, 2023, para. 3).

In contrast, as shown in the previous sections, Orban's government has become a "troublemaker" concerning the EU's response to Russia's aggression: from not agreeing to facilitate the transit of weapons through its territory, threatening to veto sanctions in June 2022 unless Orthodox Patriarch Kirill of Moscow was spared, blocking financial aid to Ukraine, or threatening to veto the start of accession negotiations with Ukraine in December 2023. As summarised by an anonymous diplomat quoted by Reuters: "Across the board…the Hungarian hooligans are a problem when it comes to our policy vis-à-vis Russia's aggression against Ukraine" (Baczynska & Gray, 2023, para. 10). The Hungarian government's narrative emphasised its concern about the Hungarian minority living in Ukraine and used it to justify its reluctance to open accession negotiations or deliver weapons. For instance, the Hungarian minister of foreign affairs claimed that the more weapons delivered to Ukraine, the longer the war would last, and the more Hungarian people would die (CNBC International TV, 2023b). The EU's response to the war in Ukraine was described as ineffective (Than & Komuves, 2022). It was also used to strengthen the government's position at home, for instance, with the decision to hold a consultation on "Brussels oil sanctions" (Tidey, 2022, para. 14). Unsurprisingly, the consultation overwhelmingly supported, with 97% of the votes, the Hungarian government's argument that EU sanctions were "misguided" (Brzozowski, 2023, para. 5) but also registered very low participation, with

less than 20% of respondents. Not least, Hungary's agreement to release more funds to Ukraine was also used as a bargaining tool to force the European Commission to release funds to Hungary that had been held up due to repeated breaches of the rule of law.

The case of the EU's response to the war in Ukraine thus shows that it is difficult to generalise when it comes to populist willingness and ability to politicise external crises and to use unpolitics strategies. When it comes to foreign policy, populist responses are often constrained by longstanding national strategic cultures and threat perceptions, which might vary from country to country. Their willingness to use those crises to demonise supranational institutions and block EU policy-making will be determined by how those crises (and the associated threats) are perceived but also constructed at the domestic level.

5. Conclusions

In this article, we have shown that foreign and security policy is certainly not immune to the process of unpolitics as defined by the editors of the thematic issue. Following the hypotheses outlined in Section 2, populists in power do not adhere to the generally accepted rules of foreign policy and, instead, they subject it to domestic or even party politics back at home. This is why we prefer referring to this phenomenon as a domestication of foreign policy, whereby foreign policy becomes subjected to a large extent to domestic goals. We have observed clear signs of unpolitics across all three hypotheses outlined by Ripoll Servent and Zaun (2024): (a) rejection of formal and informal norms in the Council, (b) rejection of compromise and opting for maximum positions, and (c) the use of non-decisions by populist governments to mobilise against the EU. While we have strong evidence in the case of the first two dimensions, the third is more complex. We observe a general discourse which depicts the EU as weak. However, it is not easily linked to the process of blocking CFSP decisions within the Council; rather than in traditional foreign and security policy, it happens in areas that cut across the EU's external relations (e.g., issues linked to migration).

We have argued that to understand the behaviour of populist governments in Brussels, one has to investigate variations in risk perception and different strategies aimed at mobilising the electorate at home. Such is the case of the Russian aggression of Ukraine, where the Hungarian framing of the crisis differed from that of Poland. As Kopper et al. (2023, p. 91) put it, "Not all crises are necessary a blessing for populists as not all crises allow for the easy construction of populist narratives." As demonstrated, the Polish government found it difficult to continue to utilise unpolitics in the Council because the war in Ukraine was perceived to be an existential threat. By contrast, Hungary perceived the war as a less direct threat to Hungarian security interests, and the use of unpolitics by the Hungarian government continued throughout this period, if anything, it increased over time.

Thus, this article shows that CFSP has not remained immune to unpolitics but that there are variations depending on the case at hand and the populist government. Moreover, the CFSP case shows that decision-making rules also matter when it comes to the use of unpolitics. Unanimity, as the main decision-making rule in CFSP, makes it easier for populist representatives to use, or threaten to use, their veto power. As far as every government occasionally threatens to block negotiations in foreign and security policy, populist contestation is different. Populist governments contest decisions more frequently; it is always the same countries that do so, and they often fail to justify their position to their counterparts. This point came across very strongly throughout our interviews. It was also evident from the interviews that

populist governments were perceived as breaking the longstanding code of conduct in the CFSP and were often referred to as "troublemakers."

It is exactly the frustration with the behaviour of populist governments that brought the discussion on the possible introduction of the QMV back onto the political agenda, especially in some areas, such as sanctions and human rights. This caused immediate reactions among populist leaders, with Jarosław Kaczyński going as far as to say that such a change could not only lead to Poland losing its sovereignty but even "to the annihilation of the Polish state" ("Kaczyński o planach," 2023, para. 3). This is because populist governments consider the power to veto decisions a strength and an advantage in EU decision-making. In any case, when it comes to effectively dealing with the impact of unpolitics in EU policy-making, we should also remember that institutional reforms, such as the move to QMV, will not tackle the root causes of populist politics, but just some of its manifestations.

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Conflict of Interests

The authors declare no conflict of interests.

Supplementary Material

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

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About the Authors

Ana E. Juncos is a professor of European politics at the School of Sociology, Politics and International Studies, University of Bristol. Her primary research interest lies in European foreign and security policy, with a particular focus on EU conflict prevention and peacebuilding. She has published articles in high-ranking journals and is the author of *EU Foreign and Security Policy in Bosnia: The Politics of Coherence and Effectiveness* (Manchester University Press, 2013). She is currently the editor of the *Journal of European Integration*.

Karolina Pomorska is an associate professor at the Institute of Politics at Leiden University, where she also held a Jean Monnet Chair "Europe in the World." She has researched European foreign and security policy, with a special emphasis on the processes of decision-making and socialisation among diplomats and officials and the Union's policy towards Eastern neighbours. She has published numerous articles on the topic and is an associate editor of the *European Foreign Affairs Review*.

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Backsliding Populist Governments in the Council: The Case of the Hungarian Fidesz

Ramona Coman [1,2,3] ⓘ

[1] Département de Science Politique, Université Libre de Bruxelles, Belgium
[2] Centre d'Étude de la Vie Politique (Cevipol), Université Libre de Bruxelles, Belgium
[3] Institut d'Études Européennes (IEE), Université Libre de Bruxelles, Belgium

Correspondence: Ramona Coman (ramona.coman@ulb.be)

Abstract

Populist governments aim to fundamentally challenge the EU, raising the question of when and how backsliding populist governments disrupt decision-making in the Council of the EU (hereafter Council). Due to their anti-elite and strong anti-EU stance, along with their opposition to core values of liberal democracy, I argue that these governments are more inclined to resort to *unpolitics*, understood as "unsettlement." Analysing the behaviour of the Hungarian Fidesz government in the Council, the article demonstrates that populist governments resort to unpolitics but use an à la carte approach. Populist backsliding governments selectively oppose the Council's formal and informal decision-making rules. Looking at the voting behaviour in the Council since 2009, the article shows that the Fidesz government preserves the norm of consensus. However, over time, it has become the government that has most often broken with this norm. Conversely, when it comes to "backsliding-inhibiting competences," the Fidesz government challenges both formal and informal rules through a wide range of strategies, i.e., systematically contesting the legality of procedures and decisions, embracing a confrontational approach and diplomacy, self-victimisation, bending the truth, and accusatory rhetoric. To illustrate them, the article focuses on decisions related to the dismantlement of the rule of law in the country, such as Article 7 TEU, the application of Regulation 2020/2092, and the disbursement of Cohesion funds.

Keywords

confrontational approach; consensus; Council of the EU; diplomatic rules; Fidesz; legality; rule of law

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1. Introduction

Much has been written about the rise of populist parties in the EU. Marginal in Europe (Mudde, 2007), they have achieved electoral victories in various EU member states in the decade of crises (Brack & Gürkan, 2021). Populists come from different ideological corners (Enyedi, 2023). They ascend to power with political programs that challenge, to varying degrees, the foundations of both national and supranational polities, all in the name of the people and national sovereignty (Brack et al., 2019). They oppose liberal democracy and its core institutions and values, as well as specific policies such as immigration and open borders, globalisation, and free trade (Schmidt, 2023). Against this backdrop, scholars of party politics devoted particular attention to the ideological core of populist parties (Enyedi, 2023; Mudde, 2007), while in EU studies, they have examined the potential impact of the populist wave on the functioning of EU institutions and the EU's capacity to act. Attention has been devoted to the European Parliament (EP; Börzel et al., 2023; Chiru & Wunsch, 2021; Falkner & Plattner, 2020; Kantola & Lombardo, 2021; Meijers & van der Veer, 2019; Ripoll Servent & Panning, 2021) and, with fewer exceptions, to the Council of the EU (hereafter Council; Blauberger & Sedelmeier, 2024; Novak et al., 2021; Winzen, 2023), which has experienced increased levels of contestation (Hobolt & Wratil, 2020) and dissensus (Coman, 2022). Given that populist governments seek to fundamentally challenge the EU, the question is: When and how do they disrupt decision-making in the Council?

Due to their strong anti-EU stance and opposition to core values of liberal democracy, I argue that populist governments are more likely to resort to unpolitics (Taggart, 2018), understood as "unsettlement" (Robinson, 2023). As also contended by the editors of this thematic issue, populist governments contest EU legislation and day-to-day decision-making in the Council and tend to reject formal and informal rules, such as the norm of consensual decision-making (Zaun & Ripoll Servent, 2023). To test this argument, this article examines the behaviour of the longest-serving populist government, the Hungarian Fidesz, and proposes a longitudinal comparative case study. So as not to single out the Hungarian case, Hungary's voting behaviour in the Council is compared to other member states over time. On the one hand, the article demonstrates that, since 2009, the Fidesz government has selectively opposed the norm of consensus in the Council. Even in times of growing dissensus, the norm of consensus, understood as "the absence of explicit opposition" (Novak, 2013, p. 1094), seems to be preserved (see also Winzen, 2023). On the other hand, unsurprisingly, populist governments tend to disrupt decision-making in what Winzen conceptualised as "backsliding-inhibiting competences" (2023, p. 6), that is, areas in which the EU could constrain their deviations from the EU's common values. While the consensus norm is preserved overall, the Fidesz government seeks to disrupt decision-making through various strategies, systematically contesting the legality of procedures and decisions, embracing a confrontational approach and diplomacy, self-victimisation, bending the truth, and accusatory rhetoric. To demonstrate these contrasting tendencies (consensus versus unpolitics), the analysis is supported by two complementary sets of data: the voting behaviour of Hungary in the Council drawing on the database of Hix et al. (2022) updated for 2022 and 2023 and a series of interviews conducted between 2020 and 2023 with diplomats from different member states in Brussels. While the first set of data is used to test the opposition to formal decision-making rules, interviews have focused more on informal norms of behaviour in the Council in EU's decisions related to the dismantlement of the rule of law in the country, such as Article 7 TEU, the application of Regulation 2020/2092, and the disbursement of Cohesion funds.

The article is structured as follows: Drawing on recent academic debates, Section 2 builds a theoretical framework for the study of the backsliding populist governments' unpolitics strategies in the Council.

Section 3 empirically examines how the Fidesz government challenges formal rules in the Council, such as the norm of consensus, as well as decision-making procedures and outcomes. Section 4 illustrates challenges to informal rules through strategies such as a confrontational approach, bending of the truth, and self-victimisation. The conclusion underlines the contribution of these findings to the broader literature on the behaviour of populist governments in the Council.

2. When and How Do Populist Governments Disrupt Decision-Making: Consensus Versus Unpolitics in the Council

Populist parties are flourishing in EU member states. They have increased in number within the EP, and their influence, either directly on decision-making or indirectly on other parties and groups at the national and supranational levels, has attracted increased political and academic attention. A growing body of research has examined the political goals of populist parties (Falkner & Plattner, 2020) in general and the radical right in particular, with a focus on their strategies (Kantola & Lombardo, 2021) as well as on their Eurosceptic contestation in the EP (Börzel et al., 2023). Results from these studies show that, overall, their Eurosceptic contestation in the EP is lower than expected (Börzel et al., 2023, p. 15). Eurosceptic dissensus seems to be highest in policy areas that touch on cultural and constituent issues (Börzel et al., 2023, p. 2) and lowest on redistributive policies, where contestation is curbed by national interests (Börzel et al., 2023, p. 15). As far as the concrete impact of populist parties on decision-making is concerned, scholars have examined the voting behaviour of the members of the EP on specific policy areas, including the EU's attempt to prevent democratic backsliding (Chiru & Wunsch, 2021; Meijers & van der Veer, 2019), showing, for instance, the role of the European People's Party (EPP) in shielding the Hungarian Fidesz (Kelemen, 2020) and the role of partisanship in voting resolutions pertaining to democratic backsliding and rule of law (Coman, 2022).

With some exceptions, less is known about the concrete strategies and potential impact of populist governments on the functioning of the Council (Albertazzi & Mueller, 2013; Blauberger & Sedelmeier, 2024; Novak et al., 2021; Winzen, 2023; Zaun & Ripoll Servent, 2023). Given their anti-EU stance, how do they express opposition? How often do they contest EU legislation in the process of decision-making? These questions are key in an institutional arena such as the Council, where diverging national interests are supposed to be accommodated and reconciled. Accommodating the interests and preferences of 27 governments is not only a challenging political process but also a prerequisite for a well-functioning EU. Despite its outward appearance of unity, the Council is a complex institution that brings together 27 national governments, their administrations, and the decision-making core, including the Permanent Representations in Brussels. The Council meets in 10 different formations, grouped by policy areas. Experts, civil servants, and diplomats collaborate to prepare the decisions that ministers adopt, with the former focusing on technical aspects and the latter navigating the intersection of technical and political considerations. Through their interactions and coordination with national capitals, they seek to reach agreements even before they are presented to the ministers (Häge, 2008; Hayes-Renshaw et al., 2006; Lewis, 2005; Puetter, 2014).

Although the decisions in the Council are adopted either through a simple majority (in a limited number of cases) or by qualified majority and unanimity, in practice, ministers rarely vote (Novak, 2013). Decisions are typically adopted "by consensus," meaning that a formal vote was not required by any of the member states. Consensus means the absence of explicit opposition (Novak, 2013, p. 1094). A significant amount of groundwork has to be done beforehand by diplomats to accommodate ministers' views. The pre-vote

diplomatic work explains why there has been a limited number of abstentions and votes against, as well as a very low (2.9%) number of cases when the Council has voted "no" (Pircher & Farjam, 2021, as cited in Winzen, 2023, p. 5). Public voting records since 1993 show an average opposition rate of 20%. This culture of consensus has been explained in many ways. As Lewis pointed out, it stems from norms of behaviour and socialisation in the Council. Diplomats, responsible for preparing approximately 80% of the work handled by ministers, bear a dual loyalty: They represent their member state but also have a responsibility to reach agreements (Lewis, 2005, p. 939). They rarely express dissent. Ministers vote against or abstain when they believe "such action will produce more benefits than costs" at home (Novak, 2013, p. 1094). To ensure credibility, vital interests are rarely invoked, and attempts to push for a vote are limited by instrumental behaviour. There is an "obligation to practice mutual responsiveness and collectively legitimate arguments" to find solutions and "keep the legislative agenda of the Council moving forward" (Lewis, 2005, p. 939) and "to bring everyone on board" (Lewis, 2005, p. 949). Hence, member states' representatives use their veto with parsimony and strive to provide strong arguments when they do (Lewis, 2005). Voting by consensus does not imply that a general agreement has been reached. Instead, it signifies that "opponents remain silent" (Novak, 2013, p. 1094) as a strategy of blame avoidance (Novak, 2013, p. 1091). As Novak (2013) put it, silence is preferred, as formal voting would disclose the opponents' identity.

How do populist governments express opposition in the Council? As many scholars have pointed out, populists come from different ideological corners (Enyedi, 2023). They are vocal about their anti-EU stance, challenging the authority of the EU in the name of "another Europe" (Coman & Leconte, 2019). They portray themselves as "above" the political sphere while maintaining an ambiguous engagement with politics (Robinson, 2023, p. 306). In light of this, one can anticipate populist governments translating their stance into concrete acts in the Council. Taggart (2018) argued that populists tend to resort to unpolitics, a concept coined for the Brexit context to describe an ambivalent relationship to politics or "the repudiation of politics as the process for resolving conflicts" (Taggart, 2018, p. 81). The term does not imply the rejection of politics or anti-politics (Taggart, 2018, p. 81). Through this specific behaviour, actors seek to create unsettlement (Robinson, 2023; Taggart, 2018, pp. 79–87) and to obstruct or disrupt decision-making (see Ripoll Servent & Zaun, 2024). The question is, then, how do populist governments seek to unsettle or disrupt decision-making? Unpolitics is used here as an umbrella concept to refer to a set of tactics (or strategies) that populist governments use to slow down or disrupt the functioning of the EU. This article looks more specifically at backsliding populist governments, whose actions go beyond the traditional appeal to the people as they stand against liberal democracy and dismantle its core values, such as the rule of law and rights, including pluralism and multiculturalism.

The article builds theoretically on two recent strands of research. One examines the behaviour of populist and backsliding governments in the Council (Blauberger & Sedelmeier, 2024; Winzen, 2023; Zaun & Ripoll Servent, 2023). The other explores the strategies of populist and backsliding parties in different institutional arenas and political contexts (Cadier, 2021; Lequesne, 2021; Taggart, 2018; Visnovitz & Jenne, 2021).

As argued by Ripoll Servent and Zaun (2024):

- Populist governments are more likely to break the formal rules of EU policymaking.

Formal rules encompass both procedures (compromises or votes) and outcomes. A diverse body of research has focused on the strategies of populist parties in the EP and, more recently, on the behaviour of governments in the Council, summarised in Table 1. Populist governments challenge procedures (Coman, 2022; Priebus, 2022). They contest the legality of decisions (Coman, 2022) and the final outcomes (Zaun & Ripoll Servent, 2023) despite having obtained concessions (Baraggia & Bonelli, 2021; Coman, 2022; Hillion, 2021). They "reject traditional means of ensuring compromises" and "exploit the ensuing deadlock to prove that the EU is weak and dysfunctional" (Zaun & Ripoll Servent, 2023, p. 653), aiming to maintain a permanent state of disequilibrium (Kelemen, 2020). However, primary empirical evidence shows that backsliding governments in the Council break the norm of consensus with parsimony. Even in the face of growing dissensus (Coman, 2022), overall, the culture of consensus seems to be preserved (Novak et al., 2021, p. 476). In this regard, Kelemen (2020) pointed out that most EU policies, such as the EU's market and funds, benefit backsliding populist governments. For this reason, they seek to "uphold the appearance of constructive and legitimate conduct" in the Council (Winzen, 2023, p. 8) and only selectively voice their opposition (Winzen, 2023, p. 5). However, recent studies show that they tend to abandon their caution and oppose common policies more frequently (Blauberger & Sedelmeier, 2024):

- Populist governments are more likely to challenge informal rules of decision-making.

Informal rules encompass diplomatic norms of behaviour (Lewis, 2005; see also Deters, 2024). The work of diplomats is crucial for the functioning of the EU, as they aim to find compromises among 27 member states while also defending national positions. While populist parties embrace a critical stance vis-à-vis the EU, this attitude extends to their diplomatic and political representation (see also Juncos & Pomorska, 2024). Scholars have shown that the Fidesz government not only challenges informal rules of diplomacy within the EU but also in other regional or international organisations, privileging a confrontational approach (Cadier, 2021; Lequesne, 2021) and a confrontational diplomacy (Visnovitz & Jenne, 2021, p. 694). This confrontational stance has been defined as radicalisation by Bohle et al. (2023, p. 5). In their political activity, populist parties tend to adopt a tone, tools, and metaphors that have more in common with war than with the practice of politics (Bohle et al., 2023; Taggart, 2018, p. 82). Analysing speeches in the EP, Kantola and Lombardo (2021) have shown how populist parties aim to shift the focus of debates from domestic concerns to situations in other member states, often resorting to "blame game" strategy and self-victimisation. This article complements the list of

Table 1. Formal and informal strategies of populist governments in the Council.

Rules	Strategies	
Formal	Selective opposition to consensus (Winzen, 2023)	Selective disruption of the norm of consensus
	Contestation of the legality of procedures (Coman, 2022)	Use of legal arguments (legality) to contest procedures
	Contestation of the legality of outcomes (Coman, 2022; Platon, 2022; Priebus, 2022)	Use of legal arguments to contest decisions
Informal	Challenge the rules of diplomacy/norm behaviour (Cadier, 2021; Lequesne, 2021)	Confrontational diplomacy
	Bending the truth (Kantola & Lombardo, 2021)	Change the focus of debates from domestic to concerns in other EU member states
	Self-victimisation (Kantola & Lombardo, 2021)	Claim that decisions are unjust

strategies already mapped in the literature by demonstrating how the Fidesz government uses two other strategies—legality and legal arguments—to contest formal and informal procedures and decisions.

This article proposes a longitudinal comparative case study. To illustrate how the Fidesz government challenges formal rules, Section 3 begins by examining the voting behaviour in the Council from 2009, drawing upon the database of Hix et al. (2022), updated by the author for 2022 and 2023. In so doing, this section complements Winzen's analysis based on the Decision-Making in the EU (DEU) dataset from 2023. To further explore the contestation of other formal rules, the article zooms in on the specific case of "backsliding-inhibiting competences," that is, decisions concerning the state of the rule of law in Hungary, such as Article 7 TEU, the adoption and implementation of Regulation 2020/2092 (see also Csehi, 2024), as well as the disbursement of Cohesion funds (Baraggia & Bonelli, 2021; Coman, 2022; Hillion, 2021; Kelemen, 2020; Pech, 2020; Priebus, 2022). Section 4 delves into informal rules, leveraging insights from interviews with diplomats in Brussels conducted between 2020 and 2023.

3. Challenging Formal Rules in the Council

Fidesz's attitude towards the EU has evolved over time from relatively moderate or veiled Euroscepticism to overt and aggressive criticism, even radicalisation (Bohle et al., 2023). Rather than advocating for a withdrawal from the EU, the Fidesz government aims to reform it from within. On multiple occasions, "Brussels" has been compared with Moscow in Soviet times (Ágh, 2012). Favouring an intergovernmental decision-making system, it opposes the empowerment of supranational institutions such as the EP, the European Commission (hereafter Commission), and the Court of Justice, whose authority has often been contested. Not only the decision-making system but also the nature of the EU polity as a community of norms and values is contested, as well as its role in upholding the values enshrined in Article 2 TEU. The party claims to defend the nation and sovereignty in the name of "another Europe," advocating for a Christian Europe and rejecting both multiculturalism and pluralism (Coman & Leconte, 2019). It aims to replace the liberal order with "a new, nationalist, ultraconservative, Christian order on domestic and European levels" (Bohle et al., 2023, p. 6). The rhetoric "us versus them" serves not only as a strategy to win elections (Vachudova, 2020) but also to "justify the authoritarian concertation of power" at the domestic level (Bohle et al., 2023, p. 1776). While there is consistency and consequentiality in Fidesz's ideological core (Enyedi, 2023), it seems that its discourse against the EU has radicalised since 2015 (Bohle et al., 2023, p. 14) in the context of the crisis of the management of migration.
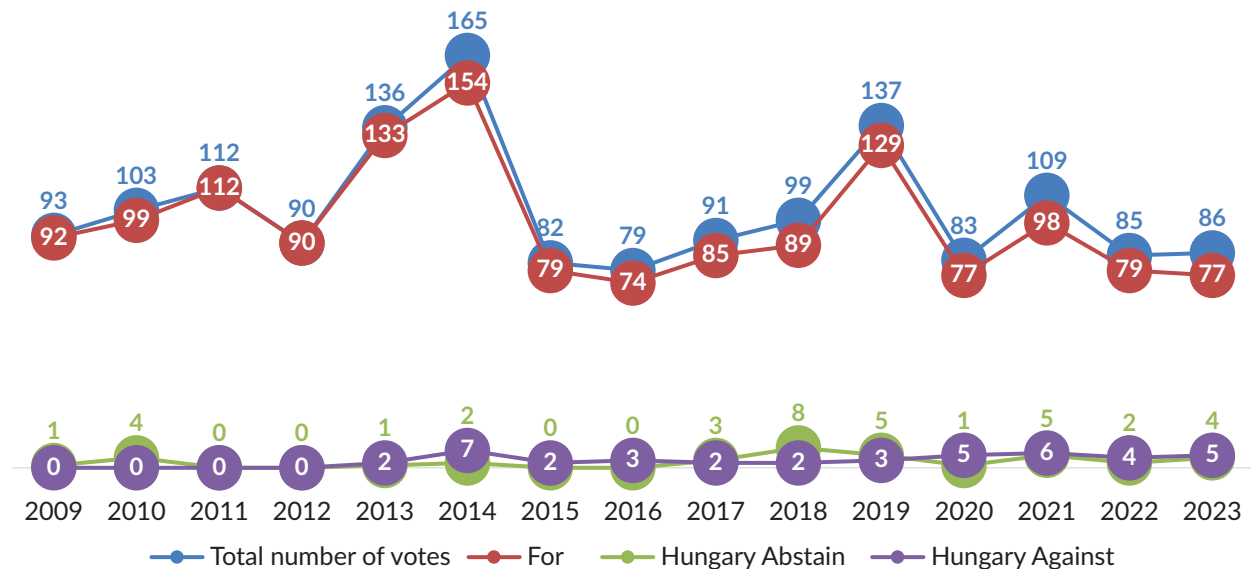
3.1. Hungary's Voting Behaviour in the Council: Selective Contestation of the Norm of Consensus

From 2009 to 2023, the Council adopted 1,551 EU legislative acts. Figure 1 shows that of these, 58.60% were decided by consensus (no vote) before Brexit (EU-28). From January 2020 to 2022, votes by consensus increased to 71.27% for EU-27, and the culture of consensus was disrupted in 30.38% of the legislative files passed in the Council. It is, however, important to note that, for example, in 2023, 86 decisions were adopted by the Council; only in 46 did the culture of consensus prevail (53%), an indicator of change over time and the expression of increased opposition by the member states.

As illustrated in Figure 2, Hungary has challenged the culture of consensus in 82 cases, representing only 5.38% of the total of 1,551 acts adopted. The decisions on which Hungary voted against or abstained were in
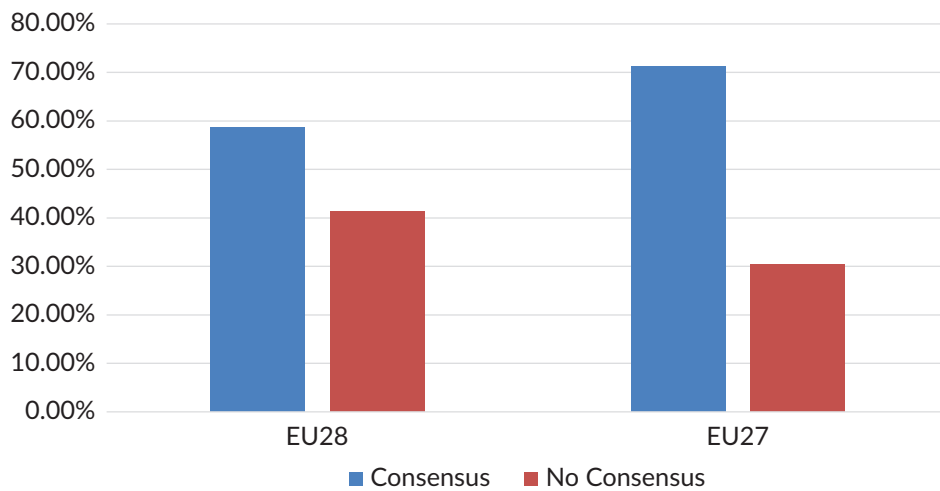
Figure 1. The culture of consensus in the Council before and after Brexit (2009–2023).


Figure 2. Hungary's voting behaviour in the Council (2009–2023).

relation to "environment and public health," followed by decisions in the areas of "civil liberties," "employment and social affairs," "legal affairs," "gender equality," "agriculture," "regional development," "budgetary control," "economic and financial affairs," "industry," and "general affairs."

Out of these 82 cases, the Hungarian government was the only member state to break the culture of consensus in 15 cases, meaning that in all the other cases, Hungary's objections were shared by other governments, such as Poland, the UK, Denmark, Bulgaria, Romania, Austria, and Czechia, as illustrated in Figure 3.

From 2009 until February 2022, the member states that had most frequently resorted to voting were the UK (20.50%), Denmark (10.18%), and Ireland (6.83%). These countries often either vote against, abstain, or do not vote. Poland (5.35%) and Hungary (5.28%) followed them almost on equal footing. After Hungary, Austria

(5.09%) followed, and with lower scores: Germany (4.19%), the Netherlands (3.67%), and Sweden (3.28%), as illustrated in Figure 4. This voting behaviour tends to confirm the selective use of opposition, as underlined by Winzen (2023).
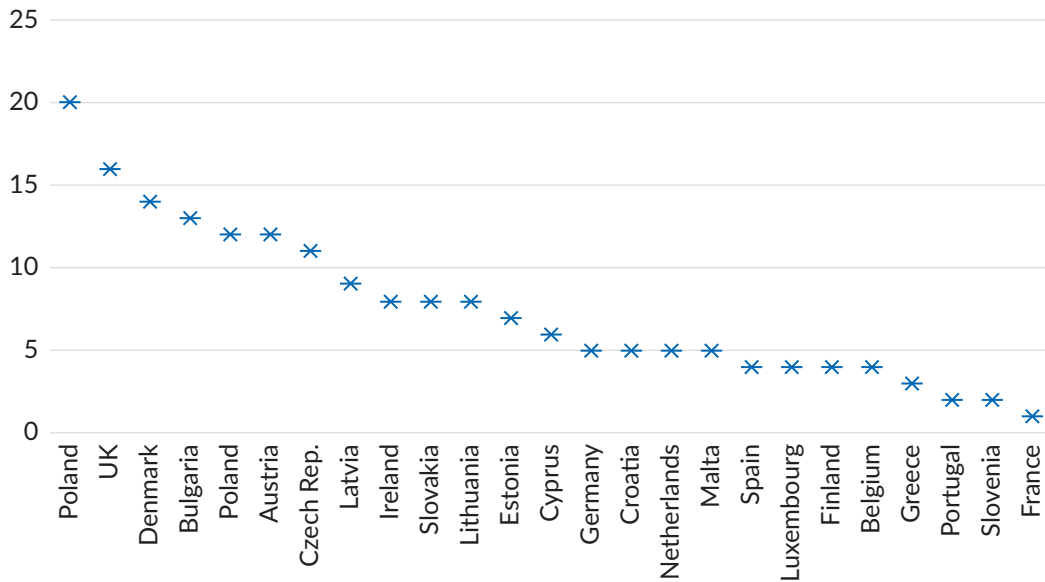
Figure 3. Member states which voted against or abstained alongside Hungary.
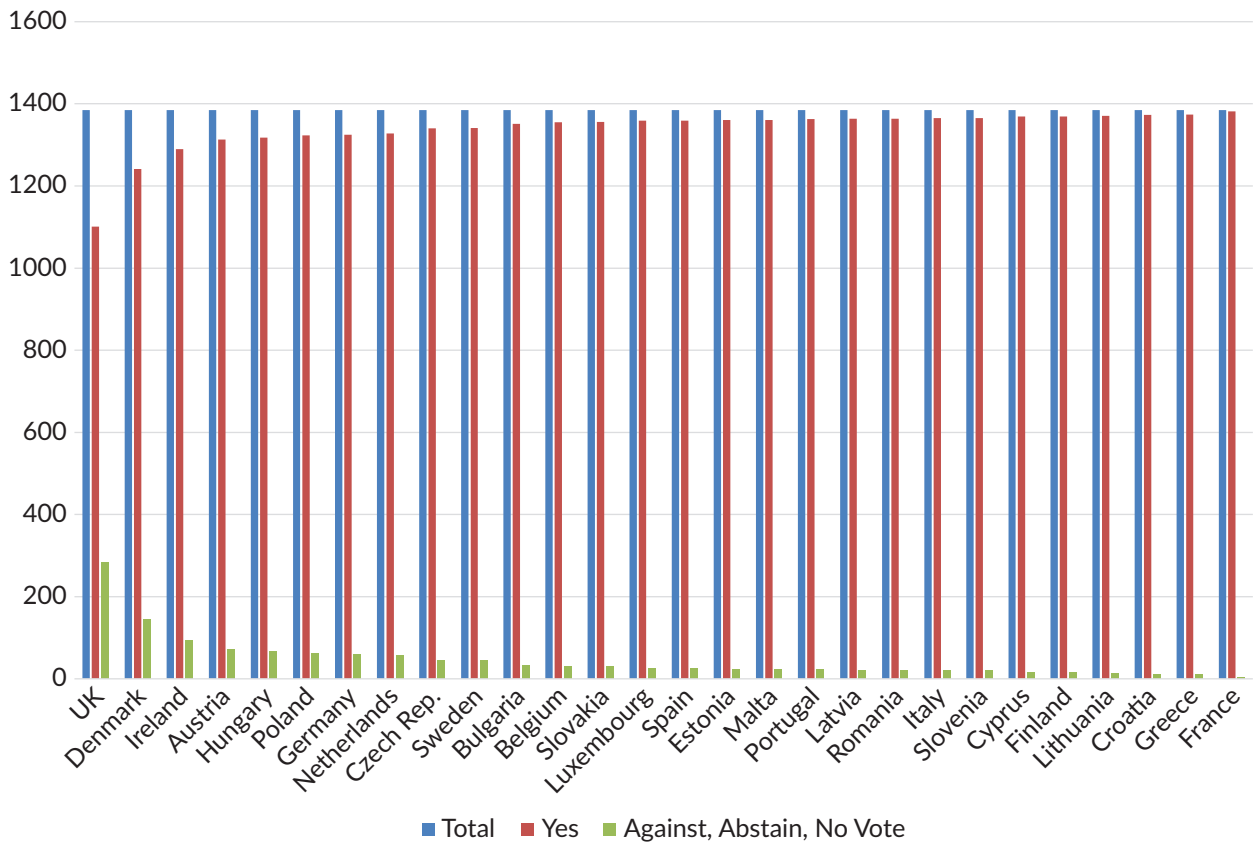
Figure 4. Consensus, abstention, vote against, or no participation per member state (2009–2023).

Zooming into the last legislative period from 2019 until the end of 2023, Hungary comes third, ahead of Poland, in breaking the consensus norm but is still preceded by the UK (including the votes before Brexit) and Denmark, as illustrated in Figure 5. Denmark and Hungary are almost on a par. Although Poland broke the rule of consensus more often in 2023, it remains behind Hungary overall. The voting behaviour in the Council shows that although opposition is used with parsimony, the Fidesz government has emerged as the most proactive Central and Eastern European government in breaking the rule of consensus, although in a limited number of cases.

Figure 6 shows that Hungarian opposition in the Council is not a new pattern. It has been voiced at various times, with the highest peaks between 2012 and 2015, then gradually increasing between 2015 and 2019 and again between 2020 and 2022. This corresponds not only to debates on migration but also to domestic changes in the field of rule of law and the EU's responses.

3.2. Contesting the Legality of Procedures, Decisions, and Outcomes in Backsliding-Inhibiting Competences

An analysis based solely on votes, especially in procedures requiring a qualified majority, shows that Hungary does not systematically block decisions but does so more often than other member states. With a focus on Article 7 TEU, the adoption of Regulation 2020/2092, and the disbursement of EU funds, the article shows how the Fidesz government contests the legality of formal rules (procedures and decisions), particularly in policy areas pertaining to the core values on which the EU is founded or backsliding-inhibiting competences, as defined by Winzen (2023).
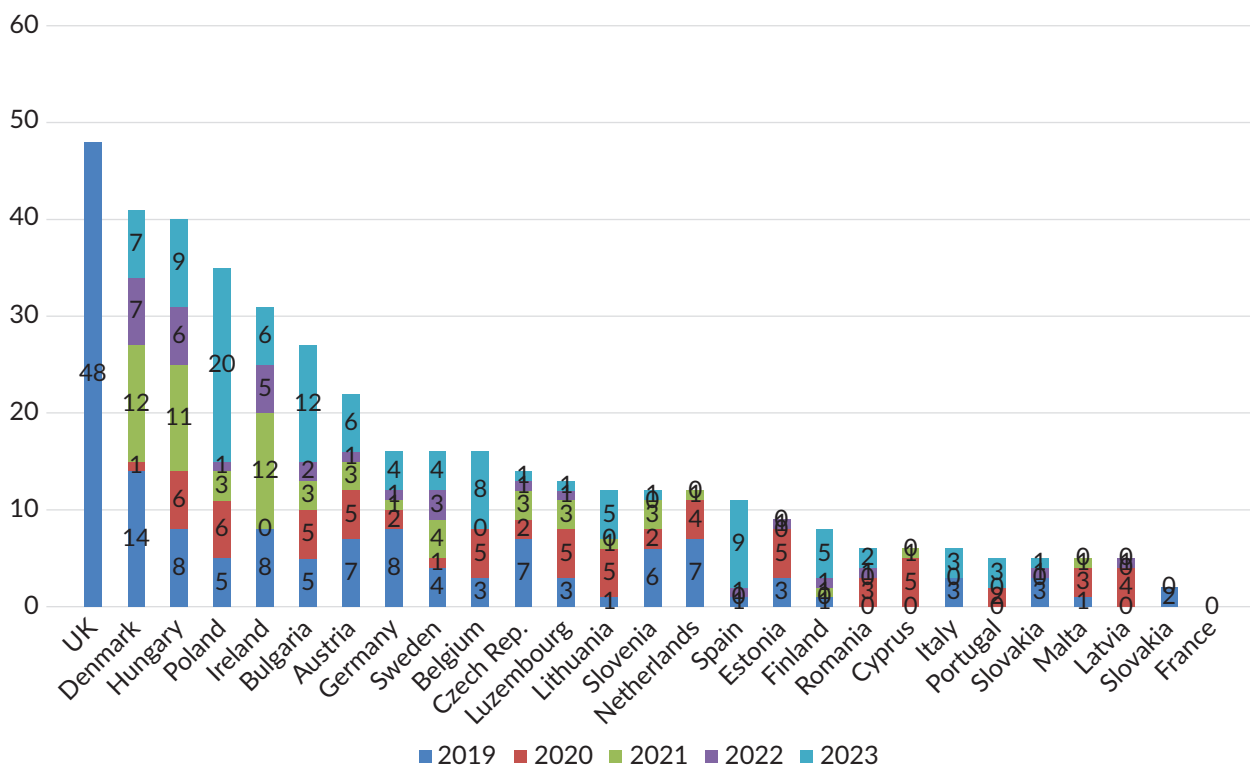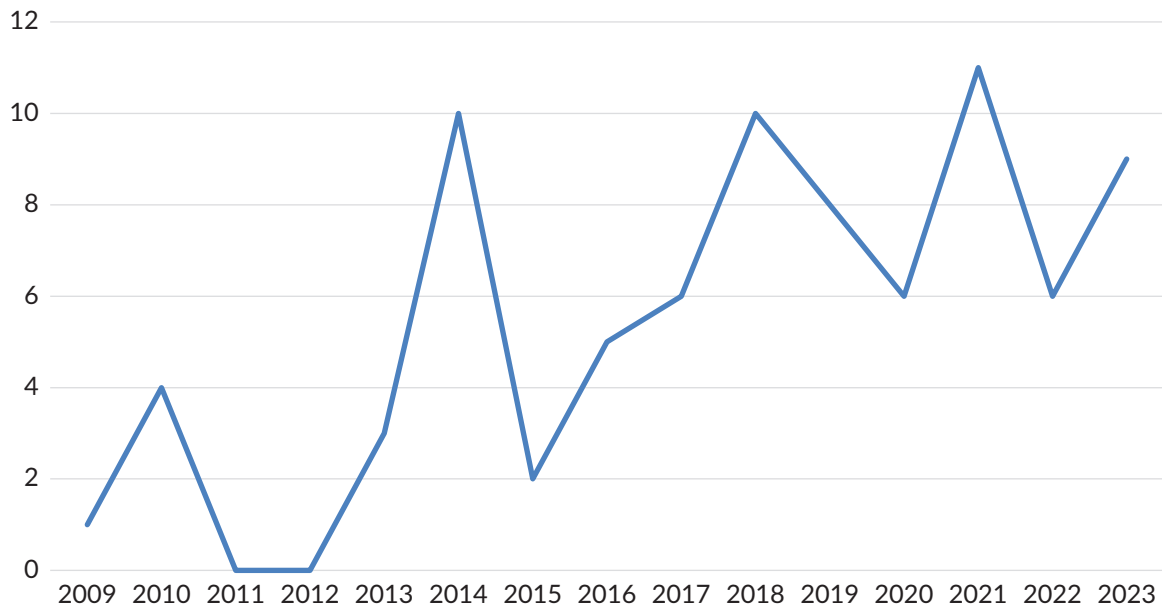

Figure 5. Breaking the norm of consensus in the Council per member state (2019–2023).

Figure 6. Hungarian opposition in the Council over time (2009–2023).

3.2.1. Triggering Article 7 TEU

The triggering of Article 7 TEU against Hungary has been a contentious issue within EU institutions, causing divisions among them. It took eight years before this procedure was initiated against Hungary, after long debates in the EP and a notable absence of action in the Council (Coman, 2022). Following the EP's vote in September 2018, the Fidesz government challenged the decision to the Court of Justice, contesting the voting modalities (Platon, 2022). The main bone of contention was whether the EP should have included abstentions in its vote; had they done so, the reasoned proposal of the EP would not have been adopted (Hungary v European Parliament, 2021). Judit Varga criticised the procedure as "political and non-objective," labelling the Article 7 TEU proceedings as "absurd" ("Hungary optimistic over swift end," 2019). In a speech prepared for the European Parliament, minister Varga declared "that not only the Rules of Procedure, but also the EU Treaties were violated" ("Here's justice minister," 2020). Although this case dates back to 2018, in a recent interview, János Bóka stated that "these procedures should not have started against Hungary in the first place. The launch of the Article 7 TEU procedure by the EP was a clear political act with purely political objectives" (Dobozi, 2023) that the Fidesz representatives combat on legal grounds. Not only did the Fidesz government contest the voting procedure of the EP, but it also deplored the lack of procedures in the Council for the organisation of the hearings as part of Article 7 TEU. As a result, the organisation of the first hearing was delayed partly due to procedural issues and partly due to the reluctance of the member states to put the Article 7 TEU issue on the agenda.

3.2.2. Regulation 2020/2092

The Regulation on a general regime of conditionality for the protection of the EU budget emerged after years of internal deliberation within the Commission, culminating in its proposal in May 2018 (see also Csehi, 2024). This Regulation empowers the Commission to propose the suspension of EU funds in cases where rule of law breaches affect the sound management of the Union budget. While the EP largely supported the Commission's

proposal, it faced resistance within the Council. Member states' delegations, notably Hungary and Poland, strongly opposed the proposal, prompting the Council's Legal Service to scrutinise its compatibility with EU law (Baraggia & Bonelli, 2021, p. 136). Although the Polish and the Hungarian delegations were the most vocal opponents to this proposal, other member states also raised concerns about certain aspects of the Regulation (Coman, 2022). Even before the Legal Service's opinion, the Hungarian government spokesperson, Zoltan Kovacs, publicly questioned the Regulation's legal basis in a tweet: "There are EU Treaties in force, and we work on the basis of these. No other assumptions exist in a legal sense" (Kovacs, 2018). The Legal Service's opinion changed the nature of the proposal and slowed down decision-making in the Council (for a detailed analysis of the process, see Coman, 2022). However, the onset of the Covid-19 pandemic accelerated the process, with some member states conditioning the adoption of the Next Generation EU to the adoption of the rule of law regulation. Thus, after almost two years, during the German presidency in the second half of 2020, efforts were made to reach a compromise within the Council. This attempt resulted in a diluted version of the Commission's original proposal (Baraggia & Bonelli, 2021; Coman, 2022; Hillion, 2021). Despite concessions addressing Hungarian concerns (Hillion, 2021), in December 2020, Poland and Hungary still voted against it. Hungary invoked "vital national interests," citing serious legal concerns: "Serious legal concerns remain as to the conformity of the draft Regulation with EU law that compel Hungary to vote against the Council's position in first reading on the draft Regulation" (Council of the EU, 2020).

In March 2021, Poland and Hungary challenged the Regulation to the Court of Justice, with Justice Minister Varga stating in a Facebook post: "What is unlawful cannot be left without a word," arguing that Regulation 2020/2092 violates the principle of "legal certainty" (Bayer, 2021). Even after the Court of Justice of the EU confirmed the validity of the Regulation in February 2022 (Bonelli, 2022), János Bóka argued in an interview that "the legal prerequisites for the initiation of the conditionality procedure have not been met" (Dobozi, 2023). Legal considerations were also raised concerning the Commission's decision to apply this Regulation 2020/2092 against Hungary in April 2022. János Bóka contended that "the Commission pays relatively little attention to the constitutional arrangements, national traditions, legislative practice, legislative styles and operational characteristics of the legal systems" (Dobozi, 2023).

3.2.3. Cohesion Funds

The respect of the Charter of Fundamental Rights is a core condition in the Common Regulation Provisions for the disbursement of EU Cohesion funds. The Commission suspended the disbursement of Cohesion funds to Hungary as the Hungarian Child Protection Act discriminates against people based on their sexual orientation and gender identity. While the Hungarian government invoked public interest (to protect children against paedophilia), in a letter sent by Commissioner for Justice Reynders and Commissioner for Internal Market Breton to Judit Varga, it was stated that this argument had been used "in a way that discriminates against people based on their sex and sexual orientation, departing from the values set out in Article 2 TEU, in particular, the respect for human rights, freedom and non-discrimination" (Reynders & Breton, 2021). The Commission's letter also states that the Hungarian law puts on the same footing homosexuality, sex change, and divergence from self-identity corresponding to sex at birth as pornography and are considered capable of exerting a negative influence on the development of minors. Against this backdrop, the Commission decided in July 2022 to refer Hungary to the Court of Justice of the EU, arguing that this Act violates the internal market rules, the fundamental rights of individuals, and the EU values, in particular the prohibition of discrimination based on sex and sexual orientation enshrined in Article 21 of the

Charter. In contrast, the position of the Hungarian government maintains that the Act "enhances child protection" and seeks to ensure that "parents have the right to play a decisive role in deciding what sexual content reaches their minor children" (Dobozi, 2023). Both the Commission and the Hungarian government refer to the Charter, albeit in different ways and again on legal grounds. In reference to Cohesion funds, the Hungarian government, however, argued that "EU member states cannot be forced to adopt the budget of the recovery budget on a political or ideological basis" (Ministry of Justice, 2020).

4. Challenging Informal Rules Through a Confrontational Approach

As Wajner and Giurlando put it, "populist leaders do not keep the diplomatic etiquette….Rather, they freely express their feelings" (2023, p. 13). In the Council, diplomatic rules (Lewis, 2005) matter, as most of its decisions are prepared by the Committee of Permanent Representatives. Since 2010, Prime Minister Orbán has adopted a confrontational approach in his relations with both the Commission and the EP, contesting the authority of the EU in addressing the major transformations undertaken by the Fidesz, domestically weakening democracy and the rule of law and putting pluralism and multiculturalism under strain. This confrontational diplomacy has been well documented by other scholars, particularly in the field of foreign policy (Lequesne, 2021; Visnovitz & Jenne, 2021). Viktor Orbán has made changes to diplomatic appointments in Brussels (Lequesne, 2021), selecting a series of lawyers to break with traditional Hungarian foreign policy thinking and management (Müller & Gazsi, 2023). He has emphasised the importance of "loyalty," stating that diplomats should not be "world citizens" but rather defenders of the "will of the people" (Visnovitz & Jenne, 2021, p. 10). Drawing on interviews pertaining to the conduct of the hearings as part of Article 7 TEU, this section illustrates how Fidesz has embraced confrontational diplomacy using legal arguments when decisions are adopted concerning the rule of law in the country.

4.1. Article 7 TEU

Since the EP triggered Article 7 TEU against Hungary, six hearings have been organised in the Council. At these hearings, after a brief presentation of the situation, the member state concerned sets out its position, followed by a discussion based on questions addressed by the other member states. While there is no time limit for the hearings, some lasted up to four hours (Interview 6, Spanish diplomat). The initial hearings were particularly "uncomfortable" for all the delegations, as several diplomats pointed out, for several reasons (Coman & Thinus, 2024). To begin with, diplomats who attended these hearings noted that criticising a member state "is contrary to diplomatic norms" (Interview 8, Austrian diplomat). At a diplomatic level, member states refrain from criticising each other. Not only was this the first time the Council had met in this Article 7 TEU hearing format, but the Hungarian government's position was intransigent, invoking a political attack by the EP. However, the activation of Article 7 TEU was based on a detailed report drafted by MEP Judith Sargentini, listing a large number of transformations that undermined the common values. The first hearings had been "difficult" (Interview 1, Belgian diplomat) and "uncomfortable for all the representatives" (Interview 2, Croatian diplomat) not only because the topics under discussion were "very controversial" (Interview 2, Croatian diplomat) but also because diplomats depicted the behaviour of the Hungarian representatives as being "very combative" (Interview 1, Belgian diplomat), sometimes "emotional" (Interview 3, Portuguese expert), "attacking other member states" (Interview 4, French diplomat) using a confrontational, defensive, and uncompromising style as Cadier also observed in foreign policy (2021, p. 11). Some hearings took a rather unusual turn, in particular at the beginning of the process. The diplomats

interviewed all emphasised the difficult position of both the Hungarian delegation and the other diplomats around the table who were supposed to be starting a dialogue at a time when the atmosphere was particularly tense, Minister Varga's tone being "tough," not hesitating to frontally attack the member states addressing questions during hearings. Although many argued that Minister Varga was very well prepared, her confrontational approach did not facilitate discussions. According to diplomats, the Hungarian representatives framed the issues at stake from a legal and legalistic perspective, which transformed the hearings into "long monologues" (Interview 7, Luxembourgish diplomat). At the same time, Judit Varga contended the opposite, that Article 7 TEU is "a political procedure with nothing to do with the rule of law" ("Justice Min likens," 2022). In some hearings, the Hungarian government appeared to question other member states' practices (Interview 4, French diplomat; Interview 5, Belgian diplomat), shifting the focus of debate from domestic concerns to situations in other member states. The Hungarian delegation selectively employed comparative law to support the argument that their domestic disputed measures mirrored practices in other member states. However, observers noted that some of the examples cited were "outdated," with one civil servant ironically remarking that they had not been referenced "since Napoleon" (Interview 6, civil servant, SecGen Council). As one diplomat declared: "When you listen to Judit Varga, you get the impression that Hungary is the beacon of Europe in the fight against corruption" (Chastand & Malingre, 2022).

As Kantola and Lombardo highlighted in their analysis focused on the EP, radical populist parties tend to present themselves as "victims" of "Brussels's" decisions, either of "double standards" or of the values and norms spread by international and supranational institutions that are pitted against national sovereignty and democracy (2021, p. 573). The existence of double standards has been put forward by the Hungarian delegation, who deplored attempts to "demonis[e] Hungary" (Ministry of Justice, 2021a) as an illustration of self-victimisation. Despite the concerns underlined by the EP, the Commission, and several EU member states, from the Hungarian perspective, as stated by the former Minister Varga, "[Hungary has] no problem of any kind with the enforcement of the rule of law" (Ministry of Justice, 2021b). The EU's actions are seen as "political attacks." In her words, the action of the EU is "politically motivated" and the result of "the liberal mainstream" (Ministry of Justice, 2021b). In a program on the Hungarian channel M1, Judit Varga even described the Article 7 TEU procedure as "a witch-hunt wrapped up in a legal gown" (Ministry of Justice, 2019).

5. Conclusions

Starting from the assumption that populist governments embrace an anti-EU stance and that backsliding governments stand against liberal democracy and its principles, the article examined when and how the Fidesz government disrupts formal and informal decision-making rules in the Council as a manifestation of unpolitics. In Section 3, the article aligns with Winzen's broader findings, indicating that populist backsliding governments selectively oppose the norm of consensus in the Council (Figure 2). The article also shows the limited instances where only the Hungarian government voted against or abstained, with other member states expressing opposition in tandem. Ranking third after Denmark and Ireland but before Poland (see Figures 3 and 4), Hungary's voting behaviour exhibits a fluctuating pattern yet with opposition expressed at different times. Despite these trends, the norm of consensus is preserved, as Kelemen's argument suggests that the EU's policies benefit populist backsliding governments (2020). Conversely, the article shows that the Fidesz government resorted to unpolitics in backsliding-inhibiting competences. In the EU's decisions

concerning the state of the rule of law in the country, it has systematically challenged both formal and informal rules. In the cases discussed in this article, the Hungarian Fidesz government employs strategies such as bending the truth or self-victimisation within the EP in debates on gender issues, as identified by Kantola and Lombardo (2021), and confrontational diplomacy in foreign policy, as identified by Lequesne (2021) and Visnovitz and Jenne (2021). What this article adds to the strategies mapped in the literature is the systematic resort to legality and legal procedures to contest decisions. Legality seems to be one of the tools used to slow down decisions, particularly in areas related to the EU's common values and liberal democracy.

To conclude, through an analysis of voting behaviour and interviews, the article tested the argument put forward by the editors of this issue but also brought some nuances with regard to when and how backsliding governments contest formal and informal rules of decision-making. The contribution of this longitudinal case study is twofold: On the one hand, it confirms the selective and limited opposition of the Fidesz government to the norm of consensus. On the other hand, it shows how the government resorts to diverse strategies to challenge both formal and informal rules, particularly in backsliding-inhibiting competences.

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Conflict of Interests

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Data Availability

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Supplementary Material

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About the Author

Ramona Coman is a professor of political science at the Université Libre de Bruxelles. She is the author of *The Politics of the Rule of Law in the EU Polity: Actors, Tools and Challenges* (2022, Palgrave Macmillan). As of October 2022, she is the principal investigator of the Horizon Europe project Respond to Emerging Dissensus: Supranational Instruments and Norms of European Democracy (RED-SPINEL, 2022–2025) and the academic coordinator of the Joint Doctorate Network GEM-DIAMOND—Marie Sklodowska Curie Action (MSCA-DN).

ARTICLE

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)

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

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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 Arditi (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 (Bijsmans, 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 Győrffy (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 Guiseppe 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.

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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*.

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Populist Challenge? Negotiating the EU's Accession to the Istanbul Convention in the Council

Monika de Silva [1] 🔘 and Mariia Tepliakova [2] 🔘

[1] Department of Political Science, University of Gothenburg, Sweden
[2] Salzburg Centre of European Union Studies, Paris Lodron University of Salzburg, Austria

Correspondence: Monika de Silva (monika.de.silva@gu.se)

Abstract

According to recent scholarship, populist governments engage in "unpolitics," a repudiation of politics as the process of resolving conflict, including on the level of the EU. We propose that the conditions provided by the Council preparatory bodies, namely constructive negotiation culture, focus on technical details and containment of a negotiation outside of mediatised venues, might hamper the emergence of unpolitics. We test this argument by tracing the process of the EU's accession to the Istanbul Convention on preventing and combatting violence against women and domestic violence, concluded in June 2023. This case study serves as a hard case for our theory because gender equality as a policy area is susceptible to tactics of unpolitics and right-wing populists have employed populist critique of the Istanbul Convention in their domestic contexts. Having analysed multiple data sources, including interviews with negotiators in the Council of the EU, official EU documents, and media coverage, we find little evidence of unpolitics in the case of the Council's negotiation of the EU's accession to the Istanbul Convention. We suggest that decision-making venues such as Council preparatory bodies can mitigate phenomena associated with populism, such as the use of unpolitics tactics in EU decision-making.

Keywords

Council of the European Union; Council preparatory bodies; Istanbul Convention; populism; unpolitics; violence against women

1. Introduction

On 28 June 2023, the EU ratified the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence, known as the Istanbul Convention. The process leading up to this

decision had been cumbersome and lengthy. The negotiations took nine years from the initial proposal for accession (European Commission, 2015) and were deadlocked in the Council of the EU for most of that time. In this article, we ask whether the difficult series of negotiations on this Convention could be explained by the presence of right-wing populist governments and their destructive approach to normal ways of resolving political conflicts, succinctly known as "unpolitics" (Ripoll Servent & Zaun, 2024; Taggart, 2018).

The novel scholarship on populism postulates that populist actors are likely to engage in unpolitics by rejecting traditional forms of consensus-building and compromise-seeking, "perpetuating" crises, and portraying the EU as weak and incapable (Taggart, 2018; Zaun & Ripoll Servent, 2023). This insight has been crucial for scholars who increasingly see populism as an explanation of crises in the EU (cf. Csehi & Zgut, 2021; Foster et al., 2021). Moreover, Ripoll Servent and Zaun (2024) posit that some policy areas, such as gender equality, are prone to unpolitics because populists risk little but gain much from using tactics of unpolitics in these types of negotiations. In line with these theoretical expectations, the negotiation of the EU's accession to the Istanbul Convention should be prone to the deployment of unpolitics by right-wing populist parties in governments. The Convention has served as "a central site of contention over gender equality across Europe" (Krizsán & Roggeband, 2021, p. 30) and became highly salient for right-wing populist parties during domestic ratification procedures. While progressive governments celebrated the Convention as the solution to the problem of gender-based violence, right-wing populists contested the instrument. The Convention became grist to the mill for right-wing populists advocating for lesser involvement of bureaucratic Western elites in national affairs, such as the EU bureaucracy, especially in the sensitive area of gender norms (see Darakchi, 2019 for the case of Bulgaria). Due to the conservative outcry, several countries within the EU are not parties to the Convention as of today (Bulgaria, Czechia, Hungary, Latvia, Lithuania, and Slovakia), while many others experienced high levels of contestation at home (most visibly Poland, whose government considered a withdrawal from the Convention). Therefore, we should observe right-wing populist governments employing unpolitics tactics in the process of the EU's ratification of the Istanbul Convention to show discontent with mainstream ways of doing politics.

We put forward an alternative argument and posit that the culture of the negotiations in the Council preparatory bodies could mitigate the use of unpolitics. To test this expectation, we examine the case of the EU's accession to the Istanbul Convention, where withstanding the pressures of unpolitics should prove difficult due to the high interest of right-wing populist actors in gender equality conventions and the Istanbul Convention specifically. Through analysing interviews with its participants, official EU documents, and media coverage, we find little evidence of unpolitics. Our findings indicate that negotiators' adherence to the negotiation culture of the Council preparatory bodies, the technical nature of the discussions, and the negotiation of the file outside of public political realms all contributed to insulating the process from unpolitics despite potential populist interest in the policy area.

2. Literature Review: Populism, Gender Equality, and the Council of the EU

The study of the process of negotiations of the EU's accession to the Istanbul Convention in the Council of the EU is important for scholarship in three areas: populism and decision-making, populism and anti-genderism, and negotiation culture in the Council. We built on the literature on these topics and considered how their key findings relate to the studied case.

Populism as a "thin-centred ideology" (Mudde, 2004, p. 544), which emphasises the juxtaposition of "the people" and "the elite" and anti-establishment sentiments, has been described as a challenge on many fronts to mainstream and stabilised ways of doing politics. Populists are said to challenge democracy from within (Mény & Surel, 2002) "in a way that is at odds" with the mainstream understanding of politics (Taggart, 2018, p. 81). By employing what Taggart (2018) calls unpolitics, populists reject traditional methods of consensus-building or decision-making and repudiate politics as the process of resolving conflict. Their tactics seek unsettlement rather than settlement and treat politics as a "continuation of war by other means" (Taggart, 2018, p. 82). Recent contributions show that populists use expediently informal practices and procedural rules of the EU, displacing deliberation, compromise, and consensus. Zaun and Ripoll Servent (2023) propose that populist governments are more likely to employ tactics of unpolitics than mainstream governments and find evidence for this argument in the negotiations on refugee distribution. In this case, populist governments blocked the Dublin IV negotiations to showcase their stance on the EU. Scholars argue that, while mainstream governments typically block policies to prevent outcomes they perceive as detrimental to their countries, populists do so to express discontent with the political system as such. As they tend "to nationalise success and Europeanise failure" (Foster et al., 2021, p. 76), populists perpetuate crises and thus generate new demands for populism and Euroscepticism (Kessel, 2015; Mudde & Rovira Kaltwasser, 2018). Following this line of thinking, and given the populist mobilisation around the Istanbul Convention on the domestic level, the negotiations for the EU's accession to the Istanbul Convention are expected to be affected by tactics of unpolitics.

The literature on gender equality politics in Europe makes links between populism and anti-genderism, the mobilisation against progressive gender and sexuality norms or the so-called "gender ideology" (Bergmann et al., 2024; Graff & Korolczuk, 2022; Kováts, 2018; Paternotte & Kuhar, 2018). It highlights that contestations of gender equality policies by right-wing populist actors are at the core of their ideology (Reinhardt, 2023), with some researchers referring to gender as a "symbolic glue" (Kováts & Põim, 2015) and an "umbrella term for the rejection of the (neo)liberal order" by this political wing (Grzebalska et al., 2017). The linkages between populism and anti-genderism have also been observed on the level of EU institutions, most notably the European Parliament (EP). In 2013, the Estrella Report on Sexual and Reproductive Health and Rights was watered down in an alternative resolution that was described as "void," as it did not contain any specific position on the topic but rather repeated content already present in the Treaty on the Functioning of the European Union (Santos & Geva, 2022, p. 491). This resulted from "intense and unprecedented" populist resistance, manifesting as issue polarisation, abuse of procedural rules, and compromise rejection (Santos & Geva, 2022, p. 476). The use of opposition strategies to progressive gender equality policies by populists in this venue, such as issue bending and references to gender ideology, have become more outspoken and bolder over time (Kantola & Lombardo, 2021). The study of the debates in the EP on the EU's accession to the Istanbul Convention shows acute polarisation between its proponents and opponents (Berthet, 2022). Some MEPs' rhetoric mirrored the arguments in anti-gender mobilisations, particularly prominent in Central and Eastern European member states. These mobilisations on the domestic level of ratification have vehemently opposed the Convention on an unprecedented scale, viewing it as a tool for promoting "gender ideology" and as a foreign/Western imposition on "traditional values" (Acar & Popa, 2016; Darakchi, 2019; Krizsán & Roggeband, 2018, 2021). Although the literature shows a link between populism and tactics of unpolitics and gender equality policies (more specifically, the Istanbul Convention), including in the context of the EU's accession, we lack knowledge about how these dynamics change depending on the institutional context. The right-wing populist parties driving anti-gender

mobilisations in the EP, such as the Polish Law and Justice and the Hungarian Fidesz, also influence the proceedings of the Council due to their position in their respective governments. At the same time, the Council has legislative power equal to the EP's or stronger in certain procedures, including in the ratification of the Istanbul Convention, due to the latter's status as an international agreement. However, the Council of the EU remains a blind spot, as the scholarship lacks studies on opposition to gender equality policies in this venue (Abels, 2021), not least because of the infamous difficulty of accessing its behind-closed-doors negotiations (Naurin & Wallace, 2008). As a result, we know little about the impact of right-wing populist parties on the style and nature of the discussion on gender equality in the Council and whether it differs depending on the institutional context.

The third body of scholarship we address concerns the Council of the EU. This literature makes firm claims that the Council, on all its levels, ministerial, ambassadorial (COREPER), and technical (preparatory bodies), is ruled by a web of informal practices (Kleine, 2013), proceeds by a high degree of consensus (Hayes-Renshaw et al., 2006; Novak, 2013; Puetter, 2014, 2022; Warntjen, 2010), and is characterised by the socialisation of member state negotiators into the everyday negotiation culture of the Council (Lewis, 2005). "No" votes are rare as they happen only if governments enjoy little leeway on EU affairs or feel the need to show their opposition to a Council decision towards national audiences (van Gruisen & Crombez, 2019). The Council itself works under two main negotiation modes: bargaining and deliberation (Warntjen, 2010). Its many preparatory bodies, from the COREPER to working parties, reconcile conflicting national interests using a continual process of negotiation and consensus-seeking (Hayes-Renshaw, 2017). Their work is also characterised by a distinct decision-making style, involving diffuse reciprocity, thick trust, mutual responsiveness, a consensus reflex, and a culture of compromise (Lewis, 2000). This is especially relevant for working party negotiators who meet significantly more often than their COREPER counterparts (Hayes-Renshaw & Wallace, 2006). The element of socialisation in the professional environment of the EU accounts for the willingness to cooperate and the sense of striving for a common goal among negotiators. Counsellors have been described as "benefit[ting] immensely" from being in Brussels (Nilsson & Siegl, 2010, p. 65) and as feeling as though they can talk to each other openly about the issues at hand (Maricut, 2016). Altogether, the Council negotiation culture seemingly ensures the settlement of competing interests through recourse to "normal" ways of doing politics. We consider the negotiation of the EU's accession to the Istanbul Convention to be insightful for scholars of the Council of the EU. Given the high potential of this procedure to be susceptible to unpolitics tactics, the case presents itself as a test for the resilience of the Council negotiation culture.

3. Theoretical Framework: Unpolitics and Council Preparatory Bodies

As previously signalled, we arrive at two contradictory theoretical expectations about unpolitics in the negotiations on the accession of the EU to the Istanbul Convention. On the one hand, the scholarship on populism and specifically unpolitics creates an expectation that populist actors would engage in norm transgression and adopt a destructive approach to politics (Ripoll Servent & Zaun, 2024). On the other hand, the literature on the negotiation culture in the Council and its preparatory bodies suggests that a constructive and technical style is to be expected. We suggest a resolution of this theoretical puzzle with an integrated theory of unpolitics in Council preparatory bodies.

The central theoretical claim of Zaun and Ripoll Servent (2023) is that populist governments are more likely to resort to unpolitics than mainstream governments and that they do so by rejecting Council decision-making

rules and traditional means of securing compromise and using EU non-decisions to perpetuate the perception of the EU as being in crisis. In their later contribution, the researchers refined this approach by specifying that the likelihood of populists employing these tactics depends on the policy area under discussion as well as the venue of the negotiations. Ripoll Servent and Zaun (2024) classify policy areas along the lines of gains and risks, stating that the likelihood of unpolitics is the highest for files where populists can gain a lot but risk little. Ripoll Servent and Zaun (2024) also consider that the venue in which decision-making takes place matters for the employment of unpolitics. They state that while certain fora, such as the Council, may provide populists with options to ascertain their commitment to serving the will of their people or block decisions, others, such as the EP, are easier to use as public tribunes for the mediatisation of the issue.

We contend with the theoretical expectation that policy areas and decision-making venues produce differentiated conditions for the emergence of unpolitics. Nevertheless, the development of this theory is needed to formulate predictions for the case at hand. Considering the previous literature on EU decision-making, we argue that a more conclusive claim can be made about the Council preparatory bodies as a venue. The culture of Council preparatory bodies should preserve "normal" ways of doing politics and discourage unpolitics. First, the preparatory level should provide a constructive negotiation culture characterised by the everyday forging of decisions through deliberation, bargaining, consensus, and compromise, a practice reinforced by the socialisation of national negotiators into the practices of negotiation in this environment. Second, negotiations in these bodies tend to be very detailed, legalistic, and technocratic. Thus, negotiations in preparatory bodies should attract little public interest, making them unlikely props for populist mobilisation. Third, while behind-the-closed-door negotiations do not provide possibilities for mediatisation, populist governments are also unlikely to capitalise on their role in the Council as representatives of their people, given the little interest that the public has in the technical level of EU decision-making compared to, for example, at a ministerial level. The claim about the insulating role of the Council preparatory bodies rests on the condition that the negotiations are contained on a technical level and are not shifted to more public and political venues.

Moreover, it presupposes that a plausible populist capture of bureaucracy (Lequesne, 2021) does not reach the level of a Council preparatory body, as in that case, the negotiators would have to be more committed to a populist style of doing politics than to the Council negotiation culture. As it is stabilised and routinised, the culture of Council preparatory bodies should trump the expectations regarding unpolitics related to policy areas, as the behaviour of negotiators should be consistent regardless of the substance of the negotiations. In line with this integrated theory, we expect to observe a few traces of unpolitics in the Council preparatory bodies, including in the empirical case of the negotiation of the EU's accession to the Istanbul Convention.

4. Methods and Data

To assess the integrated theory developed in Section 3, we employ a case study research design and conduct a process tracing (Bennett & Checkel, 2014) of the negotiation of the EU's accession to the Istanbul Convention from 2015 to 2023. The EU's accession to the Istanbul Convention serves as a hard case for our theory and, therefore, a proper test of its validity. Our previously proposed integrated theory of unpolitics in the Council preparatory bodies states that this type of venue should insulate decision-making from tactics of unpolitics. However, the substance of the studied case makes this expectation less likely. First, the Istanbul Convention has been politically salient for right-wing populists on the domestic levels of ratification. Second, in general,

gender equality is a policy area where populist unpolitics is expected to be more likely. Ripoll Servent and Zaun (2024) identify gender equality as a policy area susceptible to unpolitics as it provides opportunities to mobilise on issues important to their voters, such as cultural and identity claims, creating high gains for populists. At the same time, it is a low-risk policy area as a non-decision causes no immediate or evident harm to populists because, for example, a policy problem can be addressed domestically.

We reconstruct the process in question through analysis of various sources of data: EU official documents, interviews, and media coverage. In the course of the consideration of the EU's accession to the Istanbul Convention, several publicly available documents were produced, including Council decisions, country statements to the decisions, the ruling of the Court of Justice, and the analysis of the Council Legal Service (see Supplementary File). The negotiation itself could only be reconstructed based on interview accounts as negotiations in the Council preparatory bodies occur behind closed doors, are not protocoled, and are primarily based on internal documents. We based our analysis on 12 interviews with representatives of EU member states, most of them from the Fundamental Rights, Citizens Rights, and Free Movement of Persons (FREMP) working party in charge of the technical level of the EU's accession to the Convention or otherwise informed about the process, e.g., because of their responsibility for gender equality policy area. We also included three interviews with representatives of other institutions involved in the process. Our final data source is media coverage of the EU's accession to the Istanbul Convention, explicitly focusing on the media outlets in countries with right-wing populist governments during the Convention negotiations (see Supplementary File). We systematically searched for articles, editorials, and opinion pieces related to the topic in selected newspapers of each country of interest to collect media data (see Supplementary File for a complete list and an expanded methodology).

The interview material was analysed as follows to verify the plausibility of our theoretical expectation regarding the insulating role of the Council preparatory bodies. The first part of the analysis consisted of coding evidence and counterevidence of tactics of unpolitics in our material. The subcategories included rejection of formal and informal norms of EU decision-making, rejection of compromise, and public rejection of the EU as a policy-making venue. The second part of the analysis consisted of coding evidence and counterevidence for the Council's insulating role. We developed three subcategories: constructive negotiation culture, technocratic nature of negotiation, and containment of the Convention away from mediatised venues. Additionally, we analysed the media coverage of the EU's accession to the Convention to determine how it was presented and whether it was manipulated for political gain by right-wing populist governments, specifically focusing on any recurring themes or patterns that could help us understand how populist actors perpetuate the crisis and politicise the issue at a domestic level.

5. Results: Council Preparatory Bodies and the Istanbul Convention

In this section, we present the results of our analysis. To explain the background of the negotiations, we first discuss the constellation of participants (populist and mainstream governments) and their positions on the EU's accession to the Istanbul Convention (Section 5.1), then we discuss the main stages of the process leading to the ratification (Section 5.2). Later, we present the analysis of traces of unpolitics in the case study (Section 5.3) and evidence for the insulating role of the Council preparatory bodies (Section 5.4).

5.1. Right-Wing Populist Governments in the Negotiations

As the negotiations for the EU's accession to the Istanbul Convention spanned over nine years, it is only natural that they took place under various configurations of governments in the Council of the EU. We identified 15 member states that, during the negotiations (2015–2023), had populist parties in their governments (see Supplementary File for a detailed analysis of the populist parties in government and their positions on the Istanbul Convention). The character of populist governments during the negotiations, including their ideology, position in government, length of time in power, and position on the Istanbul Convention, varied significantly. Some populist parties were in government for a short time throughout negotiations, were only minor partners or supporting parties in government, and/or had ambivalent positions on the EU's accession to the Istanbul Convention—e.g., Freedom Party of Austria (FPÖ), Croatian Bridge (MOST), Czech Action of Dissatisfied Citizens (ANO), Danish People's Party (DF), and The Independent Greeks (ANEL). We did not expect to observe unpolitics in the Council due to the influence of these parties, as their power and interest in the Convention should have been limited.

On the other hand, some populist parties in government, from the centre to the radical left of the ideological spectrum, favoured the ratification (Italian Five Star Movement [M5S], Greek Syriza, and Spanish Podemos). We also did not expect to see unpolitics in the Council due to the influence of these parties since, on the domestic level, as discussed in Section 2, populist discourse about the Convention was associated with the opposition to this instrument and right-wing ideology. Although theoretically, we do not claim that right-wing populists are more likely to use unpolitics than left-wing populists, in this particular case study, we could expect more obstructive behaviour from right-wing populist governments. Consequently, our focus in the analysis and the strongest expectation of tactics of unpolitics is on non-ambiguously right-wing populist governments which were in power for a prolonged period and opposed the Istanbul Convention, namely the governments of Bulgaria, Poland, and Hungary. A certain anomaly is the government of Slovakia, which, although led by the left-wing populist Direction-Social Democracy (SMER) for most of the negotiations, was firmly against the Istanbul Convention and is, therefore, also the focus of our analysis.
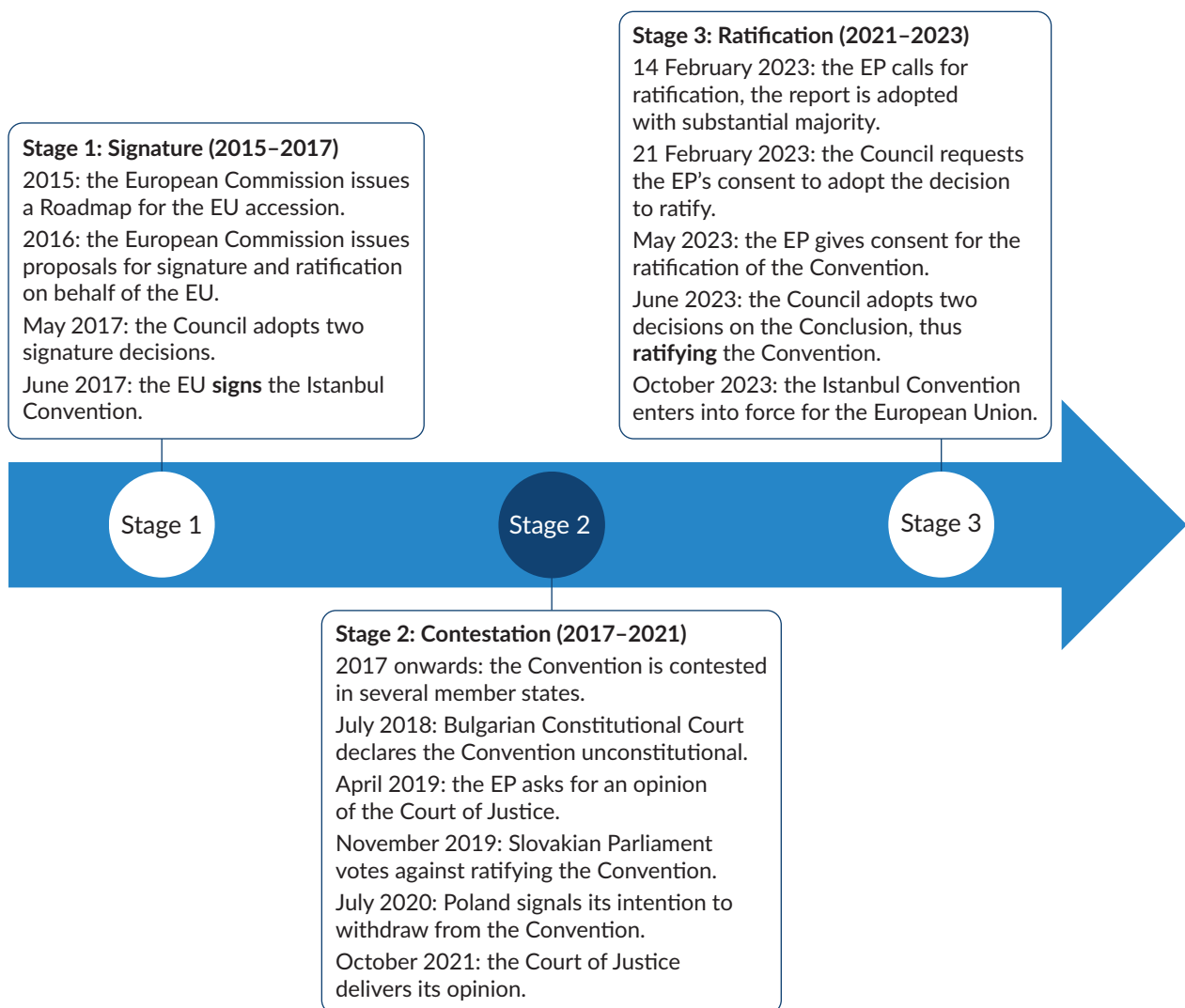
In the last phase of the negotiations, the leadership on the "in favour" side of the EU's accession to the Istanbul Convention was predominantly assumed by mainstream governments, including those in France, Germany, and the Netherlands. These governments were often part of a "like-minded majority" of "progressive" member states that consistently supported the accession process (Interviews 6 and 10, mainstream governments). However, it is noteworthy that some member states within this majority expressed ambivalence at times, particularly due to procedural issues that arose during the negotiations, as we discuss in more detail in Section 5.3. This underscores the complexity of navigating the accession process and the diverse perspectives within the EU.

5.2. The Sequence of the Negotiations

The EU's ratification of the Convention was the accession of a supranational organisation to an international treaty and followed a complicated process. Due to the division of competencies between the EU and its member states, the scope of the EU's accession to an international agreement is contingent on its exclusive competence in the domain covered by its provisions. Therefore, it is not uncommon for the EU to become a party to so-called mixed agreements, treaties which are ratified and implemented by both the EU and its

member states (Craig & De Búrca, 2020). International agreements have to go through two steps of adoption: signature and conclusion. The Council is the main decision-making body for ratifying international agreements by the EU. It makes separate decisions on the signature and conclusion of the EU to a treaty, acting in principle by qualified majority voting. The decisions are taken with the consent of the EP (Treaty on the Functioning of the European Union, 2007, Article 218). In practice, until the decisions on the EU's accession to the Istanbul Convention, the Council had employed the principle of common accord to decisions on the conclusion of international agreements, meaning that the decisions are not made until there is a consensus in the Council. While this informal principle made the EU's accession to international agreements cumbersome, it was employed due to political and logistical considerations. Member states regarded it as controversial and impractical to bind the EU to external obligations without the commitment of all EU countries. The main stages in the EU's adoption of the Istanbul Convention are summarised in Figure 1.

Since the negotiations of the Istanbul Convention in the Council of Europe, the EU expressed its willingness to conclude the treaty. Consequently, the Istanbul Convention, adopted in 2011 and entered into force in

Stage 3: Ratification (2021–2023)

14 February 2023: the EP calls for ratification, the report is adopted with substantial majority.

21 February 2023: the Council requests the EP's consent to adopt the decision to ratify.

May 2023: the EP gives consent for the ratification of the Convention.

June 2023: the Council adopts two decisions on the Conclusion, thus **ratifying** the Convention.

October 2023: the Istanbul Convention enters into force for the European Union.

Stage 1: Signature (2015–2017)

2015: the European Commission issues a Roadmap for the EU accession.

2016: the European Commission issues proposals for signature and ratification on behalf of the EU.

May 2017: the Council adopts two signature decisions.

June 2017: the EU **signs** the Istanbul Convention.

Stage 1   Stage 2   Stage 3

Stage 2: Contestation (2017–2021)

2017 onwards: the Convention is contested in several member states.

July 2018: Bulgarian Constitutional Court declares the Convention unconstitutional.

April 2019: the EP asks for an opinion of the Court of Justice.

November 2019: Slovakian Parliament votes against ratifying the Convention.

July 2020: Poland signals its intention to withdraw from the Convention.

October 2021: the Court of Justice delivers its opinion.

Figure 1. Timeline of the negotiation of the EU's accession to the Istanbul Convention.

2014, included a clause allowing the EU to become its party. The accession to the Convention has been a goal of several consecutive Commissions. In 2015, the Commission adopted the roadmap for EU accession to the Istanbul Convention, detailing the procedures. In 2016, it put forward the proposals for Council decisions on the signature and conclusion of the treaty. After strong opposition from most members of the Council to the full accession of the EU to the Convention, it was decided that the EU would accede only within the scope of its somewhat limited exclusive competencies. Hence, the Council adopted two decisions limiting the EU's signature of the Istanbul Convention to cooperation in criminal matters and asylum and non-refoulement. The decisions have been made concerning the principle of the common accord, meaning that all EU member states were in favour of the signature at this point. The EU signed the Convention a month later, in June 2017. In order to enter into force, the Istanbul Convention still had to go through the second step of adoption.

This initial signature stage was followed by a period of contestation to the Istanbul Convention. On the national level, many states, in parallel to the EU's accession finalising their own domestic ratifications of the Convention, experienced opposition from anti-gender actors, which considered the Istanbul Convention as an undue and secretive imposition of progressive gender and sexuality values by the (Western or European) elites. The misinformation and misunderstandings regarding the scope and content of the Convention were so widespread that the Council of Europe released an official FAQ communication attributing the propagation of false narratives to various religious and ultra-conservative groups (Council of Europe, 2018). In some cases, the positions and arguments of these movements were taken on board by political parties and governments.

As a consequence, and despite the initial uncontested willingness to ratify the Convention, the instrument has not been adopted in six EU countries up to this date (Bulgaria, Czechia, Hungary, Latvia, Lithuania, and Slovakia). At the same time, the Polish government considered withdrawing from the Convention and, in 2020, decided to ask its Constitutional Court for an opinion on the constitutionality of the ratification, which is still pending. In July 2018, the Bulgarian Constitutional Court ruled that the definition of "gender" in the Istanbul Convention contravenes the definition of marriage in the Bulgarian Constitution, forbidding the current and consecutive governments from ratifying the treaty. The domestic constraints to the endorsement of the EU's accession started to be communicated in the FREMP working party in early 2018. Since then, according to several interviewees, the Council has been exploring the possibilities for a consensus decision while, at the same time, the need to adhere to the principle of common accord in the context of the Istanbul Convention was questioned. In April 2019, the EP, strongly supporting the accession and impatient with the Council's hesitations, requested an opinion from the Court of Justice to clarify the appropriate legal basis, the scope of EU accession, and the ratification procedure. Pending the opinion, the FREMP working party halted its negotiations, as is customary in the Council when a negotiation process is being challenged in the Court. In this period, the Commission, under the presidency of Ursula von der Leyen, showed reinvigorated commitment to the Istanbul Convention, referring to it as a "key priority" in its Gender Equality Strategy 2020–2025 (A union of equality: Gender Equality Strategy, 2020, p. 3). Seeing that the negotiations in the Council were blocked, the Commission started its work on a proposal for a Directive on combatting violence against women and domestic violence (Proposal for a Directive of the European Parliament, 2022). In October 2021, the Court of Justice concluded that the appropriate scope of the EU's accession is limited to cooperation in criminal matters and asylum and non-refoulement and that although the Council may choose to wait for a common accord until deciding on the conclusion, it is a political decision and not a legal imperative (European Court of Justice, 2021).

Following the Court's opinion, the FREMP working party resumed its work. However, many member states, including those in favour of the EU's accession, hesitated over whether to depart from the well-established principle of common accord in relation to the Istanbul Convention. Nevertheless, the majority wanted to move forward with the accession and applied the qualified majority voting rule. In February 2023, after finalising the technical work on the accession, the Council requested the consent of the EP, which was granted in May 2023. A month later, the Council adopted two decisions on the conclusion: one on judicial cooperation in criminal matters, asylum, and non-refoulement and the other on institutions and public administration of the Union. The decisions were accompanied by two documents: the Declaration on the EU Competencies and a Code of Conduct, clarifying the division of tasks between the EU and its member states. Several member states voted against the conclusion (Bulgaria, Hungary, Poland, and Slovakia) and adopted statements explaining their positions, while one state abstained (Czechia). Italy, referring to an earlier position of Cyprus, France, Germany, Greece, Ireland, Malta, Slovenia, and Spain, adopted a statement reiterating their attachment to the principle of common accord. In the same month, the EU ratified the Istanbul Convention, which entered into force in this respect in October 2023.

5.3. Traces of Unpolitics

According to the unpolitics theory, we should expect populist governments to break the formal and informal rules of EU policymaking through explicit rejection of procedural norms (Zaun & Ripoll Servent, 2023). We find that, on the contrary, when opposing the EU's accession to the Istanbul Convention, representatives of right-wing populist governments do so within the negotiation norms of the Council. For instance, Interviewee 4 describes themselves as "strong supporters of consensus-based decision-making in the EU" and describes negotiations as "professional and constructive." These governments also expressed a strong commitment to the common accord procedure. They opposed the deviation from this norm, considering it a "dangerous precedent" (Interview 4, right-wing populist government). The pro-Convention majority agreed that the ratification would constitute an exception to the general rule, although one which is important to make in the case at hand (Interviews 2, 6, and 12, mainstream governments). While the judgement of the Court of Justice clarified that the common accord procedure is an informal preference rather than a formal requirement and that, therefore, the Council is free to decide whether it will seek common accord or not, the opposing member states believed that there are political, procedural, and practical imperatives for adhering to the principle of common accord. Opponents highlighted the far-reaching procedural implications: "It's not about our opinions on the content, it's about the procedure and competencies.…This decision practically killed the procedure of common accord. From now on, any state can decide to deviate from it in any case" (Interview 14, right-wing populist government).

Before and after the ruling, the hesitation to depart from the common accord procedure was also present among mainstream governments and governments otherwise in favour of ratification. In February 2023, Cyprus, France, Germany, Greece, Ireland, Malta, Slovenia, and Spain released a statement that they remain "firmly attached to the practice of common accord for the accession by the European Union to mixed agreements" yet take into account "the specific circumstances" and salience of this policy area (Council of the European Union, 2023, p. 2). This position was reaffirmed in the interviews, with Interviewee 2 (mainstream government) saying that "the Istanbul Convention doesn't mean that we would have the same position [qualified majority voting over common accord] in other files, but taking into account the importance of this Convention, we do support the accession." While the argument about the strategic use of

rules as a manifestation of unpolitics is plausible, we are cautious about making such interpretations without explicit signals from the pro-Convention member states in either interviews or traces in media or official EU sources. In light of the Court's ruling, all right-wing populist governments recognised the right of the Council to proceed with qualified majority voting, even if they did not agree with the far-reaching procedural implication of this decision or what it meant in the context of the Istanbul Convention specifically (Interviews 4 and 9, right-wing populist governments and Interview 10, mainstream government), in this sense also not contesting the formal rules of EU decision-making.

The second unpolitics tenet concerns the rejection of compromise and sticking to the maximum positions (Zaun & Ripoll Servent, 2023). In the complex negotiations surrounding the EU's accession to the Istanbul Convention, the difficulty in finding compromises stemmed primarily from the non-alterable nature of the Convention's content:

> It was very clear that it wasn't an issue we could solve, like we sometimes do, by adding some sentences or creating some constructive ambiguity, because it was already an existing legal text and the question was, is the EU going to accept this by becoming a party to this treaty or not. (Interview 8, mainstream government)

Some mainstream and populist governments considered the adoption of the Directive on Violence Against Women instead of the Convention as an alternative solution to reach the policy goal, as its text was "basically a copy" of the Convention (Interview 7, mainstream government). Member states that opposed the EU's accession to the Convention also voiced their discontent regarding parallel ongoing negotiations of the two documents rather than considering them as alternative or subsequent instruments (Interviews 9 and 14, right-wing populist governments). Responses to this point were varied, with some interviewees recognising its validity (Interviewee 12, mainstream government), while others saw it as a stalling tactic (Interviewee 6, mainstream government). Stalling is not uncommon in Council discussions, and thus, we did not interpret the behaviour of right-wing populist governments as a clear sign of unpolitics.

The third tenet of unpolitics is the use of non-decisions to perpetuate the crisis of European integration and portray the EU as incapable and useless (Zaun & Ripoll Servent, 2023). Based on the media coverage analysis, we find that the cumbersome and extended seven-year negotiation process, including deadlock periods due to procedural and legal disputes, did not serve as a focal point for right-wing populist governments to discredit the EU as a venue for addressing the problem of violence against women. This contrasts with the discourse of some anti-gender actors that could say that the EU's preoccupation with "gender ideology," symbolised by the Istanbul Convention, takes away the focus from the "real" issue of violence against women. Despite arguing that their national legislation may suffice to address the problem, the populist right-wing governments did not use the process of the EU's accession to the Convention to undermine the EU as a political venue for discussing solutions to violence against women. In contrast with the vilified portrayal of the Convention in the context of domestic ratifications, when it was described as a "powerful Western weapon" and an EU attack on heterosexuality (Darakchi, 2019, pp. 1217–1218), the EU's accession did not become a symbol of failure or imposition by Western elites in media coverage or populist narratives. Overall, the coverage of the EU's accession to the Istanbul Convention across member states has been scarce and mainly consisted of short informative news columns reprinting international coverage of critical milestones, such as the delivery of the Court's opinion. Certain right-wing media outlets in Poland, citing Ordo Iuris, an ultra-conservative Polish

Catholic legal organisation and think tank, even portrayed the EU's accession to the Istanbul Convention as a victory because the accession was limited in scope ("Presja ma sens!", 2023).

In sum, we conclude that the negotiations were not characterised by the employment of tactics of unpolitics by right-wing populist governments or other actors, as we do not find evidence of rejection of the formal and informal rules, rejection of compromises, or rejection of the EU as a decision-making forum. We will now analyse whether the containment of Council negotiations within preparatory bodies can account for this fact.

5.4. Council Preparatory Body as a Venue

One of the conjectures we put forward for the lack of unpolitics during the negotiations of the EU's accession to the Istanbul Convention is the constructive negotiation culture on the level of preparatory bodies and the associated socialisation process of member states' representatives. We find evidence for this claim in the studied case. Interviewees from both the pro-Convention majority and the right-wing populist opposition describe a deep understanding that their colleagues, just like them, are bound by instructions from their respective capitals and, therefore, were able to separate the positions they represent from the style of the negotiations (Interviews 8, 10, and 12, mainstream governments and Interviews 4 and 9, right-wing populist governments). To signal that negotiators may want to distance themselves from the message they are bringing to the table, they add "little sentences," such as "my capital instructs me to say" (Interviewee 8, mainstream government). Overall, interviewees believed that the personal and professional relationships they developed were conducive to the constructive and depoliticised character of negotiations, with "implicit cooperation and solidarity" between the negotiators (Interview 12, mainstream government). The atmosphere was characterised as having a constructive spirit, never hostile, even though many acknowledge that the lengthy process and evident polarisation of positions were often frustrating (Interviews 8, 10, and 12, mainstream governments). Despite the lack of interest in the EU's accession, the engagement of right-wing populist government representatives was considered constructive by other negotiators: "They were engaging in the meetings, they were present...and they also contributed towards revising structured content" (Interview 12, mainstream government). Several interviewees contrasted their experiences with those at the UN, which convenes significantly less often and involves less socialisation. They admitted that there the discussions concerning gender equality were often impolite and less productive, while in the EU, negotiators mostly share the same values, even if they have different perspectives (Interviews 4 and 9, right-wing populist governments and Interview 15, non-Council informant).

The technocratic nature of these negotiations was conducive to insulating the process from the practices of unpolitics. The Istanbul Convention is a unique case within the Council's workings due to its status as an international mixed agreement. The Convention has been described as highly complex, requiring "long technical work" to discuss and draft many supplementary and detailed instruments, such as the Code of Conduct and the Declaration of Competencies (Interview 5, mainstream government). Since the negotiators could not change the text of the Istanbul Convention, the controversial issues, such as the definition of "gender" that was at the core of right-wing populist contestation of the document, were not touched upon. As stated by one of the interviewees, "There was never really a debate on the substance of the Convention. The debate was about which [EU] competencies are covered [by the accession], about exclusive competence, about external competence, and in which areas we should accede" (Interview 15, non-Council

informant). The work focused on "procedural things," such as discussing the Code of Conduct or the details of the accession procedure in cooperation with the Commission, Council General Secretariat, and the Legal Service (Interview 5, mainstream government and Interview 10, right-wing populist government). Other issues that member states were preoccupied with included the distribution of the roles in the Convention's monitoring mechanism, the Group of Experts on Action against Violence against Women and Domestic Violence, which was also "an eminently technical discussion," commented Interviewee 12 (mainstream government). According to this interviewee, this technical focus allowed the representatives of populist right-wing governments to "minimize the issue of gender and not put it at the forefront of their position."

The scarce media coverage on the negotiation of the accession in FREMP confirmed the characteristics of the Council preparatory bodies as non-mediatised venues. The character of the Convention did not allow for a shift of decision-making to a more political venue. Unlike in the case of the talks on refugee distribution (Zaun & Ripoll Servent, 2023), when the conversation moved from the Council to the European Council, the procedure of the EU's accession to the Istanbul Convention did not present such opportunities. FREMP negotiators and Council presidencies were committed to finalising the work at the technical level (Interview 12, mainstream government). As stated by one of the interviewees, taking the Istanbul Convention up to COREPER was a decision that was only made once no one could find reasons for it to stay at a technical level any longer (Interview 15, non-Council informant).

To summarise, the case of the negotiation of the EU's accession to the Istanbul Convention in the Council provides evidence of the mitigating effect of Council preparatory bodies as a venue in relation to the populist use of unpolitics. The stabilised constructive negotiation culture has not been challenged despite the high potential for unpolitics in this context. We find that this result was supported by the technocratic nature of the negotiations and the containment of the Convention on the non-mediatised level. We contend that the evidence for our thesis is even stronger if we compare the character of the negotiation of the EU's accession to the Istanbul Convention in FREMP with the same process in the EP, where the style of the right-wing populist MEPs showed more traces of unpolitics than the style of Council negotiators (see Berthet, 2022 for the analysis of the EP).

6. Conclusion

This study addressed a theoretical puzzle: What should we expect from populist governments in Council preparatory bodies? While on the one hand, populism scholarship suggests that populists are more likely than mainstream governments to use obstructive tactics known as unpolitics (Taggart, 2018; Zaun & Ripoll Servent, 2023), the literature on the Council suggests that negotiators in this venue internalise, among others, consensus-seeking, and compromise as ways of decision-making (e.g., Lewis, 2000, 2005). We proposed an integrated theory based on these two lines of scholarship, which states that the Council preparatory bodies as negotiation venues should insulate the decision-making process from the potential deployment of unpolitics. We tested the plausibility of this argument with the case study of the negotiation of the EU's accession to the Istanbul Convention on violence against women and domestic violence, an instrument highly contested by right-wing populist actors on national levels. We considered it a hard case for our theoretical expectation, given that gender equality is a policy area susceptible to unpolitics (Ripoll Servent & Zaun, 2024). Our empirical investigation revealed limited evidence of the use of unpolitics tactics in the Council.

We consider this finding significant for the literature on populism and anti-gender politics, which have not yet explored the role of Council preparatory bodies in contestations of gender equality. Additionally, it contributes to the scholarship on the Council of the EU as the process of the EU's accession to the Istanbul Convention presents a hard case for the thesis on the socialisation of national negotiators into a constructive negotiation culture. We find it important to place this finding in context. First, based on our research, we can put forward an argument that technocratic venues of decision-making have a certain role in mitigating some of the adverse effects of populism on democracy since technocracy prioritises "depoliticisation, harmonisation, rationalisation and objectification of policymaking" (Kurki, 2011, p. 216). However, this finding should be read in a broader context of the effects of technocracy on democracy, as it also undermines democratic legitimacy in the EU by depoliticising issues, weakening accountability, and alienating citizens (Pastorella, 2016; Scicluna & Auer, 2019). Second, our argument about the role of Council preparatory bodies in anti-gender politics is limited to the style rather than the content of the contestation of gender progressive norms. The Council negotiators were not in a position to change the substance of the decisions of their governments, namely their opposition to the ratification of the Istanbul Convention by the EU. However, the constructive negotiation culture in this Convention is a positive observation about otherwise tense relations between progressive and conservative actors in gender equality politics.

Further research can explore such avenues as examining the employment of unpolitics by populist actors across the ideological spectrum. While our analysis indicates that right-wing populists have refrained from employing unpolitics despite strategically leveraging anti-genderism in diverse national contexts (Reinhardt et al., 2023), the conduct of left-wing populists merits scholarly investigation. Given the exceptional nature of the Convention's ratification as an international mixed agreement, it is pertinent to assess whether our findings extend to other EU decision-making procedures. Delving into specific inter-institutional dynamics within the EU, particularly instances where the ordinary legislative procedure applies and both the EP and the Council function as co-legislators, can shed additional light on the influence of procedures on the deployment of unpolitics. Notably, the negotiation culture of Council preparatory bodies may be influenced by the appointment of negotiators most loyal to populist governments, particularly in high-stakes areas, posing a potential challenge to socialisation in the Council and warranting further investigation (see Juncos & Pomorska, 2024). Although we could not conclude, based on our data, whether individual characteristics of negotiators, such as their political opinions or gender, mattered for their negotiation style, these could be interesting points to study.

Conflict of Interests

The authors declare no conflict of interests.

Supplementary Material

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

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About the Authors

Monika de Silva is a PhD candidate at the Gender in Diplomacy Project at the University of Gothenburg, Sweden. She researches the role of diplomats and negotiators in the polarised context of international politics of gender and sexuality.

Mariia Tepliakova is a PhD candidate at the Salzburg Centre of European Union Studies at the Paris Lodron University of Salzburg, Austria. In her research and teaching, she deals with the contestations of gender equality policies in Europe.

Politicised at Home but not in Council: The European Coordination of Social Security Systems

Christina Grabbe ⑩

Institute of Intercultural and International Studies, University of Bremen, Germany

Correspondence: Christina Grabbe (christina.grabbe@uni-bremen.de)

Abstract

After seven years of negotiations, the European Parliament and the Council have yet to agree on the reform of one of the most essential regulations facilitating cross-border worker mobility in the EU: the Coordination of Social Security Systems (EC 883/2004). The lack of agreement remains puzzling, as all negotiating partners are generally in favour of the reform. Similar proposals on social policy, such as the Posting of Workers Directive or the Minimum-wage Directive, were also challenging to achieve but could be agreed upon. This article tests whether "unpolitics"—a destructive approach by populist governments in the Council to undermine EU policymaking—is the reason for the persisting deadlock on the file. The central finding of this article is that the interplay of populism and the status of member states as sending or receiving workers shape unpolitical behaviour. Contrary to expectations, unpolitics is largely absent in the behaviour of populist and non-populist governments. Unpolitical behaviour does not promise high gains for the populist governments from Central and Eastern Europe because these member states send workers. The smooth functioning of the freedom of workers is essential for them and their national discourses do not discuss the freedom of movement in the context of welfare chauvinism. Welfare chauvinism is much stronger in countries that receive workers, however, populists were not in power in these member states and therefore there was no unpolitical behaviour. The findings show that unpolitical behaviour is not used by mainstream governments, not even when it would seem likely from the nature of the policy issue. This article highlights that the probability of unpolitical behavior is influenced not only by the nature of the policy issue itself but also by domestic institutional and structural factors, as well as the national discourse.

Keywords

coordination of social security systems; free movement; labour migration; unpolitics; welfare chauvinism

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1. Introduction

After seven years of continuous discussion, the European Parliament and the Council still cannot agree on the reform of one of the most essential regulations facilitating cross-border worker mobility in the EU—the Regulation on the Coordination of Social Security Systems (EC 883/2004). Three provisional agreements were discussed but finally rejected by the governments of the EU member states (Paulic, 2023).

The ongoing struggle to close a deal on this specific file is puzzling for several reasons. First, the freedom of movement (Article 48 TFEU) is a fundamental principle of European integration. EU workers may move freely from one member state to another without suffering discrimination regarding employment, remuneration, and other work conditions. This has been ensured by the Regulation on the Coordination of Social Security Systems since 1958, making it one of the most central regulations in the EU's legal framework (Schmidt et al., 2018). However, the Regulation does not touch national competencies; while every worker has the right to free movement, it only coordinates the diverse national social systems. Member states remain responsible for social security systems and can decide whom they want to insure and give access to their systems (Cornelissen & De Wispelaere, 2020, pp. 146–147).

Second, the lack of an agreement is surprising because all negotiating partners—member states, the European Commission, and the European Parliament—are in favour of the reform as it aims to adjust the social security rules to the case law of the European Court of Justice as well as to modernise it and include new types of benefits (e.g., long-term care benefits; Golynker, 2020). In this way, it can create regulatory clarity for member states and close social protection gaps that negatively affect EU movers.

This article tests whether unpolitics, a destructive approach to politics that populist governments in the Council employ to undermine EU policymaking (Zaun & Ripoll Servent, 2023), is the reason for the persisting deadlock. Such behaviour by populist governments has several characteristics ranging from rejecting formal and informal norms of decision-making to the use of non-decisions to mobilise against the EU in a Eurosceptic way. While unpolitics is generally characterised as a type of populist behaviour, this article more specifically asks whether unpolitics is a behaviour that only populist governments use or whether it is also a strategy of mainstream governments to obstruct decision-making.

Methodically, the file is a highly likely case for unpolitics. Another highly likely case, the negotiations on the accession of the EU to the Istanbul Convention, is also investigated by de Silva and Tepliakova (2024). The reform of social security coordination is a highly likely case because the EU has only limited competence in the area of social policies. Member states face low risks, as they can provide domestic solutions or stick to the status quo of the current regulation in case of no agreement. Furthermore, free movement and social security rules have been politicised under keywords such as welfare tourism and welfare chauvinism in national public debates, for example during the Brexit campaign (Schmidt et al., 2018), and this could have been exploited by populist parties but also by mainstream governments. Therefore, it could be assumed that countries that receive workers are more likely to engage in unpolitical behaviour because welfare chauvinist attitudes are more pronounced in these member states. Data was produced via a combination of expert interviews and the analysis of policy documents and newspaper articles.

The results show that populist and mainstream governments in the Council formed a blocking minority against the reform. This blocking minority was created due to the heterogeneous preferences of member

states. Contrary to expectations, unpolitics is largely absent in the behaviour of populist and non-populist governments. The interplay of populism and the status of member states as sending or receiving workers shapes unpolitical behaviour. Unpolitical behaviour does not promise high gains for the populist governments from Central and Eastern Europe because these member states send workers. The smooth functioning of the freedom of workers is essential for them and their national discourses do not discuss freedom of movement in the context of welfare chauvinism. In contrast, welfare chauvinism is much stronger in Western European countries that receive workers. However, these countries, led by non-populist governments, did not engage in unpolitics even though the welfare chauvinistic sentiments in their national publics could have been a reason to do so. Also, the partly populist government in Austria did not engage in unpolitics. Instead, it aligned with the arguments of non-populist governments from other Western European member states because it was a rational decision made by the Austrian government and also in the interest of the Austrian public. The case of Austria particularly shows that, although a populist government is in power, it might not engage in unpolitics because it may not be necessary to exploit a topic for political gains. Additionally, the negotiations also lacked venues to mobilise domestic audiences and therefore did not encourage unpolitical behaviour.

The findings provide evidence that non-populist governments do not engage in unpolitics as populists do. However, as seen in the case of Austria, populist governments do not necessarily have to show unpolitical behaviour. Instead, this article demonstrates that the scope conditions are relevant. This means that not only the nature of the policy issue per se but also the domestic institutional and structural factors and the national discourse determine whether it is necessary to mobilise domestic audiences via unpolitical behaviour.

This article proceeds as follows: the next section (Section 2) provides the theoretical background on the framework of unpolitics and additional literature on social Europe and welfare chauvinism. The article continues with the methods of case and data collection (Section 3). The empirical analysis (Section 4) starts with the presentation of the issues of the reform (Sub-section 4.1), followed by an analysis of whether unpolitics can explain the deadlock and is used by populist and mainstream governments (Sub-section 4.2), and concludes with an explanation for the absence of unpolitics (Sub-section 4.3). Section 5 concludes the article.

2. Theoretical Arguments

Ripoll Servent and Zaun (2024) characterise unpolitics as a destructive approach to politics that populist governments in the Council employ to undermine EU policy-making. Unpolitics is described as a "two-level game" because EU parliamentarians and national governments represented in the Council are elected by domestic voters. Therefore, the target group that should be mobilised by unpolitical behaviour is national voters. They identify three gateways to achieve this aim: (a) populists reject shared formal and informal norms of EU decision-making such as the norm of finding consensual agreements in the Council. This can be either rhetorical or in the form of specific actions, such as the use of vetoes; (b) populists reject compromise solutions while demanding maximum positions; and (c) populist governments use non-decisions to mobilise against the EU.

Ripoll Servent and Zaun (2024) have identified two factors facilitating unpolitical behaviour: the politicisability of the issues and the choice of venues. Concerning the first, they argue that the easier it is to mobilise domestic

voters, the more appealing it is for populist governments to engage in unpolitics. The politicisability of the issues is determined by the nature of the policy issue. This concerns two dimensions, namely risks and gains. Schimmelfennig (2020) argued that areas of low risk or where potential policy failures can be addressed at the domestic level are more likely to be politicised. Also, areas with clear winners and losers bear a higher risk of politicisation, such as areas of core state powers (Genschel & Jachtenfuchs, 2016). Therefore, Ripoll Servent and Zaun (2024) expect politicisation, particularly in areas that have the potential for high gains, but face low risks. In this context, areas of high gains are understood as those where populists can capitalise on their gains by appealing to identity and culture, whereas low-risk areas are those in which non-decisions cause no immediate disadvantages to populist governments.

Concerning the nature of the policy issues, the framework by Ripoll Servent and Zaun can be extended to fit better into the discussion around free movement and social policy which is the key concern of this article. Scharpf (2006, p. 856) and others (Martinsen & Falkner, 2011, p. 129) have argued that shared agreements are unlikely in EU social policies. They explain the increasingly diverse preferences of policy-makers with the EU enlargements. From originally only six insurance-based EU member states in the 1950s, the heterogeneity of welfare state systems has increased over the last 50 years (Scharpf, 2006, p. 851; Schmidt, 2021, p. 100). Similar to Scharpf, Martinsen and Falkner (2011, p. 129) find persisting "problem-solving gaps" because the EU falls short in far-reaching conceptions such as a social Europe, but consists of national social systems. However, recent research has questioned whether the EU's social policies are stuck in collective action traps but stresses that since 2014, the EU has strengthened its social agenda (Zeitlin & Vanhercke, 2017). They remark that, particularly since the Covid-19 pandemic, a window of opportunity has opened for joint action, which is, for example, reflected in the agreement over NextGenerationEU (Crespy, 2022).

Focusing not only broadly on social policies but more specifically on intra-EU mobility, research has observed that free movement was remarkably uncontested until the 2000s. Political conflicts increased after the EU enlargements in 2004 and 2007, which considerably promoted intra-EU labour mobility from East to West. To a lesser extent, the financial crisis also encouraged mobility from the South to the North of Europe (Blauberger et al., 2020, p. 931; Ruhs & Palme, 2018, p. 1484). This heightened mobility of workers has been driven by the heterogeneity of welfare state institutions and large differences in social security benefit levels and wages (Blauberger et al., 2020, p. 932; Ruhs & Palme, 2018, p. 1484, 2022, pp. 12–13).

Several scholars have argued that heightened migration causes restrictive attitudes towards migrants (Blauberger et al., 2018, 2023; Ensser-Jedenastik, 2018, p. 307; Mortera-Martinez & Odendahl, 2017). These attitudes are referred to as "welfare state chauvinism," a term originally coined by Andersen and Bjørklund (1990, p. 212) as an agenda of populist radical right parties and their electorate to exclude immigrants from national redistributive systems. Since these early studies in the 1990s, welfare chauvinism has become an ambiguous concept, nowadays used under different operationalisations and as dependent or independent variables in research focusing on parties' ideological positions, voters' individual attitudes, or a cause of policy reforms that limit the access of migrants to welfare states (Careja & Harris, 2022, pp. 213, 215). For example, Roos (2019) demonstrates that, in the UK, the rightist ideology of the UK Independence Party drove a critical debate among the public and policy-makers about EU membership.

Regarding the effects of politicisation on the EU legislative process, research has found that politicisation at the domestic level affects the voting behaviour of member states in the Council (Pircher & Farjam, 2021,

p. 488). The differing salience of social policies in member states enhances the diversity of preferences of policy-makers. It makes it more difficult to come to agreements when representatives of member states have to balance the demands at the EU table with those of their national constituency (Gheyle, 2022, p. 11; Scharpf, 2006, p. 856). Nonetheless, Im (2024) also found that party-level dynamics influence the position of domestic parties in social Europe more than national economic contexts.

Politicisation of social policies and intra-EU labour mobility grew as a result of the Eastern enlargements in 2004 and 2007 and the euro crisis (Martinsen, 2020, p. 269). In particular, politicisation had a dramatic range in some Western European member states between 2013–2015 under the slogans of "welfare tourism," "welfare migration," and "benefit tourism" (Blauberger et al., 2018; Martinsen, 2020, p. 270). Since then, the political leadership and public debates in these member states have become highly critical of the access of EU citizens to national social security systems. For example, in April 2013, Austrian, Dutch, British, and German home affairs ministers expressed their worries about social benefit fraud and demanded that access to these benefits should not be unconditional (Blauberger et al., 2018; Roos, 2019). Further, Brexit can be seen as an outcome of this politicisation and welfare chauvinism (Schmidt, 2021, p. 78). In contrast to this critical debate among Western EU member states, not all member states are equally affected by the politicisation of free movement and access to social security. Blauberger et al. (2023) show that in Poland, a member state with many outgoing mobile workers, the debate was much less polarised and stressed more the individual and practical aspects of working abroad. Therefore, it could be assumed that those countries that receive workers are more likely to engage in unpolitical behaviour because welfare chauvinist attitudes are more pronounced in these member states.

Apart from the politicisability of issues, a second condition for the successful use of unpolitics is that suitable venues can be used. Schimmelfennig (2020, p. 350) argues that this is easier for governmental representatives in the Council than for members of the European Parliament. Whereas elections of the European Parliament are perceived as second-order elections and, therefore, their link to voters might be fragile, populists can more easily claim that their actions are directly linked to the will of the people. Additionally, it is easier for individual governments to impede an agreement there (Ripoll Servent & Zaun, 2024).

Based on this theoretical framework, this article examines the case of the EU coordination of social security systems and whether unpolitics is a behaviour that is only used by populist governments or whether also mainstream governments employ it to strategically follow their aims. It further elaborates on the scope conditions of unpolitical behaviour.

3. Case Selection and Data Collection Method

The regulation can be considered a highly likely case (Gerring, 2007) of unpolitics. At first sight, the explanation for the blockage of the file seems to be easily attributable to unpolitical behaviour in the Council. Research has found that politicisation at the domestic level affects the voting behaviour of member states in the Council (Pircher & Farjam, 2021, p. 488). After the EU enlargements in 2004 and 2007, EU free movement and welfare access have become increasingly contested and politicised in Western member states (Blauberger et al., 2018; Martinsen, 2020; Roos, 2019). Welfare chauvinist opinions, stating that immigrants' access to national welfare states should be restricted, determined political positions and elections (Cappelen & Peters, 2018; Ruhs & Palme, 2018). Also, Brexit can be seen as an outcome of this politicisation and welfare chauvinism (Schmidt,

2021, p. 78). Therefore, it seems likely that these politicised attitudes at the national level could have been taken on by populists during the negotiations.

Further, the nature of the policy issue also makes it an easy target for unpolitical behaviour as it promises low risks and high gains for governments. The EU has only weak competence in the area of social policies. Welfare states are historically organised and financed at the national level (Béland et al., 2021). Against this background, the regulation on the coordination of social security systems does not strive for the harmonisation of social rights among member states; it only coordinates national welfare systems (Geddes & Hadj-Abdou, 2016, p. 224). Social benefits remain a national responsibility and member states are free to decide who is insured and who benefits in their systems (Cornelissen & De Wispelaere, 2020, p. 146). Therefore, member states face low risks as they can provide domestic solutions or stick to the status quo of the current regulation in case of no agreement.

Data for the analysis was assembled by a triangulation of document analysis and expert interviews conducted via video call or telephone. 21 experts were interviewed on the EU and national levels, including representatives from the European Parliament, permanent representations of member states in Brussels, and trade unions (see the list of interviews in the Supplementary File). Further, I examined policy documents from European and national sources and newspaper articles of *Agence Europe* (see the newspaper articles in the references list). I chose *Agence Europe* because it is an independent news agency that concentrates on information relating to EU politics. Articles were searched via the Factiva database using the keywords "883/2004," "social security," and "coordination of social security." The expert interviews were transcribed and—together with the collected documents—examined by qualitative content analysis (Schreier, 2012).

4. Empirical Analysis

This section starts by describing the content of the reform of the social security coordination and its controversial issues (Sub-section 4.1). Then it analyses whether unpolitics was used by populist and mainstream governments (Sub-section 4.2), followed by an explanation of the absence of unpolitics (Sub-section 4.3).

4.1. The Reform Setting and Its Main Issues

Established already in 1958 and, since then, continuously extended in the scope of benefits and persons covered (Cornelissen & De Wispelaere, 2020), the social security regulation received heightened attention under the Juncker Commission, starting in 2014. The Juncker Commission made the free movement of workers one of its political priorities. Unlike the previous Barroso Commission, which focused on a stronger social dimension, the Juncker Commission also highlighted the rights of member states to fight social abuse and fraud in welfare systems (Im, 2024, p. 622; Zelano, 2018, pp. 105–106). Following a thorough impact assessment that also involved consultations with member states and social partners, the proposal was published in December 2016 as part of the Juncker Commission's mobility package, which also included the proposal for the amendment of the Posting of Workers Directive (European Commission, 2015; Zelano, 2018, p. 106). The proposal focused on several areas of coordination: (a) to clarify the circumstances in which member states can limit access to social benefits claimed by economically inactive citizens; (b) to

provide coherent rules for the coordination of long-term care benefits; (c) new provisions for the coordination of family benefits intended to replace income during child-raising periods; (d) to propose new arrangements for the provision of unemployment benefits in cross-border cases; and (e) to tighten the rules for EU movers working in more than one member state (European Commission, 2016b, pp. 2–3). Additionally, prior notification before posting became a crucial point in the negotiations. Posting means that EU-based companies can send their workers temporarily to another member state, while they remain insured in the sending member state.

Since January 2019, the interinstitutional negotiations on the social security coordination file have been conducted in the form of trilogues (for a timeline see Figure 1 in the Supplementary File). Trilogues are an informal negotiating device and are composed of a negotiating team, representing all political groups of the European Parliament, and the Council Presidency, acting as an agent for all member states of the EU. They aim for a provisional agreement that is accepted by both co-legislators. Compromises on most issues of the file were reached during the first provisional agreement in the spring of 2019 (Golynker, 2020; Pennings, 2020). In contrast to these solutions, agreed upon in the first trilogue, member states were not convinced by the agreements in this trilogue on prior notification before intra-EU posting and the export of unemployment benefits for cross-border workers and regular unemployed workers. Therefore, the provisional agreement was rejected by the Council on 29 March 2019. Trilogue negotiations have continued since then. The Council rejected two further provisional agreements until the end of 2023 because of controversies on the same issues (Paulic, 2023). This article concentrates on these controversial issues and focuses on analysing the presence of unpolitics in the negotiations around the first and second provisional agreements from 2019 until the end of 2021.

The first controversial issue was the reform of the responsibility of unemployment benefits for cross-border workers. Currently, Article 65 of Regulation (EC) 883/2004 foresees that the country of residence is responsible for the social benefits of an unemployed cross-border worker, a person residing in a member state other than the competent one. A competent member state is one in which laws apply to the worker and from which the worker is entitled to receive benefits. Due to developments in the case law of the European Court of Justice (*Jeltes judgement*, C-443/11) and because it would be beneficial to cross-border workers, the Commission proposed a shift of competence concerning the social benefits of cross-border workers to the member state of activity after twelve months of employment in this member state (European Commission, 2016b). Cross-border workers are likely to work in member states where higher salaries and social benefits are paid. Therefore, they would be entitled to higher benefits if the responsibility shifted (European Commission, 2016a, p. 81; Pennings, 2020, p. 154).

Closely linked to this was also the proposal to extend the export period of unemployment benefits for regular workers (Article 64 of Regulation (EC) 883/2004) and cross-border workers (Article 65 of Regulation (EC) 883/2004). Currently, an unemployed worker can seek a job in another member state while receiving unemployment benefits from the competent member state for a minimum duration of three months. Member states can voluntarily extend this period to a maximum of six months. The Commission proposed making the export of six months mandatory (European Commission, 2016b).

The last controversial issue was the prior notification before intra-EU posting. Members of the European Parliament feared social security fraud during posting and therefore demanded that the social security

authority in the competent member state provide a notification of the posting before the departure of the worker (Golynker, 2020, p. 119; Hansens, 2018a, 2018b). The current legal framework only demands the notification "whenever possible in advance" (Article 15(1) of Regulation (EC) 978/2009), which means that an A1 certificate is not always requested. A missing or incomplete form often indicates that a person has no social security coverage (De Wispelaere et al., 2023, p. 15). The following subsection analyses the actions and rhetoric of populist and non-populist governments in more detail to see whether the abovementioned interests were the cause of the stalemate or whether unpolitics played a role.

4.2. A Case of Unpolitics or Diverse Interests?

During the first provisional agreement, Austria, Belgium, the Czech Republic, Denmark, Germany, Luxembourg, the Netherlands, and Sweden banded together to block it from reaching the qualified majority needed for approval. Hungary, Malta, and Poland abstained (Hansens, 2019b; Herszenhorn, 2019; Interview 16). Similar alliances between rich Western European and poorer Eastern European states were also observed by Deters (2024). During this time, populist parties were part of the government in Austria (Freedom Party of Austria [FPÖ]), the Czech Republic (Action of Dissatisfied Citizens [ANO]), Hungary (Fidesz—Hungarian Civic Alliance), and Poland (Law and Justice [PiS]; Taggart & Pirro, 2021). The negotiations were led by the Romanian Council presidency.

Similarly, a blocking minority of nine member states voted against the second provisional agreement (Austria, the Czech Republic, Denmark, Finland, Greece, Ireland, Luxembourg, Malta, and the Netherlands) in December 2021, and five member states abstained (Belgium, Latvia, Slovakia, Germany, and Poland). Among these, populist governments were in power in the Czech Republic (ANO), Finland (Finnish Reform Movement [SIN], only 1% share of votes), Greece (Independent Greeks, minimal share of votes), Latvia (For a Humane Latvia [KPV LV], 14.3%), and Poland (PiS; Taggart & Pirro, 2021). The Council presidency at that time was Slovenia, which was led by Prime Minister Janša, who is a member of the populist Slovenian Democratic Party.

4.2.1. Behaviour of Non-Populist Governments

For the non-populist governments, namely the Benelux, Nordic states, and Germany, the main bone of contention was the proposed shift of competence concerning the social benefits of cross-border workers to the member state of activity after a specified period of employment in this state and the period for which a cross-border worker can export unemployment benefits (Pennings, 2020, p. 149). The aforementioned member states were against this proposal because they have a high share of incoming cross-border workers (particularly Germany, Luxembourg, the Netherlands, Austria, and Belgium; European Commission, 2022, p. 81) and comparatively generous social security systems (OECD, 2023). They feared that they would have to pay more according to the revised regulation and considered the proposed export period of unemployment benefits for cross-border workers as too long (Hansens, 2019c; Interviews 13, 14, and 18; Pennings, 2020, p. 149). The non-populist governments had fewer concerns against prior notification before posting. In contrast, the Netherlands, Belgium, Denmark, and France even favoured tighter regulations as they see the intra-EU posting of workers as causing unequal competition and putting their high social security levels under pressure (Cornelissen & De Wispelaere, 2020, p. 160; Seikel, 2022, p. 505).

However, apart from these positions based on asymmetric labour mobility and the generosity of their social security systems, it would have been also possible that politicisation played a role in their decision to vote against the file as media reports in some of these countries accused EU citizens of "welfare tourism" before the elections to the European Parliament in 2019. For example, in 2018, Dutch media reports accused Polish workers of exporting their unemployment benefits to Poland to take holidays ("Overzicht: Onderzoek," 2018; Interviews 10, 11, 12, and 18).

Taking a closer look at the actions of these non-populist governments, little evidence of unpolitical behaviour that goes against the norms of EU-level decision-making can be found. This is remarkable, as it was assumed in the theory section that those countries that receive workers are more likely to engage in unpolitical behaviour because welfare chauvinist attitudes are more pronounced in these member states. For example, due to reports in the Dutch national media about workers who did not seek work when exporting their unemployment benefits, Dutch members of the European Parliament and the Minister of Social Affairs and Employment Koolmees were under high political pressure (Interview 16). Therefore, members of the European Parliament, but also Council representatives from the Netherlands had concerns against the first provisional agreement fearing that the text contained provisions that would put the protection of insured persons above the interests of the member states (European Parliament, 2019; Golynker, 2020, p. 120). The debate in the national parliament in the Netherlands was so politicised that politicians considered evoking Article 48 TFEU if a shift in the responsibility for unemployed cross-border workers would take place. Article 48 TFEU is a special break clause for the coordination of social security systems allowing a member state to submit an appeal to the Council to put a legislative procedure on hold for four months. Although the mechanism was not utilised, the representatives of the Netherlands used this threat of parliamentary veto to avoid any concessions on their side. An interview partner mentioned that this threat caused the Parliament and Council presidency to limit the export of unemployment benefits for cross-border workers to fewer months than originally planned (Interview 1). However, taking a look at other negotiations in trilogues, this can be seen as normal strategic behaviour in Council negotiations.

Also, it can be refuted that governments tried to keep with their maximum positions. For instance, in the second half of 2020, the German presidency proposed several compromise solutions to address the issue of prior notification, despite initially being against any form of prior notification. For example, it suggested that prior notification should take place for postings that took longer than 10 days. However, for Parliament, the temporary exemption was not satisfactory as it remained concerned about fraud (Hansens, 2020a).

Also, rhetorically, there were no welfare chauvinistic attitudes. A representative of the Dutch government, who was present during the trilogues mentioned, in an interview concerning the export of unemployment benefits, that "We are not against paying Dutch unemployment benefits based on the Dutch levels instead of the level of member states" (Interview 8). Instead, the main concern of the Netherlands was that a long period of export of unemployment benefits would not be beneficial to swift job resumption as it cannot be monitored that unemployed persons are seeking a job when they export their benefits to another member state (Grabbe, 2023; Pennings, 2020). Similarly, a representative of the German Federal Ministry of Labour and Social Affairs emphasised that EU workers had worked for their claims in another member state and that it would be only fair to grant them access to unemployment insurance (Interview 14). The German Federal Government also stated in an answer to a parliamentary question of the Alternative for Germany (AfD party) that there is no evidence of fraud or misuse concerning the export of unemployment benefits (Deutscher Bundestag, 2018,

p. 3). However, the parliamentary question by the AfD party also shows there could have been more interest in mobilising welfare chauvinistic rhetoric against the reform if a populist party had been in power in Germany. In sum, these findings provide evidence that unpolitical behaviour is not used by mainstream governments, although their status as receivers of workers could have made this likely.

4.2.2. Behaviour of Populist Governments

The three Visegrád states (Poland, Hungary, and the Czech Republic) but also other Eastern European states (e.g., Latvia) voted against the provisional agreements because they were against introducing strict rules on prior notification (Hansens, 2019a; Interviews 14 and 16). The Visegrád states wanted to prevent the introduction of prior notification or they favoured time-based exemptions; they feared that this would put an administrative burden on their competitive advantage of posting workers with comparatively low salaries and social security levels as well as less strict employment conditions than in Western European states (Arnholtz & Lillie, 2020, p. 1; Hansens, 2019a; Interviews 14 and 18). Furthermore, during the first provisional agreement, the member states from the Visegrád group also blocked the deal because they considered the provisions on the shift of competence for unemployment benefits for cross-border workers as overly restrictive to the free movement of workers from their member states (Hansens, 2019d).

Taking a closer look at the actions of the populist governments, it can be observed that, when preparing the second provisional agreement, the behaviour of the Slovenian presidency was controversial. For instance, no regular working party meetings with member states were organised by this presidency and only on the insistence of the Netherlands were bilateral meetings held (Interviews 14, 17, and 18). Representatives of the Netherlands and Luxembourg complained double standards were used by the Slovenian presidency, as small member states were only allowed to come with one person to the bilateral meetings, while larger member states could bring more staff (Interview 14). Further, member states were only given very limited time to analyse the compromise proposal by the Slovenian presidency and develop their position on it before the voting on the text took place (Hansens, 2021; Interview 14). Concerning the motivations of the Slovenian presidency to push for such a quick agreement, this happened not because it favoured larger member states but instead, a participant of the negotiations mentioned that the Slovenian presidency pushed for such tight deadlines because "they wanted to be the glorious ones and get the file through before the end of their presidency" (Interview 14). Nevertheless, that points to behaviour that aims to reach a compromise solution and not to behaviour that would obstruct decision-making.

Similarly, the rhetoric did not contain welfare chauvinistic attitudes. Instead, the functioning of free movement and access to social security were the core issues stressed by the populist governments. For example, in the opinions of the Czech and Polish parliaments on the reform proposal, no concerns against migration or other welfare chauvinistic attitudes were voiced. Instead, the Czech opinion clearly points out that "the right of EU citizens and their families to free movement...is one of the four fundamental freedoms enshrined in the EU treaties" and welcomes "the extension of the export of unemployment benefits...because it supports the mobility of workers and free movement of persons" (The Senate of the Parliament of the Czech Republic, 2017). Similarly, the Polish Parliament underlined that it is important to update the regulations on the coordination of social security systems "to facilitate the exercise of the citizens' rights while ensuring a fair distribution of burden among EU member states" (The Senate of the Republic of Poland, 2017).

Closely linked to this argument, the Central and Eastern European member states felt that they were limited in their right to exercise freedom of movement by the proposed introduction of prior notification. A representative from the Netherlands stated: "It increases the limitations of workers. For them, it feels like a limitation to the freedom of movement, a protectionist move by Western European Countries" (Interview 8). A representative of the Austrian government also linked the resistance of the Central and Eastern European states to the concessions that they already had to make on the posting of workers directive and describes the rhetoric of these states as follows: "We had to give in on the posting of workers directive, then we do not want to be the losers regarding Regulation 883/2004, now we also want advantages that we can sell nationally" (Interview 7).

Furthermore, populist governments in the Visegrád states received support for their argument from the non-populist German government. After the first provisional agreement, Germany aligned with them and argued that prior notification before posting with no temporal exemptions would create a "bureaucratic overload" (Hansens, 2020b). German Council representatives also received pressure from the German employers' associations on this issue (Interview 15), which can be explained by the fact that Germany is not only receiving workers from other member states, but also, that it is the biggest sender of posted workers (39.8%) before Poland (10.2%) (De Wispelaere et al., 2023, pp. 17–18). This underlines that the position of the Visegrád states on prior notification was influenced by their status as countries that are the main senders of workers and not by populist behaviour.

Finally, the Austrian rhetoric might also be interesting to analyse, as it is the only Western European state with a populist government and the reform proposal was discussed by its national media after its publication in 2016. Austrian media criticised the shift of responsibility for cross-border workers and this led to a discussion of the issue among all parties in Austria (Interview 7). Nonetheless, the rhetoric of its representatives in the trilogue demonstrates that Austria blocked the file for similar reasons to the other Western European states. It was against the shift of competence for cross-border workers and a prolongation of the export period. Similar to the Netherlands, the Austrian representatives also argued that a prolongation of the export period does not lead to job resumption because it is difficult to control that a worker exporting benefits is looking for a job. So the decision of the Austrian government to block the file was in the interest of the country and can therefore considered a rational decision. A representative of the Austrian Social Ministry underlined that this position was not difficult to convey to the domestic audience because it is based on facts and it is easy to communicate to the public that job resumption is the foremost goal of unemployment benefits (Interview 7). This shows that it was not necessary to exploit the issue for political gains and mobilise the public with populist behaviour. So, in contrast to the findings by Deters (2024), the Austrian populist government did not engage in unpolitical behaviour in the social security coordination file. The case of Austria shows, in particular, that although a populist government is in power, it might not engage in unpolitics because it might not be necessary if the decision taken is in the rational interest of the government and also in the interest of the public. In this case, mobilising the national public via unpolitical behaviour might not be necessary.

4.3. Explanations for the Absence of Unpolitics

After this analysis of the actions and rhetoric of the populist and non-populist governments blocking the reform of the social security coordination, this chapter provides explanations for the absence of unpolitical behaviour.

4.3.1. The Nature of the Policy Issue

The populist governments in the Council do not have high gains from blocking or politicising the file with welfare chauvinism attitudes. In contrast, they face high risks from non-cooperative behaviour, as the functioning of the freedom of movement and access to social security is essential for them. They are the main senders of posted workers and mobile workers in general and also have a high share of outgoing cross-border workers (De Wispelaere et al., 2023, pp. 17–18; European Commission, 2022, p. 33). For this reason, non-cooperative behaviour could lead to unfavourable conditions for the outgoing workers of these member states and they could show their dissatisfaction in the next elections. Furthermore, the coordination of social security systems is also not an area of high gains for the populist governments in Central and Eastern Europe because they cannot win the support of their electorate by appealing to issues of identity and culture.

In contrast to the populist governments from Central and Eastern Europe, Western European states might have more reasons to engage in unpolitical behaviour because the issues were politicised with welfare chauvinistic attitudes in the national media. However, two factors can explain the absence of unpolitical behaviour from them. First, the issue of free movement and social security was not politicised at the domestic level in all Western European member states to the same extent. For example, Roos (2019) demonstrated that, before Brexit, there was a lack of Euroscepticism among German policy-makers as the AfD was not established yet and free movement was chiefly framed by the ruling parties as a problem of legal loopholes rather than an issue of poverty migration. Therefore, the lack of populists in government can explain the absence of unpolitical behaviour among Western European states. This provides evidence that unpolitics is a behaviour that is not used by non-populist governments. Second, also non-populist parties cannot expect high gains and low risks from unpolitical behaviour because they have a high share of incoming workers. As the Covid-19 pandemic and the labour shortages in the UK after Brexit showed, they are in many professions dependent on intra-EU mobility and workers from Central and Eastern Europe (Blauberger et al., 2023); this can also make non-cooperation in the negotiations a high risk for Western European governments.

4.3.2. Venues

Besides the absence of populist governments in Western Europe and the difficulties in politicising the EU coordination of social security systems, the venues were not suitable for unpolitical behaviour. The negotiations and decisions were not very visible, did not raise broad media attention, and therefore could not be picked up at the domestic level. After the publication of the position of the European Parliament and Council in late 2018, the negotiations took place in trilogues, which are not publicly accessible. Also, after provisional agreements were reached, the reform was decided at a rather low level. It was discussed by the Council at a COREPER meeting and then classified as an A-item that was not further negotiated at the ministerial level (Paulic, 2023). Further, the outcome of the negotiations did not raise much media attention. The main sources reporting on the social security coordination file were specific EU-focused newspapers such as *Agence Europe.* Their articles mostly addressed an expert audience working with the European institutions and less a domestic audience. They also concentrated on the factual developments during the trilogues and only seldom quoted representatives of national governments (see, for example, the newspaper articles in the references list). Therefore, they did not provide an opportunity to

populists for public announcements or to frame the issue as a crisis and to mobilise domestic voters in this way.

5. Conclusion

This article analysed whether unpolitics (Ripoll Servent & Zaun, 2024; Taggart, 2018; Zaun & Ripoll Servent, 2023) in the Council is the reason for the persisting deadlock on the social security coordination file, thereby refining this theory as it investigates whether unpolitics is a behaviour that only populist governments use or whether it is also a strategy of mainstream governments. It also highlights thoughts on the scope conditions for unpolitical behaviour.

Although the file has been heavily discussed under the keywords of welfare tourism and poverty migration in some member states and therefore the literature on welfare chauvinism would expect a likely case for unpolitics, the negotiations in the Council barely show unpolitical behaviour, neither among populist governments nor among mainstream ones. A similar absence of unpolitics, replaced by a consensus culture, was also detected in the discussions around the EU's accession to the Istanbul Convention (see de Silva & Tepliakova, 2024). The article also aligns with the findings of Coman (2024), who shows that populist governments engage in opposing behaviour on selected occasions but that, generally, the norms of consensus are preserved in the Council.

The disagreement on the open issues can be attributed to asymmetrical labour mobility from East to West and differences in wages and social security systems between Eastern and Western member states. These factors also explain why the file is difficult to politicise by populist governments in the Council. During the analysed time frame, populist governments were mainly in power in Central and Eastern European states. Unpolitical behaviour did not promise high gains but carried high risks for them because the smooth functioning of the freedom of movement of workers is essential for these member states and their national discourses did not discuss the freedom of movement in the context of welfare chauvinism, but positively stressed the individual opportunities of going abroad.

In contrast, in Western European states, the national discourse was populated with welfare chauvinistic attitudes. However, unpolitical behaviour and rhetoric were impeded by the fact that populists were not in government. An exception is Austria, where populists were part of the coalition government. However, the Austrian government did not engage in unpolitics. Instead, it aligned with the arguments of non-populist governments from Western European member states. These were in the rational interest of the Austrian government and the Austrian public and therefore made unpolitical behaviour unnecessary because it was not needed to mobilise the Austrian population. Furthermore, it speaks against the politicisability of the issue that the Covid-19 pandemic and Brexit showed that Western European states are also dependent on mobile workers. Finally, the file lacked suitable venues to mobilise domestic audiences. The negotiations took place in publicly inaccessible trilogues and information on the file could only be accessed via limited channels. Simultaneously, the interest of national media in the reform largely ceased after 2019.

The case contributes to the theoretical framework of unpolitics by showing that unpolitical behaviour is not used by mainstream governments, not even when it would seem likely from the nature of the policy issue. Instead, the mobilisation of domestic audiences is the main mechanism for unpolitics. In terms of scope

conditions for unpolitics, the article highlights that not only the nature of the policy issue per se but also the domestic institutional and structural factors and the national discourse shape the salience of the topic and thus the likeliness to engage in unpolitical behaviour to mobilise domestic audiences. This salience of the negotiated issue in member states is also underlined by Bergmann et al. (2024) as a scope condition for the use of unpolitical behaviour. The case of Austria shows, in particular, that even a populist government might not engage in unpolitics because it might not be necessary in terms of domestic institutional and structural factors. For the topic of the politicisation of welfare migration, this article can underline the findings by Spies and Rinne (2019, p. 445) as well as Schmidt (2021, p. 86), who stress that the costs and benefits of welfare migration need to be continuously evaluated as member states' welfare systems and labour markets are diverse.

Conflict of Interests

The author declares no conflict of interest.

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

Christina Grabbe holds a PhD from the University of Bremen. Her research interests include economic and social policies in the European Union, in particular labour mobility and policy-making. In her PhD research, she analysed the interplay of the free movement of workers in the EU and the reform of the European coordination of social security systems.

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Greece's 2015 Eurozone Bailout "Renegotiation": Beware of Greeks Bearing "Unpolitics"?

Sotirios Zartaloudis 🔟

Department of Political Science and International Studies (POLSIS), University of Birmingham, UK

Correspondence: Sotirios Zartaloudis (s.zartaloudis@bham.ac.uk)

Abstract

In January 2015, Greece witnessed a political earthquake with the election of the populist anti-austerity/EU bailout coalition of the left-wing party SYRIZA and the far-right party ANEL. It is argued that during January–July 2015, the SYRIZA–ANEL coalition engaged in a protracted process of renegotiation of Greece's bailout terms that were agreed between previous Greek governments and the so-called Troika (European Commission, European Central Bank, and International Monetary Fund) adopting a behaviour ruled by "unpolitics." First, the SYRIZA–ANEL government immediately rejected formal and informal rules of EU decision-making. Second, the SYRIZA–ANEL government rejected traditional means of compromise, such as package deals and side payments. Third, when Greece's creditors presented their last-minute bailout offer in June 2015 to avoid Greece leaving the eurozone (Grexit), the SYRIZA–ANEL government rejected the suggested solution and tried to exploit the ensuing deadlock by calling a rashly organised referendum asking Greeks to vote against the suggested deal. This period of "unpolitics" ended almost immediately after the referendum when, in a sudden and unexpected volte-face, Tsipras interpreted the referendum result as a call for compromise with the Troika and accepted the previously intolerable bailout deal.

Keywords

bailout; eurozone; Greece; populism, SYRIZA–ANEL; Troika; unpolitics

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1. Introduction

There has been plenty of academic literature on populist parties (cf. Pirro & Taggart, 2018; Taggart, 2004; Zulianello, 2020) and populist governments (cf. Csehi, 2023). More recently, the concept of "unpolitics" (cf. Taggart, 2018) was put forward to understand the disruptive behaviour of some populist governments at the EU level (Ripoll Servent & Zaun, 2024; Zaun & Ripoll Servent, 2023). In January 2015, Greece witnessed

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a seismic political event with the election of an "anti-bailout" coalition government comprised of the far-left Coalition of the Radical Left (Greek acronym: SYRIZA) and the far-right Independent Greeks (Greek acronym: ANEL). Although SYRIZA and ANEL had little in common in terms of their core ideology, both parties and their leaders, Alexis Tsipras and Panos Kammenos respectively, had adopted a populist anti-austerity discourse blaming the EU, the so-called Troika (European Commission [EC], European Central Bank [ECB], and International Monetary Fund [IMF]), and Germany for Greece's financial woes. This populist anti-austerity/bailout/EU/Troika/Germany agenda catapulted SYRIZA from a marginal political actor struggling to meet the parliamentary threshold of 3% to Greece's most popular party and its leader Tsipras to become the prime minister.

SYRIZA's rise to power was facilitated by the unprecedented economic crisis Greece had been dealing with for almost six years. To begin with, during 2008–2014 Greece had a cumulative recession of more than 29% (IMF, 2024) and several rounds of austerity packages (cf. Maris et al., 2022; Zartaloudis, 2014), which resulted in a staggering loss of disposable income of around 40% (Andriopoulou et al., 2017, p. 6). Furthermore, Greece stood out from other crisis-stricken eurozone members as it suffered from a decline in its GDP per capita of 25.8% during 2008–2014, while Italy had less than half of that with 10.3%, followed by Spain with a loss of 9.6%, then Portugal (7.8%) and Ireland with a decrease of 6.1% (Gourinchas et al., 2017, p. 17). Unemployment, furthermore, skyrocketed from 7.8% in 2008 to a historic 26% in 2014 (Gourinchas et al., 2017, p. 1), and could only be compared to Spain's 25.1% while Cyprus, Portugal, and Ireland reached 15.7%, 15.4%, and 15.2% respectively (Maris et al., 2022, p. 454). Greece's public debt to GDP exhibited similarly sharp deteriorating patterns as it increased from 103.1% in 2007 and 126.8% in 2009 to 177.1% in 2014 (Gourinchas et al., 2017, p. 17). Greece also witnessed an unprecedented wave of emigration from 2008 to 2014 as almost 600,000 Greek citizens emigrated (Eurostat, 2024). Overall, Greece witnessed a considerably more acute and sustained crisis episode than ever recorded, an extraordinarily large drop in output which was combined with a rarely acute drop in investment and entered the crisis in 2007–2008 with a much higher level of debt (Gourinchas et al., 2017, p. 65).

To examine whether "unpolitics" can explain the behaviour of populist governments in EU policymaking, this article will employ the case of the SYRIZA–ANEL government's attempt to renegotiate Greece's bailout agreements. Greece is selected as an explorative case study (Seawright & Gerring, 2008) given that the SYRIZA–ANEL government rose to power with a populist anti-austerity/bailout/EU/Troika/Germany agenda and vowed to reverse austerity upon its election (Klapsis, 2015; Zartaloudis, 2013, 2015). Moreover, PopuList, which is arguably one of the most comprehensive databases on populist, far-left, and far-right parties in Europe from 1989 until 2022, classifies SYRIZA as a populist, Eurosceptic, far-left party (until the end of 2015) and ANEL as a far-right populist anti-bailout party (Rooduijn et al., 2023). As noted above, Greece faced one of the most acute economic crises in Europe, which frequently put it at odds with Brussels (Afonso et al., 2015; Papadimitriou et al., 2019; Papadimitriou & Zartaloudis, 2020; Zartaloudis, 2014). Hence, the adoption of "unpolitics" that went against the standard practice of consensus in EU policymaking (cf. Heisenberg, 2005; Tsebelis, 2013) is plausible. Data collection relied on primary and secondary data available in English and Greek including primary and secondary accounts of the SYRIZA–ANEL behaviour in its efforts to renegotiate Greece's bailout programme, as well as statements of government officials and policymakers made in national and international press outlets during this period. The research aimed to triangulate these data with secondary evidence from the academic and policy literature. One limitation of this study is that it did not conduct interviews with policymakers involved in the negotiations between

Greece and the Troika, but this was compensated by focusing on key events that took place in tandem with the public statements of key figures of the Greek government which are understood as their efforts to shape public discourse and agenda (cf. Papadimitriou et al., 2019).

It will be argued that in the period of January–July 2015, Greece's attempt to "renegotiate" with the EU was ruled by "unpolitics." First, the SYRIZA–ANEL government immediately rejected formal and informal rules of EU decision-making such as reaching unanimity in the Council and/or the Eurogroup and vis-à-vis the Troika. Second, the SYRIZA–ANEL government rejected traditional means of compromise, such as package deals and side payments with key Greek government figures threatening other European countries with an unprecedented wave of migration during the Syrian refugee crisis along with allowing the mass movement of third nationals via Greek territory towards northern Europe. Third, when Greece's creditors presented their last-minute bailout offer in June 2015 to avoid Greece leaving the eurozone (Grexit), the SYRIZA–ANEL government rejected the suggested solution and tried to exploit the ensuing deadlock by calling a rashly organised referendum asking Greeks to vote against the suggested deal. This period of "unpolitics" ended almost immediately after the referendum when, in a sudden and unexpected volte-face, Tsipras interpreted the referendum result as a call for compromise with Greece's creditors. It should be noted that this article does not evaluate the specific demands or requests of Greece vis-à-vis the creditors, nor does it absolve other EU members of their role in the eurozone crisis. Rather, it focuses on the public discourse and key decisions taken by the SYRIZA–ANEL government and examines whether "unpolitics" can explain its behaviour while in office.

2. Theory

There has been plenty of academic literature on populist parties (cf. Pirro & Taggart, 2018; Taggart, 2018; Zulianello, 2020) and populist governments (cf. Csehi, 2023). More recently, the concept of "unpolitics" was put forward and understood as an implicit element of populism (Taggart, 2018). In this line of reasoning, "unpolitics" is not apolitical or anti-politics but rather rejects politics as the process for resolving conflict and tends to resort to other forms of action while staying within the democratic context of reference. One such form of action is for "unpolitics" to perceive politics as war by other means, especially in tone, tools, and metaphors which can be used for mobilisation of their supporters in situations or periods of chaos and confusion (Taggart, 2018). Hence, "unpolitics" is linked to instances of polarisation whereby populists identify friends and foes, with foes being identified as the enemy of the people that need to be obliterated. Populists tend to focus on the (constant/never-ending) war instead of battles—hence, if they lose any battle, they are supposed to continue their war against the elites and utilise any lost battles or quagmires as a source of mobilisation. "Unpolitics" also sees politics as religion, particularly in the way it praises charismatic leadership. Parties or movements are often identified with their popular or charismatic leaders, emphasising the inherent virtue of the people. This virtue is seen as self-evident and does not stem from their actions or accomplishments, or the tendency to evangelise (Taggart, 2018). Lastly, "unpolitics" can be the tendency to use conspiracy theories in which the elite are unitary, corrupt and do not represent the people.

More recently, Zaun and Ripoll Servent (2023) examined whether "unpolitics" was present in EU policymaking since several EU member states have populist parties in government. By examining the case of intra-EU refugee redistribution negotiations, they found that populist governments, especially Hungary, Poland, the Czech Republic, Slovakia, and Italy had tried to undermine EU decision-making in the Council by

employing "unpolitics." In doing so, they seemed to be rejecting (a) shared formal and informal norms of EU policymaking, (b) traditional means of compromise (such as side payments) and going for their maximum positions to serve their image or identity as the true/only representatives of the "pure people" against corrupt elites, and (c) using gridlock/stalemate to portray the EU as weak and dysfunctional (Ripoll Servent & Zaun, 2024; Zaun & Ripoll Servent, 2023). Moreover, two main conditions facilitating "unpolitics" have been suggested: the degree of "politicisability" of the issues at stake (the higher it is, the easier it is for populist governments to mobilise voters) and the nature of policy issues with "high gain" and "low risk" issues being more enticing to populist governments to politicise and engage in "unpolitics" (Ripoll Servent & Zaun, 2024, pp. 5–6). Hungary and Poland tend to lead the emergence/use of "unpolitics" in EU policymaking as they, inter alia: (a) tend to blame "Brussels" in an anti-imperialist concoction of Euroscepticism and populism (cf. Csehi & Zgut, 2021); (b) obstructed the introduction of the rule-of-law conditionality (Csehi, 2024); (c) contested established norms of EU policymaking through "discursive and behavioural non-compliance" (Juncos & Pomorska, 2024); and (d) threatened to link development policy by linking it to migration and gender (Bergmann et al., 2024). Nevertheless, "unpolitics" is not restricted to Hungary and Poland, as other cases include Austria's obstructive behaviour regarding the EU's joint procurement of Covid-19 vaccines (Deters, 2024), Brexit, Trump, and Bolsonaro (Taggart, 2024).

There has been considerable debate in the literature over Greece's negotiations with the EU over its bailouts and the events that unfolded during January–July 2015 with explanations ranging from dismissing Greece's behaviour as "irrational" ("The way ahead," 2015) or based on "a combination of ignorance, misconceptions, and wishful thinking" (Klapsis, 2015) to a perfectly rational and strategic one based on game theory (Pitsoulis & Schwuchow, 2017). Alternatively, some more nuanced explanations refer to the economic interdependence between Greece and other EU member states (especially Germany) and their unequal power in intergovernmental bargaining (Schimmelfennig, 2015), the unequal bargaining strength between creditor (strong) and debtor (weak) countries which in the case of Greece was slightly diluted by Greece's dire economic situation (Lim et al., 2018), SYRIZA–ANEL's ideology and emphasis on distributive or value-claiming bargaining (Zahariadis, 2016), or the inability of Greek Premier Tsipras and Minister of Finance/Economy Yanis Varoufakis to act as policy entrepreneurs and form alliances or agreements with their counterparts to succeed in their demands (Dikaios & Tsagkroni, 2021).

3. "Unpolitics" I: Rejection of Formal and Informal Rules of EU Decision-Making

The first "unpolitics" hypothesis posits that populist governments tend to break formal and informal rules of EU policymaking and do so explicitly (reject norms). It will be argued that the case of the SYRIZA–ANEL government seems to support this in several ways. To begin with, as soon as the SYRIZA–ANEL government was formed, Tsipras declared that Greece's bailout programme was "dead," dismissed any suggestions about an extension to the current austerity programme as a waste of time and that Greece would stay in the eurozone with new terms (Pitsoulis & Schwuchow, 2017, p. 42). Moreover, Tsipras, Varoufakis, and almost all members of the then cabinet were declaring that the new government would "renegotiate" with the EU partners (mainly Germany) and the Troika to end or reverse the so-far implemented austerity, which was in line with both parties' anti-austerity/bailout electoral campaign (Klapsis, 2015). Additionally, the government, unilaterally and without any prior consultation with the country's creditors, announced several measures aiming to reverse previous waves of implemented austerity, such as stopping any further pension cuts, an increase to the national minimum wage, and a reversal of cost-cutting measures for the public sector

(Klapsis, 2015, p. 31). All of these announcements, however, were openly against Greece's formal commitments previously agreed with its creditors and subsequently approved by the Greek parliament. Moreover, the SYRIZA–ANEL government was rejecting the EU formal and informal rules of EU decision-making such as reaching unanimity in the Council and/or the Eurogroup and vis-à-vis the Troika, which Greece was adhering to up until then.

Additionally, in early April 2015, the SYRIZA–ANEL majority in the Greek Parliament established an extraordinary Greek Debt Truth Committee (GDTC) to examine how much of Greece's public debt could be considered as "odious" and/or "illegitimate" (GDTC, 2015). This was in line with both parties' populist agenda of representing the people against both the domestic elites, who were accused of mismanaging Greece's economy, and the external ones, who were accused of using Greece's debt to impose austerity on Greeks (Klapsis, 2015; Zartaloudis, 2013, 2015). Notably, two leading cabinet ministers of the SYRIZA–ANEL government, Varoufakis and Foreign Minister Nikos Kotzias, had been claiming before and after the January 2015 elections that Europe turned Greece into a "debt colony" (Zartaloudis, 2015). Tsipras applauded the beginnings of the GDTC by claiming that "after five years of parliamentary silence on the major issues that caused the bailout catastrophe, today we commence a procedure that will give answers to the questions concerning the Greek people" (Tagaris, 2015). In June 2015, the GDTC concluded that Greece's debt was "illegal, illegitimate, and odious" and that Greece could unilaterally suspend any debt payments and repudiate its debt (GDTC, 2015).

Concertedly, both Tsipras and Varoufakis were publicly asking the Troika/Eurogroup for debt relief with Varoufakis openly alluding to Greece defaulting on its debt (Klapsis, 2015), a request in clear breach of formal and informal eurozone rules and norms. Furthermore, Varoufakis admitted having personally broken formal and informal rules as he admitted that he had clandestinely recorded all Eurogroup meetings he participated in as the Greek representative without the knowledge and consent of the other participants. Recording the meetings of the Eurogroup, which is a confidential and private forum for ministers to talk openly about the eurozone, was a rejection of formal and informal rules of EU policymaking and Varoufakis did so explicitly (rejected norms) as he was the one who revealed this information to the press—albeit his justification for this was that it was for his own note taking and presentation of his work to Tsipras ("Varoufakis admits recording," 2015).

4. "Unpolitics" II: Rejection of Traditional Means of Compromise

Furthermore, it is argued that the SYRIZA–ANEL government engaged in a second form of "unpolitics" as it rejected traditional means of compromise, such as side-payments or package deals at least in two instances, namely, (a) approaching non-EU governments as an alternative to the Troika bailouts, and (b) the attempt to link the bailout negotiations with the Syrian refugee crisis. It is argued that both strategies went beyond what one could classify as traditional/consensual negotiations between EU members as, in the former, Greece would align with non-EU powers as an alternative or even against the EU, whereas in the latter, Greece actively endangered the stability of the EU and millions of refugees who were used as pawns in its bailout negotiations. Moreover, it is argued that the SYRIZA–ANEL government pursued its maximalist pre-electoral agenda of ending or even reversing the previous agreements and commitments between Greece and the Troika to validate its portrayal as the true/only representatives of the Greek people against corrupt elites.

To begin with, in April 2015, amidst intense negotiations with its creditors, Tsipras met with Russian President Vladimir Putin to examine whether Russia could provide financial assistance to Greece as an alternative to the one offered by the Troika (Klapsis, 2015; Pitsoulis & Schwuchow, 2017). French President François Hollande revealed later that Putin had informed him that Tsipras inquired whether Russia could support Greece in printing its former national currency (drachma) as part of a clandestine Grexit plan ("Putin to Hollande," 2016). A similar attempt to replace the Troika's financial support with another one was supposedly attempted with China as the SYRIZA–ANEL government allegedly requested additional financial involvement of the Chinese state as an alternative to the Troika (Stroikos, 2023, p. 606). According to Varoufakis's memoirs, the SYRIZA–ANEL government—and Varoufakis, personally—had offered favourable terms to China for Greece's largest port of Piraeus, the Greek railways, and other sought-after privatisation projects; in return, China would be purchasing more Greek debt and bonds—something that Beijing never did (Toussaint, 2019). Allegedly, Greece's threat to its creditors was that if the EU would not satisfy the demands of the SYRIZA–ANEL government, then Greece would be realigning its geostrategic and diplomatic orientation away from Europe and towards Russia or China (cf. Klapsis, 2015; Pitsoulis & Schwuchow, 2017). Thus, by trying to replace the Troika with Russia and China, Greece arguably rejected traditional means of compromise with its EU partners.

The second example of the SYRIZA–ANEL government rejecting traditional means of compromise was arguably irregular migration, as the SYRIZA–ANEL government attempted to link the skyrocketing migration flows and the role of Greece in dealing with the migration crisis with its ongoing negotiations to gain concessions for less EU-imposed austerity on Greece (Tsourapas & Zartaloudis, 2022). Key members of the SYRIZA–ANEL government made direct links between the migration/refugee and eurozone crises, with some of them making direct threats to the EU that unless the latter agreed to satisfy Greece's request for better bailout terms, the migration/refugee crisis would escalate even further. The first such statement was made by Foreign Minister Kotzias in March 2015, before an EU meeting in Riga, who said to journalists that if Greece collapsed because of lack of support over its bailout terms, then there would "be tens of millions of immigrants and thousands of jihadists" in the rest of the EU (Waterfield, 2015). This statement was further repeated and supported by other key members of the SYRIZA–ANEL government such as Kammenos, who added that Berlin had to be careful with Greece by stating that "if they [EU creditors] strike us, we will strike them. We will give migrants from everywhere the documents they need to travel in the Schengen area so that the human wave could go straight to Berlin" (Meehall Wood, 2015). He concluded by reiterating that this was not simply his own opinion, but the central policy of the SYRIZA–ANEL government ("Kammenos: Our struggle," 2015). Kammenos repeated this threat in April 2015 to foreign media such as The Times, stating that "we cannot keep ISIS out, if the EU keeps bullying us" (Carassava & Aldrick, 2015). A similar statement was made by the Deputy Interior Minister, Yiannis Panousis, the minister directly responsible for dealing with irregular migration, who raised the prospect of sending 300,000 to 500,000 migrants to the rest of Europe if Greece would not get more EU help to cope with arrivals (Meehall Wood, 2015). Crucially, the SYRIZA–ANEL government's discourse corresponded to a new policy of dealing with irregular migration, which amounted to a policy of waving through as many irregular migrants as possible from Greece towards northern Europe and attempting to use irregular migration as a weapon against the EU (cf. Tsourapas & Zartaloudis, 2022).

Furthermore, the SYRIZA–ANEL government pursued its maximalist pre-electoral agenda of ending or even reversing the previous agreements and commitments between Greece and the Troika to validate their portrayal

as the true/only representatives of the Greek people against corrupt elites. One of the first decisions the SYRIZA–ANEL government took was to refuse to extend the previously agreed bailout agreement and to request a renegotiation of a new deal that would not include austerity. In the words of PM Tsipras: "The bailout failed. The new government is not justified in asking for an extension…an extension would be a mistake and a catastrophe" (Smith, 2015a). Additionally, Varoufakis claimed that "the time has come to say what officials admit when the microphones are turned off and say out in the open….At some point, someone has to say 'No' and that role has fallen to us, little Greece" (Wearden, 2015), adding that "there is no economist I know in the world who thinks this programme has worked or will work…it couldn't work" (Wearden, 2015). Moreover, he accused the ECB of "asphyxiating" Greece several times during March 2015 (Klapsis, 2015, pp. 32–33).

Moreover, both parties in opposition, and later in government, had adopted a Manichean discourse whereby any supporter of the previously agreed bailout agreements was not to be trusted, while those opposing these deals were the true representatives and/or custodians of the interests of the Greek people (cf. Zartaloudis, 2013, 2015). The accusations towards the so-called "pro-Memoranda elites" ranged from being labelled as puppets of the debtors to "Quislings" enforcing orders by Greece's "occupiers" (Klapsis, 2015, p. 30; Papadimitriou & Zartaloudis, 2020). As the negotiations between Greece's creditors and the much vilified Troika were at a standstill, the SYRIZA–ANEL government created a neologism claiming that they were fighting against two Troikas: the "Troika of the exterior," that is, the EC, ECB, and the IMF, and the "Troika of the interior," namely, all the critics or opponents of the government such as the opposition, hostile media, or even independent experts (Klapsis, 2015, pp. 34–35).

Several examples of statements whereby Greece was the victim of external and internal elites can be found. To begin with, in February 2015, amid pro-government demonstrations in Athens asking SYRIZA–ANEL to remain true to their electoral promises and resist the EU's "blackmail" ("End 'gross indignity,'" 2015), Varoufakis rejected the previously agreed measures between the Troika and previous Greek governments by accusing the bailouts of "begetting indignity in my nation for too long" ("End 'gross indignity,'" 2015). Moreover, he accused both internal and external elites of accepting a programme designed not to work and aiming to humiliate Greece: "If you humiliate a proud nation for too long and subject it to the worry of a debt deflation crisis, without light at the end of a tunnel then things come to the boil" ("End 'gross indignity,'" 2015). Additionally, he insinuated that the creditors were not respecting EU values by stating that he was sure that French Finance Minister Sapin and "every decent European will agree it's not right that…hundreds of thousands of Greeks aren't sleeping properly and are going to bed hungry due to mistakes made by Europe and the Greek government in dealing with the deflation crisis" ("Greek finance minister stakes claim," 2015). In March 2015, Varoufakis reiterated this sentiment by claiming that "people understand" that the government is fighting the "establishment that said it was saving Greece while it put everything on the backs of the poor" (Scherer, 2015).

Similarly, in May 2015, Tsipras blamed both domestic and foreign elites for Greece's troubles, elites that chose to hurt the Greek people (pensioners, self-employed, and small businesses) on purpose as:

> The recession was, to a great extent, desirable by its masterminds. We are trying to overturn this to enter a period of growth…that will serve the interests of the social majority and will not undermine them to benefit the interests of an economic and political elite. ("Greek PM says on final stretch," 2015)

Moreover, he accused some creditors of supposedly making impossible demands of Greece and vowed that his government "will not yield to irrational demands on VAT, pension and labour market issues when the architects of the most unsuccessful programme in the IMF's history of rescue programmes insist on extreme [measures] to not admit their failure" ("Greek PM says on final stretch," 2015). He also presented his government as defenders of the Greek people by claiming that "we have limits that the people's mandate, common sense and the country's need for growth oblige us to not violate" ("Greek PM says on final stretch," 2015). In other words, in line with the concept of "unpolitics," it was only the SYRIZA–ANEL government that were supposedly the true/only representatives of the Greek people against corrupt external and internal elites who chose austerity to punish Greeks.

5. "Unpolitics" III: Use of Non-Decisions to Mobilise Against the EU

As discussed above, almost immediately after its formation, the SYRIZA–ANEL government embarked on a policy of confrontation with Greece's creditors, which resulted in an extended period of stalemate and a continuous but unsuccessful round of negotiations (Klapsis, 2015). In January–July 2015, the SYRIZA–ANEL government blamed every setback or non-decision entirely on the intransigence of Greece's creditors. The only agreement that was reached between the SYRIZA–ANEL government and the creditors was the extension of the much-vilified previous bailout on the 20th of February 2015 for four more months, until the 30th of June 2015. In line with his anti-EU/elite discourse, Tsipras later denounced the agreement as unfair to Greece and accused the country's creditors of deceiving the government as to what this extension entailed (Klapsis, 2015, p. 34). After the agreed extension, despite frequent optimistic predictions for an imminent successful resolution from the Greek government, both Greece and its creditors were unable to reach any decision as they were constantly rejecting each other's proposals (Klapsis, 2015; Pitsoulis & Schwuchow, 2017). On the 25th of June 2015, Greece's creditors proposed another five-month extension coupled with some financial support linked to specific measures that the Greek government had to implement in return (Pitsoulis & Schwuchow, 2017). The SYRIZA–ANEL government, however, immediately rejected this proposal and in the early hours of the 26th of June 2015, Tsipras surprised everyone by announcing a referendum to be held on the 5th of July 2015 on whether Greece should accept the terms of the previously rejected offer.

The referendum was mired in controversy for several reasons. First, since 1974, when Greece restored its democracy, the main body responsible for all law-making, including EU/euro membership and all EU Treaty ratifications, was the parliament, with no recourse to plebiscites taken. Second, the referendum would take place after a mere 10-day period of debate and public information campaigns. Third, the referendum question was long and complicated as it referred to accepting or rejecting a 38-page deal that the Greek government had negotiated but rejected. Fourth, the creditors had declared the question void as their previously suggested deal was withdrawn. Fifth, the "No" option was put first on the ballot, but without any specification of what the repercussions or next steps would be (Triga & Manavopoulos, 2017, pp. 124–126). With no ongoing/further negotiations, Greece was without any financial support, which meant that the ECB could not increase its emergency funding of the Greek banking system at a time when an ever-increasing number of Greeks were withdrawing their savings from Greek banks. Consequently, Greece had to shut its banks and the Athens Stock Market and impose capital controls. Moreover, Greece became the first advanced economy to default on the IMF (Pitsoulis & Schwuchow, 2017, p. 42).

It is argued that the SYRIZA–ANEL government used the referendum to mobilise the SYRIZA–ANEL voters against the EU in line with the concept of "unpolitics" whereby politics is seen as a form of war, the opponent becomes an enemy that must be defeated, and it is the charismatic leader who can save the people from the elite conspiracy against them. For instance, when announcing the referendum, Tsipras rejected the Troika's proposal as a "humiliation of the Greek people" (Karnitschnig & Eder, 2015), claiming that the Troika-proposed reforms were "blackmail for the acceptance on our part of severe and humiliating austerity without end and without the prospect of ever prospering socially and economically" (Smith, 2015b). He hinted that the "No" result was linked to his position as Premier declaring that "if the Greek people want to have a humiliated prime minister, there are a lot of them out there. It won't be me" (Gearin, 2015). Furthermore, Tsipras blamed the creditors for trying to subjugate Greece by arguing that "if Europe desires the split and the continuation of subjugation, we will make the big decision to say 'no' and fight the battle for the dignity of the people and our national sovereignty" ("Tsipras seeks debt relief," 2015). He also tried to portray his government and himself as heroes fighting in the name of the European people as he claimed that "future historians will recognise that little Greece, with its little power, is today fighting a battle beyond its capacity not just on its behalf but on behalf of the people of Europe" ("EU readies for Grexit," 2015). On the night before the referendum vote, in front of 50,000 supporters, Tsipras asked Greeks to "turn your backs on those who terrorise you daily" vowing that "on Sunday, we are not just deciding that we are staying in Europe, but that we are deciding to live with dignity in Europe" ("Greece: Tens of thousands protest," 2015).

Moreover, the SYRIZA–ANEL government blamed the EU and Greece's creditors for the protracted stalemate. For example, Varoufakis wrote in an article in the Irish Times in June 2015 that:

> An impartial spectator of our Eurogroup deliberations would come to the safe conclusion that it is a strange forum, one ill-equipped to forge good, hard decisions when Europe truly needs them. Greece and Ireland took a major hit early on in the crisis because the Eurogroup was not designed to handle crises efficiently. It is still unable to do so. (Varoufakis, 2015)

Varoufakis went further and accused other crisis-stricken countries, namely Italy, Spain, Portugal, and Ireland as Greece's "most energetic enemies" claiming that their "greatest nightmare" was for the Syriza government to succeed in easing Greece's debts, as, according to him, "Were we to succeed in negotiating a better deal, that would obliterate them politically: They would have to answer to their people why they didn't negotiate like we were doing" ("Yanis Varoufakis implies," 2015). Moreover, Greece's creditors were presented as intending to harm Greece and/or being ideologically biased against the SYRIZA–ANEL government and thus Greek voters who chose an anti-austerity coalition as their government. For example, Minister Nikos Voutsis claimed that creditors are trying to blackmail Greece because "they want the Syriza government to become a footnote after it is defeated; after it bows its head. The mandate we have is to not do them this favour" (Papadimas, 2015a).

Despite the short campaign period, Greek society was acutely polarised with Tsipras and his government leading the "No" vote campaign and most of the opposition asking Greeks to vote "Yes" to remain in the eurozone (cf. Triga & Manavopoulos, 2017). Greek voters supported the SYRIZA–ANEL government and voted with a clear majority (61.3%) against the proposed deal, reflecting accumulated domestic resentment against the EU (Papadimitriou & Zartaloudis, 2020, p. 132) but also Tsipras's own popularity. In a surprising volte-face, however, after thanking the Greeks for their support, Tsipras interpreted the result as a call for compromise with Greece's creditors and ended up agreeing to a new bailout deal on the 12th–13th of

July 2015. Subsequently, Greece agreed to implement another austerity programme which was concluded in August 2018, making it the worst performer in the entire eurozone in terms of the severity and duration of its economic crisis (cf. Maris et al., 2022). Astonishingly, after his U-turn, Tsipras became quite close to his arch-enemy Angela Merkel praising a "relationship of trust" and crediting her for helping Greece "to recover and of course remain in the central core of the European Union" (Smith, 2019). Moreover, the SYRIZA–ANEL government completely changed its tune towards the EU by ditching its Eurosceptic and anti-austerity agenda. Additionally, Greece stopped being a disruptive force in EU policymaking as Tsipras returned his government to the mainstream and made Greece a reliable European ally once again—something that inter alia was cemented with the Prespa Agreements on the North Macedonia name issue (cf. Smith, 2019).

Attempting to delve into Tsipras's inner thoughts and calculations is treacherous, but one could plausibly argue that the referendum provided SYRIZA–ANEL the opportunity to try to gain some concessions from Greece's creditors (cf. Pitsoulis & Schwuchow, 2017), and if that failed, they would have mobilised their base against the EU-induced pain that would follow. Regarding the latter, Tsipras was reassuringly claiming that voting "No" would not lead to a Grexit as "our aim is for the referendum to be followed by negotiations for which we will be better armed" (Gearin, 2015), using again the war metaphor in line with the conceptualisation of "unpolitics." Tsipras referenced the referendum as proof that he tried everything against internal and external elites and gave the Greek people the opportunity to rally against the Troika and as a justification for the subsequent compromise. In defence of the newly agreed bailout deal he stated in the Greek parliament in August 2015 that he did not regret his decision to compromise as his government "undertook the responsibility to stay alive over choosing suicide" (Papadimas & Babington, 2015). Moreover, he was unapologetic about his U-turn and blamed creditors for Greece's predicament by stating that "my conscience is clear....It is the best we could achieve under the current balance of power in Europe, under conditions of economic and financial asphyxiation imposed upon us" (Papadimas, 2015b).

Tsipras was seemingly vindicated when, despite agreeing to another bailout agreement with the Troika, he was easily re-elected as Premier in the snap September 2015 elections which were called to legitimise the implementation of the new bailout deal (Papadimitriou & Zartaloudis, 2020). Political analysts of the time claimed that SYRIZA voters believed that Tsipras tried everything and got the best possible outcome, and blamed the EU and the Troika for the new austerity package instead of Tsipras (Papadimas, 2015b). In line with the concept of "unpolitics" seeing politics as another form of war where lost battles provide an opportunity for further struggle, Tsipras promised in September 2015 that "the battle to improve it [the bailout] is far from over" (Koutantou & Maltezou, 2015). He declared that Greece inflicted a "moral defeat" on Germany and fundamentally challenged the "dogma of austerity." He also gloated that "Europe is not the same after the 7-month negotiation with our country, Europe was shocked by the tough battle of a determined nation" (Koutantou & Maltezou, 2015).

6. Conclusion

To examine whether "unpolitics" can be observed or even explain the behaviour of populist governments in EU policymaking, this article employed the explorative case of the SYRIZA–ANEL government's attempt to renegotiate Greece's bailout agreements. It argued that this period can be understood as a period whereby the SYRIZA–ANEL government was engaged in "unpolitics" as it immediately rejected formal and informal rules of decision-making, traditional means of compromise, and tried to use non-decisions to mobilise

against the EU. This period of "unpolitics" ended almost immediately after the referendum when, in a sudden and unexpected volte-face, Tsipras interpreted the referendum result as a call for compromise with Greece's creditors. Hence, the SYRIZA–ANEL case shows a mixed record vis-à-vis the hypothesised conditions facilitating "unpolitics." On the one hand, the bailouts and the related austerity were highly politicised issues and allowed both SYRIZA and ANEL to mobilise their voters easily. On the other hand, the issue of austerity-led eurozone membership vs. Grexit was a policy with high gains and high risks in case of failure. The Syrian refugee crisis and its linkage to the bailout negotiations support initial expectations of an issue of high gain (getting better bailout terms to stop the linkage) and low risk (almost all irregular migrants used Greece as a transit state and thus Greece did not have any long-term concerns about them). Moreover, in line with "unpolitics," the SYRIZA–ANEL government used the July 2015 referendum as a mobilisation tool against external and internal elites and a further opportunity to polarise between "friends" and "foes." "Unpolitics" seems also useful in explaining why Tsipras was able to turn a victory of the "No" campaign into a new bailout deal with crushing austerity terms and then manage to get re-elected as Premier, which would then make him able to implement new terms as this was just a battle that was lost in the wider war against elites in the name of the Greek people.

"Unpolitics," however, is unable to explain the transformation of the SYRIZA–ANEL government from a Eurosceptic and disruptive force during January–July 2015 to a compliant bailout student after the referendum and Tsipras's U-turn. This suggests that populist governments are not always going to engage in "unpolitics" and that this is not the core of a populist government's identity and/or strategy. Moreover, the SYRIZA–ANEL government did not follow Hungary's and Poland's approach in trying to blame "Brussels" as a permanent strategy. Thus, "unpolitics" may be understood as an extreme and unconventional negotiation tactic that aims to mobilise the voters of the coalition government. Moreover, if the negotiations resulted in some concessions from the EU, then the SYRIZA–ANEL government could claim success, whereas if no concessions were made then it would provide justification and legitimacy to another round of austerity/bailout deal. This raises the question of whether "unpolitics" can be an extreme version of hard bargaining which is not that uncommon in EU policymaking.

As mentioned in the Introduction, this article did not evaluate the specific demands or requests of Greece vis-à-vis the creditors, nor did it absolve other EU members of their role in the eurozone crisis. Rather, it focused on the public discourse and key decisions taken by the SYRIZA–ANEL government and examined whether "unpolitics" can explain its behaviour while in office. Furthermore, one could be somewhat understanding or even sympathetic to the behaviour of the SYRIZA–ANEL government if the claim is true that the German government exploited the eurozone crisis to further advance its "ordoliberal" agenda in the eurozone by using Greece as a convenient scapegoat (cf. Art, 2015). This raises the question of whether "unpolitics" is inherently a part of populist governments within the EU, or whether, in some cases, "unpolitics" is triggered or even caused by external forces, such as unpopular terms agreed by previous domestic governments or conditions imposed by other external member states, which voters struggle to accept. As a result, there is willingness among voters for anti-systemic parties or leaders to represent them. Hence, further research is needed to examine the behaviour of creditor nations during the eurozone crisis and whether they either engaged in "unpolitics" or facilitated the emergence of "unpolitics" in debtor nations.

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Conflict of Interests

The author declares no conflicts of interest.

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About the Author

Sotirios Zartaloudis (PhD in European Studies; MSc in European Politics and Governance, LSE; BA in Sociology, University of Crete, Greece) is associate professor in comparative European politics in the Department of Political Science and International Studies at the University of Birmingham. Previously, he was lecturer in politics at Loughborough University and lecturer in international politics at the University of Manchester. His research interests include European and comparative politics, Europeanisation, public policy, and discourse analysis.

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ARTICLE

The Unpolitics of Brexit

Paul Taggart [iD]

Department of Politics, University of Sussex, UK

Correspondence: Paul Taggart (p.a.taggart@sussex.ac.uk)

Abstract

This article is an attempt to present, develop, and deploy the use of the concept of "unpolitics" in relation to Brexit. The article starts with an outline of the concept of unpolitics and then turns to its application to Brexit. The argument is that in the politics of Brexit, specifically in the appeal of part of the "leave" campaign and in the behaviour and appeal of Johnson, we can identify unpolitics as playing a significant role. For the "Vote Leave," we can identify unpolitical tropes as explicit elements of the campaign. Also, during Johnson's premiership and his campaign in the 2019 general election, the appeal and behaviour exhibited elements of unpolitics. Johnson's political demise was not due to Brexit, Covid-19, or Putin but represented the playing out of his unpolitics.

Keywords

Boris Johnson; Brexit; British politics; populism; unpolitics

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1. Introduction

The occurrence of Brexit was seen by many to be part of a wider populist wave that was sweeping the world (e.g., Norris & Inglehart, 2019). The timing, alongside the election of the populist Trump as president of the US in the same year, and the tenor of anti-establishment ideas and rhetoric in much of the Brexiter camp, means that it is easy to see why populism and Brexit might appear to be equated. This article is an attempt to simultaneously detach Brexit from populism and to assert that something else more fundamental can be seen in Brexit. In Brexit, we can see the power of unpolitics and how it is also driving populism. This may explain the false equation of Brexit with populism.

The use of unpolitics is a phenomenon that explains the appeal and the behaviour of many contemporary anti-establishment forces in politics (Robinson, 2023; Taggart, 2018, 2022; Zaun & Ripoll Servent, 2023).

Unpolitics is not a rejection of politics—it is not the same as anti-politics where there is a self-conscious attempt to reject politics and to operate outside of "normal" political channels. It is also not the same as being apolitical or apathetic, where there is an effort to not engage in politics or to opt out of political life. It is also not depoliticisation, as this is an active process involving agency. Unpolitics is rather a disposition that is fundamentally disengaged from and disinterested and uninterested in politics. It is not a position that is reasoned or chosen but is rather an unconscious disposition. As such, it can be a powerful force in politics. But for those of us inherently interested in or engaged in politics, it is something of a blind spot as we look for politics and not its opposite.

In this article, I start with a discussion and definition of unpolitics before focusing on a discussion of Brexit and its aftermath. The politics of Brexit is here taken to be more than the referendum and the parliamentary battles that led to the final exit in 2020 but also include the Johnson term of office. The argument is that parts of the "Vote Leave" campaign and the premiership of Johnson pulled on the appeal of unpolitics.

2. Defining "Unpolitics"

We are using unpolitics here to characterise the forms and the appeal of certain actors in contemporary politics. I am here developing an idea that was originally sketched out in Taggart (2018, 2022). Unpolitics is a property of all politics and political systems, but we are concerned here with its mobilisation of contemporary democratic politics. I define unpolitics as a reservoir of normally latent sentiment and disposition that is intrinsically alien to thinking about, observing, or practising politics. It usually remains latent, unexpressed, and unmobilised but it can be activated by political actors at times for a short period and has transformational power when it is used. It is not the same as political apathy because where apathy implies a conscious disregard for politics, unpolitics represents something where politics is not regarded in the first place. When unpolitics is mobilised, it can undermine, transform, disrupt, and unsettle established modes of democratic politics. Unpolitics is, however, not a deliberate reasoned position (that would make it anti-politics) but is rather something that is unreasoned and unconscious. It can take the form of behaviour and it can take the form of an appeal.

Unpolitics can be recognised in transgressive behaviours and appeals. "Normal" politics is defined here as being characterised by settlements. These settlements can exist in relation to a policy area (e.g., immigration policy), a political institution (e.g., an election campaign, the functioning of a legislature, or the role of the judiciary) or politics in general (e.g., in terms of the norms of language, debate, and discourse). Unpolitics then has the effect of unsettling norms. It is therefore transgressive and will be seen in either the behaviour of political actors or in the appeal of political actors in unsettling ways.

The relationship between populism and unpolitics is clearly a close one. Populism is taken here as an ideology and not as a style or a strategy (Hawkins et al., 2019; Mudde, 2004; Rovira Kaltwasser et al., 2017; Taggart, 2000), meaning we are examining its ideas. Much populist politics, in practice, trades on transgression as a way of embodying a break from "the establishment" and accepted ways of doing politics. The use of unpolitics is a natural representation of the anti-institutionalism of populism. However, not all populist politics trade on unpolitics, and it is useful to begin to differentiate between those who do and those who do not. Some populists in power, for example, will seek to play down transgression and play up the politics of delivery by managing to shore up constituency support through the provision of goods.

For example, Law and Justice, when in office in Poland, between 2015 and 2023, did not employ unpolitics and rather focused on economic redistribution to those with children as part of its approach. In Turkey, Erdogan's hold on power has not been maintained by unsettling politics but by the politics of delivery. In India, Narendra Modi's approach as leader of the BJP, between 2014 and the present, has always been very much linked to the provision of infrastructure and economic growth as it has to Hindutva (Leidig & Mudde, 2023). On the other hand, the presidency of Trump, between 2017 and 2021, in the US (Jacobson, 2021) and that of Bolsonaro in Brazil, between 2019 and 2023, both embodied unsettlement, transgression, and unpolitics as a modus operandi leading in both cases to periods of turbulence. We need to be careful to not only focus on the spectacular and striking elements of populists that can lead us to overgeneralise. Some populists draw on unpolitics while others do not. In the case under examination here, we can also see unpolitics used in the service of non-populist politics. The reason, therefore, to use unpolitics is to identify a phenomenon that both transcends populism and helps to differentiate between different types of populists.

The concept of unpolitics has been used by Zaun and Ripoll Servent (2023) to describe the form of politics used by nativist Eurosceptic populist governments in how they dealt with refugee distribution. In this, they suggested that there are three ways in which unpolitics can be seen in political behaviour. The first is the rejection of shared formal and informal norms. The second is the rejection of compromise with advocacy of maximum positions which reflects their self-understanding as representatives of the will of the "pure people" as opposed to the corrupt elite, and the third is the use of non-decisions to mobilise against the EU and show how weak and unproductive the EU is (Ripoll Servent & Zaun, 2024). These three aspects are ways in which we can observe unpolitics.

The use made by Zaun and Ripoll Servent (2023) and Ripoll Servent and Zaun (2024) is essentially an attempt to nail down the measurement of a difficult concept to some clearly identifiable phenomena. All three of the measures embody this transgressive nature of unpolitics as they all have the effect of working against the grain of the functioning of EU policy-making. The rejection of norms is an explicitly transgressive form of behaviour. The advocacy of maximum positions is a repudiation of the need to compromise and build coalitions. It is perhaps the use of war-like metaphors as applied to politics (Taggart, 2018) as it equates political success with military victory. The use of non-decisions is a form of rejecting the functioning of politics with the effect of reinforcing the ineffectiveness of politics.

We can apply these measures to the politics of Brexit but we need to clarify two ways in which the case study differs from others that are focused on EU policy-making. The first difference is that we can see unpolitics during Brexit not only concerning the EU but also concerning the domestic politics of Brexit. To put this in simple terms, unpolitics was used between and within the UK parties and between the parties and the public as much as it was between the UK and the EU. In fact, we can see more clearly the use of unpolitics here than we can in the negotiations between the UK government and the EU, and so this is what the article primarily focuses on.

The second way that the case study differs from others is that it is not a case of a populist government. I make the argument below that Brexit is not a populist phenomenon and I also suggest that Boris Johnson was not a populist (c.f. Alexandre-Collier, 2022; Flinders, 2020). This is important not only as a matter of detail for this case study but also because it has a wider significance for the concept of unpolitics. Although unpolitics was originally outlined as a feature of populism (Taggart, 2018), the argument is made here that it is not only

something which applies to populists, and further, that it does not apply to all populists. Some populists do not draw significantly on unpolitics. Their actions and their appeal are not based on unpolitics but on more conventional "normal" politics. Populists such as Erdogan in Turkey, Law and Justice in Poland, and Chavez in Venezuela base their appeal on stabilising politics and creating new settlements, whereas populists such as Trump in the US and Bolsonaro in Brazil are fundamentally unpolitics in their behaviour and appeal and thrive on unsettling, polarising, and provoking as much as on creating new politics. Vote Leave and Boris Johnson similarly demonstrated elements of unpolitics and yet they cannot be classed as populist (Rooduijn et al., 2023; Taggart & Pirro, 2021).

The concept of unpolitics has also been used by Robinson (2023) to characterise Conservative politics in the UK. In this article, I am building on Taggart (2018, 2022) as well as Robinson (2023) and Zaun and Ripoll Servent (2023), extending the discussion by considering one other aspect of the concept and offering a new definition. The purpose of the contribution here is to try to use the case of Brexit and Johnson to further develop the concept of unpolitics and to try to use the Brexit case indicatively.

3. Brexit, Populism, and Unpolitics

The referendum on EU membership and its result in June 2016 marked a decisive shift in politics in the UK. The decision to Brexit from the European Union was however not without some very deep roots. The growth of Euroscepticism within and outside the Conservative Party and the allure of politics based on baiting Brussels has a long lineage in the UK (Baker et al., 2008; Gifford & Tournier-Sol, 2015; Spiering, 2004). 2016 brought about a momentous decision based on a highly divisive campaign that essentially polarised politics in a way that cut across left and right to embed a new abiding division between "leave" and "remain" identities (Sobolewska & Ford, 2020) that persists into contemporary UK politics.

The timing of the Brexit decision coming in the same year as the election of Trump as US president, and hard on the heels of the electoral success of several right-wing anti-establishment populist parties across Europe such as Orban's FIDESZ in Hungary and Law and Justice in Poland, led many to portray Brexit as an instance of populism. However, the nature of Euroscepticism in the Conservative Party is not predominantly populist. Certainly, there were populist elements to those pushing for Brexit, and in UKIP, there was a populist radical right party with parallels to others across Europe (and beyond) but it was also, unlike many of these parties, the only one founded with the principle of a hard Euroscepticism as its *raison d'etre* and enduring as its core focus. Populism has a place within the Brexit story but was by no means synonymous with Brexit as a whole.

Among those who had long argued for the UK's exit from the EU were some diverse positions. On the right, there has long been a free-trade attack on European integration with the idea that the EU constrains the market, once freed from the EU, "global Britain" would do much better economically with an orientation towards markets further afield than Europe and unfettered by an overly bureaucratic and regulatory EU regime. On the left, a less prominent but no less deeply rooted critique of European integration has, since the early 1970s, portrayed the EU as in hock to corporate interests and as providing a constraint on the possibility of pursuing a state-centred and planned economic model favouring national industry and workers (Shaw, 2021). The faces from the Labour Party that played a role in fronting Vote Leave therefore represented that "Lexit" tradition and were emblematic of the fact that there was real diversity in the reasons for advocating Brexit on the "leave" side of the argument.

On the "remain" side, there was also some diversity. There was a coalition of Conservatives and Labour in terms of the key actors. Although the leader of the Labour Party, Corbyn, appeared, at best, tepid in his advocacy of the "remain" position (Shipman, 2017), the party behind him at the national level overwhelmingly "remain" but well aware that its electoral constituency was divided with traditional supporters often strongly in favour of Brexit. The 2019 general election victory of Johnson was testimony to this as the "Red Wall" was snatched by the Conservatives to build an impregnable parliamentary majority (Ford et al., 2021). However, the "remain" coalition and the leadership of the official Remain campaign, "Britain Stronger In," represented an uneasy partnership bringing together Cameron and Osbourne from the front of the Conservative government with an ambivalent left Labour leader unwilling to work with No.10, and the vast bulk of Labour, Conservative, SNP, and Liberal Democratic parliamentary and sub-national leaders. The campaign strategy of emphasising the economic risk of Brexit, a diverse range of reasons for supporting EU membership which spanned pro-business and pro-workers' rights drew heavily on the referendum on Scottish Independence, which had rejected the proposition but given Cameron and Osbourne the confidence that they knew how to win (Clarke et al., 2017, p. 32).

The result of the referendum represented the coming together of some diverse positions and the coming apart of the two major parties in Westminster along some significant lines of conflict. Both Conservatives and Labour saw the Brexit issue divide the parties in parliament and, perhaps more importantly, their electorates. The reality of Brexit was that it was a plural phenomenon: two sides of an argument with real differences within them as well as between them.

Brexit was a plural complex phenomenon. Although arguments on both sides portrayed it as binary and dichotomous, we should be careful not to confuse political strategies for a description of what transpired (Baines et al., 2020). Referendums necessarily simplify and binarise complex issues, but they are also mechanisms to resolve complex conflicts and we should not confuse their function with an analysis of how they function. Remaining in the EU includes a multitude of options and choices on how to stay. Leaving the EU was famously a simple proposition about separation but was by no means either a unified or, many would contend, a thought-through choice. The turbulence of the post-referendum period was largely a consequence of that uncertainty and disagreement about *how* to Brexit.

The other pressure to see Brexit as a unified phenomenon is the casual assertion that Brexit was somehow a populist moment. Placing Brexit among a panoply of other instances of populist successes during the same period reverses the causal logic and makes Brexit part of a wider populist wave. Brexit is derivative of wider processes under this perspective rather than populism being genuinely a manifestation of different (if similarly populist) processes. In practice, a moment in UK politics where deeply embedded and long-standing political contestation over the nature of European integration came to create a temporary electoral majority from a diverse range of appeals, constituencies, and strategies, some of which were populist, does not make Brexit a moment of populism. Populism was one aspect of one side of the argument.

An objection to this position might be to argue that the success of the Vote Leave campaign was down to a populist strategy. Dominic Cummings, as director of the Vote Leave campaign, the official "leave" organisation, had an approach which was to embed Brexit within a large framework of discontent, to tie Brexit to an appeal to kick against the establishment with an implicit message of the need to recapture something lost (Fox, 2021). By combining a shrewd strategic perspective with a clear knack for producing

effective messaging that encapsulated this messaging (e.g., "Take back control"), as well as with a combative style and the prudent and timely use of limited resources, Cummings harnessed his experience of previous referendum campaigns to pull off what was for many an improbable victory against the establishment and the established view of the UK's place in the EU. By his own account, Cummings (2017) attributes his victory to fortune and the mistakes of the opposition and describes the victory as fragile and tenuous.

There were other ways in which unpolitics played a role in the referendum. Russell and James (2023) observe how the ill-defined position of referendums in the UK means that the decision to exit the EU was not put to the electorate in a way that had either been preceded by a process to deliberate how the decision should be put or with a clear prospectus as to how the non-status quo position could be implemented in practice. For Dudley and Gamble (2023) the "casual way" the referendum was set up resulted in a policy omnishambles, a phrase echoed by Richardson and Rittberger (2021).

The fallout from the referendum result certainly provoked a chaotic and unplanned response by the winning side. The result then meant that Cameron removed himself as prime minister (despite his prior commitment to stay on and carry out the result of the referendum) and party leader. The referendum also precipitated a massive vote of no confidence from the parliamentary party of the opposition as Labour MPs voted, on 28 June 2016, with 172 votes to 40, declaring no confidence in Jeremy Corbyn. Unlike the Conservative leadership, Corbyn declared the vote unconstitutional and continued to lead the Labour Party based on a mandate from the membership of the party (Crines et al., 2018).

The Vote Leave campaign displayed two of Zaun and Ripoll Servent's (2023) unpolitics characteristics. The pursuit of Brexit was a maximum position. This may be a function of the politics of referendums which are, by definition, binary and therefore given to maximum positions. The subsequent debate about what *sort* of Brexit to enact illustrates that, during the referendum, the ultimate end was and could only be Brexit—of whatever kind. The second way in which unpolitics could be seen is in the rejection of membership as a norm of politics.

4. The Impact of Unpolitics in the Aftermath of the Election (2016–2019)

Unpolitics was evident not only during the Brexit campaign but also in its aftermath. The period between the referendum and the final exit of the UK in January 2021 was also turbulent as the difficulties of implementing the decision of the referendum wreaked havoc on the norms of politics in the UK. During this period, the leadership of the Conservative Party, and hence the government, changed three times. Cameron, as already noted, walked away from implementing Brexit almost immediately after the referendum. He did so and walked from the podium back into No.10 humming a "merry" tune (Mason, 2016).

Theresa May, a quiet "remainer" (Shipman, 2017, p. 132) took on the leadership of the party and the role of prime minister and almost immediately pivoted to a hard-core Brexit posture that neither convinced Brexiters of her credulity nor assured "remainers" that she would moderate the worst excesses of an extremist Brexit vision. The period of Theresa May's leadership marked the apotheosis of Brexit's difficulties and divisiveness. Her leadership did not embody or appeal to unpolitics but her government was hamstrung over the impact of the unpolitics appeal in the referendum and her government was, in Tim Bale's words "a bad hand badly played" (Bale, 2023, Chapter 4).

May's challenge was to initiate Article 50 to start the clock ticking towards the eventual exit. Her preference was clearly to move towards a final agreement about departure without a parliamentary vote. She was frustrated in the court case brought by Gina Miller in November 2016, which ruled that there needed to be a meaningful vote of parliament on the final terms of Brexit between the UK and the EU (Russell & James, 2023, pp. 76–77). This then set up a period of parliamentary turmoil when May, or indeed anyone else, was unable to muster enough parliamentary support to constitute a majority behind any of the numerous options.

Between December 2018 and May 2019, May's efforts to secure a meaningful vote from parliament saw multiple votes where her government was defeated, insurgent votes to rule out a no-deal option, a ruling by the speaker of the house that the government was not able to repeat a vote that it wished to put again to the house, and ending with a parliamentary takeover of the agenda, with a series of "indicative votes" with even these options failing to muster a majority (Heinkelmann-Wild et al., 2020). May resigned in May, effectively admitting defeat.

With May's resignation in May 2019, Tim Bale describes the Conservative Party as "on the edge of a nervous breakdown" (Bale, 2023, p. 86). Looking in detail at the preceding events, this comes as no surprise given May's incapacity to move Brexit forward. But from a larger perspective, the situation is more puzzling. Granted, the Conservative Party was not a wholly (hard) Eurosceptic party, but it is difficult not to look back over the preceding 30 years and see a party, in Westminster, in the membership and its voters, moving inexorably further and further into harder and harder Euroscepticism.

May's period in office did not see her displaying behaviour that drew on unpolitics. It might be tempting to see her claim made in September 2018 that "no deal is better than a bad deal" as an example of maximum position-taking. But this reflects a strategic position taken in a context where unpolitics had empowered the hard Brexiters. May's government was not one of unpolitics but was hamstrung by the maximalist positioning of hard Eurosceptics in the Conservative Party.

5. Johnson and Unpolitics (2019–2022)

Boris Johnson took over as leader of the Conservative Party in July 2019 and immediately faced the deadlock that had driven May from office. In the end, after attempting to prorogue parliament but being overruled by the Supreme Court, expelling 21 of his own MPs for supporting a motion that would have ruled out no deal, and eventually pulling his own government legislation in the face of opposition from the Commons, Johnson called a general election for December 2019 as the only possible means to break the impasse (Ford et al., 2021). It is clear that the systematic transgression by breaking with norms of politics (e.g., suspending parliament and in party management by wholesale expulsion of MPs from the party) represents the continuation of acting in a way that was a form of unpolitics.

Johnson is frequently referred to as a populist (e.g., Bale, 2022; Beck, 2023). This description is frequently used in a thin and almost vernacular manner, meaning that he incorporates rhetorical tropes that might be interpreted as being for common sense, even invoking "the people," and that he often appears to operate in an unconventional and almost comical manner. But how he speaks, appears, and acts is not necessarily a guide to his ideology.

Johnson is admittedly ideologically difficult to pin down. For those who wish to throw him in with right-wing radical populists, he makes a difficult bed-fellow. Honeyman (2023) shows that, although he is associated with ethnocentrism by others (mainly newspapers), in his own discourse he does not use this language. Crines (2019) also suggests that although supporters of Johnson may well be populists, his position does not fit this description. Evans et al. (2023) make the argument that the Conservative victory in 2019 was due to the "charismatic populism" of Johnson. However, their focus is on voters and they make no effort to define or measure Johnson's populism (or charisma) and seem to infer this from his advocacy of radical right policy positions on immigration, law and order, and Euroscepticism. These do not definitively define an ideological perspective. They overlook the thin-centred nature of populism and mistakenly equate the radical right with populism itself (Mudde, 2004).

Johnson cannot be categorised as a populist. While his advocacy of Brexit may be confused with evidence of his anti-institutionalism, we should not generalise from his specific (but somewhat fluid) views on the EU. Johnson did not embody a fundamental anti-establishment or anti-institutional element to his ideology. As a former member of the Bullingdon Club, his career typified an establishment route through Oxford, The Daily Telegraph, and into the House of Commons, and while how he narrated his route may have been unconventional, nowhere did he display a fundamental antipathy towards institutions or "the establishment" (Seldon & Newell, 2023). In many ways, Johnson's ideology can be satisfactorily described as conservative, with an emphasis on Tory pragmatism, without veering into the need to reach for the populist label.

It can be no exaggeration to describe the period of parliamentary politics which Johnson inherited as chaotic. Norms were broken, new mechanisms were tried, powers were extended by the speaker, and yet legislative development was not forthcoming (Russell & James, 2023). The chaos of this period is at least partially due to the implementation of an agenda that can be seen as unpolitics in action. The decision to leave the EU was clear in the referendum result but not how.

The 2019 election was for the Conservatives a chance to avoid the disaster of the 2017 election campaign (Cutts et al., 2020). With Johnson front and centre and with the mantra of "Get Brexit Done" being repeated ad nauseam by the prime minister, the scene was set for a re-run of the referendum campaign success. With Cummings in No.10, many have assumed that he ran the campaign when, in reality, it was Isaac Levido and Michael Brooks, with Cummings not being involved in the day-to-day running of the campaign, but inputting from the side (Ford et al., 2021, pp. 97–98). However, the tone of the Conservative campaign was about delivering Brexit and punchy three-word slogans. The slogan "Get Brexit Done," which was drawn from focus groups and built on frustration at the parliamentary impasse Brexit (Ford et al., 2021, pp. 195–196), and Johnson's description of the "oven-ready deal" on the Withdrawal Agreement were, in effect, not political visions but an implicit promised to get past the politics of Brexit to allow the country to move on. This is a version of what Zaun and Ripoll Servent (2023) describe as a maximalist position with the rejection of any compromise.

The totality of the Conservative 2019 election campaign was for the most part politics as usual—extolling the virtues of the Conservatives and fiercely attacking their opponents as we would expect in any party campaign. However, the context of a fundamentally divided nation and an impotent and intemperate parliament combined with the very nature and appeal of Johnson as Conservative leader meant that we could observe an element of unpolitics in the campaign. The message and the messenger's appeal, in part,

drew on the claim that there was something unusual at this moment that necessitated supporting a move beyond and around politics and delivering a result that would allow the resumption of some sense of normality and, implicit in this, the opportunity for those who felt that way to resume an unpolitical existence.

There were several explanations for this turbulence. For most "remainers," this was the result of a profoundly divisive decision that should not have been made. For many, there was a sense that the result was occasioned by illegitimate means. For others, the turbulence was caused by the Brexiter/Leave camp's failure to have a clear strategy for implementing Brexit and, even more significantly, to set any real goals for what Brexit was to achieve. On the other hand, for many "leavers," the turbulence was a vindication of an establishment smarting from being overturned by a truly popular decision. The embeddedness of the UK in the EU was surprisingly, for both sides, a vindication of their advocacy of remaining/leaving.

The outcome of the 2019 election was a substantial victory for Johnson and the Conservative Party. It gave Johnson a massive parliamentary majority enabling him to deliver on his promise to get Brexit done. Below the surface, it also delivered a parliamentary party that was much more unequivocally pro-Brexit than the party had previously been (Lynch & Whitaker, 2018) and it did so at the expense of the Labour Party, which lost a substantial number of traditional Labour northern seats in the "Red Wall" (Cooper & Cooper, 2020; Ford et al., 2021).

6. Unpolitics After Brexit

The UK exited from the EU in January 2020. But the period after this was anything but a period of consolidation for the Conservative Party. The economic effects of the Covid-19 pandemic and the cost of living crisis caused as a consequence of the Russian invasion of Ukraine in 2022, played havoc with the fortunes of the Conservative Party. However, the demise of Johnson as Conservative prime minister in 2022 had as much to do with the unpolitics of Johnson as with Covid-19 and Putin. Johnson's issues with rule breaking in Downing Street during the pandemic and with his somewhat lax attitude to ethical standards of veracity and transparency eventually meant that the Conservative Party forced him out as it read the substantial public mood against Johnson's transgressions.

The appeal of Johnson is at least, in part, a consequence of unpolitics. Ideologically, Johnson was and remains hard to pin down (Gimson, 2022). Johnson is pro-immigration but associated with the anti-immigration agenda that lay behind support for Brexit. He fits neither in the free-market Thatcherite tradition of the Conservative Party nor the Cameroonian reinvention of the party as socially liberal and green. However, his type of unpolitics is much easier to identify. Johnson's chaotic identity and administration are very strong.

Unpolitics was not enough to save Johnson as he left No. 10 in ignominy in July 2022 (Seldon & Newell, 2023), but it was enough to secure him continued real support in parts of the parliamentary party, in the party membership and even among sections of the voting public. What the power of unpolitics points to is that Johnson retained support not despite his chaotic and norm-breaking behaviour but precisely because of it.

Johnson's departure from parliament came in June 2023. He had been investigated by the Parliamentary Privileges Committee concerning the charge that he had lied to the House of Commons over the issue of

whether, under his government, No.10 had stuck to the rules over Covid-19 restrictions. Johnson was given sight of a draft of the Committee's findings two weeks before they were due to be made public. If the Committee recommended that Johnson be suspended from the House of Commons for over 10 days, this would trigger a recall election and the possibility of Johnson having to face a contest to maintain his constituency seat of Uxbridge. Before the report was published, but after he had sight of the draft report, and at the same time as his list of honours and House of Lords appointees was made public, Johnson unexpectedly resigned as an MP.

Johnson's resignation letter was angry and accusatory (see here: https://www.bbc.co.uk/news/uk-politics-65863336). It contained elements of conspiracism as he accused the committee (which had a Conservative majority and prominent "leavers" in its membership) of conducting a "witch hunt" against him "to take revenge for Brexit and ultimately to reverse the 2016 referendum result." Further, the committee was described as a "kangaroo court." He attacked the direction of the Conservative government and he asserted that he had been "forced out, anti-democratically." In his hostility towards Parliament, the Privileges Committee, and the Conservative government of Rishi Sunak, his conspiracism—an appeal to unpolitics—is apparent. Even in the form of the letter, which was somewhat chaotic, moving between subjects and then back to earlier subjects, in contrast to his carefully constructed previous statements that bore his hallmark as an effective journalist, Johnson was (perhaps) unconsciously playing out his unpolitical appeal.

Writing of Johnson's tenure as prime minister, Sanders notes that:

> He regarded himself as an innovative political disruptor. If a rule or convention (even one that his own government had instituted in the form of Covid restrictions on private gatherings) got in his way, then his habitual practice was simply to ignore it. He was Prime Minister and he was above the petty, restrictive constitutional practices of his predecessors and contemporaries. (Sanders, 2023, p. 171)

Sanders outlines his transgressions against the constitution, parliament, and the truth, and yet, looking at polling data, Sanders shows "around half of current Conservative supporters (roughly 15 percent of the electorate), even though they recognise Johnson as an inveterate liar and breaker of constitutional rules, still take a broadly sympathetic view of his claims, character and actions" (Sanders, 2023, p. 174). The effectiveness of a way of operating that not only goes against the norms but revels in breaking them is, once again, a source of surprise and confusion to an observer.

Johnson's tenure as prime minister was brought down in the short term by the three P's (Payne, 2022); the attempt to save Owen Paterson, the "partygate" affair, and the Pincher incident. Each of these individually exemplifies unpolitics and together contributes to the chaotic appeal of unpolitics. In the Owen Paterson affair, Paterson was in breach of parliamentary rules on paid advocacy, but Johnson attempted to change the rules by way of an amendment to prevent the invocation of the penalty of parliamentary suspension (Bale, 2023, p. 215). The plan faced opposition not only from the opposition party but also from Conservative MPs who sensed the revival of sleaze as a charge that would stick to the party. Under pressure, Johnson was forced to cave in and Paterson resigned as an MP.

"Partygate" was the series of revelations that Johnson had not only allowed but participated in parties in No.10 during the pandemic lockdown, and further, that he had lied to the House of Commons in his assurances

that no parties had taken place and that all rules on lockdown had been followed in No.10. Penalties for Johnson included the police penalty for rule-breaking, the political damage to his government, and his own appearance before the Standards Committee being charged with misleading the House. The Pincher affair finally unravelled the government when a deputy chief whip wrote to Johnson resigning, admitting that he had drunk too much the night before and had embarrassed himself. He had groped two men at the Carlton Club. Johnson treated this as the end of the matter but it became clear that Johnson had appointed him to the position knowing his previous transgressions. Johnson claimed he never knew this but Lord MacDonald, the former permanent under-secretary, phoned into the Today Radio show to correct the record that he knew that Johnson had known about Pincher. By the end of the day, the health secretary Sajid Javid and the Chancellor of the Exchequer, Rishi Sunak, resigned. Two days later, after attempting to hold on, Johnson gave in to the inevitable and resigned.

Johnson's persona, appeal and presentation are based fundamentally on the rejection of established norms as identified by Zaun and Ripoll Servent (2023). This applies as much to his period in office when dealing with Brexit as it does to his time dealing with Covid-19. In his Brexit period, he was presented as transgressive and acting in a way that pushed against norms of politics in attempting to prorogue parliament. His final push on Brexit was definitively maximalist in Zaun and Ripoll Servent's terms, as he committed to getting Brexit done by committing to not compromising on a border down the Irish Sea while signing a deal that established exactly that (Grey, 2021, p. 270). In his period dealing with Covid-19, it was clear and has become even more apparent that he was chaotic and transgressive in terms of norms. It was those transgressions of norms that dealt his premiership the final blow in the form of ethical failures concerning Pincher and "partygate." Interestingly, his unpolitics was both the source of his downfall but also an important ingredient in his support while in or seeking office.

The succession of Liz Truss to become leader of the Conservatives and the prime minister in 2022 was facilitated by the experience of the Johnson premiership and its demise (Bale, 2023). The process of appointing Truss was one where it effectively became a two-horse race between Rishi Sunak and Truss. Both contenders were part of the Johnson government with Sunak as chancellor, at least until his resignation on the 5th of July 2022, which was seen, with the resignation of Sajid Javid as health secretary, as one of the triggers of the Johnson demise. Truss served as international trade and then as foreign secretary under Johnson. The contest was decided by the membership of the Conservative Party rather than by the MPs. The month-long series of debates and hustings were ostensibly about persuading the membership to choose between the chancellor, who had guided the country through the Covid-19 pandemic by shoring up spending and increasing taxes, and Truss, who ran as a radical pro-growth Conservative.

Truss won the contest to be leader and prime minister but lost the support of the markets and eventually her own party after introducing a radical mini-budget with disastrous consequences and becoming the second shortest-serving British prime minister, staying in office only 49 days. There was nothing in Truss that represented the appeal of unpolitics, but the chaos and turbulence of the Truss episode may point to the playing out of unpolitics and the associated chaotic administration of Johnson.

7. Conclusion

The role of unpolitics has played out through and beyond the politics of Brexit, since 2016, and continues up until today in British politics. Unpolitics was a component of the Vote Leave campaign. For Vote Leave, we can

identify unpolitical tropes as explicit elements of the campaign. The advocacy for Brexit without specifying its form represents the maximum position identified by Zaun and Ripoll Servent (2023). In part, the nature of the wider campaign can be seen as the result of strategic and tactical choices made by Cummings but, in part, it was present in Johnson's appeal, which was so central to the Vote Leave victory. After the referendum, unpolitics played a significant role in the political chaos that embroiled Parliament as it attempted to implement the referendum decision. It provides a clear illustration of how unpolitics can generate support in the short term but also how it leaves a legacy of turmoil.

The 2019 general election victory was driven by unpolitics and put Johnson's unpolitics into office with a massive Conservative majority. His government embodied unpolitics as an expression of Johnson's persona. His claims to an "oven-ready" deal and his approach to Brexit were also maximalist. Clearly, the impact of the Covid-19 pandemic remains central to an understanding of the 2019 Johnson government but the pandemic provided the issue and the questions. The response of the government to Covid-19 embodies unpolitics. Also, the composition of the government, in terms of personnel, drew a clear and direct link back to the Vote Leave campaign. Johnson's eviction from office appears perhaps as the combined effects of the Brexit issue and legacy, the challenge of Covid-19 and the challenges of the cost of living crisis engendered by Russia's invasion of Ukraine. Johnson's political demise was however not due to Brexit, Covid-19, or Putin but represented the playing out of his unpolitics.

In the politics of Brexit, specifically in the appeal of part of the Vote Leave campaign and in the behaviour and appeal of Johnson, we can identify unpolitics as playing a significant role. The subsequent ascent of Johnson to prime minister was a consequence of Brexit (and getting it "done"). Furthermore, during Johnson's premiership and his campaign in the 2019 general election, his appeal and behaviour exhibited elements of unpolitics. Johnson was succeeded by one of the shortest and most ignominious of premierships in that of Liz Truss. Truss's appeal and behaviour do not themselves embody unpolitics, but the cumulative legacy of Leave's and Johnson's unpolitics can be seen as responsible for the party choosing Truss and therefore for the fate of her government and so we may have seen the effects of unpolitics playing out.

Unpolitics may be a feature of politics way beyond Brexit and Johnson. Other contributions to this thematic issue aptly show examples of the use of unpolitics by populists in Europe. But it is not confined to either Europe or to populists. Contemporary politics in other parts of the world, including the USA (e.g., Trump) and Latin America (e.g., Bolsonaro and Milei) give us examples of disruptive transgressive political actors achieving power and contributing to turmoil and driving churn in politics. What we can observe from the UK example is that the appeal of politics feeds off the turbulent character of contemporary politics which fosters a sense that politics is problematic. But we can also see that one of the consequences of the use of unpolitics by actors may be a legacy of chaos and disorder which might further feed back into the appeal and the use of unpolitics.

Conflict of Interests

The author declares no conflict of interest.

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About the Author

Paul Taggart is a professor of politics at the University of Sussex.

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