

When are blame games effective? How blame and source effects shape citizens' acceptance of EU sanctions against democratic backsliding

Bernd Schlipphak, Paul Meiners, Constantin Schäfer and Oliver Treib, Uni Münster

Although democracy and the rule of law belong to the basic criteria for accession to the European Union, democratic norms have recently been eroding in several member states. In reaction, many scholars have called for decisive EU sanctions against democratic backsliding. However, others have argued that such measures could lead to unintended backlash effects, when governments in the affected countries convince their domestic audiences that EU actions are an illegitimate interference with domestic affairs. In this paper, therefore, we shed light on whether and under what conditions domestic audiences would support EU sanctions against their own country for failing to comply with norms of democracy and the rule of law. First, we argue that citizens should become less likely to support EU sanctions if their government defends itself, especially so if it seeks to shift the blame to the EU (blame effect). Second, this effect may be moderated by which actor identifies and claims the norm violation (source effect). If the claims do not come from the EU but from fellow citizens, government blame shifting to the EU should become less effective. We test our expectations by conducting a survey experiment in the six EU member states Denmark, France, Germany, Spain, Hungary, and Poland (n=12,000). Our results corroborate our main theoretical expectations. The findings imply that the EU should work towards an alternative sanctioning mechanism that anticipates the blaming strategies of affected member state governments.

*Very first draft – please do not cite or distribute without consent of the authors.
Comments are most welcome!*

Contact Details

Bernd Schlipphak / Paul Meiners / Constantin Schäfer / Oliver Treib

University of Münster | Department of Political Science

Scharnhorststr. 100 | D-48151 Münster

reconnect-europe@uni-muenster.de

Introduction

Over the past decade, scholars and politicians alike have increasingly addressed the question of what the European Union (EU) could do to counteract tendencies towards democratic backsliding in the member states. While the discussion already started when the Austrian rightwing populist Freedom Party (FPÖ) joined a coalition government led by the Christian Democratic chancellor Wolfgang Schüssel in 2000, the debate became more salient as a consequence of the political developments in Hungary and Poland since 2010. After Viktor Orbán had formed his first single-party government in Hungary in 2010, and after the Polish PiS party had assumed governing power in 2015, both governments implemented changes to the democratic system and the judiciary that can be described as a development toward more autocratic rule. This has led scholars like Kelemen to note that “[t]oday, clearly, the greatest threats to democracy in Europe are found not at the EU level, but at the national level in the EU’s nascent autocracies” (Kelemen 2017).

As a result, legal scholars and political scientists have explored which sanctions could, and should, be deployed by EU authorities to make these countries return to liberal democracy and the rule of law (e.g., Kochenov and Pech 2015; Schepele 2016; Closa and Kochenov 2016, Closa 2020, Pech and Grogan 2020). In doing so, they have specifically highlighted the possibility of suspending a country’s voting rights in the Council under Article 7 TEU and – most recently – the option of withholding EU funds if a member state fails to fulfil rule of law criteria (Blauberger and van Hüllen 2021).

In contrast to this line of reasoning, research on the effectiveness of EU sanctions and the political repercussions of EU interventions has highlighted a number of major caveats. Some have argued that EU interventions could backfire, with governments blaming the EU for illegitimately interfering with the political decisions of a democratically elected government. In effect, the sanctions may rather strengthen than weaken domestic support for these governments (Schlipphak and Treib 2017; see also Sedelmeier 2017). Most recently, Holesch and Kyriazi (2021) have shown how Hungary and Poland have undermined the EU’s sanctioning efforts by forming a coalition against the other member states at the EU level.

As a potential solution for the non-intended consequences of EU sanctions, scholars have recommended to set up a new and particularly neutral institution that would be in charge of deciding whether or not a member state violates the principles of democracy and the rule of law (Mueller 2015; Schlipphak and Treib 2017). To make it harder for the accused governments to engage in blame games against illegitimate meddling with domestic affairs, Schlipphak and Treib (2017) have argued that the decisions of the new supervisory authority should be based on a bottom-up mechanism, allowing citizens from the respective countries to file complaints against their own government. So far, however, these ideas have not been analyzed empirically. Hence, we still do not know what effects different forms of EU sanctions may have on citizen attitudes toward their government and the EU.

In this article, we aim to shed more light on the topic by combining both approaches. We start from the assumption that EU sanctions are, in principle, normatively desirable to combat the erosion of democracy and the rule of law at the member state level. Based on this assumption, we are interested in the conditions under which citizens may accept or reject such sanctions if they are directed toward their own country: *Under what conditions do citizens consider EU sanctions against democratic backsliding to be appropriate?*

Drawing on the insights of previous research, we argue, first, that governmental *blame games* on EU sanctions as illegitimate interference into domestic politics will decrease the acceptability of such sanctions. Second, however, we expect that this delegitimizing effect can be moderated by the *source* that accuses the respective member state of undermining democracy and the rule of law. That is, the negative effect of governmental blame games should become weaker if the claim that the respective government pursues anti-democratic policies comes from groups of its own citizens.

We test the two parts of our argument by a self-administered survey experiment in six European countries with about 12,000 respondents. Our empirical findings provide support to both parts of our argument. This indicates that the EU should continue to be very cautious about applying its standard enforcement tools against countries that engage in democratic backsliding. Instead, it should work

towards an alternative institutional mechanism, which should be independent of existing EU institutions and, most importantly, should be built around a citizen-centered complaint mechanism. Such an alternative mechanism would make it harder, if not impossible, for accused governments to play the blame game on the EU.

Literature Review

Since the founding of the European Economic Community in 1958, the supranational level has been equipped with far-reaching legal powers to act against member states that do not comply with European law. As ‘guardian of the treaties’, the Commission can initiate infringement proceedings against non-compliant member states. At the end of such a proceeding, the European Court of Justice hands down an authoritative judgment. Should the member state fail to comply with this ruling, the Maastricht Treaty has endowed the Commission with the right to initiate a second infringement proceeding, which may end up with the imposition of financial penalties (for an overview, see Craig and De Búrca 2020: chapter 13). As a consequence, the EU has considerable enforcement powers vis-à-vis its member states.

EU compliance research has analyzed why countries fail to comply, which sectors, types of policy instruments, and countries are more affected by violations of EU law, and how effective the EU’s enforcement system is in redressing cases of non-compliance (for an overview, see Mastenbroek 2003, Treib 2014). One of the key findings of this research is that the causes of non-compliance vary widely, ranging from the more technical, capacity-related obstacles highlighted by the management approach to the more politicized forms of resistance stressed by the enforcement school in IR compliance research (Treib 2014). As Tallberg (2002) has argued, the Commission has reacted to the varied problems causing member state non-compliance with what he called a “management-enforcement ladder”, which encompasses four stages: “(1) preventive capacity building and rule clarification that reduce the risk of violations due to incapacity or inadvertence; (2) forms of

monitoring that enhance the transparency of state behavior and expose violators; (3) a legal system that permits cases to be brought against non-compliant states and that further clarifies existing rules; and (4) deterrent sanctions as a final measure if states refuse to accept the rulings of the legal system” (Tallberg 2002: 632-633). Even though many violations, especially at the stage of practical implementation on the ground, still seem to go unnoticed by the Commission, this system has proven highly effective in redressing violations of EU law (Tallberg 2002; Zürn and Joerges 2005; Börzel 2020).

This research has focused almost exclusively on compliance with EU secondary legislation. Over the past ten years, however, more and more scholars have focused on more systemic forms of non-compliance. Triggered by the authoritarian turn in countries like Hungary and Poland, debates centered on the question of how to react to violations of the EU’s core values. What was to be done against member states that no longer seemed to be willing to adhere to the principles of democracy and the rule of law?

Based on the insights from research on compliance with EU policies, it seemed consequential to employ all judicial and political means at the hands of the EU to counter these cases of democratic backsliding. As these violations clearly seemed to be driven not by a failure to interpret correctly the meaning of EU norms or a lack of capacities to put them into action but by deliberate political decisions on the part of domestic governments to disregard EU principles of democracy and the rule of law, the logic of Tallberg’s management-enforcement ladder would suggest that the adequate reactions to such political resistance is applying robust sanctions against the respective member states.

This line of reasoning was pursued by a range of scholars. For many, the Commission’s reactions seemed too cautious, especially given the rapid deterioration of the situation in Hungary and Poland. As a consequence, especially legal scholars urged the Commission to employ what has often been called the “nuclear option” against democratic backsliding: Article 7 of the Treaty of the European Union (TEU) (see, for example, Scheppele and Pech 2018). This article encompasses the possibility of

suspending fundamental rights of a member state that breaches the values of democracy and the rule of law, “including the voting rights of the representative of the government” in the Council (Article 7.3, TEU). Yet, before any action can be taken under Article 7, there needs to be a unanimous decision about the existence of such a breach within the European Council (Article 7.2 TEU). Since Poland and Hungary have been shown to form a strategic alliance to protect each other from EU actions (Holesch and Kyriazi 2021), the unanimity requirement makes Article 7 a rather ineffective instrument.

With the political sanction under Article 7 blocked by insurmountable consensus requirements, employing the judicial instrument of the infringement proceeding seemed the next best solution. As some authors point out, the European Commission has started to think about using infringement action (Article 258 TEU) in case of rule of law breaches that might be considered a violation of EU law (Scheppelle 2016, Gormley 2017, Sledzinska-Simon and Bard 2019, Grabowska-Monz 2020).

Furthermore, member states could use Article 259 TEU to bring another member state before the European Court of Justice once the former considers the latter to failing to fulfil obligations outlined under the treaties. In summary, a wide range of primarily legal scholars has argued that the EU should act decisively against democratic backsliding, using the whole range of existing judicial and political tools to turn the tide against authoritarian tendencies in Poland and Hungary (Kochenov and Pech 2015; Scheppelle 2016; Closa and Kochenov 2016, Closa 2020, Pech and Grogan 2020).

In contrast, a second strand of research has focused on the political consequences of EU enforcement actions against democratic backsliding, cautioning against resorting to heavy-handed sanctions (Schlipphak and Treib 2017; see also Sedelmeier 2017). The main argument these scholars have put forward is that governing actors of member states breaching principles of democracy and the rule of law are likely to turn EU interventions into an instrument that could increase their domestic public support instead of undermining their power. The blame mechanism these authors outline is as follows: if an EU intervention takes place, the governing actors will frame that intervention as an illegitimate intervention into domestic politics, illegitimately interfering with the

legitimate actions of a democratically elected government. This is likely to increase domestic public skepticism toward the EU and at the same time boost public support for the government. As a result, the EU intervention would not solve but rather aggravate the problem at stake.

While these arguments seem plausible and have also been bolstered by anecdotal evidence from two case studies, they have not undergone a rigorous empirical test. It is the aim of this paper to contribute such an empirical test. Even if the general blaming mechanism should be confirmed, the question remains whether there are institutional solutions that could allow the EU to act against democratic backsliding without instigating a domestic political backlash.

In the remainder, we first elaborate on the blame mechanism and formulate testable hypotheses. We then move on to theorizing institutional solutions that could mitigate the adverse effects of the blame mechanism.

Effective Blame Games and the Role of Prosecutors

Most recently, the literature on blaming within the EU and beyond has greatly proliferated (see, e.g., Vasilopoulou et al. 2014; Vis 2016; Heinkelmann-Wild and Zangl 2020, Heinkelmann-Wild et al. 2020, Traber et al. 2020). Yet, the origins of the argument date back to the works of Weaver (1986) and McGraw (1990, 1991), with the works of Hood (2002, 2010, Hood et al. 2016), Rudolph (2003) and Boin et al. (2009, 2010) also making important contributions to the field. Yet, most of the time, this type of research has focused on the factors inducing political actors to use blaming strategies, while the effect of these strategies on public opinion has received comparatively less attention.

This is interesting as the literature mentioned above not only indicates that governmental actors are keen to use blame avoidance strategies in times of crises and external interventions, focusing especially, although not exclusively, on international actors such as the European Union. In addition, different governmental actors seem to use different blame strategies, depending on the context of the crisis but also on a country's political and institutional context (see, e.g., Heinkelmann-Wild and

Zangl 2020, Traber et al. 2020). Still, we do not know much empirically about the impact of such blame games on public attitudes.

Most importantly, there seem to be two strategies underlying blame games influencing public attitudes. The first strategy is the *blame avoidance* strategy. Governmental actors pursue blaming strategies to shift blame for an evident problem – a financial, economic or political crisis – away from themselves. Governmental actors employ such blame avoidance strategies in order to prevent the public from holding them responsible for the crisis and, as a consequence, punishing them in future elections. The second strategy is the *scapegoating strategy*. Governments or individual ministers shift blame onto other actors to convince the public that these actors, rather than themselves, are responsible for the problem. Both strategies can, and often do, go hand in hand, as the scapegoating strategy may increase the impact of the blame avoidance strategy. In addition, scapegoating allows governmental actors to present themselves as a shield against the negative influence of the respective scapegoat.

Schlipphak and Treib (2017) combine both strategies in their argument about governmental reactions to EU interventions against democratic backsliding. In a nutshell, they argue that governmental actors blame the EU for interfering with domestic politics in order to convince their domestic audience that the EU's intervention is illegitimate and, by implication, that it does not constitute an adequate reaction to the government's activities. In blame avoidance terms, governmental actors hence not only try to avoid responsibility for a problem, they also seek to place doubt on the very existence of a problem in the first place. This blame game then intends to delegitimize the EU as the actor responsible for the illegitimate intervention into domestic affairs. Finally, the government will then try to present itself as the only defender of national sovereignty against the illegitimate intervention of the EU.

Here, we focus on the first blame-avoidance part of the argument as its effectiveness seems to be a prerequisite for the scapegoating strategy that follows suit. Following Schlipphak and Treib, we argue here that by framing the EU sanctions as an illegitimate interference with domestic politics,

governmental actors may be able to decrease citizens' support for these sanctions by playing the blame game. Formulated as an expectation:

H1: Governmental actors blaming the EU for illegitimately interfering with domestic politics make a country's citizens more skeptical about the appropriateness of the EU's behavior.

Under the assumption that playing the blame game is actually effective, EU interventions against tendencies of democratic erosion would backfire politically, shoring up government support and turning citizens in the accused countries against the EU. If that were all, the EU would be condemned to stand on the sidelines while autocratic member state governments clamp down on democracy and the rule of law. However, such a scenario is not necessary even if our first expectation holds true. The writings of legal scholars and the political science literature on the political consequences of EU sanctions contain elements that can be combined to a mechanism that may at least moderate if not prevent the effects of governmental blame games.

As we noted before, governmental actors seem to be eager to pick international actors as targets of their blame games, especially in the context of multilevel governance (again, see Heinkelmann-Wild and Zangl 2020). This preference for scapegoating international actors seems effective for two reasons. First, domestic publics are often less familiar with international actors as opposed to other domestic actors. Therefore, blaming these more remote actors is likely to be more effective due to the public's lack of knowledge about these actors. Second, blaming domestic (oppositional) actors might be dangerous for governmental actors. While governmental actors should have the ability to influence politics in the domestic context, this is less believable for the opposition that is – by definition – not in power. Hence, shifting blame for domestic failures to the domestic opposition does not really work well for governmental actors: they would either be caught for the implausibility of the blame game or being considered of being politically weak. None of this should seem beneficial to governmental actors.

A third benefit of blaming actors from the international level, which has so far received little attention, is that this perfectly feeds into the narrative of threats from the outside, which are typical for populist and authoritarian actors. It also makes the claim more credible that such outside actors do not understand the country's political context and culture and, hence, see a problem where none exists, seen from an 'inside' perspective.

Such storylines have been used by Polish and Hungarian actors in the past, claiming that the EU did not understand the specific characteristics of Polish and Hungarian understandings of democracy, civil rights, media freedom, and the rule of law. As a result, governmental actors framed the EU's criticism of Polish and Hungarian reforms as being based on alien 'European' values that contrast with domestic values. In essence, this framing then results in the argument that the EU imposes its own value system onto the domestic value system in a neo-colonial or even imperial way.

To prevent governments from using such storylines and thus to thwart the blame avoidance and the scapegoating mechanisms, a number of researchers have proposed to take the role of the prosecutor, i.e. the actor who claims that there has been a breach of European principles of democracy and the rule of law, out of the hands of the EU or, more specifically, the European Commission. Instead, citizens from the countries in which democratic backsliding takes place should be allowed to file complaints against their own government's actions. This, it is argued, should make it much harder for the country's government to play the blame game against illegitimate interventions from the outside. In the examples mentioned above, Polish officials could easily argue that neither the European Commission nor any of the pro-interventionist member states may understand the Polish rule of law culture, but defending this argument against claims coming from Polish citizens is much less viable. While the exact form of how to include citizens as prosecutors into EU intervention mechanisms varies (see, e.g., Müller 2015, Schlipphak and Treib 2017, Grabowska Monz 2020), the argument stays the same: the effect of governmental actors blaming the EU for illegitimately interfering with domestic politics on citizens' perceptions of the appropriateness of the

EU's behavior should become weaker if the breach of standards of democratic or the rule of law is reported by citizens from the respective country. This leads to our second hypothesis:

H2: The effects expected in H1 become weaker if the breaches of democratic standards and the rule of law are reported by a country's citizens.

Research Design

To test our expectations, we administered an online survey experiment in six countries, Germany, France, Poland, Hungary, Spain, and Denmark. The case selection covers a range of macro-level conditions that have generally found to be of relevance for EU-related attitudes. It includes countries from Western, Eastern, Northern and Southern Europe; it encompasses founding member states as well as countries that have joined the EU in the 1970s, 1980s, and 2000s; it involves larger and smaller member states; and it covers richer net contributor as well as poorer net beneficiary countries.

Most importantly, the country selection also includes the two member states that have mainly been affected by democratic backsliding and the accompanying criticisms from outside actors: Poland and Hungary. The other four countries, in contrast, have not seen any major accusations of democratic backsliding over the past decade. Moreover, the case selection also allows us to test whether the political discourse over the past years might have an impact on public opinion. While people in Poland and Hungary are likely to be familiar with EU accusations of democratic backsliding and the blame-shifting arguments of their governments, citizens from the other four countries are unlikely to have direct experience with such accusations against their country, and people especially in France and Germany might rather be familiar with the pro-intervention arguments that have marked the political and media discourses in these two countries. In sum, the country selection allows us to control for the influence of general country difference as well as more specific differences with regard to democratic backsliding and EU interventions.

We opted for 2,000 respondents per country to increase power of the experimental conditions and interactions with potential moderators, such as citizens' trust in government. The survey was fielded by KANTAR Germany in cooperation with the respective KANTAR offices in the respective countries. We double-checked the translations using native speakers and ran a pretest (with 25 respondents per country) so as to secure highest standards of translation and survey quality.

In our survey experiment, we provided respondents with the following statement: "Finally, we are interested in what you think about violations of EU rules. Imagine that the European Union claims that [COUNTRY] has violated EU rules regarding democracy and the rule of law [X] The [COUNTRY's] government defended its actions [Y] Still, [COUNTRY] may now face sanctions." [Country] stands for the respondent's own country. X has four conditions and Y has three conditions, with the first condition for both being a full stop (Y1, X1). This results in one group (with the combination Y1 and X1) that receives no substantive condition but only gets to read the text as provided above.

For testing H1, we expect effects that vary along the conditions of Y. Beside Y1 = ".", we have two additional conditions: Y2 = "as having been necessary to safeguard its population against the detrimental effects of the Coronavirus." and Y3 = "and accused the EU of illegitimately interfering in [COUNTRY]'s domestic affairs." We thus test the impact of two different types of statements, one covering the scenario envisaged by H1, the other adding a control condition revolving around the familiar argument that the Coronavirus pandemic required the (temporary) suspension of civil rights and the rights of parliaments vis-à-vis the executive. Given that this type of argument was used frequently in all countries in our sample, we expect this control condition to yield significant effects. More important for H1 is that we expect Y3 to have a significant effect over the baseline condition Y1.

Table 1. Overview over experimental conditions

Finally, we are interested in what you think about violations of EU rules. Imagine that the European Union claims that [COUNTRY] has violated EU rules regarding democracy and the rule of law [X] The [COUNTRY's] government defended its actions [Y] Still, [COUNTRY] may now face sanctions.			
	Y1	Y2	Y3
X1	. / .	. / as having been necessary to safeguard its population against the detrimental effects of the Coronavirus	. / and accused the EU of illegitimately interfering in [COUNTRY's] domestic affairs
X2 (This claim is based on)	on a complaint by a group of [COUNTRY's] citizens / .	a complaint by a group of [COUNTRY's] citizens / as having been necessary to safeguard its population against the detrimental effects of the Coronavirus	a complaint by a group of [COUNTRY's] citizens / and accused the EU of illegitimately interfering in [COUNTRY's] domestic affairs
X3 (This claim is based on)	an assessment by an independent expert committee / .	an assessment by an independent expert committee / as having been necessary to safeguard its population against the detrimental effects of the Coronavirus	an assessment by an independent expert committee/ and accused the EU of illegitimately interfering in [COUNTRY's] domestic affairs
X4 (This claim is based on)	an assessment by the European Commission / .	an assessment by the European Commission / as having been necessary to safeguard its population against the detrimental effects of the Coronavirus	an assessment by the European Commission/ and accused the EU of illegitimately interfering in [COUNTRY's] domestic affairs

For testing H2, we further explore the interactions between Y-conditions and the four conditions of X. Besides X1 = “.”, the conditions are: X2 = “. This claim is based on a complaint by a group of [COUNTRY's] citizens.”, X3 = “. This claim is based on an assessment by an independent expert committee.”, X4 = “. This claim is based on an assessment by the European Commission.” Adding all possible combinations, we hence have one baseline group (with Y1 & X1) and eleven experimental groups. The key explanatory condition here is X2, the others are further control conditions. H2 would be confirmed if X2 yielded a significant effect compared to the baseline.

After reading the statement, respondents are asked to answer the following question: “In your opinion, to what degree should the action of [COUNTRY] be sanctioned by the EU.” Possible answers

range from 1 = “There should be no sanctions by the EU” to 6 = “There should be severe sanctions by the EU”.¹

We assume that the experimental conditions may interact with several variables on the individual and contextual level for which we want to control. Regarding individual characteristics, there may be one main moderator variable that is of influence here. The blame game effect we expect in H1 seems to be moderated by citizens’ level of trust in, or satisfaction with, government. As the literature has been divided on the question whether one can have (long-term) trust in a government that is elected for a short-term, we opted for the most often used proxy, asking for respondents’ level of satisfaction with how the government is doing its job. Respondents were hence asked to indicate on a scale from 1 = very dissatisfied to 6 = very satisfied how satisfied they were with “The way the [COUNTRY’s] government is doing its job”. We expect respondents who are more satisfied with the government to also consider it a reliable or trustworthy source of information about its policies, and the appropriateness of external intervention. Therefore, higher government satisfaction should strengthen the effect of Y2 (and Y3).

Regarding potential context effects, we assume that especially the actual affectedness by EU accusations of democratic backsliding and the experience with blaming strategies by the domestic government might moderate the effect of the experimental conditions related to the blaming conditions. We may hence observe different effects of these conditions for Polish and Hungarian respondents compared to respondents from the four other countries. While we have no straightforward theoretical assumptions, one may assume that respondents from Poland and Hungary will already factor in the familiar blaming strategies of their governments when making up

¹ If a respondent chose a value of 2 or higher, we further asked them a question with three items to be answered with Yes or No: Would you consider the following EU sanctions as appropriate responses to the rule violation by [COUNTRY]? 1) The payment of a substantial fee, 2) The loss of EU funding, 3) The suspension of the voting right in the Council of the EU. We consider the ordering of these items to be hierarchical, with the first being the least and the third being the most severe sanction for a given country. In future versions of the paper, we will check for the robustness of the findings presented in this paper if using the second dependent variable.

their minds about EU sanctions. Therefore, they are less likely than respondents from other countries to react to the experimental stimulus of Y2.

Furthermore, we asked citizens for their sociodemographic details, including age, gender, education to being able to control for whether randomization of the experimental groups has actually worked.

And finally, we checked the impact of the COVID-19 pandemic by asking citizens whether they are suffering financial losses from the COVID-19 crisis. Still, we expect potential effects of this variable to be caught by the evaluation of the domestic government.

Empirical Findings

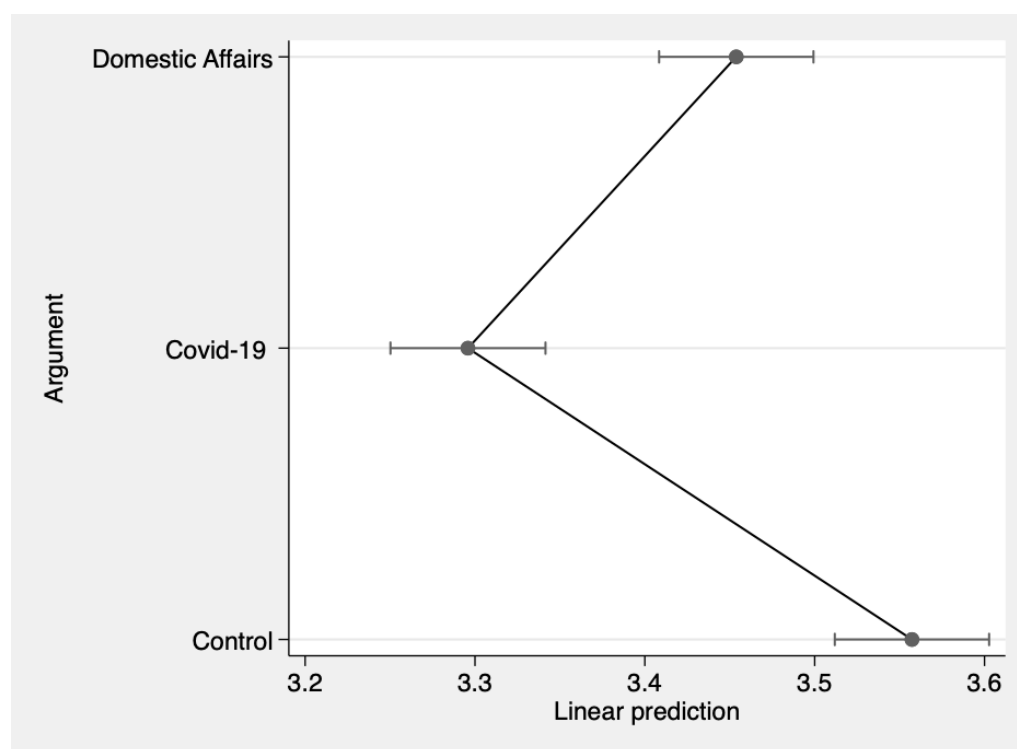
We test H1 by analyzing the differences in means between each pair of Y conditions – that is, the kind of defense argument governmental actors in the respondent's country brought forward. Table 2 and Figure 1 demonstrate that H1 is corroborated by our data. The government defending itself by blaming the EU for illegitimately intervening into domestic politics makes respondents less favorable towards EU sanctions against their country compared to a situation in which the government does not offer such a defense frame.

Table 2. Differences in means between Governmental Defense Strategies

Argument Treatment	Difference in means	Std. error	t	P> t
Domestic Affairs vs. Control	-0.103	0.033	-3.16	0.002
Covid-19 vs. Control	-0.261	0.033	-7.96	<0.000
Domestic Affairs vs. Covid-19	0.158	0.033	4.82	<0.000

We should note here that the Coronavirus frame seems to bear an even greater potential for governments to defend themselves. When the government ascribes the violation of EU rules to the necessity of protecting its citizens against the pandemic, this makes respondents less likely to support EU sanctions against their country, and significantly so compared to both the baseline and the illegitimate interference condition. This effect is in line with our expectations since the survey was fielded in the fall of 2020, right after the first wave of the pandemic, during which such arguments were used frequently in many countries.

Figure 1: Marginal Prediction of Argument Treatment Conditions



In Table 3, we take a quick look on whether these effects vary over groups of countries or respondents' degrees of governmental satisfaction. We do find some differences, although not as many as could have been expected. In Hungary and Poland, H1 cannot be confirmed. As we have outlined in the research design section, we assume that this finding, which might appear counter-intuitive to some readers, is due to the existence of a ceiling effect in these countries. Hungarian and Polish respondents are already used to the blame frame of their government. Hence, explicitly

mentioning the blame frame in an experimental condition does not make a difference compared to the baseline. In essence, we assume that respondents automatically have this blame frame in the back of their minds when they hear that their government is being accused of democratic backsliding and faces the threat of EU sanctions. For Hungarian and Polish respondents, the blame frame is thus also present in the baseline scenario, which explains why Y2 does not have a significant effect in these countries.

In addition, the usual cueing prerequisite seems to matter – if respondents do not trust the source of a blame narrative, there is no effect of the message. This becomes obvious in the non-significant effect of the EU blame narrative among respondents with low levels of governmental support. Finally, the COVID-19 pandemic is a more robust and more substantially important tool for a government to defend itself against the accusation of having violated EU rules in the field of democracy and the rule of law. There are some differences in the size of effects, but beside the case of respondents living in Hungary and Poland, the effect of the COVID 19 defense always significantly trumps the blame narrative.

Table 3: Differences in means between Governmental Defense Strategies over country / respondent characteristics

	Groups of Countries		Governmental Support	
	Poland and Hungary	Other countries	high	low
Domestic Affairs vs. Control	-0.079 (0.063)	-0.115** (0.038)	-0.142** (0.050)	-0.078 (0.043)
Domestic Affairs vs. Covid-19	0.116 (0.063)	0.179*** (0.038)	0.169** (0.050)	0.152*** (0.043)
<i>N</i>	4000	8000	4954	7069
<i>Legend: Standard errors in parentheses, *** = p<.001, ** p<.01, *<.05</i>				

Coming to the test of H2, we split the sample, now only focusing on those respondents who received the governmental blame frame (the EU interfering with domestic affairs) and those in the control group without an experimental defense frame. Figure 2 and Table 4 (first column) demonstrate the findings for respondents in all countries. The dots represent the control condition in governmental framing (that is, no frame elaborating on how the government defends itself against the EU accusations), while the squares represent the values in the blame frame condition. These results show that respondents confronted with the blame frame condition always support less severe sanctions to be imposed on their country than respondents in the control group.

However, the difference becomes insignificant when the accusations of violating EU rules come from fellow citizens, hence confirming H2. We observe the same effect if the accusations are based on the assessment of an independent expert committee. In other words, the blame frame of governmental actors seems to work only if the accusations emanate from “the EU” in general or the European Commission, more specifically. Respondents do not make a difference between the unspecific EU source and the European Commission as a source, which suggests that respondents consider both to be more or less the same. Given the role of the Commission as the ‘guardian of the treaties’, it is not surprising that respondents seem to identify “the EU” and the Commission as one actor when it comes to violations of EU rules.

Figure 2: Marginal Predictions of Argument and Source

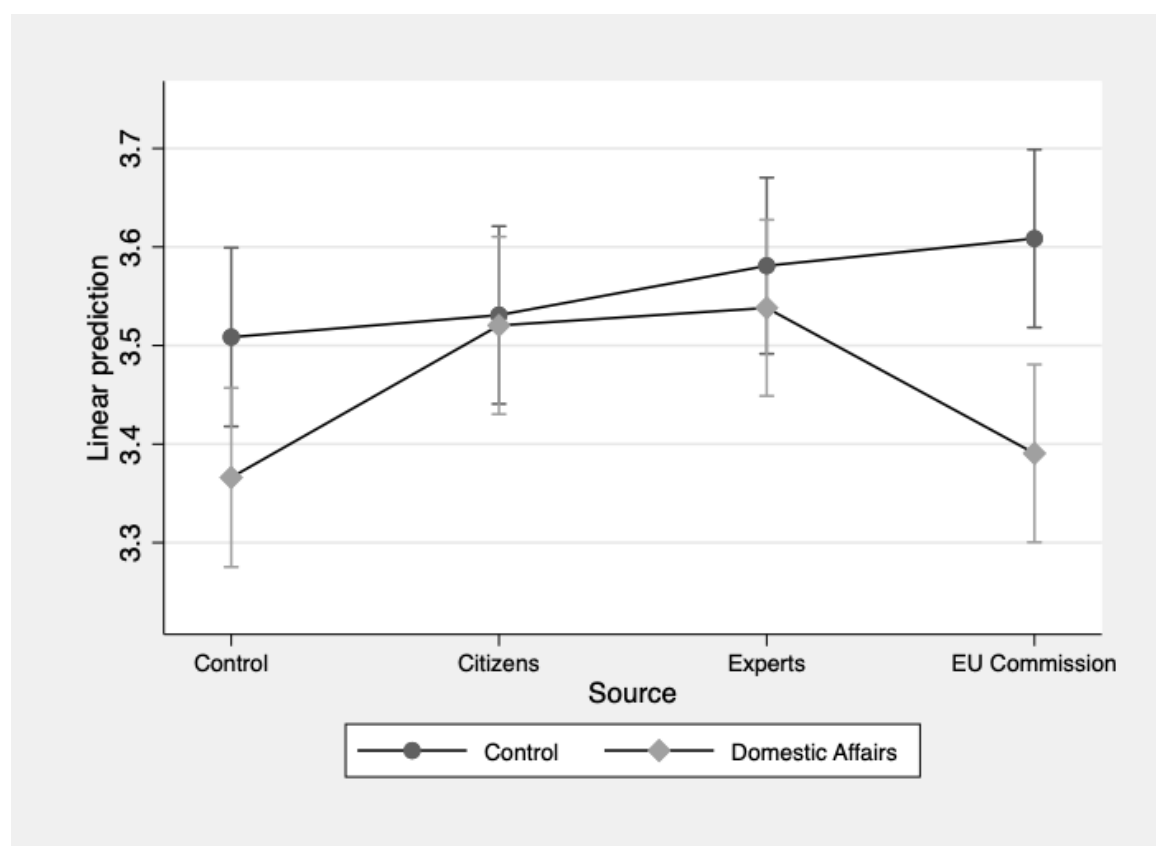


Table 4. Differences in means between Governmental Defense Strategies over Sources

Domestic Affairs vs Control over	All countries	Poland and Hungary	Other countries
Control	-0.142* (0.065)	-0.040 (0.129)	-0.200** (0.074)
Citizens	-0.011 (0.065)	-0.081 (0.127)	0.024 (0.074)
Experts	0.043 (0.064)	0.104 (0.127)	-0.112 (0.073)
EU Commission	-0.218*** (0.065)	-0.302* (0.127)	-0.175** (0.074)
N	8023	2670	5353

Legend: Standard errors in parentheses, *** p<.001, ** p<.01, * p<.05.

When looking at the different groups of countries, we see some interesting differences. First, the effect of the governmental blame frame is strong and significant for respondents in the other countries, but not for Polish and Hungarian respondents. As in our previous analysis, we assume that this is due to respondents in Poland and Hungary automatically factoring in their governments' EU blame frame when they hear about accusations of democratic backsliding and when they are asked

to decide upon the severity of sanctions that they consider appropriate. Second, and again for Poland and Hungary, there is a strong and significant difference between the control and the blame frame conditions when the accusations come from the European Commission (also compared to fellow citizens or an independent expert committee). Surprisingly, this is not due to the blame frame working better in that case. Instead, respondents in the control group without the blame frame prefer harsher sanctions against their own country if the accusations come from the European Commission. We do not have any straightforward explanation for this finding here but will delve deeper into it in future research.

Figure 3: Marginal Predictions of Governmental Defense Strategies over Sources (only POL / HUN)

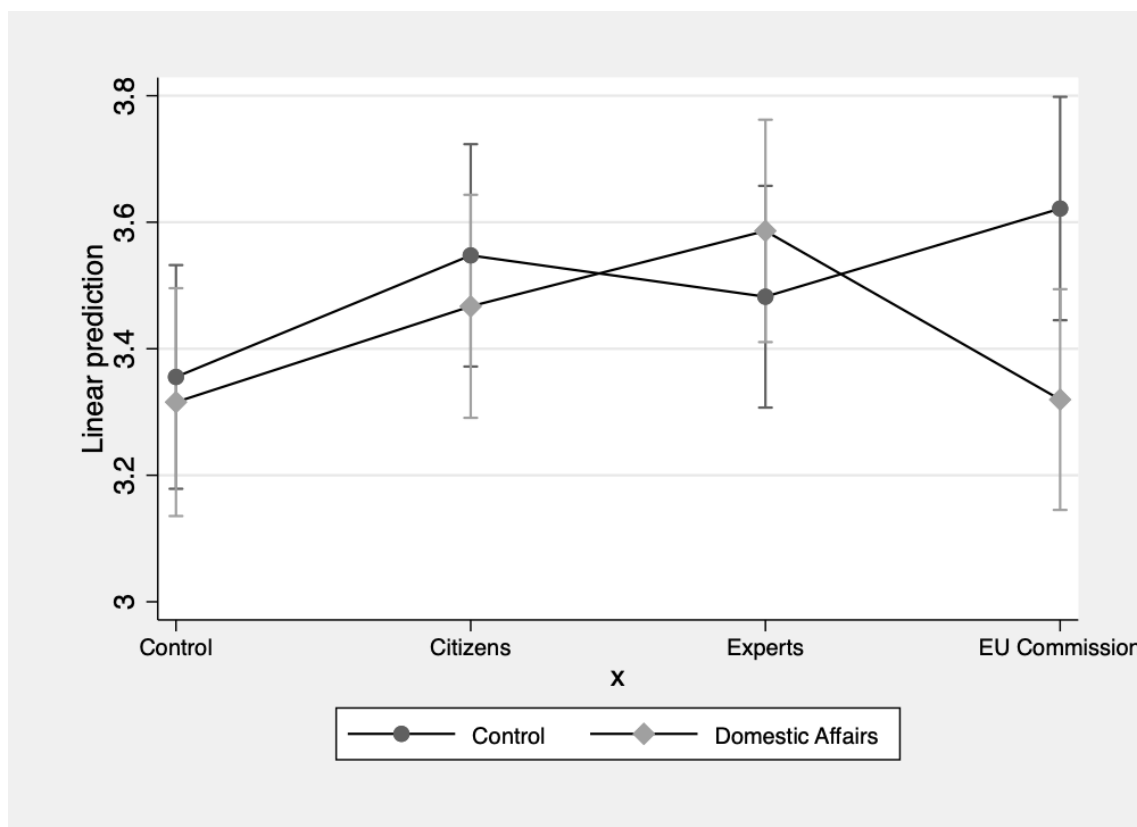
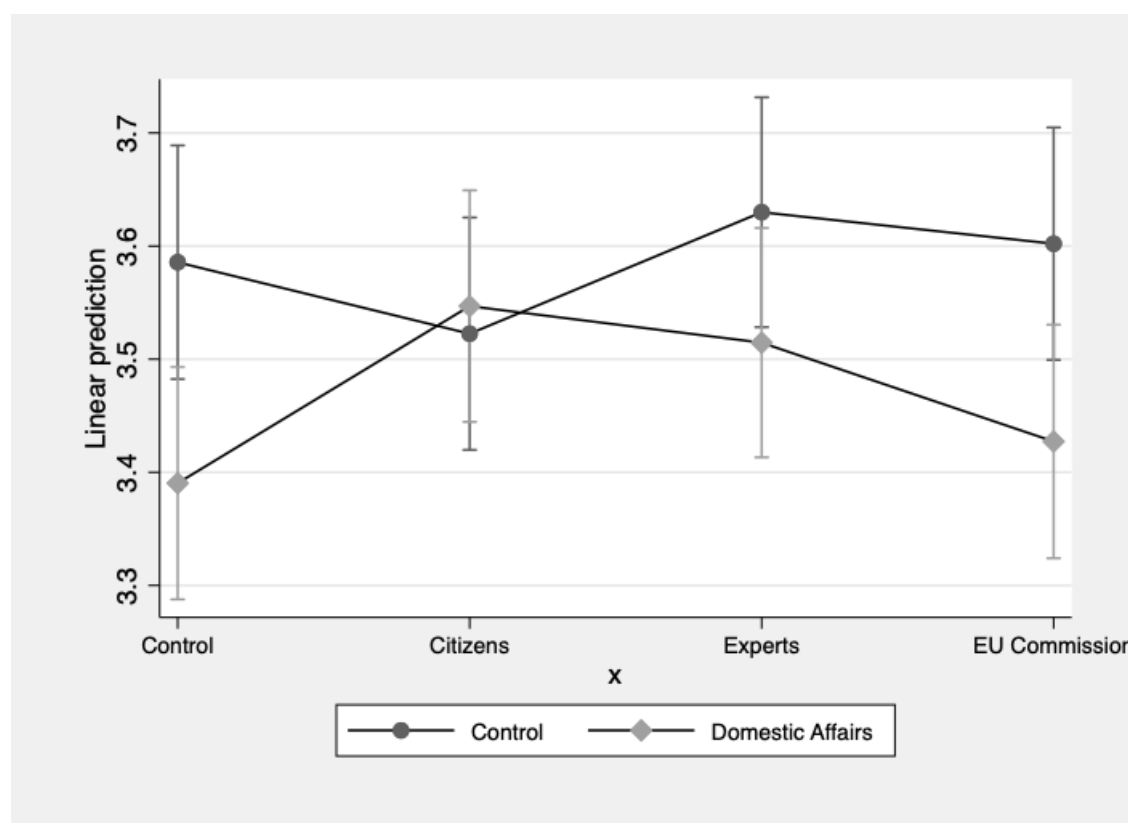


Figure 4: Marginal Predictions of Governmental Defense Strategies over Sources (other countries)



Third, for respondents in Denmark, France, Germany and Spain (“other countries”), we find the same trends as in the total sample. This is not too surprising as this group forms the majority of respondents, hence driving the overall results. As the differences in means between the divergent governmental defense frames (control vs. blame frame) stay insignificant if the accusations come from either citizens or an independent expert committee, we also refrain from analyzing the point estimates in Figure 4, which might seem to indicate a somewhat greater effect of the citizen source condition compared to the independent expert committee condition. In future versions of the paper, we will delve more deeply into whether using a different specification of the dependent variable – that is, respondents’ assessment of the appropriateness of different *types* of sanctions – may change the findings reported above.

Robustness Checks

In Table 2 we already presented some potential additional interaction effects between citizens' characteristics and the effectiveness of our experimental conditions. In the appendix, we furthermore provide the classic ANOVA of our experimental conditions and their interaction (Table A1). In addition, we ran an OLS regression with both Source and Argument conditions and some control variables (age, gender, education) (Table A2). Doing so, we wanted to exclude the possibility that our findings are influenced by imbalances in the distribution of these basic socio-demographics in our experimental groups. The findings in these tables corroborate the robustness of our findings.

Conclusion

Under what conditions do citizens consider EU sanctions against democratic backsliding to be appropriate? Exploring two different strands of literature on EU sanctions and their effects, we derived two arguments that we tested in this article. First, we argue that governments could successfully play the blame game against the EU. Blaming the EU for illegitimately interfering with domestic affairs should make citizens more skeptical regarding the appropriateness of EU sanctions. Second, we hold that this effect is likely to be moderated by the role of the prosecuting actors. Governmental blame games should not work out if the accusations are not brought forward by the EU or any of its institutions, but by citizens from the respective country.

Using a self-administered survey experiment fielded in six EU member states, we find general empirical support for these two expectations. At the same time, we have to acknowledge that the government's blame frame does not work in those countries that have already been confronted with EU allegations of democratic backsliding and (threatened or actual) EU sanctions: Hungary and Poland. In our view, however, this does not place doubt on the validity of our theoretical argument. Instead, we argue that our experimental findings in these countries are biased by what has been called pretreatment effects (Slothuus 2016). As the Polish and Hungarian governments have over the past years engaged in exactly the blame games we envision in our argument, respondents in these countries are familiar with these blaming arguments and take them into account even without an experimental stimulus.

Our findings have important implications for current debates about whether and how the EU should best go about sanctioning member states that violate EU norms with regard to democracy and the rule of law. Our results indicate that applying standard enforcement procedures involving EU institutions as prosecutors is highly vulnerable to successful government blame games. Our survey experiment clearly demonstrated that people are easily convinced by the argument that EU intervention constitutes an illegitimate interference with domestic affairs if the accusations emanate from the EU. Following the advice of those scholars who have urged the Commission to make full use

of its available enforcement tools in order to rectify cases of democratic backsliding is thus likely to backfire politically. The successful blame shifting of the accused governments is likely to decrease citizens' support of the EU and instead increase the domestic public support of the governments that are the target of EU interventions.

This does not mean that the EU needs to stand on the sidelines while authoritarian governments curb media freedom, dismantle the independence of the judiciary, and clamp down on their political opponents. Our results also show that governments' blame games against Brussels becomes ineffective if the accusations of democratic backsliding emanate not from the EU or its institutions but are based on a complaint by a group of domestic citizens. The same is true if the accusations come from an independent expert committee. These moderating effects apply to respondents in all countries.

These findings are grist to the mills of scholars who have suggested alternatives to the standard enforcement mechanism for the special case of democratic backsliding. Our results lends support to the idea of drawing up an independent institution that collects and analyzes citizens' complaints about government actions that seem to undermine democracy or the rule of law (Müller 2015, Schlipphak and Treib 2017). Delegating the task of establishing whether a government has violated EU values to such an independent authority, whose assessment would be based on a bottom-up procedure involving citizen complaints, would make it much harder, if not entirely impossible, for an accused government to play the blame game against the EU.

Bibliography

- Blauberger, M. & van Hüllen, V. (2021). Conditionality of EU funds: an instrument to enforce EU fundamental values? *Journal of European Integration* 43(1): 1-16.
- Boin, A., 't Hart, P. & McConnell, A. (2009). Crisis exploitation: political and policy impacts of framing contests. *Journal of European Public Policy*, 16(1): 81-106. DOI: 10.1080/13501760802453221
- Boin, A., 't Hart, P. McConnell, A. & Preston, T. (2010). Leadership Style, Crisis Response, and Blame Management: The Case of Hurricane Katrina. *Public Administration*, 88(): 706-723.
- Börzel, T. A. (2021). *Why Noncompliance: The Politics of Law in the European Union*. Ithaca, NY: Cornell University Press.
- Closa, C. (2020). Institutional logics and the EU's limited sanctioning capacity under Article 7 TEU. *International Political Science Review*.
- Craig, P. P. & De Búrca, G. (2020). *EU Law. Text, Cases, and Materials* (7th edition). Oxford: Oxford University Press.
- Gormley, L. (2017). Infringement Proceedings. In: A. Jakab & D. Kochenov (Eds.) *The Enforcement of EU Law and Values: Ensuring Member States' Compliance*. Oxford: Oxford University Press, p. 75.
- Heinkelmann-Wild, T., Kriegmair, L., & Rittberger, B. (2020). The EU Multi-Level System and the Europeanization of Domestic Blame Games. *Politics and Governance*, 8(1): 85-94.
<https://doi.org/10.17645/pag.v8i1.2522>
- Heinkelmann-Wild, T., & Zangl, B. (2020). Multilevel Blame Games: Blame-shifting in the European Union. *Governance* 33(4): 953-969. <https://doi.org/10.1111/gove.12459>
- Holesch, A. & Kyriazi, A. (2021). Democratic backsliding in the European Union: the role of the Hungarian-Polish coalition. *East European Politics*, published online first.

- Hood, C. (2002). The risk game and the blame game. *Government and Opposition* 37(1): 15–37.
- Hood, C. (2010). *The blame game: Spin, bureaucracy and self-preservation in government*. Princeton, NJ: Princeton University Press.
- Hood, C., Jennings, W. & Copeland, P. (2016). Blame avoidance in comparative perspective: Reactivity, staged retreat and efficacy. *Public Administration* 94(2): 542–562.
- Kelemen, R. D. (2017). Europe's Other Democratic Deficit: National Authoritarianism in Europe's Democratic Union. *Government and Opposition* 52(2): 211–238. doi:10.1017/gov.2016.41
- Kochenov, D. & Pech, L. (2015). Monitoring and Enforcement of the Rule of Law in the EU: Rhetoric and Reality. *European Constitutional Law Review* 11(3): 512–540.
- Mastenbroek, E. (2005). EU Compliance: Still a 'Black Hole'? *Journal of European Public Policy*, 12(6), 1103–1120.
- McGraw, K.M. (1990). Avoiding blame: An experimental investigation of political excuses and justifications. *British Journal of Political Science* 20(1): 119–131.
- McGraw, K.M. (1991). Managing blame: An experimental test of the effects of political accounts. *American Political Science Review* 85(4): 1133–1157.
- Müller, J.-W. (2015). Should the EU protect democracy and the rule of law inside member states? *European Law Journal* 21(2): 141–160. doi: 10.1111/eulj.12124
- Pech, L. & Grogan, J. (2020). *Meaning and Scope of the EU Rule of Law*. RECONNECT Europe Deliverable 7.2
- Rudolph, T.J. (2003). Who's responsible for the economy? The formation and consequences of responsibility attributions. *American Journal of Political Science* 47(4): 698–713.

Scheppele, K.L. & Pech, L. (2018) Is Article 7 Really the EU's "Nuclear Option"? *Verfassungsblog*, available at: <https://verfassungsblog.de/is-article-7-really-the-eus-nuclear-option/>, DOI: [10.17176/20180306-092411](https://doi.org/10.17176/20180306-092411).

Scheppele, K.L. (2016). Enforcing the Basic Principles of EU Law through Systemic Infringement Action. In: C. Closa & D. Kochenov (Eds.) *Reinforcing Rule of Law Oversight in the European Union*. Cambridge: Cambridge University Press, pp. 105-132.

Schlipphak, B. & Treib, O. (2017). Playing the Blame Game on Brussels: The Domestic Political Effects of EU Interventions against Democratic Backsliding. *Journal of European Public Policy* 24(3): 352–365.

Sedelmeier, U. (2017) Political Safeguards against Democratic Backsliding in the EU: The Limits of Material Sanctions and the Scope of Social Pressure. *Journal of European Public Policy* 24(3): 337–351.

Śledzińska-Simon, A. & Bárd, P. (2019). *Rule of law infringement procedures: A proposal to extend the EU's rule of law toolbox*. CEPS Paper 2/2019.

Slothuus, R. (2016). Assessing the Influence of Political Parties on Public Opinion: The Challenge from Pretreatment Effects. *Political Communication*, 33(2): 302-327.
<https://doi.org/10.1080/10584609.2015.1052892>

Tallberg, J. (2002). Paths to Compliance. Enforcement, Management, and the European Union. *International Organization*, 56(3), 609–643.

Traber, D., Schoonvelde, M., and Schumacher, G. (2020). Errors have been made, others will be blamed: Issue engagement and blame shifting in prime minister speeches during the economic crisis in Europe. *European Journal of Political Research* 59(1): 45-67.

Treib, O. (2014). Implementing and Complying with EU Governance Outputs. *Living Reviews in European Governance* 9(1). <https://doi.org/10.12942/lreg-2014-1>.

Vasilopoulou, S., Halikiopoulou, D. & Exadaktylos, T. (2014). Greece in crisis. *Journal of Common Market Studies* 52(): 388-402.

Vis, B. (2016). Taking Stock of the Comparative Literature on the Role of Blame Avoidance Strategies in Social Policy Reform. *Journal of Comparative Policy Analysis: Research and Practice* 18(2): 122-137.

Weaver, R.K. (1986). The politics of blame avoidance. *Journal of Public Policy* 6(4): 371–398.

Zürn, M. & Joerges, C. (eds). (2005). *Law and Governance in Postnational Europe: Compliance beyond the Nation-State*. Cambridge: Cambridge University Press.

Appendix

Table A1: Main ANOVA Analysis of Experimental Treatments, bold: *p*-values below 0.05

	Partial SS	df	MS	F	Prob>F
Model	174.94	11	15.90	7.38	<0.000
Source	15.89	3	5.30	2.46	0.061
Argument	138.35	2	69.18	32.10	<0.000
Source × Argument	20.13	6	3.35	1.56	0.155
Residual	25834.42	11,988	2.16		
Total	26009.36	11,999	2.17		

N = 12.000, R² = 0.0067

Table A2: Regression with covariate adjustment:

		DV: Sanctions: severity
Source	Citizen Claim vs. Control	0.0921* (0.038)
	Expert Claim vs. Control	0.0842* (0.038)
	European Commission Claim vs. Control	0.0318 (0.038)
Argument	Covid-19 vs. Control	-0.265*** (0.033)
	Domestic Affairs vs. Control	-0.102** (0.033)
Age	25-34 vs. 18-24	-0.0718 (0.044)
	35-44 vs. 18-24	-0.180*** (0.044)
	45-54 vs. 18-24	-0.277*** (0.045)
	55+ vs. 18-24	-0.392*** (0.046)
Gender	Female vs. Male	0.00339 (0.027)
	Other / n.a. vs. Male	0.0564 (0.311)
Education	Medium Education vs. Low Education	0.00126 (0.039)
	High Education vs. Low Education	0.318*** (0.041)
	Constant	3.582*** (0.057)
	Observations	12000

Standard errors statistics in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$