

# Undermining Liberal International Organizations from Within: Evidence from the Parliamentary Assembly of the Council of Europe

Jana Lipps and Marc S. Jacob

## Abstract

International organizations promoting political liberalization and economic integration have become increasingly contested by some of their own members that do not abide by liberal norms. Yet our knowledge about whether these illiberal actors might change the decision-making process within international organizations remains limited. We argue that as more illiberal domestic parties emerge, liberal majority positions in democratic international organizations face increased contestation. We expect this development to be driven mainly by illiberal parties from liberal democracies. To provide evidence for our claims, we study roll call votes in the Parliamentary Assembly of the Council of Europe (PACE), one of the most powerful international parliaments to date and one committed to promoting liberal values. Leveraging an original dataset recording about 400,000 individual votes cast in PACE decisions, we find that illiberal parties are considerably more likely to cast dissenting votes than liberal parties. In contrast to our theoretical expectations, illiberal parties from illiberal (and not liberal) political systems challenge the majority most often. However, being in government mitigates illiberal parties' challenging behavior. Our study has implications for the potential threat of emerging illiberal actors to international liberal institutions and organizations.

**Keywords:** Liberal International Order; Illiberalism; International Parliamentary Institutions; Voting; Democracy; Parliamentary Assembly of the Council of Europe

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## Supplemental Material

An online appendix can be accessed at

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## Introduction

International organizations promoting the Liberal International Order (LIO)<sup>1</sup> are increasingly contested by some of their own members (Vries et al. 2021). In several democracies, liberal democratic institutions have become questioned or even undermined by illiberal governments (Haggard and Kaufman 2021; Przeworski 2019), and political parties that openly challenge democratic principles enjoy considerable electoral support in domestic politics (Greskovits 2015; Knott 2018). Autocratization in formerly transitioning and consolidating democratic regimes, many of which joined LIO organizations after the Cold War, is a setback to the idea that membership in these organizations helps consolidate democratic rule. Although international organizations can contribute to consolidation by empowering domestic reform elites, they usually lack mechanisms to avert and sanction illiberal conduct (Poast and Urpelainen 2015).

But what happens inside LIO institutions when members begin to deviate from the liberal norms that used to be the common ground of its membership? While much has been written about the domestic politicization of organizations promoting the LIO, we still have a limited understanding of how the increasing politicization of international politics in domestic political systems (Vries et al. 2021) affects decision-making within LIO organizations and whether these organizations continue to be dominated by liberal political actors. To advance our knowledge about how illiberal trends affect organizations promoting liberal principles, such as institutionalized multilateralism and individual liberties, we examine voting patterns within the Parliamentary Assembly of the Council of Europe (PACE). The Council of Europe paradigmatically represents the

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<sup>1</sup> For a comprehensive overview of the core characteristics of the LIO, see Lake et al. (2021). In this paper we focus on institutions, such as the Council of Europe and its institutionalized core principles, that have been commonly considered as promoting the LIO.

judicialization of international politics and is among the oldest and the most potent LIO organizations. At the same time, as the Council's parliamentary body, PACE follows participatory and deliberational democratic norms that allow for parliamentary debates on societal grievances across member states, contributing to the legitimacy of its decisions in the eye of domestic publics. However, PACE's members have increasingly become divided over the foundation of the Council's human rights regime itself. Hence, our inquiry into the Assembly enables us to study the internal processes of polity and policy contestation within one of the most prominent LIO organizations. We ask: How has the composition of PACE membership developed over the last decade? And who challenges the advancement of PACE's human rights regime?

Even though International Parliamentary Institutions (IPIs) are a promising study ground in which to elucidate how domestic developments, such as the emergence of illiberal actors, affect the trajectories of LIOs, only a few studies have analyzed the institutional design and processes within these bodies (Lipps 2020; Schimmelfennig et al. 2021; Winzen and Rocabert 2021). Since they bring together (indirectly) elected representatives of a broad party spectrum and not only domestic executives, IPIs are deemed as less dominated by territorial state interests and characterized by more controversial parliamentary debates than purely intergovernmental IOs.<sup>2</sup>

Against the background of debates about the current state of the LIO (e.g., Lake et al. 2021), we argue that IPIs represent a political opportunity structure for domestic actors who oppose the core principles of the LIO. We theorize that two potential sources of contestation exist that might "hijack" LIO organizations: *illiberal political systems* and *illiberal political parties*. If illiberal systems gain momentum in international politics and illiberal parties increasingly garner voter support at the domestic level, even short of being elected into government, they may use IPIs as an area of contestation by challenging the passage of legislative texts. We will demonstrate how the state of domestic liberal democracy and the changing party landscape at the national level influence the capacity for decision-making at the international parliamentary level, ultimately preparing the ground for the internal decay of the democratic institutions of the LIO.

To substantiate our theoretical claims, we analyze a novel dataset of more than 400,000 recorded votes in the Parliamentary Assembly of the Council of Europe (PACE). PACE provides an ideal study ground for our analysis in several ways. First, the extent to which

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<sup>2</sup> The Parliamentary Assembly of the Council of Europe (PACE), for example, has underlined its quest for defending human rights when it suspended the Russian delegation from participating in assembly meetings and made its return conditional upon compliance, see Busygina and Kahn (2020).

parties successfully mobilize voters by attacking liberal democratic ideas and universal human rights differs considerably between PACE's member countries. Human rights are a wedge issue that does not easily align with dominant left-right politics and is not often debated in national parliaments. Since PACE's goal is to promote democracy, the rule of law, and civil and minority rights, we obtain an extensive time series of parties frequently voting on human rights, unique in its comparability across time, parties, and countries. With its 47 member states, including various non-EU members like Azerbaijan, Georgia, and Russia, the Assembly provides us with the largest possible variation of political systems and party positions. It allows us to disentangle the effects of liberal democracy at the country-level versus illiberal positions at the party-level and conditioning factors such as political parties' opposition or government status. In sum, we can study the consequences of illiberal domestic trends for strong human rights organizations such as the Council of Europe.

Our findings indicate that contestation and divisions have been growing in recent years, but liberal parties and countries continue to dominate in the decision-making process. Contestation occurs predominately at the early stages of the parliamentary process and comes from illiberal parties from all backgrounds. Illiberal parties from illiberal regimes are particularly active in proposing changes to legislative texts. However, the group of illiberal parties in liberal political systems has grown recently and become a considerably stronger source of contestation. Although illiberal parties moderate their vote behavior when in government and operating in more liberal systems, their contestation behavior is significantly higher than that of liberal parties. Liberal parties, by contrast, do not differ in their voting behavior, irrespective of in which political system they operate or whether they are in government, a finding that can be interpreted as an indicator of deeper norm internalization.

This paper contributes to several important debates. We provide new insights into the potential democracy-enhancing effects of multilateralism and, in particular, international parliamentarization (Keohane 2006; Moravcsik 1995). We speak to earlier arguments about how powerful illiberal governments do not necessarily challenge human rights internationally (Hafner-Burton et al. 2008; Hathaway 2007) and show that illiberal parties should be considered as posing a new kind of challenge to the LIO.

## Illiberal Actors and International Parliamentary Institutions

Concerns over the legitimate exercise of authority by international organizations are older than the recent illiberal backlash. Criticism, however, originated in a fundamentally liberal concern over the democratic accountability of international decision-making. In response to legitimation pressure, many international organizations have dotted themselves with parliamentary branches, resulting in a veritable surge of parliamentarization since the late 1980s. Because they involve elected non-governmental actors (i.e., parliamentarians), International Parliamentary Institutions (IPIs) are viewed as little dominated by territorial state interests while substantially outspoken. The Parliamentary Assembly of the Council of Europe (PACE), for example, underlined its quest for defending human rights when it suspended the Russian delegation from participating in assembly meetings in 2014 and made its return conditional on compliance (Busygina and Kahn 2020). Yet, deeply internalized norms of parliamentary democracy are neither necessary nor sufficient for states to establish and empower IPIs (Schimmelfennig et al. 2021). IPIs appear in IOs composed of non-democratic countries, and many IOs with a democratic membership base come without IPI. Many IPIs feature a state-centered representational design (Winzen and Rocabert 2021) and do not appear more democratic than the sum of their constituencies (Keohane 2006). In other words, to effectively promote liberal values, such as human rights, IPIs hinge on the democratic orientation of their membership.

For a long time, IPIs were dominated by mainstream parties that used to be both more likely to support and follow the ideals of liberal democratic values and multilateralism (Vries et al. 2021). This also translated into the decision-making process in assemblies like PACE: Parliamentarians who favor multilateralism are more inclined to participate in IPIs. Similarly, the more constraints national parliaments hold on the executive, i.e., the more powerful parliament, the more likely parliamentarians are to attend IPI sessions regularly (Lipps 2020). Active scrutiny at home and new cases of human rights violations in other member states also contribute to more attendance on the part of opposition parties (Lipps 2020). Thus, self-selected parliamentarians representing liberal democratic parties from countries with a strong parliamentary tradition have sought to precisely use their role in IPIs to advance human rights.

But liberal democratic parties are not the only ones participating in human rights regimes. Nonetheless, in the literature on membership in human rights treaties, illiberal actors have so far featured only as non-democratic regimes. The emergence of new cleavages in the party systems of liberal democracies and events of backsliding lead us to introduce illiberal parties, in contrast to regimes, as a new type of actor. As we will argue, the (in)congruence of party and country-level (il)liberalism is a critical yet mainly overlooked driver of contestation behavior in LIO organizations.

### **Illiberal Parties as Challengers**

Illiberal parties have been characterized as collective political actors who lack “public commitment to legal means for gaining power, and rejection of the use of force” (Linz 1978, 29). Such actors commonly refuse to abide by the rules of the democratic game, question political opponents’ legitimacy of participating in the political process, accept or even support violence, and endorse restrictions on civil liberties such as the freedom of the press (Levitsky and Ziblatt 2018, 22).

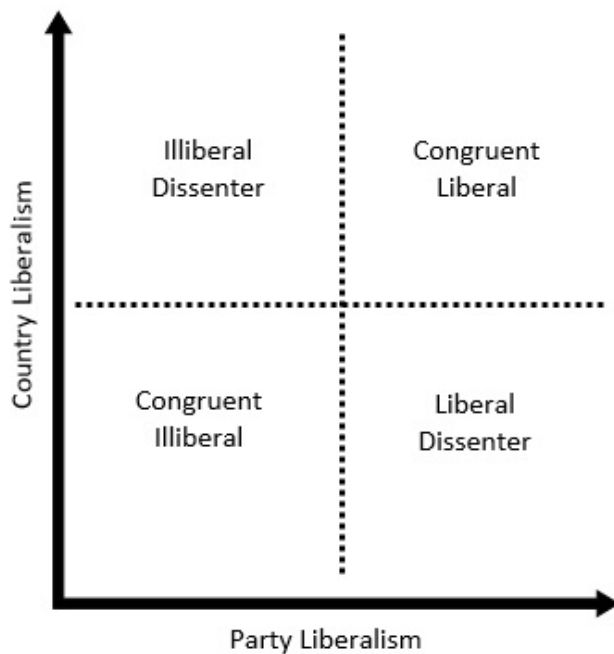
We argue that illiberal parties, including those that have emerged in established democracies in recent years, dislike non-majoritarian democratic institutions, such as an independent judiciary at home or courts at the international level. Besides their anti-democratic conduct, they also frequently oppose multilateralism. The backlash against the liberal international order is often framed as a quest for regaining national sovereignty. Accordingly, sovereignty can be recovered on two levels: at the international level by opposing the pooling of authority in multilateral institutions and at the national level by undermining democratic institutions that promote plurality and minority rights. Illiberal parties should thus take particular issue with human rights regimes. Human rights regimes are multilateral institutions established to sanction internal activities and seek to empower citizens vis-à-vis governments. At best, they provide citizens with the possibility of forwarding individual claims to a quasi-independent international adjudication with sanctioning power (Moravcsik 2000), as it is the intention of the European human rights regime embodied in the Council of Europe. In the tradition of Republican liberalism, the rise of illiberal parties to government office should thus lead to more disparate preferences among states. For example, current wrangling with Hungary and Poland in the European Union has been interpreted along these lines, to the extent that the potential global power of the Union is threatened by disunity (Meunier and Vachudova 2018). If decisions are primarily anchored in democratic values, we should expect illiberal parties to challenge decision-making in multilateral institutions by opposing broadly supported positions.

**Hypothesis 1:** *Illiberal parties challenge more than liberal parties.*

## Varieties of Illiberal Parties

While we expect that liberal and illiberal parties behave differently, insights from existing literature lead us to differentiate between types of illiberal parties. We argue that the domestic political context in which illiberal parties operate has important implications for their behavior on the international scene. Hence, apart from the extent to which a party holds an illiberal orientation, we distinguish whether a party's domestic political environment is characterized by illiberal or liberal governance. By illiberal regime, we refer to all regimes that do not guarantee civil liberties to their citizens (Collier and Levitsky 1997, 441). At the same time, these regimes may restrict electoral competition to different degrees. Whereas some may still hold free and fair elections while not fully meeting liberal standards, others may be characterized by competitive authoritarianism where the electoral playing field is tilted towards the incumbent party (Levitsky and Way 2010).

**Figure 1.** Party liberalism in congruence or conflict with the political system



As Figure 1 illustrates, differentiating parties along those two dimensions (i.e., party and country liberalism) leads to four types of political parties. *Congruent illiberals* are illiberal parties that operate in an illiberal system, hence, are congruent to their environment. By contrast, *illiberal dissenters* refer to illiberal parties from liberal countries, whereby the party's illiberal orientation is in conflict with its system environment. Analogously, we furthermore distinguish between *congruent liberals* (liberal parties from liberal systems) and *liberal dissenters* (liberal parties from illiberal systems).



Why would we expect dissonance and congruence in parties' and systems' (il)liberal orientation to lead to differential challenging behavior? In theory, illiberal and non-democratic regimes should be particularly wary of seizing sovereignty to a human rights regime as democratization, and greater civil liberties create risks for the incumbent's political survival (Busygina and Kahn 2020). At the same time, international cooperation provides material and ideational resources to some domestic actors and not others, which can also be used to strengthen autocratic regimes (Debre 2021). Accordingly, empirical evidence shows that non-democratic regimes are just as likely to sign human rights treaties as democratic regimes (Hafner-Burton et al. 2008; Hathaway 2007; Reichel et al. 2020; Simmons 2009).

It has been argued that, short of normative conviction, non-democratic regimes are incentivized by the material payoffs and substantive legitimizing benefits they receive in return for ratification (e.g., Hafner-Burton et al. 2008). For example, membership in the European Union requires the ratification of core human rights treaties, although crises and the deceleration of enlargement have certainly contributed to stealing the thunder of membership (Reichel et al. 2020). Furthermore, joining human rights regimes is useful for leaders of illiberal regimes who seek to establish their legitimacy internationally even when membership does not provide any material benefits (Busygina and Kahn 2020). Yet, for the ratification of some key human rights treaties, in fact, many countries have not gained tangible material benefits in the form of aid, investments, trade agreements, or intangible benefits such as praise from Western democracies (Nielsen and Simmons 2015). There must still be other reasons to partake than only the recognition awarded by international players.

We follow the literature on non-democratic regimes' behavior in arguing that illiberal parties weigh the benefits of participating in human rights regimes against the repercussions of their participation in the *domestic* power struggle (Debre 2021; Moravcsik 2000; Nielsen and Simmons 2015). Hence, regime types should influence whether an illiberal party resorts to mock strategies that signal their commitment to international norms or refrains from doing so. To provide an example of this mechanism, strong liberal democratic countries without any record of torture are very likely to ratify and comply consistently with the UN Convention Against Torture (CAT). Fully autocratic regimes in which torturing individuals is common practice do not hesitate to sign either. However, the more a *democratic* regime uses torture as punishment, the less likely it will ratify the Convention (Hathaway 2007).

An explanation for this pattern is that autocratic regimes with a firm grip on power have not much to fear. IOs hardly have the means to intervene in violent conflict to enforce democratic rule or prevent authoritarian reversals (Poast and Urpelainen 2015). More importantly, they also face little domestic opposition that could hold them accountable to liberal norms. Hence, autocratic, illiberal regimes can free-ride on their membership

as long as their non-compliance is recognized as mere underperformance rather than the domestic government's intentional behavior (Busygina and Kahn 2020). Moreover, market access or revenues from state-led privatization offered by regional organizations can serve the domestic government to co-opt elites, sustain patronage networks, and prevent elite splits, all of which increase autocratic incumbents' grip on power (Debre 2021). Avoiding the loss of international recognition is particularly important for validating election results in electoral autocracies, as it increases domestic legitimation and appeases international democracy promoters. Therefore, non-democratic regimes seek to influence the deployment of election observation in their favor rather than prohibiting it outright (Debre and Morgenbesser 2017).

In contrast, illiberal parties that may face backlash from more liberal oppositional forces in the domestic sphere are more reluctant to show contestation behavior than those who do not (Hafner-Burton et al. 2008). Democratizing countries are characterized by fragile state-society relations. In such environments, liberal parties could take advantage of IOs to prevent retrogression. In the presence of illiberal challengers, they might delegate powers to an international body to shield themselves against counter-democratic domestic trends and enforce their democratic preference in the long run (Moravcsik 2000).

In this line of argument, illiberal parties in democratic or democratizing political systems should make the opposite calculation of domestic politics to their liberal counterparts. Signing treaties puts an edge on what is deemed acceptable behavior and alters the demands for compliance by domestic constituencies (Simmons 2009). The possibility of referring themselves to rights in a ratified treaty can mobilize domestic groups and lead to litigation. Illiberal parties who face democratizing pressure are therefore also more likely to engage in rhetoric that devalues the applicability of liberal democratic standards in their country. Declaring their rule as an "alternative form of democracy" and denouncing the intervention of democracy promoters as cultural intrusion helps strengthen domestic legitimation narratives (Debre 2021). In sum, illiberal parties in illiberal regimes usually do not face an opposition bloc with sufficient resources to demand change and have little to lose. Illiberal parties in liberal regimes, however, face domestic actors with means and motives, a potential source of backlash that could be encouraged by international human rights regimes. This leads us to formulate the following hypothesis:

**Hypothesis 2:** Illiberal parties operating in liberal systems (*illiberal dissenters*) challenge more than illiberal parties operating in illiberal systems (*congruent illiberals*).

At the same time, as we study a non-governmental assembly, we need to draw another distinction between parties represented in PACE. In a few liberal democracies, illiberal parties have been elected into government but so far lacked the influence and time necessary to change the political system in a way that cements their rule. In other liberal democracies, illiberal parties have been relegated to the rank of the opposition. IPIs often require a proportional representation in the delegation according to seats in the national legislatures, and liberal democracies generally respect this rule. As a result, illiberal opposition parties, if sufficiently large, can claim their seat in the delegation. But what drives their behavior when being international delegates?

As we argued above, the legitimizing benefits of ratifying human rights treaties for governments accrue at the international level. Moreover, illiberal governments take the blame for non-compliance and international shaming or isolation. By discrediting the effectiveness of human rights regimes, illiberal government parties might be able to mitigate the reputational losses due to their own discrepancy between theory and practice with respect to human rights. The failure of human rights regimes to effectively enforce compliance gives such illiberal governments even more reason to undermine the legitimacy of respective LIO organizations (Vreeland 2019).

Illiberal opposition parties do not have the same incentives to mimic adherence to international norms. Importantly, opposition parties do not participate to the same extent as governments in international politics. Since illiberal parties in opposition do not negotiate with other governments, they do not seek international recognition. We would expect that they can afford to vote more consistently against human rights matters and might even use it to distinguish themselves from their window-dressing governments. Thus, to the extent they participate in IPIs, we expect illiberal parties in government to challenge decision-making less than their counterparts in opposition.

**Hypothesis 3:** Illiberal parties in *government* challenge less than illiberal parties in *opposition*.

### The Procedural Politics of Contestation

Lastly, we propose that illiberal parties are more likely to mobilize their forces to amend the content of legal texts rather than block the organization from making any decisions. Words have become a battleground of political contestation, and while human rights hypocrisy is not new, this development shows a more profound resistance. Controlling the use of language, deleting words, and reinterpreting meaning in international law goes beyond non-compliance: it reverses previously achieved norm adoption. This strategy of rewording has recently been termed “norm spoiling” (Sanders and Jenkins 2022). If challengers manage to limit the applicatory scope of human rights norms at an early stage of the policy process, they effectively change to what extent they are

actually constrained in their actions by the international organizations and reduce compliance costs piecemeal (Panke and Petersohn 2012). In the longer term, it becomes significantly less costly for illiberal parties to play along in an IO that is rendered toothless, with less binding commitments and no means to enforce them, than to obstruct the legislative process or withdraw from the organization.

Actors engaging in norm spoiling use various rhetorical strategies, from justifying non-compliant behavior with norm dysfunction, violating the vague aspects of imprecisely defined norms, or pitting norms against each other (see Panke and Petersohn 2012; Sanders and Jenkins 2022). For instance, re-framing gender rights to “protect family values” has decriminalized domestic violence offenses in Croatia’s Criminal Code of 2013 (Krizsan and Roggeband 2018). Illiberal actors often invoke traditional or natural rights and their country’s unique background when offering their reinterpretation of human rights norms. At the Committee of Ministers at the Council of Europe, Russian foreign minister Lavrov described his policy priorities as “strengthening the national mechanism for defending human rights,” and that “[the] human rights formula adopted at the Council of Europe presents many aspects, but as with any formula cannot cover all varied ideals of dignity, freedom, safety, justice and prosperity for which people and societies strive” (Busygina and Kahn 2020, 71).

We conclude that the debate over the precise placement and meaning of words is central to international treaty negotiations and the judicial interpretation of rights (Sanders and Jenkins 2022) and thus is particularly important for studying human rights regimes. We thus expect the most opportune moment to influence texts in the legislative process for illiberal challengers to be during deliberation on a draft text.

**Hypothesis 4:** Illiberal parties are more likely to challenge at the *deliberation stage* than the *adoption of a final text*.

**Figure 2.** Who challenges? Theoretical expectations

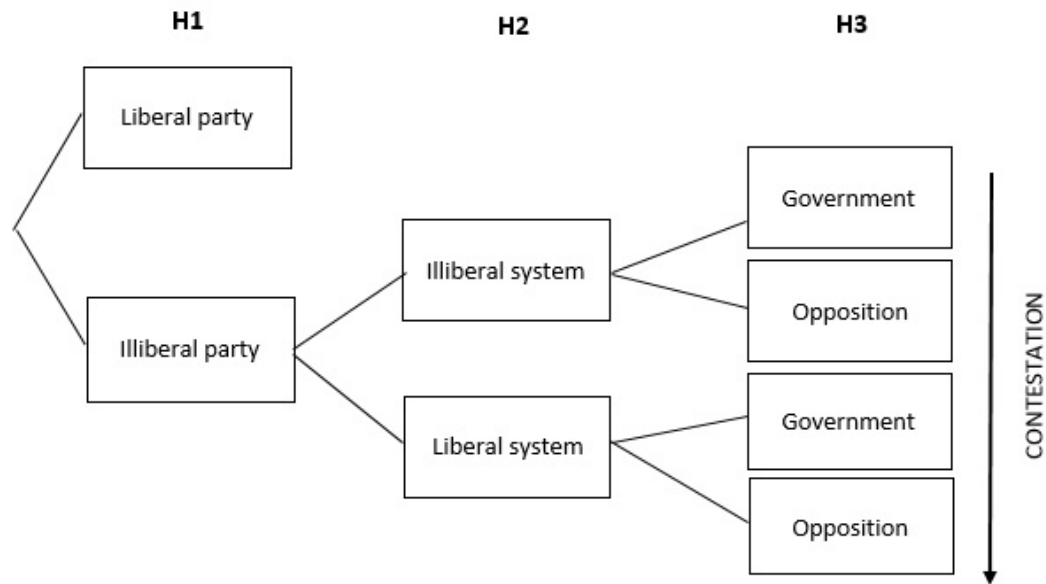


Figure 2 summarizes our theoretical expectations. We do not expect any differences between liberal parties, neither concerning the regime in which they operate nor with respect to their government status. But we expect such differences for illiberal parties, firstly depending on the regime (*illiberal dissenters* challenge more than *congruent illiberals*), and secondly, conditional on government status (illiberal parties in *government* challenge less than their counterparts in *opposition*).

## The Parliamentary Assembly of the Council of Europe

We chose to study the effects of illiberal regimes and illiberal parties on the dynamics of decision-making in international organizations in the case of the Parliamentary Assembly of the Council of Europe (PACE). Our case selection is motivated by a number of reasons. First, the European human rights regime is the most developed in terms of institutional powers in the world, and the PACE plays an essential role in it, holding far-reaching powers compared to other international parliamentary institutions (Rocabert 2020). Second, the declared goal of the Assembly is to uphold human rights, democracy, and the rule of law, an objective that illiberal actors frequently denounce as interference with domestic affairs. PACE thus offers a unique environment to examine political actors' repeated and comparable position-taking on human rights at the international level. Third, PACE membership is very diverse with regard to compliance with democratic norms, providing us with the largest possible variation of liberal and

illiberal regimes, liberal and illiberal parties, and their governmental status. Fourth, to ensure transparency and accountability, the assembly records votes electronically since 2007, offering us a rich data source for nearly all decisions made in PACE.<sup>3</sup>

PACE was founded in 1949 and today consists of 324 parliamentarians delegated to the Assembly from the national parliaments of its 47 member countries. The Assembly elects the judges of the European Court of Human Rights, the Commissioner for Human Rights, and the Secretary-General of the Council of Europe. It can summon Heads of State and Government to answer its questions, conduct election observations, and inquire to collect evidence on human rights violations. It may furthermore hold the intergovernmental Committee of Ministers to account. The Council is obliged to respond to PACE requests, which can go as far as recommending the expulsion of a country from the Council of Europe.<sup>4</sup> The Assembly uses recommendations to enforce action in areas that fall under the competence of the Council of Ministers and resolutions when it can act in its own authority. Monitoring procedures, which entail regular visits by two rapporteurs to meet civil society and institutional actors in the country in question, are also part of the Assembly's area of competence.

## Data and Methods

Our analysis rests on an original roll-call dataset on PACE legislators' *complete* voting records from 2007 to 2021.<sup>5</sup> The Assembly holds four sessions annually and debates about 10 to 15 topics per session. In total, our dataset covers 689 legislative proposals and 5,553 roll calls. Those roll calls may be on resolutions, recommendations to the Council of Ministers, or oral and written amendments tabled during the plenary debate. The latter makes up the most significant portion of PACE votes. Resolutions and recommendations require a two-thirds majority to pass, and for an amendment to be tabled, it must be sponsored by at least five parliamentarians.<sup>6</sup>

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<sup>3</sup> In the rare case of technical failure, a roll call vote takes place in which parliamentarians are called in alphabetical order to announce their vote choice. Parliamentarians' individual votes are made public on the website of PACE; the only exception are votes on appointments, which are secret.

<sup>4</sup> <https://pace.coe.int/en/pages/powers>.

<sup>5</sup> Note that due to the Covid-19 pandemic, only a few sessions took place in 2020 and 2021. We thus remove these two years from the roll call regression analysis.

<sup>6</sup> Amendments, which have been unanimously approved by the respective committee, are considered adopted by the Assembly if no parliamentarian objects. The committee might reject amendments by a two-thirds majority, in which case an amendment is not forwarded to the floor unless at least ten parliamentarians object. As a consequence, amendments that make it to the plenary debate can be considered to cross a minimum threshold of political disagreement.

## ***Variables and Measures***

To examine which group of members of parliament (MPs) is most likely to challenge the majority in PACE roll calls, we match each PACE legislator's national party affiliation with information about their party's political orientation in the V-Party dataset (Lührmann et al. 2020), an expert survey consisting of various measures to document parties' policy stances and ideological characteristics worldwide over time. Moreover, we rely on the Varieties of Democracy (V-Dem) dataset to measure countries' levels of liberal democracy (Coppedge et al. 2020). We are mainly interested in the following three variables.

**Party (il)liberalism.** We use V-Party's illiberalism index as an indicator of the extent to which the national party shows anti-democratic rhetoric and conduct.<sup>7</sup> This index takes into account severe attacks against political opponents, rejecting political pluralism and minority rights, and refusing to condemn political violence (cf. Lührmann et al. 2021).

**Country (il)liberalism.** We use V-Dem's liberal democracy index to measure to what extent an MP is a delegate of a liberal democratic system. The liberal democracy score relies on the degree to which the system can be considered an electoral democracy (in the spirit of Dahl's polyarchy concept) and the extent to which liberal democratic norms, e.g., constraints on the executive and minority rights, are institutionalized and complied with in practice.

**Domestic government status.** We consider whether the national party has been involved in national government formation. Drawing on the V-Party data, we classify all parties to fulfill those criteria if (i) it serves as a senior partner (head of government is affiliated with that party) or (ii) is a junior partner (head of government not affiliated with this party, but at least one cabinet minister is). All other parties are coded as opposition parties.

In addition to these three variables, we control for several other factors that might be associated with the likelihood of challenging the majority in PACE decisions. These refer to other national party orientations and their share of seats in the national parliament.

**Party left-right position.** We incorporate V-Party's economic left-right indicator as another explanatory variable. This indicator refers to the extent to which the party prioritizes a government actively intervening in economic affairs or prefers a limited role of the government in economic affairs.

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<sup>7</sup> Note that party scores are only available for election years. We assign party scores to PACE MP until a new score from the next election is available.

**Cultural dimension.** The cultural dimension ranks parties according to their position on non-economic issues, typically questions of minority rights and environmental protection. The most common measure, the GAL-TAN scale, is unavailable for most parties in our dataset. We therefore resort to a variable measuring to what extent a party supports gender equality.

**Seat share in national parliament.** Lastly, the size of a party is an indicator of how influential a party is domestically and how many representatives it can send to PACE. We control for the share of seats held in the national legislature.

All variables except for government participation and seat share are scaled from 0 to 10 to make them more comparable. A higher value indicates a more liberal, economic right, or culturally liberal orientation.

### ***Party Typology***

Drawing on these variables, we categorized parties into four types that align with our theory. All parties with a party and country liberalism score of at least 8 (on a scale from 0 to 10) are coded as *congruent liberals*, which we use as a baseline in our regression models. Substantially, this category refers to all liberal parties that operate in a liberal political system. We choose the threshold of 8 because it is commonly used in V-Dem's categorization scheme for liberal democracies. Moreover, as shown in Appendix B, applying this threshold has face value: all parties coded as liberal baseline are commonly held to commit to liberal values and operate in comparatively strong liberal democracies. We furthermore consider liberal parties in illiberal systems (< 8) as *liberal dissenters*, that is, parties that subscribe to liberal principles but operate in an illiberal system environment. This type of party usually occurs when a democracy experiences backsliding, and the Hungarian Socialist Party and the Polish Civic Platform are cases in point for this party group.

In line with our theory, we distinguish between two types of illiberal parties. For one, we refer to a party as an *illiberal dissenter* when it runs in a liberal political system but rejects liberal principles. The German Alternative for Germany (AfD) and the French Rassemblement National are prominent examples of this group. For another, we consider all illiberal parties operating in an illiberal system as *congruent illiberals*, as both their internal orientation and system environment reject liberal principles. United Russia and the Turkish Justice and Development Party (AKP) fall into this group, as do Hungary's Fidesz and Poland's Law and Justice (PiS) after 2010 and 2015, respectively.

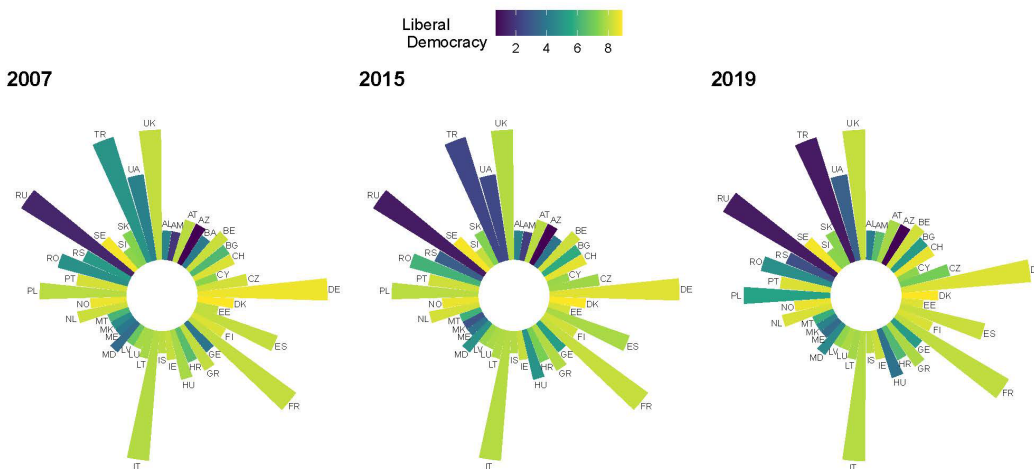


### Descriptive Overview: Varieties of Illiberal and Liberal Parties in Pace

The composition of PACE’s membership, especially concerning its commitment to liberal democratic norms, has changed significantly over the last two decades. Crucially, PACE has expanded its geographic reach and admitted members that did not fully comply with democratic criteria upon admission. This enlargement happened in the belief that PACE would be able to lock in and further their democratic trajectories (Schimmelfennig et al. 2021; 104–115). And yet, as of 2020, eleven countries are subject to monitoring due to degrading democratic standards: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Poland, the Russian Federation, Serbia, Turkey, and Ukraine.<sup>8</sup>

However, the entrance of new members with worse democratic credentials can only be part of the explanation. No new member countries have been admitted since 2007, yet the level of democracy among PACE’s members continues to decline. The colors in Figure 3 indicate the score for each member country in 2007 (left) compared to 2019 (right) by the number of seats in the Assembly (size of bars). Most notably, Poland, Hungary, and Turkey all took illiberal turns. The prolonged period of declining democratic credentials speaks against PACE’s ability to advance the democratization of its membership in more recent years.

**Figure 3.** Recent development of democratic membership by seats in the Assembly

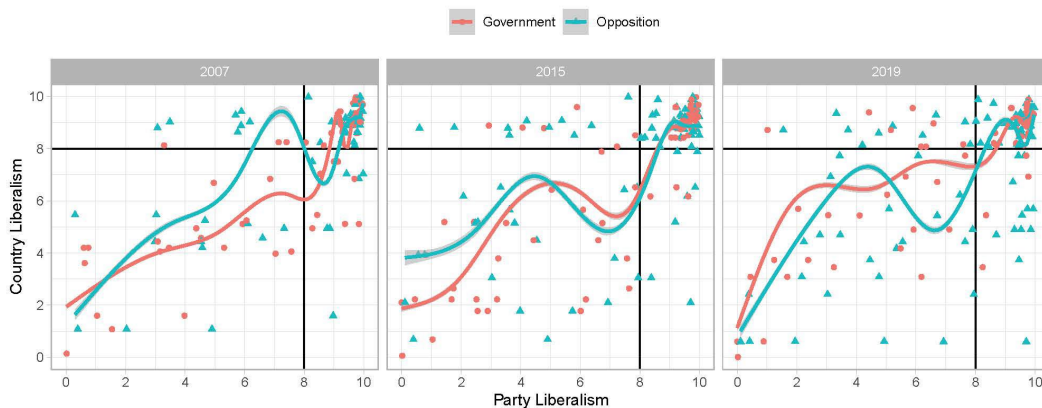


<sup>8</sup> <https://pace.coe.int/en/news/8172/pace-reviews-progress-of-council-of-europe-states-under-monitoring-in-2020>.

Besides these regime changes at the national level, party systems *within* domestic systems have also transformed substantially. In addition to the congruent illiberals, new illiberal parties emerged in *liberal* democracies, entered national parliaments, and are frequently part of national delegations in PACE sessions. Figure 4 displays national parties that attended PACE in 2007, 2015, and 2019 along with country-level liberal democracy (x-axis) and the national party's commitment to democratic norms (y-axis). It demonstrates the increasing variety of country and party illiberalism represented in PACE: a higher number of parties operate in relatively liberal democracies but show patterns of illiberal behavior in 2019 than in 2007.

Similarly, more liberal, primarily oppositional parties, organize in illiberal systems than before. At the beginning of the observation period, party and country liberalism were more aligned, whereas now, parties occupy all four quadrants. As a result of these trends, we expect that the differentiation of national parties' and countries' illiberal orientation has brought new types of challengers to the political process in international organizations promoting the LIO, such as PACE. Consequently, these new developments have likely translated into higher levels of contestation in decisions on human rights issues.

**Figure 4.** Liberal democracy, illiberal parties, and governmental status. Party scores are taken from V-Party, country scores from V-Dem. Score of 10 = most liberal.



## Results

Our empirical analysis proceeds in the following steps. We take a top-down approach, whereby we first study the level of contestation at the *assembly* level. This allows us to evaluate to what extent conflict in voting decisions has increased over the last decade. We then turn to the *party type* level, where we distinguish between our types of (il)liberal parties developed in our theory and compare their level of contestation against each other. Finally, we study voting patterns at the *MP* level. Specifically, we

examine whether MPs show differential challenging behavior depending on the party type they are affiliated with. Moreover, we present evidence on which party groups introduce more *amendments*, thereby trying to revise legislative texts.

### ***Contestation at the Assembly-Level***

As a first step, we are interested in whether the split of the Assembly into liberal and illiberal actors affects voting outcomes at the level of roll calls. We think of contestation as the extent to which MPs are divided over an issue. We thus want to capture the level of cross-voting among all legislators of PACE for each of the 5553 roll-calls  $j$  we record, including amendments. The Rice Index is a commonly used measure to determine voting unity among legislators (Carey, 2007).<sup>9</sup> The Index ranges from zero (i.e., Assembly is split equally between MPs who voted in favor and MPs who voted against a proposal) to a value of 1 (i.e., all MPs voted in unanimity).<sup>10</sup>

We chose a threshold of  $RI < 0.8$  for contested roll-calls, which is equivalent to the minority side representing ten percent of votes, and calculated the share of contested over all roll-calls in each session of PACE.<sup>11</sup>

Figure 5 shows that between the years 2007 and 2012, only about 50 percent of roll calls can be considered contested. Starting in 2017, the share of contested roll calls has increased sharply. In the most recent year of our analysis, 2021, a significant share of 90 percent of roll calls faces opposition by at least 10 percent of voting MPs. We can replicate this trend even if we set the bar higher and consider only roll calls with  $RI < 0.6$  as contested, resulting in an increase of contested roll calls from around 30 percent in 2007 to roughly 60 percent in 2021 (see Appendix Figure C.1).

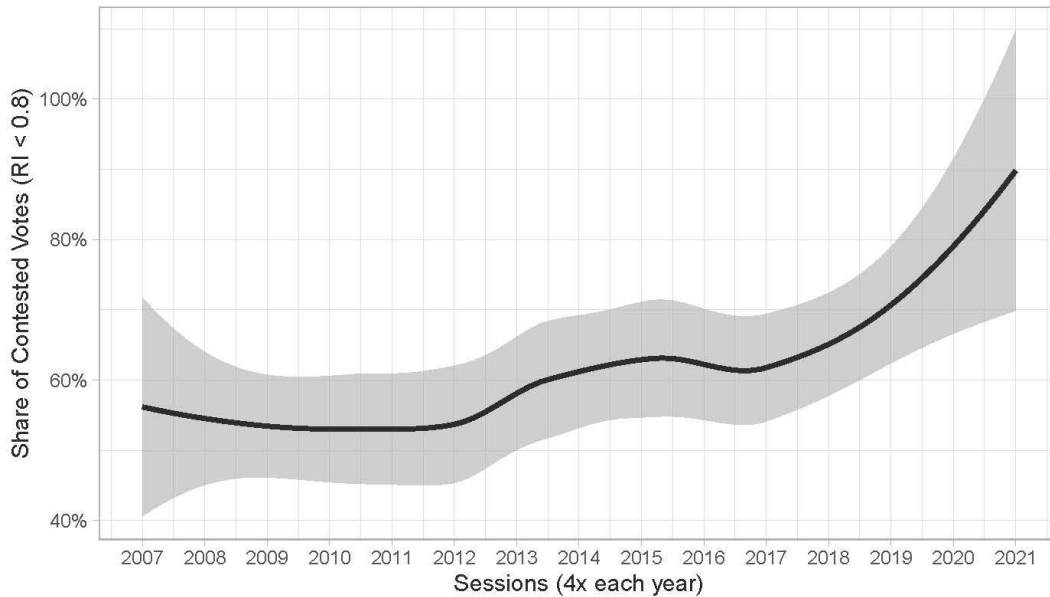
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<sup>9</sup> The Rice index is calculated as follows:  $RI_j = \frac{|AYE_j - NAY_j|}{AYE_j + NAY_j}$ .

<sup>10</sup> Abstentions are usually excluded or considered equivalent to a Nay when calculating the Rice-Index. We decided to exclude abstentions because, in the multi-level context of IPs, they are not consequential for whether a proposal passes and are therefore not equivalent to a Nay. Abstentions make up only 6 percent of all individual votes cast.

<sup>11</sup> The average number of roll calls in each session is 103. The minimum is 54 and the maximum is 268.

**Figure 5.** Share of contested over all roll calls over time. Grey ribbon represents 95% confidence interval.



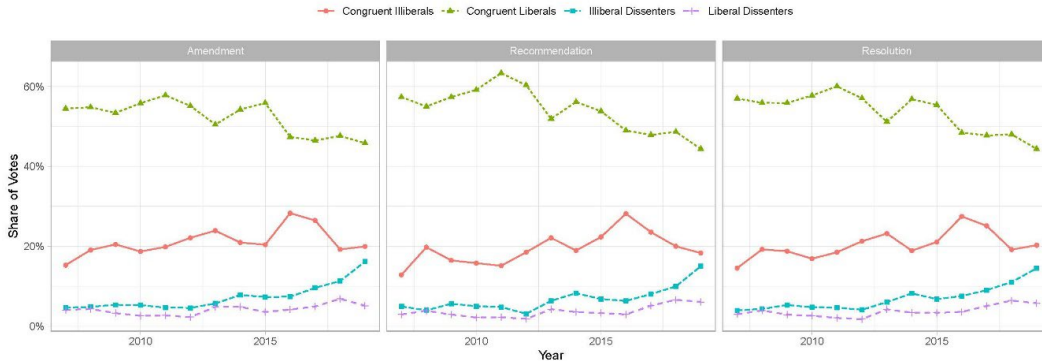
The rise of the level of contestation coincides with illiberal parties gaining seats in national parliaments and entering PACE. The diversification of the party landscape concerning party liberalism started around 2013 and peaked in 2017 (see Appendix Figure C.2).

**Finding 1:** The share of contested votes has increased over the last decade.

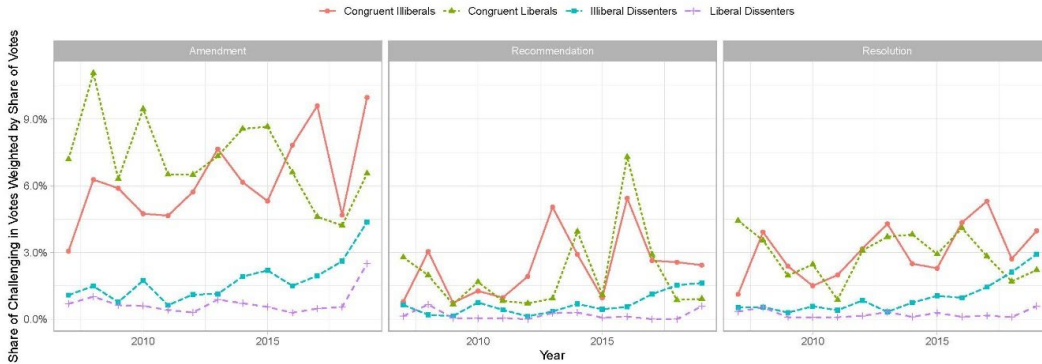
### ***Contestation at the Party Group-Level***

Next, drawing on our theory, we distinguish between types of illiberal parties and examine the sources of increasing contestation identified in the previous section. To do this, we investigate the share of votes cast by illiberal parties. Figure 6(a) shows the percentage of votes cast by each party group (congruent illiberals, liberal dissenters, illiberal dissenters, congruent illiberals). While members affiliated with a liberal party and from a liberal system vote by far most often in PACE, the largest group among illiberal parties are congruent illiberals. In recent years, however, the share of votes cast by illiberal dissenters has increased quite substantially to almost 20 percent, and they now form nearly as large of a group as the congruent illiberals.

**Figure 6.** Votes cast by illiberal parties in PACE, 2007–2019.



(a) Share of votes cast by illiberal parties by document type in percent



(b) Share of challenging votes cast by illiberal parties weighted by the share of votes by document type in percent

Figure 6(b) plots the share of votes against the majority weighted by the size of a party’s delegation. It appears that liberal parties find themselves on the minority side in between 5 and 12 percent of amendment votes. Congruent illiberals challenge the majority most often compared to other illiberal parties. The more recent increase in contesting votes from illiberal dissenters suggests that this party group has turned into a more forceful source of opposition, even when taking their growing group size into account. The patterns also indicate that, in line with Hypothesis 4, contestation occurs the most often at the deliberation (i.e., the amendment) stage.

**Finding 2:** Congruent illiberal parties cast most dissenting votes, but illiberal dissenters have increasingly voted against the majority in recent years.

### ***Contestation at the MP-Level***

Next, we disaggregate the data by estimating the effects of belonging to one of the four party types on MP's roll call behavior. Specifically, we implement a mixed-effects probit regression of casting a vote against the majority on a multinomial variable for liberal vs. illiberal party. In another model, we use a multinomial variable for the four party types as a predictor. As Appendix D shows, the majority side in PACE decisions has remained overwhelmingly liberal over time, suggesting that voting against the majority usually means challenging a strong liberal coalition.

We control for additional party characteristics such as economic left-right in all models. As the data are nested, we add random effects for (i) PACE Europarty, (ii) MP nested within national party nested within country, and (iii) document ID<sup>12</sup> nested within years. We furthermore interact party type with governmental status (government vs. opposition) to evaluate whether being in government is associated with divergent voting patterns. Note that we can only study the interaction between party type and governmental status for congruent liberals, illiberal dissenters, and congruent illiberals but not for liberal dissenters. The latter party type has never been in any domestic government during the study period.

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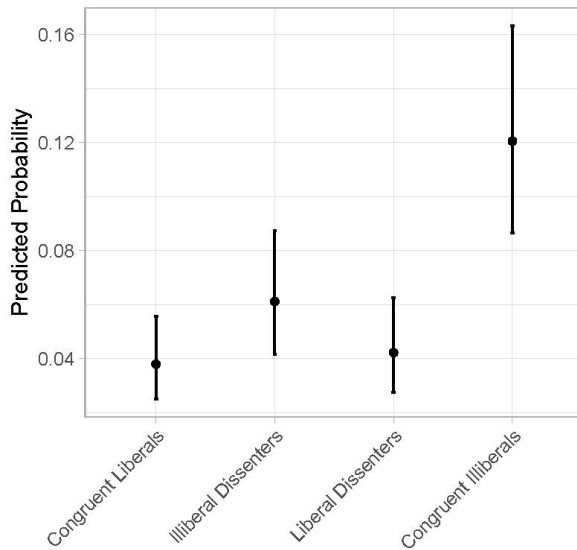
<sup>12</sup> A document usually encompasses votes on amendments to both a proposal for a resolution or recommendation.

**Table 1.** Mixed-effects probit regression of voting against the majority. No interaction effect for *liberal dissenters* and *government* no liberal party has been in government in an illiberal political system. RE = random effects. \*p<0.05; \*\*p<0.01; \*\*\*p<0.001

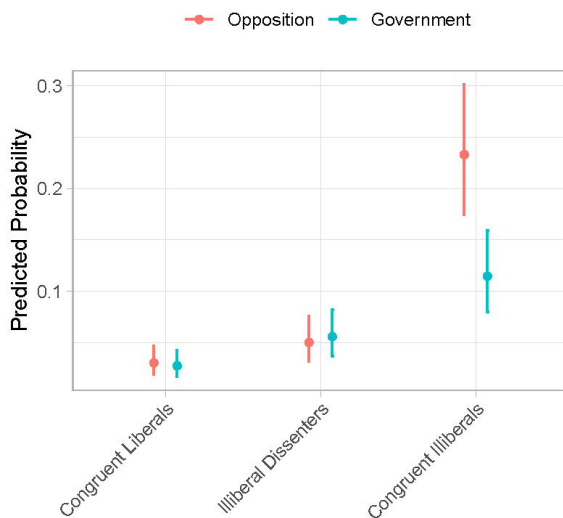
	(1)	(2)	(3)	(4)
Illiberal Party (vs. Liberal Party)	0.303*** (0.032)	0.504*** (0.038)		
Government (vs. Opposition)		-0.049*** (0.013)		-0.042** (0.013)
Illiberal Dissenters (vs. Congruent Liberals)			0.230*** (0.034)	0.234*** (0.054)
Liberal Dissenters (vs. Congruent Liberals)			0.050 (0.036)	
Congruent Illiberals (vs. Congruent Liberals)			0.603*** (0.050)	1.150*** (0.066)
Illiberal Party x Government		-0.238*** (0.025)		
Illiberal Dissenters x Government				0.096 (0.049)
Congruent Illiberals x Government				-0.431*** (0.030)
Economic Left/Right	0.026** (0.009)	0.029** (0.009)	0.032*** (0.009)	0.035*** (0.010)
Gender Equality	-0.036*** (0.007)	-0.039*** (0.007)	-0.028*** (0.007)	-0.032*** (0.008)
Seat Share Domestic Legislature	-0.001 (0.001)	0.002*** (0.001)	-0.001* (0.001)	0.002** (0.001)
Constant	-1.612*** (0.113)	-1.699*** (0.113)	-1.769*** (0.115)	-1.967*** (0.122)
PACE Party RE	Yes	Yes	Yes	Yes
Country/Party/MP RE	Yes	Yes	Yes	Yes
Year/Document ID RE	Yes	Yes	Yes	Yes
Observations	394,974	394,974	394,974	374,943
Log Likelihood	-150,848.100	-150,780.000	-150,817.800	-143,124.900
Akaike Inf. Crit.	301,718.300	301,586.000	301,661.700	286,279.800
Bayesian Inf. Crit.	301,838.000	301,727.500	301,803.200	286,442.300

Table 1 reports the results of the regression models. Concerning the overall effect of illiberal vs. liberal party (Models 1 and 2), illiberal parties are more likely to cast dissenting votes in PACE. Moreover, being in government and not in opposition reduces the likelihood of challenging the majority compared to the difference between liberal government and opposition parties. These findings provide empirical support for Hypothesis 1 (illiberal parties challenge more often than liberal parties).

**Figure 7.** Predicted probabilities of challenging majority in PACE conditional on party type and governmental status. Bars represent 95% confidence intervals.



(a) Predicted probability conditional on party type (Model 3 in Table 1).



(b) Predicted probability conditional on party type and government status (Model 4 in Table 1).



Models 3 and 4 furthermore indicate that congruent illiberals are by far the most likely to challenge the majority in PACE decisions. Panel A in Figure 7 illustrates this relationship with the predicted probabilities for all four party types, while Panel B shows the heterogeneous probabilities by government vs. opposition. Illiberal dissenters challenge more than the liberal baseline category but less often than congruent illiberals. Liberal dissenters appear to be also more likely to cast dissenting votes, albeit not at a statistically significant level. Furthermore, economic right parties and more socially conservative parties (i.e., opposing gender equality) are more likely to vote against the majority. Appendix E shows that this pattern holds across all document types. These results do not confirm Hypothesis 2, which states that illiberal dissenters challenge more substantially than congruent illiberals. By contrast, congruent illiberals show more contestation behavior than illiberal dissenters. The government mediation hypothesis (Hypothesis 3) can only be confirmed for congruent illiberals but not illiberal dissenters.

Does governmental status moderate the extent to which the various party types challenge the majority in PACE decisions? Indeed, among congruent illiberals, government parties are less likely to cast dissenting votes than their oppositional counterparts. Nevertheless, even the moderating effect is not large enough to reduce contestation levels to those of illiberal dissenters or liberal parties. Thus, illiberal government parties are more reluctant to challenge majorities if governing in an illiberal system.

By contrast, the difference between congruent liberal parties and illiberal dissenters in government and opposition is considerably smaller than for congruent illiberals. These findings contrast with existing scholarship that examined the ratification behavior of non-democratic regimes, which suggests that illiberal parties in more liberal regimes should be more careful to give the domestic opposition reason to challenge them on internationally agreed human rights standards. Nevertheless, the moderating effect of government status shows that window-dressing occurs as expected, whereas congruent illiberals from the opposition do not constrain their illiberal orientation. Appendix E provides evidence that the results obtained for the party types can be replicated with continuous party and country liberalism scores.

**Finding 3:** Congruent illiberals are most likely to challenge parliamentary votes at all stages. In contrast to congruent liberals and illiberal dissenters, congruent illiberal parties in government have a lower likelihood of casting dissenting votes than their counterparts in opposition.

### ***Agenda-Setting: Who Sponsors Amendments?***

A caveat of examining amendment votes is that, unlike resolutions and recommendations, we cannot ascertain whether the adoption of an amendment leads to a stronger or weaker international cooperation on human rights issues. Consequently, voting against the majority at the amendment stage could mean either opposing a liberal democratic proposal or losing against a popular illiberal one. Some examples illustrate the different directions amendments can take and how they are not mere corrections but driven by political intentions. In 2021, several Turkish MPs sought to introduce an amendment to a resolution discussing the functioning of democratic institutions in their country that labeled the Kurdistan's worker party (PKK) a "terrorist organization."<sup>13</sup> The amendment did not pass since only Turkish and Azerbaijani MPs from the governing parties voted in favor, Russian and Serbian MPs abstained, and all illiberal MPs from other countries voted against it.

On the other hand, a group of Italian MPs from different parties pushed for the inclusion of a phrase in a resolution on media freedom reading: "The Assembly invites Member States to promote the dissemination of information about criminal proceedings against organised crime and to discourage all those who try to reduce the visibility of the above proceedings."<sup>14</sup> This amendment was adopted almost unanimously. The Hungarian Fidesz MPs, who had voted against the adoption of this amendment, eventually abstained in the vote on the final text.

To what extent are amendments mainly sponsored by illiberal parties adopted in PACE? We categorize the groups of signatories into the four party types underlying our analysis to answer this question. More specifically, we consider the group of signatories as congruent illiberals when most of its members are from this party group. We analogously categorize congruent liberals, illiberal dissenters, and liberal dissenters.

Figure 8 shows the percentage of adopted amendments by type of signatories along with the share of amendments sponsored by each party group (grey bars) over time. Congruent illiberals have been increasingly successful in passing amendments through PACE from 2012 to 2016, whereas in 2017, this party group's sponsored amendments were adopted in less than 25 percent of votes. In 2019, however, more than half of the proposed amendments have found a majority in PACE. Interestingly, from 2012 to 2018, this party group sponsored a decreasing share of amendments. By contrast, congruent illiberal parties have been proposing an increasing share of amendments since 2012 and

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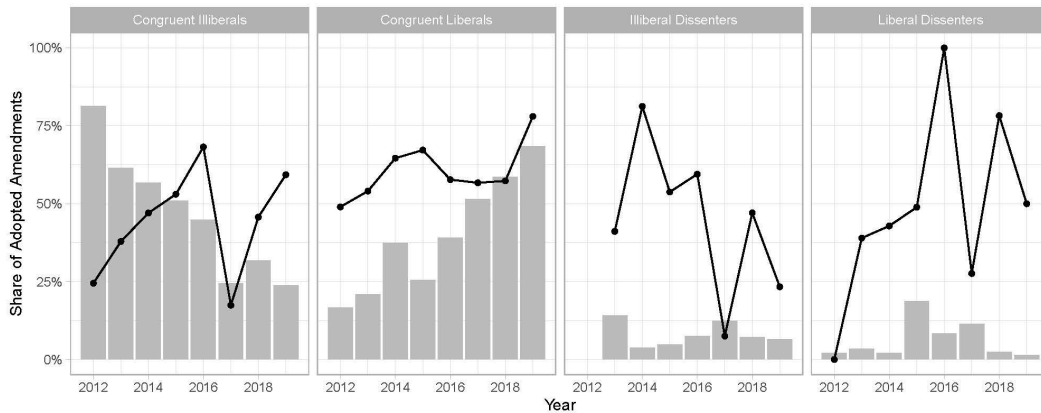
<sup>13</sup> See Doc. 15272, April 21, 2021, at <http://assembly.coe.int/nw/xml/Votes/DB-VotesResults-EN.asp?VoteID=38508&DocID=19478&MemberID=>.

<sup>14</sup> See Doc. 14229, January 23, 2017, at <http://assembly.coe.int/nw/xml/Votes/DB-VotesResults-EN.asp?VoteID=36315&DocID=16120&MemberID=&Sort=4>.

were able to find a majority in at least 50 percent of amendments introduced each year. Illiberal and liberal dissenters introduce a considerably lower percentage of amendments to PACE, which can be partially explained by their comparatively small group sizes. Overall, liberal dissenters are more successful at passing amendments, but also illiberal dissenters find majorities for their amendments in the Assembly, yet never more than 50 percent since 2017.

Although proposing a lower share of amendments over time, congruent illiberals' and illiberal dissenters' amendments regularly find support in PACE and are finally adopted. This is not to say that their proposals to adjust legislative text are never rejected; instead, both liberal and illiberal parties are able to mobilize majorities for their amendments. Hence, while still amendments sponsored by liberal parties are usually more often adopted, illiberal actors also appear to influence the legislative process. This is in contrast to several domestic parliaments, in which liberal political forces often refuse to collaborate with illiberal actors on any legislative text (e.g., Germany).

**Figure 8.** Share of adopted amendments by signatory type in percent. Bars represent the share of overall sponsored amendments by signatory type in percent. Signatory type is determined by the largest group within the group of signatories. For instance, if a majority of signatories is from a congruent illiberal party, the amendment is coded as sponsored by a congruent illiberal party.



**Finding 4:** Congruent illiberals have been the most successful in finding support for their amendment proposals in more recent years. Over time, however, congruent illiberals have sponsored a lower share of amendments.

## Conclusion

Over the last decade, international organizations promoting the Liberal International Order (LIO) have become increasingly challenged by some of their own members (Hooghe et al. 2019). One far-reaching implication of this trend is that, given the stalling proliferation of powerful IPIs and broader undemocratic developments in various countries (Haggard and Kaufman 2021), further democratization and liberalization of international politics appear unlikely. This study seeks to contribute to this debate, arguing that if the democratic basis of the IPI membership erodes, international parliaments will face increasing levels of contestation against the values they were founded on.

Drawing on new roll-call data from the Parliamentary Assembly of the Council of Europe (PACE), our results suggest that contestation in floor votes is rising while the number of delegates from illiberal parties and illiberal systems is growing. Contestation occurs primarily at the early stages of the parliamentary process, but illiberal actors also occasionally vote against final legislative texts. In line with our expectations, liberal parties cast the lowest share of dissenting votes among all actors in the Assembly. Notably, liberal parties' behavior is not moderated by either the government status of their party or their home country's level of liberal democracy.

By contrast, illiberal parties' contestation behavior is associated with their domestic environments and governmental status. Consistent with our theoretical expectations, contestation by illiberals occurs most often at the early stages of the parliamentary process (i.e., amendments). However, even though congruent illiberals are usually assumed to moderate their behavior in government, contestation is most common among congruent illiberal parties and not illiberal dissenters.

This unexpected finding may be due to two factors. For one, illiberal dissenters constitute a new party group that only recently reached a sizable number of members to influence legislative texts. While illiberal dissenters have been a comparatively minor group in PACE during our study period, their increased standing in recent years might help them organize more opposition forces to the LIO in the future. Our findings suggest that illiberal dissenters' behavior is driven by an increasingly radical and forceful opposition to the LIO. Their contestation may be expected to become even more robust, depending on whether these parties take an even more illiberal turn in the coming years. Nevertheless, their attention to their domestic, mostly nationalistic electoral audiences could impede further transnationalization of illiberal orientation even in the long-term, thereby working against coordinating positions and votes with parties from other countries.

For another, our argument that illiberal regimes do not fear backlash from domestic liberal actors and therefore mimic support for the international human rights regimes might only hold for fully autocratic regimes, but not for electoral autocracies that account for most of the PACE MPs that fall into the category of congruent illiberals. In electoral autocracies where a substantive share of citizens continues to support liberal norms, outright embracing illiberal orientations and actors abroad may turn out as a damaging strategy to maintain public support, facilitating more moderate behavior shown by illiberal parties. In order to substantiate whether illiberal regimes need to be differentiated even further, future research may examine similarities and differences in voting behavior shown by MPs from electoral and fully autocratic regimes. Still, our finding that government status only moderates congruent illiberals' challenging behavior provides evidence for our argument that congruent illiberals seek international recognition as cooperation partners, as opposed to illiberal opposition parties that are not restrained by governmental constraints.

Our findings have important implications for PACE's ability to contain human rights violations. While, for now, illiberal regimes remain in the minority position, their willingness and strength to openly challenge liberal majorities have been growing in more recent years. Furthermore, illiberal dissenters can claim that their challenger position is not due to fear of losing power but because their illiberal orientation appeals to parts of the domestic electorate. While it remains to be seen whether illiberal dissenters continue to succeed in elections in liberal democracies, coalescing with congruent illiberals, they may reach a critical mass of votes that could allow them to pass more illiberal legislation through PACE decisions.

Whereas our study is the first to comprehensively examine the relationship between party and system illiberalism and its effect on voting in PACE, it comes with an important caveat. That is, we were only able to investigate MP's voting records but not the specific content of the legislative texts in question. We still know little about the set of shared preferences between illiberal parties across borders. Future research may address this caveat, which will contribute to our understanding of whether illiberal actors might form alliances around specific policy issues such as migration and choose not to cooperate on others. As our study has shown that liberal forces may contain challengers to the LIO when forming strong alliances, PACE's and the LIO's resilience more generally will depend critically on liberal actors' relative strength and opposition to that of congruent illiberals and illiberal dissenters, both of which already today use the international parliamentary arena to express their discontent with the LIO.

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