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How can a Populist Government shift a Democracy
towards an Autocracy?

The Government of Viktor Orbán

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Abstract

This research work examines how a populist government can dismantle democratic institutions. In theory, populists create a narrative of giving the power back to the people, however, in practice, populist leaders use this façade in order to centralize the ruling power. We analyse the government of Viktor Orbán in Hungary as it is a working model of contemporary populism in power. Over the last decade, Orbán has repressed democratic freedoms, the independent media and has taken significant control over the legislative and judiciary. The Hungarian prime minister keeps his democratic legitimacy based on the existence of regular elections. However, this thesis argues that a democratic system requires more than the condition of elections. Therefore, after the authoritarian steps that Orbán's government has taken since 2010, Hungary has taken a seismic shift away from a democratic system.

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Chapter 1: Introduction

In the last decade, democracies around the world have been facing serious challenges. “Democracy and pluralism are under assault” are the first words of the 2020 Freedom in the World report. Various countries - including long-established liberal democracies such as the United States of America and some European countries – have been facing an erosion on freedoms and democratic institutions. The Freedom House has declared the year of 2019 as the 14th consecutive year of decline in global freedom.

The contemporary literature on this democratic backsliding, argues that populist leaders are increasingly challenging liberal democratic values. Moreover, this has been further reinforced by the growing influence of authoritarian regimes like Russia and China on the agenda of European authoritarian populist leaders.

Populism have been gaining momentum in several liberal democratic countries over the last decade. The election of Donald Trump in the United States, the Brexit in United Kingdom and the government of Viktor Orbán in Hungary are some examples.

Populists openly criticize the liberal democratic establishment, with anti-elitist discourses. They offer the promise of a “democracy” ruled by the majority (to whom they refer to as “the people”), using democratic expressions such as “let the people rule!” and present themselves as the only legitimate representatives of the electoral majority, rejecting pluralist representation. Moreover, these arguments have opened the door to the introduction of authoritarian methods in some countries ruled by populist leaders.

Different concepts have been applied in the literature in order to define such type of regimes, often referred to as “hybrid” or “mixed” regimes that hold regular elections and apply authoritarian practices (e.g. repression of civil society, government’s control over the media, and intimidation of the opposition). A prominent figure on this topic is the Prime-Minister of Hungary, Viktor Orbán, who has named his regime as an “illiberal democracy” which holds regular elections but rejects liberal democratic principles. While some scholars argue that a democracy can be defined based on regular free and fair elections, others argue that liberal principles are essential to the condition of a democracy. In this thesis, this discussion will be addressed in order to analyse to what extent a populist regime violates democratic principles.

As most of the theoretical work on populism has been focused on analysing the populist rhetoric and cases of populist emergence, the analysis of how detrimental a populist government can be for a democracy remains rarely addressed. This thesis pretends to fill

this gap, analysing how the introduction of authoritarian practices from a populist government can corrupt a democratic system and centralize the power in the leaders' hands, turning the system into a reality closer to an autocracy. In order to address this, we will analyse the case of Hungary which has become a competitive authoritarian regime under the governance of Viktor Orbán.

This research will proceed with the following structure: firstly, it will analyse the main features of a populist regime, including its ingroup-outgroup rhetoric and its illiberal practices. Secondly, an overview over different concepts that have been used in the literature to describe governments that violate liberal democratic principles, followed by an explanation of the relationship between populism and autocracy. Next, it will be analysed which characteristics must be present in a democratic regime, followed by an analysis on how populist regimes violate such principles, sliding into an authoritarian rule. Finally, we will analyse the government of Viktor Orbán since he became the Prime-Minister of Hungary, in 2010. The last chapter will conclude with implications and findings.

Chapter 2: Defining populism and its characteristics

Populism is a highly contested concept among scholars and political scientists. This type of political phenomenon, just like the others, depends on the cultural, political and social context where it is produced. As a result, populism comes in a broad variety of forms - populist actors can be left or right, conservative or progressive, religious or secular (Mudde & Kaltwasser, 2017). Hence, there exist several different varieties of populism: agrarian, socio-economic, xenophobic, reactionary, authoritarian and progressive populism (Bugarič, B, 2019). Although the aims and enemies may be different, according to Larry Diamond (2017), all populist movements share four core features: antielitism (attacking the powerful, dominant and self-interest privileged that “exploit” ‘the people’); anti-institutionalism (attacking institutions of being hostile to the interests and values of ‘the people’); they are plebiscitary (in the sense of mobilising a direct, emotional relationship between the electoral majority and the populist leader and movement); and ultramajoritarian (opposing to checks and balances that might restrain the government’s power).

The contemporary debate around populism has been following two main sets of theories: the definition of populism as a political style and the definition of populism as an ideology. The approaches of the former have been focused on “how politicians conduct themselves in communicating their messages”, rather than the substance of the message itself. An ideology, on the other hand, goes further: “it gives shape not only to how people experience politics, but also how do they conceive politics” (Stanley, Ben, 2017). Nevertheless, Nadia Urbinati, combines these two approaches of populism in the same group and identifies another group on the contemporary scholarship about populism: the study of populism as a strategic movement to remake political authority. Urbinati explains that, while the approach that understands populism as an ideology and as a political style, is designed to answer the ontological question: “what is populism?”, the study of populism as a strategy, aspires to answer the following question: “what is the populist strategy for conquering power, and what does populism do to democratic institutions?” (Urbinati, 2019).

The following research, will analyze both questions identified by Urbinati, starting by an analysis on the contemporary literature considering the question “what is populism?”, followed by the analysis of populism as a strategic movement to achieve political authority and disfigure the democratic system.

There is a widespread agreement on a definition of populism as “an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite’, and which argues that politics should be an expression of the *volonté générale* (general will) of the people” (Mudde, 2004, pp. 543). In a clear-sighted analysis on his book *What is Populism?*, Müller explains to his readers the inner logic of the contemporary populism: behind its distinct claims it is always present a distinction of moral and immoral, pure and impure. Indeed, under the populist ideology, “the people” are defined as a “morally pure and fully unified group”, while the elite is defined as the immoral, hopeless corrupt and self-interested group.

2.1) “The People”

“Populism is a phenomenology that involves replacing the whole with one of its parts.” (Urbinati, 2019, Pp.13)

All populist leaders affirm to be the only legitimate actors to act in the name of the ordinary people, affirming themselves as the voice of the people and outsiders of the political establishment. According to Müller, this anti-pluralist attitude represents “the hallmark of populists” – the claim that “they, and they alone, represent the people”(Müller, 2018).

Therefore, contemporary populist politicians have an “anti-elitist” and “antipluralist” rhetoric (Müller, 2016). They argue that, while liberal elites lack the crucial democratic legitimacy, “the people” do not have proper representation under the institutional mechanisms of the liberal democratic order. Populist leaders claim to secure and represent the will of ‘the people’, in opposition to the elite in power that is portrayed by them as the self-interested enemy and a constrainer to the sovereignty of the people.

“Populism capitalizes on the fact that ‘the people’ – unlike other unifying concepts such as ‘the nation’ – can be entirely constructed by discourses, leaders and movements”. Nadia Urbinati (2019, Pp. 77) affirms that this ambiguity derives from the fact that ‘the people’ can be used to refer to the whole society or only one part of the population. “Populists leaders want to overcome that ambiguity and make the people consist in one part: ‘the people-as-excluded-part’”.

In the populist rhetoric, the concept of “the people” has no grounding in any social structure, instead, it is defined as a homogenous group outside, and in opposition with,

the political establishment. As Laclau affirms, this concept is an “empty signifier” only based on the populist leader’s ability to identify and exploit the topics of dissatisfaction present in many different groups and to mobilize the will of the masses who do not feel their concerns being addressed by the existing political parties. As argued by Urbinati, “populism involves an exclusionary concept of the people, and the establishment is the externality thanks to which and against which, it conceives itself (...) the outcome is a kind of movement that, if asked to explain what it is that makes it count as the people’s voice, it answers by naming the people’s enemies” (Urbinati, 2019, pp. 5).

Populists affirm to act according to the will of the people. They argue that “the people” have a common will and that this will, this one voice, is the only legitimate force in society. By affirming the existence of a single common will of the people, the populist logic has been compared by some political scientists with Rousseau’s “*volonté générale*”. However, as argued by Urbinati (2019, pp. 48), “populism makes no concession to the whole people as an ideal universality of citizenry” and, therefore, this association is incorrect.

Populist leaders consider the authentic people only the citizens that show support for them, which “inevitably results in exclusionary identity politics”(Müller, 2018). Anyone who criticizes them is understood as immoral and, therefore, it is excluded from “the people”. Hence, by affirming to act in the name of the popular will, populists are only addressing the interests of a part of a society - the “silenced majority” (term that has been used by populist actors) - and excluding the other citizens.

Moreover, once populists are in office, they conceive the electoral majority “as a force that claims to be the expression of the right people – and that is legitimized to dwarf and humiliate the opposition” (Urbinati, 2019, pp. 36). By discrediting the opposition, minorities are being excluded just like the possibility of universalist ideals or ambitions in politics.

When in power, some populist leaders have tried to perpetuate a constructed image of who they decide the “real people” are, and “whoever does not want to be unified on the populist’s terms is completely and utterly excluded” (Müller, 2018). As affirmed by Müller when explaining the difference between the populist representation and Rousseau’s general will, “the formation of the latter requires actual participation by citizens; the populist, on the other hand, can divine the proper will of the people on the basis of what it means, for instance, to be a “real American” (...) true identity decides and not the larger number” (Müller , 2016, pp. 29). For instance, the ruling party in

Hungary – Fidesz – “has built up a new group that combines economic success, family values (...) and religious devotion into a whole that conforms to Orbán’s vision of a ‘Christian-national’ culture” (Müller , 2016, pp. 47).

Moreover, once in power, populists are constantly producing a “proximity to the people” (Müller, 2016) in order to preserve their “transparency” and to avoid becoming perceived as a new establishment. Generally, they use the media to maximize public attention and foment the proximity with ‘the common man’, for example, by behaving in an unprofessional way and disrespecting the dress code and language manners that would be expected from someone that belongs to the political establishment.

2.2) The “Corrupt” Elite

The populist logic holds a “irreducible dualism” (Urbinati, 2019) which perceives politics as a field where only one of two homogenous and mutually exclusive groups - ‘the people’ and the elite – is allowed to rule.

As already mentioned above, populists always present the elite as the enemy group and their political competitors as part of this group. Besides the political establishment, populists also consider the cultural elite, the economic elite and the media elite as part of the enemy group. “All of these are portrayed as one homogeneous corrupt group that works against the ‘general will’ of the people” (Mudde & Kaltwasser, 2017, pp. 12). The elite is defined on the basis of power, anyone who holds leading positions in the economic, cultural and media fields - and criticizes the populist government – is considered as part of the elite and an enemy of “the people”.

Furthermore, according to Urbinati (, 2019, pp. 52), “the underlying logic of populism’s opposition to the ruling elite is the construction of a holistic people”. Therefore, this logic sustains an anti-establishment rhetoric which is hostile to the “existing ruling parties, partisan divisions and the party form of political representation in general” (Urbinati, 2019, pp. 44). By recognising only one part as the morally right, populist leaders contest the presence of ‘the few’ with ‘the many’, through multiparty representation, in the government.

The goal of the populist leader is “to fill the gap between the outside (‘the people’) and the inside (the government) of the state and, in doing so, to deliver on the promise of getting rid of the establishment forever” (Urbinati, 2019, pp. 42). However, the anti-establishment logic sustained by the populist ‘myth of an organic unity of popular

sovereignty' that is morally pure and refuses to be fragmented by parties, ends up forming the centre of the project to construct a different kind of party (Urbinati, 2019, pp.45) - a single form of party, transforming 'party politics' into 'factional politics' (Urbinati, 2019).

Populists often criticize "the elite" by affirming that they prioritize "special interests" or "international interests" over the general interests of the people. Moreover, "while the key distinction in populism is moral, populist actors use a variety of secondary criteria to distinguish between the people and the elite. This provides them flexibility that is particularly important when they acquire political power"(Mudde & Kaltwasser, 2017, pp. 14). For instance, a xenophobic populist often argues that the elite defends the immigrants before the native people.

Interestingly, despite their criticism, most of populist politicians have belonged or are strongly connected to the elite. For example, some politicians have held important positions in mainstream parties before starting their political path as populists and in some cases these leaders have also transformed their populist party (e.g. in Switzerland, Christoph Blocher changed the conservative SVP into a populist radical right party and, in Hungary, Viktor Orbán has pushed Fidesz, which was initially libertarian, towards conservatism first and right-wing populism later).

Once in office, populists continue to blame elites for any political conflict that arises. They frequently use conspiracy theories accusing elites of acting behind the scenes in national territory or abroad.

2.3) Left- and Right- wing populism

Left-wing populism is characterized by an emphasis on socio-economic issues and often attacks the political elite claiming that only the interests of the business elite are being protected while the interests of the common working man are being ignored. Left-wing populists also claim to be inclusive (of new immigrants, for example) and antiprotectionist, opposing, in this sense, to the claims of right-wing nationalist populists. Right-wing populist parties, combine populism with authoritarianism and nativist views. Authoritarianism is the belief in a strictly ordered society in which infringements of authority are to be punished severely, nativism defends that non-native elements pose a threat to the state and, therefore, the state should be only inhabited by members of the nation (Mudde, 2010).

Far-right political parties started to gain significant support in Europe after the global financial crisis of 2007-2008. Despite their divergences, these parties share an ideology guided by a “mixture of anti-liberalism, social conservatism, profound Euroscepticism, xenophobia and ultranationalism” (Klapisis, 2015).

Although right-wing and left-wing populists have different visions of popular interests, they both have the same style of political action: both affirm themselves as a movement of opposition to the establishment. Moreover, whether right or left, populists always seek the representation of only a part of society: the “real” people. The binary opposition between “the people” and the establishment is always present. For this reason, it is argued that the representative construction of populism is situated beyond the Left-Right divide (Urbinati, 2019).

2.4) Features of a Populist Government

According to Müller, both technocracy and populism are apolitical (Müller, 2016). The former defends that there is only one correct policy solution, while the latter claims that there is only a single authentic will of the people – in both cases there is no room left for democratic debate. Moreover, once in power, populists claim to be the sole representatives of the people and refuse to recognize as legitimate an opposition. Consequently, this rhetoric opens the door to authoritarian methods. As Lord Acton argued in the 19th century, «whenever a single definite object is made the supreme end of the State, be it the advantage of a class, the safety or the power of the country, the greatest happiness of the greatest number or the support of any speculative idea, the State becomes for the time inevitably absolute»¹.

Nadia Urbinati alerts her readers for the partiality present in the populist interpretation of ‘the people’, which can have a “disfiguring” impact on the representative institutions that make up constitutional democracy (the party systems, the rule of law and the divisions of power). Following its anti-establishment rhetoric, “populism targets power within political institutions (from local up to national) because those institutions are the domain in which elites are experienced as inescapable, and in which ‘ordinary citizens’ have no choice but to obey” (Urbinati, 2019, pp. 54). Müller goes further in this topic by identifying some key features that populist politicians apply once they are in office. These

¹ Lord Acton, "Nationality" (1862), reprinted in *The History of Freedom and Other Essays* (1907), pp. 288.

are: the colonization of the state apparatus, systematic attempts to suppress civil society and “mass clientelism”² (Müller, 2016).

The colonization of the state is achieved when the populist government takes control of the state apparatus by placing loyalists in what should be nonpartisan bureaucratic positions. As a result, the government becomes able to create a state of his own political liking and in his own political image.

“Discriminatory legalism” is related with the fact that only a part of the population is considered the authentic people for the populist government. Consequently, the full protection of laws is partial and factional, instead of impartial and universal (defending that those who do not belong to “the people” should be treated harshly). The mass clientelism often engaged by populists is justified on the basis of that logic: only the people who belongs to the “authentic” people deserves the support of the state.

In order to maintain their credibility as authentic representatives of the people’s interests and deprived of any self-interest goals, populist leaders are systematically repressing the civil society. When confronted by critics from civil society, populists argue that those who criticize them do not belong to “the people” and try to discredit them by affirming that they are being controlled by enemies of ‘the people’ or foreign actors. “The irresponsible leader relies heavily on conspiracy theory as a sort of ‘ideology of excuse” (Urbinati, 2019, pp. 129). For instance, populist leaders like Orbán, and Putin have tried to discredit NGOs affirming that they were being controlled by foreign actors.

2.5) Populists and Representation

Müller affirmed that populism “is the permanent shadow of representative politics” because it is always a possibility for the populist actor to speak in the name of the “real people” (Müller, 2016, pp. 101). Nadia Urbinati understands populism in power as a new form of representative government, but a disfigured one. Urbinati argues that this new form of government, which she names as “populist democracy”, is essentially based on a direct relationship between the leader and those defined by the leader as the “right” people, relationship that implies the superlative of the latter (Urbinati, 2019, pp. 4).

According to Urbinati, populism is a form of direct representation between the government and the people that excludes the institutions of representative democracy.

² Defined by Müller as trading material benefits or bureaucratic favours for political support by citizens who become the populist “clients”.

The populist representation seeks to eliminate the distance between the representative and the represented, targeting the destruction of intermediary bodies or “obstacles” between them, such as, political parties, established media, and institutionalized systems for monitoring and controlling political power. “Populists assert that, because the people and the leader have effectively merged, and no intermediary elite sets them apart, the role of deliberation and meditation can be drastically reduced, and the will of the people can exercise itself more robustly” (Urbinati, 2019, Pp.9).

Representation in the populist logic implies the embodiment of ‘the people’ in the leader, which means acting as the people and acting in the place of the people. This logic relies on the populist assumption, previously mentioned, of the people as a homogenous group united by a single common will – which sustains the leader in his or her decisions. Consequently, “the engine of populist representation is trust through faith (...) among followers, and between followers and their representative” (Urbinati, 2019, pp.164), leaving no space for open debate - which would imply dissent views - or pluralism in the populist government.

Urbinati affirms populism as a “representative process, through which the collective subject is constructed so that it can achieve power”. By affirming themselves as the legitimate representants of the people, populist leaders, “correctly discern(s) what we correctly think, and sometimes (they) might just think the correct thing a little bit before we do” (Müller, 2016, Pp.34). Based on the assumption of a common will, populists issue an imperative mandate (Müller, 2016), which tells politicians what they have to do in the government, blocking the self-judgement that representatives have in a free mandate.

Populists justify illiberal actions against their opponents such as the repression of free press, criticize civic organizations and the dismantling of institutional checks and balances, by excluding them from the group that holds morally pure intentions. Moreover, the argument that they are representing the will of ‘the people’, allows populist leaders “to declare their practices quite open since their followers believe that they are acting to protect the best interests of ‘the people’” (Müller, 2016, pp. 6). For this reason, populists seem to be rarely affected when corruption scandals that occur under their term, are publicly revealed.

However, as Hans Kelsen affirms, a personification of a homogenous authentic people can only be fictitious and so it is the idea of a single common will. Hence, the latter cannot be considered as a source of legitimate authority.

Populists do not seek a continuous participation of citizens in the political sphere. They use plebiscites and referendums to confirm what they have already decided to be the “genuine popular interest as a matter of identity, not as a matter of aggregating empirically verifiable interests” (Müller, 2016, pp.29), instead of using it to promote deliberated popular judgements. In short, these tools are used to attain the consent that will confirm the leader’s own policies and goals. For this reason, Urbinati affirms that the primary concern of the leader that uses the plebiscite is to avoid abstention since “it is high participation in the plebiscite, rather than the majority of the votes by itself, that shows how closely the people adhere to the leader’s plans”(Urbinati, 2019, pp. 161).

2.6) Populists and their new constitutions

“The trajectory of the populist leader starts with the attack against the political establishment; but once in power, and once the old parties are relegated to the periphery, he or she has to go on attacking other elites. Once he or she has achieved a majority, the populist leader must move to change the constitution and redefine the functions and limits of existing constitutions, if need be.”

(Urbinati, 2019, pp. 57)

Many observers agree that “populism is inherently hostile to the mechanisms and, ultimately, the values commonly associated with constitutionalism: constraints on the will of the majority, checks and balances, protections for minorities, and even fundamental rights” (Müller, 2016, Pp. 60). Populists with enough power will seek to establish a new populist constitution that allows them to stay in power as long as possible – “a new sociopolitical settlement and a new set of rules for the political game” (Müller, 2016, pp. 62) - that seeks the expression of an unconstrained popular will by limiting the power of non-political institutions.

Populist leaders define the popular will and then constitutionalize policies that supposedly correspond to that will. Consequently, their constitutional reforms will be ‘partisan’ or ‘exclusive’ (Müller, 2016), fusing “their party platform with the will of the state by harnessing their policy preferences to the constitution” (Urbinati, 2019, pp. 133).

In Hungary, for example, the ruling government (Fidesz) created a new constitution without recur to any referendum before implementing it in 2012. As already mentioned, populists perceive elections as a demonstration of the people’s adhesion to their leader -

ignoring the legitimization of other political parties and respective voters. The fact that Fidesz won 2/3 majority in the elections of 2010 was interpreted by the constitution makers as an imperative mandate to establish what the government termed a new “National System of Cooperation” as well as a new constitution (Müller, 2016, pp.65).

In this new constitution, only a part of society is recognized as the ‘authentic’ Hungarian people (further explanation about this will be given further on); Age limitations and qualifications for judges were introduced - to remove professionals not in line with the governing party; competences and structure of the constitutional court were reengineered; and the terms of office holders chosen by the governing party were extended to nine years in many cases. With these changes, constitution makers can perpetuate their power even after losing an election (Müller, 2016).

Populists keep saying that they are governing a democratic system, even though populist constitutions seek to keep the leader in power and to avoid contestation while “constitutions with democratic principles allow for an open-ended contestation of what those principles might mean in any given period; they allow new publics to come into being on a basis of a novel claim to representation” (Müller, 2016, Pp. 70). Moreover, populists are anti-pluralists and, according to Müller, pluralism is a fundamental part of a democracy, so anti-pluralists cannot be democratic.

Although populist regimes are popularly elected governments that held regular elections, the application of authoritarian measures mentioned above, once they are in office, such as the abuse of power and violation of the rule of law, the suppression of civil society, the suppression of the independent media, and their illiberal anti-partyist and anti-pluralistic attitude, directly conflict with principles that must be respected in a democratic regime. For this reason, theoretical approaches concerning populism, have described it as “mixed” or “hybrid” regimes, “illiberal democracies”, “competitive authoritarian regimes”, “autocracies”, etc. In the following chapter, further explanation will be given regarding these concepts.

Chapter 3: Illiberal democracy, competitive authoritarianism, autocracy and authoritarianism - An overview

“Democracy is a fragile and vulnerable politico-governmental system, since its very liberalism makes it grant freedom of expression and assembly also to enemies of democracy.” (Kornai, 2016)

There are several concepts that have been used among different scholars to describe ‘hybrid regimes’ that combine democratic and non-democratic elements or, as Rutzen described it, “regimes that held elections but had little interest in the rule of law, human rights, and other aspects of pluralistic democracy”(Rutzen, 2015). Political systems with these characteristics emerged during the post-Cold War world and have been rising over the last two decades. The concepts I will analyse in this chapter have been applied by several academics to describe ‘hybrid regimes’. These are highly contested concepts - Müller argues that concepts carry power – so, if Viktor Orbán can call his democracy illiberal, he wins the ideological fight. I will not analyse every term that has been used to describe ‘mixed regimes’, neither will I cover every aspect of the debate concerning the concepts that will be analysed in this chapter. Instead, I will focus on explaining how the authors that were selected for the content of this particular thesis use these concepts.

3.1) Illiberal Democracy

The term “illiberal democracy” was first used by Fareed Zakaria (1997) to describe the rise of a form of government that combined “elections and authoritarianism” (Zakaria, F., 2003/2004, pp.86). This type of system resulted from the “third wave” of democratization in countries that lacked a liberal tradition and adopted the presence of free elections but, at the same time, violated liberal constitutional principles.

Constitutionalism is a system of checks and balances that seeks to defend the “individual’s right to life and property, and freedom of religion and speech”. In order to secure these powers, it requires “checks on the power of each branch of government, equality under the law, impartial courts and tribunals, and separation of church and state” (Zakaria, 1997). An illiberal democracy violates the principles of liberal constitutionalism by disrespecting the rule of law, providing a weak protection of human rights, violating

checks and balances, repressing civil society and producing insecurity over property rights.

The reasoning underlying the concept ‘illiberal democracy’ conceives democracy as the procedures used to select a government (the universal adult suffrage) and constitutional liberalism as the goals of the government, namely, the protection of individual’s autonomy and dignity against coercion (Zakaria, F., 2003/2004). Therefore, according to Zakaria, illiberal democracy is a mixed regime in which democracy is present by the existence of the universal vote as the means to elect a government, but it is also illiberal due to the government’s violation of liberties.

In an illiberal democracy, free and fair elections are not present most of the times but Zakaria considers that the existence of elections still reflects “the reality of popular participation in politics and support for those elected” (Zakaria, F. , 1997). However, Zakaria argues that there is a ‘spectrum’ of illiberal democracies that can go from “modest offenders” to regimes closer to tyrannies and alerts his readers for the possibility that without constitutional liberalism, democracy is under the risk of a centralization of power in the government’s hands. This has been the tendency among regimes ruled by populist leaders. As Zakaria (1997) affirmed, “elected governments claiming to represent the people have steadily encroached on the powers and rights of other elements in society, a usurpation that is both horizontal (from other branches of the national government) and vertical (from regional and local authorities as well as private businesses and other nongovernmental groups)”.

However, some academics, including Müller and Kornai, have refused to use the term ‘illiberal democracy’. A reason behind this is the fact that the term can lead to a misinterpretation of the concepts, enforcing the idea that democracy and liberalism can exist separately and that forms of government whose fundamental characteristics are not democratic can still be considered a democracy. Kornai (2016) argues, “it would be a big mistake for believers in democracy to let the word be used for forms of government whose fundamental characteristics are not democratic, and I am wholly against doing so. (...) I dismiss for normative reasons such combinations as “illiberal democracy” or “leader democracy” and judge the use of them as harmful”. This was the case when Viktor Orbán used the term “illiberal democracy” to characterize his own Hungarian politico-governmental form.

The concept of liberalism in Europe has become strongly associated to capitalism, free markets and a more limited role for governments. “After the financial crisis, a new wave

of self-declared antiliberals used the ambiguities surrounding the ‘L-word’ to make the case for a different form of democracy” (Müller, 2016, pp. 53). “Market economies were no longer in such high repute, and the travails of Western democracies, together with the rise of China, were attenuating the appeal of liberalism” (Plattner, 2019). Consequently, antiliberal voices emerged as a critique to capitalism, based on the idea that liberal institutions prioritize capitalism over democracy. Hence, populist politicians have been using this logic to promote their illiberal regimes, affirming that an entity like the EU oversees liberalism whereas the nation-state oversees democracy. However, this populist rhetoric is misleading since liberalism is more than free markets. It is per se based on fundamental principles that are ignored by populist leaders, such as, equality under the law, pluralism in society, freedom of press and association, and constitutional checks and balances on the state power.

A central political figure in this debate around illiberal democracy is Hungary’s Prime Minister Viktor Orbán who in 2014 gave a speech³ proclaiming his intentions in building an illiberal democracy in Hungary in order to increase competitiveness, where individual freedoms are not a primary concern. In his public speeches, Orbán has highlighted the economic success of China, Singapore, Turkey, India and Russia, «systems that are not Western, not liberal, not liberal democracies and perhaps not even democracies» and added that «a democracy does not necessarily have to be liberal. Just because a state is not liberal, it can still be a democracy» (Plattner, 2019).

On 28 July 2018, Orbán openly affirmed his support for an illiberal democracy⁴, that is anti-immigration and anti-pluralist. He named this type of regime as a “Christian democracy”. In his speech, Orbán gave three reasons explaining why Christian democracy cannot be liberal: “Liberal democracy is in favour of multiculturalism, while Christian democracy gives priority to Christian culture; this is an illiberal concept. Liberal democracy is pro-immigration, while Christian democracy is anti-immigration; this is again a genuinely illiberal concept. And liberal democracy sides with adaptable family models, while Christian democracy rests on the foundations of the Christian family model; once more, this is an illiberal concept.” In this speech, Orbán is seriously

³ See an English version of the speech here: <https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp>.

⁴ See the English version of the speech here: <http://www.miniszterelnok.hu/prime-minister-viktor-orbans-speech-at-the-29th-balvanyos-summer-open-university-and-student-camp/>.

misinterpreting the concept of liberalism which, as already mentioned, stands for values such as constitutionalism, the rule of law and the protection of individual and minority rights. As Plattner says, Orbán seeks to equate the term liberal “as it is used in the phrase “liberal democracy” with the term liberal as it is used to characterize the left side of the political spectrum in the United States” in order to position it on the side of “progressives” and opposed to “conservatives”. However, Plattner adds, while “it is true that in most democratic countries today there is considerable support, especially on the left, for accepting multiculturalism, high rates of immigration, and gay marriage (...) at the same time, sizeable portions of the voting public take a different view, even among those who remain firm adherents of liberal democracy” (Plattner, 2019).

By defining their regimes as democracies, populist politicians are discrediting the principles of a democracy itself. As Müller argues, freedom of speech of assembly, media pluralism, and the protection of minorities “are not just about liberalism: they are constitutive of democracy as such” (Müller, 2016, pp. 55).

3.2) Competitive authoritarianism

According to Christopher Carothers, Levitsky and Way identified “perhaps the most common form of hybrid regime” that emerged in the early 2000s (Carothers, 2018) – the ‘competitive authoritarian regime’ - “with important characteristics of both democracy and authoritarianism”, however closer to a ‘diminished form of authoritarianism’ than to a ‘partial form of democracy’ (Levitsky and Way, 2010, pp. 5).

In a competitive authoritarian regime “elections are regularly held and are generally free of massive fraud, incumbents routinely abuse state resources, deny the opposition adequate media coverage, harass opposition candidates and their supporters, and in some cases manipulate electoral results” (Levitsky and Way 2002, pp. 53).

Levitsky and Way distinguished this “hybrid” regime type from ‘fully authoritarian’ and democratic systems (Levitsky and Way, 2010). Accordingly, in a ‘fully authoritarian’ regime, elections are either inexistent (closely related to what Howard and Roessler described as ‘closed authoritarian regimes’⁵) or non-competitive. Non-competitive fully

⁵ According to Howard and Roessler , “closed authoritarian regimes are those in which a country’s leaders are not selected through national elections, opposition political parties remain banned, political control is maintained through the use of repression, and there is little space for a free media and civil society” (Howard & Roessler, 2006).

authoritarian regimes are identical to ‘hegemonic authoritarian regimes’⁶. In these regimes, electoral institutions exist but only as an electoral façade, which means that opposition cannot seek access to any viable channels – democratic institutions – to contest legally for executive power. This happens when opposition candidates are formally barred or effectively excluded⁷ on a regular basis; when opposition parties are prevented from running public campaigns through legal controls or repression; or through massive fraud in the official electoral results.

In democracies, Levitsky and Way argue, elections are free (there is no fraud or intimidation of voters) and fair (opposition parties are not frequently subject to repression or harassment). Moreover, civil liberties such as the rights of free speech, press and association, are protected and any violation of these rights is infrequent.

In a competitive authoritarian regime, regular elections are held but incumbents strongly suppress opposition by frequently violate and manipulate formal democratic rules. However, the government is unable to eliminate these rules or reduce them to a mere façade. Contrary to what happens in a ‘fully authoritarian’ regime, the act of voting in a competitive authoritarian regime, is not meaningless (since there is not massive fraud) and intimidation of opposition groups does not block them from compete for executive power through regular elections, neither are they legally blocked from contesting them⁸ (Steven Levitsky & Lucan A. Way, 2010).

Incumbents of a competitive authoritarian system are more likely to adopt subtle ways to limit the opposition. The harassment and repression of opposition candidates and their supporters is frequent but assaults on civil liberties are more likely to be done through, for example, the discretionary use of legal instruments – such as tax, libel or defamation laws, as well as the block of opponent’s access to critical media coverage. According to Levitsky and Way, incumbents violate at least one of three defining attributes of

⁶ An hegemonic authoritarian regime, holds regular elections but “in addition to wide spread violations of political, civil, and human rights, the elections are not actually competitive. Because no other party, except the ruling one, is allowed to effectively compete (i.e., the opposition is completely shut out from access to state-owned media coverage, banned from holding political rallies, or forced into exile or in jail)” (Howard & Roessler, 2006).

⁷ According to Levitsky and Way (2010), this happens when opponents are subjected to severe physical repression (e.g. opposition leaders are sent to prison or exiled) or such strong obstacles to the access of legal, administrative and financial are imposed that the most viable candidates are prevented from running.

⁸ Political opponents can open offices, recruit candidates, and organize campaigns, and politicians are rarely exiled or imprisoned.

democracy: free elections, broad protection of civil liberties, and a reasonable level playing field⁹.

Practically all competitive authoritarian regimes are characterized by an uneven playing field. This happens when incumbent's abuse of the state generates such disparities in access to resources, media, or state institutions that the opposition's ability to organize and compete in elections is seriously handicapped. These disparities usually emerge from "illicit or autocratic behaviour and include partisan appropriation of state resources, systematic packing of state institutions and state-run media, and politicized distribution of state resources, concessions and licenses"(Steven Levitsky & Lucan A. Way, 2009).

There is an uneven access to resources when incumbents use the state to benefit their party and constrain opposition's ability to compete. This may be done in different ways: through direct partisan use of state resources (state finance); through the use of state machinery (e.g. state buildings, vehicles and communications infrastructures) to electoral campaign; and by using the state powers to monopolize access to private-sector finance – using discretionary control over credit, licenses, state contracts and other resources to enrich themselves by establishing party-owned businesses.

In many authoritarian competitive regimes, the media are mainly controlled by the state, which makes the access to the media uneven. Independent newspapers still exist but the media that reaches most of the population – television and radio broadcasting - are mainly owned by the state and, therefore, inaccessible for opposition.

Another common situation in these regimes is an uneven access to the law. This happens when the government controls and manipulates the judiciary, the electoral authorities and the other nominally independent arbiters - using techniques such as blackmail, bribery and/or intimidation. The existence of these 'biased referees', gives to incumbents the 'high cohesion'¹⁰ they need to keep their subordinates within the state loyal to them when democratic procedures are violated.

⁹ When considering democracy, Levitsky and Way follow Robert Dahl's "procedural minimum", criteria focused on four main features: free, fair and competitive elections; full adult suffrage; broad protection of civil liberties; and the absence of non-elected "tutelary" authorities that limit elected officials power to govern. Levitsky and Way added one more attribute to these criteria: the existence of a reasonably level playing field between incumbents and opposition.

¹⁰ According to Way & Levitsky (2006), cohesion refers to the level of compliance within the state apparatus which is essential to maintain an autocratic stability. With high cohesion, the leader can trust on his subordinates - the police, military, local prefects, and tax and other state officials – to follow his orders, including when these orders are highly controversial and illegal.

Although, the closing of newspapers and arresting those that criticize the government are violations of civil liberties, “gaining de facto control of the private media via informal proxy or patronage arrangements and using state powers to secure a monopoly over private-sector finance are not.” Nevertheless, these techniques can effectively repress the opposition and, with the access to finance and major media outlets denied, “competing in elections—even clean ones—is an uphill battle” (Steven Levitsky & Lucan A. Way, 2009).

Competitive authoritarian regimes are, therefore, closely connected to what Oleksandr Fisun describes as ‘neopatrimonial regimes’¹¹ of the post-Soviet space. Regimes that are based on patron-client relationships in which the ruling elite takes control of the political and economic national spheres, through the private appropriation of the public realm. Moreover, ‘personal client relationships’ with the leader are crucial to accumulate personal wealth and guarantee positions of power in the system (Fisun, O., 2012). As Henry Hale (2016) describes it, a system where “politics is first and foremost a struggle among extended networks of personal acquaintances, not among formal institutions such as “parties,” “parliament,” “firms,” or even “the presidency” or “the state”.”

Nevertheless, there is an inherent tension always present in competitive authoritarian regimes. The power of democratic institutions may be weakened but “meaningful” democratic institutions that allow contestation – such as multiparty elections, nominally independent legislatures, judiciaries and independent media – persist and create opportunities for periodic challenges in the established regime (Steven Levitsky & Lucan A. Way, 2009). For these reasons, Howard and Roessler affirm that in these regimes there is a possibility for ‘liberalizing electoral outcomes’¹². Although, the possibility to turn into an ‘hegemonic authoritarian’ regime is also adjacent (Howard & Roessler, 2006).

Furthermore, the costs that could result from a shift to a ‘fully authoritarian’ regime might be too high. As stated by Levitsky and Way, “an uneven playing field is less evident to

¹¹ Fisun argues that neopatrimonial regimes emerged as a result of the ‘democratization process’ in post-Soviet countries in the 1990s. The patrimonial domination that existed in the Soviet system was transformed into a “neopatrimonialism, appearing on the basis of the private appropriation by the ruling elite of the public realm and “electoral” benefits”. (Fisun, O., 2012)

¹² Liberalizing Electoral Outcomes (LEOs) – when the country moves in a liberalizing direction following the elections. The dominant government can still remain in power but the elections are considerably more free and fair compared to the previous situation, the incoming government has a chance to pass new policies that are generally more open and liberal and the overall mood of the population shifts in favour of democracy (Howard & Roessler, 2006)

outside observers than is electoral fraud or repression” (Steven Levitsky & Lucan A. Way, 2009) and if incumbents openly assault democratic institutions they are very likely to lose international support¹³ and generate domestic conflict.

3.3) Autocracy

Janos Kornai presented a clear analysis of autocracy, which closely resembles the concept of competitive authoritarianism. An autocracy is the term used by Kornai to describe a type of regime that is neither a democracy, neither a dictatorship but it lies between these two extremes, although it has a stronger inclination to turn into a dictatorship.

Kornai distinguishes autocracy, democracy and dictatorship by enumerating various ‘system-specific’ characteristics in which each type ‘markedly’ differentiates from each other. In a democracy, the government can be removed through a peaceful and civilized procedure, due to the existence of well-established institutions that jointly guarantee the conditions of removing the government: the existence of multiparty competition proceeded by elections according to legally endorsed procedures. Moreover, there is no terror, such as large-scale detention in forced-labor camps and executions.

In a dictatorship, the government cannot be removed through a peaceful and civilized procedure because institutions that could guarantee accountability are inexistent. There is not legal parliamentary opposition and only one party runs for elections. Moreover, terror measures such as large-scale detention in forced-labor camps and executions, do exist.

In an autocracy, although there is legal parliamentary opposition and multiparty run for elections, the government cannot be removed through a peaceful and civilized procedure because institutions that guarantee accountability are either weak or just formal. There is not large-scale detention in forced-labor camps and executions, but incumbents occasionally use various means of coercion against their political opponents such as imprisonment with false charges, or even politically motivated murder. Moreover, the ruling political group appoints people devoted to them to virtually all important offices; civil society is weak and repressed, although there are no legal constraints against it; there are legal frameworks for participation but they are practically not applied and the freedom of the press is constrained by legal and economic means.

According to Kornai, in both autocracy and a dictatorship the control is exercised from the above, there is a hierarchical pyramid with one person on the top – a leader, autocrat

¹³ International costs may be diplomatic isolation; visa and trade restrictions; and (in extreme cases) prosecution by international courts.

or dictator that does not receive orders from others. Moving down from the top, all the other levels of the pyramid have to obey to the orders from the upper levels and domineer downwards. Moreover, both systems have a strong centralized tendency, by subjecting as many spheres as possible to the rulers' will. In order to maintain that central will, different means are used such as "reward and punishment, primarily the actual award of recompense and the actual imposition of penalties but promises and threats have their place too. People's actions are strongly influenced by the hope that unconditional loyalty will win favor and the fear that disloyalty will lead to reprisals"(Kornai, 2016).

3.4) (New) Authoritarianism

It has been argued among some scholars that mixed regimes like the ones analyzed above, particularly, competitive authoritarianism and autocracy, characterize a new type of authoritarianism. Iván Krastev (2011) identifies these new "contemporary authoritarian regimes", that have emerged over the last two decades, as "no-man's land between democracy and authoritarianism".

According to Christopher Walker, the "backlash" against democracy begun in the mid-2000s and has been deepening in intensity over the past decade. This has been marked by authoritarian domestic practices that used legal, regulatory, and informal measures, as well as the restrictions of freedom of expression and association to avoid emergence of democratic pluralism. The regimes of China and Russia are central examples of this new type of authoritarianism.

According to Krastev, Putin's "vegetarian authoritarianism" highlights the features of the new competitive authoritarianism. It is a "moderately repressive" regime that, contrary to the reality during Soviet Union, has open borders, allowed uncontrolled access to the internet and developed an "open" economy. However, citizens can only do business if they pay their 'corruption tax'. "Political repression exists and human-rights organizations have documented the persecution of journalists and other opponents of the regime". Although elites and ordinary people alike view this system as dysfunctional and uninspiring, Putin's regime survives and keeps being stable (Krastev, 2011).

Over the past decade, authoritarian governments such as Russia and China, have created a modern "antidemocratic toolkit" (Walker, 2016) which has been used to prevent the emergence of an authentic democracy in the system. In order to do that, authoritarian regimes have been developing a "zombie democracy" which uses tools such as government-organized nongovernmental organizations (GONGOs), "zombie" election

monitoring, and both traditional and new media enterprises to protect the established government.

In these “zombie democracies”, governments have been taking control of the media, manipulating elections, and repressing the authentic civil society in order to avoid that well-funded civil society organizations (CSOs) could contribute to their defeat at the polls. Inspired by Putin’s model of “managed democracy” and “managed civil society”, two models emerged in autocratic governments: CSOs could operate as long as they were not involved in political issues; CSOs had to cooperate with the government, and groups that resisted, particularly those that received international funding, were shutting down (Rutzen, 2015) .

The arguments that governments have used to justify restrictions on CSOs fall into four broad categories: protecting state sovereignty to restrict international funding; promoting transparency and accountability in the civil society sector; enhancing aid effectiveness and coordination¹⁴; pursuing national-security, counterterrorism, and anti-money laundering objectives to justify restrictions on international funding. Notwithstanding their justifications, as Douglas Rutzen affirmed when citing a 2013 USNR report, these arguments are merely «a pretext to constrain dissenting views or independent civil society», “in violation of international law” (Rutzen, 2015).

Moreover, in order to avoid external criticism, authoritarian governments have created pseudo-non-governmental organizations (GONGOs) that emulate the form but not the substance of authentic civil society groups (e.g. Russia’s government created the Russian group Nashi, a youth movement that stress themes of national pride and sovereignty).

Another tool that has been used are the “zombie” election monitoring groups - a mechanism controlled by the state that tries to look like democratic observers over elections¹⁵ (even the names chosen for these groups are often very similar to those of credible monitoring organizations). However, instead of providing an impartial evaluation on the quality of electoral processes, these “camouflaged” groups share fake

¹⁴ Some governments have used the “aid effectiveness” campaign to justify constraints on international funding that is used to promote international development assistance. Strategies for achieving such improvement include promoting “host-country ownership”, however, some states have interpreted it to mean “host-government ownership”.

¹⁵ Election monitoring, traditionally, has been the work of NGOs and international organizations (e.g. OSCE), acting through its Office for Democratic Institutions and Human Rights (ODIHR) (Cooley, 2015).

narratives that protect the government, allowing autocratic regimes to manipulate the integrity of the election process.

The “zombie” electoral monitoring acts in parallel with the government’s repression of credible election monitoring by national and international organizations as well as journalists. For that, autocratic governments have used different techniques ranging from intimidation and violent threats to citizens involved in authentic election monitoring; denials of access to election-related processes and the government-held data needed to assess their credibility; and the shutdown of telecommunications systems—including the Internet and social media—at critical times (Merloe, 2015).

Moreover, since most of the mass media is strongly controlled by the state in this type of regime, a combination of censorship and propaganda in state-owned media allows “the spread of disinformation” to control the electoral narrative. As Merloe affirms, “reports asserting the credibility of manipulated electoral processes will be broadcast in extended profusion while critical reports go unmentioned” (Merloe, 2015).

Using “zombie” techniques and biased media, authoritarian regimes can also give more plausibility to government’s complaints accusing critical foreign observers of being biased. “All three—the state media, the GONGOs, and the zombie monitors—seek to obscure the findings of credible monitoring efforts with clouds of rumours and phony charges”. These three autocratic features are used to confuse and obscure the civil society environment and undermine accountability (Merloe, 2015).

Attending to the autocratic practices mentioned above that have been conducted by popularly elected governments, Marie Glasius suggests that in order to understand contemporary politics, one must look beyond the existence of free and fair elections when analysing whether a system is authoritarian or not. Glasius argues that in order to understand contemporary politics “we should contemplate what elections originally stood for in the democratic/authoritarian divide: that is, the accountability of rulers to the demos”. Therefore, an active political practice of disrupting or sabotaging accountability should be considered the core feature of authoritarianism (Glasius, 2018).

Mechanisms that enable accountability at the local level “may be informal institutions, civil society, the media, or indeed the central state itself, which may turn to local accountability structures as a means of solving its own principal–agent problem vis-à-vis local officials” (Glasius, 2018).

Glasius defines authoritarian practices in the following way:

A pattern of actions, embedded in an organized context, sabotaging accountability to people ('the forum') over whom a political actor exerts control, or their representatives, by disabling their access to information and/or disabling their voice. (Glasius, 2018)

In order to be accountable, the 'actor' must explain and justify their conduct to the 'forum'. Moreover, "the forum can pose questions and pass judgment, and the actor may face consequences" (Bovens, M., 2007, pp. 450). Practices that prevent the dialogue between the power-holding actor and the forum, are authoritarian. These practices include situations such as the omission of information from the 'forum'; the deliberate share of inaccurate information; or prevent the 'forum' from passing judgement, which is the case, for example, when the government takes control of the media, interfering with unbiased critics (Glasius, 2018).

Furthermore, Glasius differentiates authoritarian from illiberal practices. Namely, the former, aim to protect leaders from accountability whereas the later "refer to patterned and organized infringements of individual autonomy and dignity". However, these categories can coincide with each other, for example, in the case of infringement of the freedom of speech – which comprises an infringement of freedom of expression and it is also blocking the accountability dialogue. Based on this distinction, Glasius affirms that, populism can only lead to illiberal practices (due to its antipluralist ideology). However, these illiberal practices often provide an incentive for authoritarian practices (Glasius, 2018).

3.5) Relationship between populism and autocracy

In the above, I have covered different concepts that have been applied interchangeably in the literature to describe forms of government conducted through deviations from liberal democracy. In the following, I use the term authoritarian populism to describe a form of government that couples the populist anti-pluralist and polarizing anti-elitist discourse ('the people' vs. the elite) with authoritarianism.

I use the term authoritarianism as the political agenda that favours pulling power towards the executive (the President or the Prime Minister) through the use of illiberal and authoritarian practices that were described in this chapter.

The ground for the development of a popularly elected populist regime into an authoritarian populist regime is based on its anti-pluralist and anti-establishment rhetoric

which claims that the populist incumbent is the only legitimate representative of the will of 'the people'. The populist logic understands democracy as the will of the majority¹⁶, consequently, it identifies the people as a homogenous group with a single pure common will, which is automatically excluding minorities and recognising as legitimate only one part of society. This way, the populist leader is making the "holistic" part the ruling force against minorities. The populist claim of being the only legitimate representative of that single will, paves the way to authoritarianism because it can turn this representation into a strategy for achieving central authority.

As I already mentioned in the first chapter, Müller argues that, after attaining power, the populist defines who belongs to 'the people' (in ideological terms) and it is also assumed that what the populist leader describes as the common 'interest of the people' - which he claims so truthful represent - might, in fact, serve the leader's own interests primarily. In an authoritarian populist regime, the anti-pluralist and anti-establishment narratives, together with the populist claim of embodying the will of the people, are used as justifications to apply authoritarian means that lead to the limitation of political freedom and the centralization of power in the incumbent's hands - who claims to act in the name of the people's will, when, in reality, is acting in his or her own interest.

An authoritarian populist government maintains its popular legitimation through regular elections, however, like I previously explained when defining an autocracy, the institutions that guarantee accountability are either weak or just formal, resulting in an uneven playing field in which opposition experiences strong disadvantages. As Larry Diamond affirmed, "the weaker the institutional restraints, the greater the risk that populism will become autocratic. So authoritarian populists always set out to knock away the checks and balances as quickly as possible" (Diamond, 2019, pp.64).

The authoritarian populist mode of governance violates the principle of rule of law and overcomes checks and balances. The president or the prime minister appoints only the people that are loyal to them to occupy the important offices, such as in the legislative body (which, in a democracy, should integrate independent courts capable of constraining the abuse of power from the governments), controlling, in this way, those fields. Moreover, independent media is strongly constrained by legal and economic means and civil society organizations that criticize the regime are suppressed by the government, leaving only space for the biased government-owned media and government-controlled,

¹⁶ For this reason, Urbinati (2019, pp.11) affirms that "we should consider populism to be *merelatric*: the militant attention to the interests of one part".

informal, non-transparent and non-accountable organizations. Consequently, the effectiveness of opposition is undermined, being systematically disadvantaged by formal and informal political institutions.

According to Zoltán Ádám (2018), the reelection of the authoritarian populist government is related with the extraction of resources. “Those who vote and make other political decisions are controlled through reallocation of resources, including information, money and power, by those above them in the power pyramid.” Authoritarian populists are inclined to use “ingroup-outgroup” mechanisms, in which, resources are taken from the “outgroup” and reallocated to the “ingroup”. The populist’s supporters belong to the ingroup - composed by the ‘real’ and ‘authentic’ people - whereas the outgroup, are those that criticize and oppose to the government and the ones excluded from the part of society that populists claim to represent. The former is meant to be the social core of the system and it is systematically privileged by the regime with preferential treatments (through the use of public resources) that are presented as politically legitimate and can include various policies related to jobs, incomes, wealth or prices. Through these corrupt mechanisms, the regime creates its own political clientele, securing the political support of their favored electorate.

Summarizing, in an authoritarian populist government, subordination to unconstrained power-holders remains the rule. The rule of law deteriorates, the government takes control over public resources, control over private resources is politically influenced, extensive clienteles are built, and autonomies of non-governmental actors are constrained (Ádám & Simonovits, 2019). Hence, “inclusion by the regime always means a deal. Operation of formal political institutions is of secondary importance only, as being member of the clientele is more important than norms and actions of an impersonal democratic rule” (Ádám, 2018).

Nevertheless, although the access to resources available for opposition is seriously constrained, as long as regular and multiparty elections are held, the authoritarian populist government is not exempt from facing an electoral loss. Moreover, “a constraining role of law differs in different stages of the rise of populism”, for example, in an early state of the populist turn to authoritarianism – when the government has not fully yet dismantled all the foundations of the rule of law - institutions may still work in order to prevent democratic backsliding (Bugarič, 2019).

Chapter 4: How populist regimes shift a democracy towards an autocratic system

In this chapter, I will focus on explaining the mechanisms used by an elected populist government to transform a democracy into an authoritarian populist regime. In order to do that, I will start by analysing the concept of democracy. There is not a single definition of democracy and the explanations for this concept vary from minimalist to more developed views. In the following text, I will apply the concept of democracy and its functioning based on the views of the political thinkers analysed below.

4.1) Characteristics of democracy

According to Plattner (1998), the most basic meaning of democracy is the “rule by the people”. In the modern times, the concept refers to representative democracy, therefore, the people rule through the election of legislative representatives and other public officials and “it is further presumed that democracy implies virtually universal adult suffrage and eligibility to run for office”.

Barak Aharon (2006) considers the mechanism of regular free and fair elections as the formal and fundamental ground of democracy and argues that another “substantive” component is essential in a democracy which Aharon named as the “rule of values”. These values guarantee the protection of individual human rights and include the “separation of powers, the rule of law and judicial independence, which are based on such fundamental values as tolerance, good faith, justice, reasonableness, and public order” (Aharon, 2006, pp.33).

In *The Open Society and Its Enemies*, Karl Popper, analysed a problem that, according to him, has always been present throughout the times in the political thinking. Since Plato to Karl Marx and beyond, the underlying question “who should rule?” has been the starting point to define the best political system. In the classical theory of democracy, the answer to this question was apparently similar to the populist rhetoric of the modern times: “the people”.

However, Popper’s theory of democracy rejects a definition of a system based on “the rule of the people”, in fact, in an article published by *The Economist*¹⁷, Popper starts by affirming that his theory of democracy avoids terms such as rule, freedom and reason due to the fact that these terms are “too abstract, and too prone to be misused”. According to

¹⁷ The article was republished in a more recent edition of *The Economist*, in 2016, used as source in this dissertation.

Popper, the logic behind political systems should not be the question “who should rule?” but rather “how to rule?”, or as stated by Popper (1998/2016) , “how is the state to be constituted so that bad rulers can be got rid of without bloodshed, without violence?”. Popper considered that the value of democracy lied on the power given to the people to get rid of incompetent leaders in a regular and nonviolent way (via the majority vote). His theory of democracy is based on establishing a governmental system rather than a ruler. Popper encourages a rule of law that enables people to get rid of an incompetent government, rather than the rule of the people. His theory seeks to avoid the centralization of power in single hands and, ultimately, the emergence of a tyrannical regime. For that, Popper argues, institutions and rules are needed to limit the power of the ruler(s), as well as instituting checks and balances into the political system. As Popper affirmed, consideration should be given to “institutional control of the rulers by balancing their power against other powers” (Popper, 1945/2012, pp. 116).

Moreover, according to Popper, a “democracy cannot be fully characterized as the rule of the majority” - a democracy is translated in an open society which aims to promote the freedom of criticism, and recognises that improvement in the political system is always a possibility and, therefore, individuals are free to criticize the majority’s decisions and, under the law, to revise them. Considering the openness to criticism and new ideas, Popper alerts for the importance of assuring protection to minorities apart from those who “violate the law, and especially... those who incite others to the violent overthrow of the democracy” (Popper, 1945/ 2012, pp. 368). Furthermore, among the enemies of the open society identified by Popper, it is relevant for the matter of this thesis to consider the collectivism. Popper criticizes Plato’s ethical collectivism which attributes an independent essence to the collective different from the individuals who constitute it. He argues that for Plato the collective must always be a priority over individual interests. According to Popper, justice in an open society requires the equal treatment of the individuals rather than the well-functioning of the state (the collective) and, since the collective is not a moral subject, someone would have to represent it, becoming superior to the others and leaving no place for opposition. What is more, the moral responsibility would continue to be attributed to a fictitious collective entity rather than the superior individual that would be representing it.

These arguments of Popper may be relevant when analysing a populist government since the attribution of an independent identity to the collective majority (“the silenced majority” or “the authentic people”) which is united by a single will and the affirmation

of the leader as its representative, denying representative institutions an independent justification, followed by a constant reaffirmation of the people's will to justify illiberal measures, are typical features of the populist rhetoric.

As argued by Maria Paula Saffon and Nadia Urbinati (2013), this anti-representative logic of populism, “radically denies the modern doctrine of representation, which rests on free mandate and thus makes citizens the final judges of the work of their representatives”. As the authors explained, a “free mandate is grounded on two things: the separation between the state as a legal persona and individual agents as private wills, and the notion that the representative character of the leader derives from her adherence to the former, not the latter”. Considering contemporary approaches on the analysis of democracy, and particularly the populist approach¹⁸, Saffon and Urbinati (2013), defend that the proceduralist vision of democracy is the “the best normative defence of democracy in contemporary politics” and “the most direct adversary of populism” since it directly defies the populist anti-parliamentary strategy based on its anti-multi-party rhetoric. Contrary to the populist strategy, procedural democracy refuses the homogeneity of the people, instead, it recognizes the people as an heterogeneous group with dissent views which requires multiparty competition.

The proceduralist vision considers equal political liberty as the primary good for which democracy should strive. According to Saffon and Urbinati, besides the maintenance of peace, “the pursuit of equal political liberty is what characterizes democracy as a distinct form of government”. The proceduralist democratic vision considers that the best way of respecting equal liberty in the contemporary democratic context of pluralism and dissent, is by following the modern democratic procedure “based on every individual's equal participation in fair and competitive elections for selecting political representatives” (Saffon & Urbinati, 2013).

Equal political liberty impedes liberty from being a privilege of the few, making it a right for all citizens. It consists not only in political multipartyism but also in the effective participation of all individuals in elections. “Liberty is made possible through equality in political rights” (Saffon & Urbinati, 2013).

On this matter, Robert Dahl (1989) has argued that political equality requires “effective participation”, “voting equality at the decisive stage” and “enlightened understanding”¹⁹.

¹⁸ The authors defined the populist approach of democracy as a process that defies procedures.

¹⁹ The same criteria that Dahl (1989) himself has appointed as features of a democratic process.

Accordingly, throughout the process of making binding decisions, citizens ought to have adequate and equal opportunities for expressing their preferences and the reasons of their preferences concerning the final outcome as well as for placing questions on the agenda. Also, all citizens must be ensured with equal opportunities to express their choice during the act of voting and each vote must be equally weighted in determining the outcomes at that decisive stage. Finally, “each citizen ought to have adequate and equal opportunities for discovering and validating (within the time permitted by the need for a decision) the choice on the matter to be decided that would best serve the citizen’s interests”. Dahl (1989, pp.112) also added that “the criterion makes it hard to justify procedures that would cut off or suppress information which, were it available, might well cause citizens to arrive at a different decision; or that would give some citizens much easier access than others to information of crucial importance; (...) and so on’.

According to Dahl (1989, pp.112 - 113), “if an association were to satisfy all three criteria, it could properly be regarded as a full procedural democracy with respect to its agenda and in relation to its demos”. This leads Dahl to suggest a fourth criterion which is the control of the demos over the agenda. Nevertheless, Dahl argues that “no actual system could be expected to satisfy the criteria perfectly”, however, according to the proximity a system respects these criteria, it can be defined as more or less democratic.

Dahl recognized the importance of inclusiveness in the process of democratization and the necessity of equal opportunities and resources to all citizens in order to formulate preferences which must be equally weighted by the government. For that, it is required the existence of institutions that make those equal opportunities effective. Specifically, Dahl (1971) identified eight institutional guarantees that are necessary to democracies: 1) freedom to form and join associations; 2) freedom of expression; 3) right to vote; 4) eligibility for public office; 5) right of political leaders to compete for support and votes; 6) alternative sources of information; 7) free and fair elections; and 8) institutions for making government policies depend on votes and other expressions of preference²⁰.

Saffon and Urbinati (2013) identified five criteria of procedural democracy to evaluate whether existing democracies protect equal liberty or not. Accordingly, the five features must be present: 1) “uncertainty” from the political competitors about the electoral outcome; 2) “openness and contestation”, meaning that at least two parties have to be

²⁰ A regime that fulfils these eight institutions was defined by Dahl as a “polyarchy”, the type of regime that could get closer to democracies in the real-world in Dahl’s opinion. Also, as argued by Coppedge et al (2008), polyarchy has become one of the most familiar standards for democracy.

competitors and strong enough to avoid the weakness of one party through the use of force (implicit in this condition is also the existence of pluralism among the proposals that citizens can choose); 3) “participation and emendation”, all political decisions must be open to change and people should participate in democracy to avoid the risk of abuse of power by the rulers. For that, institutions that allow the participation of dissent opinions must exist too; 4) “positive responsiveness” that guarantees to the citizens that their votes effectively matter in the electoral results, which should be secured by institutions that assure that the opposition can monitor the government and inform the citizens. Lastly, 5) “nontriviality” in the issues that are decided by democratic means because the “most relevant decisions of society” must be taken inside the operation of democracy, otherwise citizens can become apathetic towards their citizenship roles and “democracy can thus become a façade for clientelism or technocracy”(Saffon & Urbinati, 2013).

Larry Diamond (2004) defined democracy in four basic elements: 1) a political system for choosing and replacing the government through free and fair elections; 2) the active participation of the people, as citizens, in politics and civic life; 3) protection of the human rights of all citizens; and 4) a rule of law, in which the laws and procedures apply equally to all citizens.

A number of criteria has to be fulfilled in order to secure regular, free and fair elections: they must occur in regular intervals stated by the law; they require “the universal adult suffrage; more than one serious political party running for elections; and alternative sources of information” (Diamond & Morlino, 2004). Moreover, they have to be administered by “a neutral, fair, and professional body that treats all political parties and candidates equally” which requires that all candidates and political parties have the right to campaign freely and communicate with the voters both directly and through the mass media. Voters must also be free from any intimidation or violence and be able to vote in secret. Independent observers must be able to observe the voting and the vote counting to make sure that the electoral process was fair, and the electoral results were right. Furthermore, in case of any disputes regarding election results, they must be resolved by an impartial and independent tribunal (Diamond, 2004).

The second basic element of a democracy, according to Diamond, consists in giving the people the right to monitor the conduct of public officials and the political process, as well as to assemble freely and to criticize the government actions. Besides these rights, in a democratic system, every citizen is equally protected by universal freedoms which

the state cannot interfere with and everyone is obliged to respect. These include, the freedom of speech and thought; freedom of religion; freedom of association and organization (including the right to form and join to political parties and trade unions); freedom of movement and residence; the right to enjoy their own culture; the right to legal defence and due process; and, finally, there is freedom and pluralism in mass media. These freedoms are protected by the law. As Diamond affirms, “democracy is a system of rule by laws, not by individuals” (Diamond, 2004). Therefore, everybody, including the government, must respect the rule of law which applies to every citizen equally, maintains order and limits the power of the government. Consequently, according to the law, discrimination based on race, religion, ethnic group, or gender is forbidden; no one may be arrested, imprisoned, or exiled arbitrarily; torture and cruel, inhumane treatment are forbidden; if someone is detained has the right to know why, and to be presumed innocent until proven guilty according to the law; everybody has the right to a fair public trial by an impartial court; no one may be taxed or prosecuted except by a law established in advance and “office holders cannot use their power to enrich themselves. Finally, independent courts and commissions punish corruption, no matter who is guilty” (Diamond, 2004).

As a further matter, the law must be “fairly and consistently applied by an independent judiciary and the laws themselves are clear, publicly known, universal, stable, and nonretroactive” (Guillermo O’donell in Diamond & Morlino, 2004). “Democracy implies an unwillingness to concentrate power in the hands of the few, and so subjects leaders and policies to mechanisms of popular representation and accountability” (Diamond, 1990). A “good democracy” must respect horizontal and vertical accountability which requires, among other criteria mentioned above²¹, a vigorous civil society that must be able to work freely and being protected by the law. Political leaders must not only be accountable to civil society, but also, to other officials and state monitoring institutions such as the legislative opposition, specific investigative committees formed by the legislature, the courts, audit agencies, a countercorruption commission, a central bank, an independent electoral administration (Diamond & Morlino, 2004).

All in all, the definitions given by the authors mentioned above go beyond a “minimalist” definition of democracy defended by some political thinkers who have argued that the existence of regular, free and fair elections was the condition that defined

²¹ Citizen monitoring on the elected officials and the political process; free press and independent judiciary.

a system as a democracy. Summarizing the definitions given by the authors analysed in this chapter, democracy is considered a system that, besides regular, free and fair elections, also requires: institutional checks and balances; a rule of law that must be equally respected and applied for everyone; equal protection of universal democratic freedoms by the law to every citizen; pluralism in the media (which is also a condition implicit in free and fair elections since they require alternative sources of information); and, finally, to be a “good democracy” the government must respect horizontal and vertical accountability. In this thesis, the concept of democracy applied further on corresponds to this definition of democracy which is constitutional and not limited to the existence of elections.

4.2) From Democracy to Autocracy

“Apologists for authoritarianism insist that people have a right to order – but without the rule of law, only the ruled are constrained, not the rulers”. (Larry Diamond, 2019, pp.6)

Having in mind the analysis on authoritarian populism given in the previous chapter, it becomes clear that consider a regime of that type as a democracy is categorically wrong. The populist rhetoric is already violating democratic values, since it only gives legitimacy to the majority group, directly attacks multiparty representation and ignores minorities’ rights, despising the democratic and essential principle of pluralism and equal liberty. In accordance with Popper’s refusal on the majoritarian rule previously analysed, Urbinati (2019, pp. 11) affirms “democracy means that no majority is the last one” and, therefore, no dissent view can be seen as wrong.

Even if one only considers a minimalist definition of democracy, it seems correct to affirm that elections that occur under an authoritarian populist regime are not democratic since the criteria necessary to have free and fair elections is not respected. Although that regime might have come to power through democratic elections when the party leader was a populist candidate, once the regime in power turned into authoritarian populist, any elections that occur under such conditions will not be free and fair. By oppressing the opposition through harassment and the exclusion of resources, including media coverage; by supressing independent bodies responsible for monitoring elections; and by replacing

the electoral authorities with biased referees, the conditions mentioned by Larry Diamond necessary to consider elections as free and fair, are violated and the result is an uneven playing field in which the ruling party is strongly advantaged. Consequently, elections cannot be considered democratic and equal political liberty cannot be secured since the criteria of “positive responsiveness” (Saffon & Urbinati) is not respected.

In addition to these strategies to suppress the opposition, the authoritarian populist government disrespects the rule of law, imposing arbitrary rules on citizens while ignoring all constraints itself and it overcomes checks and balances by replacing party loyalists in important positions that, in a democratic regime, must be occupied by impartial and independent actors in order to avoid the centralization of power in the government’s hands.

Furthermore, authoritarian populist suppressions on civil society and independent institutions responsible for monitoring the government’s conduct, directly violate the democratic rights of freedom of association and freedom of speech as well as the responsibility of the government to be vertically and horizontally accountable that must be respected in a well-functioning democracy.

“The road from democracy to autocracy is paved with the “stones” of illiberalism”, stated Csillag, T. & Szelényi, I. (2015). According to these two authors, the weakness of liberal institutions such as Constitutional Courts and the legislative branch, creates conditions “for particularly powerful political leaders to flirt with abandoning democratic procedures if they may sense their electoral support eroded and they may not win the next elections.”

Olga Oliker (2017) explains how the “counter-democratic shifts” of nowadays are not manifesting in the same way they have in the past. Analysing the conducts of contemporary governments including Poland, Hungary, Turkey, United Kingdom, United States, and elsewhere, Oliker affirms that the democratic backslidings of the past through “executive coups, in which a sitting leader does away with checks and balances in one fell swoop, have stepped aside” in favour of “a leader (that) does the same thing, but more slowly”, through the weakening of institutions. Similarly, Jacques Rupnik (2018) affirms, “the recent authoritarian turn takes aim at the separation of powers, media independence, and the political neutrality of the civil service”.

As Diamond (2019, pp.20) argues, the transition from democracy to autocracy is not an immediate process. In order to destroy a liberal democracy, “its arteries of freedom, the rule of law and the balance of power had started clogging noticeably well before the end”.

The most frequent warning signs of decline of democracy are: endemic corruption²², frequent high profile-scandals, president's abuse of power, and governments that cannot deliver jobs, rise incomes, decrease crime rates or basic services (e.g.: electricity, water, roads, decent schools). The rule of law seriously deteriorates as the judiciary becomes corrupt but the greatest damage to democracy, in Diamond's opinion, is done in the culture, when people lose trust in the government and in their fellow citizens. When this happens, the result is a fragmented society where "everyone demands or pays bribes, buys or sells votes, and watches their backs" (Diamond, 2019, Pp. 23).

According to Diamond (2019, pp.64-65), the contemporary democratic failures, conducted by authoritarian populist regimes, have come through "creeping authoritarianism", defined by Diamond as a "process that gradually eviscerates political pluralism and institutional checks until the irreducible minimum condition for democracy – the ability of the people to replace their leaders in free and fair elections – is eliminated". This process generically follows what Diamond identified as the "autocrats twelve-step program": 1) "beginning to undermine the opposition as illegitimate and unpatriotic"; 2) "undermine the independence of the courts"; 3) "attack the independence of the media"; 4) "gain control of any public broadcasting"; 5) "impose stricter control of the internet" – in the name of security reasons; 6) "subdue other elements of civil society"; 7) "intimidate the business community" in order to abandon its support for political opposition; 8) "enrich a new class of crony capitalist" – through corrupt mechanisms; 9) "assert political control over the civil service and the security apparatus"; 10) "gerrymander districts and rig the electoral rules to make it nearly impossible for the opposition parties to win the next elections" and making sure that even if the ruling party loses the majority of the votes, it can still retain power; 11) "gain control over the body that runs elections, (...) and institutionalize de facto authoritarian rule"; 12) repeat all these steps more vigorously in order to spread the fear of criticizing the regime.

Populist leaders like Hugo Chávez, Recep Tayyip Erdogan and Viktor Orbán have dismantled democratic systems following "more or less" this process. Also, this programme has been coveted by other autocratic leaders such as Jaroslaw Kaczyński, in Poland and it has also aroused interest in the long-established Western democracies. These are facts that lead Diamond to affirm that populism "today, has become the primary internal, self-generated threat to democracy worldwide" (Diamond, 2019, pp.62).

²² Diamond (2019, pp. 24) also states that "high levels of corruption are not only a cause of democratic failure but an effect of decadent institutions".

Chapter 5: The Authoritarian Populist Regime of Viktor Orbán

Since Viktor Orbán, started ruling Hungary as Prime Minister in 2010, he has become the most influential right-wing populist in Europe (Diamond, 2019). In the 2010 parliamentary elections, the coalition of Fidesz – Hungarian Civic Union and the Christian Democratic Party (KDNP)²³ won 53% of the votes, obtaining a two-thirds majority of seats in the parliament. This result was possible because the electoral system of Hungary requires two votes from all citizens: one vote for one-representative district and another vote for a party list established in a multi-member district. The seats in the Parliament are divided between single member seats and party list seats (the party decides its representatives in the parliament). In the 2010 elections, Fidesz won all but three of the 176 single-member districts and 84 of the 146 seats in the multi-member ones, obtaining 68% of the MPs (*The Economist*, 2019).

Since then, Fidesz’s two-thirds parliamentary majority has given Orbán enough power to pursue his “openly proclaimed goal (...) to stay in power for at least the next decade” (Szombati, 2017). Orbán has overseen the implementation of autocratic measures such as the establishment of a new constitution, the erosion of checks and balances over the government, the modification of the electoral system, the suppression of independent media and the repression of civil society. Moreover, the party’s unequivocal populist rhetoric challenges anyone who criticizes the government and those who do not match with Orbán’s definition of “the people”. As a result, in 2019, Hungary was classified as “partly free” on political rights and civil liberties by the Freedom House, becoming the only country in the EU which is not currently considered as free.

In this chapter I will analyse the different steps taken by Orbán and his government since 2010. Hungary is now largely considered to be “the first European country to leave democracy” (Diamond, 2019, pp.62).

²³ Since 2006, these two parties have jointly contested every national election and established an alliance in the parliament. Although this is technically a coalition, most of the power comes from Fidesz, with Orbán on the leadership. The KDNP party adopted the ideology of Fidesz and Fidesz members of parliament are known to forget about their coalition partner. Considering the almost null role of the KDNP party, the Fidesz-KDNP political alliance is referred as the “Fidesz government” in this thesis.

5.1. Orbán's Populist Rhetoric

5.1.1. Anti-elitist discourse

The “corrupt” elite in Orbán’s words, has been anyone and anything in order to produce an anxiety-based discourse that labels all his opponents as the enemies of the will of “the people”. From George Soros to the European Institutions, the Fidesz has led a successful propaganda campaign to gain support.

During his electoral campaign before the 2010 elections, Orbán’s discourse was mainly focused on three topics: Hungary’s economic and political state in domestic and international terms; Fidesz’s plans for the future; and the responsibility of the Hungarian socialist and liberal politicians during the country’s decline (Szilágyi, 2010).

By that time, the Hungarian socialist governing party (MSZP) had recently started austerity measures that were implemented following the global crisis of 2008-2009. Such measures created a swelling of discontentment and disillusionment amongst the Hungarian population with their rulers, since the ruling party had won the 2006 elections with the promise that economic reforms would not require austerity (Bohle, 2011). Orbán used these feelings as an opportunity to gain electoral supporters by echoing their resentments.

Accordingly, during his electoral campaign in 2010, Orbán accused the socialist and liberal government of being weak (describing such weakness as an amoral attitude) and with an “all time conformism” attitude towards the European Union and the decisions of the West. Orbán also stated that the actions taken by that government led to bad results, such as a “weak and ill being” country and affirmed that the government made Hungarians “ashamed”. Moreover, he also accused the political leaders at the time of being oligarchs and corrupt (Szilágyi, 2010).

In contrast, Orbán presented himself and his party as the heroes, the “strong” “men of action” (Szilágyi, 2010) capable of saving the nation:

“Today it is only Fidesz that is able to create such a unity, to state such a largely supported and strong government with what the country can scramble up and get through the towering barriers” (citation from Anna Szilágyi (2010) quoting Orbán’s address celebrating the 22nd anniversary of establishing Fidesz in March 30).

After Fidesz won the elections in 2010 and introduced a new constitution, the European Union criticized Hungary for its radical reforms. Consequently, the “corrupt elite” started to be identified with “European bureaucrats”, “Brussels bureaucrats”, and later with

“foreign bureaucrats”²⁴. The next target were NGOs accused of being controlled by “foreigners attempting to enforce foreign interests upon Hungary”²⁵ (Csehi, 2019).

In 2015, following the migration crises, the “corrupt elite” was equated to the European political leaders who were welcoming migrants and “trying to reshape Europe against the will of the people in Europe”²⁶. In a speech Orbán delivered on Hungary’s national holiday, 15 March 2016, it was emphasized that the “European population had fallen victim to the irresponsible EU elite’s mishandling of the refugee crisis” (Attila Ágh, 2016).

Civil society organizations kept being identified as corrupt and, since 2017, as the empire or “mafia network” of George Soros (Csehi, 2019).

5.1.2. “The People”

The government of Orbán is a “right-wing version of authoritarian populism” (Ádám, 2018) that seeks to keep an ethnic and cultural homogeneity in Hungary.

Once Orbán achieved power in 2010, one of his first steps was to issue the “declaration of national cooperation” as the definition of the new system. As explained by Bozóki, (2015), the essence of this “new system” was “based on submission to the ruling party” – accordingly, only those who agree with the government can be part of the national cooperation (and, therefore, “the people”). Those who do not support the government, are excluded from the system. Moreover, all public institutions were obliged to post the declaration in their walls.²⁷

There is a clear exclusionary principle of those that Orbán considers part of “the people” (“we”) and those that belong to “the other(s)”. Orbán’s speeches express a definition of Hungarians’ identity based on a nativist-nationalist view and Christian values. Even the date chosen to sign the Fundamental Law was on the first anniversary of the electoral victory of Fidesz on Easter Monday (April 25, 2011) “which blasphemously claimed to symbolize the alleged rise of Christianity in Hungary” (Bozóki, 2015). Also, Orbán’s policies have shown preference for middle-class economic interests (Ádám, 2018) and

²⁴ The three terms were used by Viktor Orbán in the 15 March National Holiday (2012) speech, in his lectures in Tusnádfürdő, Romania (2012) and at the Bálványos Summer Open University and Student Camp (2013), respectively.

²⁵ Csehi’s (2019) citation of Orbán’s words in his lecture in Tusnádfürdő, Romania (2014).

²⁶ Csehi’s (2019) citation of Orbán’s words in his lecture at the Bálványos Summer Open University and Student Camp, in 2016.

²⁷ Access to the English version of the “declaration of national cooperation” in the following link: <https://theorangefiles.hu/declaration-of-national-cooperation/>.

“hard working” citizens (Szombati, 2017). According to Attila Ágh (2016), the «Fidesz’s so-called electoral program, conceived in 2010, was a populist holy trinity: “work, family and order”».

Initially, “the people” in Orbán’s rhetoric were mainly characterized by a nationalist view using expressions like «the free Hungarians», «the country of the Hungarians», or simply «the Hungarians» (Csehi, 2019).

However, following the 2015 mass migration influx to Europe, Orbán adopted a strong anti-migration discourse that elevated the construction of “the people” to the European level. The “we” shifted to the “European-Christian civilization” and “the other” (the enemy) – to the “Muslim-orient” (Lamour & Varga, 2017). Hence, the Prime Minister’s rhetoric has enforced a strong aversion for diversity in the country and a strong appeal for “European values” which include not only religion (Christianity) but also other components of society such as the classic music (Mozart, Bethoven, among others) or the food, for example.

Expressions such as “the European people”, “we, Europeans” and “we, the peoples of Europe” were used by Orbán himself²⁸. The defense of Hungary’s ethnic and cultural homogeneity was also strengthened by Orbán’s policies, such as the construction of a border fence, in 2015, to avoid the entry of migrants in Hungary and the introduction of Christian values in the Fundamental Law.

During the next years, due to the EU member countries’ different positions and tensions over the migration policies, Orbán started to identify “the people” with a more regional Central-European discourse – using expressions like “supporters of sovereignty”, “we, Central Europeans” and “we, the millions with national feelings”²⁹.

Furthermore, the Hungarian Prime Minister has increased anti-establishment elements in his rhetoric by identifying himself with “the people” - which has often been used to justify his illiberal policies applying the argument of incorporating “the will of the people” and, therefore, promoting an unmediated relationship between the government and “the people”. For instance, according to the online newspaper *Politico*, Orbán has affirmed that “his people prefer his stability and strong leadership to liberalism”, after having

²⁸ Csehi’s (2019) citation of Orbán’s words in his lecture in Tusnádfürdő, Romania (2015), at the Bálványos Summer Open University and Student Camp (2016) and in 15 March National Holiday speech (2016), respectively.

²⁹ Csehi’s (2019) citation of Orbán’s words in his lecture at the Bálványos Summer Open University and Student Camp (2016), in Tusnádfürdő, Romania (2016) and in the 15 March National Holiday speech (2018), respectively.

criticized the elites of “90% of European countries” (Luke Waller, 2016) who, according to him, do not follow the citizen’s will.

Orbán (proudly) personifies the rise of illiberalism in Europe. As previously mentioned³⁰, the Prime Minister has openly affirmed his intentions in constructing an ethical-homogenous “illiberal”, “Christian” “democracy” in the country, excluding minorities such as migrants, multiculturalism and same sex couples from his policies. Moreover, Orbán has strongly discriminated the Roma community associating it with criminality³¹. These polarizing narratives have been further enforced by the government through referendums (for example, the referendum on the EU’s migration policy in 2016³²) and “national consultations”. Although the amount of people that voted in the 2016 referendum was not enough to consider the referendum as valid (only “40.4% cast valid ballots - of the required 50% threshold” (BBC News, 2016)), the government declared it as valid and even as an “outstanding victory” (Patrick Kingsley, 2016) since most of the voters (98%) supported the government’s will.

In June 2018, the government added the Seventh Amendment to the Constitution which, among other issues, limited the right to asylum; constitutionalized the government’s anti-immigration policy, compelling the State to protect the “Christian culture of Hungary” and prohibiting the settlement of ‘foreign population’ in Hungary without the government’s approval. Moreover, it prohibited the use of public spaces by homeless people³³.

5.2. The New Constitution and the Dismantling of Checks and Balances

The first legal step identified by Bárd and Pech (2019) on Viktor Orbán’s strategy to transform a democratic system into an autocracy, was the rewriting of the constitution in order to make it ‘autocracy-compatible’. This was possible due to what the authors described as a “design defect”: the amendment rule which allowed to alter any provision of the national constitution “on the mere basis” of a single two-thirds majority of

³⁰ See chapter three.

³¹ By promoting a work-based society vision and emphasizing the link between welfare-dependency and criminality (Szombati, 2017).

³² Related with EU’s refugee-sharing quota which stated that Hungary had to resettle 1,294 refugees from Greece and Italy.

³³ According to the Hungarian Civil Liberties Union, banning habitual residence in public spaces is a serious offense against human dignity and the freedom of action (Hungarian Civil Liberties Union, 2018).

parliament. Therefore, the two-thirds supermajority of Fidesz-KDNP in the parliament, have guaranteed legal permission to add amendments which served as a means to change the whole constitution³⁴ – “and indeed the ’89 Constitution was modified twelve times during the first year after the elections”(Bárd & Pech, 2019), “changing more than fifty separate provisions along the way”(Bánkuti, Halmai, & Scheppele, 2012). These changes were mainly designed in order to weaken checks and balances and centralize the power in the government’s hands.

After the formation of his government in 2010, Viktor Orbán expressed intentions in drafting a new constitution (although he kept this intention well-hidden during his electoral campaign). The rules regarding the constitution-making, established in 1995, required a four-fifths vote of parliament to set the rules concerning the writing of a new constitution. However, because the amendment rule only required two-thirds parliamentary votes in favour to be approved, Fidesz used its supermajority to eliminate the four-fifths rule from the constitution and write a new one (Bánkuti et al., 2012).

Fidesz started to consolidate power by attacking the Constitutional Court – “the constitutional guardian and primary check on the government” (Bánkuti et al., 2012). The governing party altered the rules for nominating constitutional judges. In the old constitution, this nomination required the consensus between the majority of parliamentary parties and then a two-thirds majority in the parliament to elect the Court’s judges. The government kept the second condition but amended the first one: attributing the nomination of candidates to the governing party. As a result, Fidesz had enough power to choose judges without needing an approval from other parties during the process.

Furthermore, the governing party amended the constitution in order to limit the Constitutional Court’s responsibility on reviewing acts concerning fiscal matters. Consequently, the Court could no longer review constitutional budget or tax laws unless those laws interfere with “rights that are hard to infringe with budget measures” such as rights to life, dignity, data privacy, thought, conscience, religion and citizenship. While the power to review fiscal measures that are interfering with other rights “much easier to limit with fiscal measures, such as the right to property, equality under the law, the prohibition against retroactive legislation, or the guarantee of fair judicial procedure”, were eliminated from the Constitutional Court’s jurisdiction. This allowed the

³⁴ The amendments are “special, independent and original sources of law” (Chronowski, 2019).

government to start a “series of unconventional economic policies”, for example, the nationalization of private pensions (Bánkuti et al., 2012).

Furthermore, the government introduced an amendment increasing the number of judges – giving Fidesz power to elect “seven of the fifteen judges on the Court in its first year and a half in office”(Bánkuti et al., 2012). All these measures restricting the power of the Constitutional Court were added to the new constitution.

The government has also taken control over the Electoral Commission – which was responsible not only for monitoring elections but also for controlling referendum proposals. The government prematurely terminated mandates of members that were elected to serve through 2014 (Bánkuti et al., 2012). The previous system required that five seats on the Commission were attributed to one delegate of each parliamentary party and the other five were decided in a consensus between the governing party and the opposition. However, instead of respecting the consensus to choose half of the members, Orbán’s party decided to fill those seats with its own members solidifying a dominant majority in the commission.

In 2010, the parliament elected a new president – Pál Schmitt (a former Fidesz vice-chair). When Schmitt was forced to leave the position of president due to a plagiarism scandal in 2012, the parliament elected a cofounder of Fidesz – János Áder - to replace him. Although the laws were not changed, the person in office was Fidesz-friendly which is relevant since the president has the power to request a revision of the laws by the parliament or even to the Constitutional Court when their constitutionality is questionable.

Moreover, the laws concerning the media authority were also changed allowing Orbán and his party to nominate trustable people to regulate and control the content of the media (a more detailed explanation on this will be given further on).

As Bánkuti et al. (2012) affirmed, after the measures mentioned above, the government could then easily continue its goal to establish a new constitution.

Although there was a parliamentary committee defining the basic principles that should be respected in the drafting of the new constitution, there was no formal adoption of these principles. In March 2011, a parliamentary resolution gave one week to all MPs to write their draft constitutions «with or without» (Bánkuti et al., 2012) taking the principles in consideration.

One step that Orbán took regarding constitutional change was the adoption of a “national consultation” – a survey with twelve questions to the Hungarian voters - instead of a

referendum which was the option preferred by the majority or, as Bárd and Pech described it, the “will of the people”. This survey was a strategy of the government to “avoid a meaningful public debate and any outcome which had not the preference of the ruling party”. The questions³⁵ were mainly about topics that were not covered by the constitution.

The survey got approximately one million answers and the new constitution did not reflect the preferences of the people. Indeed, the results of the survey were presented in the Parliament two weeks after the draft of the new constitution being delivered to the Parliament.

Only two proposals for a new constitution were offered to the Parliament: one from three members of the Fidesz, and the other, was presented by Katalin Szili - former National Assembly Speaker and 2005 Socialist presidential candidate. The draft of the Fidesz members, was introduced in parliament as a private member’s bill – excluding the opposition and civil society groups from accessing and discussing it, whereas the “Szili’s draft was quietly dropped by parliament and never received a serious hearing” (Bánkuti et al., 2012). The Fidesz’s constitution-drafting was introduced in the National Assembly for a public debate that never occurred. The Parliamentary debate had only nine sessions during one month-discussing period and no proposals for amendments that came from other parties than Fidesz were accepted. This makes the constitution’s democratic value highly questionable.

The new Hungarian constitution – named Fundamental Law of Hungary – was approved in the Parliament on 18 April 2011 but all the votes in favour came from the Fidesz parliamentary bloc.

The constitution was signed by the President, Pál Schmitt, on 25 April 2011 and came into force on 1 January 2012, along with many required “cardinal laws”³⁶. Bozóki (2015) alerted his readers for an important aspect of the new Constitution (which foresees the intentions of the government): although it formally keeps the form of a republic, «it breaks with the essential notion of a republic, by changing the name from “Republic of Hungary” to simply “Hungary”».

When the Fundamental Law was adopted, it was promised that it would remain unchangeable, however, since then, the constitution was amended seven times.

³⁵ An english translation of the survey is available online on the following link http://lapa.princeton.edu/hosteddocs/hungary/public_questionnaire.pdf 38

³⁶ Laws that require a two-third parliamentary vote.

The constitutional rules regarding the adoption of a new Fundamental Law or the amendment of the constitution³⁷ do not differ from the former Constitution in the condition of requiring the votes of two-thirds of the Members of the National Assembly. Contrary to the former constitution, the Fundamental Law excludes the referendum³⁸ on constitutional issues and, therefore, the direct participation of the electorate into constitutional decisions. Moreover, in 2013, the Fourth Amendment excluded the political veto power from the President during the drafting and amending stages of the constitution. If the President finds any irregularity, the final judgement falls within the (already weakened) Constitutional Court (Chronowski, 2019).

The Fundamental Law has put greater limitations on the powers of the Constitutional Court. In addition to the previous limitations (extending the size of the Court, limiting its power over fiscal matters and redefining the procedures for nominating judges), the new constitution strongly limited the access to the Court. Hence, an individual can only apply for the review of any law if it affects them personally³⁹. Moreover, according to the new constitution, only a “narrow list of officials” can effectively take a case for revision to the Court. Also, the constitution requires 25 percent of the MPs to challenge a law – which is unlikely to happen considering the division of the opposition (between the left and the far-right). As a result, the problems in the new constitution related with the “separation of powers” and “institutional structures” are unlikely to be accessed by the Court (Bánkuti et al., 2012).

Furthermore, the fourth constitutional amendment, elucidated that the governing party had enough power to ignore the Constitutional Court by incorporating legal provisions that had previously been declared unconstitutional by the Constitutional Court such as the definition of family limited to heterosexual couples and their children⁴⁰; the role of the parliamentary majority in officially recognizing any religious group as a church⁴¹; the fact that state-sponsored university graduates must seek employment in Hungary for a limited period after finishing their degrees⁴²; the punishment of homeless people that occupy

³⁷ The rules of constitution-making and amending are declared in the Article S of the Fundamental Law.

³⁸ Article VIII on national referendum, paragraph (3).

³⁹ While, in the old constitution, “anyone could challenge a law’s constitutionality” (Bánkuti et al., 2012).

⁴⁰ Article 1 of the Fourth Constitutional Amendment: “Marriage and the parent-child relationships are the basis of the family”.

⁴¹ The conditions for the status of church defined in the fourth amendment were modified in the fifth amendment: all religious communities can operate freely, but the ones that seek further cooperation with the State must have the permission of the parliament, receiving “established” or “accepted” church status.

⁴² Article 7 of the fourth amendment.

public space through administrative fines⁴³; and the introduction of restrictions of political advertisements during election campaigns.

The amendment also nullified earlier decisions of the Constitutional Court (CC) prior to the establishment of the Fundamental Law (article 19) and prohibited the CC from examining the substantive constitutionality of proposed amendments to the Fundamental Law.

The independency of the Judiciary was also weakened. The lower-court judges stopped being chosen by other judges and started being nominated by the president of the National Judicial Office (NJO). Besides selecting new judges, the president of the NJO was also entitled to “promote and demote any judge, to begin disciplinary proceedings, and to select the leaders of each of the courts” (Bánkuti et al., 2012). Although the consent of the National Judicial Council (a self-governing body of elected judges) is necessary to appoint a judge, the President of the NJO may cancel the application procedure and start a new one.

Not surprisingly, the person chosen to fill the position of NJO’s president was a close friend of Orbán. The judges nominated must still be approved by the President of the Republic – but, as Bánkuti et al (2012) affirms, due to his biased position as Fidesz-trustee this should not be a problem for the government’s plans.

The president of the NJO has a mandate of nine years and can only be replaced when a two-thirds parliamentary majority approves a new candidate (meaning that the current president can keep in office until the required two-thirds majority reaches an agreement on his successor).

Another decay on the independence of the judiciary powers was the lowering of the judicial retirement age from 70 to 62. According to the independent organization, *Transparency International Hungary*, as a result of this provision in the Fundamental Law, the government successively replaced “almost the entire leadership of the judiciary in 2012”, since a considerable number of senior judges and members of law court’s leadership had to leave their posts. Considering this provision, the Court of Justice of the European Union accused Hungary of violating the European law.

⁴³Article 8 of the fourth amendment. This measure was implemented five years later with the seventh amendment.

Besides law courts, the public prosecution service⁴⁴ has also significantly lost its independency. Under the new constitution, the Prosecutor General (PG) – elected by a two-thirds majority in the parliament – has increased his powers over the prosecution service and individual prosecutors. For example, the PG can give orders to prosecutors, take over and reassign cases from any prosecutors, with no obligation to justify his/her decision. What is more, there is no autonomous organization responsible for challenging the prosecutor's decision for not taking a case to court. Therefore, the PG has the power to unaccountably reassign any criminal case to any court. According to the *Transparency International Hungary* organization, these factors can pose a risk to “the right to a fair and public hearing by a competent, independent and impartial tribunal established by law”.

Moreover, the PG can hire, fire, promote and demote any prosecutor and no one has powers over the PG. The only legal reason to dismiss the PG before the end of his mandate is if he is considered guilty of a felony. Also, the PG is only replaced after the 9 year-term (formerly 6 years) when a substitute is found for this position. Once again, the person entitled for this job “has long been closely aligned with Fidesz” (Bánkuti et al., 2012), consequently, “the investigations of all public scandals and corruption cases involving people close to Fidesz have failed to progress beyond the investigative or prosecution phases” (Kornai, 2015). The Venice Commission has criticized «the high level of independence of the PG, which is reinforced by his or her strong hierarchical control over other prosecutors», adding that it is needed to establish a «sufficient system of checks and balances»⁴⁵.

The governing party also appointed “reliable people” to the State Audit Office, the Fiscal Council, the Competition Authority, the Monetary Council and the Budget Council. The Budget Council has veto powers over any budget produced by the parliament that surpasses – even if just in a minimal amount - the national debt. This is relevant because the Fundamental Law states that in case the parliament fails to agree on a budget by March 31 of each year, the president can dissolve the parliament and order new elections. As Bánkuti et al. (2012) explains, “if the Budget Council, dominated by Fidesz loyalists, vetoes the budget on the eve of the deadline, the constitutional trigger may be pulled for

⁴⁴ An autonomous institution that is part of the judicial administration. The head of this institution is the PG.

⁴⁵ Citation retrieved from the article published by the *Transparency International Hungary* organization (2016).

new elections”, which is likely to happen if any other party gains electoral power in the future.

Moreover, as Kornai (2015) affirmed, under Orbán’s governance, “the interaction between state and market has been seriously distorted by political interests”, resulting in the state command over the market and “fertile soil for corruption”. That is, “Orbán and his inner circle decide who should become or remain an oligarch, and how far that oligarch’s sphere of authority should extend”.

5.3. Changes in the Electoral Rules

Outlined above are the main structural changes that Orbán introduced in the system in order to consolidate power and create a Hungary envisioned by Fidesz. By weakening checks and balances – either through institutional changes or by appointing loyalists to manage those institutions – opposition parties will struggle to achieve an electoral victory and, even if they do win, Orbán can still hold his power through the loyalists entrenched in the system. Orbán did not stop there. The Prime Minister went further to keep himself in power adding alterations also in the legal framework of elections that clearly favour his party. Thus, political analysts have affirmed that with such changes in the electoral system, the FIDESZ-KDNP “would have won each of the general elections that have taken place over the last 25 years” (Corinne Deloy, 2018).

After winning the 2010 elections, Orbán gerrymandered electoral districts – turning “left-wing” districts larger than “right-wing” districts (without consulting political opponents or civil society). Since in larger districts more votes are required to win an election, each vote counts less, giving an advantage to “right-wing” districts and, consequently, to Fidesz. The result was a decrease in the total number of parliamentary representatives from 386 to 199 and the number of electoral constituencies was reduced from 176 to 106, with the remaining 93 MPs entering in the parliament through the party-lists. The OSCE/ODIHR Limited Election Observation Mission (LEOM) (2014) criticized the boundary delimitation on districts “for lacking transparency, independence and consultation”, adding that “as constituency boundaries are defined in the Elections Act, which requires a two-thirds majority to amend, it may be difficult to comply with voter equality requirements in the future”.

According to Bazsofy & Goat (2019), data from 2018 elections showed that Fidesz “allocated more MPs to areas of the country that ended up giving it more support”,

resulting in 6% more votes in smaller constituencies for Fidesz. “As a result, opposition parties would have had to get approximately 300,000 more votes to win the same number of constituencies as Fidesz”.

Another change introduced by Fidesz was the granting of citizenship and vote rights to Hungarians living abroad in order to increase the number of right-wing supporters⁴⁶. “About 600 000 ethnic Hungarians who are highly favorable to the right have been granted the right to vote” (Anna von Notz, 2018). In the 2014 elections 95% of these voters vote for Fidesz and, in the 2018 elections, about 96%. (Bazsofy & Goat, 2019).

Under the new law, extraterritorial citizens (Hungarians without a permanent residency in Hungary) can vote «either by mail or by having a proxy drop their ballot at a designated polling station without the voter herself having to appear in person». However, extraterritorial citizens can only vote for party lists, while Hungarians with a permanent residency have two votes (one for the party list and another for one-representative district). Consequently, “Hungarian nationals’ votes count twice as much as the votes of Hungarians living outside the borders” (Majtényi et. All, 2018), which violates the democratic principle of equality in elections.

Furthermore, Hungarian voters with permanent residency who are outside Hungary at the time of elections, can only vote at the embassies and consulates which can pose an impediment on the act of voting for those who cannot physically dislocate to these institutions. These different registration and voting procedures for voters abroad, were criticized by the OSCE/ ODIHR LEOM, which stated that in the 2014 elections these procedures “undermined the principle of equal suffrage and was perceived (...) as an attempt to differentiate voting rights on partisan grounds”.

What is more, Fidesz introduced the so-called “winner compensation” (Anna von Notz, 2018). Until 2014, there was voter compensation only for those parties who had lost elections – “a vote for a single candidate who loses the district elections is used to supplement the totals on the candidate’s party list” allowing more representation in the electoral system. However, the new electoral rules, applied the voter compensation also to the winning party, through the “lost votes”. Meaning that the quantity of votes that exceed the number necessary for securing the victory of the party in the parliamentary

⁴⁶ Since most of the people living in the diaspora tended to be in favour of right-wing parties (Bozóki, 2015). Also, the Fidesz’s policies of Hungarian nationalism appeal to Hungarians living abroad, particularly in neighbour countries.

elections⁴⁷, counts as “lost votes” because they were not needed to win the seat. Those “lost votes” are then added to the “winner compensation” on the party list side, resulting, as stated by Benjamin Novak (2018), in a “disproportionate number of parliamentary mandates”.

These measures were implemented in order to increase Fidesz’s chances to win the next elections and weaken the opposition. Indeed, Fidesz has obtained a two-thirds parliamentary majority in both the 2014 and 2018 national elections. However, the democratic condition of free and fair elections in these years is highly questionable.

As affirmed by the Princeton professor Kim Lane Scheppele, in order to secure the two-thirds parliamentary majority, Fidesz needed to use “every trick in the book”. Besides restricting checks and balances on the government and replacing most of the electoral commission with Fidesz’s trustees, the new legal framework on elections had also a decisive role in the electoral results. Indeed, it was because of the “winner compensation” that Fidesz was able to achieve a two-thirds majority in 2014, despite receiving only 47 percent of the vote (Budapest Beacon, 2018). Moreover, there was no one controlling the ballot boxes of Hungarians that voted abroad⁴⁸, meaning that there were no checks on the identity of the voter, no one controlling the bundler who handle all the ballots, and there were no electoral commission officials where those ballots were open the Consulates abroad.

Therefore, it turned out to be very difficult to check the fairness of elections outside Hungarian territory. For example, in Romania - the country with the largest Hungarian community - at the time of the 2014 elections, political allies of Fidesz delivered the majority of that territory’s votes⁴⁹. Since then, as pointed out by Majtényi et. All (2018), Fidesz has expanded his influence by making an agreement with the RMDSZ party (the largest Hungarian political party in Romania) putting RMDSZ and a linked civic organization (Eurotrans Alapítvány) in control over most of the registration and ballot collection process. According to Bazsofy & Goat (2019), “Serbian press reports claimed that the activists of these local Fidesz affiliates opened mail-in ballots for inspection and destroyed those that were not cast for Fidesz”. Adding that “over 4,000 postal ballots

⁴⁷ See the example given by the Princeton professor Kim Lane Scheppele for a more detailed explanation in the following link: <https://budapestbeacon.com/hungarys-2018-general-election-likely-to-be-less-fair-than-2014s-after-fidesz-media-takeover/>.

⁴⁸ These people just need to provide identification every 10 years to be listed as voters.

⁴⁹The “Hungarian National Council of Transylvania”, which is financed by the Hungarian government, helped handle citizenship applications and helped delivering the votes together with the Hungarian People’s Party of Transylvania (also an ally of Fidesz).

arrived with the required security seal on the envelope either broken or missing” - these votes were later voided by the Supreme Court in response to an appeal from the National Election Commission (Orbán had previously opposed to this decision).

Moreover, the Hungarian government has started to influence Hungarian-speaking media in the neighbouring countries, financing online communication platforms. It is relevant to mention that while 95.5 percent of voters outside Hungary voted for the Fidesz-KDNP alliance in the 2014 elections, only 43.5 percent of Fidesz’s votes came from Hungary. More important, “the votes of non-resident citizens were needed for the two thirds majority of Fidesz-KDNP (193,793 non-resident citizens registered on the voters’ list, and 128,712 voted)” (Majtényi et. All 2018).

Furthermore, according to Bazsofy & Goat (2019), interviews concerning the 2018 elections, with more than 160 polling station officials, revealed “widespread malpractice including vote buying and intimidation”. For example, voters from Jász-Nagykun-Szolnok in central Hungary, “told an opposition delegate that their votes had been bought and election agents had been given money for every person they brought to cast a ballot for Fidesz”. Also, 60% of the 108 opposition ballot counting officers who responded to an online questionnaire, “said they did not have trust in the election’s fairness”.

Bazsofy & Goat (2019) also alerted for “inconsistencies” on the number of voters published by the National Election Office⁵⁰; for an “unparalleled chaos” on the 2018 election day due to problems on the software of the National Election Office⁵¹ that caused a delay on the publication of the electoral results; and for the fact that 1 per cent of the absentee votes were missing from the final results⁵².

Considering the factors mentioned above, Bazsofy & Goat (2019) questioned transparency of the 2018 electoral results declaring that although “pre-election polling

⁵⁰ The numbers announced by the National Election Office given in a press conference were different from the ones published on their website and from the ones published by the state media. “The figure reported on the National Election Office website increased by around 60,000 one day before the vote, and the total reported on the site was greater than the sum of the total number of in-country voters and out-of-country voters reported on the same site” (Bazsofy & Goat, 2019).

⁵¹ A software developed by people linked to Fidesz where the voting results of the polling stations are submitted to.

⁵² Absentee votes come from Hungarians with permanent residency but that are outside the country at the time of elections. Therefore, they must vote at a Hungarian embassy. It also applies for Hungarians who vote in a polling station in Hungary but different from the one that belongs to their place of residency. According to Bazsofy & Goat (2019), “the number of these voters who showed up to cast their ballots, as recorded on the official website, is 2,918 higher than the number of envelopes recorded as being counted”.

put Fidesz on course for a clear majority in Parliament” it was still “unclear whether the party would reach the crucial two-thirds threshold of MPs.”

5.4. Controlling the Media

The Hungarian government has also taken control over a large proportion of the country’s media, restricting freedom and pluralism in unprecedented levels inside the EU.

During the year 2010, Fidesz introduced the so-called “media law package” (without consulting opposition parties and experts). This package removed the Parliament’s obligation to pass a law that prevents information monopolies – directly affecting the responsibility of the state to secure pluralism – and, the principle of a “citizen’s right to be provided with ‘proper’ or ‘adequate’ information about public life”. Moreover, the package introduced a restructured Media Authority (the state regulatory agency): the new National Media and Infocommunications Authority (Telecom Authority) and the independent Media Council (MC), obtaining a “single administrative media governance pyramid” (Miklós Haraszti, 2011) unprecedented in the EU.

Similar to what happened with the other check institutions, Orbán and his government filled the Media Authority system with people of their trust⁵³, controlling this way all the state media, since the CEOs of the four Public Service Broadcast (PSB) outlets (MTV, Hungarian Radio, Danube TV, Hungarian News Agency), are appointed by the head of the Media Council; and the Media Council supplies the funding for all PSB employees. More specifically, the governing party merged the autonomous bodies responsible for supervising the public service media into a single organization, the Media Service Support and Asset Management (MTVA). This entity became responsible for managing the operations and assets of the public service broadcast – taking control over the content and contracts concerning all state-run media and news production. The leader of this entity is the same leader of the Media Council. The MC is also responsible for appointing the MTVA’s director and managing the organization. This includes, determining employer’s rights; the salary of the MTVA’s general director; approving the annual

⁵³ The Media Authority president (the dual President of the Telecom Authority and the MC) is appointed by the Prime-Minister. Consequently, this position has been filled with government trustees: Annamária Szalai (2010-2013) and Monica Karas (since Szalai’s death (2013)). The other four members of the MC are appointed by an ad-hoc committee with MPs from each group, but their votes are proportional to their party’s size in Parliament, which gives dominant power to the ruling party. Indeed, according to Bánkuti, Halmai, & Scheppele (2019), the parliament elected Fidesz party loyalists to every seat of the Council.

funding and subsidy policy of MTVA; and determining how the public media can access and manage this funding.

The MC has also permission to impose sanctions on all media outlets with levy hefty fines– which included punishments based on the media content. “Such intrusion by an authority is forbidden by the EU Charter of Basic Rights” (Haraszti, 2011). These sanctions have been rejected by the Constitutional Court for being too vague or too extreme, interfering with the freedom of expression. These include, for example, transgressions «insulting any group, any minority and any majority; violating public order, family values, religion; etc.». Moreover, “the law grants the MC total liberty to define what constitutes a transgression and whether it was a ‘light’ or a ‘grave’ transgression” (Haraszti, 2011). The sanctioned media can only appeal to an “Administrative College” however, this court is unable to evaluate the content of the transgression, it can only consider the appeal if the MC has violated the Media Law itself, such as missing deadlines; rules of procedure, etc.

Furthermore, the media authorities can request any information – with no exceptions - from any media outlet in the country at any time. Consequently, as Haraszti (2011) notes, the right to protect confidential sources is not protected anymore and if the outlet refuses to collaborate, can be fined or even lose the right to be distributed.

What is more, the media authority has control over license provisions. It can deny the attribution of a license by excluding a company from participating in tenders for licenses, in case any media outlet owned by the same company has been criticized by the MC for a “gross” or “grave” matter in the last five years. Not surprisingly, the Fidesz-friendly Media Council, has cancelled or renewed the radio frequencies of the independent radio stations, blocked mergers involving independent media but approved mergers among pro-government media, contributing to the concentration of pro-government ownership, instead of preserving the democratic pluralist public discourse.

In 2018, the Central European Press and Media Foundation conglomerate - also named as KESMA - was founded by Orbán’s loyalists. This organization holds over 400 outlets that include a variety of print newspapers (including all regional newspapers) and magazines, TV and radio stations and news websites. The outlets were voluntarily given by government-friendly media owners. The first one to offer his media empire was Lőrinc

Mészáros, a childhood friend of Orbán's and one of the richest men in Hungary. In a period of few hours, the KESMA became the largest media company in Hungary.

KESMA is supervised by a three-member board, consisting of two Fidesz politicians and the head of a government-friendly NGO. Only a few media outlets, however pro-government, were left out of KESMA (e.g.:TV2 - a TV channel that is owned by a friend of Orbán).

The public broadcaster together with the KESMA media group are functioning like a propaganda machine in favour of the governing party, while independent journalists are constantly discriminated⁵⁴ by the state media and are often “denied access to publicly held information, excluded from official events and prevented or actively hindered from communicating with public officials” (EFJ, 2019). Also, state advertising is mainly excluded from independent media⁵⁵, and private companies will need to maintain a strong relationship with the government (either due to fears of tax related punishments, or because they are owned by government's friends), and should avoid advertisements in independent media outlets.

Moreover, political advertisements by media outlets were declared free of charge⁵⁶. This rule has limited the transmission of political parties' messages to their voters through the media during electoral campaigns. Indeed, the OSCE/ODIHR (2014) has declared that *“increasing ownership of media outlets by businesspeople directly or allegedly indirectly associated with Fidesz and the allocation of state advertising to certain media undermined the pluralism of the media market and heightened self-censorship among journalists. The (...) absence of paid political advertisement on nationwide commercial television impeded electoral contestants' access to campaign via the media”*.

The independent media only attracts a solid readership in the capital of the country and mainly exists in a digital form online. The Hungarian propaganda machine informs the nation through Television, Radio and in the print, a highly successful form of information particularly in the Hungarian countryside.

⁵⁴ In the public service media, news coverage on opposition politicians is either absent or presented in a negative rhetoric.

⁵⁵ In 2018, “the pro-government broadcaster TV2 received 67 percent of state advertising in the television sector, while the independent RTL Klub, of similar reach, received just 1 percent. This imbalance is reflected across all sectors.”

⁵⁶ According to the Fifth Constitutional Amendment adopted in September 2013.

Influential independent newspapers like Népszabadság and Magyar Nemzet, were closed⁵⁷. There is only one remaining independent political daily in Hungary, “Népszava”, with a circulation of only 20,000. By contrast, the government-controlled network of regional daily newspapers alone has a combined circulation of over 200,000”. There is one independent radio station (Klubládió) that is only listened to in Budapest. “There is one independent cable TV station with political programmes (ATV, with a small market share) (EFJ, 2019).

What is more, in February 2020, internal e-mails were leaked to the news website *Politico*, reporting censorship in the Hungarian state media. According to *Politico*, the e-mails came “from senior editors who work for an organization with responsibility for state media outlets such as the state news agency MTI and multiple television and radio stations”. In these e-mails there is a list of topics that require previous permission from superiors in case a journalist wants to cover them. These topics included: migration, terror in Europe, Brussels, the Church, elections in EU member states and neighbouring countries, and punctual additions, such as Greta Thunberg. Moreover, the public media staff is forbidden to cover any reports of the non-governmental organisations Amnesty International and Human Rights Watch. The press office of the Hungarian state media declared this information as false and “based on conspiracy theories” (Zoltán, 2020). However, a state media employee assured its veracity.

In order to summarize the various strategies mentioned above, one could mention what Ian Bassin - Co-Founder and Executive Director of the organization “Protect Democracy” – described as the Orbán’s strategy to control the media in his twitter account⁵⁸. Accordingly, the first step to control the media includes using the “regulatory powers of the government to investigate and fine press outlets that are critical of the government and spend state resources (advertising budget, etc.) to boost friendly outlets”. Consequently, those critical outlets will face economic hardships and investors who are government-friendly will step in to buy those outlets, turning them into a propaganda machine of the governing party.

⁵⁷ Népszabadság was closed without any pre-warning. According to the journalists that used to work there, the closure was a “coup”. The group that owned Népszabadság was acquired by a government-friendly company and later became the “centre-piece” (BBC News, 2016) of the KESMA. The independent Magyar Nemzet belonged to Orbán’s long-time friend Lajos Simicska who, after the 2018 elections, shut down the newspaper and relaunched it as a pro-government propaganda.

⁵⁸ Published on 10th September, 2019.

5.5. Accountability Institutions and Civil Society

Another strategy of Orbán to consolidate his power is the restriction of both independent institutions that hold the government accountable and civil society.

Fidesz has taken several steps in order to silence oppositional views in the cultural field. Orbán has publicly expressed his intention in the production of a «national culture» (Bozoki, 2016) that is hegemonic, rather than diverse and echoes the governments' views, rather than independent views. One of the government's steps in this direction was pushing for a literature programme in public schools “in the spirit of valorising the extreme right's literary tradition of the interwar era (1919-1940)—marked by names like Albert Wass, József Nyírő, and Cécile Tormay” (Bozoki, 2016).

Also, the government eliminated the educational and cultural ministries, hoping to weaken the representation of these sectors by attributing them to ministers already responsible for other sectors. The administration of the culture was reduced to a small state secretariat under the control of the Ministry of Human Resources. Following the same strategy, the management of big budget films was attributed to the ministry of development, whereas cultural diplomacy became a responsibility of the ministries of justice and public administration. As a result, the entire domestic film production stopped for years and the organization of film festivals ended.

Also, the government took control over the National Theater as well as provincial theatres, by placing political loyalists in front of these institutions. Moreover, a Fidesz politician became the President of the National Cultural Fund and the President of the Parliamentary Cultural Committee, simultaneously, eliminating any possible checks on himself.

Since 2010, the centralization of the government's administration has also extended to schools and hospitals which stopped being run by local authorities and became under the control of the central government.

Moreover, Fidesz has started campaigns against several independent/oppositional artists groups such as liberal philosophers, filmmakers, independent rights organizations, civic groups sponsored by the EEA/Norway Grants⁵⁹, the “68-ers” (leftist) creative intellectuals, university students partying in “ruin pubs”, and independent theatres. An example of the restrictive effects of these campaigns was in 2018, when the Hungarian

⁵⁹ Organizations funded by the European Economic Area/Norway Grants NGO were defined as ‘problematic’ and accused of representing their donors' foreign interests.

State Opera House cancelled 15 performances of Billy Elliot after a campaign circulating in the government-controlled media outlets, against its alleged promotion of homosexuality.

Concerning the education field, Orbán's government has cancelled state's funding for gender studies in Hungary, because they do not comply with the government's views (Orbán has often adopted patriarchal discourses). A Fidesz spokesman has affirmed that these studies are "not a science but an ideology and one which is closely linked to liberal ideology" and does not belong to the "illiberal" "Christian democracy" that Fidesz has been building (McLaughlin, 2018). Also, Orbán has harassed the Central European University (CEU) over the last years, limiting its ability to function in Hungary. This happened because the founder of the CEU is George Soros, a personality that Orbán has been strongly attacking since 2017.

In March 2017, the Hungarian government submitted an amendment to the Act on Higher Education that added new criteria for the foreign universities operating in Hungary. The amendment stated that "foreign accredited university may only operate in the future if operation is backed up by an international agreement between the government of Hungary and the government of the respective university's country of origin" (Joób Sandor, 2018). These new criteria were named as "Lex CEU" since it only affected the CEU – with most of its degrees accredited in the United States. Since Orbán refused to sign any agreement with the CEU to allow its foreign accredited degrees in the country, the university had to move them to Vienna. It was the first time in decades that an institution of higher education in Europe had been forced to leave a country.

CEU's founder, George Soros, is a Hungarian-American citizen who was born in Budapest and is a strong critic of Viktor Orbán. He is the founder of the "Open Society Foundation" (O.S.F.) that funds civil society organizations (which have also been attacked by Fidesz), not only in Hungary but also around the world, which promote education, justice, public health and independent media.

The Hungarian government has promoted a hate campaign on Soros based on disinformation and conspiracy theories – named as the "Soros plan". This campaign accused Soros of planning to destroy the Hungarian nation by bringing immigrants to the country⁶⁰. The government has published media advertisements in the pro-government media attacking Soros as well as anti-migration billboards – paid by the Hungarian state

⁶⁰ It is relevant to mention that "less than ten per cent of O.S.F.'s funds go to organizations providing aid to migrants and refugees" (Elisabeth Zerofsky, 2019).

- around the country with the face of Soros and a message that said: "don't let George Soros have the last laugh", plus billboards with a photoshopped image of Soros smiling with his arms around the shoulders of opposition politicians, a fence with a hole and material to cut the fence on their hands; and billboards with the face of Soros and the president of the European Commission, Jean-Claude Juncker, with a Eurosceptic message: "You also have the right to know what Brussels is up to!"⁶¹.

Moreover, Fidesz sent a "national consultation" to Hungarians households, in 2017, to warn them about the threat of the alleged "Soros plan". It accused Soros of having a "dangerous plan" supported by "numerous leaders in Brussels" which was being planned by an "international organization". Adding that «Soros wants to settle one million migrants in Europe and "according to the plan they would give 9 million forints to every immigrant from taxpayers' money"»⁶² (FNFEurope, 2017).

In 2018, the Hungarian government passed a "Stop Soros" law that criminally punishes any individual or organization that offers support to asylum seekers⁶³. On April, 2018, the Open Society Foundation's office had to move its location from Budapest to Berlin. The number of employees strongly decreased. The foundation's director of Hungarian programs, Peter Nizak, confessed to a reporter of the newspaper *New Yorker* that « you cannot understand the situation here if you don't know what's happening at the political level, which is that everything is framed by migration» (Elisabeth Zerofsky, 2019).

The European Union has also been a target of the Fidesz's "hate campaigns". The government spent approximately 4 million euros on a "Stop Brussels" campaign claiming that Brussels needed to be stopped. The disinformation campaign included conspiracy theories accusing Brussels of aspiring to take control over Hungary's utility bills; wanting to lead multinational companies to deliver poor quality products to the country; turn international organizations unaccountable; and sabotage the Hungarian government's efforts to lower taxes and create jobs. The campaign targeted Brussels instead of the EU

⁶¹ As a consequence of its hate campaign against the European Union and the "violations of EU rule of law principles", Fidesz was suspended from the European People's Party, in March 2019. Consequently, Fidesz lost its voting right in the European parliament, the right to propose candidates for posts and it was forbidden to attend party meetings (Brzozowski, Rios & Fortuna, 2019).

⁶² It is relevant to mention that the EU refugee quotas would only legally settle less than 1300 refugees to Hungary.

⁶³ The legislation states «anyone "supporting the initiation of an asylum procedure for a person who does not meet the requirements to be granted the status of political refugee in his or her native country, the country of residence, or any other country through which he or she has arrived," or "providing help in acquiring a residence permit for a person who has entered Hungary illegally or stays there unlawfully" is committing a crime» (Hungarian Civil Liberties Union, 2018).

because the EU is still very popularly accepted among the Hungarians (FNFEurope, 2017).

Similarly to the campaign against Soros, a national consultation was also sent to the Hungarians titled “Let’s stop Brussels!”. It started with a letter from the Prime Minister calling “on the people of Hungary to stand up for national independence and fill out the questionnaire to support the government’s efforts to combat mistaken proposals on the part of Brussels”. The survey included concerns on "what Hungary should do" as "despite a series of recent terror attacks in Europe ... Brussels wants to force Hungary to let in illegal immigrants" (Lauren Cerulus, 2017).

The “national consultations” are surveys produced by the Hungarian government that enforce the government’s messages. According to Fidesz, these surveys seek to obtain “the opinion of the people” on certain issues. However, they are in reality “direct marketing campaign letters” (FNFEurope, 2017) where people get to know what their opinion should be. Moreover, the results of these national consultations do not have to be publicly published because they do not exist legally.

Many other independent organizations were either attacked or taken into the government’s hands. It is the case of the old ombudsman system, responsible for monitoring human rights. This system used to have four separate ombudsmen with independent legislations and staffs, however, the data-protection of the system lost its previous independent office and became under the control of an office that belongs to the government. The European Union criticized this change on the data-protection authority, accusing it of violating the EU law.

Another step that Orbán took in his “managed civil society” strategy, was the creation of a government-controlled “civic” movement - the so-called Forum of Civic Union (Civil Összefogás Fóruma, CÖF) - created after tens of thousands of people have gathered in the streets of Budapest for a series of protests against the government’s policies. The Forum of Civic Union organized counter-protests supporting the regime.

A further step of the government in the same direction was the introduction of a provision⁶⁴ restricting the freedom of assembly adding that "exercising the right to freedom of expression and assembly shall not impair the private and family life and home

⁶⁴ Seventh Amendment, adopted in June 2018.

of others"⁶⁵ – consequently, organizing protests in front of politicians' houses could be punished.

In 2018, the European Union initiated Article Seven procedures against Hungary. This decision followed a report written by Judith Sargentini, a former Dutch Green MEP, on the dismantling of the rule of law in Hungary. The implementation of the Article Seven can make a member country lose its right to vote in the Council of the European Union. The report accused Hungary of violating EU's core values. It included concerns over limits on the freedom of expression; the lack of transparency on the constitution-making process, as well as its amendments and the "national consultations"; restrictions on media freedoms; corruption⁶⁶; and minority rights⁶⁷. The response of the Hungarian Government to these accusations was accusing the EU of using the report as revenge because Hungary did not agree with the EU's migrant quotas.

All the features mentioned in this chapter, have gradually turned Hungary into an authoritarian populist regime in which there is no place for any rules over the government; most of the checks and balances became camouflaged institutions with no power to restrain the government; and oppositional parties and voices are highly restrained either due to governmental new policies or fears of suffering any punishment (e.g. lost of jobs). It is a regime structured under a "pyramid-like hierarchy" (Kornai, 2015) with Orbán at the top and the people in the levels below selected according to their loyalty to the regime, ready to obey to any of their superiors' orders.

Most recently, Orbán has taken his powers to an even more extreme level, eliminating the few remaining checks and balances. This has happened in the light of the current global pandemic Covid-19. The government passed a bill on March 2020 (the "Enabling Act") declaring an indefinite duration of the "state of emergency" which allowed Orbán to rule by decree without requiring the approval of a parliamentary majority. The bill gave to the Prime Minister power to cancel or postpone elections, restrict human rights, and introduced jail terms up to five years for anyone (including journalists) who spread "misinformation" about the virus or the measures that were taken to prevent it – which could clearly lead to fears of publishing any opinion against the

⁶⁵ Article VI, paragraph 1 on "Freedom and Responsibility" of the Fundamental Law.

⁶⁶ It mentioned the OLAF report (2017) which identified "conflicts of interest" in 35 lighting street-lighting contracts granted to the company that was controlled by Orbán's son in law at the time. The money that Orbán's son in law received in the form of these contracts, was money from the European Union.

⁶⁷ It accused border authorities of abusing of migrants and asylum-seekers rights. Also highlights concerns with restrictive border and legislative measures.

government's measures. Critics in Hungary and abroad have condemned the indefinite duration of the state of emergency, alerting for a possible emergence of a dictatorship. Although the state of emergency was lifted by the end of June, independent organizations have described this as "only an optical illusion" since the new draft law gives to the government full authority to decide the beginning and end of a "medical emergency", during which the government may rule by decree.

During the state of emergency a decree was issued stating that the municipalities' revenues from vehicle tax should be transferred to the national defence fund. Consequently, Orbán-critical Municipalities were deprived of their source of income. What is more, during this period, the Parliament restricted the rights of transgender people and classified as "secret" documents relating to a controversial billion-euro rail project with China (FNFEUROPE, 2020). These are examples that have been pointed by critics to demonstrate that the "Enabling Act" is just one more step of the government to centralize power.

Chapter 6: Conclusion

The main priority of this thesis was to analyse how a populist government can move a democratic regime towards an autocracy. As populist voices increase around the world challenging the principles that a liberal democratic system seeks to protect, it is of crucial importance to be aware of the backsliding effect that a populist government can produce on democracies. Specially, in a time when the current autocratic systems of China and Russia are seen as “role-models” for many of the populist leaders worldwide.

There is extensive analysis of populism and systems that violate liberal democratic values, as well as the question whether these “hybrid” systems can be considered democratic. We hope that, considering the information provided in this thesis, it has become comprehensible for our readers what is populism and how it can be used as a strategy for conquering power and dismantle democratic institutions.

We have also seen that there is not a single definition for democracy in the political literature – some theorists define democracy as the existence of free, fair and regular elections, others define democracy as what scientists refer to as liberal democracy. Nevertheless, a misinterpretation of these concepts has been constructed by the Hungarian Prime-Minister, Viktor Orbán, with his definition of “illiberal democracy”- developed in order to camouflage his (competitive authoritarian) regime as a democracy. Therefore, we consider that the theme analysed throughout this thesis is of high importance to avoid the emergence of fallible notions towards democratic features.

Indeed, as explored in this thesis, Orbán’s regime cannot be considered a democracy. The Hungarian Prime-Minister has systematically eroded a large majority of the democratic progress it has made since the dissolution of the Soviet Union in 1989 and Hungary has been transitioning into an autocracy.

Summarizing the main points discussed throughout this research work, we conclude that the populist rhetoric can open doors for the introduction of authoritarian measures. By attacking intermediary institutions between the leader and the people and pulling the power towards the former rather than the latter. The populist leader not only excludes pluralism by limiting the people to the electoral majority, but also by affirming to be the only representative of that majority which ultimately gives the leader the ability to decide what should be the will of “the people”, rather than acting within the best interests of the people. Those who choose to oppose the government are perceived as the enemy of “the people”. Considering the case of Hungary, Orbán has defined “the people” as: Christian Hungarians who follow a particular family-model (the only model

acceptable in his “illiberal democracy”) and support the decisions of the government. Camouflaged mechanisms such as referendums and national consultations – claimed to be used to acquire the citizens’ opinions - are in reality used as part of the government’s propaganda machine in order to spread the will of the government and consequently manipulate the people, informing them what their will should be.

The authoritarian populist leader, like Orbán, uses these populist narratives to sustain the introduction of authoritarian measures that can gradually transform a democratic system into an autocracy.

In this thesis, a democracy was defined as a regime that protects liberty and, therefore, holds regular, free and fair elections; requires independent institutional checks and balances; a rule of law that must be equally respected and applied for everyone; equal protection of universal democratic freedoms by the law to every citizen; pluralism in the media; and governmental accountability.

Based on the information analysed throughout this thesis we conclude that the road from democracy to autocracy is a gradual process in which the leader, acting in his own interest, abolishes the democratic right of separation of powers between the executive, judiciary and legislature, constraining the independent media, suppressing civil society and independent institutions, and changing the rules of the electoral system. The final goal of the autocratic leader is to guarantee the re-election of his party. The means to achieve that goal, range from weakening the institutions that hold the government accountable, to taking resources from those who oppose to the government and reward the government’s supporters. The latter is possible due to the fact that the government takes control over the public resources and uses them in its own favor and private resources are politically influenced – either by fears of future reprisals or by placing government’s loyalists in the management. The result is the subordination to the unconstrained power holders.

As analyzed in the previous chapter, since his reelection in 2010, Orbán has moved a democratic regime towards an autocracy using the following mechanisms. Firstly, the parliamentary two-thirds majority allowed Fidesz to introduce a significant number of new laws based on arbitrary political aims that, altogether, changed the previously established democratic system without any opposition.

Secondly, Fidesz established a new constitution that did not reflect the interests of the Hungarian citizens and never gained the consensus of opposition parties. The independence of judicial institutions – namely, the Constitutional Court, the judiciary and

the President – were significantly weakened by placing government’s trustees in charge of them with long term offices – which resulted in favourable results for the government. Moreover, new electoral laws that overcompensate the governing party were introduced; the government violated the democratic condition of free and fair elections: it took control over the electoral commission; weakened the opposition’s access to mass media for political campaigns; placed biased referees controlling most of the registration and ballot collection process abroad; there are testimonies of vote buying and intimidation practices and the transparency of the electoral results (particularly of the 2018 elections) is highly questionable.

What is more, the government has taken control over mass media in the country by placing Fidesz-loyalists in charge of critical media outlets. Consequently, the democratic condition of pluralism in the media ceased to exist in Hungary as most of the media outlets in the country are working as propaganda machines for the governing party, while the independent media struggles for funds and only reaches a small audience.

The democratic freedoms of association and speech have also been restrained by the government in order to silence oppositional voices. Civil society organizations and independent institutions were either attacked or absorbed by the government, in order to reduce the spread of information denouncing the government.

Through all these strategies, Orbán has transformed a democratic system into an authoritarian populist regime in which the power is concentrated in the leader and his loyalists’ hands. Those that support the system are rewarded whereas oppositional voices are highly repressed either by governmental policies or fears of possible punishments.

In conclusion, as Orbán and the Fidesz party consolidate a political stronghold over Hungary, believers in democracy and Hungary should not lose hope. As regular and multiparty elections are still held, the government is not exempted from facing an electoral loss in the future as demonstrated in the 2019 Budapest mayoral election in which Fidesz was defeated by the opposition.

We hope this thesis contributes to the understanding of how populist regimes can be detrimental to democracy. A populist government can manipulate the electorate, suppress freedoms and impose a serious threat for democracy rather than a solution. As Diamond (2019, pp. 16) affirmed, “ultimately, what sustains democracy is a deep and unconditional belief in its legitimacy” – and that is exactly what populists seek to attack.

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Supervisor statement on thesis submission

I, Prof. Dóra Győrffy as supervisor, hereby declare my support for the submission of the thesis written by Sofia Ferreira Vasques Carvalheiro, entitled “How can a Populist Government shift a Democracy towards an Autocracy? The Government of Viktor Orbán”.

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