



Differential Illiberalism: Classifying Illiberal Trends in Central European Party Politics

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1 INTRODUCTION

Studies on Euroscepticism in East Central Europe and its links with illiberal politics (Havlík et al. 2017; Styczyńska 2018) are often focused on the ‘transnational cleavage’, generated by globalisation and Europeanisation and further strengthened by the migration crisis and the Eurozone crisis (Hooghe and Marks 2018, see also Chapters 1 and 14).¹ However, so far, a comprehensive, comparative analysis of the ideological premises of illiberal party politics, as well as an evaluation of how these premises have been put to practice, has been lacking. It is the aim of our chapter to

¹This work was supported by the Czech Science Foundation (Grant GA18-05612S). The authors would like to express their gratitude to Štěpán Káňa who translated the chapter to English.

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fill this lacuna, exploring illiberal trends in the party systems of the Czech Republic, Hungary, Poland and Slovakia.

The existing research mostly consists of case studies of individual countries. Even those works that address East Central Europe as a whole (Pakulski 2016) are not consistently comparative. However, we can build on the analyses of the Hungarian (Bozóki 2012; Bozóki and Hegedűs 2018; Bugarič 2015; Ilés et al. 2018; Innes 2015; Körösenyi 2018; Pappas 2014) and Polish (Buras and Knaus 2018; Pacześniak 2015; Zarycki et al. 2017) approaches to an illiberal concept of democracy, as well as those of East Central European populism (Havlík and Voda 2018). Besides, we draw on our own research on the Czech Republic and Slovakia.

First, we introduce the concept of illiberal democracy and its operationalisation in the areas of ideology and political practice. The next section presents and briefly compares the party-political actors of illiberal politics in East Central Europe, i.e. Andrej Babiš's party ANO (Czechia), Viktor Orbán's Fidesz (Hungary), Jarosław Kaczyński's Law and Justice, or 'PiS' (Poland) and Robert Fico's SMER—Social Democracy (Slovakia). The following section analyses the ideologies of these parties, in terms of their compatibility with illiberal democracy. We then show how these ideas are implemented in the political practice of the aforementioned government parties, and to what extent, limitations are placed on the liberal model of governance. In the final section, we compare and contrast these changes and show that in East Central Europe we have to differentiate among potentially illiberal party-political actors according to their ideological sources and the degree of their success in introducing illiberal measures into political practice (for other analyses of political practice, see Chapters 7 and 8).

2 ILLIBERAL DEMOCRACY: THE CONCEPT AND ITS OPERATIONALISATION

The concept of illiberal democracy has been part of the debate involving political philosophers and experts on democratic theory since Fareed Zakaria's famous article (1997, 2003). In 2014, it was transplanted by the Hungarian Prime Minister Viktor Orbán into the political and ideological discussion:

The most popular topic in thinking today is trying to understand how systems that are not Western, not liberal, not liberal democracies and perhaps not even democracies, can nevertheless make their nations successful. [...] We are trying to find the form of community organisation, the new Hungarian state, which is capable of making our community competitive in the great global race for decades to come.

We shall see that Orbán is certainly not the only East Central European politician to take such a route. However, although this quotation shows what form of state organisation Orbán rejects, it does not provide us with a clear definition of illiberal democracy that could be operationalised and serve for an analysis of contemporary East Central European politics in our study.

Zakaria's definition of a liberal democracy as '[A] political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion and property' (Zakaria 1997, pp. 22–23) implies a certain tension between the constitutional-liberal component of limitations being placed on power and protection provided to minorities, and the democratic component—that is, the political will of the majority, or the principle of the absolute sovereignty of the people. Disregarding the liberal component leads to populism, the excessive concentration and abuse of power, disrespect for civil and human rights and restrictions on freedoms.

Drawing upon Zakaria, Wolfgang Merkel classified illiberal democracies within the broader category of defective democracies and defined the former as the most frequent empirical type of the latter: 'In illiberal democracies, the principle of the rule of law is damaged, affecting the actual core of liberal self-understanding, namely the equal freedom of all individuals' (Merkel 2004, p. 49).

The introduction of the elements of illiberal democracy has both an ideological and a practical dimension. For the former, we will analyse key documents such as political party programmes and statements by leading party and government figures in which they formulate their criticisms of liberal democracy, the 'Western' variant of liberalism and the concept of human rights. Our narrative analysis (Patterson and Renwick Monroe 1998) is based on the assumption that it is precisely the creation of an illiberal narrative in opposition to the Westernising and Europeanising discourses that is characteristic of the contemporary political trends in

East Central Europe. These narratives do not seek to act as fully-fledged ideologies, but they do provide explanations for the gradual change of politics, in particular the political system.

For analysing the *practical* steps being taken by politicians, we use Merkel's conception of 'embedded democracy'. Of the five dimensions (Merkel 2004, p. 36), restrictions on—or the absence of—the following lead to illiberal democracy: freedom of expression and freedom of association, the horizontal accountability of power, individual liberties and rights, and the principle of equality before the law. Given that in our analysis we will chiefly address the construction of illiberal democracy as a political system—in the sense that the basic political institutions are undergoing a change—we can reduce the activities testifying to the illiberal trend as follows (see Table 1).

If an illiberal ideology is put into practice, this can limit the principle of the separation of powers and options for the external oversight of the political process via the media and civil society institutions. Law is being 'bent' to serve those who control political power, and to allow them to use it against the opposition. We will be looking into the politics of the Visegrád Group countries for such changes to the law and government implementation measures that correspond to the manifestations described above. We have chosen EU accession as a symbolic opening landmark of our study, as it was a culmination of the transition and consolidation of liberal democracy in East Central Europe (Vachudova 2005).

3 ACTORS OF ILLIBERAL POLITICS

Of the parties examined in this chapter, Hungary's Fidesz has been active the longest. It was founded in 1988 as a response to the gradual decline of the communist regime in the country and it has been linked with the figure of Viktor Orbán since its inception. During its history, the party has witnessed a major ideological turn: after the 1994 elections, what was originally a liberal party appealing to young voters turned into a classic conservative party. Gradually, Fidesz managed to push out or absorb all the other right and centre-right entities, and became the dominant—or practically the only—party on the right. Orbán formed his first government in 1998 (in office until 2002) and then went into opposition. However, since 2010, he has won three parliamentary elections in a row, thus becoming the longest-serving prime minister in the four East Central European countries. Unlike the Czech ANO 2011 and the

Table 1 Dimensions and indicators of illiberal politics

<i>Dimensions</i>	<i>Indicators</i>
Restrictions on freedom of expression	State control or political regulation of public service broadcasters Politically motivated regulation of journalism generally Political or economic concentration of mass media ownership, threatening pluralism
Restrictions on freedom of association	Legal regulations affecting the activities of opposition parties or civil society Economic regulations impacting the activities of civil society Regulation of other autonomous spheres, such as universities and academic liberties Politically motivated interference with private property and the autonomy of proprietors' actions in the economy
Restrictions on the horizontal accountability of power	Strengthening the executive to the detriment of the judiciary or the legislature Regulations limiting or obstructing the opposition's checking of government via parliament or other institutions, typically in the form of amendments to the rules of procedure Limitations on the independence of the judiciary

Source Authors, based on Merkel (2004, pp. 36–43)

Slovak SMER leaders, Orbán never sought to deny his strong ideological grounding, with topics such as a strong Hungarian nation, Hungarian minorities abroad and a significant emphasis on Hungarian history traditionally serving him as major political issues. Also characteristic of Orbán has been a strong anti-liberal appeal, consisting not just in a critique of liberal left parties (Havlík 2012) but also in attacks on liberalism as such, with the Western political model pronounced dead (Buzogány 2017, p. 1307).

The PiS party in Poland was founded in 2001 and so far has only been led by the Kaczyński brothers. The party has established a strongly conservative profile, with a major emphasis on Polish national consciousness and the role of the Catholic Church. Like Viktor Orbán, Jarosław

Kaczyński can be described as an opponent of liberalism. Law and Justice formed the government in 2005–2007, inviting in 2006 the nationalist parties Self-Defence and the League of Polish Families into the coalition. The steps of the current PiS government, in office since 2015, are increasingly discussed in terms of ‘dismantling the foundations of Poland’s liberal democratic order’ (Markowski 2016, p. 1320), though PiS is more implicitly than explicitly illiberal.

In Czechia, the most striking illiberal party-political actor is the ANO 2011 movement, founded in 2012 by Andrej Babiš, one of the richest Czechs. The movement emerged from the civic association Action of Dissatisfied Citizens, established in 2011 and very closely linked with the figure of its founder since its inception. ANO 2011 presented itself as a protest against the current and previous political establishments since 1989 (Balík and Hloušek 2016, p. 111), and this, in combination with the form of political marketing it chose, quickly earned it the label of a populist movement. It has been characterised by an anti-political appeal and a business-firm party structure (Kopeček 2016). The 2017 elections confirmed the party’s ascendancy and Babiš became the prime minister.

For more than a decade now, the SMER—Social Democracy Party—has been a phenomenon of Slovak politics. It was founded in 1999 by Robert Fico, formerly of the Party of the Democratic Left. With the exception of a brief intermezzo in 2010–2012, SMER has been in government and has also held the post of prime minister since 2006. From the outset, Fico was seen as a largely non-ideological and pragmatically oriented figure, who styled himself as resolving people’s everyday problems (Učeň 2001, p. 407). Like the Czech ANO, the party initially refused to be placed on the left-to-right axis and sought to define itself in opposition to the existing political establishment. However, Fico gradually abandoned his non-ideological profile and started to adopt the fundamental principles of social democracy (Spáč 2012, pp. 245–246). The party won such a strong position in the 2012 elections that it could form a single-party government, which further strengthened Fico’s grip on Slovak politics. After the 2016 elections, SMER, pragmatically, changed its position on European integration considerably, replacing its frequent criticisms of the EU over the previous years practically overnight, and now supporting a shift for Slovakia into the ‘hard core’ of European integration.

We saw that in East Central Europe, the gamut of actual or potential illiberal parties runs ideologically from the leftist SMER to the ostensive

anti-ideological and anti-political, centrist ANO, to the national conservative right of PiS and Fidesz. How do these differences manifest themselves in party programmes and ideologies?

4 THE IDEOLOGIES AND PROGRAMMES OF FIDESZ, PiS, ANO AND SMER

Viktor Orbán has endorsed an illiberal conception of politics the most explicitly. Although in the case of Fidesz, these tendencies have long roots, reaching back to before 2010 when the party won a constitutional majority in parliament, it is Orbán's 2014 speech to the members of the Hungarian minority in the Romanian town of Băile Tuşnad (Tusnádfürdő) that is most often described as crucial. In this important speech (Orbán 2014), Orbán described several specific principles that illustrate in detail his notion of governance:

- a 'liberal democracy and the liberal Hungarian state did not protect community assets';
- b 'a democracy does not necessarily have to be liberal';
- c 'societies that are built on the state organisation principle of liberal democracy will probably be incapable of maintaining their global competitiveness';
- d 'we must break with liberal principles and methods of social organisation, and in general with the liberal understanding of society'.

Liberalism—Orbán's chief ideological antagonist—was given a specific face before the 2018 elections. Fidesz based its election campaign on attacking George Soros, an American investor with Hungarian roots. They accused him of seeking to turn Hungary into a 'country of immigrants' and thus to disrupt its sovereignty (Fidesz 2018). In 2015, the migration issue became the flagship in the party's policy manifesto. As part of a 'national consultation', Orbán said that 'we will not allow immigrants to threaten the jobs and security of Hungarians' (Fidesz 2015). Fidesz's understanding of the decision-making process is substantially illiberal, irrespective of which issue or policy is at stake. Particularly characteristic has been the concentration of power, accompanied by the decline of pluralism (Havlík and Stojarová 2018), when Orbán's Fidesz defended many often fundamental legislative and constitutional changes

by reference to the mandate it had won in elections. This can be shown in the wording of the ‘Declaration of National Cooperation’, adopted by Orbán’s government in 2010 shortly after coming to office (Office of the National Assembly 2010). The voters, who secured a two-thirds majority of seats for the party, have according to this resolution ‘decided to create a new system: the National Cooperation System’. Fidesz interpreted its electoral victory as an active mandate from the electorate to create an entirely new system for the functioning of the state.

The roots of the ideology and programme of Law and Justice (PiS) in Poland reach back into the late 1980s to a wing of the Solidarity movement that sought a Christian-democratic and nationalist orientation. After an initial stage in 2001–2002, when the party described itself primarily as fighting against corruption and crime generally, it gradually emphasised its Christian social-conservative profile (Millard 2010). The notion of a ‘Fourth Republic’ (*Czwarta Rzeczpospolita*) provides a key to this profile.

The Fourth Republic idea envisaged a substantial political as well as social transformation of the Polish state, the role of which was to be substantially strengthened overall. Crucial parts in this were to be played by Polish nationalism, a thoroughgoing decommunisation, moral renewal driven by Polish Catholicism and a new union between the people and the political elite. The vision of the new system was populist and strongly anti-pluralist (Obacz 2017). At times, this radical rejection of the ‘state pathology’ of the Third Republic as well as of the ‘Tusk system’—i.e. the politics of the government in office 2007–2015 (PiS 2014, pp. 15–44)—was messianic and left little space for a liberal conception of citizenship (cf. Nalewajko 2013, pp. 336–339). The key concepts of the transformation from Third to Fourth Republic were framed in terms of culture and identity, and this corresponded to the tradition of Polish politics in the twentieth century (Zarycki et al. 2017). Programmatic elements linked with moral issues, such as the struggle against cultural ‘progressives’ and the rejection of abortion, and the rights of sexual minorities, have been very important for PiS in the long term. PiS also very strongly endorses Christianity, or more precisely Catholicism, as an important source of political values standing against the ‘demoralisation of society’ (PiS 2014, pp. 7–14; 2005b, pp. 24–32).

PiS demanded a thoroughgoing ‘cleansing’ (meaning decommunisation) and transformation of the political and administrative system, with the aim of strengthening the Polish state (PiS 2005a). Already at this point, it was argued that the judiciary and the public prosecutor’s office

needed to be subject to state supervision, and the immunity of judges limited (PiS 2005a, pp. 20–21). Later on (PiS 2009), the fundamental characteristics of the proposed political system were set. Poland would be shifted towards a semi-presidential system, where the government would have to cooperate with the president, and the controlling role of the parliament over the executive would be weakened overall. Whereas the proposal to strengthen the prime minister's role in government did not contain elements of illiberal democracy, the proposal that the government would be able to issue, via the president, decrees with the power of law—this combined with limiting the scope and powers of the Constitutional Court—was oriented in an illiberal direction. PiS stressed the general need to reform the judiciary and to strengthen the control exercised by the Ministry of Justice over the courts of law (PiS 2014, pp. 66–68). It also called for new and essentially greater regulation of public service broadcasters (PiS 2014, pp. 142–143).

It is not easy to classify Czechia's ANO party ideologically. The fact that it is a member of the Alliance of Liberals and Democrats for Europe (ALDE) group in the European Parliament does not help us much. This is because the party has sought to keep its programme and ideology as flexible as possible. In 2013, it presented itself as an alternative to traditional right-wing parties. In 2017, it responded to the shift of the electoral core to the left by emphasising the social aspects in its manifesto. Moreover, the party's rhetoric is flexibly obeying the demands of political marketing.

ANO's manifesto for the 2013 parliamentary elections contained no illiberal elements, nor radical proposals to overhaul the political system. Some of the points in the manifesto—for example, the plan to create a Supreme Judicial Council, which would strengthen judiciary autonomy—would in fact improve the quality of liberal-democratic government in Czechia. However, observing the actual campaign, we note that it was informed by the overarching simile of the efficient management of the state as a business firm—that is, it was to be managed efficiently, but without 'superfluous' control mechanisms. As Bušíková and Guasti (2019) have shown, Babiš could pick up the threads of discourses that existed during the 1990s and even during Communist President Gustáv Husák's 'normalisation'. Against the vision of a liberal democracy, he pitted a technocratic populist vision of managing politics and public administration, which would substantially reduce democratic checks and balances for the sake of efficiency.

Babiš was quite open in a book that he used as an enticement to voters during his campaign for the 2017 elections. In it, he first points out that the legislative process is protracted and that government stability and efficiency are low (Babiš 2017, pp. 119–126). The key to this is the abolition of ‘superfluous’ institutions such as the regions and the Senate, decreasing the number of MPs by half, limiting parliamentary discussion via changes to parliamentary procedure, strengthening the role of direct democracy to the detriment of representative democracy and increasing political control of public officials (Babiš 2017, pp. 128–133). Still, there is no explicit illiberal discourse here, nor nationalist nor culturally conservative rhetoric typical of PiS or Fidesz.

In Slovakia, SMER gradually abandoned its non-ideological stance, as we mentioned above. Crucial for the establishment of SMER’s firm position in the party-political spectrum was the period 2002–2006, when it was seen as a strong left-wing critic of Mikuláš Dzurinda’s second government (Kopeček 2007, p. 290). However, SMER’s ideological identity was not an easy one to determine even after that date, and there were doubts when it formally anchored itself as a party of the left. The social-democratic label clashed with more or less illiberal ideological elements, which came to the fore particularly after 2006, though they had been visible previously. In its 2006 manifesto, a Fico-led government by SMER and two other nationalist parties officially committed the country to supporting the education of minorities in their own tongues. However, the developments of the subsequent years, characterised by Fico’s playing the ‘Hungarian card’, were adumbrated in the proviso that ‘teaching in the national minority’s language cannot be to the detriment of the quality of teaching of the state Slovak language’ (Vláda SR 2006, p. 35). Fico’s characteristic pragmatism—governing alongside the nationalists—was seen by the Party of European Socialists as infringing its fundamental values, and for that reason, it suspended SMER’s membership for several years, arguing that ‘Slovakia needs social democracy, but not at the cost of compromising with extreme nationalism and xenophobia’ (PES 2006).

After 2012, SMER somewhat moderated its illiberal rhetoric, either because the quality of Hungarian-Slovak relations improved, or because the party was able to form a government on its own, without coalition partners. The period 2012–2016 was largely dominated by the issue of Slovak-Russian relations. Fico’s traditionally declared support for the EU was in direct contrast to the ever-closer relations between the two countries (Maťašovská 2012; E15.cz 2016). At the same time, Fico and

Orbán started to support each other, especially in their resistance to the accepting of migrants (HN Televízia 2016). SMER's ideological flexibility then subsequently graduated in spring 2017 when Fico, in a sudden rhetorical U-turn, stopped criticising the EU and started actively supporting Slovakia's participation in an ever-closer union. As Fico said, 'to be at the core with Germany and France, that is the essence of my policy. For Slovakia, the Visegrád Group is not an alternative to the EU' (Vilček 2017).

5 ILLIBERALISM AS PRACTICAL POLITICS

In terms of the practical steps taken by Orbán's Hungarian governments, there have been several after 2010 that have been described as 'illiberal' (see also Anders and Priebus in this volume). The main point of contention was the Media Act; later, in connection with the 'migration crisis', it was Orbán's struggle against the Central European University (CEU) funded by George Soros and against those NGOs who supported migrants. Other issues that will be briefly discussed include concerns about the erosion of the horizontal accountability of power and a problematic electoral system.

What has been called the 'Media Act' is in fact a group of several laws regulating the media. Orbán's government attracted attention shortly after coming to office by adopting the act in 2010. The Act on the Freedom of the Press and the Fundamental Rules of Media Content stipulates in Article 10 that 'all persons shall have the right to receive proper information on public affairs at local, national and European level, as well as on any event bearing relevance to the citizens of the Republic of Hungary and the members of the Hungarian nation'. The oversight of the media is entrusted to the newly created National Media and Infocommunications Authority—specifically, to its strong Media Council (National Media and Infocommunications Authority 2011). Opponents of this legislation were particularly critical that the media came under the substantial control of a body appointed by the state. Under pressure from the European Commission, the Hungarian government agreed to revert to a milder proposition, namely that 'it is a task for the entirety of the media system to provide authentic, rapid and accurate information on affairs and events' (Haraszti 2011, also see Chapter 11). Doubts about the independence of the Hungarian media continued in the following

years, particularly as Lőrincz Mészáros, a close ally of the prime minister, has recently bought more and more media titles (Novak 2017).

Another area where Orbán's government took specific legislative measures is its struggle against migration. After 2015, the government raised its standard by adopting legislation limiting the activities of NGOs and other groups involved in the migration issue. A 2018 act on illegal immigration stipulates that whoever 'helped persons who entered the territory of Hungary illegally [...] to obtain a residency permit' has committed a criminal offence, as has anyone who 'facilitated in Hungary the opening of proceedings to grant international protection to a person who is not subject to persecution on the grounds of race, nationality, belonging to a particular social group or having a political belief' (Magyar 2018). Dubbed 'Stop Soros', this act has brought domestic and international criticism on the government (Beauchamp 2018) and is clearly incompatible with the role of NGOs in liberal democracies.

The Hungarian government also took specific steps in the area of academic freedoms. The so-called Lex CEU, which began to be implemented in practice in January 2019, requires universities accredited abroad and providing teaching in Hungary to also have a campus in the country of origin. A second, more fundamental condition (Bárd 2017) requires foreign universities to act in Hungary only on the basis of an intergovernmental agreement between the two countries. The act, which according to commentators was obviously aimed against the Soros-funded CEU, led to the prestigious university's exit from Hungary.

Particularly in connection with the adoption of a new constitution (which came into effect in January 2012), the Hungarian government has been criticised for eroding horizontal accountability. By decreasing the retirement age in the judiciary from 70 to 62, the constitution retired 274 judges with immediate effect (Halmai 2017, p. 471). This was problematic because at a stroke it removed a whole generation of judges, many of them in senior positions. Following domestic and international criticism, the legislation was amended to allow the judges to return to their profession; however, the changes in the leadership of the courts of law mostly remained in place. A new system of administrative justice, adopted in late 2018, which gave the government the power to approve these judges, attracted similar criticism. It has been pointed out in this context that the impartiality and independence of a segment of the judiciary were under threat (Gorondi 2018).

The Hungarian government owes its exceptionally strong position to the electoral system, among other factors. The new 2012 electoral law further strengthened its majoritarian elements, not to mention the fact that according to some political scientists, the drawing of single-member constituencies can be described as ‘gerrymandering’ (Krekó and Enyedi 2018).

The first stint of Law and Justice in the government of Poland in 2005–2007 foreshadowed the future direction of the illiberal reform of Polish institutions. Nevertheless, more ambitious changes were not planned, let alone implemented. PiS then spent eight years in opposition, but after the autumn 2015 elections formed a government led by Beata Szydło, whom Mateusz Morawiecki replaced in December 2017. Of the illiberal institutional changes undertaken by the PiS government after 2015, we need to note the reforms of judicial power, the ‘fight’ of the government with the Constitutional Tribunal and the amendments to the electoral system. Beyond this, legislation was quickly introduced that affected the vital actors of a liberal-democratic regime, the media.

Poland’s Constitutional Tribunal (Trybunał Konstytucyjny, TK), which operates as a classic Constitutional Court in the process of preventive and subsequent control of constitutionality, had previously come into conflict with PiS’s political intentions (Solska 2018). After the 2015 elections, the conflict between government and the TK became more acute. Playing a role in its escalation was the precipitous nomination of new judges by the government of the Civic Platform, whom President Andrzej Duda (PiS) refused to appoint. The TK countered that the president must appoint the judges, but the government did not publish this decision in the requisite manner, and it did not formally come into effect. In December 2015, the government proposed a new TK act, which complicated its decision-making procedures. PiS also achieved control of the TK in terms of personnel, by staffing it with judges that were associated with the party (Kobyliński 2016). According to the opinion of the Venice Commission (2016), the new act purposely and substantially weakened the role of the TK as the guarantor of Polish constitutionality and Poland’s legal system.

The judiciary was also affected by other reforms that came into effect after 2015. The official aim was to improve the efficiency of judicial proceedings. However, the reforms were aimed more at weakening the independence of the judiciary, largely by politicising the process of appointing judges. Even President Duda vetoed two out of the three

government reform acts. Particularly dangerous was the potential politicisation of the National Council of the Judiciary. An act lowering the compulsory retirement age for judges of the Supreme Court, meanwhile, led in practice to the forced retirements of judges who were considered supporters of opposition parties. The discussion and the adoption process of these acts were remarkable: over two weeks, the opposition submitted about a thousand amendments, which were all rejected *en bloc* in one vote. The Supreme Court of Poland, disagreeing with these changes, submitted in August 2018 a plea to the Court of Justice of the EU (CJEU). Until the CJEU responds, the Supreme Court of Poland has suspended the new acts, but the executive (government and president) have said they do not respect the decision of the court, and nominate new judges according to the new, dubious rules.

Beyond these changes, the Polish Parliament has adopted an act that could potentially weaken the independence of the Central Electoral Commission and the National Election Bureau, an act weakening the freedom of association and a Media Act that caused the replacement of the leading figures in public service broadcasters with people loyal to PiS. Public service broadcasters were thus transformed into mouthpieces of government policy. The parliamentary control over new legislation has likewise been weakened, because the government, commanding a majority in parliament, can push through most of its bills in a shortened procedure that precludes substantial discussion and extensive criticism.

Despite its relative newness, after the 2013 elections, Andrej Babiš's ANO 2011 became a member of the Czechia government coalition, alongside the Social and the Christian Democrats. After the 2017 elections and an intermezzo of the single-party ANO minority cabinet, which failed to win parliament's confidence, a coalition government of ANO and the Social Democrats was formed in summer 2018. ANO was a strong partner in both governments and could potentially push through fundamental institutional changes; yet we also see the real limits to its power, stemming from the necessity of working in a coalition. The social-democratic control over the Interior Ministry in particular prevented ANO from undertaking any radical change of personnel in the police—for example, any change that could render problematic the already very sensitive political process of investigating the affairs in which Babiš has been embroiled (Hanley and Vachudova 2018; Pehe 2018). There were no attempts to limit the freedom or independence of public service broadcasters, and no institutional interference with the judiciary, police or

public prosecution—apart from attempts to discredit the investigators of cases linked with Babiš and his Agrofert holding company (Hanley and Vachudova 2018, pp. 284–285) and certain problematic changes of personnel in the apparatus of ministries, state agencies and state-owned enterprises. The amendments to the Civil Service Act might be problematic. But even if these are adopted, it cannot be interpreted as an illiberal political change, but rather as a return to the practice of appointing and removing state secretaries (the most senior officials in ministries) according to a political and not an expert key. An amendment of the parliamentary procedures of the Chamber of Deputies—currently under discussion—could, potentially, limit somewhat the options of the parliamentary opposition; however, at the time of writing (November 2019), we are at the stage of general political discussion.

In line with Jiří Pehe's (2018) evaluation, the foregoing suggests that Babiš is potentially an actor of illiberal change, but his real policy is limited by pragmatism, because he is seeking to maximise electoral support and not to irritate potential voters by radical proposals. He is also hampered by efforts to cooperate at the EU level and the functional system of checks and balances in Czech politics, which, faced with attempts at radical institutional overhaul, is relatively rigid. Babiš does not hesitate to use the media outlets he owns to influence political discussion; he certainly has no qualms about shifting the country towards less liberal forms of democracy, but is unable to push these changes through the Czech political system. Particularly dangerous are certain changes of personnel undertaken by Babiš's government and attempts at 'state capture' to serve the business interests of Babiš's holding company.

Slovak governments led by Robert Fico differ considerably in terms of some of the aspects observed here. Whereas his first government, in office 2006–2010, can be labelled national-populist (Smetanková 2013) and largely illiberal, later SMER governments were more moderate in this respect. The causes for this included the different make-up of these governments and the pragmatic approach taken by the Slovak prime minister at the time. In 2009, the government coalition of SMER and two nationalist parties adopted an amendment to the State Language Act, which modified and made stricter requirements on the use of Slovak in the public domain and, in fact, limited the use of national minority languages. That same government also adopted an amendment to the Press Act, which had been criticised for limiting media freedom, by third

parties including the OSCE (Prušová 2009). The act in question introduced the right to reply to people who felt offended by news reporting (i.e. not commentary).

Though Fico's politics after 2012 can be described as populist (Bugarić and Kuhelj 2018, p. 24) and still very 'nationalist', the attacks on the Hungarian minority have substantially reduced over time. After the 2016 elections, Fico even formed a government with the Most–Híd party, representing the interests of the Hungarian minority, and the Slovak National Party. However, there have been other threats to the rule of law, from not-entirely-transparent affairs of recent years, whether this included potential links between former Interior Minister Kaliňák and some controversial businessmen or speculations about links between Fico and a figure of the Italian mafia (Kapitán 2019). The illiberal proclamations by the former Slovak prime minister—in particular, those connected with the 'migration crisis'—were evidently a pragmatic response to the attitudes of Slovaks towards the quotas for receiving refugees. A similarly pragmatic step at the same time was the acceptance of a minimal number of refugees (in single digits) in order for Slovakia to avoid legal action by the European Commission.

In conclusion, we note that given the present make-up of the government coalition and SMER's weakened position after the affair of a murdered investigative journalist, no evidently illiberal steps can be observed in practical politics; however, this might easily change, depending on the future make-up of government coalitions.

6 VARYING DEGREES OF ILLIBERALISM: COMPARISON AND DISCUSSION

Looking back on the party programmes, utterances made by leading politicians of Fidesz, PiS, ANO and SMER, as well as other documents that deal with long-term visions and strategies, we see that issues of an illiberal conception of democracy are certainly not explicitly developed or even addressed in all of them.

The presence of this ideological motive for political behaviour can be found most strongly in the utterances made by Viktor Orbán who said explicitly that an alternative to 'Western liberal democracy' was needed and who also outlined his symbolic geopolitical sources of inspiration in selected authoritarian regimes. However, the Hungarian notion of illiberalism is very explicit and loud, but in terms of content or doctrine,

rather flexible. Thanks to this, Orbán can gradually replace his symbolic opponents or capitalise on various rhetoric emphases. Certainly, there are perennial themes in Orbán's illiberal ideology, including the fight against Soros, in the figure of whom the Fidesz voter may bring together old anti-Semitism with very modern anti-globalism. But, as the situation changes, migrants, the CEU, EU economic governance, the EU as a whole, other Hungarian parties or indeed anyone else can be freely subjected to criticism. We see that in Orbán's case, illiberalism is a powerful instrument—one that is pragmatically used, with an eye to marketing principles—that is a loose combination of various elements, rather than a coherent ideology. This does not decrease its danger, pointing rather to its relative lack of ideological purity. What is hiding behind the vague idea is a combination of traditional ethnic nationalism, social and cultural conservatism, and post-communist oligarchic politics.

In the case of Law and Justice, the notion of 'illiberalism' itself does not appear; but the very detailed doctrine of the party overall provides a set of characteristics of illiberal ideology that can be more easily grasped than in Hungary: a mistrust of the separation of powers, a mistrust of pluralism (of social and cultural pluralism perhaps even more than of political pluralism), a Christian social and national politically conservative position, exaggerated anti-communism, Euroscepticism and a centre-left paternalist economic policy. Liberalism is rejected as a social system, neoliberalism as an economic one, and Europeanism and globalisation are refused as enemies of the moral rebirth of the Polish nation. PiS illiberalism can be read as a modernised and updated version of a long Polish political tradition. If Fidesz's Hungarian illiberalism is the loudest and most explicit, PiS's Polish version is the clearest and most firmly anchored in a coherent ideology.

Looking at the rhetoric and programmes of the Czech and Slovak cases, we do not find explicit illiberalism. Rather, ANO and SMER are characterised by a populist tone, linked in the Slovak case with strong nationalism; in the Czech case, with anti-immigration rhetoric; and in both cases, with populism and long-term soft Euroscepticism. However, the intensity of Robert Fico's and Andrej Babiš's Eurosceptic rhetoric varies wildly, depending on the topic, context and audience, with theirs being a more pragmatic rather than an ideological choice. It could be said, then, that ANO and SMER are not in fact ideologically illiberal parties. Yet we must note certain illiberal elements present in the rhetoric and

programmes of the two parties and their leaders. Babiš's and Fico's pragmatism do not prevent them from deploying stronger illiberal emphases, if there should be demand for that among the electorates.

In the cases of Fidesz and PiS, illiberalism is something of an ideological 'master' leading to practical political steps taken on the basis of doctrines elaborated on to a greater or lesser degree, whereas, ideologically speaking, both ANO and SMER are illiberal only *in potentia*. However, as the historical experience with the trajectory of Viktor Orbán's changing opinions and ideological viewpoints shows (Hloušek and Kopeček 2010, pp. 188–189), even a former pro-Western liberal can end up on the opposite end of the political spectrum, if there are enough ideological and pragmatic reasons to do so.

Let us now turn from ideas and doctrines to political practice. In the preceding segments of this chapter, we have focused on the most important and most conspicuous elements, which are telling in terms of the quality of democratic governance. Table 2 summarises these aspects

Table 2 Illiberal practices of governing parties in East Central Europe

<i>Indicators</i>	<i>Fidesz</i>	<i>PiS</i>	<i>Smer</i>	<i>ANO</i>
State control or political regulation of public service broadcasters	Yes	Yes	Yes	No
Politically motivated regulation of journalism generally	Yes	Yes	Yes	No
Political or economic concentration of mass media ownership, threatening pluralism	Yes	No	No	Yes
Legal provisions affecting the activities of opposition parties or civil society	Yes	No	No	No
Economic regulation impacting the activities of civil society	Yes	Yes	No	No
Regulation of other autonomous spheres, such as universities and academic liberties	Yes	Yes	Yes	No
Politically motivated interference with private property and the autonomy of proprietors' actions in the economy	No	No	No	No
Strengthening the executive to the detriment of the judiciary or the legislature	Yes	Yes	Yes	Yes
Regulations limiting or obstructing the opposition's checking of government via parliament or other institutions, typically in the form of amendments to the rules of procedure	Yes	Yes	Yes	Yes
Limitations on the independence of the judiciary	Yes	Yes	Yes	No

Source: Authors

along the three dimensions of illiberal democracy presented in Sect. 2, namely the control of the media and the limitation of their independence, limitations on the activities of the opposition and civil society as well as strengthening the executive and limiting the separation of powers in the country.

With the exception of Czechia, governments in all three other countries have at least attempted to establish state control over public service broadcasters. This process can be considered as achieved in Hungary and Poland, but in Slovakia the attempts to regulate were neither as vigorous, nor as successful. The murder of the journalist, Ján Kuciak, in February 2018, caused mass protest, which dampened further attempts at political control of the media. What is more, Slovakia is a country with a plural media market, similar to the Czech Republic. In Czechia, it is not the potential threats to pluralism that concern public service broadcasters, but the fact that Prime Minister Babiš owns an important media group, Mafra, whose newspapers support the government. The public service broadcasters remain independent, and there is pluralism in the private media market. This, by contrast, is disappearing from the Hungarian media, whether due to political control over public service broadcasters, as noted above, or the economic concentration of private media ownership in the hands of people and companies close to the Fidesz party.

None of the East Central European states has introduced illiberal measures against the autonomy of proprietors' actions in the economy. In the other points of the second dimension, however, the practices of the countries vary dramatically. In Czechia, there are no political or economic pressures exerted against civil society, nor against the parties of the opposition. Somewhat stronger attempts to limit certain civil society actors could be observed under SMER governments in Slovakia, but the activities of these sectors are not being suppressed in the country. Poland is today in this respect closer to a liberal model, with some illiberal elements mixed in. In Hungary, however, democracy is fully illiberal in this respect; a combination of political and financial regulation asphyxiates the independent activities of civil society, the academic sphere, as well as political opposition.

We see most illiberal policies in the third dimension. In all four countries, there have been attempts—albeit of very different intensities—to increase the influence of the executive at the expense of checks by the legislature. Where government parties command a clear majority in parliament (Fidesz and PiS), parliamentary power is diminished by the actual

behaviour of the government majority. However, the attacks against the very essence of liberal democracy—an independent judiciary—are even more serious. In Hungary and Poland, these attacks have progressed the most, and the judicial review of constitutionality in particular has been largely paralysed. There is a danger of a similar situation in Slovakia, where the Constitutional Court is dysfunctional because many justice seats are vacant. The Slovak example shows that to limit judicial power, one does not need to change laws and regulations; it suffices to use changes of personnel, or block them.

What is the weight of the individual dimensions? In terms of constitutional engineering, the third dimension is key for the stabilisation of an illiberal democracy. It is no accident that the first institutional reforms in Poland and Hungary that took place were attempts to regulate the independence of the constitutional judiciary and judicial power. In terms of the long-term formation of public opinion, the first dimension—the media—follows. Regulation of media plurality and the transformation of public service broadcasters, especially TV stations, into mouthpieces of the regime, lead to long-term change of political discourse. Our analysis of four East Central European cases shows that civil society institutions come third in terms of importance. Although they can be very annoying to illiberal politicians, they nevertheless represent the interests of partial segments of the population. If they are denied the option of communicating their critical positions in the media and if they are precluded from responding to arbitrary government action by legal action, their position vis-à-vis the domestic public becomes very fragile.

7 CONCLUSION

The absence of long-term democratic traditions, a weak political culture among citizens and leaders alike, and the absence of political education and political socialisation of citizens all played their roles in a fragile and contested position of liberal democracy in East Central Europe, and together with pressures exerted by rapid political, social and economic changes, created a demand for leaders of a certain type. The implicit assumption from the early days of democratic transition—that democratisation and liberalisation must go hand in hand, and that this is a process of unidirectional progress—has not been confirmed. Nonetheless, it is evident that in terms of the manifestations of illiberalism, this is no

coherent group, and that not all countries of the Visegrád Group are emerging illiberal democracies.

In recent years, Hungary and Poland have presented themselves significantly differently than Slovakia and Czechia. Whereas the Hungarian government can be described as illiberal and the Polish government as halfway illiberal (quite illiberal in terms of ideology, but not as successful as Hungary in terms of implementation so far), Slovakia's is more social populist and Czechia's a kind of managerial populism. Despite some elements of illiberalism, the ANO and SMER governments can be described as more or less liberal; however, always with the proviso that given the very pragmatic, ideological and rather unanchored style of their politics, this might be subject to change, at any time.

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