

## **Chapter 3: Populism as a Threat to Liberal Democracy in East Central Europe**

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### **Introduction**

This chapter focuses on the populist challenge to democracies in East Central Europe. The rise of populist political parties has been one of the most visible phenomena in East Central European party systems since 2004. The 2005 elections in Poland marked an unprecedented success of populist parties and the coalition government was formed by three populist political parties: national conservative Law and Justice (PiS), agrarian Self-Defence (SRP) and radical-right League of Polish Families (LPR). In Hungary, Fidesz, initially a liberal party which developed from an anti-communist opposition movement into a nationalist conservative populist party and became a dominant party. Between 2006 and 2010, Slovakia had a coalition of the populist radical right Slovak National Party, nationalistic Movement for Democratic Slovakia and social populist Smer. Since 2010, the Czech Republic's party system has also changed significantly with an increase in the number of populist parties as one of the symptoms of the transforming Czech party politics. These parties now fill nearly a third of the seats in the Czech Chamber of Deputies. The exception here is Slovenia where the party system is experiencing turbulent times but without the success of populist parties.

This chapter aims to analyse what the recent rise of populist parties means for democracy in East Central Europe. This chapter is structured as follows. The theoretical part outlines the term 'populism' and then focuses particularly on the relationship between populism and (liberal) democracy. The empirical section analyses the challenges of populism to (liberal) democracies in the Czech Republic (since 2010), Hungary (the focus here is on Fidesz since 2006) and Poland after the 2005 parliamentary election. The chapter concentrates primarily on the policies

and other actions of populist political parties in government, only limited attention will be paid to reactions of anti-populist opposition. In other words, this chapter assesses intentional or potential threat of populism to democracy in East Central Europe.

## **Populism and democracy – theoretical reflections**

### ***Populism***

No analysis of populism can begin without pointing out the vagueness of the term and the difficulties in defining it (e.g. Mény and Surel, 2002; Taggart, 2000). There are a number of reasons for this. One of the reasons is a long-standing (and never ending) academic debate over whether the concept should be understood as a (thin-centred) ideology, a strategy, a communication style, or a discourse. A second reason is the varied use (and misuse) of the term by the media and in political competition as a means of discrediting rivals. Populism in this context (compared to the academic debate) has almost entirely negative connotations.

This chapter does not aim to provide an exhaustive summary of the debates concerning the substance and definition of the term. The reader can refer to a number of other publications for in-depth conceptual analysis (Havlík and Pinková, 2012; Mudde, 2000; Panizza, 2005; Stanley, 2008). Moreover, in recent years, scholars have come to a general agreement on the so-called ‘analytical core of populism’ which this chapter adopts. This so-called analytical core consists of three fundamental, tightly connected characteristics which are discussed in more detail later. These characteristics are: 1) a perception of people and elites as homogeneous groups, 2) a focus on the antagonistic nature of the relations between the two groups and 3) a view of the people as morally sovereign (see Mudde, 2004; Hawkins et al, 2012; Rooduijn, 2013; Stanley, 2008). This minimalist perception of populism is perhaps best reflected in Cas Mudde’s definition as:

a thin-centred ideology that considers society to be ultimately separated onto two homogeneous and antagonistic groups, 'the pure people' and 'the corrupt elite', and which argues that politics should be an expression of the *volonté générale* (general will) of the people (Mudde, 2004, p. 543).

The key component in populism is "the people", conceived as a monolithic or homogeneous group with collective interests (Canovan, 2002; Taggart, 2002). To present the people as a monolithic entity in whose interests a populist party or its leader act is to refuse to divide society into groups, for instance, by social status, political attitudes or religious beliefs. The anti-establishment appeal employed by populist parties which highlights an antagonistic relationship between the people and the political elites goes hand-in-hand with the perception of people as a homogenous entity. As Margaret Canovan (1999) points out, populism is best described as 'an appeal to "the people" against both the established structure of power and dominant ideas and values of the society' (p. 3). Populists maintain that the people – however defined – are not represented by the elites who are in power. The established parties 'forming an exclusionary cartel [are seen as] unresponsive and unaccountable, a homogeneous class of lazy, incompetent, self-enriching and power-driven villains' (Schedler, 1996, p. 291). Populist political parties thus present themselves as defenders of 'pure' politics, as fighters taking on corruption, who are able to renew the 'distorted' relationship between the elites and the people (this is discussed in more detail below). In contrast with the 'evil' elites, populist parties present themselves as the sole trustworthy defenders of the people who are the morally incorruptible custodians of sovereignty.

The proclaimed aspiration of populists is therefore to return power 'to the people', often by implementing elements of direct democracy. Ben Stanley (2008) notes in this regard that the emphasis on direct democracy is not an essential attribute of populism in and of itself, but rather the main importance is attributed to the concept of sovereignty (of the people), or the general will, which is elevated above the preferences of the elites (pp. 104–105). The general will is

related to the concepts of majoritarianism and authenticity. Populists present themselves as ‘sounding boards which resonate with the “reason of the ordinary person”’ (Stanley, 2008, p. 105). The proclaimed attempt to return power to the people is contrasted with the ambiguity and shady deals, complicated by procedures and compromises, which are perceived by the populists as the main characteristics of the ‘politics-as-usual’ (Canovan, 1999; Papadopoulos, 2002). These characteristics of populism, which determine the relationship between populism and democracy, form a conceptual framework for the analysis presented in this chapter.

### **Populism and democracy**

The relation between populism and democracy has been the subject of extensive theoretical reflections and to a lesser degree empirical studies. The majority of authors agree that populism does not represent the antithesis of democracy as such (Mény and Surel, 2002; Mudde and Kaltwasser, 2012). Populist political parties should therefore not be perceived as interchangeable with *anti-system* political parties who criticize the ‘democratic’ regime and seek its transformation. Giovanni Sartori's classic definition of anti-system parties emphasised ideologies foreign to a particular regime (typically communism, fascism, or Nazism), which were to serve as a guide or tool for changing the system as a whole (Sartori, 1976). Similarly, Giovanni Capoccia, following Sartori's arguments, sees as anti-system only those political parties which are located at a significant distance from other political parties in the ideological spectrum and at the same time have an ideological base that is incompatible with democracy (Capoccia, 2002, pp. 23–24).

Populism is not an ideology which is incompatible with the concept of democracy but is on the contrary often perceived as a logical consequence of the side-effects of democracy or rather of its inner tensions. Marc Plattner (2010) understands populism as ‘a broad tendency that is

always latent to some degree in modern democracies' (p. 87). In relation to the two styles of modern politics defined by Oakeshott – the *politics of faith* and the *politics of skepticism* – Margaret Canovan (1999) talks about the two faces of democracy: pragmatic and redemptive. The redemptive face refers to a vision that promises 'salvation through politics', and the return to popular power with the people as the only legitimate authority and to the direct exercise of power without institutional constraints. The pragmatic face refers to a peaceful resolution of conflicts in society (as an alternative to violence or even civil war), to preserving the government, institutions and rules (Canovan, 1999). There is essentially a constant tension between the redemptive and pragmatic faces of democracy which helps mobilise populism:

If it becomes clear that those involved see in democracy nothing but horsetrading, they, and eventually the system itself, are liable to lose their legitimacy. When too great a gap opens up between haloed democracy and the grubby business of politics, populists tend to move on to the vacant territory, promising in place of the dirty world of party manoeuvring the shining ideal of democracy renewed. (Canovan, 1999, p. 11)

Similarly, Chantal Mouffe (2000; see Abts and Rummens, 2007) distinguishes between two pillars of democracy: a liberal (or a constitutional) one which focuses on individual rights and the rule of law, and a democratic one which emphasises participation and popular sovereignty. The essence of the populist appeal promising to cleanse politics does not lie in a critique of democracy as such but in the redemptive face of democracy or the democratic pillar of democracy. The closer the real functioning of democracy is to the pragmatic face and the more it abandons the ideals of the redemptive face, the more it opens up space for the rise of populism. In this context, the upsurge in the number of populist parties may be understood as a barometer or a litmus test of the degree of pragmatism (according to Canovan) in the functioning of a democratic regime; and it may play a positive/corrective role particularly through the inclusion and representation of formerly excluded social groups (Mudde and Kaltwasser, 2012; Plattner, 2010; Kaltwasser, 2011).

On the other hand, populism may threaten the real functioning of democratic regimes. The key to understanding this face of populism is in its contrast to the principles of *liberal democracy*, such as the rule of law, fair and free elections, popular sovereignty, political equality with majority rule, but also the constitutional protection of minority rights (Mudde and Kaltwasser, 2012). In the eyes of populists, democracy is a one-sided phenomenon - it only represents the power of the people (Mény and Surel, 2002). According to Plattner (2010), populists 'have little patience with liberalism's emphasis on procedural niceties and protections for individual rights' (p. 88). Similarly, Takis Pappas contrasts populism with the liberal understanding of democracy and defines it as *democratic illiberalism* (Pappas 2012, 2014). Populism is not a threat to democracy because it is fundamentally *undemocratic* but because it is *illiberal*. Koen Abts and Steffan Rummens (2007) refer to a particular *populist logic* which undermines democratic logic where '[t]he tension between the ideology and the practice of democracy is in fact a tension between the ideology of pure or *populist democracy* [italics added by the author for emphasis] and the practice of constitutional democracy' (Abts and Rummens, 2007, p. 411). Populist rhetoric is in fact an escalation of the focus on the redemptive face of democracy (Canovan) or the democratic pillar of democracy (Mouffe). Populism is democratic only in a majoritarian sense (Plattner, 2010). In a contrary sense, it contravenes the principles of constitutional or liberal democracy (Abts and Rummens, 2007). Similarly, Paul Taggart contrasts populism with representative democracy. The processes typical of representative democracies are alien to populists; instead they favour direct democracy (many contemporary populist parties see Switzerland as a model to follow), radical grass-roots cooperative democracy (19th Century American populism) or even authoritarian leadership (e.g. Taggart, 2002; Kaltwasser, 2011).

Mudde and Kaltwasser (2012) summarise the possible threats of populism to liberal democracy as follows:

- the proclaimed supremacy of popular sovereignty may challenge or even restrict the system of checks and balances and separation of powers;
- the focus on majority rule may limit minority rights;
- the rise of populist parties can establish a new dimension in party competition (populist vs non-populist parties) which may limit the ability to form stable coalitions;
- moralising politics may complicate (or even prevent) political consensus and compromise and thus undermine the functioning of democracy;
- populism may also lead to a ‘plebiscitary transformation of politics’ which weakens the legitimacy and the authority of political institutions and unelected bodies; and
- the opening of politics to non-elites can lead to the ‘shrinkage of politics and to a contraction of effective political space’ (Mudde and Rovira Kaltwasser, 2012, p. 22).

The potential areas of populism’s threat to the functioning of democratic regimes may be divided into three groups which form the basis for the empirical part of this chapter:

- 1) the status of the individual or social groups;
- 2) the institutional foundations and rules of liberal democracy; and
- 3) the ‘ability to readily mobilise’ political processes.

Populism with its demand for the direct representation of the people is at odds with the idea of representation and the understanding of society as unified in diversity. As Mudde and Kaltwasser (2012) point out, populism is ‘clearly on the side of majority rule’ when it comes to the tension within liberal democracy between the promise of a majority rule and the reality of the constitutional protection of minorities. Pluralism and the protection of minority rights are alien to populism. The supremacy of the people’s will, that is to say, the appeal to the people’s will and the rejection of social pluralism, is typical of populism and is in logical conflict with

the constitutional guarantees for individual rights. Rules, checks and balances, complex negotiations, consensus and compromise go against the ideology of populism (Papadopoulos, 2002). There are two possible solutions to the problem from a populist perspective: by-passing the principles of representative democracy embedded in a liberal-democratic system of political institutions and introducing attributes of direct democracy, or on the other hand, ‘internally’ limiting these ‘obstructive’ institutions and mechanisms, for instance by restricting the separation of powers, the power of elected bodies or mechanisms connected with pluralism, and the process of political negotiations.

The ‘ability to readily mobilise’ political processes implies the possible transformation of party politics as a result of limited coalition potential and the substantial blackmail potential of populist parties. The presence of populist parties in a system, particularly if they are in opposition, may force collaboration between ideologically opposed mainstream parties who may form ideologically disconnected governing coalitions and produce policies which do not fulfill the expectations of voters of any of the coalition parties. This ‘forced convergence’ may result in intensifying distrust in liberal democracy, reduction in support of the political system and support for an alternative political order. Integrating populist parties in the government and their ‘adapting to’ liberal democratic practices and potentially deviating from their former populist rhetoric may have a similar effect. The electoral success of populist parties may inspire other political actors who view populism as a model of electoral success. This may result in an inflation of populism within the system, a kind of populist ‘contamination’ (Mudde, 2004; Roduijn *et al.*, 2014) which may lead to ‘populist democracies’ (Pappas, 2014).

To sum it up, the empirical part of this chapter attempts to assess actual or potential (not necessarily realized) threats of populist parties East Central European countries, focusing on



the effects these have on human rights, institutional structures in political systems and changes in party politics that contravene the principles of liberal democracy.

### **The Fourth Republic: the populist challenge to liberal democracy in Poland**

Until the 2001 elections to the *Sejm* (the Polish national parliament), populist parties did not have relevance presence in Polish politics. In 2001, three populist parties managed to cross the electoral threshold and get parliamentary representation. The electoral breakthrough of Law and Justice (9.5% of votes), Self-Defense of the Polish Republic (10.2% of votes) and League of Polish Families (7.9% of votes) in 2001 was just a prelude to their sweeping success in the 2005 elections, in which the three parties won almost by a majority (46% of votes).

The oldest of the populist is the Self-Defense (SRP) founded in 1992 and developed from an agrarian protest movement led by charismatic Andrzej Lepper. Although the party was not electorally successful in the 1990s (the best result was 2.8% of votes in the 1993 election), their direct political actions including protests, blockades and even formation of paramilitary groups received a lot of media attention. The party combined a strong anti-establishment appeal with Euroscepticism and representing the interests of farmers struggling with the effects of the transformation of the economy. According to Stanley, the SPR was a textbook example of populism emphasizing that Poland 'should be ruled by the people and the representatives of their majority' (Stanley, 2015a). Gradually, the SPR broadened its appeal to a more generally defined 'losers of transition' (Jasiewicz, 2008; Stanley, 2015b).

Populism of the League of Polish Families was defined in cultural rather than in economic terms. The party was set up shortly before the 2001 election with a programme based on the fusion of Catholicism, tradicionalism and nationalism. In other words, the LPR sought to revive Catholicism (and related values including support for the concept of traditional, i. e. heterosexual families) as the cornerstone of Polish identity suppressed during the communist

rule and having been under attack from post-communist elites (mainly from the Party of Democratic Left) and liberal secularism. The party had close ties and was close in discourse to Radio Maryja and other Catholic media popular among the traditionalist segment of the population (Jasiewicz, 2008; Pankowski, 2010).

The discourse of Law and Justice Party (PiS), established by twin brothers Jarosław and Lech Kaczyński in 2001 (Kaczyński brothers were active in politics already during the first years of transition), was based on the concept of the ‘conspiracy’ (*układ*) allegedly by post-communist elites, people representing (mostly) the liberal wing of Solidarity and their business and media allies. The initial focus on was subsequently enriched by focus on traditional Polish Catholic values and by economic policies emphasizing social security and opposition to privatization and internationalisation (Jasiewicz, 2008; Stanley, 2015b).

The 2001 elections resulted in formation of a centre-left cabinet of the Party of Democratic Left, the Union of Labour and agrarian Polish People’s Party. Tensions within the government led to the Polish People’s Party leaving the government and forming of a minority government. A poor government performance combined with a steep rise in unemployment and numerous corruption scandals led to a decline in support of the post-communist left and eventually to the most important change in the Polish party system after the fall of communism - the Civic Platform focused on economic liberalism and secular and the Law and Justice focused on nationalist conservatism and social cohesion became the main political alternatives. As predicted before the elections, tensions between the PO and PiS meant that they were unable to form a coalition. A minority cabinet of the PiS supported through a ‘stabilization pact’ (an agreement to support some policies) by the SPR and LPR was formed. Eventually, a coalition

government of PiS, SPR and LPR led by Jarosław Kaczyński was formed in May 2006 (Svačinová, 2010).

Besides many differences among the parties of the new coalition, they were able to find a common ground in the 'Fourth Republic' project. This was a programme of complex institutional reforms with strong ideological background based on denial of the outcomes and developments in the post-communist transition and criticism of the actors in the transition. The Fourth Republic was designed as a project of moral and cultural renewal of Poland betrayed by the allegedly corrupt elites of the Third Republic. It involved several institutional changes (either planned or implemented) and populist actions of the governing parties which represented a threat to Polish liberal democracy and undermined the legitimacy of the Polish political system established after 1989.

Three key parts of the political system were seen by the populist coalition as key to the 'conspiracy': the media, the civil service and the judiciary. The Kaczyński's government built their reforms disrespect of the system of separation of powers and checks and balances acknowledged by the Polish constitution. This eventually led to concentration of power in the hands of the ruling coalition (or at least the coalition attempted to do so). Overall, the reforms can be seen as a complex vision of transforming a liberal democracy into a populist regime.

The institutions controlling the media underwent significant changes, the nominees to the board of public national and regional television and radio were from the governing coalition. This was against the law on the National Broadcasting Council (NBC) and the Constitutional Tribunal found the NBC to be inconsistent with the Constitution. Under the Kaczyński's government, a law was introduced that increased the influence of politicians on the judicial system, giving more powers to high-ranking prosecutors that were effectively under the Ministry of Justice

rule. Some authors also stress increased influence of politicians over the civil service (e.g. through limiting competition in hiring of civil servants). There were several attempts to reform education (Roman Giertych, the leader of LPR, was appointed Minister of Education) driven by governing coalition ideology (and opposing pluralism). They aimed to strengthen religious, nationalist and conservative values (Stanley, 2015a). The internet access to schools was also limited. The government also banned a number of demonstrations and marches for gay rights (Albertazzi and Mueller, 2013).

Although many policy measures proposed by the government were not implemented (because of the lack of the qualified parliamentary majority when attempting to alter the constitution or because of the opposition by the Constitutional Court or the civil society – Stanley, 2015a), the coalition's (of PiS, LPR and SPR) Fourth Republic project represented a significant challenge to liberal democracy in Poland. The essence of this challenge was a mixture of antipluralist populism combined with traditionalist and national conservative ideologies (within the particular Polish cultural context) combined with a significant role of catholicism in the society and popular dissatisfaction with allegedly corrupt and incompetent elites. The government's implemented or planned policies affected especially two areas of interest defined in the theoretical part of this chapter. First, the policy measures aimed at limiting of freedom and human rights, particularly the freedom of expression (the control of the media) and minority rights (particularly gay rights). As for the institutional reforms, the potential of the governing coalition was limited due to the lack of majority. Nevertheless, the reform of parts of the judicial system and the law regulating the media clearly demonstrated the lack of respect of the populist coalition to the basic principles of liberal democracy such as the separation of powers and checks and balances.

## **Illiberal reconstruction of a democracy: the case of Hungary**

When discussing populism in Hungary, three political parties are typically mentioned: Hungarian Justice and Life Party (MIÉP), Fidesz and Jobbik (Havlík, 2012). However, it is more appropriate to refer to Jobbik as an extremist party, because of their radical rhetoric and anti-systemic views. And thus Jobbik is discussed in Chapter 4 on extremism. MIÉP last got into the Parliament in 1998 and was later marginalized. Currently, the only relevant populist party in Hungary is the Hungarian Civic Union (Fidesz, previously the Hungarian Civic Party).

Fidesz was founded in 1988 as an anti-communist, liberal initiative and became one of the key players in the bipolar Hungarian party system in the second half of the 1990s (Hloušek and Kopeček, 2004). Some authors regard Fidesz as a conservative party (Benda, 2002); however, 1997 represented a significant shift in the party's discourse. Zsolt Enyedi refers to it as the 'nationalist and anti-liberal turn' (Enyedi, 2015) which meant a rise in their populist rhetoric, a trend reflected in their party manifestoes.

This shift has contributed to an increase in votes for Fidesz which until then typically won less than 10% of votes.<sup>1</sup> In 1998, with nearly 30% of votes, Fidesz became the leading party in the governing coalition, which it formed with the Independent Party of Smallholders (FKGP) and Hungarian Democratic Forum (MDF). Fidesz lost the following election and returned to the opposition for the next two terms. However, in 2010, following the economic crisis in Hungary and a scandal of the governing ex-communist Hungarian Socialist Party (MSZP), Fidesz won a two-third majority in the Parliament (263 out of 386 seats) and together with the smaller Christian Democratic People's Party (KDNP) formed a monochrome government. They repeated this result in 2014.

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<sup>1</sup>This percentage reflects the results in the proportional part of Hungary's mixed electoral system.

Shortly after its victory, Orbán's government proposed a number of laws (subsequently ratified by the Parliament) which were interpreted as a shift from a liberal democracy to illiberalism. These laws (mostly amendments of the so-called cardinal laws, i.e., de facto constitutional laws, largely covered two areas: issues of checks and balances and freedom of speech and press. Some academics went further in their criticism of the Hungarian system under Orbán. For instance, Bugarič argued that the reforms introduced by Fidesz 'managed to transform Hungary from one of the success stories of the transition from socialism to democracy to a semi-authoritarian regime based on the illiberal constitutional order systematically dismantling checks and balances and thereby undermining the rule of law' (Bugarič, 2014). Gábor Tóka was somewhat more moderate in his assessment of the changes and said that 'the philosophy that underlined them put a great deal of emphasis on allowing the legislative majority and the executive to make decisive choices with as little constraint as possible' (Tóka 2014).

The institutional structure of the Hungarian political system changed over several stages. This chapter will focus mainly on the changes which may be regarded as significant in jeopardising the liberal-democratic nature of the political system. An amendment of an article in the 1949 Constitution (significantly altered after the fall of the communist regime) made constitutional changes easier and reduced the quorum from 4/5 to 2/3. This amendment has made implementing the planned reforms easier. Several other amendments to the constitution were ratified. The most significant ones changed the standing of the Constitutional Court and changed the institutional oversight of the media, which in effect meant a weakening the checks and balances and a concentration of power in Parliament (at a time when Fidesz held a majority). The final point in Fidesz's attempts to change the political regime was the ratification of a new constitution.

The change in the standing of the Constitutional Court affected three aspects of the Court: the way in which judges were appointed, the Court's overall impact, and the Court's authority. The method of appointing judges changed with a modification of the parliamentary committee for nominating judges to the Constitutional Court. Previously, representatives of all parliamentary fractions were included in the committee. The amendment changed the set-up of the committee to proportionally represent the distribution of power within the Parliament. Given that this change took effect immediately after it was ratified, this advantaged Fidesz. This resulted in an increase in the number of Constitutional Court judges from 8 to 15 and enabled Fidesz to nominate their own candidates. The Court however did not favour Fidesz in its decisions. The standing and power of the Constitutional Court within the Hungarian political system has been weakened. The Government proposed that some issues (in particular those that cannot be altered through referenda, such as taxes, pensions or international affairs) be taken out of the Court's jurisdiction. This happened as a consequence of the so-called 98% Constitutional Court tax being proclaimed unconstitutional and subsequently revoked. This proposal was criticised by experts and the Constitutional Court itself, and the Government in turn withdrew the proposal. However, the Government put forward a different proposal (using a different method) which significantly restricted the authority of the Constitutional Court (limiting its authority to review and annul taxation and similar laws) and generally weakened the protection of basic human rights (Kovács and Tóth, 2011).

The new constitution (proposed in March 2011 and adopted in April 2011) further modified the role of the Constitutional Court. The method of appointing judges was altered through the above mentioned amendment and Parliament's role was broadened - the parliamentary majority were now authorised to select the President of the Court (where, previously, the judges selected the

President). The question of standing was also altered – previously, any citizen had the right to raise a complaint. According to the new constitution, only the Government, ombudsman or a quarter of MPs were entitled to bring a complaint. This decreased the protection of basic human rights and freedoms. On the other hand, the new constitution introduced the so-called German model of constitutional complaint based on an alleged violation of basic rights. The constitution also preserved the limited authority of the Court in reviewing some finance laws (Kovács and Tóth, 2011). A new constitution amendment of March 2013 meant further restrictions on the Constitutional Court's authority – it stripped the Court of the authority to review proposed amendments and banned the Court from referring to verdicts issued prior to January 2012, i.e., prior to the new constitution's taking effect (Freedom House, 2013).

Changes in the electoral law were a step towards the concentration of Fidesz's power, though an indirect one. The new electoral law ratified in December 2011 significantly changed several key attributes of the electoral system. It changed the number of legislators from 386 to 199, the boundary of electoral districts, the mechanism of determining the majority, the number of scrutinies, and the electoral formula. Although the electoral system remained mixed, the proportion of mandates distributed through the majority system increased which reduced the overall level of proportionality and strengthened Fidesz's position. The mechanism of distributing majority seats also changed – the country is still divided into single member districts but the two-round system was replaced by a first-past-the-post system.

Further, this change in the electoral system (together with the expansion of preferential votes) put Fidesz into a favourable position, due to the proportionately higher support for Fidesz and the fragmentation of the opposition forces. The absence of the second round has to a degree limited the mobilization of the opposition parties (Tóka, 2014). The new regulation regarding



the proportional distribution of votes within the electoral system had a similar effect. The change meant that the regional electoral districts were replaced by one nationwide district, which strengthened the proportionality of votes to mandates, but the change in the mechanism of counting wasted votes (and the absence of compensation) favoured big parties. While the previous electoral system's compensation mechanism counted only votes of the parties which did not win a majority, the new system counted even the 'redundant' votes of parties which did not secure mandates in the one-mandate districts. This means that the proportional component includes even the votes that were not needed to secure a mandate which is problematic in terms of equality, i.e., some votes are given a higher weight than others and this weakens the proportionality of the electoral system (Renwick, 2012).

According to Tóka's (2014) simulation of the election results in 2006 and 2010, the newly ratified electoral system clearly advantaged Fidesz which would gain approximately 8% more seats (following the new election rules). Another change in the electoral legislation of November 2011 (later annulled by the Constitutional Court) that required compulsory voter registration prior to elections has also proved controversial. Given the difference in mobilisation resources between Fidesz and other parties, this change would have strengthened the position of Fidesz. Further, the rules for election campaigns in the media were also changed – commercial channels were excluded from the campaign and thus the campaigns were restricted to publicly-funded media which were largely connected to Fidesz. The process of registration was made more complicated. The number of required signatures increased and the minimum number of required candidates in the majority portion of the electoral system (which was a condition for the submission of an electoral list for the proportional portion) has also increased.

Overall, the legislative changes have significantly advantaged Fidesz over the opposition parties and they were a means of increasing the concentration of Fidesz's political power, while weakening the opposition parties.

A number of changes to the media were introduced. The protection and support of pluralism in the media was replaced in the new constitution by the 'protection of diversity of the press' which can only be interpreted as diversity in content but not opinions. A reform of media regulation was another important change. A Media Authority was introduced whose chair (appointed by the PM) is authorised to issue binding regulations. By law, the chair is at the same time also the chair of the Media Council who has the authority to fine or even ban media (from TV stations through press to digital media). This sort of regulation where the parliamentary majority de facto monopolises all media contravenes the liberal democratic principle of the separation of powers and checks and balances (Kovács and Tóth, 2011). These changes in media legislation have been criticised by various international bodies, including the European Union. Following this wave of critique, the government and subsequently the Parliament made changes to the legislation on regulation of the media, however, this legislation continued to be critiqued by international press freedom organizations (Freedom House, 2013).

Klub Radio, a radio station associated with opposition political parties, was one of the most scrutinised media outlets (through the new legislation and control over the media). The radio applied for a renewal of their license which expired in early 2011. The Media Council declined to renew the radio's license because it did not fulfill the requirements of the Council's tender. The Council also declined to recognise a previous tender won by the radio in 2009. The Council's decision jeopardised the existence of a leading opposition radio station critical of Fidesz. These decisions should further be put into the context of the dominance of the pro-

government media. Nevertheless, the Council decisions were found unconstitutional and Klub Radio won its case.

This section described the institutional changes of some aspects of the Hungarian political system following Fidesz's entry into the Parliament. Overall, the combination of changes strengthened Fidesz's position, i.e. these changes led to a concentration of power and a significant restriction of the principle of checks and balances. The reforms introduced by Fidesz violated the principles of pluralism and reflect the general move of Hungary away from liberal democracy.

### **From populist hope to politics as usual: A study of the Czech party system**

For a long time, the Czech party system was regarded as exceptionally stable within the East Central European context both from the perspective of the number of relevant party actors as well as their electoral support. Slovenia and Hungary were the other two countries with such stable systems. The only exception was the brief presence of the populist extreme right-wing party, the Association for the Republic – the Republican Party of Czechoslovakia (SPR-RSČ) in the Parliament in the 1990s (Mareš, 2005; Hanley, 2012). Otherwise, there were no other relevant populist parties in the Czech Republic until 2010. The elections of 2010 brought a change as the Public Affairs (VV) party won 10.9% of votes. The VV was established in Prague in 2001, as a civic association focused on issues concerning local city politics. In June 2009, the party announced that it would take part in the early elections to the Chamber of Deputies with Radek John (a former popular writer and an investigative journalist) as its leader. John improved the party's credibility and, according to opinion polls conducted shortly before becoming the leader, he was the most trusted Czech politician. The party's election campaign was based on a combination of a strong anti-establishment appeal, calls for more direct

democracy (including within the VV party itself) and anti-corruption slogans. They did not target any particular social group and did not build an ideological profile (Matušková, 2010; Eibl, 2010).

It is important to put the rise in VV's popularity, with its centrist populist appeal, into the broader context of Czech politics, particularly the ongoing political crisis which preceded the 2010 elections. The easiest way of describing this crisis is that it was caused by a loss of trust in political institutions and in particular the established political parties.

Between 2007 and 2012, the satisfaction of citizens with the Czech democracy dropped significantly (from 50% to less than one-third) and their trust in the Chamber of Deputies also decreased (from 17% to just 10%) (Kunštát, 2012). The Czech political crisis developed gradually, over a relatively long period of time – this meant a gradual decline in the satisfaction of the general public with politics and political institutions. The decline began at a time of economic prosperity (Linek, 2010). The populist parties began to emerge during the sharp decline in political trust after the 2006 general elections. It took a long time to form a government and this was followed by governmental instability, and extensive, often well-founded, allegations of corruption (Havlík, 2011).

The coalition government of Mirek Topolánek (Civic Democrat party, ODS) finally took office seven months after the 2006 general elections (the elections ended in a deadlock). The government could only be formed thanks to the support of two MPs from the Czech Social Democrat Party (ČSSD), and it was unclear why they crossed the floor and chose to support the government of their long-term ideological and political rivals (Foltýn and Havlík, 2006). While

in previous years, public satisfaction with politics and the trust in political institutions typically increased after elections (Linek, 2010)<sup>2</sup> in 2006, it dropped significantly and this did not improve following the 2010 elections. According to data provided by the Public Opinion Research Centre, just after the 2006 elections, during the unsuccessful negotiations to form the new government, satisfaction with politics dropped from 17% in May 2006 to 9% in October 2006. Similarly, trust in the Chamber of Deputies dropped more than 50% (from 44 to 21%) (Čadová, 2006).

The weak government and the friction between the coalition parties led to the fall of the government in spring 2009 (Havlík, 2011). This significantly contributed to the crisis of trust in political institutions and in politics in general. The Chamber agreed to form a caretaker government consisting of non-partisans (but nominated by the ČSSD, ODS and SZ<sup>3</sup>) and called early elections (Hloušek and Kopeček, 2012). The Czech Constitutional Court overruled the Chamber's call for early elections as unconstitutional<sup>4</sup>. This led to a de facto extension of the caretaker government's term (to 13 months). The government carried on despite its low legitimacy and no clear support from the Chamber of Deputies (Balík, 2010). The paradoxical situation following the Constitutional Court's verdict was expressed by Petr Fiala as follows: 'the government already decided to leave voluntarily but they were forced to stay' (Fiala, 2010).

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<sup>2</sup> The only exception was the drop in political trust after the 1996 general election (Linek 2010). However, the context and consequences were very different in comparison to the period after the 2006 election. The Czech Republic was experiencing a severe economic crisis and dissatisfaction with politics and the centre-right government which had been in office since the beginning of the 1990s was largely blamed for the crisis. Consequently, the main winner of the 1998 election was not the populist SPR-RSČ (on the contrary, the party lost its seats that year) but the Czech Social Democrat Party which presented itself as a leftist alternative to the previous right-centre governments.

<sup>3</sup>Green Party (SZ).

<sup>4</sup>The process of dissolving the Chamber of Deputies was very lengthy and thus, in 1998, the Chamber of Deputies passed a special act to speed up the dissolution of the Chamber in similar circumstances and enable it to call early elections.

The lack of public support for the Chamber of Deputies (and dissatisfaction with politics in general) was also fueled by allegations of corruption against several members of the government (as well as opposition politicians) which were increasingly reported in the media. The media uncovered a significant number of links between the big business and politics immediately after the 2006 elections. Klíma (2013) described the symbiotic links between political parties and 'well-connected' private businesses, and claimed that the term 'clientelist parties' best describes the operation of the established Czech parties. Paradoxically, it was Mirek Topolánek, a former Prime Minister and leader of the ODS, who introduced the term 'godfather' when referring to people (usually regional businessmen or politicians) considered responsible for corruption, especially in public tenders. The term was widely adopted by the media and the fact that the leader of the country's biggest party used this term in referring to his own party fuelled further allegations of corruption within the major parties. In this context, the rise of the VV party was an expression of the tension between the redemptive and pragmatic faces of democracy (Canovan, 1999). The VV programme placed the pragmatic face away from the public eye and offered them renewed hope in the redemptive face of democracy through greater involvement of citizens in the decision making processes, higher transparency and prevention of high level of corruption.

The rise of the VV party, however, did not lead to redemption but, on the contrary, contributed to even greater disillusionment with politics and opened the doors for other populist parties. Some of the causes of the ongoing and deepening political crisis lie in the VV's (purely) populist programme. Other factors played a role as well. Following the elections, the VV formed a right-of-centre government, together with ODS and TOP 09. Support for the VV party slumped notably following the publication of an internal document which clearly indicated that the party's campaign against corruption primarily aimed at expanding the deputy leader's

private security business. Moreover, the deputy leader allegedly bribed MPs from his own party in return for their support (Kmenta, 2011). Several VV MPs were suspected of collaborating with ODS and TOP 09 (the other governing parties) which led to a split in the party, with some VV members leaving the government. These events played a significant part in the party's eventual downfall.

The VV's populist programme became untenable when they were in government for the following reasons: first, government policies required that they either followed the right-wing course of their coalition partners or took an opposing stand which could lead to a dispute among the coalition partners (which happened quite frequently in practice) and ultimately to a coalition crisis. The part of VV which remained in government and subsequently formed a political party with a right-of-centre ideology departed from the original VV's populist appeal. Although the corruption scandal (where the deputy leader used the VV as a tool for his business interests) is not directly related to the VV's populist profile, it points to the weaknesses and opportunities for exploitation in political parties that are built on weak ideological grounds.

The systemic weaknesses of populism, the turn to politics as usual when in government (including compromises), and the necessity of making ideologically clear decisions further intensify the 'visibility' of the pragmatic face of democracy. This may in turn intensify the public's distrust in politics and open the doors for other populist parties. This was indeed the case in the Czech Republic. In the weeks following the departure of some VV MPs from the government, the average level of satisfaction with politics collapsed to just 5 %, and trust in the Chamber of Deputies fell to 12% (Kunštát, 2012; Kunštát, 2013). The VV party case was not the only cause for disillusionment. A number of corruption scandals were reported in the media, including a police raid on the Office of the Government in the spring 2013 and the Prime

Minister Nečas and several MPs being charged with corruption. The Prime Minister was forced to resign and this brought down the entire government. A lingering government crisis followed and snap elections were subsequently called for the autumn of 2013.

These elections brought the greatest success of populist parties in the history of the Czech Republic – the ANO 2011 party won 18.7% of the votes and Tomio Okamura's Dawn of Direct Democracy won 6.9%. The ANO 2011 party was founded by a Slovak billionaire and the owner of the biggest agro-chemical company in the Czech Republic, Andrej Babiš, who released a manifesto in November 2011 entitled the 'The Act of Frustrated Citizens' where he criticized current Czech politics and politicians and called on citizens to take part in an initiative aimed at 'a more just society, and a well functioning state based on the rule of law' (ANO, 2011). This document became the manifesto of the ANO 2011 party. The election slogan 'We are not like the politicians – we work!' clearly illustrates the contrast between the ANO candidates (Babiš in particular who was hard-working and successful in 'real' life) and the established parties' 'incompetent' politicians. A factor which significantly contributed to the party's success were Babiš's substantial financial resources which he used when running a professional and highly effective campaign prior the 2013 elections (Gregor and Macková, 2014).

The Dawn was founded by a Czech-Japanese businessman Tomio Okamura (owner of a company importing Japanese food and a travel agency). The key focus of the Dawn's discourse was direct democracy as the most important attribute of proposed reforms of the political system. The Czech political system – a representative parliamentary democracy with a proportional voting system – was understood by Okamura as the main cause of the current political crisis. Moreover, anti-Roma and xenophobic rhetoric was also a part of the Dawn's rhetoric. Okamura's popularity (he became the second most trusted politician after President



Zeman, just before the 2013 election) was the cornerstone of the party's success (Kunštát, 2013a).

The deepening political crisis (which VV's failure partly contributed to) and voters looking for new alternatives resulted in the unprecedented success of parties whose ideologies and organization were distant from democratic principles (they won approximately 25% of the vote). The rest of the chapter is focused on ANO 2011 that formed the government in coalition with the Czech Social Democrat party and the Christian Democrats, whereas Dawn remained in opposition and their popular support eventually dropped well below the electoral threshold (5%).

The (potential) threat of ANO 2011 to liberal democracy can be seen both in the organisation of the party and in its approach to liberal democracy. The first threat was in concentration of power since the party (or its leader) have concentrated media, political, and economic power in a manner unprecedented not only for the Czech Republic (perhaps with the exception of Silvio Berlusconi). The leader of ANO, Babiš, who became the Minister of Finance after the 2013 election, owns the largest chemical and agricultural company in the Czech Republic, and he bought the leading publisher of Czech newspapers and one of the most popular Czech radio stations shortly before the elections. In other words, there is a suspicion that ANO 2011 entry into politics was motivated by economic interests and profit, although it has not been proven yet (despite several allegations that new laws were aimed to help Babiš's agro-chemical business – Černý, 2015; Spurný, 2015). There has been only a limited number of content analysis studies of the media conducted since Babiš entered politics. Quantitative studies (by Hrbková and Macková, 2014; and Bradávková, 2014) have not proven any bias favourable to the party (typically in terms of space and positive image) before the 2013 election. However,

Babiš bought the media very shortly before the start of his election campaign. Further research in this area is needed but just the fact that there is a potential of a collusion of economic interests and using media ownership to pursue specific economic and political interests are threats to liberal democracy in the Czech Republic.

ANO's coalition with liberal democratic parties, so far, has not given them an opportunity to employ any anti-democratic measures. Nevertheless their rhetoric presents a threat to Czech liberal democracy by mocking (and implicitly questioning) the day-to-day practice of liberal democracies through institutional constraints and respect for minorities. Babiš presented the idea of politics as a business with a strong leader (the owner of a company) surrounded by loyal supporters and (unlimited) concentrated executive power as an alternative to a liberal democratic parliamentarism. This view of politics the anti-establishment appeal of Babiš's populist rhetoric. It implicitly contravenes pluralism (and the rights of minorities) as one of the most important principles of liberal democracy.

To sum up, the Czech experience shows two potential threats of populism to liberal democracies. First, it is the unfulfilled ambitions of the populists to bear and protect the redemptive face of democracy. The pragmatic side of democracy limits its redemptive face and thus the election promises of populist parties. As a result, populist parties are unable to remedy the weaknesses of representative liberal democracies, and to date their failures have led to the deepening of political crises and the rise of more populist parties. Second, the actual danger to liberal democracy is embodied in the existence of ANO 2011 party. Although the actual strategies used by ANO 2011 party differ from the Polish experience with its populist coalition and Hungary's current experience with Orbán's Fidesz, the essence is the same. It is the

disrespect of separation of powers and the perception of (or actual use of) the collusion of politics and the media.

## **Conclusion**

The connection between populism and democracy is not a straightforward one. On the one hand, populism may have a positive impact on democracy; on the other hand, some of the attributes of its ideology go against liberal democratic principles. This chapter analysed the relationship between populism and democracy and also presented three case studies which examined the experience of Poland, Hungary and the Czech Republic with populism. The case studies illustrate different sides of the possible threat that populism may present to liberal democracies and also the fact that the populist challenge to liberal democracy is closely related to the political contexts defined by institutional settings, history and values in different countries.

The Polish Fourth Republic project aimed to transform the allegedly corrupt politics (and society) used both the institutional reforms (or at least proposed reforms) and limitation of rights and freedoms to realise the populist coalition's vision of the Polish society and state. In Hungary, Fidesz's governance has systematically limited the principle of checks and balances and also some human rights, such as the freedom of expression in the media. Limiting the authority of the Constitutional Court, concentration of power in the hands of the government (or the Parliament), amendments to the electoral law and restrictions on the opposition media all represent significant worsening of Hungarian democracy, in this case not as much driven by ideology compared to the Polish case.

The Czech case was different to some extent, although not unique within the post-communist European context (Bulgaria represents a similar case). The Czech political crisis enabled the

rise of a populist party (in 2010) and that party's joining the government (where the ideal of a democracy clashed with pragmatic 'politics as usual') enabled the even more dramatic rise of other populist parties whose operation and discourse go against liberal democratic principles. The party attained an unprecedented level of influence over the media and political and economic power.

This chapter has shown that populism may present a direct threat to democracy but may also challenge a liberal democratic regime more implicitly. Both sides of this ambivalent phenomenon should be considered when analyzing the complicated relation between populism and democracy, as the Czech, Polish and Hungarian cases have illustrated.

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