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**DEMOCRATIC BACKSLIDING IN CENTRAL AND EASTERN
EUROPEAN REGION OF THE EUROPEAN UNION**

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ABSTRACT

As populist parties gain more popularity in Europe and all over the world, democratic backsliding is a likely threat to all of the countries where populists are in power. This thesis researches democratic backsliding and the causal effects for it in the Central and Eastern part of the European Union. Researching democratic backsliding is relevant for several of reasons first, a decline in democracy could possibly be a threat to the European Union, since its liberal democracy itself is the core value around which European Union is built. Secondly, upon understanding the extent of democratic backsliding and what causes it, changes to improve the situation can be taken. To find out if countries in the Central and Eastern part of the European Union as a whole are in decline, indexes that measure democracy level were researched. For researching the causal effects of democratic backsliding, a narrower approach was used, this included using multiple case study method combined with process tracing method. This research has established that democratic backsliding in the Central and Eastern part of the European Union is a fact. By researching the enabling factors of democratic backsliding, this research was able to conclude that the governing style of autocratic-populist leaders is the main reason what enables democratic backsliding.

INTRODUCTION

After the fall of the Berlin Wall and the Soviet Union, countries in the Central and Eastern European region that regained their independence were highly motivated to turn their course towards democracy. European Union gave these countries economic and administrative help and advice to become democratic nations. Europe closely monitored the progress of these countries and gave hope for accession to the European Union, thus optimism in the region grew and motivation to make painful social and economic reforms also grew. The optimistic mood sadly did not last very long for some countries. Few years after the enlargement of Eastern European nations in 2004, reform fatigue had an effect on some countries, optimism, and motivation started to cool down. Political turbulence and populist movements caused problems right after the accession, food riots happened in Slovakia, nationalist and extremist political movements managed to form coalitions in Poland and in Slovakia and massive violent demonstrations took place in Hungary. These actions brought upon a worry of democratic backsliding in the whole region. (Plattner 2010).

Fast forward to the future, in 2020, Freedom House issued its latest report on democracies around the world, Freedom House revealed that 2020 marked the 14th consecutive year in which democracy has been in decline around the world. Freedom House had never documented a decline in democracy for that long, since 1975, when they started monitoring democracies. In that report, the total number of 64 countries experienced some decline in their rating of civil liberties or political rights. In comparison only 37 countries experienced some sort of improvement in their respective ratings (Repucci 2020).

In this research democratic backsliding is being researched, in literature there are several similar terms for democratic backsliding, some of these are democratic erosion, the reversal of democracy and democratic decline. The literature on democratic backsliding comes on three separate themes, the first is the study of democratic backsliding as a trend amongst democratic countries that involves the reversal of democratization. The second theme is the study of hybrid regimes in the

context of developing into democratic regimes. And the third theme is the study of individual countries that have steered away from democratic processes and values (Sitter *et al.* 2016). Literature that covers democratic backsliding as a trend does not focus on the definition of democratic backsliding, rather it focuses on the question of whether this is in fact a trend and what causes it (Sitter *et al.* 2016). Literature that covers the study of the development into democratic regimes seeks to focus on the aspects that support democratization and the benefits for it (Landman 2007).

It is important to view democratic backsliding as a process and not as a single event otherwise, it could lead to a false conclusion and in research identifying false positives. For example, if an event takes place which might seem like a violation of for example civil liberties, but at the same time it could bring upon changes or a debate in the society which would lead to more democratic reforms, it would be wrong to label this event as democratic backsliding (Lust, Waldner 2015). Heidenberg (2017) identified Latvia as a democratic backslider on the premises of minor fluctuation of Freedom House rating and the fact that governments have changed more often between elections. This research would view this identification as a false positive because changing governments is a part of a democratic process rather than undemocratic (Heidenberg 2017). Kapstein and Converse (2008) view democratic backsliding as a synonym for return to authoritarianism, this research does not view democratic backsliding as such. Democratic backsliding can occur and often does occur under an authoritarian leader, but it is not viewed as a process which will necessarily end with an authoritarian regime.

Levitsky and Way (2015) argue that while Freedom House and different scholars have claimed that democracy as a whole has been in decline in the past 20 years, that this is not an accurate statement. Levitsky and Way (2015) view that democratization wave that happened after the collapse of the Soviet Union and the fall of the Berlin Wall was not due to widespread democratization process, but rather they see this as a crisis of authoritarian regimes, which was falsely seen by many scholars as a process of democratization (Levitski, Way 2015). This research does not agree with this view because democracy is measured by the key components of it and not by the strength of the regime or opposition force.

The purpose of this research is to find out if the Central and Eastern region of the European Union (CEE) is backsliding on democracy. As well, as to establish what factors cause democratic backsliding in a specific country. Researching democratic backsliding in the CEE region is

important because democracy itself is the core value of the European Union. By the Treaty of the European Union all nation-states must uphold democratic values and the liberal democratic approach for governing. A decline in democracy could be a threat to the existence of the European Union and the peaceful integration process of the European Union. Researches with a similar approach have been conducted, but they lack important aspects of what this research has included. Mygind (2018) also researched democratic backsliding and the causes for it with a similar methodology as this research, but applied a very narrow focus by only including three countries to the overall sample, one of which was not a member of the European Union, thus this research was not able to capture the big picture of the region (Mygind 2018). Heidenberg (2017) also used a similar approach as the research of Mygind, with the difference of having a larger sample, but came to a false positive conclusion by identifying Latvia as a democratic backslider based on minor fluctuation of Freedom House rating and the fact that governments had changed more often than there were elections. This motivates to formulate research questions for this research that would allow to gain understanding of the region as a whole, and then narrowing the scope to few specific countries.

This research is built upon two research questions:

Research question 1: Are the democracies in the Central and Eastern part of European Union as a whole in decline?

Research question 2: What are the factors contribute to democratic backsliding in Poland and Hungary?

This research is divided into five parts. In the first part theoretical background is discussed, in the second part research methodology is explained. In the third- and fourth-part research analysis is conducted. In the final and fifth part of the research conclusion of the research and discussion is presented. To answer the research questions a two-step research design is being used which is analyzed in the third- and the fourth part of the research paper.

The first part of the research design is based on quantitative data analysis where the aim is to analyze whether democratic backsliding in the Central and Eastern European region as a whole can be determined. The second part of the study is based on qualitative analysis where the reasons for democratic backsliding is analyzed. The second part of the analysis is derived from the first part of the analysis. Upon identifying the specific countries which are considered as democratic backsliders in the Central and Eastern European (CEE) region, multiple case study method

combined with process tracing method is used to analyze the reasons for democratic backsliding. The chosen research design allows to make a complete study on the reasons for democratic backsliding. The process tracing method is necessary to find out the causal effects for the decline of democracy in a country that is being analyzed. To identify democratic backsliders both the Freedom House, Freedom in the World Survey index and Economist Intelligence Unit Democracy index is being used.

The timeframe of this analysis is set to 2008 – 2019, this timeframe allows to use both Freedom House Freedom rating and Economist Intelligence Unit Democracy index, since the latter was first issued in 2006. It is important to start the timeframe in 2008 because it allows this research to capture the optimistic mood and motivation to implement democratic reforms to become a member of the European Union and NATO. Economic downturn and socio-economic crisis can bring upon sudden political changes because of the electorate's disappointment with incumbents and the current political elite (Walker 2019). Which in turn would allow populist political forces to capture the support of the electorate, who could take on decisions which would possibly (Gasiorowski 1995) (Foster, Frieden 2017). By setting the timeframe to begin from 2008 this research can monitor if economic downturn that affected Europe had any impact of democratic backsliding. The years 1990 – 2007 are neglected in this research because previous research has established that democracy was not in decline during that timeframe, rather democratic values were improved, and the process of democratisation was successfully carried out (Balázs *et al.* 2014). The end of the timeframe is selected upon the most recent data available.

The first part of the analysis investigated whether democratic backsliding could be established as a fact during the sampled period. The analysis was carried out based on the reports of the Freedom House Freedom rating and the Economist Intelligence Unit Democracy index. Analysis has shown that democracy as a whole in the Central and Eastern European Union has been in decline between the period of 2009 – 2019. Countries that were identified as democratic backsliders were Poland, Hungary, and Slovakia.

The second part of the analysis researched the causal problems for democratic backsliding in the countries identified as democratic backsliders. A conclusion was made based on the research gathered on researching Poland and Hungary. The research concluded that the main reason for democratic backsliding was the populist-authoritarian leaders in each country, who systematically altered democratic institutions for self-serving gains.

1. Theoretical framework

1.1 Central and Eastern European countries

This research focuses on Eastern and Central European members of the European Union (CEE). Namely these countries are the Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Croatia, Romania, and Bulgaria. Most of these countries joined the European Union in 2004, with the exception of Bulgaria and Romania which joined in 2008 and Croatia which joined in 2013. The nations that are analyzed in the first part of the research as a whole, to identify whether democratic backsliding has occurred in the CEE region. In the second part of the analysis, countries that were identified as democratic backsliders are studied by using case study method. The selected countries share more or less common history, after the second world war these countries were incorporated into socialist regimes and ultimately gained independence in the late eighties and early nineties. After gaining independence, rapid democratic development occurred in these nations, much promoted by the European Union and western states.

1.2 Democracy and democratic backsliding

Lise E. Herman (2016) brings out that extensive definitions about democracy often lead to confusion, she states that characteristics that are often attributed to ideal democracies like high levels of education, a vibrant civil society, mass political engagement, social equality, etc. they all matter only for the quality of democracy but do not define democracy. Modern-day democracies are representative democracies, representative democracy imply that the electorate is present at the decision-making process through the elected person (Pitkin 2004). By definition, the exercising power and redistribution state funds is pursued by the will of people. Control is ensured by the rule of law, freedom of speech, information freedom, independent judiciary power, and separation of powers is established (Varrak 2001).

The definition of democracy proposes the following institutional guarantees: freedom to join and form organizations, the freedom of expression, right to vote, eligibility for public office, right of

political leaders to compete for support and votes, alternative sources of information, free and fair elections and finally institutions for making government policies depend (Dahl 1971). On the research of democratic backsliding, the term liberal democracy is used rather than democracy. The difference between democracy and liberal democracy is that democracy characterizes a governing system, while liberal democracy generally implies to a system by its values and characteristics, free and fair election, but also by the rule of law, separation of powers, individual rights as freedom of speech, freedom of assembly, religious freedom and freedom of ownership. Thus, when adding the word liberal to the definition, it includes features related to the individual freedoms in the democratic system and can be seen as the set of practices and principles which institutionalize and thus protect freedom (Zakaria 2004). Bollen (1993) defines liberal democracy as the extent to which a political system allows political liberties and democratic rule (Bollen 1993). Media freedom is also one of the fundamental pillars of liberal democracy, the role of the free media in a democratic civic model is first to inform the public and to encourage public debate (Cohen 1997). Free and fair journalism can provide people with accessible, relatively accurate, topical, and diverse information about public and political affairs (Nielsen 2017).

For a nation to be considered a democracy, the nation must protect the rights of individuals and minorities, it must guarantee freedom for individuals and its citizens, thus it must be a liberal democratic system. These individual freedom guarantees are typically incorporated into a written constitution and government bound to follow it (Plattner 2010). In conclusion, modern-day democracy could be understood as a liberal democracy. For this research the quality of the democracy is outlined: firstly, rules and regulations are set for the citizens to check the power, this means that the government is implementing rule of law through elections and other forms of participation. Secondly, citizens can enjoy equality and liberty in different forms and of different degrees. Finally, citizens can show their satisfaction with government actions and policies, and in return, government should be able to respond to citizens (Morlino, Quaranta 2016). Democratic backsliding, in this case, could be interpreted as the deliberate changes that negatively affect the values of liberal democracy.

One of the difficulties for interpretation of democratic backsliding is that it is difficult to capture the exact moment when the destabilization and pressure accumulates, and democracy falls into a demise. Democratic Backsliding does not happen suddenly as coup d'états, other forceful actions, rather it happens through gradual steps, on a longer period of time and under legal façade (Eisen *et al.* 2019; Lust-Waldner 2015). As a process it could be understood as deterioration of

competitive electoral procedures, civil and political liberties, and finally the decrease of political accountability (Lust, Waldner 2015). Democratic backsliding can be defined differently, but common elements include of: reversal of democratization and the weakening of democratic institutions, the decline of good governance, transparency of political decisions and rule of law, poor public governance, the reversal of political reforms, the decline in human rights, persecution and bad treatment of minorities, rising populism, deepening nationalism, increasing corruption, consolidation of political power and for the members of the European Union compliance with EU norms and rules (Sitter *et al.* 2016). An additional important element of democratic backsliding is the loosening constraints on political accountability, public officials may be less likely to justify or publicize their actions, and opposition or democratic institutions will not be able to impose sanctions (Lust, Waldner 2015). Backsliding can also have different endpoints and could happen at different speeds. If the process of democratic backsliding happens very rapidly and brings about radical changes in different democratic institutions, this leads to an authoritarian regime. While, if the process of democratic backsliding happens during a long period of time the likelihood of an all-out regime change is small, this leads to a hybrid regime (Bermeo 2016).

Greskovits (1998) has also pointed out that previous socialist republics in the EEC region to some extent ought to backslide on democracy. This is because the victims of liberal reforms would convene and bring about populist authoritarian leaders, as in some former Soviet and Yugoslav successor states that have happened. Governments that are backsliding on democracy tend to protect the interests and political promises of their major supporters, one way to do that is to allocate and redistribute resources in a way that would benefit the supporting segment of the government (Tilly 2003). Authoritarian regimes or hybrid regimes must have control over the nation's most important economic resources, because in a complete free democracy, capitalism disperses economic resources that would undermine the authoritarian government. Capitalism also generates competition on the descending and ascending political groups which again undermines authoritarian governments (Bunce 2001). For this research, democratic backsliding is to be understood as a process of deliberate changes that negatively affect competitive elections, civil liberties, and political accountability (Lust, Waldner 2015).

This thesis will use theory families by Lust and Waldner (2015), these theory families conceptualize democratic backsliding. Lust and Waldner (2015) use these theory families to identify factors which contribute to the decline of a democracy, in other words factors which contribute to the backsliding of a democracy. These six theories are: Political Leadership, Political Culture, Political Institutions, Political Economy, Social Structure and Political Coalitions and International Factors. Lust and Waldner (2015) stress that the concept of democratic backsliding is a complex phenomenon, and readers should use these political theories as switches, meaning that when one theory family is switched to the opposite position, then there will be a change in an outcome. Although Lust and Waldner (2015) bring out six theory families, in this research 3 of those theories are used, due the scope of this research and due to the data available. These theories are: Political Culture, Political Institutions and International Organizations. Each theory has multiple factors that contribute to democratic backsliding, to limit the scope of this research only one factor per a theory family is used. These factors are: Populist for Political Culture, Checks and Balances for Political Institutions and European Union for International Organizations.

1. Political culture

Within the theoretical approach of political culture, the factor of populism has been chosen. Political culture explains political outcomes for a nation, political culture can provide outcomes either directly by choosing forms of political practice from previous preference, or indirectly by shaping behaviour by cooperating with other political actors.

Populism as a term is widely used nowadays and it covers a wide array of leaders and movements in the world politics. There is not a commonly agreed definition for populism, and it is currently subject to controversy amongst analysts, scholars, and historians. Some scholars and historians insist on defining populist movements based on their social and economic base of support, others emphasise the ideology of the movement and its discursive strategy (Plattner 2010).

There is a common agreement that the concept has originated from the nineteenth century from the United States. The People's Party, which originated from the U.S agrarian movement called

the Farmers Alliance has been labeled as the first populist party. The People's Party's main thesis was to take control from the establishment back to the common people, as the establishment was supposedly alienated from the true problems that troubled farmers at that time (Plattner 2010). The core concept of populism is the people, as an ideology, populism considers people divided into two groups that are homogeneous and antagonistic, the pure people versus the corrupt elite. As an ideology, populism argues that politics should be the means to express the general will of the people. Ideological populism can be easily combined with other ideologies like communism, socialism, nationalism, ecologism, etc. (Mudde 2004). The Encyclopedia of Democracy has also a very similar definition: populism is "A political movement that emphasizes the interests, cultural traits, and spontaneous feelings of the common people, as opposed to those of a privileged elite. For legitimation, populist movements often appeal to the majority will directly—through mass gatherings, referendums, or other forms of popular democracy—without much concern for checks and balances or the rights of minorities." (Torcuato S. Di Tella 1995).

Overall notion is that populism has a negative effect on democracy and enables democratic backsliding, populism creates a polarized society that is more likely to backslide on democracy. Especially vulnerable are countries with a deep political divide and countries with sociopolitical differences (Brusis 2019). Many previous researchers have concluded that populist politicians fuel democratic backsliding and that the dividing of people into elites and "the true people" fail to represent the interest of the people (Norris 2017) (Norris, Ingelhart 2019) (Pierson 2017). Considered as an enabler for democratic backsliding, populism and populist methods are used to knowingly or not-knowingly create a divide amongst people, this is due to the fact that populists usually see themselves as true democrats and voice that they possess the support of the electorate.

Populism in our modern-day could be also seen as an appeal to the people by some political group, against the establishment and dominant ideas or values of the society (Canovan 1999). Populist leaders establish their support amongst the electorate by referencing the fantasies, insecurities, phobias and internal conflicts within the electorate and especially in times of crisis. Ultimately the divided and unsecure electorate will seek a reference point which the populist party is giving. In a nutshell populist leader will address the uncertainty and insecurity of an individual a build its support and power around it, they themselves do it often for the name of democracy (Mavrozacharakis 2018). In a democratic system this would mean to attack established parties, officials, institutions, or decisions made by the latter. Populists often support and voice for direct democracy, popular grievances, and other opinions that are systematically looked over by

established political parties (Canovan 1999). Similarly, to the totalitarian party models of Nazi party and Communist party, populist parties are strictly against elites, but the difference is that they do not challenge democracy per se. Rather, they attempt to transform society into a homogeneous mass which is politically active, in other words it is a shadow of a democratic representation (Canovan 1999). Populist parties in Europe particularly have been successful in using the social cleavage of “winners” and “losers” of globalisation. Populists appeal to the “losers” who are culturally conservative and who feel anxious about the consequences of globalisation. They use topics of social Darwinism in complex issues where mainstream parties fail to take a clear position, they try to own these topics, like immigration and integration (van Kessel 2016). Mudde (2004) writes that as populists connect their world view with political ideas and decision making, and for the electorate an impression is left that when you do not support these ideas, then you are not supporting the party and thus democracy and the will of people. Although, while populists might at first leave an impression of supporting democratic processes, they are not necessarily in favor of strengthening these processes. They support democratic mechanisms like referendums as an instrument to overcome the elite, not for democracy per se (Mudde 2004). Also, by monopolizing questions like immigration and integration combined with the negative approach against migrants, populism will morph into ethnonationalism.

Populists see themselves as true democrats, they attempt to cash in on the democracies promise to give power to the people (Diamond 2020). Populist movements often have charismatic leaders who promise to speak about political issues without political correctness and claims to speak about political issues like “they really are”. Populist leaders often praise themselves for the continuous fight against corruption, the deep state, partisanship, gridlock, bureaucracy, etc. Using this rhetoric, the populist parties can seduce the electorate to think that these approaches and ideas are ultimately bound to prevail, and with the impatience of the electorate in the mainstream parties, populist parties can achieve to be propelled into power (Scheppele 2017). Mudde (2004) argues that while populists and its electorate support democracy, they do not wish to be engaged with political decision making, rather they would like to see a central figure – a leader, in that position. Populists and its electorate only wish to be involved in value-based decisions. Thus, populists are more concerned with the output of politics rather than input (Mudde 2004). Populist leaders see themselves as the representatives of the will of the people, only what the party or the leader of the populist party expresses is the will of the people and only the people who tautologically follow the party and the leader are considered as the true people. Populists attempt to legitimize their actions with the argument that they speak for the people, and what they speak is the will of the people.

For some populist politicians that have a business background, it is also popular to leave a false impression for the public that a state is being run by corrupt and unqualified politicians, and that a state should be governed like a business and the people like the owners of the business (Bušíková, Guasti 2019). This was very visible in the United States presidential campaign in 2016 with Donald Trump (the deal maker) and in the 2013 Czech Parliament elections with Andrej Babiš. It can be argued that populists use democratic mechanisms for their own good as a means to enforce their own agenda, but on the other hand distance themselves from accountability by arguing that they are the voice of democracy when necessary. Populist rhetoric has brought upon a new paradigm which is a serious threat to liberal democracy, this new paradigm is the post-factum era of politics. The term post-factum signifies the new era where populist politicians no longer focus and rely on facts and data but on promises, lies, half-truths and conspiracy theories. Of course, there has never been a period where politicians have been completely honest and authentic, but these lies and the dirty business never before came to surface, and if it did, usually politicians were made responsible for their actions. Post-factum era of politics has created a situation where populist politicians don't even bother to hide lies or false claims or support their claims with facts, rather they will counter by attacking people who revealed their lies by calling themselves liars and stating that these people are not trustworthy and undemocratic. (Mavrozacharakis 2018).

Populism as a governing style has three distinctive features. First, the rhetoric of populism emphasizes that political authority is legitimate based on popular sovereignty and majority rule. Secondly, populism challenges the elite and the legitimacy of the establishment. Thirdly, populist parties are often led by leaders who claim to speak for the people, claim to serve the common people, and claim that their authority is based on popular sovereignty. The governing style of many populist leaders is also coupled with authoritarian values. Such authoritarian populists usually undercut the restrictions on executive power, attack liberal freedoms, stress the importance of nation-state and strict conformity of traditional lifestyle and sexual orientation. (Norris 2017). As mainstream parties cannot be explicit about their democratic commitment, an alternative discursive approach can be beneficial for achieving popular gains and support. Populists use this method very successfully; their democratic messages are ambivalent. From one point they argue that they act in the name of the people, yet on the other hand they deny the legitimacy of alternative claims of citizen representation. It can be argued that populists are more prone to enable democratic backsliding because they see themselves as true democrats, thus different and opposing

opinion could be labelled as not democratic or not the true will of the people. Populists might also enable democratic backsliding by overriding minority rights with the majority will and labeling it with the will of the people. They will likely distance themselves from accountability during problematic times and praise themselves with glory during successful times.

One of the reasons why populist movements appear to be growing in the CEE region and also in the old member states is that the EU-accession process has contributed to emptying party competition and politics of their national substance. Several new states and political movements in those states believe that the nation-states remain as the prime framework for democratic politics, but the influence of the nation-states to EU policies is too limited. The Czech government has announced that its priority for the EU presidency is to shift the powers from the EU to the member states, the Polish government shares the same view. Their view is that important international and security matters are for the United States and NATO, democratic politics is the business of a sovereign national state, and for the economic and trade matters European Union is the realm. These populist movements see the European Union as a merely economic supplement for NATO (Rupnik 2007). In the CEE region populist leaders acknowledge the economic benefits of the European Union, but they do wish to comply with the shared responsibilities of the European Union and value standards that are not suitable for the populist ideology. Considering populists rhetoric, it is very valuable to voice the importance of nation state and declare the importance of democracy, at the same time blaming Brussels for all the bad. They will position themselves as being the only force that will stand for the nation-state and stand against everything bad that comes from the corrupt Brussels elite

2. Political institutions

Within the theoretical approach of political institutions, the factor of checks and balances has been chosen. Political institutions are a major type of constraint on an individual and his actions. Lust and Waldner (2015) describe the theory family of political institutions as “rules of the game”, they are organizations, authorities and procedures which are meant to ensure proper behavior by the governing and the governed, and also sanction non-conforming behavior.

Bugaric (2019) argues that constitutional safeguards often do not protect against democratic backsliding as much as one could think. Constitutional courts usually by themselves are not able to deter attacks on the rule of law, by determined autocrats or if the constitutional court has been neutralized by politicians. For a determined populist-autocrat, they act more like a speedbump at best. He also argues that policymaking also includes informal norms like self-restraint and fair play, but populists see themselves as carrying out the will of the people, they do not hesitate to take on reforms that will harm the rule of law and thus enable democratic backsliding. Kyle and Mounk (2018) argue that there is a strong link between populism and democratic backsliding, about 50 percent of the populist movements that have gained power have changed or amended constitution during the time they are in office. Many of these amendments and changes have weakened checks and balances of executive power or have rewritten rules or terms for the executive power.

Despite the limited political power that populists have and formal limitations to rule of law, populists, when gaining power, pose a significant threat to constitutional rule of law by resisting formal limitations and justifying their actions by representing the true will on people, thus acting as an enabler for democratic backsliding (Walker 2019). Populists are interested to carry out reforms and political promises that were promised to the electorate, but also to cement their political power. Within the overall phenomenon of democratic decline, there is a set of examples (Russia, Turkey, Hungary, Poland, Venezuela) where democratically elected populist parties and their charismatic leaders use their mandate to act as an enabling force of democratic backsliding and to dismantle by law the constitution they inherited, mainly for the reason to consolidate political power (Scheppelle 2017). The threats to the rule of law are often underestimated in the beginning and are politically complicated for the electorate to fully understand. These reforms are often carried out by using demagogic language like reform will of the people against the corrupt elite, etc. Critics of these reforms could be labelled also as corrupt elite and enemies. (Baer 2019). Since it is masked under demagogic language and threats are often underestimated it is difficult to understand when democratic backsliding starts, as these reforms could lead to a decline in democracy. The first sign of decline in a democracy and a sing to a more autocratic style would be the loosening of the restraints on the executive power through legal reforms. The cure for these laws would be to nullify them as unconstitutional, which is one of the reasons why populists could begin their reform by disabling constitutional courts (Scheppelle 2017).

Following the reforms to gain political power or to loosen the restraints on executive power, populists will use this power to win elections and weaken the opposition forces, by consolidating resources, weakening opposition parties and NGO's, establishing control and censorship over the state media to limit public debate and negative broadcast, but also to rewrite elections rules to favor the governing populist party. By controlling the state media and its resources populist movements manipulate with the public and thus reap further electoral gains, without the need to make painful economic and social reforms (Pappas 2014). Loosening restraints on the executive power and taking control over state resources is usually the first visible sign of democratic backsliding. These reforms could be justified as carrying out the will of the people, eliminating corruption, and other demagoguery excuses regardless of the content or value commitments of these reforms (Scheppelle 2017).

It can be argued that if populists are interested in staying in power no matter what, they will take on actions that would not be in accordance with democratic norms. Populists have a tendency to take on constitutional reforms which could possibly loosen the restraints on executive power or benefit the governing populist party in some other way. Constitutional courts by themselves are not powerful enough to deter determined autocrats who wish to override or neutralize constitutional court. Populists will use demagoguery to label opposition forces and opposing ideas as enemies and corrupt people. They will also use state resources like media and probably state funding to silence or pressure opposition forces. Loosening restraints on executive power will give populists unchecked power which will allow populist forces to make decisions without any resistance from the democratic institutions.

3. International factors

Lust and Waldner (2015) treat theoretical approach of international influence as working through all of the six theory families (in the case of this research, through all three previous theory families). The main instrument for change is the international system or actor, not the domestic actor. And the international actor uses efforts to persuade the local political leaders to change their

behavior, these efforts are done through diplomatic, economic, institutional or cultural means. The factor of European Union has been chosen for International factors.

In 2004, the European Union took on ten new members, most of them past socialist republics from Eastern and Central Europe. The enlargement was unprecedented in many ways. It was the biggest enlargement in European Union ever, ten new members (Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, Slovenia, Malta, Cyprus). Previous enlargements never exceeded admitted more than three new members at a time. The second unprecedented part of the enlargement was that most of the newly admitted states were very young democracies. (Sitter *et al.* 2016).

The new countries that joined the European Union had to comply with the Copenhagen Criteria. The conditions in the criteria were set out to minimize the risk of new countries becoming economically burdensome to the Union and to minimize the risk of new countries being politically unstable. All countries had to meet the rules of the criteria and only minimal and temporary exceptions were allowed. These rules were not only meant to minimize the risk for the European Union, but also to layout a guide or a path of democratization (Grabbe 2002). The criteria set out straightforward democratic values of what must be respected from a new member state: stability of institutions guaranteeing democracy, respect for human rights, rule of law and protection of minorities. As well as functioning market economy, the capacity to effectively implement rules and standards set out by the EU law, and adherence to aims of the political, economic, and monetary union (European Law Access 1993).

Additionally, all new members had to ratify the treaty of the European Union on national level. There is no formal mechanism for the European Union to expel a Member State from the Union, Article 7 and Article 2 set out a procedure by which a member state may be censured or suspended from the Union if it fails to uphold values described in Article 2 of the Treaty of the European Union. Article 7 states that country can be called to explain the raised issues when either European Parliament, the Commission or one-third of the countries have proposed to head a country on the supposed breach of democratic values described in article 2. Sanctions can only be issued when the European Council unanimously decides that there has been a serious and persistent breach by the accused country (Fletcher 2017). Article 2 explicitly states that the union is founded on the respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including protection of minorities. Failure of a member state to respect these values may

lead to the suspension of the Member State's right derived from the membership of the European Union (EUR-Lex 2019).

The financial crisis of 2009 brought about disruptive effects that caused discontent and lack of trust amongst the electorate towards the governing parties and because of the austerity measures towards the IMF and the European Union as well. This lack of trust on the other hand gave populists the opportunity to pursue Eurosceptic ideas in order to gain support in the electorate (Mudde 2016) (Bugarič 2019) (Greskovits 2015). A similar effect happened during the migrant crisis which started in Europe in 2015. While member states in the European southern border were overwhelmed by the number of incoming refugees, the European Union started to launch measures to relocate refugees amongst member states by mandatory quota system (ERR 2015). Populist movements, mostly right-wing populists, which were vehemently against relocating refugees and quota systems managed to gain support and achieved electoral success in their respective national elections but also in European Parliament elections (Caiani, Graziano 2019). Populist anti-immigrant parties described the migrant crisis as a war or as an invasion of young African men attacking Europe, immigrants were posed as a threat to the freedom and culture of a member state (Lipiński, Stępińska 2018). Refugee migration did not only help anti-immigrant populist parties to increase the share of votes but was the main factor for the emergence of such parties during that current period, especially in the rural regions (Dustmann *et al.* 2018) (Dinas *et al.* 2019). Refugee crisis combined with the negative perception of the socio-economic situation and with the mainstream parties offered fertile ground for populist anti-immigrant parties to emerge and receive large electoral success (Lipiński, Stępińska 2018).

Each national state must comply with the rules and regulations of the European Union, but if a member state does not comply, it is rather difficult to expel or punish it, because it will need a unanimous decision by all member states. Thus, the European Union does not have an effective mechanism to offer some resistance against democratic backsliding. While the national states have vowed to uphold the values described in Article 2 of the Treaty of European Union, not complying with it effectively does not bring about sanctions or punishment. Populists forces have effectively used the economic crisis and migrant crisis against the European Union to promote Eurosceptic ideas and gather electoral support on the national level. As the European Union is seen as a supranational force, populists on the national level are quick to play the victim card and accuse Brussels of unfair decisions that are burdensome for the member state.

Sedelmeier and Schimmelfennig (2006) argue that backsliding after accession is somewhat expectable within the members states which joined the European Union in 2004. This is due to the fact that EU had important leverage over the candidate countries, these countries had to apply with the Copenhagen Criteria for joining the EU, after the accession this effective leverage is lost. Sedelmeier and Schimmelfennig (2006) also argue that these countries were successful in adopting the EU rules and regulation, but they were less successful in actually implementing them. They also argue that while international organizations have means available for intervention, this might not be effective. Since intervention for an external actor could bring about a nationalist reaction, local people and governing elites could see this intervention as “foreign meddling”.

2. Research design

This research will focus to answer two research questions, the first research question is: Are the democracies in the Central and Eastern part of the European Union as a whole in decline? And the second research question is: What are the factors contribute to democratic backsliding in Poland and Hungary? The empirical study will focus to establish factually whether democracy in the CEE region as a whole is in decline, thus whether the CEE region as a whole is democratically backsliding. The second part of the research will focus on the reasons for democratic backsliding and the factors that enable democratic backsliding.

To answer these research questions, a two-step research design was adopted. The first part of the research is using a quantitative method to determine whether there is democratic backsliding in the CEE region and to what extent this has happened. Freedom House rating is used as the base data for this research. The second part of the research uses a qualitative method to determine the reasons for democratic backsliding. The first part of the research establishes whether there has been an overall decline in the CEE region or not. The first part will also identify possible countries that saw a decline in their rating. These countries are used to conduct the second part of the research. In the second part of the research a multiple case study is conducted to find out the reasons for the decline in democracy. Multiple case study method is used combined with process-tracing method to analyze the reasons for democratic backsliding. The chosen research design allows to make a complete study on the reasons for democratic backsliding.

2.1 Identifying democratic backsliders

This part of the empirical study answers the first research question of: Are the democracies in the Central and Eastern part of European Union as a whole in decline? The goal of this part of the research is to establish whether democratic backsliding in the CEE region can be factually proven. Research identifies democratic backsliding in three ways. First, which countries have experienced democratic backsliding, secondly how severe democratic backsliding in those nations is. And finally, to answer the first research question, whether the CEE region as a whole has experienced democratic backsliding.

To identify democratic backsliders, data from Freedom House's Rating and EIU Democracy index is used. Results of the Freedom House Rating and the EIU Democracy index throughout the sampled period identify counties which have experienced democratic backsliding and what is the extent of it. Countries which have had a decline in the Freedom Rating and EIU Democracy index in the sampled timeframe will be considered as democratic backsliders. If the CEE region as a whole has experienced a decline in democracy in the sampled period, the region will be considered as a democratic backslider and the first research question can be answered.

The explanation for democratic backsliding, which was chosen, focuses on civil liberties, political accountability, and competitive elections. Both indexes cover all the features of the explanation. Civil liberties are covered by Freedom House as a set of five sub-categories, political accountability is cover by the category of the functioning of the government. Competitive elections are covered with the category of the electoral process and the category of political pluralism and participation. EIU Democracy index covers the civil liberties part of the election with the combined category of civil liberties. It covers political accountability with the category of the functioning of the government and with the category of political culture. Competitive elections are covered with the category of electoral process and pluralism and with the category of political participation.

Freedom House rating and the EIU Democracy index are used because of the relative similarity in their methodological approach. The fundamental similarity is that both indexes measure democracy based on political rights and civil liberties. For evaluation, both use a scoring system

and an input form a questionnaire (Freedom House) or third-party public opinion surveys (EIU Democracy index). The methodological approach to evaluate political rights is almost identical between Freedom House and EIU, the approach evaluating civil liberties although differ in the way that Freedom House uses a more detailed approach to evaluate civil liberties than EIU. The main difference is that Freedom House uses four categories to evaluate civil liberties while EIU uses one combined category (Freedom House 2020) (The Economist 2020).

Levitsky and Way (2015) have argued that indexes that measure democratic decline, can differ in the results that they receive even if the approach and methodology is similar. Giannone (2010) has also argued Freedom House rating is relatively biased towards neoconservative government, he has also criticized the analyzing process, he argues that Freedom House uses is somewhat vague method of analysis which leaves a lot of room for the authors own judgment that. To counter the risk of receiving false-positive results for democratic backsliding, both the Freedom House rating and the EIU Democracy index are used. By using both, only a country which is recognized by both will be considered as a democratic backslider.

Other indexes were also considered. The Polity IV index was rejected because the data for the selected timeframe has not been made accessible. Bertelsmann Transformation Index was rejected firstly because the measurement takes place every other year, instead of every year, this cannot be implemented into this research because it will fail to see results for a total of 10 years. The second reason is that the Bertelsmann Transformation Index includes too much subjectivity, assessment for a single country is conducted by the same persons for each published report. (BTI Transformation Index 2020)

2.2 Freedom House

The Freedom House Freedom in the World Rating (Freedom House rating), is used worldwide and has become a pattern setter for democracy, World Bank uses the index for its ratings and United Nations uses it for different development programs and networks (Giannone 2010) (Greskovits 2015). Freedom House rating is used to view the CEE countries' democratic progress since 2008. The results will help to identify democratic backsliders, identify the extent of democratic backsliding, and help to answer the first research question by establishing whether democratic backsliding is a fact in the CEE region. Research results are discussed and presented in figures and

in graphs. The study was first published in 1972 and has been issued every year since. Freedom House uses a two-tiered process to give countries and regions both a score and a status. Scores and statuses are given based upon a list of questions in the scoring process. Freedom House measures democracy based on political rights and civil liberties. A country is awarded from 0 to 4 points for each of the 10 political rights indicators and 15 points for each of the 15 civil liberties indicators. Political rights scoring is grouped into different categories, there are a total of three categories in the political rights group, they are: electoral process, political pluralism and participation, and functioning of government. Compared to the EIU Democracy index, Freedom House does not measure political culture. Civil liberties scoring is grouped into a total of five categories, they are: religious freedom and freedom of expression, associational and organizational rights, rule of law and personal autonomy. Countries receive a rating based on the points that they received from the questions. Ratings are given from 1 to 7, 1 marking the highest rating of a free country, while 7 is the lowest rating describing a country that is not free. Ratings from 1-2 describe a Free country, from 3-5 describe a Partly Free country and rating 6-7 describes a Not Free country. Freedom House maintains previous year scores and a score is changed typically when there has been a significant decline or improvement. (Freedom House 2020).

2.3 Economist Intelligence Unit

The Economist Intelligence Unit's Democracy index is relatively new, it was first published in 2006 as a one-time project, and was again published in 2008, starting from 2010, the report of the index has been issued regularly. EIU index, similarly to Freedom House, also measures democracy based on political rights and civil liberties. The political rights group has five categories on which it is based on electoral process and pluralism; the functioning of government; political participation; and political culture. The civil liberties group is used as one big group and has not been divided into sub-categories. The economist stresses that these categories are interrelated and connected to each other. Each of the five categories is rated by on a scale of 0 to 10, with 0 being the lowest score and 10 being the high score. Contrary to the Freedom House rating where a lower number indicates a higher score and a higher number indicates a lower score. EIU index places countries into four groups according to the regime. The first group is countries with a score higher than 8, these countries are considered Full democracies. Countries with a score greater than 6 and less than 8 are considered Flawed democracies. Countries with a score greater than 4 and less than 6 are considered Hybrid regimes. Countries with a score less than 4 are considered Authoritarian

regimes. What differs the Freedom House rating and the Economist index is the fact that the Economist index uses public-opinion surveys while Freedom House uses its own questioners, EIU mainly uses the World Values Survey in addition to expert's assessment. In addition to the World Values Survey, other sources could be used, for example Eurobarometer survey, Gallup Polls, different national surveys, and different barometers for other continents. The input of the surveys is mostly used in political participation and political culture category but also in civil liberties and the functioning of government categories (The Economist 2019). From the selected timeframe that this thesis uses, the EIU index for 2009 is missing because it was not published that year due to unknown reasons.

2.3 Case study

The first part of the research analyses what factors have enabled democratic backsliding in the selected countries. Countries which have had a decline in both Freedom House rating and EIU index in the first part of the research will be considered as democratic backsliders and are used to conduct a qualitative research for the purpose to answer the second research question. The qualitative research is conducted by studying multiple case studies combined a with process tracing method. The chosen research design will allow to make a complete study of the reasons for democratic backsliding. Process-tracing method is used to find out the causal effects of democratic backsliding in a country that is being analysed. Process-tracing method is being used combined with Lust and Walnder (2015) democratic backsliding family theories. Three theories are chosen: political culture, political institutions and international organisations. Each theory family has a factor which is going to be used combined with process-tracking method, these factors are: populist for political culture, checks and balances for political institutions and finally European Union for international organisations.

3. Data analysis

This chapter presents the results of the analysis of democratic backsliding in the CEE region. Out of the 11 countries analyzed, democratic backsliding was identified within three countries: Hungary, Poland, and Slovakia. The extent and severity of backsliding vary across the three

countries, nevertheless, in all three countries democratic backsliding was established as a fact. The CEE region as a whole was identified as having a decline by both the Freedom House rating and EIU index, thus it was established that democratic backsliding in the CEE region is a fact.

3.1 Freedom House Democracy Index overall rating

Analysis was based on the Freedom House rating, countries that were subject of analysis were 11 countries from the CEE region. To analyze the results, countries are divided into three groups. The results of this chapter are presented in Table 1. below.

The first group consists of 7 countries, these countries saw no change in the rating between 2008 – 2019. These countries are: The Czech Republic, Estonia, Lithuania, Romania, Slovenia, Latvia, and Bulgaria. It is important to note that Latvia had its rating reduced by 0,5 points in 2016 the rating at that time was 1,5 and was reduced to 2. The rating for Latvia was increased in 2019 also by 0,5 points, which is the same rating as it was in 2008, for that reason in this research we conclude that Latvian rating from 2008 – 2019 has not changed. Out of these seven countries, four: the Czech Republic, Estonia, Lithuania, and Slovenia received the highest rating of 1, this rating was unchanged from 2008 onwards to 2019. Romania and Bulgaria received the rating of 2, similarly, the rating between 2008 – 2019 was unchanged. It is important to emphasize that this was the overall rating which was calculated from the two separate ratings of political freedom and civil liberties that Freedom House rates. These two ratings will be separately discussed in the relevant chapters below.

The second group consists of countries of which the Freedom House Rating was improved over the period of 2008 – 2019. Out of the 11 countries only the rating of one country was improved – Croatia. The rating for Croatia was 2 in 2008 and was improved to 1.5 in 2009 and it has stayed that way until 2019. Croatia joined the European Union in 2013, probably the change in the rating has to do with complying with democratic standards of the European Union before officially joining the union.

The third group consists of countries of which the Freedom Rating was reduced (higher number meaning reduced). Out of 11 countries reviewed, three countries saw their overall rating lowered. Those countries were Hungary, Poland, and Slovakia. It should be noted that all of those three

countries in 2008 had the rating of 1 – which is the highest rating. Hungary received in 2019 an overall Freedom rating of 3, by that rating, Hungary became the only country in the European Union to be classified as partly free. Hungary’s rating was reduced for the first time in 2011 and again in 2014, 2016 and 2018, every time the rating was reduced by 0,5 points.

Table 1. Freedom House rating 2008 - 2019

Freedom House Democratic Index	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Change 2008 - 2019
Hungary	1	1	1	1,5	1,5	1,5	2	2	2,5	2,5	3	3	2
Poland	1	1	1	1	1	1	1	1	1,5	1,5	2	2	1
Slovakia	1	1	1	1	1	1	1	1	1	1	1,5	1,5	0,5
Croatia	2	1,5	1,5	1,5	1,5	1,5	1,5	1,5	1,5	1,5	1,5	1,5	-0,5
Czech Republic	1	1	1	1	1	1	1	1	1	1	1	1	0
Estonia	1	1	1	1	1	1	1	1	1	1	1	1	0
Lithuania	1	1	1	1	1	1	1	1	1	1	1	1	0
Romania	2	2	2	2	2	2	2	2	2	2	2	2	0
Slovenia	1	1	1	1	1	1	1	1	1	1	1	1	0
Latvia	1,5	1,5	2	2	2	2	2	2	1,5	2	2	1,5	0
Bulgaria	2	2	2	2	2	2	2	2	2	2	2	2	0

Source: Freedom House

3.2 Results of Economist Democracy Index

Analizis was based on the EIU Democracy index, countries that were subject for analysis were 11 countries from the CEE region. To analyse the results, countries are divided into two groups. The results of this chapter are presented in Figure 2. and in Table 2. below.

The first group consists of 7 countries, these countries saw a decline in the index result between 2008 – 2019, these countries were Hungary, Poland, Romania, Czech Republic, Croatia, Slovenia, and Slovakia. Out of these 7 countries only one country, the Czech Republic was classified to a new group according to its rating. The Czech Republic was considered as a Full democracy from 2008 – 2013, and from 2014 onward it is considered as Flawed democracy.

The second group consists of 4 countries which saw their index increased between 2008 – 2019, these countries were Bulgaria, Lithuania, Estonia, and Latvia. The increase in the rating of these four countries did not change the group that they were classified as at the beginning of the period and at the end of the period. Although, it is worth noticing that Estonia, as the best performer from the sampled countries, in 2018 and 2019 was close to being classified as a full democracy.

Table 2. EIU Democracy index 2008 - 2019

EIU Democracy Index	2008	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Change 2008 - 2019
Hungary	7.44	7.21	7.04	6.96	6.96	6.90	6.84	6.72	6.64	6.63	6.63	-0.81
Poland	7.30	7.05	7.21	7.12	7.12	7.47	7.09	6.83	6.67	6.67	6.62	-0.68
Romania	7.06	6.60	6.54	6.54	6.54	6.68	6.68	6.62	6.44	6.38	6.49	-0.57
Czech Republic	8.19	8.19	8.19	8.19	8.06	7.94	7.94	7.82	7.62	7.69	7.69	-0.50
Croatia	7.04	6.81	6.73	6.93	6.93	6.93	6.93	6.75	6.63	6.57	6.57	-0.47
Slovenia	7.96	7.69	7.76	7.88	7.88	7.57	7.57	7.51	7.50	7.50	7.50	-0.46
Slovakia	7.33	7.35	7.35	7.35	7.35	7.35	7.29	7.29	7.16	7.10	7.17	-0.16
Bulgaria	7.02	6.84	6.78	6.72	6.83	6.73	7.14	7.01	7.03	7.03	7.03	0.01
Lithuania	7.36	7.24	7.24	7.24	7.54	7.54	7.54	7.47	7.41	7.50	7.50	0.14
Estonia	7.68	7.68	7.61	7.61	7.61	7.74	7.85	7.85	7.79	7.97	7.90	0.22
Latvia	7.23	7.05	7.05	7.05	7.05	7.48	7.37	7.31	7.25	7.38	7.49	0.26

Source: Economist Intelligence Unit

3.3 Combined democracy rating in the CEE region

To conclude this part of the research and to answer the first research question, a combined figure of all the countries in the sample is needed to analyze. At the beginning of the timeframe, the overall democratic rating was relatively good. In the case of EIU index the combined rating was 7,42 which identifies a Flawed democracy by EIU standards. At the end of the timeframe the rating had reduced to 7.14, the decline was -0,28 points, and still identified a Flawed democracy combined, by EIU standards.

According to Freedom House rating the combined rating at the beginning of the period was 1.32 which identified a Free country. By the end of the period, the rating had reduced by -0,27 points, and still identifying a Free country by Freedom House standards. Both the EIU index and Freedom House rating clearly indicate that during the period of 2008 – 2019 democracy has decreased. This thesis can answer the first research question of: Are the democracies in the Central and Eastern part of the European Union as a whole in decline? After conducting the research based on the EIU Democracy index and the Freedom House rating this thesis concludes that as a whole, decline in the democracies in the Central and Eastern part of the European Union has been established as a fact.

In the figures and graphs tables the combined ratings are visualised.

Table 3. EIU Democracy index CEE total

Table 4. Freedom house rating CEE total

CEE Region total (EIU)	
Year	Score
2008	7,42
2010	7,25
2011	7,23
2012	7,24
2013	7,26
2014	7,30
2015	7,29
2016	7,20
2017	7,10
2018	7,13
2019	7,14
Change 2008 - 2019	-0,28

Source: Economist Intelligence Unit

CEE Region total (Freedom House)	
Year	Score
2008	1,32
2009	1,27
2010	1,32
2011	1,36
2012	1,36
2013	1,36
2014	1,41
2015	1,41
2016	1,45
2017	1,50
2018	1,64
2019	1,59
Change 2008 - 2019	-0,27

Source: Freedom House

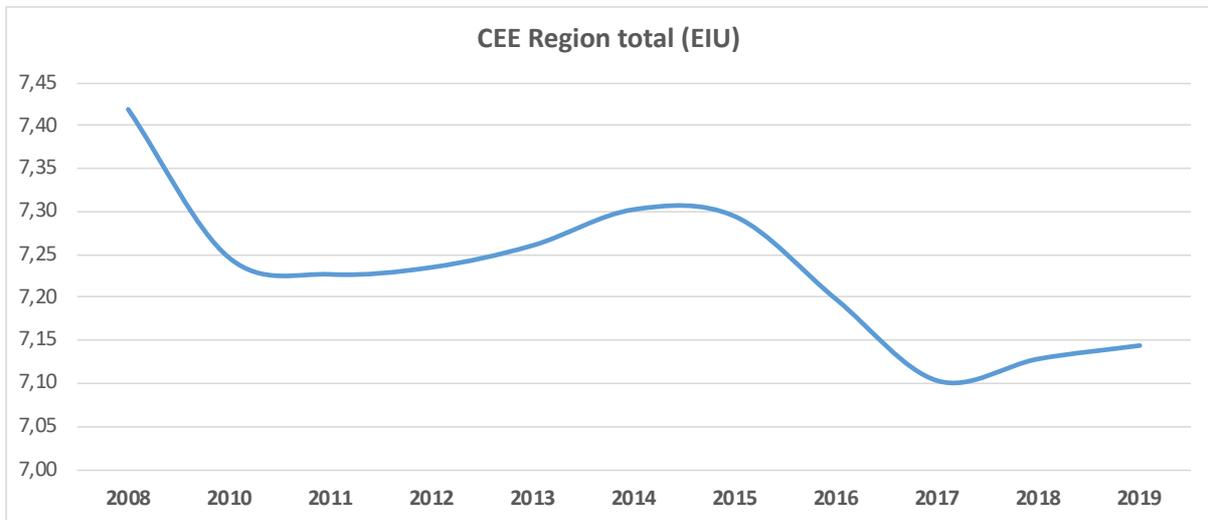


Figure 5. EIU Democracy index CEE total

Source: Economist Intelligence Unit

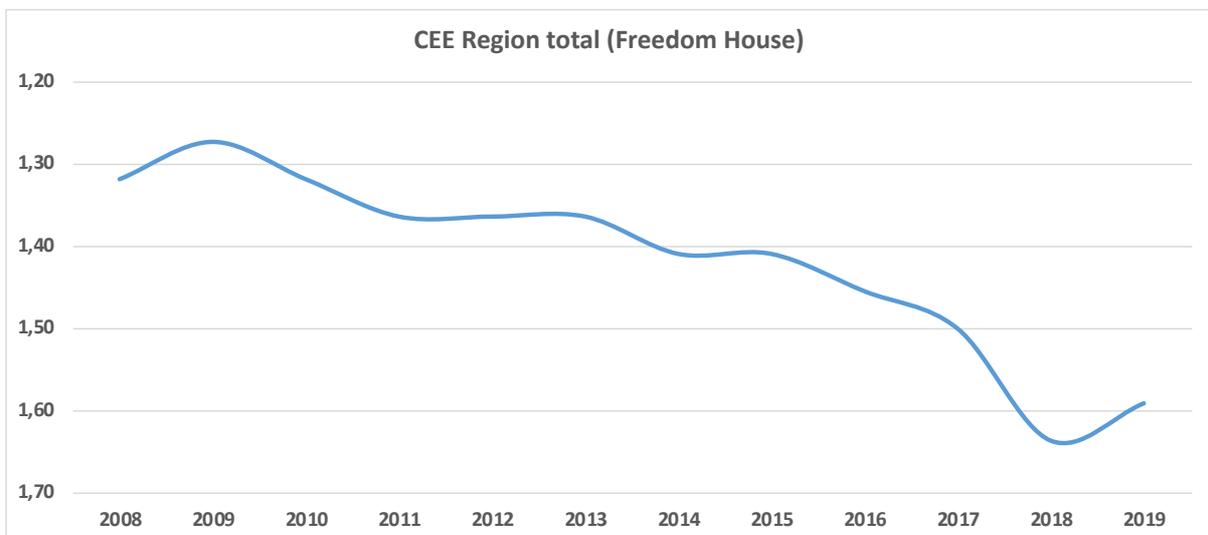


Figure 6. Freedom House rating CEE total

Source: Freedom House

4. Reasons for democratic backsliding

This chapter aims to answer the research question of: What are the factors that contribute to the decline of a democracy in Poland and Hungary?

Reasons for democratic backsliding are researched by using Lust and Waldner's (2005) theory families. In this research, three theory families and one factor per each theory family is used, they are: political culture (chosen factor: populism), political institutions (chosen factor: checks and balances) and international organisations (chosen factor: European Union).

Answer to that question can be found by researching what processes, political decisions, and what events have taken place in the sampled period that could have had negative effects on the functioning of democracy and for democratic values. As stated in the introduction chapter democratic backsliding is to be understood as deliberate changes that negatively affect competitive elections, civil liberties, and political accountability. For each country, political situation, passed legislation, political reforms and decisions, rhetoric, and other relevant events are taken into account.

4.1 Poland

Both the Economist Intelligence Unit Democracy index and Freedom House Freedom rating saw the decline in democracy beginning from 2015. To find the reasons for democratic backsliding, the period 2015 and onwards is analyzed in this chapter. Since the parliamentary elections of 2005, the main actors in the Polish political landscape have been the conservative-liberal and pro-European party of *Platforma Obywatelska* or PO (in English Civic Platform) and the conservative and nationalistic party of *Prawo i Sprawiedliwość* or PiS (in English, Law and Justice). PO formed the government from 2007 – 2015, during that period Donald Tusk the leader of the PO party served as the prime minister for nearly 7 years. Tusk was seen as a respected leader who stood for stability, cooperation with other European nations, good economic performance, etc. (Buras 2018). Similar approach was continued with next prime

minister Ewa Kopacz, she served for a little more than one year. In the 2015 PiS party won the parliamentary elections and received 37% of the vote nation-wide and received 235 of the 460 seats in the Sejm, which is an absolute majority. This was the first time since 1991 that any party had received an absolute majority in the Polish parliament.

4.1.1 Political Culture (Populism)

During the time PiS party was in the opposition (2007-2015), they actively campaigned to persuade voters that Poland is governed by the “corrupt elite”, that while Poland’s economy was in good shape, it should be much better, but is not because of the PO party failing leadership. PiS leaders also suggested that then prime minister Donald Tusk and then president Bronislaw Komorowski are traitors of Poland and should be put on trial, because they had conspired to bring about the death of the former president (and twin brother of the PiS leader) Lech Kaczyński (Markowski 2018). Also, during the campaign period, Jarosław Kaczyński stated that upon gaining power, Poland will reopen the investigation of Smolensk air tragedy, where former president and former leader of PiS party died (BBC 2015). At the same time PiS positions themselves with the common people and the true guardian of the Polish democracy, contrary to the PO party, which consists of corrupt elite who have seized control over Poland (Cienski 2015). According to Mudde (2004), Lipset (1995), and Norris (2017) this corrupt elite versus the common people is the core concept of a populist party and populist rhetoric. By dividing people into the corrupt elite and the pure people, populists succeed to take advantage of the spontaneous feeling of the people without producing facts to back their arguments or claims. Marakowski (2008) has argued that, as Poland was the only country which did not suffer during the Economic Crisis of 2008 and since there weren’t any real dissatisfaction with the government there was no social demand from the electorate to change the government. Rather PiS party managed to create it artificially, they managed to persuade the electorate that their “country is in ruins” – which was PiS party main slogan during the time they were in opposition, this slogan was repeated over and over again. Moreover, they managed to instill an overall dissatisfaction and distrust with the political elite.

PiS managed to win the Polish Parliamentary election in 2015 by making the European migrant crisis one of the main topics of the election debate. During the time the election took place, European Union and especially southern countries of Europe were dealing with the European

migrant crisis. The elections campaign was fuelled with fear and xenophobia. PiS party was vehemently against taking in refugees that had arrived from the Mediterranean and instilled fear to voters by stating that refugees carry very dangerous diseases and voiced concern over the invasion of refugees into Poland and thus being a threat for the Polish way of life (Smith 2015). The leader of the PiS party Jarosław Kaczyński, threatened publicly that the migrants are a threat to the security of the Polish people and more over that they are spreading diseases like cholera, dysentery, etc (Kolár 2016). As Dustman *et al.* (2018) and Dinas *et al.* (2019) have argued, refugee migration helped anti-immigrant parties to increase the share of votes, this also proved to be successful for PiS in Poland. Mudde (1999) writes that multiculturalism and immigration are one of the most important political issues for several European right-wing parties and a reason for their electoral success. Immigration is also one of the topics that populists usually try to “own”, they see themselves as the only political force that is capable of dealing with it, and they try to connect this political question with their worldview as to gain support from the electorate.

In 2015 Polish conservative party Law and Justice or PiS (Polish: Prawo i Sprawiedliwość) managed to become the first party, since the Communist regime, which has obtained an absolute majority in the Polish Sejm (Goettig, Barteczko 2015). Already during the campaign period, PiS established itself as a populist party. The previous Polish government was led by Civic Platform (Polish: Platforma Obywatelska) and by the long-term Prime Minister, Donald Tusk.

4.1.2 Political Institutions (Checks and Balances)

Immediately after the elections PiS started to carry out reforms that would benefit their ability of political decision making and reduce constraints on their power. Scheppelle (2017) argued that the first sign of the decline in a democracy is the loosening legal restraints on executive political power and that the cure against that would be to nullify these attempts as unconstitutional, which paradoxically is the reason why populists would start to first reform the constitutional court. After the elections of 2015, PiS party created a constitutional crisis by canceling the appointment of five Constitutional Tribunal judges and instead of appointing new judges that were more favorable to PiS.

The crisis continued to 2017 and ended with PiS managing to appoint six members into the Constitutional Tribunal and by forcing the deputy head of the Constitutional Tribunal, judge Biernat to take a leave of absence, PiS judges formed a majority in the court. The appointment of new judges was not blocked by the President of Poland, Andrzej Duda, who was before becoming the president also a member of the PiS party. The Constitutional Tribunal assigned the minister of Justice to reform the National Council of the Judiciary of Poland, which oversees the appointment of judges and promotion of current judges, ultimately Minister of Justice was given a *carte blanche* to reform the body responsible of an independent judiciary. The Sejm also passed a bill that would let all Supreme Court judges (except those that were appointed by the Minister of Justice) to be sent into retirement immediately, which would make room to replace disloyal judges with loyal judges (Matczak 2018). As Burgaric (2018) argued the constitutional safeguards often do not protect against democratic backsliding as much as is necessary, especially if the populist party, in this case, has the majority power in the parliament. By losing effective checks and balances from the executive power PiS party effectively enabled democratic backsliding by deliberately overrunning control mechanisms of democracy – the rule of law.

At the end of 2015, the Polish parliament headed by PiS party passed a bill which was signed into law at the very beginning of 2016 which allows the government to appoint heads of the public TV, radio, and civil service directors. PiS argued that the law is necessary to change the biased media and stop it from criticizing the government and the party, the other objective is to fix Polish society and promote the national interest of the country (Foy 2015). Public media self-censorship was effective immediately, for example when United States President Barack Obama visited Poland during a NATO Summit said: I expressed to President Duda our concerns over certain actions and the impasse around Poland's Constitutional Tribunal. Although in the state media, this line was not televised, only praise towards Poland was heard through public media (Cienski 2016). Jarosław Kaczyński himself said on an interview at the end of 2016, that he approves the change that has been occurred in the public media companies, he also attributed the downfall of his government in 2005 – 2007 to the insufficient control over the media and said that: The average Pole assesses the situation not on the basis of what is, but on the basis of what he sees on television. Previous researches in the media field have concluded that the capture of media can influence the outcome of elections and influence public opinion, as well as to manipulate with the public to show that important reforms are being made without the need to make painful economic and social reforms (Bajomi-Lázár 2013) (Corneo

2005) (Petrova 2007) (Scheppelle 2017). Cohen (1997) also argued that free media is one of the fundamental pillars of liberal democracy. Nielsen (2017) stated that free and fair journalism can provide people with accessible, accurate, topical, and diverse information, as well as to hold politicians accountable for their actions.

At the end of 2016, Polish Sejm passed legislation that imposed restrictions on public meetings. The legislation introduced a term of periodic meetings, which described meetings that are held repeatedly at the same place at the same time. According to the legislation, these meetings would receive priority status over other meetings or counter meetings, according to the legislation, unrelated meetings of periodic meetings should take place at least 100 meters from periodic meetings. The priority of organizing a meeting is also given to the state and the church. The ruling PiS party communicated that these new restrictions will boost security when large meeting and demonstrations take place, new restrictions will also avoid clashes of antagonistic demonstrations (Davies 2016). The legislation is meant to look like simply avoiding confrontation between two or more crowds of people, thus preventing violence. But in practice, the state can use this legislation to dismiss anti-government protests (Pehe 2016). Thousands of people gathered to protest against the legislation, the leader of PiS party Jarosław Kaczyński labeled these protests as anti-state in character, in fact, we are dealing with a crime (Davies 2016). With this statement Jarosław Kaczyński denies the legitimacy of an alternative idea for the legislation, thus denying the legitimacy of their representation. Herman (2017) has argued that these ambivalent statements are used by populist leaders often to justify their political positions and opinions. This legislation was criticized by the Human Rights Watch, Amnesty International, and other prominent NGOs. By the time of that legislation European Union had already issued a set of recommendations to correct what the Commission considered to be a systematic threat to the rule of law and a violation of European values described in Article 2 of the European Union Treaty (Human Rights Watch 2017) (DW 2017). This legislation also infringes on what a democratic state and its institutions should guarantee to citizens, according to Robert Dahl (1971), namely infringes on freedom of expression.

4.1.3 International factors (European Union)

The relationship between Poland and European Union has been very different if one would compare the period when PO party was in the government and when PiS party is. Jarosław

Kaczyński has declared that establishing autonomous foreign policy and securing Polish sovereignty is the first condition which is essential in eliminating the external interference. According to Kaczyński, external actors that interfere in Polish internal matters are European Union and Germany. Kaczyński has stated that previous governments have turned Poland into a vassal of Germany, and this has allowed German dominance in the Polish economy and in the media, this dominance, according to Kaczyński has stopped from 25th of October 2015, when PiS won majority in the Parliament elections (Balcer, et. al. 2016).

During the European migrant crisis, PiS led government refused to comply with the migrant quotas set by the European Union on the grounds of security of its nation and questioned the legal grounds of European Union authority to impose such quotas, implying that nation-states are the framework which can decide such questions, not the European Union (Euractiv 2019). As Dustman *et al.* (2018) and Dinas *et al.* (2019) have argued, refugee migration helped anti-immigrant parties to increase the share of votes, this also proved to be successful for PiS in Poland.

The European Union leaders agreed to relocate about 160 000 migrants from overcrowded camps in Greece and Italy. The refugees in these camps were predominantly from Muslim countries, while Poland ultimately did not take in any of the refugees from these camps. Poland took in some Christian families from war-torn Syria. Poland has also granted nearly one million visas for Ukraine workers and refugees who are predominantly Christian. The European court of justice declared that Poland (and Czech-Republic and Hungary) failed to deliver on the agreement and thus broke the EU Law. These three countries tried to argue that they were protecting the safety of their people, but the court dismissed that claim (Eyre & Goillandau 2019). As PiS party came to power in 2015, just when the decision to relocate migrants was made and when the migrant crisis started, the opposing stance that PiS party took helped them gain the support of the electorate. Dustmann et al. (2018) and Dinas et al. (2019) wrote that not only did the anti-immigrant approach by the populist parties help to increase the share of vote that they received, but it was one of the main factors why these parties emerged in the first place. The same is concluded by Lipiński and Stępińska (2018), that the socio-economic situation and anti-immigrant approach was very fertile ground for populist parties. Mudde (2016) argued that for populist leaders, fighting against international actors like the EU on migration quota is very beneficial to gain electorate support.

Schepelle (2017) has argued that populist parties have a charismatic leader who fights for the people and against corruption, deep state, etc. Jarosław Kaczyński is the chairman of the PiS party, although he does not hold any formal executive office, rather is a common parliament member, he is considered to be the de facto leader of the government (Murphy 2017) (Pawlak, Włodarczak-Semczuk 2019). He has also been very vocal about conspiracy theories and deep state theories that supposedly previous government has been involved with. During the campaign period, Jarosław Kaczyński stated that upon gaining power, Poland will reopen the investigation of Smolensk air tragedy, where former president and former leader of PiS Lech Kaczyński (twin brother of Jarosław) died. These ambivalent messages over the course of the election fuelled conspiracy theories and deep state theories, where members of the PiS party and avid supporters of the PiS party accused Donald Tusk and Civic Platform in a government-level conspiracy with Russia (BBC 2015). According to Schepelle (2017) his rhetoric is common to populists because it allows for Kaczyński to pose himself as a leader who is fighting against corruption and for the people and it also creates ambivalent messages by accusing rival political elites of deep state conspiracies and other ill matter.

European Commission openly criticized Poland and its leaders in the context of the situation with rule of law in the country. Polish leaders did not engage in a constructive dialogue with the European Commission for almost two years and the situation concerning rule of law in Poland did not change either. The European Commission started taking action against Poland in order to pressure Polish government to take necessary steps to reverse previously done judicial reforms. European Commission set out clear suggestions which consisted of four steps to re-establish an independent judiciary system in Poland. These suggestions included reversal of the many laws adopted to enable politically to interfere into function of judiciary branch. Second suggestion included rule of law recommendations. Third suggestion included the abolishment of the retirement age principle that discriminates on the basis of gender (male 65 years, female 60 years). And the fourth suggestion was that Polish government should address these issues within three months and inform European Commission on the next steps (European Commission 2017).

The Polish government responded that they did not plan to consider the Commissions suggestions and dismissed the Commission's decision by declaring it to be politically motivated and unjust. Polish minister of justice, who after the reforms, also acts as the chief prosecutor, urged Poland to continue with the judicial reforms (DW 2017).

According to the procedure the European Parliament had to vote on the Commission's decision to invoke article 7, on the grounds of Poland breaching Article 2 of the Treaty of the European Union. The parliament approved the resolution and invoking article 7 could ultimately lead to Poland getting suspended of its voting rights. Although the chances of that happening are very slim, because all member states have to approve that. And while Hungary also has a similar problem, they both will cover each other. Hungary will veto decision on Poland voting rights and Poland will veto decision on Hungarian voting rights. Baer (2019) has argued that threats to rule of law have often been underestimated in the beginning and that reforms are carried out by using demagogic language and the critics of reforms will be labelled as panicking, corrupt or enemies of the national state.

In the final months of the year 2020, European leaders introduced the new seven-year budget worth 1.1 trillion euros, the budget was also combined with the 750-billion-euro coronavirus relief package. The budget however was connected to a member country respect to the European Values, which are described in article 2 of the Treaty of the European Union. This mechanism was also discussed years earlier when article 7 was invoked against Poland and against Hungary. In response to that mechanism Poland and Hungary vehemently opposed and called it a "political blackmail" and resisted in approving the budget (Strupeczewski 2020). Ultimately an agreement was achieved between the European Commission, Hungary and Poland. Since the actual agreement is not made public at the time of writing this paper, facts cannot be discussed. But after the agreement was established, the leaders of Poland and Hungary were joyfully praising their success in achieving every of their demands, leaving an impression that the European Union had backed down on their demands (Tidey 2020). However, anonymous EU diplomats told to reporters that the Commission had not exactly backed out of their demands, but the parties ultimately agreed that the mechanisms would only be used with the decision or ruling of the European Court of Justice, in that case the process on the court could take up to two years (DW 2020).

From the perspective of the European Union, the deal did not achieve its goal – to force Poland and Hungary to take action for improving the situation with rule of law in their countries. After the negotiation, the feeling was bitter on both sides, the leaders of Hungary and Poland praised themselves and accused European Union of authoritarianist tactics and the Vice President of the European Union Katarina Barley, told that there is still a crisis of rule of law in Europe (DW 2020). From the perspective of Poland and Hungary, this deal is a success, it allows them

to gain political points domestically by showing them as great negotiators and great leaders, and secondly, as they both are big beneficiaries it allows them both to have continued access for European funds. From the viewpoint of Europe, the deal is not so successful because European Union, which is created upon the values of liberal democracy, failed to stand up to these values and chose to take the comfortable compromise for the budget and Covid-19 relief fund.

Opinions on this matter also vary very much between nation states, the Dutch prime minister Mark Rutte, has even flirted with the idea of European Union continuing on without Poland and Hungary altogether, French politicians have expressed their idea of cutting Poland and Hungary from benefits like the Covid-19 relief fund, these ideas although do not suit for everyone (Thenus 2020). For Germany, the respect for rule of law is essential, although it is also unthinkable to have the European Union without Poland and Hungary, because for Germany overcoming the divide of the east and west in Europe is almost like a religion itself. For German Chancellor Angela Merkel, in that situation it was best to take a time for “strategic patience” and ease the tensions by continuing on with a compromise (Middelaar 2020). This situation will create a dangerous precedent for future negotiations. Other nations, and especially other governments with populist leader, can see how ultimately one could “win” the negotiations by obstructing the procedure process, which will ultimately hurt not only the nation itself but will hurt everyone else, holding the entire process and the entire union in hostage.

In conclusion Polish ruling party PiS has established, what Norris (2017) described as populist authoritarianism. PiS has enabled democratic backsliding by deliberately undermining political accountability, rule of law and civil liberties. Leaders of PiS party are interested in reducing restraints on their political, at the same time establishing restrictions and censorship for public media and freedom of assembly to reduce criticism and opposing political opinions. They are engaged in populist rhetoric of dividing people into two antagonistic groups, they see their opponents as the corrupt elite and the polish people and themselves as the pure people.

4.2 Hungary

The Economist Intelligence Unit Democracy index, on Hungarian democracy saw a decline in 2010 onwards. Freedom House Freedom rating saw a decline for Hungarian democracy from the 2011 onwards. To find the reasons for democratic backsliding, the period 2010 and onwards is analyzed in this chapter. The third Hungarian republic was established in 1989. The biggest and most influential parties in Hungarian politics have been the Hungarian Socialist Party (Magyar Szocialista Párt) known as MSZP, and the other Fidesz – Hungarian Civil Alliance (Fidesz – Magyar Polgári Szövetség) known simply as Fidesz. Throughout the years these two parties have gained most of the votes in general elections and since 1994 these two parties have formed every government up to present date. From 2002 until 2010, MSZP party managed to form governments and hold power. Few months after the elections of 2006, where MSZP was achieved its best ever result. The prominent leader of the party Ferenc Gyurcsány was caught lying about the financial state of the country during the previous four years. This lie was caught when an audio recording surfaced, where Ferenc Gyurcsány personally admits lying. This moment is pivotal in Hungarian politics. It brought up large demonstrations and unrest in the capital city Budapest, combined with the economic downturn due to the global financial crisis, MSZP has not been able to recover from it and its popularity has been drastically reduced.

4.2.1 Political Culture (Populism)

From 2010 onwards, Fidesz has managed to form every government since. Its charismatic leader Viktor Orban successfully managed to use the scandals of the MSZP party and the difficult economic situation that Hungary at that time was in. Due to the disproportional election system, they even won two-thirds of the seats in the Parliament. Fidesz which was established in 1988 as a liberal party, had shifted in ideological spectrum more to the centre by 2010. Apart from ideological change, the party communication also went through a big change, the key values, national populism, conservative Christian ideology, anti-elitist illiberalism became key values which they represented in politics. Canovan (1999) has argued that populist parties are strictly against elites, in the case of Hungary Fidesz was at the beginning of 2010 not positioning themselves as that, rather the other populist party Jobbik took that niche. Fidesz positioned themselves as nationalists, their ideology is very nationalistic, although their main goal is to protect Hungary from foreign powers and foreign interests (Enyedi 2015). As Fidesz political position was unrivalled, Fidesz managed to create a situation which Canovan (1999)

calls a “shadow democracy”, a situation where people are one politically homogenous mass and are politically active.

This “shadow democracy” has damaged the democracy in Hungary and has revealed Hungary as a sort of modern authoritarian state, where on paper everything looks fair and free, but reality is quite the opposite. The central figure – Viktor Orban, has become the ultimate decider and the charismatic leader of the party and for the country, as Mudde (2004) writes, it is common for populist parties to have one central figure who makes the decisions and has the ultimate and unopposed authority. Fidesz and Orban governing is to use democracy and its supermajority in the parliament, as a cover to suppress rival ideas and unsuitable political decisions. Many laws have been implemented to suppress journalists to report on unsuitable topics, mainstream media has been directly put under the control of the state or private media companies have been sold to businessmen closely aligned with Orban and Fidesz (Beauchamp 2018). As Fidesz political rhetoric at the beginning of its governing period was not very anti-elitist, it has become more and more so since 2010 onwards. Hungary has been more active in suppression of pro-democratic organizations by implementing laws that they need to register with the Hungarian authorities. This law is said to be tailored to fight against the United States billionaire, Hungarian-born investor George Soros, who funds many pro-democracy organisations across Central and Eastern Europe. When organisations declare that part of their funding comes from George Soros, Fidesz can dismiss the work what they have done, and accuse them of foreign meddling. Orban and the Fidesz party have very actively fought against Soros because they see a political threat in his actions. George Soros founded Central European University in Hungary in 1991, it was very well funded and was amongst the best Universities in Europe, however in 2018 the University was forced to close its operations in Hungary and move to Vienna, because the government refused to sign an agreement which would have allowed the University to continue its operations (Inotai 2020).

The political communication of Orban and Fidesz have made George Soros one of their (and Hungary’s) main enemy. During the European Migrant crisis, Hungary was vehemently against European quotas and taking in migrants who coming from the Mediterranean Sea. Hungarian parliament passed a law in 2018 which was dubbed as the “Stop Soros Law”, it was meant that people and NGO’s which helped the migrants who had not yet granted permission to settle in Hungary, were liable for jail terms (Dunai 2018). Orban also accused George Soros of orchestrating the European migrant crisis which is a global conspiracy against Hungary. The

Hungarian government itself even conducted a campaign by launching posters and television advertisements across Hungary, which had the picture of George Soros on it and read: “Don’t let Soros have the last laugh.” (Martin 2017). Additionally, over eight million Hungarians received a questionnaire about George Soros, they were asked their opinion on what they thought of “Soros plan” for resettling migrants in Hungary and elsewhere in Europe, this questionnaire was communicated to be a “consultation with Hungarian citizens” and when one NGO sued Hungarian government, their spokesperson told that George Soros will do anything to prevent Hungarian people from expressing their opinion (France24 2017). During the election of Hungarian parliament in 2018, the campaign was also fuelled with conspiracy theories against Soros. Fidesz ran an advertising campaign which a photoshopped image of all of the leaders of the opposition parties with wire cutters in their hands being embraced by George Soros, and a large sign on the poster said: “They will tear down the border fence together.” During the whole election period, Fidesz put a lot of effort, funds and used government agencies to make ads, articles and posters which showed Soros as a conspirator against Hungarians and who wants to have illegal migrants settle in Hungary and Europe. In some estimates, the Hungarian government spent over 50 million euros for these campaigns, where George Soros fund spent 3.6 million on Hungarian pro-rights NGOs and independent media outlets (Mackey 2018). Since these campaigns the Hungarian government and Fidesz have been sued multiple times, and the European Court of justice has ruled that several legislations like the “Stop Soros” law and the NGO law were not aligned with the European Law. Fidesz and Orban have also failed to back their claims against Soros with viable facts, thus this rhetoric can be summed up with Mavrozacharakis’s (2018) paradigm of post-factum era of politics. Where politicians do not back up their claims with facts, tell lies, attack people and news outlets who reveal their lies by stating that these people are undemocratic and work against the nation, ultimately politicians are not taking responsibility of their claims and actions.

Since Fidesz came to power in 2010, Hungary has been led from a liberal democratic state to autocracy. Viktor Orban voiced his desire to create an illiberal democratic state in Hungary, as examples he brought out Russia, Singapore, China, India, and Turkey. He also praised Vladimir Putin and Donald Trump on how they have delivered their promises to their electorate and voiced his concern about how the European liberal elite has failed to recognize it. He also stresses the importance of traditional values and the nation-state, he purposed Hungarian Christian Democracy as the new governing style for Hungary (Orban 2014) (Orban 2018).

Viktor Orban has demonstrated with his speeches and with the reforms that Fidesz has brought upon that the desire for him is to be the charismatic leader for Hungary, and Fidesz as being the one and only party that is able to direct national policy and political decisions. Orban sees himself and the Fidesz party as true democrats and he legitimizes his actions with the argument that he (and the Fidesz party) speaks for the people and their actions are legitimate because of their electoral success, this rhetoric and actions are described by Norris (2017) as populist-authoritarianism. These authoritarian values emphasize the importance of traditionalism and nation-state, as well as family, religion, sexual orientation, but also xenophobic attitudes against foreigners or immigrants and mistrust of globalism, and global institutions (Norris 2017). Scheppele (2017), also argues that charismatic leaders' claim to speak about political issues like they really are without political correctness. In the speech of illiberal democracy, Orban implied that the Christian Democracy would be just like that, where liberal political correctness is not in the way of policymaking.

Similar to Poland, Hungary is also ruled by what Norris (2017) describes as populist-authoritarianism.

4.2.2 Political Institutions (Checks and Balances)

Fidesz Party, headed by Victor Orban, first was the leader of the Hungarian Government from 1998 – 2002. In the 2002 elections MSZP party took a surprising victory despite successful four years of Orban government, Fidesz suffered another loss in 2006 elections, this time Orban accused media of uneven coverage of political ideas, voter fraud and he accused governing party MSZP of using government funds to make election campaign (Beauchamp 2018). One could conclude that he saw these aspects vital for election victory in the future. Fidesz won the elections in 2010 and due to the disproportionate elections system, achieved a super-majority which allowed them to make constitutional amendments. Months after winning the elections, Viktor Orban and the Fidesz party started to prepare a myriad of legislation that would cement their power.

Upon learning from the defeat in 2006, Fidesz knew that to have favouring media coverage, the media and the content it produces, has to be controlled. The media freedom legislation passed legislation at the end of 2010, which required media outlets to register with the newly created media control body. The control body members would be appointed by the parliament

(therefore Fidesz) and the body is able to impose fines up to 700 000 €, for imbalanced or insulting media coverage or coverage which would violate public morality (Human Rights Watch 2011). With that legislation Fidesz easily managed to gain control over the national media and the content it produces. The aim for Fidesz was to forcibly curb negative broadcast on the government and its future decisions on legislation and constitutional changes. Fidesz party was successful in establishing censorship not only for the state media but also for the private media. Fidesz, therefore, enabled democratic backsliding by restricting the freedom of media, which is one of the fundamental pillars of liberal democracy, argued by Cohen (1997). By restricting free media and free journalism Fidesz also avoids political accountability and restricts opposition forces to be engaged with the public. With that legislation, journalists are also forced to reveal their sources if needed, this creates a situation where people who have certain information or want to anonymously whistleblow, are afraid to do so, because they know that their identity might be revealed, and they might be punished. This legislation was compared by critics as turning back to the communist era and that these laws are common for authoritarian countries and leaders (Bos 2010). Cohen (1997) and Nielsen (2017) have stressed the importance of media in a democracy, they argue that media is necessary to inform the public, give accurate, topical, and relevant information for the public and also to encourage debates. Fidesz deliberately altered the balance of the state media to benefit them, and established methods to deliberately pressure other media outlets to favour Fidesz party and its messages.

Scheppele (2017) argues that populists are interested in retaining their power and could pose a threat to the rule of law in order to ensure their power for years to come. After the elections, the governing political power started to create a new constitution. But first Fidesz had to make amendments to the old constitution in order to push through the new constitution without any legal challenges to it. In the first year of the Fidesz government, the parliament amended the old constitution in a total of twelve times. Most changes were technical rule of law changes that would allow Fidesz to loosen restraints on their power, for example, the old constitution required four-fifths vote on parliament to set out rules writing the new constitution, Fidesz used its two-thirds majority in the parliament to eliminate this rule. Thus, eliminating a restraint on their power to pursue with the new constitution that would benefit Fidesz in their efforts to cement their power in Hungary (Bankuti *et al.* 2012). Buragric (2019) has argued that constitutional safeguards do not guard against democratic backsliding as much as one could think and that constitutional courts themselves are not capable enough to deter attacks on the

rule of law. This is exactly how Fidesz managed to legally undermine the rule of law. They made gradual constitutional amendments that could allow themselves in the future to make more substantial amendments. For example, one of the first amendments that they made was to remove the four-fifth requirement rule. In the old constitution four-fifth vote in the parliament was needed to start setting rules for writing a new constitution, however, two-thirds vote was needed to make amendments to the old constitution. Fidesz used their supermajority to remove the four-fifth requirement, thus enabling themselves to start setting rules for the new constitution (Bankuti *et al.* 2012).

Scheppele (2017) also argues that since constitutional courts have the power to nullify unconstitutional legislation, populists would use their power to disable or to achieve considerable influence over the constitutional courts to ensure that purposed legislation would not receive any challenge in the constitutional court. In 2011 Hungary made amendments to reduce the retirement age of the judges in the constitutional court from 70 to 62 and increasing the number of judges in the constitutional court, thus managing to achieve influence over the decisions of the constitutional court in order to adopt the new constitution (Halmai 2017).

Under the old constitution, the president held a veto power or could send laws back to the parliament to be revised or could send laws to the constitutional court. The first elected president Pal Schmitt did not use his veto power on any of the legislation put in front of him. After his resignation, Hungarian parliament elected Fidesz party cofounder and coauthor of several controversial legislation János Áder to the position (Bankuti *et al.* 2012). With these reforms and changes of political leadership, Fidesz party managed to loosen almost every restraint on the executive power and took on more autocratic style, where the party leader and prime minister Viktor Orban had consolidated monopoly of the power without checks and balances to restrain that power. Scheppele (2017) described loosening the restraints on executive power as the first sign of autocratic leadership.

The new constitution entered into force on 1st of January 2012. According to the new constitution and amendments made to the previous constitution, Fidesz managed to take control over every legal body which was responsible for acting as a check or a balance to the executive and legislative power, Hungary had effectively transitioned from democratic nation to an authoritarian regime. Although the new constitution had constraints on Fidesz's powers, these constraints were largely illusional, because key veto points were abolished or seriously

weakened. Additionally, Fidesz managed to appoint party loyalist to key positions like the Constitutional Court, State Audit Office, Electoral Committee, public prosecutor, Supreme Court of Justice, National Judicial Office, Budget Council, National Media, and Communications Authority, Commissioner for Fundamental Rights (Bankuti *et al.* 2012). Viktor Orban declared that a new constitution is necessary to eradicate the legacy of communism in Hungary (BBC 2013). Baer (2019) has argued that threats to rule of law can be underestimated in the beginning especially since they are often masked behind the demagogic language like the will of the people against corrupt elite needed reform, etc. Lust, *et al.* (2015) has described democratic backsliding as a process, not as a sudden event like coup d'état, and as a process it could be understood as ongoing deterioration of civil and political liberties, electoral procedures and political accountability. Hungarian government led by Fidesz party, had successfully and deliberately engaged in an ongoing process which ensured that party loyal people would serve in the executive positions of democratic institutions, ensuring that not any institution would protest or go against political decisions Fidesz made.

Viktor Orban and the Fidesz party have managed to use their political power to make amendments, reforms and appoint people that are party loyal, by doing that Fidesz has basically reduced all checks and balances on their political power. The checks and balances that *de jure* is in effect are only illusional because the people who are in power to make decisions have all been appointed as Fidesz party loyalists or party members. Fidesz has become the only party in Hungary that is able to direct national policy and affect political outcomes. Varrak (2001) has argued that democracy has a control mechanism which are the rule of law, freedom of speech, information freedom, separation of powers and an independent judiciary. Hungary enabled democratic backsliding by deliberately halting these control mechanisms from their political power. Similar to Poland, Hungary is also ruled by what Norris (2017) describes as populist-authoritarianism. According to Varrak (2001) control is ensured when there is effective system of rule of law, freedom of speech, information freedom, independent judiciary power and separation of powers. Comparing that theory to the actions that Orban and Fidesz party took upon, one can conclude that their actions were deliberately to ensure their power and reduce the citizens control over it. The fact that Hungary did not take upon one massive change of constitution but rather amended it several times, then took a new constitution which they also amended, shows that Fidesz is not interested in taking total control in a short period of time, rather it happened in gradual steps and under legal façade, as Lust and Waldner (2015) theory confirms it.

4.2.3 International factors (European Union)

Hungary joined European Union in 2004, it was viewed as one of the most successful post-communist countries at that time. During the first 6 years, when MSZP was the main actor in the government, the relations between Hungary and European Union were good, as MSZP had pro-European views. First signs of friction started to emerge between European Union and Hungary after Fidesz formed government, in 2010. In the beginning of 2011, Hungary held the rotating presidency of European Union, when Orban prepared a speech, many European parliament members had their mouths taped and held posters with “Censored” written on them, parliament members were protesting against the media law which was just approved by the Hungarian Parliament. Many prominent members of the parliament members also voiced their discomfort with Orban and Hungary serving the European presidency. Martin Schulz, said that Hungary is not worth European presidency, while Daniel Cohn-Bendit said that Hungary is on the track to become a communist surveillance dictatorship. Orban also said that the media law is a domestic matter and should not be mixed up with the European presidency. He also threatened the European Parliament by saying that if the parliament interferes into Hungarian domestic matters then Orban is “ready to fight” (Schult 2011). The European Commission applied pressure on Hungary to amend the media law, Jose Manuel Barroso, the head of European Commission sent a letter to Viktor Orban demanding clarification and amendment to the national law. Ultimately Commission and Hungarian Government agreed on amendments and Hungary made important changes in the law (Mara 2011).

In the beginning of 2012 after Hungary took on multiple changes to its constitution and made important changes in laws that affected the independence of Hungarian central bank and the independence of its Court of Justice. The European Commission decided to start legal proceeding against Hungary, the European Commission send three letters of formal notice to Hungary. As these formal notices were sent separately, this meant that three different infringement procedures had opened. Already in mid 2012, the European Commission closed the infringement procedure for the independence of the Hungarian Central Bank due to the fact that Hungarian Parliament had taken on legal amendment which were suggested by the European Commission (European Commission 2012). The infringement procedure of independence of Hungarian Court of Justice, which opposed the new retirement age for judges

was closed in 2013, due to the fact Hungarian parliament had made satisfactory amendments. These amendments lowered the retirement age for judges to 65 year in a period of 10 years, while previously it was reduced suddenly from 70 to 62 (European Commission 2013). The third infringement procedure, about independence of data protection authorities, ultimately was brought to European Court of Justice, where the court decided that the replacement of data protection ombudsman Andras Jori in 2012 was unlawful (Novak 2014).

The European migrant crisis that started in 2015 was also an important point of collision between Hungary and the European Union. It also marked a change in Hungarian and European relations for the worst. One of the main values of European Union is and has always been freedom of movement, that applies to movement of goods but also to movement of people. In 2015 when European migration crisis was in its peak, Hungary decided to close its borders to prevent migration caravans from entering Hungary and passing it. Closing the borders meant that refugees, who wanted to seek asylum either in Hungary or like most who wanted to travel further into Germany were left blocked on the Hungarian border (Staudenmaier 2018). This created tension on both sides, German leader Angela Merkel called for unity, while Hungarian leader dismissed it and called these people “Muslim invaders” instead of refugees or migrants. A German government minister called for financial penalties for Hungary and other countries which did not go along with Brussels plans to accommodate refugees, Hungary dismissed these demands, calling them absurd (Than, Sekularac 2015). Compared with previous differences of opinions with the European Union, Hungary had much more leverage to push against European Union. The European Migrant crisis culminated to a situation where several post-Communist countries opposed to taking in migrants. Hungary, The Czech Republic, Romania, Poland and Slovakia all were vehemently against taking in refugees, many prominent European leaders called it a crucial divide in European Unity and even called that the Schengen area was under threat (Traynor 2015). Ultimately EU ministers agreed relocating nearly 120 000 migrants, as Hungary had nearly 54 000 migrants trapped its territory, Hungarian government was very interested in this deal but was not interested in sheltering migrants itself, which is why Hungary received very few migrants (BBC 2015).

Hungary was also seen as very harsh towards arriving refugees. One aspect was not letting refugees in or transit towards Germany or other countries, but the second aspect was the inhuman treatment of refugees that were already in Hungary. People were held at boxes with limited medical assistance and limited food and water. Additionally, to that, there was a

psychological aspect, food was sometimes distributed by flinging it over a fence in small portions. Hungarian police force also used disproportionate force when dispersing refugees from the Serbian – Hungarian border, the police used water cannons and tear gas, while there were several children in the group. Prime minister Viktor Orbán encouraged this behaviour and said that Hungary is deliberately using these tactics with refugees, because they want to discourage refugees from ever coming to Hungary or Hungarian border (Beauchamp 2015). Orbán uses these means and this certain rhetoric to create an image of himself as a strongman leader, with these statements he achieves to gain the attention from the local public as a fierce defender of the state by any means. These methods can also be seen as what van Kessel (2016) argued to be social Darwinism, meaning that Orbán uses simple methods and simple language what people can easily understand to fight against issues where other parties might find it difficult to take a clear approach or decision. That is also why Orbán is so vocal about immigration, he and Fidesz want to “own” that political topic, so that opinion from other parties is marginalised.

Despite the small amendments made by Hungary in response for the European Commission’s infringement procedure, European leaders were not pleased by the fact that these small amendments did not prevent Fidesz from achieving their goal of gaining control over the judiciary branch and the freedom of media was still questionable. Apart from that, state institution high positions are given to people loyal to Fidesz and its politics, public funds are used to benefit the regime and its allies, institutional corruption has affected public offices so negatively that they are incapable of fulfilling public goals, instead they serve the interest of the people who are in powers or their allies (Carrera & Bárd 2018). Additionally, European Commission started another infringement procedure against Hungary considering taking actions that are directly aimed at closing the Central European University in Budapest (CEU 2017). Ultimately European leaders had doubts if Hungary can uphold European Values, which it agreed on with the Article 2 in the Treaty of the European Union. In the same treaty, article 7 establishes how sanctions can be applied by the European Union against its member states. Ultimately, by applying article 7, the European Union can suspend the voting rights of a member state, but there is no clear mechanism to expel a member. Still Article 7 needs a unanimous vote in the European Council to become effective. Despite this, there has not been activation of article 7 against Hungary. One of the reasons is lack of political will in the European Union, because since in the European Council the vote must be unanimous, Hungary

and Poland are expected to use their veto power in the Council to make sure the vote does not go through.

4.3 Slovakia

Economist Intelligence Unit Democracy index sees Slovakia democracy in decline from 2015 onwards and Freedom House Freedom rating saw the decline from 2018 onwards. To find the reasons for democratic backsliding, the period 2015 and onwards is analyzed in this chapter.

The main theme of the 2016 Slovakian parliament elections was the European migrant crisis. The ruling party left-wing populist party Smer-SD (Smer – sociálna demokracia) and its leader Robert Fico took on the position of anti-immigration during the campaign by claiming that Muslims are impossible to integrate, Fico claimed that under the relocation scheme Slovakia would need to take in 50 000 refugees, which would create a Muslim compact community, instead, Fico agreed to take in 1 800 Christian Syrian refugees who already were in Slovakia (Gabrizova 2016). The slogan for the Smer-SD election campaign was We Protect Slovakia, during the election Fico called multiculturalism fiction and linked refugees with sexual assaults in Germany and terrorism in France (DW 2016). Fico also claimed that the Slovakian government monitors every single Muslim in the country to protect Slovaks and also leaving an impression of the imminent threat of the migration crisis for the security of Slovakia. While most people worried about socio-economic issues, Fico very successfully made migrant issue the main topic of the election, which ultimately paid dividends with Smer-SD winning the elections, although losing seats compared with previous elections (Cunningham 2016) (Rybar, Spac 2016). Bermeo (2016) has argued that democratic backsliding can happen gradually with small changes, taking into account that Slovakia has rolled back asylum rights for migrants, a fundamental right of the European Union charter, Slovakia thus failed to uphold values of civil liberties, freedom of expression and values described in the Article 2 of the Treaty of the European Union (European Union Agency of Fundamental Rights 2007) (Lust, Waldner 2015) (European Law Access 1993).

At the beginning of 2018, young journalist Ján Kuciak along with his fiancée was brutally murdered. Before Kuciak's death, he had investigated Slovakian politicians' participation in the controversial Panama Papers (Mohdin, Zee 2018). Additionally, he was working on investigating corruption between regional level politicians and the 'Ndrangheta – Italian Mafia

grouping. The investigation story was posthumously published, claiming that one businessman connected with 'Ndrangheta had connections with Robert Fico's office (Bútorová, Bútorá 2019). While Robert Fico denied his aides connections to the murder and to connections with the 'Ndrangheta mafia group, the protests in the street grew and pressure to resign also grew (Dalton 2018). Fico ultimately resigned at the end of March 2018 but before he resigned, he accused the president of Slovakia of colluding with billionaire George Soros to have Fico removed from office (Gabrizova 2018). Kuciak was the first journalist that was killed because of his job in Slovakia. Cohen (1997) and Nielsen (2017) have stressed the importance of media in a democracy, they argue that media is necessary to inform the public, give accurate, topical, and relevant information for the public and also to encourage debates. Robert Dahl (1971) described that democracy should guarantee different basic values, two of which were freedom of expression and freedom to alternative sources of information. With the killing of Kuciak, both of these values were undermined, thus Slovakia failed to guarantee these values for its citizen.

Compared to Hungary and Poland, Slovakia does not have severe problems with democratic institutions. This case study did not manage to find any evidence of populist governing style, serious damage to checks and balances in Slovakia or conflict with European values. Instead, two reasons which have contributed to the decline of democracy were identified. Due to both reasons, this case study identified that Slovakia failed to uphold democratic values. Both of these reasons were identified as being isolated cases that do not cause long term harm for Slovakian democracy. Thus, Slovakia is not considered as a democratic backslider, rather this research sees Slovakia as a false positive of the quantitative research.

4.4 Conclusion of case study

The aim of the case study was to find out the causal factors which have contributed to the decline of democracy in the sampled countries. The research question was established as: What are the factors contribute to democratic backsliding in Poland and Hungary? The case study established multiple reasons for every country of factors that have contributed to the decline in democracy. Although in the case of Poland and Hungary a similar conclusion could have been made. To answer the second research question, this analysis has concluded that: populist-authoritarian leaders in Poland and Hungary systematically alter democratic institutions,

checks and balances and alter the effectivity of independent juridical system. They do so to protect their political interest and gain political decision-making power by losing democratic restraints from it. This weakens democratic institutions and undermines democracy citizens personal freedoms.

5. Conclusion

People shouldn't be afraid of their government. Governments should be afraid of their people.

- Alan Moore (Goodreads n.d. b.)

Democratic backsliding amongst post-Communist European Union members causes concern not only for the future of the European Union but for the democratic and peaceful future of Europe as a whole. Upholding democratic values ensures that people are treated equally and equal rights, in its broadest sense, are guaranteed for everyone. Identifying the extent of democratic backsliding and the causal problems for it, allows readers to understand the significance of the topic in the current period. The contribution of this research is the fact that the research was able to establish democratic backsliding in the CEE region as a fact. The sample included 11 countries, with the results of these countries combined, analysing the results of two indexes that measure democracy, the results showed a declining trend over the sampled period. Secondly based on the case studies of Poland and Hungary, it was able to map out the main causal factors that enable democratic backsliding. Thirdly, based on the two countries identified as democratic backsliders, readers can possibly identify similar causal factors occurring in other countries and regions.

This research had two aims, first to establish factually whether Central and Eastern European members of the European Union as a whole were democratically backsliding or not. Secondly, to identify the reasons for democratic backsliding, to do this, a case study method was used on the countries that were identified as democratic backsliders in the first part of the research. The

following research questions were established: **Research question 1:** Are the democracies in the Central and Eastern part of the European Union as a whole in decline? **Research question 2:** What are the factors contribute to democratic backsliding in Poland and Hungary?

The main finding for the first research question was that democratic backsliding was confirmed and established as a fact during the sampled period. The main finding of this research was that countries that had been established as democratic backsliders, both of these countries had populists' leaders in the government, also both of these governments had achieved great electoral success in elections that allowed them to start reforms which conflict with democratic values. They do so to reduce restrictions on their political power. The broader goal for populist-authoritarian leaders is to cement their power and decrease the chances for competitive political ideas and competitive parties rising to challenge them. Populist-authoritarian leaders in Poland and Hungary do not respect the democratic values described in the Treaty of the European Union and do not care very much for the idea of liberal democracy. Rather they see the European Union as merely an economic supplement for NATO and openly pursue illiberal nationalist policies.

Empirical researches on the topic of democratic backsliding have become more topical in recent years since the decline of democracy in countries like Poland and Hungary is more visible as time passes. The author of this research finds that previous studies have falsely identified countries as democratic backsliders based on single events which have caused concern over democratic values or democratic process. And other previous studies have taken too narrow approach by not studying a region as a whole but focusing only on a few countries. This research and the chosen methodology allow to see the big picture by analyzing the region as a whole and then narrowing the research to a few case studies. The results of this research for the causal problems of democratic backsliding were similar to previous studies, which gives confidence for the results of this research. Further research on this topic is necessary to find out how to reduce and retort democratic backsliding.

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