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The Process of Deterioration of Liberal Democracy in the Visegrad Group Countries: Institutional Perspective

Liberalios demokratijos irimo procesas Višegrado grupės šalyse. Institucinė perspektyva

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Abstract: Contemporary changes of liberal democracy affect different countries of the world. The Czech Republic, Hungary, Poland and Slovakia, known as the Visegrad Group countries (V4), are among them. Although the countries seemed to be on a good way to consolidated democracy, about a decade ago the first symptoms of deterioration of liberal democracy became apparent. In the text, attention is focused on the institutional level, which should resist certain challenges in mature democracies. The institutions in V4 were weak and liable to be subordinated by strong political leaders and populist parties, and not strong enough to fight off illiberal tendencies. The analysis reveals that Poland and Hungary were more prone to compromise liberal democratic achievements, while the Czech Republic and Slovakia less so. This paper answers the questions of the institutional causes behind the deterioration of liberal democracy and the effects it brings.

Keywords: democratization, liberal democracy, Visegrad Group Countries.

Summary: Šiuo metu įvairiose pasaulio valstybėse galima matyti liberaliosios demokratijos pokyčių. Čekija, Vengrija, Lenkija ir Slovakija, žinomos kaip Višegrado grupės valstybės (V4), yra vienos iš jų. Nors šios valstybės atrodė galinčios būti geru demokratijos konsolidacijos pavyzdžiu, prieš daugiau nei dešimtmetį jose išryškėjo pirmieji demokratiškos institucijų irimo požymiai. Šiame tekste atkreipiamas dėmesys į institucinę šio proceso raidą. V4 šalių valstybės institucijos yra silpnos ir linkusios pasiduoti stiprių politinių lyderių ir populistinių partijų įtakai, šitaip nebūdamos pakankamai stiprios, kad atsispirtų neliberalioms tendencijoms. Analizėje atskleidus, kad Lenkija ir Čekija yra labiau linkusios kompromituoti liberaliosios demokratijos pasiekimus, o Čekija ir Slovakija – mažiau, klausama, kokios yra liberaliosios demokratijos irimo institucinės priežastys ir padariniai.

Keywords: demokratizacija, liberalioji demokratija, Višegrado grupės šalys.

Introduction

The assertion that contemporary democracy undergoes a crisis is well-known and repeated among scholars ¹, whose opinions are formulated based on the description of the actual situation and its comparison with prior conditions ². Researchers have put forward a thesis on the decline in the quality of liberal democracy, but it is difficult to answer unambiguously the question of whether the situation is a permanent regress or a temporary crisis of democracy in its liberal dimension ³.

Liberal democracy as a political regime relies on such principles as free and fair elections, popular electoral law, constitutional foundations

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of law for the authorities and citizens, a tripartite division of powers and their separation, an autonomous status of the judiciary (including Constitutional Courts), and guarantees of human rights. Liberal democracy also cherishes such values as freedom, equality, and pluralism or the rule of majority with guarantees of respecting minority rights⁴.

The reports by Freedom House reveal a reduction of 5% in the number of liberal democratic countries between 2005 and 2020⁵. Today we are not so optimistic when we refer to the concept of the third wave of democratization as presented by Samuel Huntington⁶. One of the regions in which very clear symptoms of a decrease in the quality of liberal democracy are visible are the countries of Central Europe. As far as the subject of this article is concerned, I include the Czech Republic, Hungary, Poland, and Slovakia as the core countries of Central Europe based on historical, cultural grounds and the geographical location of these countries. The region is often referred to as the Visegrad Group (V4).

When it comes to the time span subject to analysis, this article covers the years 2008–2020. In this period, one can observe the abovementioned crisis in the development of liberal democracy in the V4 countries. After twenty years of quick progress (from 1989), the process of democratization slowed down towards the end of the first decade of the 21st century. Moreover, symptoms appeared suggesting that the democratic and liberal achievements of the structural and social transformations were undermined. In Poland, already in the period of 2005–2007, the government relied on program assumptions of the populist and nationalist Law and Justice Party (Prawo i Sprawiedliwość, PiS). In Slovakia, from 2006 the party in power was Smer, which is a populist formation. After 2006, in Hungary, the rule of social liberals was melting as the party Fidesz rose in popularity rankings. In the Czech Republic, a slow process of decomposition of the party system was begun, as a result of which increasingly more popularity was gained during a later period by the so-called new parties espousing novel views on politics. The lower temporal threshold is 2008, as it is the year when the global economic crisis began. The upper temporal threshold in this article's analysis is 2020, which is the final year of the third decade of the beginning of the democratization process. A democracy index reveals that on a ten-point scale measuring the quality of democracy between 2008 and 2020, the Czech Republic declined from 8.19 to 7.67, Slovakia from 7.85 to 6.97, Hungary from 7.44 to 6.56, and Poland from 7.3 to 6.85⁷.

The purpose of this article is to analyze the situation of the deterioration of liberal democracy among the V4 countries. The Central European perspective shows us that the first symptoms of deterioration of liberal democracy appeared just after all V4 countries became members of the European Union. It would suggest that the common social and political compromise and modernization efforts ended when the countries gained economic, political and cultural recognition from Western Europe. But according to Ivan Krastev, Central and Eastern

Europe wanted to mirror the Western world from before 1989 and during the process of democratization. However, the world had changed, and the standards of liberal democracy accepted by the V4 countries in 2004 would have faced some challenges. The problem with Central Europe is that after 1989, the political elites of these countries wished to stop the progress of time, effectively imitating democratic institutions and values without changing them⁸.

Today, the liberal democratic foundations of V4 countries are undermined. This leads us to three key questions: 1) What determinants influenced the background for the contemporary deterioration of liberal democracy in V4 countries?; 2) Which political actors are responsible for institutional changes in V4 countries?; 3) How are the changes implemented? Since the subject of the article are four countries of the Visegrad Group, the analysis will aim to compare their respective situations and consider if there are any common traits among them in the deterioration of liberal democracy.

The research methods include the comparative method, the neo-institutional approach, data analysis and synthesis, and the qualitative and quantitative approach. All the abovementioned methods are used to establish a uniform conceptual framework⁹. The comparative method will help to study and juxtapose the gathered materials and data. The neo-institutional method refers to the dynamic and static research of acts and institutions, their legal position and practical performance. The analysis and synthesis of materials, acts and data will help make global reassumptions required to draw conclusions. The qualitative-quantitative approach will help to gather, measure, and then explain the data referred to the phenomena of liberal democratic retreat. An external and internal assessment of the performance of liberal democracy will be used in this context.

1. Theoretical and Methodological Background

In literature there are some attempts to name the contemporary transformation inside liberal democracy: the hollowing of democracy, the democratic backsliding¹⁰, deconsolidation of democracy¹¹, de-democratization¹² and others. A common aspect to these approaches is that they underline the institutional breakdown of liberal democracy. They underline the weakness of institutions, their corruption, and personalization.

The breakdown is caused by rulers deriving from populist parties. They accept to partake in free elections, which are the core institution of liberal democracy, but once they succeed, they begin to undermine other important liberal democratic institutions, such as guarantees for citizens' rights, the recognition of the rights of minorities, the acceptance of pluralism and the idea of anti-majoritarian institutions. This leads to a destruction of the tripartite division of power, as the effects of such undermining lead to the superiority of the executive power over

the legislative and judiciary ones. The actors behind the institutional breakdown of liberal democracy consider the tripartite division of power irrelevant due to their electorate's legitimation received during the elections. They consider such a legitimation sufficient to govern without any limitations¹³.

Furthermore, the authorities responsible for the deterioration of the institutional democratic pattern expand the spectrum of their control over the autonomy of civil society and the media as well. These fields serve as tools to control the freedom, equality, and pluralism of the society. The deterioration of liberal democracy means full subordination of the core institutions to the ruling populist elites. They transform the electorate's will into an unlimited permission to destroy the checks and balance system¹⁴.

In the late 1990s, Fareed Zakaria observed the abovementioned reverse trend in liberal democracy among democratic countries and countries in transition. He pointed out that an illiberal democracy meant an undermining of institutions anchored in constitutionalism¹⁵. Then, Thomas Carothers stated that countries with broken democracies can be placed in a grey zone between liberal democracy and authoritarianism¹⁶. It was an important statement because it meant that in the 21st century the democratic paradigm of transition does not always have to unfold in a logical set of sequences; elections do not always bring pro liberal democratic parties to power. Wolfgang Merkel offered four possible types of defected democracies: the illiberal type, the domain democracy type, the exclusive type, and the delegative one, which can appear when the process of democratization moves away from its aim¹⁷. Béla Greskovits' concept refers the theoretical assumption to the context of Central and Eastern European democracies by underlying the two syndromes of deterioration that young liberal democracies develop. The hollowing of democracy occurs when people do not engage in public affairs. Democratic backsliding means a process of a regressing liberal democracy¹⁸. Attila Ágh's considerable contribution to the understanding of the reverse trend in the process of democratization in Central Europe is also worth mentioning¹⁹.

Moving on, for the purpose of explaining the contemporary deterioration of liberal democracy, I would like to refer to institutions as the pattern mirroring the quality of democracy. Johannes Gerschewski and his theory may help to define the framework of the analysis; the author indeed presented the concept of the breakdown of liberal democracy by referring to institutional changes. Theoretically, he pointed out that a cause or causes lead to a causal mechanism involving entities and activities. The causes can be interpreted here as a hostility towards liberal democracy and attempts to destroy it. The causes are endogenous and exogenous. J. Gerschewski separates these two, but I think that endogenous and exogenous factors undermine institutions jointly in a liberal democratic state. So, endogenous causes are, e.g., a lack of agreement among the political elites regarding the future of liberal

democracy, voter choice limited between liberal democratic or populist parties, populist party victory in the elections and subsequent attempts to change the liberal democratic order, including its institutions, and denying the legitimacy of their political opponents. Exogenous causes are, e.g., ethnic cleavages, institutional religious influence on state politics, or a global sense of disappointment with liberal democracy. The final effect of the causal mechanism (which is a process of a deteriorating liberal democracy) is a decay or erosion of liberal democratic institutions. Decay is placed on internal institutional transformation, while erosion affects the outer changes. Two elements of the causal mechanism, as mentioned earlier, are entities and activities. The first ones are populist parties in power reshuffling the regime and its institutions. The latter are connected with the process of capturing the institutions in the name of a falsely interpreted will of the electorate.

The process of institutional changes (interpreted by J. Gerschewski as a causal mechanism) requires a critical juncture, a kind of sudden interruption to be started. After the critical juncture, we observe a punctuated equilibrium deepening the institutional breakdown of liberal democracy, which finally results in a defected democracy²⁰.

Before the start of the process of deterioration of liberal democracy, there are some earlier preconditions which become the basis for the causes of the causal mechanism that trigger such a critical juncture. Based on J. Gerschewski's concept, I offer my own perspective on the deterioration process with a three-phased process based on the examples of V4 countries.

The first stage of the process of deteriorating liberal democracy is referred to as genetic. It is based on a decline of the democratization process. However, it has something in common with the experiences in democracy in a given country before the actual process of democratization. For example, in the V4 countries, this stage started in the last decade of the 20th century and lasted until the 2010s. It accompanied the early process of democratization, kept behind and remained somewhat invisible. It inherited, in the very beginning, the experiences of democracy and its institutions from the interwar period and of authoritarianism from the communist era. These two periods preceded the modern democratization that began in 1990 and influenced its outcome in the later phases. The relation between the previous and following institutional solutions in a state is known as path dependency. It demonstrates a continuation of certain features of the former institutional pattern in new political surroundings²¹. The two periods preceding modern democratization would play a role later on.

The first contact with democracy does not always have to be extended. It can be disturbed by a democratic regression or even the emergence of authoritarianism. From a worldwide perspective, this situation was analyzed by Samuel Huntington²². Internally, from a country's inside point of view, the contact, even if it is short, relates to a set of democratic institutions and fulfills an educational function. It simply teaches how to benefit from the constitution, the parliament, independent courts,

human rights, a limitation on the executive power, etc. Generally it shows how democracy is treated by the elites and the society at large. In theory, we refer to the reemergence of such democratization after a break as redemocratization²³.

In reference to the institutions of the communist era, Herbert Kitschelt points to factors that influenced such a regime. The formal-rational bureaucratic communist state apparatus could support or limit corruption, clientelism and patrimonialism, which depended on the attitudes to law. If the law was commonly accepted by people, the belief in law overcame the need to pursue particular interests. The other factor relates to the attitudes of communist rulers towards the society: repression or cooperation.

On grounds of the two abovementioned factors, Herbert Kitschelt differentiated between three possible modes of communism. Patrimonial communism developed clientelist networks between rulers and the society. The society was repressed while rulers governed all areas of human life. It formed in countries which used to be authoritarian before World War II. National-accommodative communism was based on more formal relations between rulers and the society, as well as technical administration. It recognized some level of human rights and freedom. It developed in the countries which had been semi-democratic or semi-authoritarian during the interwar period. Bureaucratic-authoritarian communism relied on a technocratic attitude of the rulers and strict planning. The rulers implemented harsh politics towards the opposition, fearing its potential strength. This situation existed in the countries which were democratic or liberal-democratic before communism²⁴.

Thus, after 1990, the political elites in V4 countries launched institutional changes leading to liberal democracy, but they faced an institutional background of the 20th century. All V4 countries moved towards parliamentarism with a strong position of the government. They developed autonomous judiciaries and strong positions for the Constitutional Courts. Presidents were elected indirectly, apart from Poland. This strengthened the parliamentarian character of the political systems. The development of liberal democracy was possible because all important stakeholders, mostly political parties, agreed to such a regime and supported it.

At the second stage, a weak liberal democratic rooting encounters a sudden disruption. It is a critical moment when institutions start to be interpreted in opposition to what they were during the democratization process. This critical moment is determined by social and political circumstances. The society is no longer satisfied with the current situation and is more prone to support parties that offer a populist plan for changes. The critical moment arises when the elites responsible for democratization face scandals and affairs, making the electorate disappointed both with the elites and the democratization process. In consequence, free elections become a plebiscite serving as a platform of rivalry between pro-liberal and populist camps offering a new and better vision of life. Julio Samuel Valenzuela points to this sudden

disruption as being triggered by free elections. They are a critical juncture that, later on, leads to an institutional punctuated equilibrium. Perverse institutionalization is a process steered by the elected populist parties, aimed at detracting the means and mechanisms of liberal democracy. During the punctuated equilibrium process, the rulers expand the public domain, which becomes subordinated only to them. They are no longer subjects of public accountability²⁵.

The third and final stage is the transformation of the institutional pattern of liberal democracy, which concentrates on the fields of public life. Incumbents of executive power subordinate all possible independent and autonomous authorities, and endeavor to prolong their rule. In this context, we observe an expansion of the situation presented at the previous stage: punctuated equilibrium.

In the time of democratic consolidation, the introduced institutions are supposed to develop a liberal democratic vision. They should represent a spirit of transparency and accountability as well as the idea of implementing liberal democratic rules and values. The critical juncture gives the populist parties the right to govern, and they use it to discontinue the previous vision of democracy. The new rulers neglect the achievements brought by the process of democratization. In Central Europe, this situation was analyzed by Bojan Bugarić, among others. Bugarić pointed out that liberal democratic institutions had an unstable background, and that is why they could be transformed to serve the executive power. This power is represented by the governments, but can be supported by the elected presidents. The authorities try to maintain the facades of liberal democratic institutions; however, they totally subordinate the institutions to their will. This way, parliaments pass laws drafted by the executive power and are no longer the platforms of discussion. The opposition is treated as enemies of the state and ignored by the rulers. The autonomy of the judiciary system is limited. The strong position of the Constitutional Court is undermined. There are projects to pass a new constitution to guarantee a new populist order²⁶. Civil rights, guarantees of minority rights and the freedom of civil society are targets of control by the populist parties²⁷.

2. The Genetic Stage of Liberal Democratic Deterioration in V4 Countries (1910–2010)

All V4 countries had experienced democracy before beginning the modern process of democratization in 1990. The first contact with democracy took place in the interwar period, but only Czechoslovakia was able to preserve this regime for twenty years (1918–1939). This was not common in other Central and Eastern European countries at that time, as they headed toward authoritarianism. Poland adopted democracy in 1918, which lasted until 1926, while in Hungary a democratic government operated only from November 1918 to March 1919. However, this distant experience in democracy left a memory

of the order and its institutions and built up a political and social attitude towards the regime. All V4 countries established, or tried to establish during the interwar democracy period, parliamentary systems with popular elections. Political parties at that time represented diverse opinions. The judiciary was autonomous, while the executive power was held by governments. The head of a state was its president. It is interesting that in Poland and Hungary, the decline of prewar democracy was caused by endogenous causes (coups d'état led by Józef Piłsudski in Poland and Miklós Horthy in Hungary), while in Czechoslovakia by exogenous ones (consequences of the 1938 Munich Agreement).

The second factor connected with the path dependency theory that played a role in the process of democratization in V4 countries was communism. The spirit of communism did not die in 1990. Its heritage influenced not both the early and late stages of democratization. Explanations as to what is presently happening in V4 countries, at the time of the deterioration of liberal democracy, could be derived from Herbert Kitschelt's theory. Poland and Hungary faced national-accommodative communism, based on more formal and rational bureaucracy, with some divisions between the party and technocratic governance in state administration. The rulers were more prone to accept citizens' freedoms and would co-opt the opposition rather than repress it. Poland and Hungary made their own vision of socialism, something that strengthened the national spirit. Czechoslovakia developed bureaucratic-authoritarian communism involving very formal relations and obedience to the rules. The opposition was harshly repressed.

The transition period of democratization meant that all relevant political actors agreed on certain liberal democratic solutions implemented in the Czech Republic, Hungary, Poland, and Slovakia. The euphoria of liberalization from Soviet dominance hid all possible difficulties that the V4 countries would have to overcome. And the difficulties appeared very soon, bringing the first signs of liberal democratic deterioration.

The political reforms of the democratic state of law were implemented both by new parties and the social-democratic ones, which in Poland and Hungary originated from communist structures. In a divided Czechoslovakia, the way of democratization was paved by the new, non-communist parties.

It is worth underlying that the Polish Democratic Left Alliance (Sojusz Lewicy Demokratycznej, SLD) and the Hungarian Socialist Party (Magyar Szocialista Párt, MSzP), being post-communist parties, assumed the strategy of liberal formations. So, liberalism as a state ideology was introduced by the political elites of the leftist parties. Typical liberal parties served rather as small coalitional partners for the social democrats, The Liberty Union (Unia Wolności, UW) in Poland or The Alliance of Free Democrats (Szabad Demokraták Szövetsége, SzDSz) in Hungary, and received moderate electoral support.

In the Czech Republic the situation was different – the Czech Social-Democratic Party (Česká strana sociálně demokratická, ČSSD)

was not connected with the previous regime, while liberal parties were supported by the society more willingly than in Poland and Hungary. Slovakia regained full independence in 1993 and for few years struggled to define its political identity. From 1992 to 1998 Vladimír Mečiar, the country's prime minister, slowed down the process of democratization and implemented forms of autocratization. He was head of the Movement of Democratic Slovakia (Ľudová strana – Hnutie za demokratické Slovensko, LS-HZDS), a conservative and nationalist party which dominated the political scene in the 1990s. Slovak liberal parties were weak. The average support for liberal parties in the parliamentary elections in V4 countries between 1992–2011 was 11.4% in the Czech Republic, 9.88% in Hungary, 9.69% in Slovakia, and 5.66% in Poland²⁸.

The post-communist, social-democratic governments from the two first decades of the process of democratization implemented modernization reforms, while the rightist parties and their governments did not undermine the trend of liberal democratization, instead ceasing their approach. As Marc Plattner says, the door to undermine liberal democracy was opened by breaking the agreement and consensus among leftist, rightist, and centrist parties²⁹. The rightist parties denied the sense of liberal democratic foundation of a state and moved towards populist propaganda aimed at destroying the liberal democratic.

Why did it happen? Simply speaking, the rightist parties noticed the fatigue of the society and the desire for a better life. People in V4 countries were disappointed with the elites that ruled and modernized the countries without respecting the social needs that could benefit from the growth of GDP. The rightist populist parties in V4 countries were the Polish PiS and Hungarian Fidesz. But in Slovakia, it was not a rightist but leftist populist party Smer, while the Czech ANO 2011 (Action of Dissatisfied Citizens 2011) does not define itself as either on the left or on the right.

The genetic stage of deterioration of liberal democracy accompanied the early stages of democratization in V4 countries. As in the latter process, liberal democratic institutions were introduced, certain pitfalls appeared, mostly anchored in the political culture and institutional path dependency owed to communism, which at the same time challenged liberal democratization. Initially they were frozen, but later on they transformed into new undemocratic causes of the institutional breakdown.

3. Sudden Interruption in the Process of Democratization: First and Second Decade of the 21st Century

In the Czech Republic, a sudden interruption of linear development of liberal democracy took place in the second half of the first decade of the 21st century. After 2006, the rightist Civic Democratic Party (Občanská demokratická strana, ODS) formed a minority cabinet that finally collapsed in 2009. After a year of provisional government, the ODS won again in the next parliamentary elections. However, the scandal

relating to certain non-transparent activities of the new ODS Prime Minister Petr Nečas culminated in the dismissal of his cabinet. He and his lover Jana Nagyová were accused of fraud and using public positions for private interests³⁰. This unclear situation triggered a social disappointment with the political elites and redirected the electorate toward new parties with populist programs: TOP 09, Úsvit, VV, the Pirates, and ANO 2011. The last one became a minor coalitional partner of the social-democrat government in 2013, but in 2017 it won the elections and was a major partner in the coalitional government. This was the turning point in the story of liberal democratic regress in the Czech Republic because of the strong populist inclinations of ANO 2011.

ANO 2011 was founded by multimillionaire Andrej Babiš and has been identified with his person. The party does not want to be placed either on the left or right side of the political spectrum, because the global popularity of nationalist and rightist parties is smaller than in Poland, Hungary, or even Slovakia. The electoral success of ANO 2011 was connected with the great financial support the party received from A. Babiš, the owner of company Agrofert, and the media outlets under his ownership. He used European funds to run his business, which gave rise to accusations of fraud made against him when Andrej Babiš was Vice Deputy Prime Minister and then Prime Minister of the state. What is more peculiar about the Czech situation is that A. Babiš can count on President Miloš Zeman's support, a figure who does not follow liberal democratic standards as well. Today, both the president and the prime minister mingle illiberal and populist demagogy³¹.

In summary, the sudden interruption triggering the causal mechanism of liberal democratic deterioration in the Czech Republic originated from the social disappointment with the ODS government and political scandals. In 2010 elections, many new parties with a kind of populist background (VV, TOP 09) entered the parliament, which prepared the ground for the 2013 parliamentary elections, whose results reflected a growing support for populist parties (ANO 2011, Úsvit přímé demokracie).

In Slovakia, after the authoritarian period of Vladimír Mečiar's government, the state was governed by a centrist multi-party coalition led by Prime Minister Mikuláš Dzurinda during 1998–2006. Dzurinda implemented liberal and modernization reforms and was praised by the EU. But in 2006, the parliamentary elections were surprisingly won by the populist Smer. The Smer Party was organized by Robert Fico and entered the Slovak parliament for the first time in 2002, but four years later it won the elections and formed a coalitional cabinet with the Slovak National Party (Slovenská národná strana, SNS) and L's-HZDS. Starting with R. Fico's first cabinet (2006–2010) it was obvious that Smer was moving to the mainstream right, conservative, and populist positions, leaving behind its earlier leftist ideas. Smer supported anti-European appeals. In 2006, the party was temporarily suspended by the Party of European Socialists (PES) for stirring up racial and ethnic prejudices, racial hatred, and not supporting a modern, pluralist, and tolerant Europe³².

The victory of Smer in 2006 was partly caused by social fatigue created by eight years of liberal and democratic governance of Mikuláš Dzurinda and the multilocational character of his government, which caused some tensions among parties. The sudden interruption in 2006 happened because Smer was able to focus the electorate's attention on the economic costs of transformation and offer a united vision of the nation. A charismatic leader, Robert Fico directed the blame all for any problems to the coalitional parties of M. Dzurinda's cabinet³³.

In Poland, the scandals and corruption affairs connected with the social democratic government (2001–2005) led Poles to distrust the political elites. The beneficiaries of the situation were new parties like PiS, which presented themselves as liberators from and cleaners of bad political habits in public life. This party won the elections for the first time in 2005, but J. Kaczyński (the party's leader) did not take the position of prime minister. When his minority government collapsed in 2006, J. Kaczyński signed a coalition agreement with two smaller populist parties (Samoobrona and Liga Polskich Rodzin) and became head of the government. The cabinets of PiS between 2005–2007 can be characterized as chaotic and full of paradoxes. PiS showed its populist face but in many cases was unable to seriously challenge liberal democracy at that time, as it did not have more than a majority's support in the parliament. On the institutional ground, the party tried to subordinate the judiciary and to take control over the public media, but without success. In 2007, after two years of scandals that led to a deepening chaos, the PiS government collapsed and lost in parliamentary elections to the centrist Civic Platform (PO)³⁴.

The sudden interruption of the liberal democratic process in Poland was a result of political scandals caused by leftist politicians ruling between 2001 and 2005. Yet, the victorious populist PiS plunged into its own affairs and scandals quickly, even before starting the process of deteriorating the institutional pattern. The second and decisive interruption took place in 2015, after an eight-year rule by the Civic Platform (Platforma Obywatelska, PO). Then, PiS benefited from the social disappointment and the ongoing political scandals involving members of the PO cabinet.

When the Hungarian socialist MSzP was re-elected in 2006, it seemed that social-democrats were generally supported by Hungarians and that liberal reforms would be continued. But just a few months after the announcement of the parliamentary election results, secret conversations between then-Prime Minister Ferenc Gyurcsány and his colleagues were published by journalists. The prime minister told he lied to the society and falsified the economic indices, which were poor. He did it to win the elections. In autumn 2006, Hungary faced grave riots and manifestations due to a lack of trust for the authorities. This tense social situation lasted until the next parliamentary elections in 2010. Fidesz, the main opposition party, joined the protests and demanded a dismissal of the government, also calling for new elections³⁵. It won the 2010 elections, but at that time no signs of danger to liberal democracy were present³⁶.

In 2010, Hungarians were disappointed with the last four years of rule of the MSzP and its chaotic and arrogant attitudes. Fidesz benefited from this situation and offered a project of a total reconstruction of the political order built up since 1990, just to meet its own particular need to subordinate all public spheres.

4. The Stage of Transformation of the Liberal-Democratic Institutional Pattern in V4 Countries from the Second Half of the 2010s

This stage refers mostly to the destruction of the separation of powers, which is accompanied by taking control over the social society and media by the executive power. It is connected with the expanding power of the executive branch of government, making the parliament mute and passive and subordinating the judiciary to the executive branch.

In the Czech Republic, after 2013, liberal democracy has been challenged by the two most important persons in the state: President Miloš Zeman and Prime Minister Andrej Babiš. The president's attempts to undermine checks and balances are aimed to weaken the depersonalized nature of Czech democracy. Because of his manipulative and arrogant behavior, he has not respected the limits of his competences many times. In 2013, he appointed J. Rusnok as prime minister without consulting the parliament. In 2019, the president refused to nominate the minister of culture. Miloš Zeman violated the Constitution obligating him to endorse the prime minister's candidate for the minister position. The attempts of the president to reduce the autonomy of judicial bodies were so huge that in 2019 the president of the Supreme Administrative Court and one of the Constitutional Court's judges publicly claimed that M. Zeman put direct pressure on courts. He does not respect LGBTQ rights, and in 2013 he refused to nominate M. Putna as Professor owing to the scholar's sexual identity.

The second influential politician whose activities spoil the liberal democratic order is Andrej Babiš, who is known for his authoritarian tendencies. Although his party won the 2017 elections, he was not able to form a cabinet for nine months due to not having the majority of seats in the lower chamber. But it was President M. Zeman who favored A. Babiš, again without consulting the parliament. A. Babiš unsuccessfully attempted to amend the Constitution in 2019 and 2020. He then tried to subordinate the General Prosecutor and public prosecutors³⁷.

The destruction of the separation of powers refers to attempts to limit the autonomy of the judiciary, including the Constitutional Courts, and to release the executive branch from any legal limits on its operation. In the Czech Republic there appeared some symptoms of illiberal tendencies to steer the judiciary branch by the executive of ANO 2011. Because of the fact that Andrej Babiš, as the former owner of the enterprise Stork's Nest Farm, was accused of fraud involving a subsidy from the European Union, an EU investigation and a Czech one were commenced. Andrej Babiš dismissed the previous Minister of Justice and appointed Marie

Benešová, who halted the Czech investigation. In December 2019, due to huge protests in the Czech Republic, the investigation was re-opened³⁸.

Although the real changes in the liberal democratic institutional pattern were rather modest under the rule of ANO 2011, the danger resided in two most influential anti-liberal politicians: the prime minister and the president. Even after the 2021 parliamentary elections, won by the center-right coalition of ODS, KDU-ČSL and TOP 09, the president announced that he would nominate Andrej Babiš as prime minister because his party won the elections independently, not in coalition. This did not happen eventually.

In Slovakia in 2012, Robert Fico and his party Smer gained the majority of seats in the parliament, which enabled Fico to show his real unrestrained will to capture the branches of autonomous power. In order to expand his rule over the state he ran for president in 2014 but lost to Andrej Kiska. Between 2012 and 2016, due to the legal provisions Smer was able to hold the office of the Prosecutor General and Special Prosecutor. Smer wanted to subordinate the Constitutional Court, but the party faced a strong counter-weight of the president A. Kiska. In 2016 Smer lost the majority in the parliament but was able to form a three-party cabinet with R. Fico retaining the position of prime minister. In 2018, Robert Fico tried to amend the Constitution to exclude the president from the procedure of selecting judges to the Constitutional Court. During his time in power, R. Fico amended the Constitution four times altogether. His resignation was caused by the investigation of the murder of an investigative reporter Ján Kuciak in 2018, who had revealed connections between the mafia and state administration. The prosecutor general and the speaker of the parliament resigned too.

The attempts to deteriorate the institutional pattern in Slovakia made by Robert Fico were opposed by previous president A. Kiska. Although the Smer government tried to introduce certain illiberal rules, finally the party was not able to hide the negative aspects of its activity, after reports in the media. After the culmination point, which was the murder of Ján Kuciak, Smer began to steadily lose the electorate's support.

The Hungarian case is most striking. After 2010 Fidesz captured different independent institutions and turned them into servants. The party has used informal and formal methods to do that³⁹. The passing of the Fundamental Act enabled Fidesz to introduce amendments to electoral law, allowing Fidesz to be reelected in the future without major obstacles. The state legislation is defective, which deteriorates the rule of checks and balances⁴⁰. From 2010, the presidents have been loyal allies of Fidesz (Pál Schmitt, then János Áder) because they are elected indirectly by Fidesz's parliament. They promulgate all legislative acts.

In the judiciary field, Fidesz dissociated itself from the previous liberal democratic experiences by passing new acts. To underline the transformation, Fidesz even changed the name of the Supreme Court of Hungary to the Curia, the president of which is elected for a nine-year term by the parliament dominated by V. Orbán's party. Because Fidesz wanted to gain control over the Curia as soon as possible, it started to

remove judges from their positions. Courts have to act in accordance with the Fundamental Act and with morality, the public interest, and economic aims⁴¹.

Because the Constitutional Court was a major obstacle to undermine the law passed by Fidesz's parliament, in 2011 the new Act on the Constitutional Court was passed. It gradually changed its autonomy into subordination. The President of the Constitutional Court is not elected by judges, but by the parliament. The upper age limit for judges was reduced from 70 to 65, which eliminated the judges oppositional towards Fidesz. The new law also reduced the competences of the Court⁴².

Fidesz subordinated even the self-government of judges by the creation of a new body, the National Council for Judges. Then the party established the National Office for the Judiciary, which took charge of managing the activity of public courts. All judges who were more than 65 years of age were forced to retire and were replaced by new loyal ones⁴³. The transformation of the judiciary is still moving on.

Although we have been observing an expansion of the omnipotence of Fidesz in state institutions, including public and even private media, throughout the years of the rightist-populist rule there were certain situations when the strangled opposition was able to show a some strength. The Hungarian example shows how difficult it is to rebuild the political position by a party or parties in opposition under the growing impossibility to benefit from the free media dominated by state authorities.

In 2014, the divided left opposition parties merged to compete with Fidesz in the parliamentary elections. MSzP, Together (Együtt), and the Democratic Coalition (Demokratikus Koalíció, DK) with two small liberal parties formed an electoral coalition called the Összefogás (Unity). However, they obtained only 38 mandates out of 199 in the parliament, while Fidesz-KDNP won 133.

Though that first attempt to oppose Fidesz by a joint effort did not succeed, the opposition made another step in the 2019 municipal elections. This time, the results were more satisfactory. The oppositional coalition formed by socialist, liberal, green, and even nationalist parties was able to take back some mandates from Fidesz-KDNP. It should be noted that the success was observed mostly in large cities. In Budapest, Gergely Karácsony from the liberal PM was elected mayor. Moreover, the opposition won the majority of mandates in the municipal council of the capital city and in 14 out of 23 councils of Budapest districts. Candidates from the united opposition also won the mayor elections in 10 out of 23 county cities.

In 2020, the opposition decided to conclude an agreement to unify before the 2022 elections, which included the leftist DK and MSzP, the liberal Politics Can Be Different (Lehet Más a Politika, LMP), the Dialogue for Hungary (Párbeszéd Magyarországért, PM), the centrist Momentum, the nationalist Jobbik, and the Greens. In September 2021, opinion polls showed that the united opposition and Fidesz could hope for an almost equal amount of votes. The elections will take place in spring

2022 and they will clarify the situation, answering the question about the future of liberal democracy in Hungary.

In Poland the spreading control over the public sphere by the PiS cabinet was fast during its first term (2015–2019), but it slowed down after 2019. Jarosław Kaczyński realized that his party was not able to change the law as previously, because in 2019 the Senate was lost by PiS to the opposition, which gained a majority of seats. So, although limited in competences, the Senate is able to hamper the influence of PiS.

After the Polish 2015 parliamentary elections, Jarosław Kaczyński of PiS pointed at Beata Szydło to serve as the country's prime minister. She was responsible for activities extending the dominance of the executive over other public bodies. The destruction of the rule of separation of powers is connected with the fact that the executive bodies dominated by PiS, the government and the president (both elected in 2015 and then re-elected respectively in 2019 and 2020), act hand-in-hand to pass and validate the law through the subordinated parliament to gain control over the whole public life. The PiS government uses the procedure of fast tracking the draft bills to limit the time for their discussion in the parliament, especially in the Sejm. It undermines the position of the parliament⁴⁴.

In Poland after 2015, the PiS used the public media to show that courts were corrupted and weak. Following such propaganda, new acts on the judiciary were adopted. Even the judicial self-government was subordinated: the National Judicial Council was composed of judges loyal to PiS. A similar scenario was followed in relation to the Supreme Court. The new law reduced the maximum age of active judges from 70 to 65, and the vacancies were filled by judges loyal to the PiS. The party introduced two new chambers to the Supreme Court: the Extraordinary Control and Public Affairs Chamber and the Disciplinary Chamber. Both chambers took over the competences of other bodies, which had been more independent. Ordinary courts were subject to purge due to limiting the retirement age from 70 to 65. The vacancies were also filled by judges loyal to PiS. In the end of 2019, the Sejm passed a new act that restricted the autonomy of the judiciary.

To take full control of the process of passing and introducing the new law, PiS seized the Constitutional Court similar to how it was done in Hungary. This process was two-staged. At the first stage, PiS introduced a paralysis of the Court. The Sejm, in the end of 2015 (when PiS had a majority) elected five new judges, although these had been elected by the previous Sejm in mid-2015 (when Civic Platform had a majority). The second stage showed the Constitutional Court with a new face. Between the late 2015 and late 2016, the Sejm passed six acts on the Constitutional Court, then changed the composition of judges and replaced the old judges with new, loyal ones.

Apart from the constitutional dimension of the deterioration of liberal democracy, in V4 countries, in connection with the violations of the tripartite power division, there are at least two additional institutional areas that the executive branch of the government dominated by a

populist party wants to control. Those are the media and civil society, the control of which allows populist authorities to manipulate the society.

The ownership of Czech media is comprised of free and local oligarchs who control the market and remain neutral in terms of politics, with the exception of Andrej Babiš. He used his enterprise Mafra to buy large newspapers *Mladá fronta DNES* and *Lidové noviny* before and after the elections, using them to show the success of his government and criticizing the opposition. But it should be stated that the public television and radio broadcast mostly independently news on the public activities of state authorities and opposition. The Slovak media are generally independent, and their activity is regulated by the law. The private ownership of the media is concentrated in the hands of local business groups. The state radio and television broadcast real information on the government and opposition. But after the murder of Ján Kuciak in 2018, a journalist who investigated the corruption links between the mafia and public officials, the authorities limited the freedom of the media using the Press Act of 2019. Public media in Poland and Hungary became totally subordinated by the PiS and Fidesz respectively to serve as propaganda tools presenting the successes of their governments and the failures of the opposition. The parliaments passed acts that created new bodies: the Council of National Media (Poland) and the National Media and Info-Communications Council (Hungary). They are controlled by governments and monitor the functioning of media in both countries regarding the conservative, traditional and progovernment values. The old bodies devoted to control media still exist, but their competences are limited. In Poland, the private media still benefit from independence, while in Hungary Fidesz had liquidated almost all free private media.

Although after 2017 civil society organizations in the Czech Republic have been criticized by some members of the government, including the prime minister and the president, they manage freely. In Slovakia, non-governmental organizations were under pressure from the former Prime Minister Robert Fico and other ministers, while the government also attempted to introduce some limitations on the NGOs. In Poland and Hungary, civil organizations are close to the public administration and depend on the finances awarded by the state. This situation hampers the development of the behavioral foundations of liberal democracy. The Polish and Hungarian administration prefer awarding funds to the institutions supporting Christian, conservative and traditional values. In 2012, Fidesz established a new subordinated institution, the National Cooperation Fund, to seize control over civil society.

Conclusions

The contemporary deterioration of liberal democracy in V4 countries shows that in the name of particular and temporal needs of populist parties and their leaders, the institutional pattern introduced in the beginning of the process of democratization is transformed and penetrated by illiberal values.

Answering the first question from the introduction – what determinants influenced the background for the contemporary deterioration of liberal democracy in V4 countries – it should be noted that four important variables were explained and examined during the research.

The first variable defines that apart from the regional Central European causes of the reverse trend relating to the political regime, there are general contestations of liberal democracy around the world. That is why we can explain that the process of deterioration of liberal democracy is caused not only by endogenous factors, but exogenous ones as well.

The second factor sheds light on the quality of liberal democracy from a historical perspective. The deepest decline of liberal democracy is noted in Poland and Hungary today, the two countries with relatively short experiences in democracy before World War II. On the other hand, the Czech Republic and Slovakia did not face such a regress and were democratic for twenty years in the interwar period. This suggests a relation between the prewar length of democracy in a given country and its contemporary situation, as far as V4 countries are concerned.

The third determinant refers to the communist heritage. The actors responsible for the creation of a liberal-democratic pattern in 1989 and 1990 mirrored Western Europe by denying the communist institutional background; however, the political culture and habits proved to be stronger than the need to forget them. As Herbert Kitschelt's theory reveals, there are relations between the character of communism, on the one hand, and the process of democratization and its breakdown in V4 countries on the other. The Polish and Hungarian national-accommodative model of communism brought more nationalist and reluctant attitudes toward liberal democracy, while the Czechoslovak bureaucratic-authoritarian communism left in the Czech Republic and in Slovakia more attachment to the value of the state of law, which seems today to be transformed into a stronger appreciation for liberal democratic constitutionalism.

The fourth determinant refers to the context of the implementation of liberal and democratic values and institutions by relevant political actors and elites. The ground for the implementation was not prepared, as the liberal ideology was weak and the authorities treated it as something strange, but important to introduce. The strangeness of it was strengthened by the fact that, e.g., in Poland and Hungary, liberal ideas were introduced by post-communist parties that transformed themselves into social-democratic ones. Slovakia struggled with authoritarian challenges posed by Vladimír Mečiar (1992–1998), with liberal values being implemented at a later phase, in 1998–2006. In the Czech Republic, liberal experiences were more visible and accepted by the elites and the society.

Answering the second question formulated in the introduction, the responsibility for the institutional changes weakening the liberal democratic constitutional foundations should be assigned to the populist parties that rose to power. The populist parties are the entities that

start and run the causal mechanism of the deterioration of liberal democracy. In Hungary and Poland, the populist parties in power merge rightist, conservative, nationalist, and traditional views with pro-social politics. Their leaders handle party politics as well as state politics. Their approaches are pragmatic, as V. Orban and J. Kaczyński know how to gather social support and sustain it. They find enemies and divide nations into the good, loyal to Fidesz and PiS, and the bad, who are represented by the opposition. The populist parties are Eurosceptic, but membership in the EU brings them many financial benefits. The Polish PiS and Hungarian Fidesz benefit from a majority of seats in the parliaments and are less obliged to follow liberal democratic rules. In the Czech Republic and Slovakia, populist parties are relevant in the political system, yet as of now they have not introduced any major changes to the liberal democratic regimes. ANO 2011 is the most popular party in the Czech Republic. The party won the elections in 2017 and came second in 2013 and 2021. In 2014 and 2017, ANO 2011 formed coalitional cabinets with the social democrats, which slowed down the tendencies to introduce illiberal solutions into the political system. In Slovakia, Smer ruled from 2006 to 2010 and then again from 2012 to 2020. Despite the long period of staying in power and the former prime minister Robert Fico's attempts, liberal democracy remains. The Czech ANO 2011 did not identify either with the right or the left side, while the Slovak Smer offers a rather socialist program.

The third question from the introduction is concerned with the way institutional changes that deteriorate liberal democracy are implemented. It relates to the expansion of the political power held by the ruling populist party in a country. The causal mechanism leading towards illiberal democracy in the V4 countries proceeds according to two scenarios.

In Poland after 2015 and in Hungary after 2010, the executive power had a majority support in the parliament and introduced legal acts to reshape its liberal-democratic landscape. First of all, the executive branch captured public media to gain control of the information broadcast to the society – in Hungary, Fidesz managed to subordinate not only the public but also almost all private media, while in Poland private media can still act independently. Second, the populists limited the independence of the Constitutional Courts, which could block the illiberal legislation. Third, the populists purged judges from ordinary courts, subordinated the Supreme Courts, and even limited the autonomy of the judges' self-governments. Fourth, the parliaments lost their rudimental quality of being a platform to discuss public problems. Fifth, the limitation of a broad discussion moved down from the parliaments to the citizenry. NGOs are treated as enemies that seek to destroy the new order. For that reason, they became more subordinated to state finances.

In the Czech Republic and Slovakia, the executive power tried to implement some illiberal institutional changes, yet their scope was not as huge as in Poland and Hungary. Robert Fico and Andrej Babiš are populist leaders who were prime ministers and preferred technocracy

over sustaining liberal democratic values. Andrej Babiš could count on the aid of President Miloš Zeman as well. Although the changes did not transform the liberal democratic foundations, they deteriorated such foundations. The legal and non-legal attempts against liberal democracy involved violations of the constitutional provisions on the competences of public authorities. The Czech ANO 2011 did not have a majority in the parliament, and breaking the liberal democratic rules were more difficult than, e.g., in Slovakia, where between 2012 and 2016 Smer had a majority of seats in the parliament. However, the bad memories from the still vivid rule of V. Mečiar perhaps prevented Smer from following in the same way.

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