How Populists Rule: The Consequences for Democratic Governance

Anna Grzymala-Busse, Stanford University

Poland and Hungary are two European countries where populist parties govern without coalition partners. Such undiluted power has meant they could target the formal institutions of accountability—courts, news media, and oversight agencies—and the informal norms of democracy, including tolerance and forbearance, by attacking the opposition, dividing societies, and reconfiguring national memories to justify their policies. The result is the authoritarian backsliding of these post-communist democratic pioneers. Yet the populist parties remain relatively popular, largely thanks to generous, if selective, social policies.

Keywords: populism, Poland, Hungary, authoritarianism, governance

How do populists govern? Populist support continues to rise across Europe, but there are only a few places where these parties comprise the government. In the cases of Poland and Hungary, three consequences followed. First, both populist governments have targeted the formal institutions of oversight and accountability in the name of bringing such institutions under popular control. Second, these parties have altered the informal norms of democratic governance—both by introducing a Manichean distinction between their “good” loyalists and corrupt or treasonous opponents, and by using national memory and historical disputes to justify and consolidate their policies. Finally, the populist governments in Poland and in Hungary remain popular because of both their social policies and their responses to external criticism. Here, as Kathleen McNamara and Milada Vachudova have suggested, the European Union serves as a useful foil: populist parties claim that the E.U.’s demands to accept and integrate immigrants and its criticism of the democratic erosion in the two countries serve as evidence of the parties’ need to defend the national interest against foreign pressure.
Populists in Power

The populist vote has increased across Europe over the last few decades, as the introduction to this symposium has demonstrated. Electoral support for populist parties has risen in both East and West. Yet, beginning with the first elections in the post-communist member states of the European Union, there have been consistently higher levels of support for populist parties in those states than in the old member states. Given these high levels of support, populist parties are much more likely to govern in post-communist East Central European states—such as Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Poland, and Slovakia—than in Western European states (see Milada Vachudová’s contribution to this symposium).

Among these countries, perhaps the most worrisome examples of populist governments are in Hungary and Poland, where populist parties won with overwhelming parliamentary majorities. In Hungary, Fidesz (the Federation of Young Democrats-Hungarian Civic Alliance), which had governed previously in 1998–2002, won the 2010 elections with nearly 53% of the vote and over 68% of the seats. The party subsequently won the 2014 and 2018 elections with 45% and 49% of the vote, respectively, retaining its parliamentary majority. In Poland, the Law and Justice Party (PiS) governed first in 2005–07, and then returned to govern in 2015 with 38% of the vote and 53% of the seats. It won both the parliamentary and the presidential elections with high enough margins that it could rule as a single party with no governing coalition partners. Given these solid parliamentary majorities, these parties had the occasion to transform their polities—an opportunity they did not pass up.

The roots of these parties’ popularity lie in the failure of political party competition: as Sheri Berman and Julia Lynch have both argued, centripetal party competition allowed the populists to easily distinguish themselves from the pack, with their trenchant critique of the complacency of mainstream political parties, the European Union, and the cultural threat of immigration. Populist criticisms, however, are not easily reducible to economic crisis tout court: while Hungary weathered one, Poland (alone in the European Union) has had positive economic growth in every year since 1989.

Eroding Formal Institutions

Both Fidesz and PiS have targeted the formal institutions of the rule of law and liberal democracy, and they have introduced new legal constraints that undermine liberal norms (making constitutional changes, limiting the freedom of the media, financing loyal non-governmental organizations, etc.). These legalistic (if not always legal) maneuvers follow from the parties’ view of formal democratic institutions as the creatures of corrupt elite deals and exploitation, rather than as autonomous institutions of democratic accountability and legal constraint. Such tactics, of course, also undermine the opposition’s legal standing as well as limit criticism, transparency, and accountability.

Hungary offers the most egregious example of the populist undermining of democracy, as is exquisitely documented by Kim Lane Scheppele. Fidesz began to transform the political and legal institutions of Hungary once it first won national office in 1998 and then gutted them after its return to office in 2010 with a precisely targeted and fundamental makeover of political institutions. To review the familiar and depressing catalog of democratic malfeasance: a new, self-serving constitution was passed in 2011 by the Fidesz-dominated parliament, which included extensive supermajority requirements and created a power for establishing autonomous bodies that could “curtail the parliament’s powers,” in the words of the Venice Commission. The Constitutional Court was eviscerated (with the fourth amendment to the new constitution invalidating the past twenty years of judicial precedent), new early retirement ages for judges were introduced (which would force the retirement of 300 of the most experienced jurists within the year, according to the Venice Commission Report), and judicial appointments were centralized (with the final decision left to one official—the wife of a Fidesz party leader).

Subsequently, civil society and media organizations came under attack. Universities and religious groups were brought under control with registration and other

---


6. See citations in note 4 above.
requirements, a new media law gave the Media Oversight Board the power to bankrupt any media outlet, and new electoral laws skewed the playing field to the governing party (with cumbersome electoral thresholds, constraints on diaspora votes, and changes in the districting and registration laws). In April 2017, the Lex CEU abolished the legal standing of the Central European University, the one independent university in Hungary, which possessed a twin burden of highly desirable real estate and sponsorship by George Soros, the bête noire of the Viktor Orbán government. The ruling party also ensured its potential to hold hostage future governments: according to the new constitution, decisions such as budgets and other parliamentary laws could not pass without a two-thirds majority. The government denounced E.U. criticism of these moves and used it as evidence of Fidesz’s Hungarian nationalist credentials; the European Union provided an easy target for populists, as Kathleen McNamara argues in this symposium. Finally, Fidesz has in effect nationalized extensive sectors of the economy, from pharmacies to oil, with an estimated three to four hundred businesses simply taken over by the government.

Poland after 2015 has followed the Hungarian template in terms of both the specific institutions targeted by the populist party and the sequence in which they were attacked. Having gained an absolute majority for the first time, PiS first created a controversy over the Constitutional Court; the new government refused to seat judges nominated by its predecessor, and instead insisted on naming the replacements and curtailing the power of the Court. The party then attacked the public media and brought it under partisan control.

The first and most prominent target for PiS were the courts and the judicial autonomy they embody. The courts were to be brought under popular control, in the name of the people regaining democratic authority over a corrupt system. The government introduced new judicial supermajority and quorum requirements, along with a new number of supreme court justices and new terms and retirement ages. In Fall 2015, PiS appointed new judges to the Constitutional Tribunal and transformed its decision-making powers by requiring both a supermajority of two-thirds for its decisions and a quorum of at least 13 out of the 15 judges. This decision targeted the judicial system more broadly, a system that PiS chair Jaroslaw Kaczyński had called

7. The supermajority requirement effectively gives Fidesz a veto power in those areas, since, given the disproportionality of the electoral law, Fidesz won over two-thirds of the seats with only two-fifths of the vote.


“the bastion of everything in Poland that is bad.”

10 As he put it with stunning honesty, the courts were the primary target since “all our actions could be questioned for whatever reason.”

11 In July 2017, PiS passed new laws intended to reorganize the Supreme Court and retire its judges, as well as to bring the courts under the control of the Justice Ministry, which now were to appoint both judges and prosecutors in legal cases. After unprecedented mass protests dominated politics for several days, and against all expectations, President Duda vetoed two of these laws, but signed a third that reorganized the common court system. Subsequent laws guaranteed the governing party a majority on the National Judicial Council, by forcing retirements at age 65 (thus getting rid of the Chief Judge and 40% of the other justices) and requiring new appointments to the Supreme Court. PiS will now fully control the nominating and verifying process. Despite popular protest, the opposition of the Civic Ombudsman, and expert criticisms, PiS brought the judiciary firmly under the political control of the government it controlled, reviewing and curtailing the very domains over which courts could now exercise judicial review.

PiS also targeted other monitoring and oversight institutions. It has repeatedly attacked the Civic Ombudsman, Adam Bodnar, and suggested abolishing the office itself. The government announced a civil service purge in 2016 that would verify and fire at least 2,000 civil servants due to questions about their loyalty and ideological identifications. News programming came under renewed scrutiny, with the state-owned television news openly editorializing in favor of the government (for example, the chyrons—the narrow strips of text running throughout news broadcasts, labeled the opposition as the “defenders of pedophiles and absentee parents”).


11. Ibid.


Breaking Informal Norms of Democracy

Just as importantly, however, these populist governments also have made a point of undermining informal democratic norms, which include conflict of interest laws, financial transparency, respect for opposition, access and accountability to media, and the meritocratic awarding of jobs, tenders, and contracts. Steven Levitsky and Daniel Ziblatt have identified the mutual toleration of the opposition and the government, and forebearance from using the law as a weapon, as critical informal norms of liberal democracy.14 Both of these norms have been violated in Poland and in Hungary. The damage may go deeper and be far less reversible than that done to formal institutions; such norms and informal rules are the product of decades of elite and popular interactions and the shaping of expectations that govern political behavior. Once such trust and consensus disappear, they do not return easily.

Thus, the governance of the economy has been suborned to partisan ends, especially in Hungary. As documented by Bálint Magyar,15 a key feature of Fidesz’s entrenchment in power has been its transformation of an independent, entrepreneurial business sector into a partisan conglomerate. Orbán has named key allies to critical positions in the state and its newly enlarged national economic sector. This had two sets of effects: on the one hand, the party could extend its influence across state, society, and economy. On the other hand, as Magyar argues, these policies also created a group of new oligarchs who are utterly dependent on their leader—cementing their loyalty, much as Putin has done with Russian oligarchs.16 In addition to transforming the legal framework, Fidesz has used laws to hit high-profile opponents, substituting retroactive justice, ad personam laws, and the liquidation of oversight for the rule of law. The government awarded tenders and procurement contracts to allies, while hitting inconvenient civil servants with a 98% tax on their severance packages.

Second, these governments have targeted informal norms of democratic inclusion. In both Poland and Hungary, populists have redefined the nation and the boundaries of citizenship in nativist and partisan terms. Orbán has relied on rhetorical appeals to a Christian God, homeland, and family as the bases for his legitimation. His stated goal has been to defend the Christian, conservative, and ethnically homogenous Hungarian nation, which has been facing a demographic decline.

16. Ibid., 81.
Accordingly, Orbán declared, the migrants streaming into Europe in 2015 were not refugees, but an “Islamic invasion force.”17 Similarly, in its quest to represent the “true Poland,” PiS has redefined “real Poles” as Catholic, conservative, anti-cosmopolitan, and above all, faithful to the party. Its leader, Jarosław Kaczyński, has openly divided Poland into the better kind of party loyalists and the “worse sort of Poles” who have the temerity to criticize the party’s rule.18

Finally, the informal norms of accountability and oversight have largely vanished. In both Poland and Hungary, the opposition parties are no longer included in sensitive parliamentary committees. As in Hungary, the government now favors allied media and ad agencies for its massive advertising buys.19 These governments have accused NGOs and civil society organizations, including the organizers of the protests against the judicial and legislative changes, as astroturf organizations, artificial creations of political opponents and foreign donors designed as provocations to undermine national sovereignty. The favorite target of both the American and European right-wing extremists, George Soros, is held responsible for many of these “provocations.”

Rewriting History

In a twist that serves to emphasize the conservative and exclusionary aspects of populist rule, both the Polish and the Hungarian populist governments are rewriting national histories. Such revisions serve two purposes: they legitimate the current regime and serve to eliminate swaths of opponents from political life. Thus, in Poland, PiS attempted to introduce a fourth republic that would eliminate traces of the elite cartel (ukoład) between former Solidarity and former communist parties, which PiS claimed was a self-serving, anti-Polish, liberal-communist-criminal mafia—and which happened to encompass PiS’s political opponents. More broadly, PiS declared its intention to purge Polish democracy of what it saw as the degenerate legacies of 1989 and the Round Table agreements that formally ended communist rule in Poland. PiS sees the agreements as a set of compromises tainted by the participation of the former communists, which undermined real democracy.

---

Kaczyński and his allies have spent enormous energy on waging culture wars and reinvestigating historical and contemporary events, including the 2010 Smolensk tragedy that killed Lech Kaczyński, the President of Poland and twin brother of the PiS leader. Their aim appears to be to identify and prosecute both personal and national enemies. To that end, during its 2005–07 government, PiS passed a lustration law that made subject to scrutiny the personal histories of all public officials. Only individuals born after August 1, 1972 were exempt: even teenagers could be accused of collaboration with the secret services of the communist government as it crumbled. The law allowed duly elected officials to be recalled by appointed officials and instituted a principle of retroactive justice. Furthermore, PiS tried to control and to manipulate the Institute of National Remembrance, founded in 1998, which sought to investigate and memorialize the victims of both fascist- and communist-era crimes. The government also combined two World War II museums, to ensure that the joint museum would emphasize Polish suffering, rather than the previous, more cosmopolitan vision of the world-wide effects of the war. Finally, the party initially passed a highly controversial anti-defamation law in 2018 that would have made criticism of Polish complicity in the Holocaust a punishable offense.

In Hungary, Fidesz repeatedly refers to pre-Trianon Hungary as both a status quo ante and a national goal for the future. Soon after its election in 2010, the government declared June 4 (the date of the signing of the Treaty of Trianon) “A Day of National Unity” of Hungarians both at home and abroad. In 2011, the government began to issue Hungarian passports to ethnic Hungarians living in areas lost under the Treaty of Trianon, despite the protests of politicians in some of the involved countries, such as Slovakia and Serbia.

21. The law would impose a three-year sentence on those found guilty of attributing Holocaust crimes to “the Polish Nation or the Polish People.” It was prompted and justified by anger at the repeated references to “Polish death camps” during World War II—concentration camps that were established and administered by German Nazis on Polish soil. Given the revival of anti-Semitism in Poland, and the law’s vagueness, however, it was quickly seen as an attempt to stifle historical and political debate; see Przybyski, “Can Poland’s Backsliding Be Stopped?” (see note 12 above).
22. The Trianon Treaty of 1920 formally concluded World War I between Hungary and the Allies. As part of the agreement, independent Hungary lost two-thirds of its territory and inhabitants, including culturally critical areas such as Transylvania. To many of its critics, the Treaty was a national tragedy, on par with the Ottoman victory over Hungarians at the Battle of Mohács of 1526.
Fidesz condemns not only the communist regime, but all those implicated in it. The 2011 Constitution proclaimed the 1949 communist Constitution invalid, thus giving grounds to ignore constitutional precedent and making a political statement regarding all those who participated in the communist system. Statues of communist leaders were pulled down and replaced by those of Admiral Miklós Horthy, the far-right leader of Hungary from 1920 to 1944. The Orbán government also opened the House of Terror in 2002, a memorial to the victims of “both the Nazi and the Communist terror,” whose exhibits graphically equate the Fascists with the Communists and depicted both as illegitimate, foreign regimes of terror—and thus equate the MSzP (the Hungarian Socialist Party), the successor to the Hungarian Communist Party, which had reinvented itself as a moderate social democratic party and the chief competitor for Fidesz, with these regimes. In a more direct move, Fidesz proposed an amendment that would hold the MSzP responsible for the crimes of the communist era and effectively outlaw its main competitor, and to establish a National Memorial Commission, like the Institute of National Remembrance in Poland, to investigate the “functioning of the communist system, and the role of individuals and organizations holding the powers of the communist regime.”

Durable Support

Support for these parties has been surprisingly resilient. For example, despite enormous international and domestic criticism, the Polish PiS maintains a steady 35% to 38% in public opinion polls. Fidesz has been re-elected twice. These victories are only partially due to institutional engineering; the parties also have delivered on critical policies and they face critics who are as fragmented as they are ineffectual.

Fidesz and PiS are popular because they have achieved critical campaign promises. In both cases, the parties delivered higher levels of social spending, targeted toward their constituencies, and a new rhetoric of governing on behalf of the “good” people. Most governing parties, whether in parliamentary or other systems, tend to enact most of their campaign promises on the national level (as much as 85%).

The populists appear no different, despite their firebrand rhetoric and their distaste for democratic competition and fellow policy-making elites. When it comes to the nitty gritty of less noticeable and more complex policies, such as economic regulations, populist governments continue the policies of their predecessors and to respect the obligations of international alliances.

In Hungary, Fidesz has developed a system of workfare: targeted welfare payments, which are used to reward political loyalty and coerce voters into supporting the party through the threat of withdrawing benefits. Under the popular (if controversial) Family Housing Support Program (CSOK), young families were awarded preferential access to housing, provided they fulfilled their commitment to have children. In the words of the government, the program was “designed to provide incentives to married couples to have more children.” In a popular move that clearly targeted the Roma minority, recipients of welfare now have to perform volunteer work and have their living quarters inspected for cleanliness in order to receive benefits.

For its part, PiS achieved two of its campaign promises: a monthly subsidy for parents with children (about $125 per child) and a return to a lower pension age of 60 for women and 65 for men, which the previous government had increased to age 67. Criticisms that this may ruin public finances rang hollow against steady economic growth and the lowest unemployment rate in decades. True to its promises, the party attempted to restrict abortion even further. After mass protests in April 2016, the party conceded and abandoned the proposed law, but it promised to press in the future for legislation that would outlaw all “eugenic” abortion performed in case of fetal defects.

These populist parties also remain popular because the alternatives are few. The opposition remains fragmented and divided in both Poland and in Hungary: opposition parties have been unable to form lasting electoral coalitions, and none of them has gotten more than 25% of the vote. Controversial policy proposals may have been the reason for their success.

---

meet with domestic elite and international criticism, but not with the disapproval of voters. The European Union has been mostly bark, with little bite, and has largely tolerated the rapid erosion of Hungarian democracy.30 If anything, criticism from the European Union or demands that these countries accept their share of refugees serve to bolster the case made by Fidesz and by PiS that they alone represent popular interests, defending the people and national sovereignty against an elusive and malevolent cartel of opposition elites, unfettered media, and intrusive international organizations.

Conclusion

Populists in power have eroded democracy in Poland and Hungary. Their rise suggests two broader lessons. First, political party competition and, specifically, a viable and robust opposition that offers a real alternative to the voters, is critical for the health of any democracy. Where such opposition is weak and fragmented, populist governments can impose authoritarian changes largely unconstrained by electoral threats. Second, while populists in the opposition have questioned shibboleths and demanded greater accountability, populists in power (especially when they rule uncurtailed by coalition partners or viable checks and balances) have eroded both the formal institutions of liberal democracy and the norms and values that underpin it. And while younger democracies may be especially vulnerable, no liberal democracy can be complacent about these possibilities.

Anna Grzymala-Busse is the Michelle and Kevin Douglas Professor of International Studies at Stanford University, where she directs the Global Populisms Project and the Europe Center. Her research focuses on the development of the state, authoritarian successor parties, and religion and politics. Her most recent book is Nations Under God: How Churches Use Moral Authority to Influence Policy (Princeton University Press, 2015). She can be reached at amgbusse@stanford.edu.