

Barlai | Griessler | Herbers | Bos | Filzmaier | Hainzl [Eds.]

Democratic Backsliding in Europe



Nomos



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Introduction: Democratic Backsliding in Europe

Melani Barlai¹/Christina Eva Griessler²/Martin Rolf Herbers³

In recent years, democratic backsliding has moved from a peripheral concern to a central challenge across Europe. Societal changes, political realignments, and a deepening sense of uncertainty have created an environment in which democratic norms and institutions are increasingly vulnerable. This volume aims to address the multifaceted dynamics of democratic backsliding by providing a comparative, country-specific analysis that bridges societal developments and institutional transformations.

From a societal perspective, democratic backsliding is deeply intertwined with widespread shifts in political opinion and behavior. Traditional centrist parties, once the stabilising anchors of European democracies, have steadily lost ground to parties on the political fringes. In Germany, for example, the decline of the *Volksparteien* (catch-all parties, such as the CDU/CSU and SPD) has created new spaces for the rise of the far-right Alternative für Deutschland (AfD), a trend mirrored in many other European countries. Attempts to exclude certain parties from coalition-building—particularly on the right—have paradoxically limited the formation of stable governments, forcing historically unprecedented and often fragile political alliances.

This realignment is occurring in a broader context of societal polarisation, intensified by crises such as the global financial crash in 2008, the refugee influx of 2015, the COVID-19 pandemic of 2020 to 2022, and the ongoing energy and climate crises. These disruptions have eroded public confidence in the ability of liberal democracies to address urgent challenges. Disillusionment with traditional democratic structures has fostered the growth of new political narratives: questioning of the status quo,

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proliferation of conspiracy theories, and nostalgia for perceived national "golden ages."

At the same time, the objective uncertainty of the political environment—spurred by economic crises, migration pressures, geopolitical tensions, and the acceleration of climate change—has reinforced populist and nationalist sentiments across the continent. As comparative reports on political trust and the crisis of democracy show (e.g. Van der Meer 2017; Valgarðsson et al. 2025), this widespread uncertainty has created fertile ground for actors who promise simple solutions to complex problems, often by scapegoating minorities or external institutions like the European Union.

From a scholarly perspective, the study of democratic backsliding has evolved significantly. Contemporary backsliding rarely involves dramatic coups or overt dictatorship; instead, it often manifests subtly through the erosion of democratic norms and institutions—a process referred to as soft backsliding. Leaders exploit legal mechanisms to consolidate executive power while maintaining a democratic facade, as seen in Hungary's manipulation of electoral laws and judicial appointments. What remains is a hollowed-out form of democracy, a system applying formally legal-democratic but illiberal processes.

This volume situates itself within this field of study, emphasising the need to analyse both institutional backsliding (the formal weakening of checks and balance), and non-institutional backsliding, the deterioration of democratic discourse and societal norms. For example, in France, constitutional ambiguities and presidential overreach during political crises have raised concerns about the instrumentalisation of democratic structures. Similarly, in Germany, while institutional safeguards remain comparatively strong, growing public acceptance of anti-democratic rhetoric marks a significant cultural shift. As democratic backsliding is predominantly investigated through the lens of the erosion of public administration in democracies transitioning to autocratic systems (Bauer et al. 2021), this volume presents a more holistic view of the overarching process.

Moreover, roots of populism and nationalism - long underestimated - have reemerged partly because Europe's authoritarian and illiberal past has never been fully addressed. Historical legacies, such as the lingering influence of elites from authoritarian periods and unprocessed collective memory, continue to shape democratic vulnerabilities today. As documented, Croatia's democratic development is marked by autocratic periods in

the first years of the country's independence, which still affect its politics today.

In light of these developments, this volume provides a comparative framework for understanding how democratic backsliding manifests differently across Europe, reflecting varying national histories, political cultures, and institutional designs. Through detailed country studies and cross-national analysis, the book not only diagnoses the challenges but also seeks to identify strategies for strengthening democratic resilience.

1 Clarification of Concepts

The concept of democratic backsliding is fundamentally related to other concepts of democratic deterioration, yet substantially different with regard to the roles of citizens and institutional politics, the role of media and populism, as well as in its temporal and geographical dimensions. Hence, a short overview of the conceptual differences (Goertz 2006) helps to clarify our approach to democratic backsliding in light of recent academic discourse.

Democratic backsliding refers to the gradual internal erosion of democratic institutions, processes, and norms within a state. In this process, elected leaders or ruling parties subtly undermine checks and balances, often through legal means and incremental reforms that maintain a veneer of legitimacy (Bermeo 2016). This framework emphasises how such backsliding in Europe weakens independent judiciaries, legislatures, and the media from within, rather than via overt coups or breakdowns. This notion aligns with scholarly observations that modern autocrats consolidate power behind a democratic facade, illustrating an insidious regression where formal democratic structures remain in place even as their substance decays.

Compared to this notion, Colin Crouch's concept of post-democracy presents a distinct scenario. In a post-democratic condition, formal democratic institutions (elections, parliaments, etc.) continue to function, but they become hollowed out as real political decision-making shifts to elites and technocrats (Crouch 2004). Unlike democratic backsliding—where active efforts degrade democracy's foundations—post-democracy describes a passive decline in democratic vitality. It is characterised by citizen disengagement and weakened public influence, rather than deliberate institutional sabotage. Thus, while backsliding implies intentional institutional

erosion by those in power, post-democracy denotes a stage where democratic forms endure but democratic substance and participation wane.

The third wave of autocratisation refers to a broad global trend of democratic decline in recent decades (Skaaning 2020). This term situates contemporary instances of democratic backsliding within a larger historical pattern: after the Third Wave of democratisation expanded freedoms worldwide (Huntington 1993), a reverse wave of authoritarian resurgence has been underway. Unlike the state-specific focus of democratic backsliding, the third wave of autocratisation highlights worldwide patterns—numerous countries experiencing parallel erosions of democracy (Skaaning 2020). It is a macro-level phenomenon, indicating that individual cases of backsliding are part of an overarching global regression. In contrast to Crouch’s post-democracy (a critique of the quality of democracy in stable systems), both democratic backsliding and the autocratisation wave point to active declines. However, democratic backsliding is analysed at the domestic level, whereas the third wave of autocratisation frames the trend as a global, epochal shift.

Table 1: Overview of related concepts of democratic backsliding; Figure by the authors

Aspect	Democratic Backsliding (Bermeo 2016)	Post-Democracy (Crouch 2004)	Third Wave of Autocratisation (Skaaning 2020)
Core Idea of the Concept	Active, gradual internal erosion of democratic institutions and norms by elected political elites.	Democratic institutions formally persist, but genuine participation and public influence diminish significantly.	Global reversal from the democratisation wave of the late 20th century toward increased worldwide autocratisation.
Role of Citizens	Citizens formally remain involved, but their real political influence is systematically restricted or manipulated.	Citizens increasingly become passive, disillusioned, and detached from political participation.	Citizens globally experience parallel declines in democratic quality and opportunities for meaningful participation.

Aspect	Democratic Backsliding (Bermeo 2016)	Post-Democracy (Crouch 2004)	Third Wave of Autocratisation (Skaaning 2020)
Role of Political Institutions	Institutions (judiciary, legislature) are intentionally weakened, legally undermined, and manipulated, though they formally remain intact.	Institutions remain formally intact, but real decision-making shifts toward elites and technocratic bodies, weakening democratic substance.	Institutional erosion occurs worldwide, often accompanied by the dismantling of democratic reforms, varying from subtle to drastic.
Role of Media	Media increasingly come under state control or pressure; independent voices are systematically marginalised but maintain formal presence.	Media formally remain free but are dominated by economic elites, reducing critical journalism and public scrutiny.	Globally, media freedom declines in parallel with rising authoritarianism and constraints on pluralistic discourse, varying significantly by region.
Role of Populism	Populism is central: Populist actors actively exploit societal divisions and grievances to weaken democracy from within.	Populism plays a lesser role; the primary issue is not populist mobilisation but general political alienation and democratic disengagement.	Populism intensifies global autocratic trends and provides ideological justification for authoritarian measures but is not the primary driver of the global dynamic.
Time Horizon	Medium-term and gradual (several years to decades); democratic structures are incrementally undermined.	Long-term, gradual, and processual decline over multiple decades; democracy progressively loses substance without formally collapsing.	Long-term global development (several decades) with a cyclical pattern: democratisation waves typically followed by reverse waves of autocratisation.
Geographical Scope	Primarily national-level analysis, notably prominent in European states where democratic standards formally persist.	Originally articulated for Western democracies (especially Europe and North America), which remain formally intact yet qualitatively deteriorated.	Global in scope, with synchronous patterns worldwide; affects countries across diverse regions and is not limited to specific states or regime types.

2 Structure of the Book - Case Studies on Democratic Backsliding in Europe

The order of the discussed case studies is based on the duration of the countries' democratic experience, thereby starting with the democracies re-established after World War Two and moving to the post-Cold War democracies. The democracies which re-established their democratic systems after World War Two are looking back at an 80-year period of democratic experience; according to this logic, these countries are considered to be "old" and stable European democracies. The case studies discussed in the book are Germany, France, and Italy, each of them with their specific political issues and evidence of recent occurrences of democratic backsliding. Austria, although not a founding member of the EU (it joined in 1995), fits into this category of "old", established democracies. Greece, on the other hand, experienced a civil war and was ruled by a conservative autocratic regime until the mid-1970s. In 1981, it was admitted into the EU, a step that was seen as strengthening the country's process of democratisation.

In the wake of the new wave of democratisation at the end of the Cold War, new democracies emerged, which aimed for closer cooperation and integration into the EU. The 2004 EU enlargement, which brought eight post-communist countries "back to Europe", and into the EU, was celebrated as marking the end of the division of the European continent and the "victory of liberal democracy" over autocratic regimes. The discussion of the case studies on the Czech Republic, Estonia, Hungary, Poland, and Slovenia paints a picture of countries that were once considered to be successful models in terms of their democratisation achievements, but which have experienced democratic setbacks in recent years, with Hungary as the most prominent example. In the cases of Bulgaria and Romania, the EU felt that additional time and monitoring was required for the countries to become EU members; however, even after their accession to the EU in 2007 and monitoring of their democratic development, the apparent democratic weaknesses remained in place. Finally, Croatia, one of the former federal republics of Yugoslavia, became an EU member in 2011 and has since the 1990s developed a flawed, but functioning democracy. The rest of its neighbours in the so-called Western Balkan region are in the EU's "waiting room" with no clear timeline for when they might be able to join. The loss of a viable EU perspective results in regressing democratic developments.

Based on this overarching order, Martin Rolf Herbers' case study on Germany focuses on non-institutional democratic backsliding and explores how historical remnants of authoritarianism, rising populism, and a grow-

ing distrust toward democratic institutions threaten the stability of German democracy. The chapter details how, despite the resilience of Germany's constitutional order and strong institutional checks and balances, the political discourse has become increasingly polarised, especially after events like the COVID-19 pandemic. Specific incidents such as attempts to influence the media (the "Causa Wulff"), threats to judicial independence (as seen in the Metzler kidnapping case), and administrative failures during the 2021 Berlin elections are discussed as warning signs of democratic erosion. The chapter concludes with the argument that while Germany's formal institutions remain intact, the cultural and discursive foundations of democracy are weakening, emphasising that safeguarding democracy will depend on strengthening civic resilience and democratic norms.

The case study on France, by Ádám Bence Balázs, analyses how the constitutional structure of the French Fifth Republic, characterised by its hybrid semi-presidential system, creates vulnerabilities for democratic backsliding. Following the 2024 European Parliament elections and the dissolution of the National Assembly by President Macron, France entered a period of political turmoil, marked by confusion over the distribution of executive power and contested democratic legitimacy. While no blatant authoritarian shift occurred, Balázs argues that the instrumentalisation of constitutional ambiguities, reliance on presidential powers, and political elitism fueled public distrust and political instability. The chapter warns that even legally sanctioned actions, if perceived as undemocratic or self-serving, can erode faith in democratic institutions and pave the way for future extremist takeovers. The weakness, according to Balázs, lies not in outright violations, but in the gradual hollowing out of democratic legitimacy within the existing framework.

The Italian case study, by Elisabeth Alber and Petra Malfertheiner, demonstrates that democratic backsliding does not occur suddenly, out of context, but is rather a multi-dimensional process affecting political institutions and that it appears alongside the emergence of populism, and the undermining of social and human rights. The chapter provides an overview of the political development of Italy and discusses the constitution, which has to balance the centralist state idea with the existence of Autonomous Provinces within its territory. The political framework changed from a party system polarised between communist and anti-communist parties into a more personalised and fragmented party system. These political changes are seen by the chapter's authors as predecessors to Meloni's electoral success in 2022. Meloni's attempt to strengthen the role of the prime minister

has not been successful yet, but indicates the direction of the government's policy. Apart from the envisioned constitutional changes, backsliding of the liberal democratic system in Italy is detected in the weakening of social and human rights, intimidation of journalists and limitations on media freedom, and attacks on the judiciary.

Austria has long been perceived as a stable and consolidated democracy, but it now faces risks of democratic backsliding, primarily due to the erosion of informal norms and the politicisation of institutions. In their chapter, Katrin Praprotnik and Christoph Konrath analyse how mounting political pressures, the normalisation of exclusionary rhetoric and the strategic exploitation of constitutional provisions for partisan ends, despite the independence of the country's Constitutional Court, expose underlying vulnerabilities. The rise of the Freedom Party (FPÖ) and changes in political culture demonstrate that even well-established democracies are vulnerable when democratic conventions are weakened.

Greece presents a distinctive case of democratic backsliding despite the absence of populist rule. In their chapter, Angelos Chrysosgelos and Yannis Tsirbas introduce the concept of 'liberal illiberalism' to describe how the centre-right, anti-populist New Democracy (ND) government of Kyriakos Mitsotakis has overseen a notable erosion of democratic checks and balances since 2019. Despite its liberal, pro-European rhetoric and substantial international support, the ND government has been linked to serious violations of the rule of law. The authors also document a significant decline in media pluralism. Greece ranks at the bottom among EU countries in key indices on media freedom, perception of corruption, and citizen satisfaction with democracy. Chrysosgelos and Tsirbas argue that Greece's democratic deterioration demonstrates that backsliding can occur under mainstream, non-populist parties when external and internal checks are weak, and that liberal discourses can mask illiberal practices.

Hungary is the paradigmatic example of democratic backsliding in Europe. In her chapter, Melani Barlai analyses how Viktor Orbán and his Fidesz party have transformed the country into an electoral autocracy since 2010 through constitutional manipulation, capturing the judiciary, centralising the media and establishing an autocratic patronage system. A key factor in this transformation has been the adoption of a plebiscitary leadership style, enabling the concentration of political and economic power and the establishment of a regime that accumulates power while maintaining the appearance of democratic institutions.

In Poland, democratic backsliding has occurred through gradual yet profound institutional change. Between 2015 and 2023, the United Right government, led by the Law and Justice Party (PiS), undermined judicial independence, restricted media freedom, and asserted informal executive dominance, as examined by Edit Zgut-Przybylska. Despite lacking a constitutional supermajority, PiS used informal networks and legal reforms to weaken democratic checks and balances. The triggering of Article 7 of the treaty on European Union against Poland highlighted the European Union's limited leverage in the face of strategic illiberalism.

Slovenia offers a striking example of accelerated democratic backsliding under a populist leader. Matjaž Nahtigal explains how the country experienced severe attacks on media independence, civil society organisations and judicial autonomy during Janez Janša's third term (2020–2022). Although these institutions initially proved resilient, Janša's illiberal governance style exposed their vulnerabilities, showing how quickly a democratic system can deteriorate if the political elite lacks a strong commitment to democratic values.

Estonia exhibits a more subtle form of democratic backsliding, in which exclusionary nationalism reshapes the political culture without dismantling formal institutions. Florian Hartleb and Teele Holmberg analyse how the mainstreaming of the far-right Estonian Conservative People's Party (EKRE) has brought ethno-nationalist, eurosceptic, and revisionist discourses into the political arena. Although Estonia's rule of law is still relatively strong, there is evidence of symbolic backsliding in the form of increased polarisation and challenges to liberal democratic norms.

In her analysis of Romania, Daniela-Maria Mariş refers back to the beginning of Romania's political transition in December 1989, which was marred by violence and was characterised by a lack of actual elite replacement. As a consequence, the political institutions remained weak and the separation of powers between the president and the prime minister was not clear-cut. Cohabitation created further frictions within the political system. Additionally, increasing populism and political elites' attempts to undermine civil society and media contributed to the democratic backsliding of the country. The 2025 elections were presented as a test for Romania's democracy, which the author assessed has failed, as the political institutions did not prevent dubious influences on the electoral process.

Anna Krasteva and Emilia Zankina's case study of Bulgaria focuses on the issue of the country's experience with democratic transition and its impact on the current political system. Moreover, it addresses the po-

litical issues contributing to democratic backsliding such as corruption, the weakening of the rule of law and judiciary, the issue of populism, and the dominant political actors. Krasteva and Zankina suggest that the transition of the Bulgarian political system fell short of developing into a fully functioning liberal democracy, establishing instead a system which Colin Crouch (2004) defines as post-democracy. The authors claim that, because democratic institutions are limited in fulfilling their tasks as intended, other actors and institutions step in. In this context, corruption plays a major role, as it accompanied the process of political transition from a (post-)communist to a post-democracy, by evolving from endemic corruption to state capture. Bulgarian post-communist politics began with a bipolar political system and regular changes of governments but new political actors and parties emerged after 2000 and led to a rather unstable political system. Krasteva and Zankina provide an analysis of the decline in the areas of rule of law and the judiciary and highlight the issue of populism and the rule of political actors in the context of democratic backsliding. Still, an understanding of the meaning of citizenship and the role of citizens in counteracting these developments concludes this chapter on a positive note.

Senada Šelo Šabić and Ana Vučemilović-Grgić's case study focuses on Croatia's democratic deficit and the underlying reasons for the country's democratic backsliding despite its EU membership. The chapter looks at the foundation of the democratic institutions to provide an answer. Croatia's democratic transition in the early 1990s took place against the backdrop of a violent war. The first government, which proceeded over the secession from Yugoslavia and the establishment of an independent Croatia, showed a lack of interest in facilitating the democratisation of the state. The characteristics of weak checks and balances, centralisation of political power within the governing party, the emergence of clientelism and informal political structures, although weakened, have remained an issue for the functioning of democratic institutions. The authors argue that EU membership has overall improved the situation of democracy in Croatia, but that external inputs are limited, therefore some of the characteristics which were built into the political system in the 1990s have solidified and become reinvigorated since 2013.

The Western Balkan states are not yet part of the EU but are closely integrated into its enlargement strategy, which aims to prepare these countries for their accession. Griessler's chapter analyses the horizontal and vertical elements of democracy of the countries in the region to identify

the weaknesses of the political systems. These countries never reach the level of fully developed democracies, hence the decline of the quality of democracy is more difficult to evaluate. The chapter applies the concept of delegative democracy (O'Donnell 1994) to assess the horizontal checks and balances as foreseen in a democratic political system, and combines it with an evaluation of the vertical accountability between elected representatives and the electorate. What can be seen is that political institutions remain weak, with powerful politicians controlling the political system. In recent years, with the delay in the EU enlargement process, these semi-authoritarian regimes have institutionalised their way of governance. The population, however, is questioning the legitimacy of the political elites' activities and consequently challenges the process of democratic backsliding. While horizontal accountability is failing, vertical accountability - people demanding accountability from their elected representatives - becomes more prominent.

The chapter on Political Mistrust and the Crisis of Democracy by Daniela Ingruber and Peter Filzmaier offers a broader theoretical reflection on how declining trust in democratic institutions correlates with democratic backsliding. Based on recent surveys and studies, Filzmaier and Ingruber show how economic crises, societal exhaustion post-COVID-19, and the relentless sequence of overlapping crises have eroded citizens' trust in governments, parliaments, and political parties across Europe. This widespread mistrust fosters a breeding ground for populist movements, polarisation, and the normalisation of anti-democratic rhetoric, particularly through social media. The authors stress that this development is subtle and emotional rather than driven by concrete facts, and point to the increasing difficulty in maintaining democratic discourses against the backdrop of populism, conspiracy theories, and individualistic value shifts. Nevertheless, Ingruber and Filzmaier end on a cautiously hopeful note, highlighting democracy's resilience and the need to address root causes of dissatisfaction to prevent further erosion.

In a concluding chapter, Melani Barlai, Christina Eva Griessler and Martin Herbers present a comparative analysis of the individual cases of democratic backsliding. They argue that democratic backsliding, while presenting itself through the lens of national idiosyncrasies, follows certain patterns. In visualising these patterns, the chapter offers a perspective on possible remedies for backsliding processes on the supranational and national levels as well as on the level of civil society and civic action.

3 Concluding remarks

By distinguishing democratic backsliding from related concepts such as post-democracy and the global wave of autocratisation, we emphasise the need for a nuanced, context-sensitive analysis that captures the formal and informal dimensions of democratic erosion in Europe.

This volume's central argument is that democratic backsliding is not confined to young or transitional democracies, nor does it follow a consistent trajectory. Instead, it is shaped by specific national legacies, political cultures and institutional vulnerabilities. Whether through plebiscitary leadership, legal instrumentalisation, the erosion of civic norms or social polarisation, the patterns observed across Europe point to a common challenge: the weakening of liberal democratic standards from within, often under the guise of democratic legitimacy.

The following chapters examine how these dynamics play out in different European contexts, including old and new democracies, EU members and candidates, and consolidated systems and fragile institutions. Together, they provide a comparative perspective on the drivers, manifestations and potential counterforces of democratic backsliding. By doing so, this volume contributes to a broader understanding of how democracies can erode incrementally and how they can be defended.

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The Theoretical Context of Democratic Backsliding in Europe

Melani Barlai¹

Introduction

By 2022, global democracy will have regressed to levels last seen in 1985, with about 71% of the world's population - some 5.7 billion people - now living under autocratic rule, a sharp increase from 48% in 2013 (V-Dem Institute 2023). This trend reflects the phenomenon of democratic backsliding, whereby democratic institutions, norms and processes are gradually eroded. Scholars have documented how modern autocrats use legal mechanisms, populist rhetoric, and subtle manipulation to consolidate power while maintaining a democratic facade (Bermeo 2016; Waldner/Lust 2018). In response to these challenges, the literature on democratic backsliding has developed to examine the various strategies of erosion and the ways in which democratic systems are weakened from within.

For a volume focusing on democratic backsliding in Europe, it is crucial to examine the institutional dimensions of this phenomenon. Democratic regression often unfolds as a dual process: the weakening of formal institutions and the erosion of democratic norms. Institutions such as independent judiciaries, legislatures, and the media are the backbone of European democracies, providing essential checks and balances to ensure governance, accountability and the rule of law. Analysing how these institutions are undermined or co-opted in backsliding contexts can reveal specific vulnerabilities within European democracies and inform strategies to counter democratic erosion across the continent. Although democratic backsliding is often associated with Central and Eastern Europe, cases from Western Europe - such as recent populist pressures in Austria and France, or debates over judicial independence in Greece - show that no region is immune to the risks of democratic decline.

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1. *Soft vs. Hard Democratic Backsliding*

In recent years, scholars have distinguished between soft and hard democratic backsliding as two distinct forms of democratic erosion (Levitsky/Way 2020; Svobik 2019). Hard democratic backsliding involves overt, often violent, actions against democratic institutions, such as military coups, outright suspension of constitutional protections, and direct attacks on political freedoms. These actions are usually justified by leaders as necessary to maintain national security or political stability, as seen in authoritarian regimes that use emergency laws or security measures to crack down on dissent. This form of backsliding is visible and typically triggers immediate responses from both domestic actors and the international community (Levitsky/Way 2020, 52). Hard backsliding has historically been observed in cases where political elites or militaries dismantle democratic systems, resulting in rapid shifts to authoritarian rule (Huntington 1991; Linz/Stepan 1996).

Soft democratic backsliding is a subtle but dangerous form of democratic erosion. Unlike hard backsliding, where democratic norms and institutions are visibly under attack, soft backsliding is more insidious. Leaders engaged in soft backsliding operate within existing legal frameworks, using incremental, legally sanctioned changes to weaken institutional checks and balances. This approach allows leaders to consolidate executive power, limit political competition, and restrict opposition while maintaining a veneer of legitimacy (Bermeo 2016; Schedler 2024).

Nancy Bermeo's work on democratic backsliding highlights how soft backsliding avoids direct violations of the law, instead making incremental adjustments that appear legitimate. These changes - often presented as reforms - include subtle shifts in electoral rules, judicial restructuring, and administrative rules that together undermine democratic institutions over time (Bermeo 2016, 10-12). Andreas Schedler (2024, 19-22) describes this process as „democratic subversion“, where the democratic facade remains intact even as core principles and protections are systematically eroded. He highlights the deceptive nature of such subversion, which often masquerades as legitimate reform, making it difficult to detect and counter (ibid., 26). The „fake character“ of soft backsliding – its ability to masquerade as legitimate reform rather than outright repression – makes it particularly difficult to detect and combat. Because these actions appear legal and often occur in small, seemingly reasonable steps, they can proceed unnoticed by the public and avoid immediate international condemnation (Huq/Gins-

burg 2018). According to Huq and Ginsburg, the reformist appearance of soft backsliding allows it to persist longer than overt authoritarian tactics, often progressing until it is deeply embedded in the political system, at which point democratic actors face significant obstacles in reversing it (ibid., 83, 97). Soft backsliding is not only challenging to detect but also difficult to reverse. Waldner and Lust (2018) emphasise that this form of backsliding results in the gradual erosion of democratic norms, where incremental changes cumulatively undermine key pillars of democracy, often beyond repair. Once weakened, these norms—such as judicial independence, media freedom, and fair electoral practices—are difficult to rebuild, as they rely heavily on trust and established precedents that cannot easily be restored.

In Europe, the potential for soft backsliding is particularly important because of the strong legal frameworks and general expectation of constitutional governance that characterise many European democracies. Leaders in backsliding regimes have demonstrated how the manipulation of these frameworks can shield undemocratic actions from scrutiny. By exploiting the structural complexity of legal and constitutional systems, they enact reforms that, while technically legal, undermine the basic principles of democratic governance. This tactic allows such leaders to maintain the appearance of compliance with the rule of law, legitimising their actions domestically and complicating intervention efforts by international actors, including European institutions (Kelemen 2020).

Soft backsliding contrasts sharply with hard backsliding, which involves overt and often abrupt actions, such as military coups or constitutional suspensions, that typically provoke immediate resistance. Soft backsliding, on the other hand, is more insidious and requires sustained vigilance to counter its incremental and often subtle nature. This distinction is consistent with Andreas Schedler's concept of democratic subversion, where incremental legal reforms allow backsliding to proceed almost unnoticed, eroding democratic institutions while preserving their outward appearance (Schedler 2024, 19-22).

Table I. Key distinctions between soft and hard democratic backsliding

Criteria	Soft Democratic Backsliding	Hard Democratic Backsliding
Legal framework	Within existing laws	Bypasses or violates laws
Visibility	Subtle, gradual	Highly visible, sudden
Methods used	Incremental weakening	Forceful measures
Institutional changes	Gradual erosion	Rapid, sweeping changes
Media freedom	Media co-opted or pressured	Media censored or shut down
Civil liberties	Constrained legally	Civil liberties overtly violated
Public perception	Less noticeable	Immediately evident
International response	Slow, limited	Strong, often with sanctions

2. Mechanism of Backsliding

2.1 The Role of Legal Manipulation and Competitive Authoritarianism

Legal manipulation is central to soft backsliding, allowing leaders to consolidate power without overtly abandoning democratic structures. This strategy is often associated with competitive authoritarianism, a hybrid regime type that combines formal democratic institutions with undemocratic practices that skew the playing field (Levitsky/Way 2010). In competitive authoritarian regimes, elections are held regularly, but the opposition is disadvantaged by media restrictions, legal barriers and state interference (ibid.). Viktor Kazai's (2024) research on autocratic (il)legalism shows how leaders can use the law to consolidate power while maintaining a veneer of legality. In Hungary, for example, Viktor Orbán's government implemented a series of legal reforms that strengthened executive control over the judiciary, the media, and electoral institutions, effectively neutralising institutional checks (Kazai 2024; Krekó/Enyedi 2018, Bánkuti et al. 2012). In Greece, controversies surrounding judicial appointments and media regulations have highlighted the potential for legal manipulation even within an EU member state (European Commission 2023; European Parliament 2024).

The concept of competitive authoritarianism provides a framework for understanding how legal manipulation supports soft backsliding. As Kazai

(2024) and Levitsky and Way (2010) note, the legal and institutional facade of democracy allows leaders to avoid international scrutiny because their actions appear to conform to formal democratic processes. This phenomenon is increasingly relevant in Europe, where the EU's limited ability to enforce democratic norms among member states has created opportunities for soft backsliding to persist (Kelemen 2020; Müller 2016).

2.2 Normative Erosion in Democratic Backsliding

Democratic backsliding often combines hard and soft forms of erosion, with leaders manipulating both institutions and norms to consolidate power. While institutional manipulation often defines hard backsliding, soft backsliding involves a more gradual erosion of democratic norms, including mutual toleration and institutional forbearance (Levitsky/Ziblatt 2018). Mutual toleration refers to the recognition of the legitimacy of political opponents, and institutional forbearance involves restraint in the exercise of power. The erosion of these norms fosters a polarised environment, enabling divisive rhetoric and extraordinary measures against rivals, and destabilising democratic governance.

Normative erosion, as Svobik (2019) highlights, functions as both a cause and a consequence of backsliding. Leaders delegitimise opposition through polarising narratives, paving the way for "legal" reforms that weaken institutional checks under the guise of protecting democracy. Over time, public tolerance for undemocratic practices grows, making it increasingly difficult to reverse regressive trends.

2.3 Populism, Nationalism and Cultural Backlash in Backsliding

Populism, nationalism, and cultural backlash further facilitate soft backsliding, particularly in European democracies (Diamond 2015; Norris/Inglehart 2019). Populist leaders exploit grievances - economic, social or cultural - while presenting themselves as defenders of "the people" against elites (Müller 2016). These leaders justify reforms that concentrate executive power by framing their actions as responses to societal demands, thereby eroding democratic institutions while maintaining a veneer of legality. Csehi and Zgut-Przybylska highlight that populists often present themselves as the only legitimate voice of the people, undermining pluralism and

democratic accountability, thereby eroding both institutional and normative safeguards (Csehi/Zgut-Przybylska 2020). A particularly powerful tool in this strategy is the manipulation of history for political purposes. In many Eastern European countries, populist leaders reframe national narratives to glorify historical struggles or emphasise victimhood, using these themes to justify their policies and delegitimise the opposition. But this dynamic is not limited to newer democracies in Eastern Europe. Similar patterns have emerged in Western Europe as populist leaders manipulate historical memory and cultural anxieties to advance exclusionary agendas. In Austria, populist rhetoric has reshaped political discourse, subtly undermining pluralism and exerting pressure on independent institutions (Liebhart 2020). Similarly, in France, debates over executive powers during states of emergency have highlighted the tension between security measures and the protection of civil liberties, raising concerns about the potential erosion of democratic checks and balances (Hennette Vauchez 2021). Caramani and Manucci (2019) argue that right-wing populists in Western Europe re-elaborate the national past through narratives of culpabilisation, victimisation, heroisation, and cancellation, reshaping cultural memory to legitimise exclusionary policies and weaken democratic norms.

In Germany, culpabilisation of the Nazi past has constrained the far right, but the AfD has gained traction in regions such as Thuringia, where fading collective memory and economic disparities loosen these constraints. In Austria, victimhood narratives that portray the country as the "first victim" of Nazi aggression have allowed the FPÖ to exploit nationalist and anti-immigrant sentiments while avoiding historical accountability. In France, Marine Le Pen's National Rally combines the heroisation of France's resistance legacy with the victimisation of the nation, blaming globalisation and the EU for national decline. Similarly, in Italy, selective amnesia about Mussolini's regime allows parties like Fratelli d'Italia to portray Italy as a victim of foreign influence, normalising right-wing populist discourse.

These strategies highlight how populists manipulate historical memory to build narratives of national resurgence, fostering polarisation and undermining mutual tolerance - a core democratic norm. By framing reforms as efforts to "protect the nation" from external and internal threats, populist leaders obscure their attempts to weaken institutional checks and consolidate executive power.

2.4 Judicial Reforms: Undermining Checks and Balances

Independent judiciaries, crucial to democratic accountability, are often targeted by populist leaders. In Poland, the PiS party implemented judicial reforms ostensibly to eliminate communist-era corruption. These included lowering the retirement age for judges, restructuring judicial councils, and appointing government loyalists, thereby undermining judicial independence (Pech/Scheppele 2017). Hungary's Orbán similarly framed judicial reform as a measure of efficiency and protection of sovereignty, expanding the Constitutional Court and filling it with party loyalists (Krekó/Enyedi 2018). As Bozóki and Hegedűs (2018) argue, these actions represent a deliberate strategy to dismantle checks and balances under the guise of reform. In Slovenia, recent governments have increased pressure on media independence, judicial autonomy and civil society, particularly during the COVID-19 pandemic, which was characterised by a disproportionate expansion of executive powers (Fink-Hafner 2024). Bulgaria's anti-corruption reforms, while publicly appealing, have similarly entrenched executive influence over the judiciary. These actions reflect a subtle but systematic weakening of democratic institutions while maintaining the formal structures of democracy, consistent with the notion of democratic subversion, where legality is externally preserved even as core principles erode.

2.5 Media Control: Silencing Independent Voices

Control of media narratives is another hallmark of soft backsliding. Hungary provides a clear example, where Orbán centralised media ownership among loyalists, restricted press freedom, and established regulatory bodies staffed by government members (Bajomi-Lázár/Stępińska 2019). In Slovenia, Janša accused critical media of left-wing bias and reduced funding for public broadcasters, adopting populist strategies similar to those of Viktor Orbán in Hungary (Fink-Hafner 2024, 10-11), which seek to undermine media independence and limit pluralistic discourse. In Croatia, populist leaders have exerted financial and political pressure on independent outlets to subtly restrict journalistic freedom (Peruško et al. 2021). Anne Applebaum (2020) notes that such measures not only consolidate power, but also stifle dissent by creating an echo chamber of pro-government narratives.

While media control and censorship are more overt in countries experiencing hard backsliding, there are also subtle pressures on the media

in Western European democracies that undermine independence and pluralism. In France, President Macron's decision to abolish the annual television license fee, which funded public broadcasters, raised concerns about increased political influence and financial instability. Critics argued that replacing the fee with general taxation exposed public media to potential budget cuts, undermining their independence (Reporters Without Borders 2022). Similarly, in Austria, the government of Sebastian Kurz faced allegations of manipulating media coverage through state-funded advertising to ensure favourable coverage, a practice described as "message control" (Politico 2021). Under Chancellor Karl Nehammer, similar trends persist with the proposed media law reforms that threaten investigative journalism by imposing stricter data protection rules and restricting access to criminal investigation files (Der Standard 2024).

2.6 Electoral Reforms: Engineering Structural Advantages

Electoral reforms, often justified as measures to increase fairness, are regularly manipulated to entrench ruling parties. Orbán's government in Hungary redrew constituencies and limited parliamentary seats, ensuring Fidesz's electoral dominance while maintaining the appearance of democratic competition (Kelemen 2020; Barlai et al. 2023). Bozóki and Hegedűs (2018, 1174) argue that such electoral engineering represents a systemic strategy to secure long-term hegemony while weakening the opposition. In Italy, Giorgia Meloni's proposed semi-presidential reform, framed as a response to government instability, risks centralising executive power at the expense of parliamentary oversight (Improta/Marzi 2024). Bulgaria's reforms also claim to increase transparency, but often disproportionately benefit ruling coalitions (European Commission, 2020).

2.7 Nationalist Rhetoric: Legitimising Reform

Nationalism and Euroscepticism are powerful tools for legitimising backsliding. In Poland, PiS defends judicial reforms as protecting Polish sovereignty from EU interference, thereby deflecting external criticism (Müller 2016). Slovenia's Janša similarly frames reforms as necessary to protect Slovenian values from biased elites and foreign influence (Fink-Hafner 2024, 131-160). Csehi/Zgut-Przybylska (2020, 7) emphasise that populist

leaders often frame their actions as a defence against external interference, such as that of the European Union, which resonates with nationalist sentiments. This framing allows leaders to consolidate domestic support while deflecting international criticism, in line with broader patterns of soft backsliding. In Croatia and Bulgaria, nationalist sentiment is used to frame EU criticism as undue interference, allowing governments to justify controversial reforms (European Commission 2020).

Democratic backsliding in Europe occurs along a spectrum ranging from subtle legalistic erosion to entrenched autocratic legalism. This continuum highlights the need for a differentiated typology that considers both the extent and the mechanisms of democratic decline. As Scheppele (2018) argued, modern autocrats rarely dismantle democracy through overt ruptures. Instead, they consolidate power through the law, using legal and procedural mechanisms not to uphold liberal democratic principles, but to entrench executive dominance — a phenomenon that Scheppele terms 'autocratic legalism', whereby the law is not violated, but weaponised (Scheppele 2018, 573). This model retains the formal structures of democracy while emptying them of accountability, competition, and pluralism. In its initial stages, backsliding often appears as „reform“: legal amendments to the judiciary, electoral system or media regulation, for example. These are presented as measures to improve efficiency, transparency, or national sovereignty. However, over time, these changes accumulate and interact to erode both vertical accountability (citizen oversight via elections and civil society) and horizontal accountability (institutional checks from courts, parliaments, or oversight bodies). As O'Donnell (1994) warned, this creates delegative democracies, in which leaders claim to embody the national will while dismantling the mechanisms of constraint systematically.

Political leaders play a crucial role in orchestrating this transformation. They do not merely benefit from weakened constraints; they actively establish systems of legal domination. Viktor Orbán's declaration of „illiberal democracy“ was not just for show, but a deliberate strategy (Orbán 2014). As both Scheppele and Kazai (2018; 2024) emphasise, these leaders act as constitutional engineers, using constitutional amendments, regulatory authority and emergency powers to restructure the political landscape. The leadership style in these regimes tends to be personalist, plebiscitarian and polarising, mobilising majoritarian support while delegitimising the opposition as being corrupt, unpatriotic or under foreign influence.

Therefore, backsliding should not be analysed as a simple shift from democracy to autocracy, but rather as a strategic process of power consoli-

dation through legal, institutional, and discursive means. This underlines the importance of context-sensitive typologies that consider not only institutional.

3. Exogenous and Endogenous Models of Backsliding

David Andersen's models of exogenous and endogenous triggers for democratic backsliding provide a useful framework for understanding how democracies backslide under different circumstances (Andersen 2019). Exogenous shocks, such as economic crises or security threats, disrupt democratic systems and often lead to hard backsliding. In these cases, leaders adopt overt and forceful strategies, circumventing institutional checks under the pretext of addressing urgent crises. For example, Erdoğan declared a state of emergency following the attempted coup in Turkey in 2016, enabling sweeping purges and media restrictions (Esen/Gumuscu 2018). Similarly, Orbán's government in Hungary took advantage of the COVID-19 pandemic to assume emergency powers without a set time limit, undermining parliamentary oversight (Uitz 2020).

In contrast, endogenous change involves internal vulnerabilities such as economic inequality or political polarisation, and is more akin to soft backsliding. Here, democratic erosion occurs gradually, often disguised as legal reform. For example, Poland's PiS party justified judicial reforms as anti-corruption measures, allowing control over judicial appointments and reducing the independence of the courts (Pech/Scheppele 2017, 6-9). In Italy, Giorgia Meloni's proposed semi-presidential reforms aim to address instability, but risk consolidating executive power and weakening parliamentary checks (Improta/Marzi 2024). Soft backsliding often operates within legal boundaries, making it less visible and harder to challenge (Levitsky/Ziblatt 2018).

These processes often overlap. Exogenous shocks may trigger hard backsliding, but once power is consolidated, leaders often exploit internal weaknesses for sustained soft backsliding. In Turkey, Erdoğan's response to the failed 2016 coup attempt evolved from hard measures, such as purges and emergency decrees, to more subtle forms of democratic erosion. Over time, his government introduced legal manipulations, such as changes to electoral laws and media regulations, that further entrenched his rule while maintaining a veneer of legality (Esen/Gumuscu 2018; Sayarı 2021).

4. Conclusion

Understanding the distinction between soft and hard democratic backsliding is essential for understanding the erosion of democratic systems. Hard backsliding, characterised by overt and violent actions such as coups or constitutional suspensions, is more visible and tends to provoke immediate resistance. In contrast, soft backsliding operates through incremental and legal adjustments that subtly undermine democratic institutions and norms, making it harder to detect and counter.

This volume emphasises the critical role of institutions - such as the judiciary, the legislature, and the media - as the backbone of democratic governance. Soft backsliding primarily targets these structures, preserving their outward appearance while undermining their independence and functionality. By focusing on institutional vulnerabilities, this analysis shows how legal manipulation, incremental procedural changes, and the erosion of norms weaken democracies from within, often under the guise of reform. The cases of Western European countries show that even established democracies are not immune to the risks of soft backsliding. These examples highlight the importance of strengthening institutional resilience and maintaining public trust in democratic norms in all European contexts.

The distinction between soft and hard backsliding underscores the importance of tailored strategies to address these challenges. While hard backsliding requires immediate and often forceful responses, addressing soft backsliding requires vigilance and long-term strategies to strengthen institutional resilience and safeguard democratic norms. This focus on the subtleties of soft backsliding provides valuable insights for understanding and countering the nuanced threats to democracy in contemporary political systems.

More broadly, democratic backsliding should not be conceptualised as a binary shift from democracy to autocracy, but rather as a continuum shaped by legal manipulation, normative decay and executive-driven institutional restructuring. The typology of soft and hard backsliding distinguishes between reversible erosion and entrenched autocratic legalism. In both cases, political leaders are not passive beneficiaries, but rather the strategic architects of legal and institutional domination. Their populist-authoritarian leadership style undermines both pluralism and accountability. The intersection of legal mechanisms, personalised executive leadership and the erosion of vertical and horizontal accountability is at the heart of contemporary democratic decline. Therefore, understanding this strategic

use of law and the hollowing out of accountability structures is essential for diagnosing democratic decay and developing targeted, effective responses.

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Democratic Backsliding in Germany

Martin Rolf Herbers¹

1 Introduction: The Rise (and possible Fall) of German Democracy

As a founding member and a cornerstone of the European Union, Germany's democratic project is often regarded as a success story. Emerging from the devastation of the Third Reich, Germany underwent multiple phases of democratisation. Initially under Allied occupation following the Second World War, the country was divided into four administrative zones controlled by the major military powers of the Allied Forces. Through a rigorous process of denazification, Germany gradually regained political autonomy and self-determination—by drafting and ratifying a new constitution, and subsequently by embedding itself firmly within Western military and trade alliances. The country experienced an “economic miracle” (*Wirtschaftswunder*), fostering economic prosperity alongside a comprehensive processing (*Aufarbeitung*) of the political mechanisms that had enabled the rise of National Socialism and the atrocities of the war. Key constitutional safeguards were established to protect democratic institutions from autocratic encroachments, while a culture of civic education and critical historical reflection—epitomised by the notion of learning “after Auschwitz”—laid the foundation for a resilient democratic society.

Despite its first major post-war challenge—the division of the Soviet-occupied zone and the establishment of the socialist German Democratic Republic (GDR)—West Germany's integration into liberal democracy and NATO solidified its role as a stable economic and strategic partner throughout the Cold War. With reunification in 1989 and the relocation of the capital to Berlin, the newly unified Federal Republic of Germany appeared both politically stable and internationally reliable.

The ideological remnants of National Socialism and right-wing authoritarianism however were never fully eradicated. From the persistence of former Nazi elites in government positions during the early years of the

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republic to the resurgence of right-wing parties in the 1990s, and more recently, the rise of nationalist and populist rhetoric, these currents have continued to exert influence. The COVID-19 pandemic further accelerated the mainstreaming of conspiracy narratives and anti-democratic sentiments, leading to a marked increase in physical and rhetorical violence against migrants and minorities, a growing demand for “strong leadership,” and an overarching skepticism toward democratic governance (Bröning 2024).

Against this backdrop, this chapter argues that Germany represents a case of non-institutional democratic backsliding. While its institutional checks and balances still appear to remain intact, the increasing visibility and public acceptance of populist and right-wing rhetoric evoke historical narratives that have never been entirely forgotten. To support this argument, the chapter presents a historical and political analysis of Germany from 1945 to 2025, with a particular focus on the structure of its political system, the constitutional framework (Grundgesetz), and the role of the media. Furthermore, it examines notable attempts at institutional backsliding within the executive, judicial, and legislative branches. The chapter concludes by outlining recent developments and ongoing domestic and international crises that could further contribute to democratic erosion.

2 The Constitutional and Political Development of Germany (1945–2025): A Structural and Historical Analysis

Germany’s political evolution since the end of World War II has been shaped by its constitutional framework, the Grundgesetz (Basic Law), and the principles of democracy, federalism, and human rights. The collapse of the Third Reich in 1945 left the country in ruins, both physically and politically. From these remnants, the Federal Republic of Germany (FRG) emerged as a stable democracy, grounded in a constitution designed to prevent the recurrence of totalitarian rule. Over the decades, Germany has faced major political and social transformations, including the division between the FRG and the German Democratic Republic (GDR), reunification in 1990, European integration, and contemporary challenges such as digitalisation and the rise of populism.

At the heart of Germany’s constitutional order lies the principle of human dignity (Menschenwürde), a reaction to the atrocities of the Nazi regime, and press freedom (Pressefreiheit), which has played a crucial role

in shaping political discourse. This contribution examines the historical evolution of Germany's political order, the fundamental principles of the Basic Law, the governmental structure, and the checks and balances that ensure democratic stability.²

2.1 The Historical Evolution of Germany's Political System

Following Germany's unconditional surrender on May 8, 1945, the country was divided into four occupation zones controlled by the United States, the Soviet Union, Great Britain, and France. While the Allies initially sought to administer Germany as a unified entity, the emergence of ideological conflicts between the Western powers and the Soviet Union resulted in the country's division. The Western Allies encouraged the establishment of a democratic government, leading to the Parliamentary Council's drafting of the Grundgesetz, which was enacted on May 23, 1949, thereby creating the Federal Republic of Germany (FRG).

Meanwhile, in the Soviet-occupied zone, the Socialist Unity Party of Germany (SED) consolidated its power, resulting in the formation of the German Democratic Republic (GDR) in October 1949. Unlike the FRG, which was designed as a pluralistic democracy, the GDR followed a centralised, one-party system modeled after the Soviet Union.

The FRG developed as a parliamentary democracy with strong constitutional safeguards against authoritarianism. Under Chancellor Konrad Adenauer (CDU), West Germany pursued a policy of Westbindung (Western integration), joining NATO in 1955 and becoming a founding member of the European Economic Community (EEC) in 1957. The economic policies of Ludwig Erhard led to a period of rapid growth known as the Wirtschaftswunder (economic miracle), reinforcing public trust in democracy.

Conversely, the GDR was characterised by state-controlled media, political oppression, and a centrally planned economy. The construction of the Berlin Wall in 1961 symbolised the deepening division between East and West Germany. The Stasi (State Security Service) monitored citizens, ensuring the continued dominance of the SED regime, while economic inefficiencies of socialism led to stagnation.

2 This section is based on the introductory works on the history of the German political system (Beyme/Busch 2023; Grotz/Schroeder 2021; Mannewitz/Rudzio, 2022).

The collapse of communist regimes in Eastern Europe, facilitated by Soviet leader Mikhail Gorbachev's Glasnost and Perestroika policies, led to mass protests in the GDR. The Berlin Wall fell on November 9, 1989, marking the beginning of the end for the East German regime. In the following months, negotiations led to the reunification of Germany on October 3, 1990, under Article 23 of the Basic Law.

The transition was politically and economically complex, requiring the harmonisation of two radically different political systems. While East Germans gained political freedom, the shift to a market economy led to widespread economic hardship, including high unemployment and social unrest. Nonetheless, the constitutional framework of the FRG was extended to the former GDR, ensuring the continued protection of democratic principles and fundamental rights.

2.2 Fundamental Principles of the Basic Law: Human Dignity and Press Freedom

The Basic Law (Grundgesetz) establishes the core principles of German democracy, with human dignity and press freedom serving as two of its most fundamental tenets. Enshrined in Article 1, the primacy of human dignity reflects Germany's commitment to preventing the recurrence of authoritarianism, ensuring that all state actions must uphold individual rights. Meanwhile, Article 5 guarantees press freedom, recognizing the media's crucial role in fostering democratic discourse and holding power accountable. Together, these provisions shape the legal and political landscape, balancing state authority with individual and societal freedoms. This section examines the constitutional foundations, legal interpretations, and practical implications of these principles, highlighting their role in safeguarding democracy.³

The first article of the Basic Law states: "Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority." This provision, introduced as a direct response to Nazi-era crimes, is non-amendable, meaning that no government can repeal or weaken it. It serves as the foundation for all other constitutional rights, ensuring that state actions must always uphold human dignity. The Federal Constitution-

3 This section follows the outline of the definitive textbook on German Law (Robbers 2023).

al Court has ruled repeatedly that human dignity overrides other legal considerations, influencing decisions on asylum policy, privacy rights, and personal autonomy.

Freedom of the press is another cornerstone of German democracy, explicitly protected under Article 5 GG. This guarantees: Freedom of speech and media and a protection, against state censorship, as well as a pluralistic media landscape, including independent public broadcasters.

Significant court rulings, reinforced media independence by preventing government overreach into journalistic freedom. However, restrictions on hate speech and Holocaust denial are constitutionally permitted to preserve democratic integrity.

2.3 The Structure of the German Government

The Grundgesetz also outlines the basic structure of the German government. Germany operates as a parliamentary democracy with a federal structure, divided into three branches:

The executive branch consists of the Federal Chancellor (Bundeskanzler), who is elected by the Bundestag and directs government policy, and the Federal President (Bundespräsident), who plays a largely ceremonial role. The legislative branch comprises the Bundestag (Federal Parliament), elected by the people, and the Bundesrat (Federal Council), representing the 16 federal states. The judiciary, led by the Federal Constitutional Court, ensures that laws comply with the Basic Law. It has played a critical role in upholding fundamental rights and resolving constitutional disputes. Hence, Germany has a strong system of checks and balances to defer power concentration: The Bundesrat can veto Bundestag laws, protecting federalism. The Constitutional Court can strike down unconstitutional legislation, ensuring judicial oversight. The Bundestag can remove the Chancellor via a constructive vote of no confidence, ensuring parliamentary accountability.

Germany's constitutional system has ensured political stability, human rights protections, and democratic resilience. The Grundgesetz, with its focus on human dignity, press freedom, and institutional checks and balances, continues to shape the country's governance.

3 Soft Democratic Backsliding in Germany: Normative Erosion and the Populist Challenge

While Germany's constitutional framework and democratic institutions have historically provided a robust defense against authoritarianism, recent developments suggest that the country is not immune to soft forms of democratic backsliding. Unlike the abrupt and overt breakdown of democracy seen in hard backsliding, which is characterised by coups or the suspension of constitutional order (Bermeo 2016), Germany exhibits more subtle and insidious patterns. These include the gradual erosion of democratic norms, such as mutual toleration and institutional forbearance, as well as the growing influence of populist and nationalist narratives that challenge pluralism and legitimacy.

Soft backsliding operates within the bounds of legality, often masquerading as reform. Populist actors in Germany have exploited societal grievances and cultural anxieties to promote exclusionary rhetoric and question the integrity of institutions like the media and judiciary. This undermines trust in democratic processes without dismantling formal structures. The rise of nationalist sentiment, Euroscepticism, and anti-elitist discourse reflects broader European trends where democratic regression proceeds through legal manipulation, norm erosion, and identity politics, rather than outright institutional collapse.

Although Germany retains a strong constitutional order and active civil society, these developments require sustained attention. Understanding the nature of soft backsliding—particularly how it exploits the democratic framework itself—highlights the importance of reinforcing normative commitments and institutional vigilance to preserve democratic integrity, as the following examples from recent German political history show.

As the overview of German political and constitutional history has shown, the German political system consists of a system of strong institutions and an intricate system of checks and balances. Yet there are - apart from a strong turn to populist and right-wing ideologies - some instances and examples of more institutional forms of backsliding. These striking examples can be found on the executive, judicial, administrative and legislative branches of government alike. This section discusses three prominent examples drawn from Germany's recent political history in greater detail.

The cases presented in this section were selected along two rationales. As Germany shows no cases of "hard", institutional forms of backsliding (yet), the focus was placed on soft cases of backsliding. These might be

self-contained, yet as these cases happen more frequently over time, they can normalise and thus can become informal building blocks of actual instances of institutional backsliding. Further, these cases present breaches of underlying norms and values of German democracy. They can be regarded as scandals that present these oft opaque underlying principles and also provide insights on the social and political repair processes that become active to mitigate the scandals (Herbers 2023). Building on the idea of soft backsliding, these cases show on the one hand the fragility of the underlying normative order of Germany's political system, yet on the other hand demonstrate that the processes and institutions mending these violations still fulfill their democratic function. Hence, the cases presented here were selected regarding their underlying disruptions of the political-normative order presented above and stem from all branches of government.

On the executive side, former head of state (Bundespräsident) Christian Wulff found himself under attack by the press for uncovering his private financial situation. He tried to influence the reporting in his favor by directly calling the former editor-in-chief of Germany's largest tabloid newspaper BILD and threatening legal actions. On the judicative side, the police in Hamburg were investigating the kidnapping of at that time eleven-year-old billionaire's heir Jakob Metzler. After catching the perpetrator and finding that he kept his victim in an undisclosed and life-threatening location, the police threatened to torture the perpetrator. The last example stems from the legislative and administrative side of the political system: The Berlin election of 2021 saw many irregularities, which was due to administrative overload and failure to prepare the proper course of the election.

3.1 The Causa Wulff: A Case of Democratic Backsliding?

The scandal surrounding former German President Christian Wulff, known as the Causa Wulff, is a striking example of the complex relationship between political power, media influence, and democratic integrity. While the scandal initially revolved around allegations of personal misconduct and preferential treatment, it also raises fundamental questions about press freedom and the role of the media in shaping political careers. At the heart of this affair was BILD, Germany's most influential tabloid, whose reporting played a decisive role in Wulff's downfall. The Causa Wulff illustrates how the interplay between media narratives and political legitimacy can

challenge democratic resilience, particularly when journalistic oversight turns into trial by media (Meinecke 2015).

The controversy began in December 2011 when BILD reported that Wulff had failed to fully disclose a private loan of €500,000 from the wife of a businessman during his time as Minister-President of Lower Saxony. Over the following weeks, the scandal gained momentum as additional allegations emerged, including reports that Wulff had accepted favors from wealthy acquaintances, such as luxury vacations and favorable financial arrangements. The most explosive revelation, however, was the so-called voicemail affair: Wulff left an angry message on the voicemail of BILD editor-in-chief Kai Diekmann, attempting to prevent the publication of a critical report. He allegedly threatened legal consequences and warned of a “war” between the presidency and the newspaper. This attempt to influence the media not only backfired but also transformed the scandal from a personal integrity issue into a full-blown political crisis about freedom of the press.

Following weeks of relentless media scrutiny, Wulff’s position became untenable. In February 2012, he resigned after prosecutors launched an investigation into corruption allegations. Although he was later acquitted of all charges, his political career was effectively over. Consequently, the case left a lasting impact on German politics, reinforcing the power of the press in shaping political outcomes and raising concerns about the media’s role in democratic accountability.

The Causa Wulff cannot be understood without considering the role of BILD, Germany’s largest tabloid and one of the most politically influential newspapers in the country. With a daily readership in the millions, BILD has long positioned itself as both a populist voice of the people and a kingmaker in German politics. The tabloid is notorious for its aggressive reporting style, its ability to set political agendas, and its close, yet volatile relationships with politicians.

Throughout its history, BILD has oscillated between acting as a government-friendly outlet and launching full-scale campaigns against political figures it deemed unworthy of office. While it has supported certain politicians, it has also played a decisive role in scandals that have led to political resignations. The paper’s strategy often involves building up political figures before aggressively turning against them when their perceived usefulness wanes or when they challenge BILD’s editorial stance.

In Wulff’s case, the dynamic was particularly striking. Initially, BILD had been supportive of his presidency, but as the scandal unfolded, the

tabloid shifted to a highly critical stance. Wulff's ill-fated voicemail message to Diekmann became the defining moment of the affair, reinforcing the perception that he had attempted to suppress press freedom—an unforgivable transgression in the eyes of the media and the public. The rapid and relentless coverage by BILD contributed to Wulff's downfall, demonstrating how a single publication could dictate the fate of a sitting president.

The Causa Wulff exemplifies the dual role of the press in a democracy: as both a watchdog and a political actor. Press freedom is enshrined in Article 5 of the German Basic Law (Grundgesetz), which explicitly states: "There shall be no censorship". The ability of the press to scrutinise political figures is a cornerstone of democratic governance. However, the case raises questions about whether media scrutiny remained within the bounds of journalistic duty or whether it evolved into a form of political intervention.

A retrospective analysis by Grünberg et al. (2015) suggests that the media's portrayal of Wulff was often driven by scandalisation rather than factual assessment. Journalistic principles such as the presumption of innocence were not always upheld, and many of the allegations against him ultimately proved to be exaggerated or unfounded. This suggests a problematic blending of investigative journalism with elements of sensationalism and political power plays.

The Causa Wulff can be seen as an example of a softer form of democratic backsliding: not through the erosion of democratic institutions, but through the shifting power dynamics between elected officials and media actors. While a free press is essential for political accountability, excessive scandalisation and media-driven political campaigns can distort democratic processes. When the media assumes the role of judge and executioner, political legitimacy is no longer determined solely by elections or institutional processes but by shifting media narratives.

Although these problems are relevant on the institutional level of politics, it was not processed on this level. Although there were some comments from the judicial system on the legitimacy of Wulff's voicemail (Steinbeis/Grimm 2012), the press took it upon itself to discuss its democratic role, with some added reflections from media ethics scholars (Detjen 2013; Götschenberg 2013).

The case highlights the vulnerability of the German presidency. While the Basic Law protects the office from direct political removal, Wulff's presidency became functionally unviable once media confidence in him collapsed. This raises concerns about the stability of democratic institutions

when media influence can effectively override formal legal and political mechanisms.

The Causa Wulff underscores the delicate balance between press freedom and responsible journalism in a democracy. While investigative reporting plays a crucial role in holding politicians accountable, the case illustrates how media power, especially in the hands of influential outlets like BILD, can shape political careers and potentially destabilise democratic governance. A resilient democracy must ensure that press freedom remains a check on power rather than a tool for political maneuvering. The challenge lies in maintaining a media landscape that is both free and responsible, ensuring that democratic discourse is guided by facts rather than media-driven spectacle (Oehmer-Pedrazzi 2023).

3.2 Executive Backsliding (Prevented): A Case of Rescue Torture

The case of Jakob von Metzler revolves around the abduction and murder of the eleven-year-old boy by law student Magnus Gäfgen in 2002. After collecting ransom from the boy's family, Gäfgen was arrested, but the police were unsure whether Jakob was still alive. Under enormous time pressure, Frankfurt's Deputy Police Chief Wolfgang Daschner ordered that Gäfgen be threatened with torture to extract information about the boy's whereabouts. The strategy was effective, and Gäfgen eventually led the police to the already deceased child. While Gäfgen was later sentenced to life imprisonment for murder, the case triggered a heated debate about the legitimacy of "rescue torture" in democratic legal states (Bourcarde 2004; Reemtsma 2005).

This incident serves as a striking example of how democratic backsliding can manifest even within stable democracies like Germany. The rule of law is one of the central pillars of democracy, ensuring that state actions are bound by legal norms and constitutional principles. However, in moments of crisis, these principles can come under significant pressure. In the Metzler case, the absolute prohibition of torture as a fundamental democratic norm was openly questioned. The discussion that followed revealed a concerning willingness to relativise human rights standards in favor of immediate security concerns, a characteristic often seen in cases of democratic backsliding. Such debates create precedents that can weaken legal norms over time, normalizing exceptions that erode the legal framework of democracy from within.

Public sentiment played a crucial role in this development. Surveys indicated that most Germans supported the police's actions and opposed Daschner's punishment (Bourcarde 2004). This demonstrates how security-related populism can influence democratic norms. Political actors, including prominent figures from the Social Democratic Party, argued that moral considerations should sometimes override constitutional principles. Such reasoning echoes patterns of democratic erosion, where legal norms are undermined in favor of emotional, majoritarian impulses. Security is framed as the highest democratic value, while constitutional rights are presented as obstacles to effective governance. This shift in discourse is symptomatic of broader trends in democratic backsliding, where populist narratives weaken the checks and balances of the legal system.

Institutional integrity is another crucial aspect in this context. A well-functioning democracy depends on institutions that uphold legal norms even under exceptional circumstances. Yet, the Metzler case illustrates how political pressure can influence legal interpretations. The police acted outside the legal framework, yet they received political and public support. While the courts upheld the absolute ban on torture, the fact that the issue was so widely debated suggests a weakening of institutional resilience. This is a common mechanism in democratic backsliding: executive actors test legal boundaries, political figures advocate for selective exceptions, and public support shifts towards more authoritarian policies. Over time, such patterns erode the independence and authority of legal institutions.

At the heart of this controversy lies the question of human dignity, enshrined in Article 1 of the German Basic Law. The debate over "rescue torture" represents an attempt to introduce a utilitarian perspective on fundamental rights. Gäfgen's dignity was weighed against the collective interest of rescuing a child, implying that under certain conditions, individual rights could be overridden. This logic is dangerous for democratic systems, as it lays the groundwork for further restrictions on civil liberties in the name of public safety. Once a precedent for relativizing fundamental rights is established, it becomes easier to justify other forms of state overreach, potentially leading to an incremental erosion of democratic principles.

The case involving Jakob von Metzler led to significant political and personal repercussions, particularly for Wolfgang Daschner, the then Deputy Chief of Police in Frankfurt. In December 2004, the Frankfurt District Court convicted Daschner for coercion in office. He received a formal warning with a suspended fine. This sentence was notably lenient, considering the gravity of the offense. The court acknowledged Daschner's honor-

able intentions to save the child's life but emphasised that violating human dignity is impermissible, regardless of the circumstances. The judgment underscored the absolute prohibition of torture and inhuman treatment in a constitutional state. Despite the conviction, Daschner faced no civil service penalties. German civil service law stipulates that only sentences of at least one year of imprisonment result in the termination of the civil servant status. Monetary fines do not impact the civil service relationship, though they can be considered in disciplinary proceedings. In April 2005, the Hessian Interior Minister Volker Bouffier closed the disciplinary case against Daschner without imposing any measures. Daschner was transferred to Wiesbaden, promoted, and took over the leadership of the Department for Technology, Logistics, and Administration of the Hessian Police. He retired on May 1, 2008, upon reaching the statutory retirement age.

The Metzler case is a revealing case study of how democratic societies confront the tension between security and fundamental rights. Even in well-established democracies, backsliding can occur not through abrupt institutional breakdowns but through subtle normative shifts. The willingness to compromise on human rights standards in the face of security concerns illustrates how democratic erosion often happens incrementally. For research on democratic backsliding, this case offers a compelling example of how public discourse, executive overreach, and institutional pressure interact to challenge the foundational principles of democracy.

3.3 The Berlin Elections of 2021

The 2021 Berlin elections serve as a revealing case study for the vulnerabilities of democratic institutions in Germany, particularly considering the Basic Law's commitment to free, equal, and orderly elections. While the failures observed on election day do not constitute deliberate or institutional democratic backsliding, they expose systemic weaknesses that, if left unaddressed, could erode public trust in the electoral process and democratic governance more broadly (Rockmann 2023).

At the heart of the election's controversy was a series of administrative failures—polling stations ran out of ballots, voters faced long delays, and some polling places remained open beyond the official closing time of 6 p.m., allowing ballots to be cast after initial media forecasts had been published. While the Constitutional Court of Berlin ultimately mandated a full re-run of the state and district elections, and the Bundestag Committee

for the Scrutiny of Elections recommended a partial re-run in certain constituencies, the damage to public perception had already been done. In a democratic system built on the integrity of electoral processes, these mishaps—whether accidental or systemic—undermine the fundamental principle of *Wahlrechtsgleichheit* (equality of voting rights) enshrined in Article 38 of the *Grundgesetz* (Basic Law).

One of the key indicators of institutional democratic backsliding is the gradual erosion of trust in electoral processes, not necessarily through outright fraud, but through persistent inefficiencies and failures in electoral administration. The Berlin election debacle fueled skepticism about the ability of German institutions to conduct fair and orderly elections. While the failures were administrative rather than intentional, their impact on public trust was amplified by a media landscape eager to sensationalise the situation. Reports comparing Berlin's election chaos to manipulated elections in authoritarian states illustrate how such incidents can be instrumentalised to delegitimise democratic institutions. This aligns with a broader pattern seen in democracies experiencing backsliding: once the reliability of electoral outcomes is widely questioned, even well-functioning institutions struggle to maintain legitimacy.

The judicial response, though ultimately corrective, further highlighted structural weaknesses. The Bundestag and Berlin courts spent months deliberating on complaints before issuing their rulings, reinforcing the perception of a slow and inefficient accountability mechanism. While the legal framework which is rooted in *Grundgesetz*-principles ensured that election irregularities were addressed, the delays allowed misinformation and populist rhetoric to take hold. The slow reaction time of institutions is a common feature of non-institutional democratic backsliding, where public discourse rather than direct institutional dismantling erodes faith in democratic governance.

Beyond procedural integrity, the impact on political participation raises deeper concerns. Reports of voters leaving polling stations without casting their ballots due to long waits underscore how administrative inefficiencies can lead to *de facto* disenfranchisement, contradicting the constitutional principle that every eligible voter must have an equal and unhindered opportunity to participate in elections. While overall turnout for the Bundestag elections remained at a historically stable 75.2 percent, localised distortions may have influenced seat allocations, particularly in closely contested districts. If such incidents persist, they risk reinforcing voter disengagement and disillusionment. This is a classic symptom of non-institu-

tional democratic backsliding, where citizens lose confidence in democracy not because of outright repression, but due to its perceived dysfunction (Schindler 2023).

The instrumentalisation of electoral failures by populist actors further illustrates how administrative breakdowns can be leveraged to advance anti-democratic narratives. Political actors who seek to undermine faith in democratic institutions need not engage in direct attacks on the electoral system - it is enough to let doubts fester. The Berlin case demonstrates how even unintentional failures can provide fertile ground for those eager to question the legitimacy of electoral processes, a pattern observed in several democracies undergoing democratic erosion.

Ultimately, the Berlin election debacle is both a warning and a stress test for German democracy. The Grundgesetz provides robust protections against authoritarian tendencies, but it does not shield the system from gradual erosion through mismanagement, declining public trust, and the politicisation of electoral mishaps. Democratic resilience depends not only on constitutional safeguards but also on the efficiency, transparency, and adaptability of democratic institutions. If administrative weaknesses persist and judicial responses remain sluggish, Germany risks a slow but significant erosion of democratic legitimacy, where the mere perception of dysfunction becomes a self-reinforcing crisis. The Berlin elections underscore the urgency of electoral reform, not just to prevent future logistical failures, but to uphold the credibility of the democratic process itself.

3.4 Summary: Can the System of Checks and Balances Prevail under Pressure?

The three cases illustrate that the existing legal and regulatory frameworks were tested to their limits yet remained sufficiently coherent to deliver the intended outcomes. Institutional mechanisms effectively identified and addressed any shortcomings, reinforcing the system's overall stability.

However, these examples must be viewed within their specific socio-political and historical contexts. Since these contexts are constantly evolving, different outcomes may emerge, particularly in times of crisis or overlapping crises. As Levitsky and Ziblatt (2018) argue, democratic backsliding is not a singular event but rather a gradual process of authoritarian reconstruction. Under the right conditions and political climate, the press could

succumb to the influence of a vengeful head of state, or unlawful actions might be legitimised under the pretense of alleged public safety.

The following section explores the current state of democratic backsliding in Germany, considering the impact of ongoing domestic and international crises as key transformative forces.

4 Checks and Balances in Civil Society

As the examples have shown, the system of checks and balances remains functional, providing essential safeguards against direct institutional subversion. However, because populists and demagogues appeal to the general public and the so-called “man on the street”, additional measures are necessary to strengthen civic resilience against these forms of democratic decline. In this context, civil society—as well as public and private organisations that promote active and critical citizenship—plays a crucial role in safeguarding democracy.

4.1 Public Initiatives: The Bundeszentrale für Politische Bildung

One of the key public institutions supporting an informed and engaged civil society is the Bundeszentrale für Politische Bildung (Federal Agency for Civic Education, BpB). Its mission is to provide accessible, reliable, and non-partisan information on political issues, institutions, and processes for citizens of all educational backgrounds. To achieve this, the BpB publishes scientific research on political issues in its freely available magazine. It provides educational materials for teachers and schools and develops easy-to-understand political content to ensure accessibility for all citizens (Bundeszentrale für Politische Bildung 2025b).

The BpB’s adheres to the principle that any political topic should be examined from multiple relevant perspectives while avoiding direct recommendations or political influence. Instead, the agency aims to empower citizens to form their own opinions based on well-researched and reliable information.

This role becomes particularly visible during elections, when the BpB hosts the Wahl-O-Mat (Elect-O-Mat)—an online tool designed to help citizens understand the political platforms and key positions of major parties. By answering a series of multiple-choice questions, users receive a compar-

ison of party positions on key issues, enabling them to make informed voting decisions (Bundeszentrale für Politische Bildung 2025a).

4.2 Private Initiatives and Watchdog Organisations

Beyond public institutions, private organisations and watchdog groups play a vital role in promoting transparency, freedom of information, and institutional accountability. Two of the most prominent and controversial organisations in this field are:

FragDenStaat (“Ask the State”)

This platform facilitates public access to political information by allowing citizens to submit formal inquiries to government officials and institutions. It tracks response times and publishes both the questions and answers, increasing transparency and accountability. With an explicitly anti-right-wing stance, FragDenStaat also provides guides and resources on “unruly citizenship” and “soft resistance” tactics for those confronting right-wing actors (FragDenStaat 2025).

Abgeordnetenwatch (“Watchdog for Elected Officials”)

Unlike FragDenStaat, Abgeordnetenwatch maintains a neutral stance, positioning itself as a monitoring platform for members of the Bundestag and other legislative bodies. It provides insights into voting behavior on controversial issues, political donations, and lobbying activities. By fostering government transparency, it enables citizens to hold their representatives accountable—or at least make informed judgments about their actions (Abgeordnetenwatch 2025).

4.3 Beyond Institutions: Strengthening Civil Society

In addition to these formal organisations, a wide range of public and private initiatives work to enhance democracy, political participation, and institutional transparency. These efforts contribute to the development of a politically engaged and critically aware civil society, which serves as an additional layer of democratic checks and balances beyond constitutional safeguards.

5 Conclusion and Outlook

This chapter has demonstrated that democratic backsliding poses a growing threat to the German political system, primarily reflected in the rise of populist rhetoric, right-wing sentiments, and increasing polarisation. These developments stem from multiple unresolved crises and are likely to persist as long as these crises remain unaddressed. However, at the institutional level, the deeply ingrained system of checks and balances within the German constitution remains intact, while an active civil society provides an additional safeguard against democratic erosion at the cultural and informal level.

Yet, future crises—both domestic and international—are inevitable and may converge into a broader polycrisis, exerting pressure on institutional resilience and informal democratic norms alike. The continued rise of right-wing sentiments and electoral successes of far-right parties across the European Union and the United States indicate that transnational networks of demagogues and illiberal actors play a crucial role in fostering these trends. These networks extend beyond Germany's political landscape, influencing center-right parties while simultaneously developing their own funding infrastructures.

In addition to internal threats, global power shifts present significant challenges to what is often (jokingly) referred to as “Germany's business model”: Military dependence on the United States for security, economic reliance on China as a primary export market, and energy dependence on Russia for gas imports.

These structural dependencies are being disrupted, necessitating painful political and economic restructuring. This transition is likely to be politically divisive, affecting both party dynamics and public opinion. If not managed effectively, these disruptions could further exacerbate informal democratic backsliding, as uncertainty and economic distress often fuel populist narratives (Svolik et al. 2023).

Germany is currently facing a deepening domestic divide, particularly between the western and eastern federal states. Nowhere is this more visible than in the rise of the far-right Alternative für Deutschland (AfD), which enjoys significant electoral success in the eastern states and increasingly enters institutional politics. This division has its roots in the troubled post-reunification process. After 1990, East Germany's socialist past was neither fully confronted nor adequately integrated into a shared national narrative. Instead, the political and administrative structures of the West

were simply transplanted to the East. Western elites filled key public offices, while eastern German identities were overlooked or dismissed. This fostered a widespread sense of disenfranchisement and alienation in the East. Rather than being treated as equal partners, many eastern Germans felt they were expected to assimilate into a pre-existing Western model. Over time, this perceived cultural colonisation led to political skepticism, erosion of institutional trust, and in parts of society, an emboldened right-wing resistance that increasingly challenges the legitimacy of democratic institutions. If these structural and cultural grievances remain unaddressed, the political divide is likely to deepen further. The AfD and similar movements may continue to gain ground, not just as protest parties but as lasting fixtures in eastern Germany's political landscape (Mau 2024). Democratic norms and institutions could erode from within, as right-wing narratives normalise distrust in the system and fuel societal polarisation. Over time, this threatens national cohesion, weakens the legitimacy of the democratic order, and hampers Germany's ability to respond collectively to broader social and political challenges.

Germany's historical skepticism toward rapid technological innovation, often described as "German Future Angst" combined with an overwhelming sense of external transformation, internal party struggles (Herger 2021), and the rise of right-wing movements, creates a fertile ground for further democratic erosion, particularly at the informal level. While institutional democracy remains intact, a failure to recognise and counter these threats could set the stage for future institutional backsliding. As Levitsky and Ziblatt (2018) argue, authoritarian erosion often begins informally before culminating in institutional collapse. If these warning signs are ignored, it is only a matter of time before elected officials adopt authoritarian strategies, further accelerating the process of democratic decline.

These three historical examples of averted democratic backsliding are merely symptoms of underlying and overarching processes of democratic deterioration. With the advent of more frequent disregard of established rules and regulation of a democratic society, these violations become the norm – and are thus normalised quantitatively and qualitatively. Hence, research and society alike must ask for the root causes instead of merely addressing the symptoms. Yet, as these show up more frequently, it is dangerous to mistake them for the cause and look for the wrong remedies.

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Weakening French Democracy: The Constitution of the French Fifth Republic and the Instrumentalisation of its Democratic Framework

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1 Introduction

In the summer of 2024, France went through a complex political turmoil. Following the June European Parliament (EP) elections, President Emmanuel Macron dissolved the National Assembly and triggered snap elections. The results did not bring the clarity the President had called for. Seven weeks after the resignation of Prime Minister Gabriel Attal's short-lived government, it was eventually Michel Barnier, a member of the conservative-liberal Republican party (Les Républicains, LR) that came only fourth in seats at the snap elections, who got appointed to form a new government. This administration did not last longer than the transition period from the dissolution to Barnier's appointment.

From the dissolution to the fall of the Barnier government and beyond,² the French political debate got entangled in confusing yet heated debates on the president's constitutional latitude and responsibilities, the means of a caretaker government in such an unprecedented transition period, the share of competencies of the president, the government, and the assembly in the French Fifth Republic established in 1958.

The very structure of the French half-presidential regime seemed unclear. With Barnier appointed, which part of executive power shifts to the Prime Minister and what remains in the hands of the President? This has

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 - 2 French politics is still stuck in this turmoil. Without ignoring the Bayrou government's latest attempts to consolidate executive power and Marine Le Pen's uncertain political future due to ineligibility, I must limit my analysis for methodological reasons. In this chapter, I will consider political processes until the fall of the Barnier government in December 2024.

been a recurring debate every time the prime minister and the president come from opposite sides of the political spectrum.

If the snap election's results were democratic, how can we explain that the outcome's democratic legitimacy is in question? Beyond the quarrels around the respective executive and legislative roles described by the Constitution, the outcome of the 2024 Summer transition does not *feel* democratic enough in the eyes of those who, in one way or another, voted against President Macron and his already fragile relative majority at the assembly before the dissolution. Doubts did not spare the President's own political camp either. The dissolution was undoubtedly *legal*, as was the appointment of a minority government, yet the *legitimacy* of these moves lacked popular and political consent.

This entangled situation begs the question: is France experiencing democracy backsliding? Macron's unpopularity muddies the waters and has motivated theories akin to a "state-led debilitation or elimination of the political institutions sustaining [the] existing democracy" (Bermeo 2016, 5). However, beyond the emotional rejection of the President's persona, such intentions lack objective evidence. The country's political leaders have found themselves in a *democratic* stalemate despite the suspicion of the political establishment being undemocratic.

The country's current political leaders cannot be accused of a "blatant" form of democracy backsliding, i.e., a coup attempt. Is it a "more vexing" form then, in the sense of a backsliding "legitimated through the very institutions that democracy promoters have prioritized" (Bermeo 2016, 6), i.e., a "state-led" backsliding in the name of democracy?

Are there structural fallacies in the country's constitutional framework that can explain the democratic turmoil? Despite the heated debates revolving around the Constitution of the Fifth Republic and recurring calls for a new constitution, examining the Constitution will support the idea of a democratic stalemate.

This chapter will identify the weaknesses of French democracy and show how their instrumentalisation might easily lead to backsliding. The current situation in France cannot be compared to blatant attempts to capture the state and democracy like in Hungary or Slovakia. However, the President's multiple flaws and shortcomings might pave the way for extremist political actors who, once in power, are not unlikely to turn the tables on democracy.

The main factors that might accelerate democracy backsliding in France are the political confusion concerning the country's 'hybrid' half-presidential system, the hazardous confusion of law and politics throughout

parliamentary and public debates, elitism inherited from the royal and imperial past, and the counterproductive attempts to secure parliamentary majorities upstream elections – a constitutional ‘quest for majority’ that has undermined the legitimacy of democratic representation.

2 The EP Results and the Anticipated Elections

A summary of the 2024 anticipated legislative elections will introduce the main constitutional aspects of democracy backsliding in France. The snap elections have fractured the political spectrum and resulted in a new Assembly of minorities: no political group or alliance was large or open enough to compromise to bring together a majority that could support a new government.

Previously, on June 9, the Presidential camp suffered a significant drawback through its defeat at the EP elections. The result was a worrying success for Jordan Bardella’s far-right group (National Rally, RN, 31.37 percent). It was a relative success for the centre-left (13.83 percent), which managed to take its distance from both Macron’s purportedly centrist Ensemble! and Jean-Luc Mélenchon’s radical left France Unbowed (La France Insoumise, LFI, 9.89 percent). The verdict was clear for the presidential group (14.60 percent).

Shortly after the results, the President declared the dissolution of the National Assembly and scheduled snap legislative elections for June 30 and July 7. France had three weeks to prepare and campaign for a surprise vote, which still has not been justified (Boisselier 2024). Three weeks was short notice. The far-right party was the only one with a clear impetus. At the same time, the moderate Socialists were forced to relaunch negotiations with the radical Left at the risk of losing their electoral momentum (Confavreux 2024).³

The snap elections confirmed the presidential drawback, with Macron losing his already thin relative majority at the Assembly. This patchwork of minorities and the inability to structure an even relative legislative majority were unprecedented in the Fifth Republic’s history and raised concerns regarding democratic continuity.

3 Raphaël Glucksmann did not spare the President in his reaction to the dissolution, raising sound questions regarding Macron’s sense of responsibility and awareness of national interest (Glucksmann 2024).

Emmanuel Macron created this situation himself, apparently in the secrecy of the presidential palace, triggering doubts regarding his commitment to democratic fair play and the transparency of decision-making in a republican establishment (Le Monde 2024).⁴ In other words, beyond the usual race of party politics and the galaxy of opinions on the President's persona, the debate in France is about democracy and its backsliding, the Fifth Republic and its sustainability, and the problematic gap between the text of the Constitution and political-governmental practice throughout the last decades.

3 The French Fifth Republic

Seen from almost any other liberal democracy in Europe, a multiparty competition with no automatic majority can be considered virtually usual business (Morel 2024b). If alliances are not agreed upon between the two rounds of the legislative elections, parties that challenge each other throughout the race will open up to compromises after the vote.

How could a democratic result paralyse decision-making in France? Where does this reluctance towards compromises stem from? Compared to its European neighbours, France has, in fact, a somewhat exceptional political establishment where the seemingly balanced results of a legislative ballot might ridiculously speed up democracy backsliding.

3.1 Presidential or parliamentary? A hybrid regime

Established in 1958, the French Fifth Republic is officially a half-presidential regime (Agulhon/Nouschi/Schor 1995, 191-196). In contrast to a presidential regime like the United States, executive power is shared between the president and the prime minister. In contrast to parliamentary regimes (i.e., the majority of liberal democracies in Europe), the head of the State is

4 Emmanuel Macron has not clarified the exact reasons for the dissolution until this date (December 2024). In the Summer, theories emerged regarding the role of some presidential advisers (Wintrebert/Jacob 2024) – only to confirm that such experts have been active around presidents since the establishment of the Fifth Republic (France Culture 2023). The lack of clarity and Macron's insistence on not having had the choice (Benech/Chiron 2024) could only fuel conspiracy theories about orchestrated democracy backsliding.

everything but a mere figurehead or a constitutional function on the side of checks and balances, like in regimes where the head of State can refer the law back to Parliament.

In France, the president is the main character of the executive, the protagonist of national and international politics. The president is elected by direct universal suffrage since 1962. That can also be the case in a clearcut parliamentary regime (for instance, in Austria or Slovakia). In France, this source of legitimacy puts the presidential head of the executive above parliamentary activity. The president appoints the prime minister based on power relations in the Assembly following legislative elections. The prime minister and the government are accountable to the National Assembly. Given this accountability, the French system cannot be distinguished from a parliamentary regime (Morel 2024a). In the present situation, some constitutionalists emphasise that the Fifth Republic is basically a parliamentary regime – a fact the president should not overlook.

If it is a parliamentary regime, it is amended with a solid presidential character. The Fifth Republic is a ‘hybrid regime.’ The half-presidential system borrows elements from both presidential and parliamentary regimes. It implements elements from the presidential model to overcome the shortcomings of parliamentary establishments, especially the potential weakening of the executive. The system is presidential because the head of the State concentrates executive power; the system is parliamentary because the government is accountable to the Assembly.⁵

The reasons behind this ‘hybrid’ constitutional structure are historical. The Fifth Republic is an amended version of the Fourth Republic (1946-1958), which was a clear-cut parliamentary regime with short-lived governments and fragile majorities (Morel 2024b). With the violent conflict in Algeria (1954-1962), a symbol of the French colonial empire like India

5 For comparison, Portugal is a semi-presidential regime where the President's role is primarily ceremonial despite some proper presidential powers. Finland shifted to a parliamentary regime where the president cooperates with the government on foreign policy—a survival of the strong presidential function that prevailed until a constitutional change in the year 2000. In France, it is instead the prime minister and the government who give the impression of a “ceremonial” function when the president has an absolute majority in the Assembly. Like in Finland, the historical background can explain the president's proper powers to a certain extent. In the Finnish case, it originates from the dilemma between a monarchy and a republic following the 1918 Civil War. However, in France, these powers depend far too much on the power relations between the president, the government, and the assembly, as the country found out in the Summer of 2024.

was to the British Crown, the executive and legislative powers in France got blocked by a tripolarisation of the political spectrum (Agulhon/Nouschi/Schor 1995, 182-190). The political deadlock of the decolonial war called for the 'strongman's' return.⁶

In 1958, for the first time, a Republic was established directly on the ashes of another one.⁷ Throughout the nineteenth century, post-Revolutionary France alternated three core types of political regimes: republics, monarchies, and empires – all consecutively restored throughout the industrial century. With the consolidation of the Third Republic in the 1870s (the 'entrenchment of the Republic'), France consolidated its republican establishment at home – yet remained a colonial empire in the world. With decolonisation, the country had to find a new balance. In a sense, with the strong presidential figure defined by the 1958 Constitution, de Gaulle repatriated the colonial power's imperial splendour to feed the new presidential function. Indeed, royal and imperial elements are more explicitly present in the 1958 establishment than in previous Republics that relayed restored monarchies (1848) and empires (1870). Nostalgia for empire and the republican 'strongman,' implicit in the Constitution, is a weakening factor for democracy: it distracts voters from the parliamentary bases of the regime, further isolates a president in distress, and appeals to the inner enemies of democracy who aim at incarnating this vital decision-making function.

The 1958 Constitution maintained the government's accountability to the assembly. However, the new establishment progressively⁸ described

6 Indeed, the former leader of the Resistance against Nazi occupation, who impressively managed to position France on the side of World War II's winners, had participated in the post-war Constituent Assembly (1945-1946) yet decided to leave the political floor as the new version of the Republic emerged.

7 The Fourth Republic followed the Nazi occupation and the Vichy puppet state; the Third was built on the ashes of the Second Empire (1852-1870) and the violent crushing of the Paris Commune (1871); the short-lived Second Republic (1848-1952) overthrew the July Monarchy, an extension of the 1814-1815 Restoration of the Bourbon Monarchy after the Napoleonic period.

8 The 1962 introduction of direct universal suffrage for presidential elections created a direct bond between the head of the State and the voters. Regarding legislative elections, Michel Debré, one of the principal architects of the new Constitution and the first prime minister of the Fifth Republic from 1959 to 1962, wanted a one-round majority system to boost the emergence of a clear majority in the results. It is de Gaulle who took the precaution to keep the two-round majority system that dated back to the Second Empire (Morel 2024b). The idea was to secure parliamentary majorities and make presidential majorities out of them: such a clear majority puts the head of the

(1958-1962) a strong presidential figure who sees and looks beyond the cycles of parliamentary activity and has a set of ‘proper powers:’ the president appoints the prime minister (Article 8);⁹ he can call for a referendum if initiated by the government or the two chambers; he can dissolve the Assembly (Article 12), seize full powers (Article 16), message the assembly and the senate without a parliamentary debate (Article 18), appoint three members and the president of the Constitutional Court (Article 56), and refer to this Court (Articles 54 and 61). These presidential proper powers are swords of Damocles for the Assembly: the president can overlook power relations in the Assembly by seizing full powers in an emergency, dissolving the Assembly to overcome legislative weakness, and referring to the Constitutional Court or the people through a referendum.

Indeed, all the listed presidential ‘privileges’ bet on the figure of a strong executive leader. Without a solid parliamentary base or the chance to create one (after dissolution), these proper powers can undermine presidential legitimacy instead of confirming it. Indeed, a weak president will not have a convincing impact on the Assembly or the voters with these tools. A referendum called by an unpopular president might quickly turn into a referendum on his person; an isolated president’s messages to the Assembly will lack authority; a president in the minority might fail in finding a new legislative majority by dissolving the Assembly. Even seizing the full powers, an option mentioned since the Summer in political conversations as a potential yet unlikely last resort for Emmanuel Macron, might only reveal the head of the State’s absence of political latitude (Serradeil 2024).

In short, the 1958 Constitution describes rather than secures a strong executive power. De Gaulle’s figure, tainted with imperial pomp, lauded through plebiscites by the people, and envisioning the nation’s future beyond parliamentary cycles is challenging to reproduce by other statesmen or stateswomen. Authority, i.e., the very opposite of coercion (Arendt 1961, 91-142), is a political outreach that cannot be secured by constitutional law or reform only.

State in command of the government and allows the deployment of a wide range of presidential powers with near-imperial latitude and comfort. Let’s see how the Fifth Republic has tried to secure this type of governance.

9 All references to the Constitution refer to Conseil Constitutionnel 2024.

3.2 The instrumentalisation of confusion

In a sense, this half-presidential system has a double democratic legitimacy: the presidential and the legislative elections. The executive couple represents the will of the people. In another sense, the system is ‘hybrid’ in the sense of ‘confusing.’ The very definition of the regime is up to context, interpretation, and political preferences.

Democratically speaking, making the very nature of the regime and the constitutional framework a matter of opinion and preferences is hazardous. In democracies, the often problematic reign of opinion is ideally contained within constitutional limits (Hayat 2020, 42-52). Moreover, the aforementioned double legitimacy of the executive might blur the lines between the executive and the legislative. These two are structured in a tripartition (the president, the government, and the assembly) with a junction (the government) instead of a clear division line (between the presidential government and the assembly). Abusing this lack of clarity might be tempting for a president in difficulty (which was the case in 2024) or an opposition party that bets on its relative weight to disturb parliamentary activity instead of seeking ways to govern (which has been LFI’s case).

A confusing point in the very structure of the regime is easy and tempting to exploit. In such cases, strategies built on the discredit of democratic institutions emerge cynically in the name of democracy. The far-right RN can comfortably wait and see the outcome of the ongoing turmoil. The more confusingly hybrid the regime, the more ‘cleanly’ democratic the RN can pretend to be. The most optimal way to grab power is to refuse governmental responsibilities in the immediate future (on this strategic point, the far right and the radical left do not disagree).

Such strategies instrumentalise the weaknesses of the democratic framework – significantly different from identifying the weak points of a democratic opponent. It is a pattern that helps determine the inner or “intimate” enemies of democracy (Todorov 2014). Indeed, democratic weaknesses as a hopeful power source make it clear that democracy is the true enemy of the far right.

3.3 The electoral system

Was the President supposed to wait for the emergence of a sustainable majority (that was Macron’s official approach), or did he have the consti-

tutional duty to name a new prime minister and hope for a majority to emerge behind the new government?

In reality, the 'first step' is determined by the voting method. In French legislative elections, the plurality voting system prevails. That forces parties to make alliances before elections, for they might not make it to the Assembly without a larger block. In a proportional representation system, parties could campaign separately and initiate negotiations based on the new power relations after the vote. Finding a majority first through coalition talks and appointing a prime minister afterwards, as Macron demanded, is the logic of proportional systems (Morel 2024b). With a plurality system, where the majority principle applies, the electoral results should show a clear majority, i.e., clarify what the Fifth Republic calls the *fait majoritaire*.

The proportional voting system has been a recurring topic in political debates (Astoin 2022). Would it lead to more balanced democratic results or further dismantle parliamentary majorities? Would it speed up the far right's rise to power? The experiment with a proportional vote in 1986 gave 35 deputy seats to the far-right National Front. In 2024, a proportional vote would have further increased the RN's parliamentary group. However, a one-round majority vote (like in the United Kingdom) would have also brought about a far-right landslide and absolute majority. In other words, despite a national commonplace, a proportional voting system is not synonymous with total anarchy (Morel 2024b).¹⁰

The nature of the regime is not in question here, which means that making the regime less 'hybrid' through constitutional reform would not significantly change the political situation. The turmoil is political (Rousseau 2024): a new republic, new elections, or Macron's resignation would not change the fact that French politics has been structured around three antagonistic poles unable to enlarge their alliances to form a majority (Morel 2024c). That is how a balanced ballot can weaken democracy.

More orientation in Europe's democratic landscape and increased knowledge about the country's neighbours, i.e., liberal democracies with mainly parliamentary regimes and proportional voting methods, would

10 Paradoxically, the introduction of a proportional vote for democratic reasons would probably benefit the far-right enemies of democracy. However, such an electoral system is not an 'agent of chaos' in the sense that a majority vote might result in a similar outcome. It is not the core of French democracy's shortcomings. In a sense, the very debate around the proportional vote reveals a lack of compass in the way democracy weakening is addressed in France (Garrat-Valcarcel 2024; Morel 2024d).

improve debates on the state of democracy. France has its constitutional specificities, yet the challenges of democracy are not exclusive to those.

4 The Historical Quest for Majority

4.1 Practice vs. law: The president's reserved domains

In the Constitution's description, the president of the Republic is the army chief and presides over the Defence and National Security Council (Article 15). He leads the country's foreign politics, appoints ambassadors (Article 14), and negotiates and ratifies international treaties (Article 52). The president represents the country on the international scene. Defence and foreign politics are 'reserved domains' de Gaulle was keen on. However, only political practice, and not the constitutional framework, has kept these two domains in the hands of the head of the State. Indeed, these domains are more 'honorary' than constitutionally secured – a constitutional fallacy the far-right RN is presently delighted to highlight (Clavier 2024).

Without a clear majority at the Assembly, the president can enjoy the international spotlight but fail to pursue or introduce any measure that calls for a budget. The Assembly votes on military budgets, and the president leads the strategy to the extent he is in command of the government and the parliamentary majority behind. As soon as such majority comes to lack, these domains are reduced to discourse without decision-making latitude.

The reserved domains are a matter of practice rather than law and a matter of consent based on a clear presidential majority where the head of State can appoint a prime minister from his own political camp in the majority at the Assembly. Is the president in charge of defence and foreign affairs? The answer depends on the actor's political room of manoeuvre rather than constitutional texts. In the 2024 turmoil, the interpretation of law fell into the hands of politics. This was a worrying confusion between law and politics (Morel 2024c).

4.2 Cohabitations and the synchronisation of presidential and legislative elections

Before the 2002 presidential and legislative elections, the president could see and look beyond parliamentary cycles more easily. The president of

the Fifth Republic was elected for seven years; the Assembly was renewed every five years. The seven-year presidential mandate was inherited from the previous constitutions. However, the Third and Fourth Republics were clearly parliamentary regimes, with executive power in the hands of the head of government. The Fifth Republic added significant executive power to the presidential function but kept the period of office, which resulted in an almost royal or imperial reach.

However, with time and the ramifications of domestic politics, the asymmetry between presidential and legislative cycles led to so-called cohabitations. There is cohabitation when the president must appoint a prime minister from a party opposing him or when a president of a different colour is elected amid a legislative cycle. In such a case, the president finds himself in ‘opposition,’ despite the shared and proper powers fixed in the Constitution and at the expense of the aforementioned reserved domains sedimented by executive practice (economist.com 2024).

A constitutional reform adopted in the year 2000 reduced the presidential mandate to five years. Presidential and legislative elections got synchronised, hoping that a freshly elected – or re-elected – President would obtain a comfortable majority in the same electoral wave. From 2002 to 2022, legislative elections directly followed the presidential contest in the spring.¹¹

The five-year term (quinquennat) solution only worked in the medium term during four cycles. Despite securing absolute majorities, the quinquennat had damaging consequences on democracy. First, with the synchronisation of elections, the French felt left out of politics, being only consulted once every five years nationally. Second, the seemingly successful quest for the majority resulted in a regression of the political art of dialogue and compromises: five-year presidents, governments, and majorities got used to the verticality of executive power. When presidents have ‘their’ prime ministers and governments themselves in charge of parliamentary discipline in the Assembly, democratic debates in the hemicycle have a limited reach (Chopin 2024).

What is more, citizens feeling neglected in decision-making in both the Assembly and the palaces of the executive will indulge in constructive alternatives of participative democracy (François 2024) – but also make more

11 The president received the expected results in 2002, 2007, 2012, and 2017. In 2022, Emmanuel Macron was the first five-year term president to get re-elected, yet failed to secure the Assembly’s support and governed with a problematic relative majority until 2024.

violent use of the street. Contempt for the people has a radicalising effect (Morel 2024b). In 2018-2019, amid the Yellow Jackets Protests, Emmanuel Macron had to realise that without faithful police forces, his omnipotent presidential power could quickly come to a tragic end (Guénolé/Afane-Jacquart 2019). Protests and coercive means of dealing with them both express weakness: the democratic powerlessness of the citizens results from the weakness of central authority.¹²

Constitutional reform would not be a solution to the ongoing situation. The political weakness of constitutionally strengthened presidents reveals a clash between constitutional legality and political legitimacy (Morel 2024b), i.e., law and politics. That indicates democracy's weakening through the quest for the majority.

4.3 The dissolution of the parliament: A proper presidential power in question

Unlike in clear-cut parliamentary regimes, the French president has the right to dissolve the Assembly (Article 12 of the Constitution). That is an inherent power, which means that the head of the State does not need the approval of any other democratic instance. The Constitution indicates that the president can proceed to dissolution after consulting with the prime minister, the president of the Senate (i.e., the high chamber), and the president of the Assembly. Based on the outgoing Prime Minister Gabriel Attal's declarations right after the dissolution, such consultations did not happen upstream of the presidential decision to renew the Assembly (Le Monde/AFP 2024). This is a source of suspicion regarding the President's commitment to the democratic spirit of the Constitution.

In theory, a dissolution results in a shift of power – or, at least, of public attention – from the presidency to the Assembly and its power relations. It is a way for the president to leave the floor to the people and the legislative incarnation of its sovereignty in the hemicycle. In practice, the dissolution

12 Between President Macron and the people, there is a police buffer zone instead of a bond of legitimacy. There is a worrying correlation between the obsession to secure absolute, 'imperial' majorities in advance and the tendency to make arbitrary use of the State's monopoly on violence (Sainati 2012, 41-52). This also turns the police into an electorate to spoil rather than convince, which is a hazardous development in a country where the forces have more ways and means to brutalise protesters than in other Western European states (Comité Invisible 2017, 109-110).

is a tool or ‘legislative weapon’ for the president to strengthen his majority in the Assembly (Audureau 2024). It is also an alternative to referendums that de Gaulle and Georges Pompidou actively used to reinforce their legitimacy and counterbalance the extended presidential powers after 1958. Before Macron’s attempt, there were five dissolutions in the history of the Fifth Republic.

The Constitution is precise on the timing: after a dissolution, the president cannot resort to Article 12 within a year. Without a majority, the stalemate cannot be overcome within twelve months. That might lead to a paralysis of legislative and executive instances: a president in the minority, opposed to a patchwork of minorities in the hemicycle, which was the situation at the time of the Paris Olympics.

Despite defeats at presidential elections, Le Pen’s seemingly domesticated party significantly progressed through the consecutive legislative ballots: the Le Pen family business, renamed (from FN to RN) yet still profoundly anchored in the far-right tradition (pro-Nazi collaboration and French Algeria being significant references in the French far-right galaxy, see Mayer 2015; Crépon/Dézé/Mayer 2015), progressed from one deputy in 2012 to 7 in 2017, 89 in 2022, and 142 in 2024.

5 Upstream of Democracy Backsliding: The Hazardous Instrumentalisations of Weakness

Let’s assess the ongoing political turmoil in light of our constitutional findings and list the significant factors that might lead to democracy backsliding in France.

5.1 Renaissance: A centrist party?

Macron’s Renaissance is often labelled as ‘centrist.’ Politically, the groups and platforms around the President range from the centre-right to the centre-left in an attempt to federate moderate forces in an alliance strong enough to obtain a majority against the far right and the radical left. Since 2017, it has absorbed traditional centrist parties that usually aim to consolidate a big tent’s majority.

Some identify Macron’s political belonging and agenda with the “extreme centre” (Serna 2019; 2005; Ali 2018; Deneault 2016). The idea is that the

purported centre creates a monopoly in the name of moderation and reasonable policy to realise an authoritarian shift. The theory's advantage is that it highlights that the Macronist breach is not centrist in the traditional sense. The inconvenience is overdramatising the Macronist phenomenon and suggesting that only stiff resistance can oppose it.¹³

The Macronist claim to override the left-right polarisation recalls the “neither right nor left” slogan of fascist ideology in twentieth-century France, recycled and used by the Le Pen family to discredit the political establishment (Sternhell 2012). That is not sufficient to label Macron as an “extremist.” Yet the President has been playing with fire and contributing to the far right's growing success. Macron has not profited from his opponents' weak points. Aiming at confronting the RN, his strategy has weakened the democratic alternatives to the far right.

5.2 The Republican Front: An exhausted formula?

Macron recycled the ‘Republican Front’ formula: he or the far right. This worked well against Marine Le Pen in 2017. It worked less convincingly in 2022 when Macron lost his initial popularity and called for the unity of an overall weakened political spectrum – weakened by his presidency. There is something wrong with recycling the hazardous formula on purpose, where a presidential candidate hopes to make it in the second round of the presidential elections with the far-right candidate (Marine Le Pen), leaving no choice to the voters but to vote for him. Otherwise, it will be “her.”

In 2022, the ‘Republican front’ against the RN, once made of “reinforced concrete,” was not more than a “terracotta Republican arch” likely to deteriorate into a “carton” next time (Morel 2024b). Without a doubt, the RN's progress is considerable and worrying. The question is if the passionate mobilisation of Republican unity against the far right has not left the floor to an exhausting equation (“me or her”). In this case, democracy, which is supposed to be a game, has turned into a toy in the hands of the President.¹⁴

13 These critiques could be symptomatic of opinions shaped in the breach between legality and legitimacy and fuelled by revolutionary *romanticism* rather than *legacy*.

14 Le Pen's presence in the second round in 2017 was not a shocking accident like her father's 2002 success in the first round; it was the outcome of the 2017-2022 presidential majority's strategy: to weaken opponents and reduce the contest to the more than expected clash with the rising far right. In such a context, betting on the relative far-right success at the expense of democratic opponents is more

The tactic is limited and goes at the expense of democratic representation. Reflecting on the several forms of resentment towards democracy, Jacques Rancière points out there is a “worse and more probable disease than an incompetent government: the government of a specific type of competence, that of men who know how to seize power through manoeuvres” (2005, 49). Macron’s manoeuvring has come to lack this “competence” in the Summer of 2024. The tactic exhausts voters who miss democratic alternatives to the far right in a landscape where politics has been regressing to ‘techniques of power’ at the expense of democratic representation.

5.3 Elitism vs. populism

In France, the constitutional framework sediments longer-term political experiences and practices. It mirrors the traditionally vertical conception of sovereignty. With an absolute majority, the president might not resist the temptation of royal and imperial ways and means.¹⁵ The Constitution of the Fifth Republic has accommodated rather than excluded authoritarian elements of previous, non-democratic regimes that alternated throughout the nineteenth century.

Populism in France is a well-documented phenomenon (Fassin 2017; Perrineau 2021). If populism is a major threat to democracies, the arrogance of an elite formed in Ivy League institutions (Zeldin 2003a, 343-444) is not less harmful. Elitism and populism unveil educational, societal, and media-related shortcomings. These raise the question of representation from different angles.

Populism needs elites as the enemy. Constructed through populist discourse and narratives, the ‘elite’ could not be a convincing scarecrow if it were not a distortion of social realities. In other words, populist lies are fed

than hazardous. It undermines political plurality to maximise mathematical chances by artificially reproducing a past situation (2002), like Chaplin in his *Circus*. This banalises the far-right threat instead of containing it and undermines the fairness of elections: voters increasingly feel that once every five years, they are approached to vote over and over again against the same threat, yet without a convincing plurality of choices to do so.

- 15 Though Bonapartism is a multifaceted legacy (Zeldin 2003b, 221-304), it showed in Nicolas Sarkozy’s “hyperpresidential” approach (Gordon 2007) and Emmanuel Macron’s “Jupiter” character: a president above the everyday quarrels of legislation, looking and seeing beyond parliamentary cycles, at the risk of overlooking the foundations of people’s sovereignty in a democratic Republic (Le Canard enchaîné 2018).

by distorted factual elements – is not the most disturbing part of a lie its manipulated share of truth? France has a substantial and peculiar tradition of Ivy League institutions, which, in theory, were designed to replace the once-privileged nobility with a genuine meritocratic system.

The main shortcomings exploited by far-right populism are the social reproduction of that elite (Bourdieu 1964), the resulting polarisation of national education, i.e., the split of institutions into democratic universities and elitist institutions running parallel, and the more and more administrative aspect of these institutions' educational roadmap. These phenomena are not new (Anderson 2004). Nonetheless, Macron's technical approach to republican politics has turned the idea of excellence into a synonym of elites disconnected from the citizens' ordinary reality. In a sense, his outstanding profile and brilliant oratory skills show how the centrality of rhetorics, "this trait of [...] French culture [...] that has so often polarised foreign reactions to it, in a seesaw between adulation and suspicion" (Anderson 2004), has turned from an impressive component of the "French exception" to a weakening factor of democracy.

Between elitism's magnificent oratory performances and the tempting populist narratives they feed, there is French society and the precarious realities of everyday life in a formally wealthy and developed Western European country. The sectarian Trump phenomenon in the US has shown the political capital of mongering frustrations in sections of society that feel in decline. The poor people struggling in 'rich' countries is a social reality often ignored or racialised (Fassin/Fassin 2009) by foreign observers. Who will represent those who feel their living standards have dropped compared to previous generations? How to prevent these social groups from turning against minorities, longer-term immigrants, new asylum-seekers, gender minorities, or whoever the far right's constructed enemy will be? Far-right populism exploits this type of frustrated precarity and instrumentalises the similarly weak groups above. The weak turn against the weak through declinist narratives.

On both sides of the Macronist equation (me or the far right), society is imagined more than analysed and understood – with a growing advantage on the extremist side that offers a more appealing spell. Progressive utopias vs. declinist dystopias, wishful thinking vs. nostalgia, counterproductive excellence vs. incompetent extremes: what is left out of the equation is the democratic representation of the people. If populism is "the people

without democracy,” elitism is “democracy without the people” (Julliard 1997; Thiers 2017).¹⁶

Representation seems biased and deteriorating in the media. Again, the phenomenon is not new. With *Le Monde*, the early days of the Fifth Republic “enjoyed a daily whose international coverage, political independence and intellectual standards put it in a class by itself in the Western press of the period.” Since the early 2000s, the “decline of *Le Monde* is emblematic [...] shrill, conformist and parochial, increasingly made in the image of its website, which assails the viewer with more fatuous pop-ups and inane advertisements than an American tabloid” (Anderson 2004). Twenty years ago, the French press and book publishing started following the Italian model of monopolies. Under Nicolas Sarkozy’s presidency, the difference was that in Italy, Silvio Berlusconi himself owned a significant part of the media market, while in France, it was some of the President’s friends (Lagardère and Dassault, better known for arms sales) who controlled a significant part of the market (Schiffrin 2005, 32-39).

Digitalisation has structurally impacted the last twenty years. On the French Internet, the mainstream daily and weekly papers have not deviated from the questionable quality of *Le Monde* some two decades earlier. The press monopolies have followed the radicalisation of politics, in which Sarkozy’s opening towards the far right played a significant role. Vincent

16 The suspicion of a “democracy without the people” undermines debates over the use of the Constitution’s Article 49. According to this Article’s third paragraph (49.3), the government can pass a law without a vote in the Assembly if, in return, the Assembly votes renewed confidence in the government. It is often perceived as a “jolly joker” (Morel 2024b) because it allows a minority government to bypass parliament. The fact that such a government risks its position by facing a motion of no confidence is less considered, while crucial to the democratic character of 49.3. Again, we have a legal vs. legitimate type of issue: the ‘49.3’ is a synonym for elitism when the government is unpopular (the invocation of this paragraph has a long history and did not throw suspicion on all governments that used this tool to pass laws, see Laignel Sauvage 2020). The law in question might be unpopular, too, like the tumultuous pension reform in 2023 (France Inter 2023). In such a case, the problem, once again, is not constitutional but political on the one hand (based on the pre-emptively questioned legitimacy of the executive) and more societal and cultural on the other: the 2023 pension reform addressed France’s longer-term ability to adapt to times without continuous economic growth in a globalising world (Fourastié 1986; Ranciére 2022). Unfortunately, President Macron and then PM Elisabeth Borne lacked the legitimacy, the understanding of public opinion, and the political ability to convince people of the necessity of that reform. Only the populists (LFI and RN), i.e., those without a sound alternative plan to stabilise the country’s financial balance, benefited from the overheated sequence.

Bolloré, a businessman who does not hide away his preferences for the extreme right, has absorbed a considerable part of the press and television (Médiapart 2024) – the formula being infotainment with explicit far-right content. The extreme-right publicist Eric Zemmour, politically to the right of the RN, made himself a name in the Bolloré group's television shows before launching a political campaign in the 2022 presidential elections. He might not have been successful, yet his performance could pave the way for a Trump or Musk-like phenomenon.

6 Conclusions

In a sense, everything in France is ready for democracy backsliding. Let's list the main factors that might pave the way for a state-led regression of the democratic framework.

The Constitution of the Fifth Republic contains the genealogy of previous republics and royal and imperial regimes. It integrates monarchic and imperial components, the former being more often denounced than the latter. The quinquennat has weakened the political class's ability to dialogue and seek compromises. The confusion between law and politics is a hazardous tendency. Legality becomes dangerously opposed to legitimacy in another way. If a new president dissolves the Assembly again within one year, would anyone oppose such a decision, i.e., one of the President's proper powers? Dissolving would not be legal, yet the decision could feel legitimate (Morel 2024b).

France faces a type of democracy weakening that resembles more the shortcomings of democracy in the European Union's framework than in neighbouring countries. "Democracy without the people" is a recurring critique of EU institutions. The 2005 Referendum on the Lisbon Treaty failed to convince the French of the soundness of European integration's next step. The voters' reaction certainly aimed at the verticality of their national democratic framework and the arrogance of their national political elite as well. It matters not to give populists a monopoly on the question of elitism to prevent enrooting the premises of democracy backsliding in public debates. Besides elitism, this goes for issues such as immigration (Fassin/Fassin, 2009) and security (Bonduelle et al., 2012).

Overall, democracy-weakening is shown in the multilayer instrumentalisation of weakness. Spotting an opponent's weak points to defeat them is fair play. Taking profit of the current stalemate to discredit the democratic

framework instead of seeking ways to govern the country (RN and LFI), hoping to benefit from the exhaustion and contradictions of opponents to fracture the political landscape (Macron), and worsening the confusion between law and politics to discredit the constitutional framework (LFI) are undemocratic techniques. They share the spirit of far-right discourses that instrumentalise weak minorities to feed oversimplified narratives (Fassin/Fassin 2009) and the spirit of authoritarian regimes that exploit the inherent weaknesses of democracy, the State, the nation, and society (see Badie 2018, 114-121) to consolidate arbitrary power.

France is at a stage where rulers still respect democratic rules but weaken the democratic alternatives to the tempting option of an authoritarian rule whose agents use democracy as a disguise. France might feel far from an illiberal and post-fascist regime like Hungary (Tamás 2021, 375-448), where institutional weaknesses, national fractures, and societal fears have gained explicit exchange value for the dominant discourse. Nevertheless, in France, the tendency to instrumentalise weaknesses and shortcomings cannot be said to be exclusive to the far right.

Already on the cusp of a regime crisis, France might soon become the prey of a democracy backsliding process, to which honest democrats have been unwillingly paving the way. Indeed, the current situation might become a slippery slope that could lead to a new “Strange Defeat” (Bloch 1990), an overall collapse benefiting the enemies of democracy who now wait and see in the hemicycle.

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Democratic Backsliding in Italy: Not a Big Bang, but Steady and Insidious

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Theoretical framework: Classification and delimitation of the case study

Any discussion of democratic backsliding, whether relating to its key characteristics or underlying causes, is fundamentally based on one's normative and conceptual interpretation of what democracy entails (Diamond 2015, 142). Therefore, we begin with a brief discussion on the essence of democracy.

We all hold different opinions on the forms of democracy, on the way in which politics succeeds or should succeed, and on the role and participation rights of citizens, but interpretations mostly share the idea of a liberal understanding of democracy.

Such an understanding includes the respect for human rights and fundamental civil rights like freedom of expression and assembly; the separation of powers, i.e. the principle that the state functions of the legislative, executive and judicial branches are performed by different and independent bodies that hold each other accountable; and the rule of law, i.e. the principle that state authorities and elected representatives must be limited in their actions; also, according to the rule of law, the same, clearly defined laws apply equally to all citizens.

Phrased differently, our liberal understanding of democracy promotes the rule of law over the rule of men (Hasebe/Pinelli 2013, 12). It requires the legal realm to limit and regulate the political one (Grimm 2016, 200–201; Sartori 1962, 855); and it protects more than one interest by, among others, the multiplication of decision-making instances that may fragment and dilute the majority principle by multilevel governance and thereby produce a counter-majority, a pluralistic effect (Palermo 2015, 506). This effect helps to accommodate societal pluralism and to favour deliberative constitutionalism, i.e. to combine constitutional theory – and its emphasis

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on legal limits to political power – with deliberative democratic theory – and its idea of political deliberation as the source of democratic legitimacy (Levy et al. 2018).

Given this foundation, approaches to deliberative constitutionalism, or the set of institutions and practices that shall uphold liberal democracy, necessarily diverge on their attributes, underlying principles, and aims, depending not least on our definition of which features are normatively essential for democracy and how rigorous, or thick, a normative definition should be. In short, not consisting of a unique set of institutions and practices, the operationalisation of liberal democracy varies widely.

Our chapter has neither the aim to further discuss the features that are normatively essential for democracy, nor to widely discuss the notion of deliberative constitutionalism. Instead, it discusses the loss of quality in the Italian liberal democracy, i.e. its democratic regression. We retain to Bermeo's definition (2016) that defines democratic backsliding as a phenomenon that captures and assesses the deterioration of institutions and practices in liberal democracies. Her definition implies (historically grounded) endogenous, rather than exogenous, causes, and it relates, among others, to decay in liberal democracy at the hands of incumbent governments, opposition politicians, executive aggrandisement.

We critically analyse current attempts of power centralisation and discuss latest restrictions of fundamental rights in Italy. We analyse the (potential) transformative impact of reform attempts on the forms of government (the state apparatus) and of policymaking on the forms of state (state-community-order). We argue that the signs of more illiberal aspirations in the Italian liberal democratic order cannot be ignored. Instead, many are the reasons to discuss such signs more systematically. We refer to two. First, the nativist turn of the most right-wing government since 1946, the Meloni Government, does not come out of nowhere. In light of the unstable, highly polarised and personalised Italian party system, the ideology of the Brothers of Italy (*Fratelli d'Italia*, FdI) party of Prime Minister (PM) Giorgia Meloni – “a combination of nationalism, sovereignism, authoritarianism and Euro-skepticism” (Donà 2022, 775) –, falls on fertile ground. Politically and economically, the governing coalition comprising *Forza Italia* (FI) and the League (*Lega per Salvini Premier*, LSP) prioritizes national sovereignty and the national interest. Culturally, it frames the nation as an organic community. A populist agenda. Populism is part of the second reason why we need to plainly point to, and worry about, the signs of illiberal aspirations in Italy's multilevel democracy. In research, populism scholars recognise

the ambivalent relationship between populism and liberal democracy (for many: Canovan 2002; Mudde 2004). Scholars offering agent-based explanations for democratic backsliding emphasise the leaders' values and skills, their normative preference for democracy and willingness to practice tolerance and forbearance (for many: Levitsky/Ziblatt 2018; Diamond 2021). From this follows the assumption that populist leaders' ideology predisposes them to democratic backsliding, evidenced by research in comparative political institutions that links presidential democracies to various forms of political instability and highlights how executives' legislative dominance facilitated their power grabs (for many: Cheibub 2007; Linz 1994).

We organise the chapter as follows. In the next section, we provide an overview of the Italian constitutional multilevel framework, noting how vast the gap between constitutional theory and practice is, so that regions as the most significant subnational order of government have limited ability to counter democratic regression. We then analyse key aspects of the Italian political system to better explain why we argue that democratic backsliding in Italy is steady and insidious, not a big bang. In the subsequent section, we explain the road to, and the catalysts for, Meloni's success in more detail. We follow this with two sections discussing current constitutional reform endeavours and regression in rights. Finally, we offer concluding remarks and briefly position the Italian case internationally.

The constitutional framework: plural and asymmetric

Italy is a regional state that blends unitary and federal features, with a persistent North-South divide that comes with varying degrees of fiscal capacities from one to another subnational entity (i.e. regions, provinces, metropolitan cities, and municipalities) (Alber/Valdesalici 2023). While municipalities are caught between national and regional legislation in a situation in which the national legislature has the upper hand (Valdesalici/Trettel 2023), the regions are the main subnational players in the political system of asymmetric regionalism. The latter includes five regions that have a special status (established in 1948 or shortly after) and fifteen ordinary regions (established only in the 1970s with further reform seasons in the late 1990s). Of the five special regions, three – Aosta Valley, Trentino-South Tyrol and Friuli Venezia Giulia – owe their special status to the presence of historical and territorially concentrated linguistic minorities (Alber 2021). Compared with ordinary regions, these special regions enjoy quasi-federal

relations with the national government. The powers of special regions are, in the main, spelled out in their basic laws ('regional constitutions'). While these basic laws vary from one special region to another, they all consist of the special statute of autonomy and its implementing legislation. In contrast to ordinary regions, the basic laws of special regions have constitutional status and special amendment procedures, so they are not easily amendable against the will of the region. Ordinary regions adopt their statutes with a special regional law. For the most part, these statutes regulate the form of government and the basic principles of the region's organisation and functioning. The powers of ordinary regions are enshrined in the Italian Constitution (Const.). Article 117(2) lists powers falling within the exclusive competence of the state (the national level of government); article 117(3) enumerates powers shared by the state and the regions (includes education, health protection and co-ordination of public finance); and article 117(4) assigns residual powers to the regions. In the shared areas, the Const. vests legislative powers in the regions, with the national parliament laying down the fundamental principles governing these powers.

In constitutional reality, regional autonomy is (heavily) conditioned by, first and foremost, the financial relations that each region has with the center and by the underutilised and dysfunctional system of intergovernmental relations, i.e., the consultative, multilateral system of executive conferences compensating for the fact that Italy's second chamber, the Senate, does not represent subnational entities. In essence, Italy's institutional framework excludes regions from the national legislative process and its multi-party centralised political system, dominated by coalitions, has led to partisan control of regional institutions. As of early 2025, six regions are governed by the center-left (Sardinia, Campania, Apulia, Tuscany, Umbria and Emilia Romagna), and twelve by the center-right, i.e., the parties governing in coalition at national level (Piedmont, Basilicata, Abruzzo, Molise, Friuli Venezia Giulia, Lombardy, Lazio, Sicily, Calabria, Liguria, Marche and Veneto). In the special region of Aosta Valley, the autonomists govern; in the Autonomous Province of Trento LSP governs, while the Autonomous Province of Bolzano/Bozen (South Tyrol) is led by the autonomists in coalition with center-right (both Autonomous Provinces together form one special region, i.e. Trentino-South Tyrol).

The absence of a federal culture, or the enormous gap between constitutional theory and reality (Arban et al. 2021), means that, aside from symbolic criticism, regions lack the institutional mechanisms to counteract democratic regression (even though regional policymaking could make a

difference, and in a few cases it does). Another issue is the following. Due to Italy's centralised party system, ordinary regions are currently torn apart regarding the law on differentiated autonomy that prescribes laborious and time-consuming procedures for implementing differentiated regional policymaking in the country's fifteen ordinary regions (Bianchi/Prota 2025). This law intends to transfer up to 23 shared or central government's exclusive competences in areas such as health, education, environment, transport, and energy to those requesting it. For now, the law cannot be applied. The Constitutional Court (Const. Court) did not find the entire law unconstitutional but pointed out that specific aspects of the law were unconstitutional. It ruled that Parliament needs to fill the gaps to ensure the full functionality of the law. This includes the issue of possible imbalances in the state budget that derive from an inappropriate implementation of the law.

The political system: instable and polarised

Moderate regionalism typifies Italy's parliamentary republic and its system of perfect (i.e. symmetric) bicameralism, in which the Chamber of Deputies and the Senate hold the same prerogatives with respect to lawmaking and a majority in both chambers is necessary to keep the Government alive. Although repeatedly criticised by both politicians and scholars of any affiliation, the system of perfect bicameralism has remained unaltered since 1948, the year in which the Const. entered into force.

With six electoral laws – one of which was never applied – the Italian electoral system has undergone an above-average number of reforms for an established democracy. The electoral law currently in force, the so-called *Rosatellum*, was enacted following the ruling of the Const. Court in 2017 that declared parts of the recent 2015 electoral law, the *Italicum*, unconstitutional (Chiaromonte/D'Alimonte 2018). For the first time in the history of the Italian Republic, with the new electoral system, the same electoral system applies to the Chamber of Deputies and to the Senate (Massetti/Farinelli 2019): the one-vote mixed system, unusual but not unknown in the comparative panorama (Chiaromonte 2005), allocates three-eighths of the seats in both houses in single-member constituencies with plurality vote, while the remaining seats are allocated in relatively small multi-member constituencies by a proportional formula (Chiaromonte/D'Alimonte 2018). So far, the impact of the new electoral system in terms of party

representation tends to be more proportional than majoritarian. No party or coalition won an absolute majority of seats. Absent the reform of perfect bicameralism, the electoral law aims to minimise the risk of divergent electoral outcomes in the Parliament. However, bicameral incongruence has not been completely prevented; indeed, in the 2018 general elections, the electoral system produced distinct territorial patterns of disproportionality that ended up compensating each other. Two reforms followed to further reduce the differences between the two parliamentary chambers and enhance efficiency. A constitutional amendment was passed in 2021 that lowered the voting age for the Senate from 25 to 18; and in 2020, a reform brought forward by the then governing Five Stars Movement (M5S) reduced the number of parliamentarians from 630 to 400 in the Chamber of Deputies and from 315 to 200 in the Senate. Additionally, art. 59 of the Const. was amended to clearly state that no more than five senators can be appointed for life by the President of the Republic (President), finally resolving the ambiguity on this matter. While the advocates of the reform argued that the reduction would streamline the legislative process and enhance its efficiency, its opponents countered that a smaller number of parliamentarians would lead to inefficiency, as each parliamentarian would represent larger constituencies and serve on different parliamentary committees. It is impossible to gloss over the fact that a reduced number of seats makes it more difficult for new and lesser-known candidates to be elected, and that this reform requires a readjustment of relational nets in regional politics and between regional governors and their party leaders at national level. Whether the concentration of power within a smaller political arena ultimately reduces political pluralism is yet to be seen.

Historically, Italian regions (and, with them, local governments) were ‘politically colored’ by their adhesion to ideologies or party coalitions and their extremely stable voting patterns (Diamanti 2009). This, however, is no longer the case in recent years. Regions once traditionally governed by the center-left now have major cities where the mayors belong to the center-right (or even the right *tout court*), while others that usually opted for the center-right have a growing number of left-leaning municipalities. Italy’s party system is highly unstable and dynamic. The two main coalition blocs of center-right and center-left are increasingly fragmented, with the break-up of old parties, the formation of new ones, shifting alliances and very high voter-volatility becoming the norm. Unsurprisingly, Italian citizens have little faith in political parties. Indeed, Italy is one of the most polarised democracies in Europe (Herold et al. 2023). Political polarisation

(*per se* not bad in presence of a genuine political culture) occurs at all orders of government, characteristic to both political parties and voters. It can be qualitatively categorised into two types: ideological polarisation (Carroll/Kubo 2018), which refers to the left-right spectrum, and affective polarisation (Iyengar et al. 2012), which is based on the degree of hostility directed towards political opponents.

The road to, and the catalysts for, Meloni's nativist turn

As known, the parliamentary elections in September 2022 resulted in a solid parliamentary majority for the governing alliance, the first female PM of Italy, Giorgia Meloni, and her coalition comprising FI and LSP. Since day one, the most right-wing government since 1946 has come under intense international scrutiny, closely examined for signs of democratic regression (while Meloni and her FdI, as of early 2025, appear consolidated in Europe, which sets them apart from leaders like the Hungarian strongman Viktor Orbán; Lobina 2024). Placing FdI in a comparative analytical framework, research shows that its success stems from a mix of past legacies and current worldwide developments (Vampa 2023; Donà 2022), from paradigm shifts in Italian and European politics and its spillover effects. Retaining to Bermeo's definition of democratic backsliding and its focus on endogenous causes, we first and foremost must recall that Italy's political (sub-)culture(s) have always been strongly polarised (Bein 2025).

Until 1992, the First Republic, framed within a Cold War logic, was blocked by an ideological polarisation between communism and anti-communism; or the predominance of the Christian Democrats (*Democrazia Cristiana*, DC) and its allies (the *Pentapartito*, the coalition of five moderate parties including the DC, the Socialist Party, the Republican Party, the Liberal Party, and the Social Democratic Party). It collapsed among corruption-related scandals, violations of the political party financing law, economic crisis, referendums, media emancipation, and protests.

Though what followed, i.e. the shift from a bipolar system based on the parties' dominance to a bipolar system based on the leaders' personality, is not constitutionally definable as the Second Republic, it considerably marked Italian politics and paved the way for Meloni's success. Most importantly, in January 1994, Silvio Berlusconi entered politics. He distanced himself from the old *partitocrazia*; at the same time, he presented himself as the defender of the moderate parties. In the main, his neo-populist

politics and four Governments (1994–1995; 2001–2005; 2005–2006; 2008–2011) were full of reform backlogs, of dysfunctional shifts of political disputes to the courts, and of massive private investments in media and the subsequent transformed relation between media and politics. This of course affected the democratic functionality of the Italian political system and its pluralism and quality negatively. On top of that, Berlusconi's politics style produced spill-over effects that went well beyond his Governments and the subsequent ones in the period 2011–2018.

In this period, due to the economic recession, the President of the Republic Giorgio Napolitano (the first Italian president to be re-elected for a second term, in hopes of easing the political stalemate) entrusted a non-partisan expert to form a technocratic government (Monti Government). President Napolitano and his successor Sergio Mattarella have also played a key role in balancing political instability resulting from the 2013 elections that failed to identify an outright winner. Indeed, three different coalition governments led by the center-left Democratic Party (DP) succeeded one another. From a comparative perspective, Italy has some of the highest shares of technocratic personnel in government, both in 'core executive' positions and in PMial posts, with five technocratic heads from 1992 to 2021. Most worrisome, if approved, Meloni's *Premierato* reform – the elected PM – would make it impossible for the President to appoint outside technocrats to run governments, a power they have repeatedly used to end political stalemate.

The 2018 elections resulted into the first populist government in Western Europe (Conte Government I) (Garzia 2019). In comparison with the 2013 election, the two mainstream parties, the DP and FI, were defeated by the anti-establishment party, the M5S and the right-wing and anti-immigrant LSP whose success – in the meanwhile passed – was defined as a "product of a 'heresthetic' maneuver successfully conducted by the leader of the League Salvini" (Pinto 2020, 301–302). The M5S, in 2021, turned from a collectively led protest movement to a party with single leadership in the person of Giuseppe Conte. The M5S-LSP, however, was short-lived. Deputy PM Matteo Salvini, professing admiration for illiberal democrats as Viktor Orbán and autocrats as Vladimir Putin, following LSP's success at the European Parliament elections in May 2019, publicly asked Italians to grant him *full powers* before presenting a motion of no confidence against the Conte Government I and calling for snap elections in late summer 2019. President Sergio Mattarella, however, did not dissolve Parliament and started consultations that resulted in the coalition government formed by

M5S and DP (Conte Government II). Since its creation in 2007, the DP has presented itself as the key antagonist of populist sentiments. It is puzzling that, in 2019, the party accepted an alliance with the M5S. Ultimately, the Conte Government II fell apart after the fracture within DP with Matteo Renzi forming the party *Italia Viva*. The technocratic Draghi Government (Russo/Valbruzzi 2022) followed, an all-in ‘national unity government’ with the sole exception of FdI that decided to remain in opposition. Its clear mandate was to manage the pandemic, and the resources made available by the EU Recovery Fund. Contrary to what happened in other European democracies, the pandemic was not a “party-branded issue” (Dias/Lelkes 2021). Thus, no outright trigger for democratic backsliding. Rather, Meloni’s decision to remain in opposition to all the governments since FdI’s birth in 2012 has enabled the party to quadruple its support and, within the Draghi Government, to position itself as the largest party in the coalition of the center-right, at the expense of LSP (Predrazzani 2021, 230) and in light of the notorious instability within Italy’s party system. For the first time since Berlusconi created his party in 1994, Meloni and her FdI, in the years 2020–2021, have also overtaken FI in terms of voting intentions and at regional elections. In short, with profoundly changed dynamics of competition between the parties after the Draghi Government (Morlino/Raniolo 2018), FdI aptly filled the space of voter disillusionment.

The constitutional overhaul: Premierato and the reform of the judiciary

A key component of Meloni’s agenda is the proposed *Premierato* reform, the ‘mother of all reforms’ (ANSA English 2023), which signals a fundamental shift in Italy’s political system and an alteration of the balance of power. This proposed constitutional change seeks to introduce the direct election of the PM, effectively transforming Italy from a parliamentary republic into a semi-presidential system. By proposing the direct election of the PM, the *Premierato* reform aligns with the existing practice for regional presidents (Cartabia/Lupo 2022), prescribed by the Constitutional Law 1/1999 and applied unless the regional constitution provides otherwise. The move towards empowering the PM reflects a broader push to consolidate power, with proponents arguing that such a change is a means of ensuring greater stability (Lucarelli 2023). From the founding of the Italian Republic in 1946 to the present day, the PMs have numbered 31 and have led a total of 68 governments. However, this reform risks undermining the

checks and balances that have defined Italy's democratic structure, with the direct election model and the proposed 'majority bonus' potentially distorting representativity. By granting the PM's party or their coalition (the draft bill remains unclear on this point) a majority of seats in both parliamentary chambers, the reform could allow the executive to dominate the legislature, weakening the parliamentary system and the President of the Republic. In fact, the reform foresees that in the event of the PM's dismissal through a vote of no confidence by Parliament, the chambers will be automatically dissolved, with the President having no discretion to find alternative solutions. We (as others) argue that this concentration of power may lead to a weakening of democratic accountability. Moreover, the reform's focus on simplifying decision-making and strengthening the role of the PM comes at the expense of traditional safeguards. With the majority bonus, the ruling party or coalition could reach this threshold and easily seize control of the state apparatus. In fact, in Italy, positions in key institutions, such as the Const. Court, the High Council of the Judiciary, and independent agencies are appointed with a threshold of a maximum of three-fifths of the votes in Parliament. An absolute majority is sufficient for the election of the President, and for amending the Const., although a confirmatory referendum would be required in the latter case.

Approved by the Senate in June 2024 during its first reading, the reform has remained stalled in the Chamber of Deputies (constitutional laws must be approved twice by each chamber of Parliament), awaiting government action to introduce necessary amendments. Initially, the expectation was that, with careful coordination, the *Premierato* reform could be approved within a manageable timeframe in both chambers of Parliament, allowing for a referendum in 2025 or 2026 without major disruptions. However, internal divisions within the center-right coalition emerged, particularly over the new electoral law needed in case the reform passes. In addition, new uncertainties have arisen following the Const. Court's decision on another reform project: the differentiated autonomy. While the *Premierato* is a core reform priority of the FdI, this reform, aimed to grant greater autonomy to Italy's ordinary regions, is strongly advocated by LSP. Following a request from the regions of Apulia, Tuscany, Sardinia, and Campania—all governed by the center-left—to assess whether the law complied with the Const., on 14 November 2024, the Const. Court ruled that the question of constitutionality regarding the entire law on differentiated autonomy was unfounded, whereas specific provisions are found to be illegitimate. This means that Parliament needs to intervene by amending the law to address the

Court's concerns. This slowdown in the reform, coupled with increasingly skeptical voices from some members of the government coalition in regard to this reform, may cause further delays also in the *Premierato* reform with some starting questioning the willingness and the feasibility of pushing all reform projects through, especially considering potential referendums, within spring 2027, when the current legislature term is set to end. Yet, unlike past reforms, which were unpopular and avoided referendums, Meloni's *Premierato* proposal taps into the populist desire for strong leadership and stability, making it a potentially powerful tool for consolidating her (in) power.

In parallel with the two discussed reforms, the government has put forth a reform aimed at restructuring the judiciary. The reform plan, championed by the third coalition partner, FI, intends to dismantle the traditional unity within the judiciary by separating the career paths of judges and prosecutors. The reform of the judiciary, much like the proposed direct election of the PM, can be interpreted as a symbolic and populist move to address public dissatisfaction with the status quo. Perceived judicial independence in Italy continues to be low (European Commission 2024), with only 36 percent of the public rating the independence of courts and judges as "fairly or very good" in 2024, a decline compared to the previous year. Critics of the reform, including the National Association of the Judiciary (ANM), have vehemently opposed the proposal (Associazione Nazionale Magistrati 2024), arguing that it would be a move to undermine judicial independence, increase political control, and diminish its function, posing potential risks to Italy's foundational democratic safeguards. On 16 January 2025, the Chamber of Deputies approved the first reading of the reform, the first of four required parliamentary steps for constitutional amendments.

Regression in rights: social rights and the treatment of minorities

Beyond the above discussed constitutional reforms, which overtly alter the form of the state, the Meloni Government has overseen more subtle regressions in rights that signal a gradual erosion of democratic norms. One such example is the fact that anti-abortion activists are explicitly granted access to counselling centers, which intrudes upon the private lives of women. There is no denial of the right to abortion, no intervention in Law 194/1978, but every space is exploited to obstruct that right. The secularity of counselling centers is not undermined, but the infiltration of ideologies

close to the current government is encouraged. This is part of a broader trend in Italy, where accessing abortion services has become increasingly complex and obstructed. Moreover, it is linked to the Parliament's inertia in legislating on social rights. Democracy certainly needs the corrective role of the courts, but its development and rules should be determined by Parliament. The task of the law, however, would be to defend minorities, to legislate on social rights of vulnerable groups, not to further strengthen the majority. However, the Parliament is unable or unwilling to pass adequate laws; it is evidently afraid to touch issues that concern the family and the individual, at least when it comes to greater openness and equal treatment. Indeed, the Parliament has long since abdicated its role as legislator and its obligation to adapt the law to the changing social, cultural and scientific context. Therefore, certainly not only in the current legislature, the demand for protection addressed to judges – what should be the safety net – becomes the main way to enforce certain social rights. This signals a backward system as the judiciary should not assume the role of perpetual substitute for Parliament.

The Meloni Government has consistently opposed progressive social reforms, such as those advocating for marriage equality and gender recognition for LGBTQIA+ individuals, contributing to Italy ranking 35th out of 49 European countries (ILGA Europe 2024) in 2024 regarding laws and policies that impact LGBTQIA+ rights. In October 2024, the Parliament passed Law 169/2024 according to which surrogate motherhood becomes a universal crime, further restricting the rights of LGBTQIA+ families and deepening the challenges they face in securing legal recognition for their children (AfP 2024).

Notably, the government has adopted a hardline stance on migration (Echeverría/Finotelli 2024). A litany of legal evidence provided by multiple international organisations indicate that the Italian government is committing human rights abuses against migrants (Bove et al. 2022) attempting to enter the EU. After over a decade of intense migration flows, with an estimated one million migrants reaching Italy and tens of thousands of lives lost in the Mediterranean Sea (Stille 2024), migration became a major challenge not only for Italy but for the entire EU and consequently a dominant topic in the 2022 electoral campaign. FdI successfully depicted immigration as a threat to Italy's security, identity, and economy, and their party as the only force capable of defending Italy's borders, promising naval blockades to stop migrant boats in the Mediterranean Sea as a priority since assuming office. Already in summer 2019, then-Minister of the Interior

Matteo Salvini (LSP) blocked migrant rescue ships from docking in Italy, leading to charges of kidnapping and dereliction of duty. Salvini was not convicted in either the Open Arms or the Gregoretti cases, as courts ruled that the charges were unfounded. Such radical measures as naval blockades are largely unfeasible, as the PM herself later admitted, and go also against international law as well as EU regulations (Campisi/Sottilotto 2022). Yet, it did not take long after the government took office for the first symbolic anti-migration measures, aimed at demonstrating consistency with the electoral promises. In this context, the so-called ‘NGO Decree’ became law in February 2023 after approval by both chambers of Parliament. By imposing a series of obligations and technical requirements on NGO-operated migrant rescue missions at sea, the measure primarily aims to hinder the efficiency of these operations and serves a deterrent function due to the high costs and fines it imposes (Ambrosini 2025). In April 2023, the government declared a national state of emergency following the increase in migration flows. Only a few weeks after, in May 2023, another measure to counter irregular migration, the ‘Cutro Decree’, was converted into law. The decree provides for the establishment of new hotspots to identify foreigners who enter Italy without regular authorisations and includes controversial restrictions and rules for accessing the right to asylum.

Recent high-profile cases, such as the judicial opposition to Italy’s controversial migration deal with Albania (Povoledo/Pianigiani 2024), highlight ongoing tensions between political authority and the judiciary (Tondo 2024) with the latter continuing to be a target of political criticism. In the specific case, in an order expressed in June 2025, the Italian Supreme Court has expressed some doubts and thus asked the EU Court of Justice whether Italy’s agreement with Albania, allowing the transfer and detention of migrants in Albanian facilities, complies with EU law. The Italian Supreme Court has questioned whether this practice violates EU rules on returns and asylum procedures, especially when no clear plan for repatriation exists or when asylum claims are deemed instrumental (La Corte Suprema di Cassazione. Prima Sezione Penale 2025). These tensions between the executive and the judiciary are not isolated but extend to other critical areas of democratic freedoms, including freedom of expression.

Initiatives in collaboration with countries of departure and transit, have also become a key element of Italy’s immigration governance. Aligning with the far-right narrative of ‘helping them in their homeland’ (Roberts 2024a), the government launched the ‘Mattei Plan’ in January 2024. Framed as an initiative aiming to strengthen Italy’s economic partnerships with Africa,

the partnership also serves the government's geopolitical interests, particularly in curbing the arrivals of asylum seekers and economic migrants to Italy.

In this context, Giorgia Meloni positioned herself as a key negotiator between the European Union (EU) and several African countries. Italy's negotiations with Tunisia led to a memorandum between Tunisia and the EU, developed under PM Meloni's auspices, and signed already in July 2023. In exchange for substantial economic aid, Tunisia was delegated the migratory control in the Mediterranean Sea. Similar agreements (Vinocur 2024) followed with Egypt and Mauritania in March 2024. In October of the same year, the PM made her fourth visit to Tripoli since taking office, promoting the government's commitment to strengthening strategic ties with the country under the Mattei Plan, particularly in economic cooperation and migration control (Peretti 2024). Human rights organisations have criticised Italy's migration policy in collaboration with the Tripoli government, highlighting a further deterioration in the protection of migrants', asylum seekers', and refugees' rights.

In early 2025, the Al-Masri case raised severe questions about the Italian government dealings with Libya. The Libyan Osama Al-Masri Njeem, wanted by the International Criminal Court (ICC) for war crimes and crimes against humanity, as well as alleged torture, rape and murder of migrants, was arrested in Turin in January. However, Italy released him on a technicality and repatriated him within 48 hours and without prior consultation with the ICC (Munster/Giordano 2025). The ICC's request to file its observations was initially ignored by Italy. Subsequently, the ICC granted Italy an extension until 22 April 2025 stressing that Italian investigation must not interfere with its own proceedings. Italy's action in releasing the alleged war criminal and in ignoring the ICC's request undermine international legal standards and cooperation and are seen as a violation of the rule of law. In June 2025, the ICC Prosecutor's Office issued a strongly worded statement formally accusing the Italian government of non-compliance. The Prosecutor argued that Italy had failed to fulfil its international obligations by prioritizing Libya's extradition request over the ICC's surrender order, without engaging in the required consultation. The Prosecutor requested that the ICC's Pre-Trial Chamber formally declare Italy in breach of its obligations and refer the matter to the Assembly of States Parties and/or the United Nations Security Council. The case has sparked domestic political controversy, with critics accusing the Italian

government of undermining the authority of international justice (Finzi 2025).

The shift away from protecting human rights and welcoming refugees is mirrored at the EU level. The Pact on Migration and Asylum, entered into force on 11 June 2024, reflects a growing alignment toward rigid border enforcement, combating unauthorised arrivals, and prioritizing the repatriation of unwanted migrants. However, European human rights advocates have raised serious concerns, warning that such measures risk undermining fundamental rights, particularly of the most vulnerable (Picum 2023).

Regression in rights: press freedom

Despite existing regulations designed to protect journalists from threats, they still encounter several obstacles (Kelner 2024) in the exercise of their profession. Instances of physical assaults, death threats and other forms of intimidation have been reported, which continue to raise concerns on the safety of journalists in Italy (European Commission 2024).

Italy's ranking in the 2024 Reporters Without Borders World Press Freedom Index dropped to 46th, down from 41st in 2023, reflecting a decline in press freedom in the country (Reporters without Borders 2025a). With the politicisation of Italy's public broadcaster, Rai (*Radiotelevisione italiana*), being a longstanding issue, political interference in Italy's public media has intensified since the Meloni government took office in 2022 (European Federation of Journalists 2024). Building on Renzi's 2016 reform (Law 220/2015), which granted the government the power to appoint members of Rai's board, the Meloni administration has adopted a more assertive approach. In this context, Reporters without Borders cites Meloni's political group as orchestrating a broader media takeover, exemplified by MP Antonio Angelucci, a member of the ruling parliamentary coalition, attempting to acquire AGI, Italy's second-largest news agency (Reporters without Borders 2025b).

The change of governance at Rai following the reshuffling of top management and the board of directors, as well as the appointment of politically affiliated figures to key positions in editorial leadership has led to widespread criticism, raising concerns about political media pluralism and independence (Roberts 2024b; Safety of Journalists Platform, Council of Europe 2023). These internal developments and a decree law issued by the government ultimately forced the Rai CEO Carlo Fuortes into early

retirement on 8 May 2023 (European Centre for Press and Media Freedom (ECPMF) et al. 2023).

In this context, the cancellation of author Antonio Scurati's antifascist monologue, which was set to air on Rai 3 on 25 April 2024 to mark Italy's Liberation Day, has sparked debate about whether political considerations are influencing editorial decisions at Italy's public broadcaster. Scurati's speech, which criticised PM Giorgia Meloni's alleged failure to reckon with her neofascist past, was cancelled just days before its scheduled broadcast, with Rai citing "editorial reasons". Similarly, ten months earlier, on 25 July 2023, the newly appointed government-backed Rai director, Roberto Sergio, announced the cancellation of a tv program by well-known journalist Roberto Saviano, following a complaint from government coalition parties (Mapping Media Freedom 2023). The program, which investigated organised crime and its ties to politics, had already been recorded and was set to air on Rai 3 in November 2023. Saviano's case is emblematic of a wider crackdown on independent journalism, not only through editorial interference but also via legal intimidation. A longtime critic of organised crime and political complicity, Saviano has been repeatedly targeted with defamation lawsuits by high-ranking officials, including PM Meloni. Saviano's case is not an isolated incident but exemplifies the growing use of Strategic Lawsuits Against Public Participation (SLAPPs), including by government members, in Italy, which are intended to burden journalists with costly litigation and deter investigative reporting (Vigevani et al. 2024; European University Institute 2023).

Concluding remarks

Democratic backsliding is a composite process containing multiple developments and consensus on the identification of its key features is yet to be resolved (Waldner/Lust 2018). Thus, the many studies on democratic backsliding necessarily and rightly come in many varieties. One is the study of individual countries that have steered away from liberal democracy in one way or another. This literature does not offer an unambiguous definition of democratic regression either, let alone one that can be easily operationalised. Common elements in definitions however include the deterioration of democratic institutions, the decline of the rule of law, the weakening of human rights and treatment of minorities, and executive aggrandisement at the expense of political deliberation. Also, democratic backsliding in

liberal democracies does not happen by default, in absence of explicit attempts and past legacies. Instead, it materialises in favorable institutional contexts, in the presence of catalysts. In Italy, decades of political zero-sum rhetoric, of ‘decentralization-centralization’ reforms (Baldini/Baldi 2014), of decision-making blockades (i.e. high mortality rate in bicameralism, “useless approvals”, Pedrazzani/Zucchini 2020), of low quality of administrative performance and policy output, of political polarisation have contributed to steady and insidious democratic regression.

This chapter discussed and assessed the Italian case. Italy transitioned to democracy after the end of World War II. Although constitutionally well-equipped with a regional two-track design, the centrally steered polarised political (party) system has never truly engaged with regionalism. Phrased differently, the 1948 Const. and the 2001 constitutional reform constructed Italy according to a bottom-up legal logic, but so far Italian politics has failed to bring this logic to realisation through actual implementation. While some regions have attempted to voice opposition to certain backward policies of the Meloni Government (such as the relocation and expulsion of migrants, and restrictions on abortion or LGBTQIA+ rights), their influence has been largely limited. Aside from symbolic criticism, regions, in the main, lack the mechanisms to counteract a regressive political trend. Political will is often also missing.

While fears of a neofascist shift under the Meloni Government may be exaggerated, what is evident are the populist measures that have emerged, which gradually erode Italy’s democratic foundations. The increasing centralisation of power, alongside the lack of influence by the regions and the reduction of pluralism in both political and social spheres, signals a concerning trend. Fundamental rights, rather than being expanded or further developed, are quietly being curtailed, with measures that undermine judicial independence, restrict media freedom, and roll back protections for marginalised groups. These subtle yet significant shifts point to a broader process of democratic backsliding that warrants ongoing scrutiny and resistance. Or, put differently, the reform attempts and policies in our opinion raise genuine constitutional politics issues. We are not alone in this opinion: In worldwide comparison, Italy admittedly ranks highly in most categories of the 2025 Global State of Democracy framework, except for rule of law (especially in corruption and organised crime), where it performs at a mid-range level, and for freedom of religion and electoral participation, where it does not rank among the top 25 percent globally. Moreover, from 2018 to 2023, Italy has seen significant declines in freedom

of expression. Moving forward, it will be essential to keep an eye on freedom of expression and press freedom, given the challenges reported by journalists. Equality, equity and treatment of minorities is another critical area to monitor, particularly in light of anti-migrant rhetoric and restrictions on LGBTQIA+ rights.

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Risks of Democratic Backsliding in Austria

Christoph Konrath/Katrin Praprotnik¹²

Introduction

Discussions of democratic regression regularly leave open the starting point for determining regression. This is particularly important when it comes to states with a long history of stable constitutional and institutional frameworks, like Austria. Then, concerns and debates about democratic backsliding can face the risk of misconceptualising a current crisis, normatively exaggerating a certain period or missing the “point of no return”. This is obvious in the literature and in most attempts to index the state of particular democracies (Manow 2024) that are dominated by two narratives, the *Trente Glorieuses* or *Wirtschaftswunder* narrative and the *End of History* narrative that started in 1989 (Wolkenstein, forthcoming). Narratives and indices can be of relevance in order to understand the development and crises of democracy. But neither are unproblematic, nor can they convey a full picture. Andreas Schedler describes the dilemma that political actors face when “agents of destruction” speak the language of democracy and opposition politics and master the games of “nostalgia” and legalism (Schedler 2024, 24).

We agree with Schedler that the analysis of democratic regression demands a multi-perspective approach. Here, we will do so on the basis of Pippa Norris (2017), who aims to pinpoint critical inflection points signaling the risk of democratic backsliding. She builds upon Linz/Stepan (1978, 1996), who argued that regime consolidation depends essentially on three characteristics: constitutionally, all major state actors adhere democratic norms and practices; behaviorally, no significant groups actively seek to dismantle the regime; and culturally, an overwhelming majority of the population believes that democracy is the best form of government. We are

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aware of the fact that Norris does not provide an exact method to identify such inflection points. Still, she offers a matrix that can help us to identify and chart long-term developments and relations between institutions, actors and the background culture of civil society (Rawls 2005, 14; Lefebvre 2024).

In what follows, we try to identify examples and assess the risks of democratic regression in Austria on the basis of a long perspective that goes back to the formative phases of democracy and constitutionalism. In doing so, we aim to avoid a focus on current developments (that cannot be estimated at the time of completion of this chapter) and try to identify long term factors for democratic regression and recovery. We will expand Norris's approach methodologically and bring together insights from legal-institutional, sociological and political research. Our analysis will proceed in five steps. First, we provide a brief overview of Austria's constitutional and political system (Section 2). Next, we apply Norris's framework on democratic backsliding to the Austrian context, examining the constitutional (Section 3), behavioral (Section 4), and cultural dimensions (Section 5) of Austrian democracy. We will conclude with remarks on the state of democracy in Austria after the general elections of autumn 2024 and the subsequent formation of a government (Section 6).

1 The development of the Austrian constitutional and political system

The Austrian Federal Constitution dates back to 1920 and is one of the oldest constitutions in Europe. It is a very flexible constitution which has been amended over 100 times over the course of its existence. But it is also noted for its rigidity, as a lot of matters that pertain to parliamentary and administrative law are regulated on a constitutional level. Apart from two major amendments in 1929 and 1995, the core principles and the democratic and judicial framework have proven extremely stable and have been increasingly secured by more detailed rules and by the jurisprudence of the Constitutional Court (Wiederin 2023). Given this, we deem it important to look at the stabilising factors of the constitutional system.

The Republic of Austria was founded in 1918 after the demise of the Habsburg Empire. The empire's administrative culture and legal discourse left a lasting imprint on the constitutional and political system, although central tenets of the new constitution were deliberately created in stark

contrast to imperial traditions. They included the creation of a system of “radical parliamentarism”, the creation of the first³ constitutional court in the world, a proportional electoral system, and the centrality of political parties (Wiederin 2023). The constitutional conception of Austrian democracy is a minimalist one. The constitution has therefore been characterised as a “Spielregelverfassung” (“rules of the game”) as the negotiating parties could not reach consensus on a catalog of fundamental rights, a principled understanding of democracy, principles of school education, etc. The federal organisation of the state is based on a highly detailed division of competences between the federation and the *Laender* (provinces) which makes it necessary to regulate a substantial number of issues, i.e. in the fields of energy or economics, on a constitutional level.

At the same time, this minimalist conception can indicate a “realist conception of politics and democracy” or a conception of a democracy that can evolve, progress and regress, as expressed in the democratic theory of Hans Kelsen, who served as the main advisor for the constitutional negotiations (Lagi 2022).

The first years of the young republic were characterised by bitter party rivalries, political violence (Hanisch 1994), and conflicts about the influence of the constitutional court (Harmat 1999). In 1929, the constitution was substantially amended under the pressure of militant political groups. Reforms needed the approval of the Social Democrats, who were in opposition at the time, but whose votes were necessary to secure the required two-thirds majority. In order to preserve democracy, they agreed to transform the parliamentary system into a semi-presidential system in which the people would elect the Federal President who, in turn, would choose and appoint the Federal Government. Parliament's rights, particularly in the area of appointments to state offices, were severely restricted. Since then, the Federal Government has for example been able to appoint the majority of the members of the Constitutional Court (Hasiba 1976).

In 1933, the Federal Government used a crisis about the application of the rules of procedure in the National Council to establish an authoritarian rule that lasted until 1938, when Austria became part of Nazi Germany. It is important to note that the political parties agreed to re-establish the republic on the basis of the 1929 constitution in 1945 and that the pre-histo-

3 The Constitutional Court of the Czechoslovak Republic precedes that of the Austrian Constitutional Court but the former never developed a substantial practice (Wiederin 2021).

ry of this decision has loomed large over democratic politics since then. Politicians are still quick to compare the policy decisions and political style of conservative and right-wing politicians with the experiences of the 1930s.

In 1945, the conservative People's Party (ÖVP) and the Social Democrats (SPÖ) agreed to build a strong consociational and corporative political system within the framework of this (still minimalist) constitution. Until the 1990s, both parties commanded a two-thirds majority in both chambers of parliament. This meant that they could amend the constitution at any time and thus secure political compromises through constitutional law.

From the 1970s onwards, it has become common to speak about the legal constitution and the "Realverfassung" ("real constitution") in Austria (Pelinka/Welan 1971). This refers to the informal rules that are applied within the formal framework of the legal constitution. For a very long time, it has effectively reduced the constitution to formal necessities and has hindered the development of a constitutionally guided understanding of democracy and the rule of law in Austria (Öhlinger 2002). In that sense, politics has been primarily understood as a pluralist system of interest representation and bargaining. This is evident in long-standing practices of party patronage and party colonisation in major parts of the state administration, (partly) state-owned companies but also with regard to public media and media financing (Ennser-Jedenastik 2014, 2017). In recent years, civil society initiatives (often made up of retired senior civil servants and judges) have highlighted how such practices erode the standing and functioning of the civil service.⁴ Parliaments have only developed a basic understanding of deliberation. Interestingly, though, other state organs like the Constitutional Court and the Court of Audit have become institutions with a strong sense of commitment to democracy, whose actions are not only well accepted but also understood as substitutes in the absence of public political deliberation (Austrian Parliamentary Administration 2022, 263).

This brief sketch of Austria's constitutional and political development can highlight three core themes of the discourse on democratic progress and regression. First, the development of democracy in Austria has not been linear. Some debates about the relationship between parliamentarism, executive leadership and constitutional jurisprudence that are at the center of current discourses about backsliding (Manow 2024) have, albeit in a different form, already been held in the early years of the republic. Second,

4 See examples at <https://bessereverwaltung.at>.

we can see that Austria's particular form of consociationalism and powerful political parties has outlasted similar characteristics of other European countries. Third, we can notice the important role of the Constitutional Court and the Court of Audit, that have obviously been able to develop a particular institutional identity and independence although all of its members were appointed by governments or government majorities (so quite contrary to contemporary claims about constitutional jurisprudence). Yet we have to acknowledge that those institutions have never been the focus of social and political research. There is a small body of literature that is based on conceptual and qualitative analysis of the relation between senior administrators and politicians (Gratz 2011; Kneucker 2019), but there is no in-depth and data-based research on the administration or the judiciary (Biegelbauer et al 2014.).

2 The constitutional dimension

The constitutional dimension relates to formal structural arrangements and the associated institutional practice. Norris (2017) emphasises that there is a high degree of constitutional stability in the majority of Western democracies. She does not, however, discuss the instrumental view and use of constitutions that can be employed to mask democratic regression behind a constitutional facade (Steinbeis 2024). In this section, we will look at both dimensions.

As has been mentioned in Section 2, Austria has a long tradition of constitutional jurisprudence, and the Court became an important political factor in the 1920s. After 1945, it was seen as a modest actor, but this changed in the 1960s, after Austria incorporated the European Charter of Human Rights (ECHR) in its constitutional framework. The Court then began to follow the jurisprudence of the European Court of Human Rights and developed a more principled and active approach. In particular, it expanded its jurisprudence on matters of equality before the law and developed a strong conception of the principle of reasonability (Lachmayer/Sonntag 2023). At the same time, the Court held to its specific style of judicial practice: a succinct and self-referential style of argumentation, unanimous external communication and reserve from commenting on any decision by the members of the court – regardless of whose ticket they have entered the court on. Since the mid-1990s, the Court has increasingly dealt with politically and morally conflictual matters like language rights, same-sex

relationships, assisted suicide, religious freedom, and public accountability. Overall, the Court favored an expansion of individual rights and ended political deadlock (Wiederin 2023). A reason for that may be the long history of the court and its perception as an expert institution (as opposed to a political institution, Konrath 2013). In fact, we can note a particular way of “governing with judges” (Stone Sweet 2000), in which decisions of the constitutional court can - as we have just stated - be a substitute for difficult political discourses. Interestingly, though, we can observe rather different attitudes towards international courts (see below).

Until the late 1980s, Austrian politics was dominated by two political parties, the Austrian People’s Party (ÖVP) and the Social Democratic Party (SPÖ). The general elections of 1986 became the starting point for a gradual change in party politics and the role of parliaments on a federal and provincial level (Müller 1997). Afterwards, a party system became established in which five parties regularly managed to enter the first chamber of the federal parliament (*Nationalrat*). These include, to this day, the right-wing populist Freedom Party of Austria (FPÖ), the The Greens-The Green Alternative (GREENS), and the New Austria and Liberal Forum (NEOS). Due to decreasing voter loyalty to parties and a greater willingness to vote for different parties in each election, smaller parties have occasionally also managed to enter the National Council for short periods, and governments have become more diverse, with parties such as the FPÖ and the GREENS also becoming involved (Praprotnik 2024).

It became evident that the traditional understanding of the rules could become dysfunctional, as they relied on the consociational practice of a more or less two-party parliament. Still, there was a shared understanding that parliament should operate on the basis of consensus. A piecemeal change in the rules of procedure occurred, which led to an expansion of parliamentary speaking and minority rights with a strong emphasis on participation in EU matters and parliamentary control rights that reached its climax in 2014, when agreement on a minority right to set up committees of inquiry and safeguard witnesses’ rights in such committees was reached. The principle guiding all these reforms has been the creation of strong rights while limiting their use to avoid obstruction (Konrath 2017). It is also important to recall that many policy decisions in Austria require a constitutional majority, and so do the changes to the parliamentary rules of procedure. Thus, the governing parties’ need to secure a constitutional majority for their projects has significantly increased the bargaining power of the opposition since the 1990s (Konrath 2017).

Austria joined the European Union in 1995. This entailed a total revision of the Federal Constitution as all the principles of the constitution (i.e., democracy, rule of law, federalism etc.) are affected by EU law. However, this revision is not reflected in the text of the constitution which, with the exception of adding parliamentary participation rights in EU matters, has remained unchanged. This is a result of the traditional understanding of the constitution by Austrian lawyers and administrators. They emphasise that the openness of Austrian constitutional law to international law makes changes unnecessary (Wiederin 2023). As was previously the case with the ECHR, EU law has since become an integral part of Austrian law and the Austrian legal system is (unlike that of other EU member states) very closely interwoven with that of the EU. Constitutional experts thus spoke of the “double constitution” of Austria and remarked that each follows a different logic (Öhlinger 2003): the Austrian constitution was understood in an instrumental way and demanded detailed regulation, while the European constitution was understood in a more principled manner.

These conceptions are highly relevant to democratic development as there is no tradition of a principled understanding of constitutionalism that could have taken root among citizens. Only recently have changes taken place. The instrumental understanding of the constitution became a major point of discussion in the presidential elections of 2016. In 2019, the Federal President managed a looming political crisis after the breakdown of the ÖVP-FPÖ-government by reference to the strengths and the “elegance” of the constitution. This led to an unprecedented public interest in the role and function of the constitution among liberal-minded politicians and journalists on the one hand (Konrath 2020) and a reaffirmation of an instrumental understanding of constitutional law by proponents of the FPÖ on the other (Mölzer 2023). It is also important to note that, while Austrian institutions are positively recognised in political discourse, European institutions like the ECHR and the European Court of Justice are at times heavily criticised by influential politicians of the FPÖ as well as of the ÖVP. The FPÖ has suggested that Austria abandon the European Charter of Human Rights (FPÖ 2024), and ÖVP leaders have demanded substantial reforms of the charter and restrictions on the ECHR’s jurisprudence (Die Presse 2022). While the debates focus on the European level, such steps would have a significant impact on Austrian institutions, especially as the jurisprudence of the Austrian Constitutional Court is based on that of its European counterparts. Thus, the ongoing attacks on international human

rights treaties and EU law may effectively undermine the role and scope of constitutional jurisprudence at home.

Trust in democracy relies on the critical infrastructure of democracy or the intermediary institutions that make political discourse and political action possible, especially political parties and the media (Müller 2021). As in many other European countries, we can identify major structural transformations over the last 30 years in Austria that are accompanied by a constitutionalisation and judicialisation of state budgets, impact assessments, transparency rules, party organisation and financing of politics. Still, many legal ways to avoid the rigor of such frameworks exist.⁵ The status and financing of the media nonetheless remains under discussion. Until the 1990s, the organisation and financing of political parties was governed mostly by informal practices. Until the 1980s, the Austrian party system could be seen as based on a party cartel (Katz/Mair 1995). The transformation of the consociational system since the 1990s is accompanied by increasing public and international pressure to transform this system and establish clear and transparent rules. Since 2010, the Group of States against Corruption (GRECO) and the European Rule of Law Reports have had considerable influence on debates in Austria and they have increased reform pressures (Jenny/Konrath 2023). This has led to a growing public awareness of political corruption and uncharted relations between politics, administrative and judicial bodies (European Commission 2024). International and public pressure was crucial for creating a right to access information and a freedom of information act and rebut restrictions on reporting about criminal procedures in 2024. For decades, this demand had been rejected by politicians and administrators.⁶ Public financing and support for the media as the other pillar of democracy's critical infrastructure remains under discussion. Although the independence of Austria's public broadcaster has been enshrined in the constitution since 1974, conflicts about the role and influence of political parties on public broadcasting remain and the Constitutional Court has repeatedly had to decide on them

5 A good example is the comprehensive budget reform that started in 2007 with the aim of disciplining fiscal politics and creating a momentum for evidence-informed legislation (Steger 2010). Soon after its full implementation in 2013, the ratio of government bills to members' bills turned as the latter do not require public consultations and regulatory impact assessments (see Austrian Parliamentary Administration 2024).

6 Note that Austria's downgrading to electoral democracy in V-Dem's 2022 report was based primarily on the lack of provisions on freedom of information (see V-Dem 2022, 14).

(Lehofer 2024). Additionally, Austria lacks a transparent system of subsidizing privately-owned media, and executive governments at the federal and provincial levels have many means of exerting influence through public money (Theine et al. 2024).

It was only in the 1980s and particularly from the 2000s onwards that party-voter ties became more fragile, and the political landscape was enriched by new (and oftentimes short-lived) parties. These developments were accompanied by growing debates about direct democratic instruments (Biegelbauer/Konrath 2017). Austrian democracy has been characterised as a representative system, with provisions for direct democratic participation through initiatives, referendums, and plebiscites, since the beginning of the Second Republic. However, their implementation, particularly streamlined access, occurred gradually over time. The years 2010-2015 saw intensive debates about democratic reform and a thorough assessment of direct democracy and democratic innovations by a parliamentary commission that involved experts and citizens. On the one hand, the FPÖ proposed a radical model of direct democracy which at its core should be an instrument to mobilise political sentiments and exert pressure on parliament and government by means of extremely tight time frames. On the other hand, ideas to improve citizen participation and public participation were put forward by civil society groups and political parties like the Greens or the liberal NEOS (Öhlinger/Poier 2015). These debates led to a reform of the popular initiative, which allows 100,000 voters to demand that the National Council discuss their concerns, and of public participation in law-making (Rattinger/Wagner 2021). All those instruments can now be used digitally and timeframes for using them are significantly longer. Both measures reduce the costs of participation and enlarge the possible audience for support. But so far neither reform has had substantial effects as public contributions to law-making. Although the number of successful popular initiatives has increased, the quality and debate of initiatives has decreased and such initiatives are usually only debated once in parliament (Austrian Parliamentary Administration 2025).

This brief overview of the constitutional structure remains inconclusive. We can clearly identify strong safeguards for democratic rights and procedures. At the same time, we see that reforms will happen only after increased public and international pressure. They are done in a piecemeal fashion and there seems to be an overarching understanding neither of constitutionalism nor of democratic governance. We find instead a formalisation of informal practices and a demand for more detailed rules that

reduce the space for interpretation and divergence. The expansion of rights can in turn lead to a situation where democracy can be managed just like any other state body (Konrath 2021). Constitutional majorities can safeguard institutions and leverage the bargaining powers of smaller parties in order to expand democratic participation (as can be seen with the increasing powers of parliament, (Konrath 2017). At the same time, they can enable minorities to create constitutional and political deadlocks and thus exemplify the political system's inability or unwillingness to overcome challenges. This is for instance the case with regard to the division of competences between the federation and the provinces which are deemed essential for major structural reforms and overall satisfaction with policies and democracy (Konrath 2012).

This is the point where the instrumental and administrative tradition of legal practice might prevail over constitutional thinking. While Austria's constitutional reforms have been hailed as positive, much has remained as it was on the sub-constitutional level, i.e. with regard to the internal organisation of criminal prosecution authorities. The criticism of international review procedures like GRECO and the EU Rule of Law Mechanism is aimed at the administration of the political, administrative and judicial infrastructure of democracy (EU 2024). This becomes particularly evident in the long-standing practice of appointing political staffers as high-level administrators (Ennser-Jedenastik, forthcoming). Similar dynamics can be observed in the political dependencies in those policy fields where those affected will not risk or do not have the means to challenge measures before the courts in general and the Constitutional Court in particular, as in migration law (Ammer/Kirchmair 2022) or the infringement of minority rights and religious rights (Hafez/Heinisch 2024).

3 The behavioral dimension

The behavioral dimension of Norris's framework considers whether significant groups are attempting to overthrow the regime. Here again, she recognises a low level of such threats in the majority of democratic states (Norris 2017). We will now briefly consider radical opposition to liberal democracy in Austria. Extending Norris's approach, we will then ask if and how significant political actors actively reach out to extremist groups or acknowledge their ideas in their political utterances. This can allow us to identify additional inflection points of democratic backsliding.

The monitoring of potential threats to the Austrian constitution, and thus to Austrian democracy, falls under the responsibility of the Directorate of State Security and Intelligence (DSN). The areas of concern relevant to constitutional protection, as well as preventive measures, are documented in annual constitutional protection reports (see, e.g., DSN 2024).⁷ Terrorism and extremism are highlighted as significant areas of concern in the most recent report covering events in 2023, and are discussed in the following section. Austria finds itself in a similar security situation to other European countries, even though it was spared during the peak of Islamist terror between 2015 and 2017. The deadliest attack occurred in November 2020 in Vienna, when an assailant associated with sympathiser of the terrorist organisation “Islamic State” (IS) shot and killed four people, and jihadist terrorism remains the greatest threat (DSN 2024, 86–87). Additionally, the attack on Israel by the terrorist organisation Hamas in October 2023 is seen as a significant factor in the worsening security situation (DSN 2024, 90). Antisemitism, including anti-Jewish attitudes and crimes, has remained a problem throughout Austrian history. The Austrian Parliament, in particular, has been actively working to raise awareness about antisemitism, conducting and analyzing representative surveys on a biannual basis since 2018 (Austrian Parliament 2023).

At the same time, right-wing extremism has remained a significant threat to the liberal democratic state since the 1980s (DSN 2024, 18–35). It includes any form of xenophobia, racism, anti-Semitism, and National Socialist reactivation. Left-wing extremism includes any form of communist or anarchist groups. Based on the number of offenses, right-wing extremism is a much larger problem in Austria compared to left-wing extremism. While 97 offenses related to left-wing extremism were recorded in 2023, 1,208 were related to right-wing extremism. The DSN clearly sees the right-wing extremist scene as a danger to the constitution (DSN 2024, 30, 53).

Groups associated with the so-called “old” and “new” right are under observation by the constitutional protection authorities. The “old right” includes organisations inspired by National Socialism, violent hooligan and skinhead scenes, as well as the right-wing extremist music and martial arts scenes. The central group of the “new right” is the Identitäre Bewegung Österreich (IBÖ) and Die Österreicher (DO5), which are characterised by personnel and ideological overlaps. They warn of a “population replace-

7 The Directorate of State Security and Intelligence’s annual constitutional protection reports are available online (<https://www.dsn.gv.at/501/>).

ment” and “remigration”, using terms associated with National Socialism (DSN 2024, 21–22). The IBÖ/DO5 are not banned in Austria, although their symbol is.

This group has gained attention in public debate not primarily through its own activities but rather through the increasingly uncritical stance of the FPÖ towards IBÖ/DO5. FPÖ leader Herbert Kickl referred to the organisation as a “right-wing NGO” and declared he could envision supporting them in “worthy projects” (Profil 2023). An example of the IBÖ/DO5's success in broader public discourse is the adoption of the term “remigration” as a prominent concept in the FPÖ's campaign for the 2024 National Council election. While the IBÖ/DO5 promotes a non-violent approach in its public appearances, such as on their website, investigative journalists discovered a different picture during undercover investigations at events of the Identitarian Movement in Germany and Austria in the summer of 2024 (after the presentation of the FPÖ's program). Furthermore, journalists and civil society groups highlight that (local) FPÖ groups, parliamentarians and party functionaries post ambiguous messages on their social media accounts and tolerate user comments that promote conspiracy theories or may incite hatred or violence (Der Standard 2024).

Such exchanges have not pertained to mere party activities. It has to be noted that Herbert Kickl served as Minister of the Interior from 2017 to 2019. Already before, the FPÖ had a history of criticizing the Austrian interior intelligence agency, the then Federal Office for the Protection of the Constitution and Counterterrorism (BVT). At the beginning of 2018, the police searched offices and the private homes of BVT-employees. Kickl was responsible in his capacity as Minister and other members and functionaries of the FPÖ were involved as informants or police officers who took part in the search. The operation focused particularly on the units which observed right-wing extremism. The events led to a significant weakening of the intelligence service. The opposition parties in the National Council responded immediately by setting up a committee of inquiry, which met for more than a year (Austrian Parliament 2019). As a result, the BVT was dissolved. The DSN (whose activities form the background of this section) was established in 2021. It replaced the former BVT and the reform ensured new independent control and parliamentary oversight mechanisms (for a summary of political debates see Austrian Parliament 2021).

Expanding on Norris's approach, we would also like to point to the behaviour of politicians from leading parties that calls into question the foundations of the existing constitutional order. This could be observed in

the election campaign for the National Council, which the FPÖ stylised as an election for the "people's chancellor" - a term used by the National Socialists, among others. The FPÖ emerged from the elections as the relatively largest party (28.8 percent of the vote) and claimed the mandate to form a government. As the other parties refused to work with them, the legitimacy of a government without the FPÖ was questioned. After the first round of government negotiations ended without a result, negotiations between the FPÖ and the ÖVP took place from January 2025. In these negotiations, the FPÖ made demands that were clearly based on Viktor Orban's concept of illiberal democracy. Public discourse noted that the ÖVP seemed to be willing to negotiate or even to accept certain measures that would have led to restrictions on democratic freedoms (Rauscher 2025). Ultimately, the parties could not reach an agreement. In the subsequent negotiations, which resulted in a tripartite government consisting of the ÖVP, the SPÖ and the liberal NEOS, a commitment to the existing constitutional order, a strong democracy and a rejection of provocative behaviour by politicians became a central element of the government programme (Bundesregierung 2025).

Finally, it should be noted that the FPÖ has built a highly integrated framework of digitally networked⁸ publics and party surrogates that is used to connect a wide range of groups - from right-wing extremists to national conservatives and anti-vaxxers (Der Standard 2025). The developments that Bennett and Livingston (2025) observed in US politics can also be found in Austria: a close interaction between the online mobilisation of various networks and the radicalisation of traditional party politics, creating support for illiberal positions within the party and in the wider public.

4 The cultural dimension

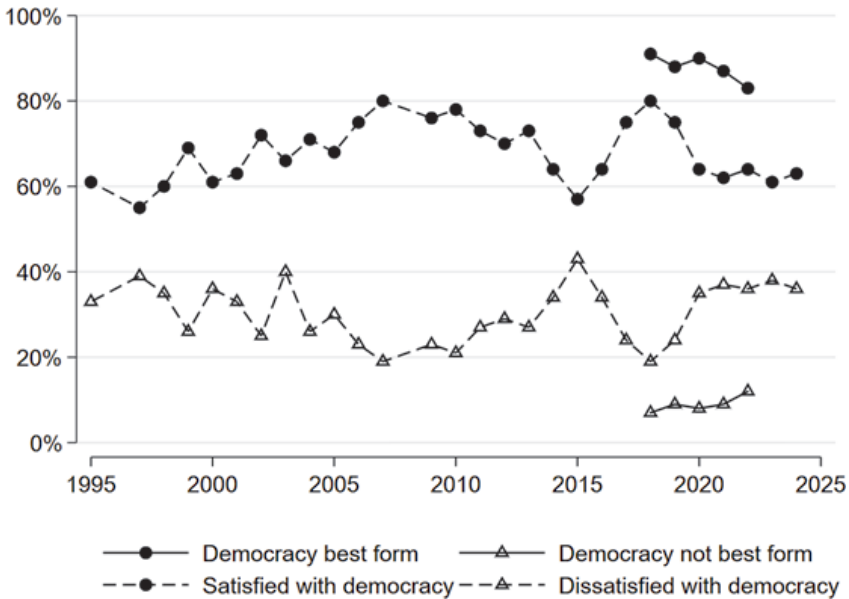
We turn to the cultural dimension, focusing on citizens' attitudes towards democracy. Assessing citizens' attitudes towards democracy is challenging. Since the seminal works by Lipset (1959), Easton (1965, 1975), and Almond/Verba (1963, 1980), there has been an intense scholarly debate about how to effectively gauge these attitudes (Singh/Mayne 2023). In this study,

8 For example, as Eberl et al. (2020, 1354-5) show in their analysis of the 2019 Austrian snap election, in the final seven days before the vote, the FPÖ spent more money on Facebook than the ÖVP, SPÖ, and NEOS combined.

we are interested in signs of democratic backsliding and, specifically, in whether changes in citizens' culture indicate a shift away from democracy. We employ Norris's (1999, 2012) conceptualisation, which proposes five categories of citizens' support that range from the most diffuse (support for the nation-state) to the most specific (approval of incumbent office-holders). Her mid-level categories are helpful for our research interest: support for regime principles, i.e., whether citizens prefer the democratic ideal over other regime principles, and their support for regime performance, which is the evaluation of satisfaction with the model itself. Despite this approach, a certain vagueness remains, as quantitative surveys do not delve into the specific meanings that respondents associate with democracy.

We leverage two datasets to provide a comprehensive and long-term perspective. To operationalise support for regime principles, we analyse the Democracy Radar, a large-scale cross-sectional survey conducted by the Austrian Democracy Lab bi-annually between 2018 and 2022. This combined online and telephone survey includes a representative sample of approximately 4,500 respondents per wave. Respondents were asked to evaluate their agreement with the statement, "Democracy may have its problems, but it is better than any other form of government," on a four-point-scale from "Fully agree" to "Fully disagree." This question captures citizens' support for regime principles, as it refers to "democracy as a form of government" without addressing its current form or functioning. To operationalise support for regime performance, we analyse the Eurobarometer survey, a cross-sectional face-to-face survey conducted on behalf of the EU commission since the 1970s. Data on Austria have been available since the country became an EU member in 1995 and usually include around 1,000 interviews per wave. Respondents are asked to rate their satisfaction "with the way democracy works in their country" on a four-point scale from "Very satisfied" to "Not satisfied at all". This item captures public support for regime performance, as the inclusion of "Austria" in the text prompts respondents to assess the actual implementation of democracy in this country, rather than an idealised model. Similarly, the phrase "functioning of democracy" directs respondents to evaluate the overall democratic system or regime, rather than focusing on specific politicians or parties.

Figure 1. Citizens' attitudes towards democracy



Note: Democracy best form: Democracy radar data (autumn wave). Categories “fully agree”/“rather agree” as well as “rather disagree”/“fully disagree” combined. Satisfied with democracy: Eurobarometer data (autumn wave if available). Categories “very satisfied”/“fairly satisfied” as well as “not very satisfied”/“not satisfied at all” combined. Austrian data compared to the EU average of satisfaction in the respective countries. Data checked based on the data sets provided by Russo and Bräutigam (2023; 2010-2023) and Schmitt et al. (2008, 1995-2001).

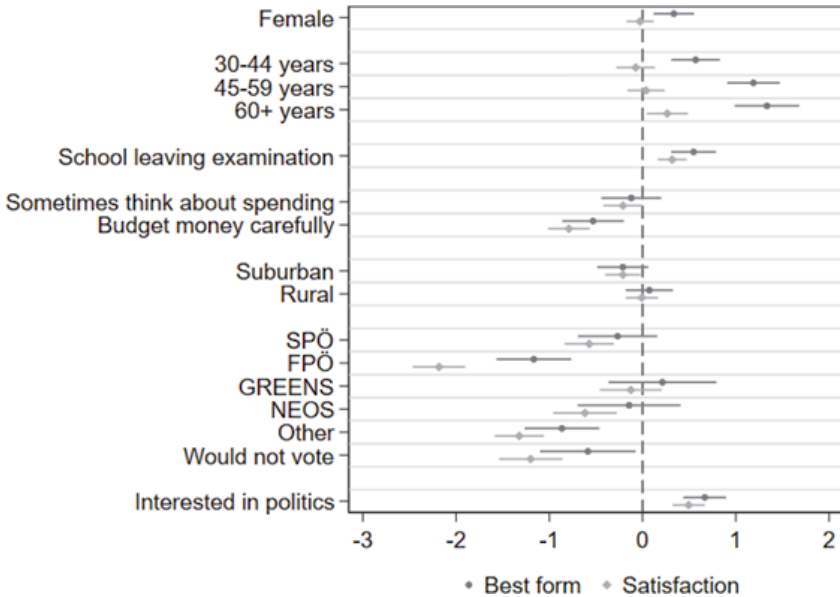
Figure 1 shows citizens' attitudes towards democracy based on these two concepts. Note that the four-point scales were collapsed to differentiate between positive and negative attitudes. We start by looking at the support for regime principles. It becomes evident that support for democracy as an ideal form of government is indeed high, with a large majority agreeing with this statement. In autumn 2022, 83 percent agreed that democracy is the best form of government despite its problems. At the same time, only twelve percent disagreed. However, the figure also reveals a slight decline compared to its starting value in 2018, when 87 percent agreed and only nine percent disagreed. These values can be compared to those of regime performance. With the available data, we can examine the development of satisfaction with Austrian democracy since 1995. Satisfaction

clearly fluctuates, with variations exceeding 20 percentage points between the lowest and highest values, yet no distinct trend emerges over time. Currently, Austria experiences relatively low levels of satisfaction, with 63 percent of respondents in 2024 reporting being at least somewhat satisfied with the functioning of democracy. However, this is not an all-time low; satisfaction levels were even lower in previous years, such as 57 percent in 2015, when Austria faced significant challenges in managing the refugee crisis. Moreover, when compared to other EU countries, Austria continues to exhibit higher levels of regime performance than the EU average.

Nevertheless, these developments must be viewed with vigilance, as the low satisfaction levels have persisted for an extended period compared to the past. With the COVID-19 pandemic, domestic political turbulence leading to a change in government leadership, the war in Ukraine, and the resulting inflationary pressures, democracy has certainly faced significant challenges (which knowingly have the potential to influence satisfaction with democracy negatively as shown e.g. by Armingeon et al. 2016, Quaranta/Martini 2016, Claassen/Magalhães 2022). Whether the national election in 2024 and the opportunity for citizens to directly participate in the democratic process improved levels of satisfaction remains the next crucial signal to assess the potential solidification of low democracy satisfaction. Based on previous studies the evidence for this link appears to be robust, though not enduring (eg. Banducci/Karp 2003; Blais/Gélineau 2007).

Figure 1 provides aggregated country-level information, thereby obscuring differences between social groups. International studies (e.g., Ceka/Magalhães 2020; Norris 2011) and research focused on Austria (e.g., Perlot et al. 2021; Riederer/Teitzer 2012) report that significant disparities persist among social groups. Therefore, we ran binary logit regression models to examine the associations between attitudes towards democracy and key socio-demographic variables—gender, age, education, financial situation, living environment—as well as political attitudes, specifically vote intention and interest in politics. These analyses help us understand which groups are supportive of democracy. Again, we analysed support for regime principles and regime performance, using the binary variables of viewing democracy as the best form of government (Best form Model) and being satisfied with the functioning of democracy in Austria (Satisfaction Model) as dependent variables. To ease interpretation, Figure 2 graphically reports the coefficients and confidence intervals, while the regression tables can be found in the appendix.

Figure 2. Explaining citizens' attitudes towards democracy



Notes: Binary logit regression results (regression tables can be found in the appendix). Dependent variables: Democracy is the best form, 0/1 (Best form Model) and Satisfaction with the functioning of democracy in Austria, 0/1 (Satisfaction Model). Reference categories are Male, Younger than 30 years, No school leaving examination, Always enough money, Urban, ÖVP, Not interested in politics. 95 percent confidence intervals shown. Data: Democracy Radar, Wave 10 (Praprotnik et al. 2023).

Examining the results concerning regime principles (Best form Model), we find significant effects for several variables: women, older generations, individuals with higher education, those with a better financial situation, and those interested in politics are more likely to support the democratic system. Conversely, citizens who intend to vote for the FPÖ, non-parliamentary parties, or those who would abstain from voting are less likely to support the democratic ideal compared to those with ÖVP vote intentions.

Regarding regime performance (Satisfaction Model), fewer sociodemographic factors show significance compared to the first model. We do not find significant effects for gender, and almost none for age, except for a somewhat significant effect for the 60+ age group compared to those under 30. Generally, the generations are equally satisfied with the implementation of the democratic model in Austria. It is the evaluation of democracy as

an ideal as shown in the Best form model that clearly distinguishes the generations, with support increasing as citizens age. This should be seen as an alarm signal, although some scholars argue that diffuse support includes a life-cycle effect, suggesting that as people age, they are more likely to value the concept itself. Similar to the first model, having a school leaving examination (German: *Matura*) is associated with higher satisfaction with the functioning of the democratic system in Austria. Having to carefully consider how to spend one's money is linked to lower satisfaction with the functioning of democracy. These results raise the fundamental question of how democracy is defined and what constitutes its effective functioning. While scholars often debate whether a minimal definition involving free and fair elections is adequate, or if values such as freedom of speech must also be present, citizens clearly consider outcome-related factors when evaluating regime principles and regime performance. Citizens' support, and ultimately regime stability, depends not only on the system's ability to uphold freedom but also on its capacity to promote welfare.

Finally, we can examine differences with respect to the voter groups in both models: in the Satisfaction model, compared to ÖVP voters, only GREEN voters are similarly satisfied with the way democracy works. All other voter groups, including non-voters, are less satisfied compared to the ÖVP voter group. This was to be expected as, during the survey, the ÖVP and the GREENS formed a coalition, and ultimately their voter groups evaluated the regime's performance more favorably than others. As noted by Norris (2017), citizens' support for regime performance is closely tied to current political power structures, which must be considered when evaluating public satisfaction with democracy using the classical SWD survey item. High approval ratings for the government tend to inflate these ratings. When examining the Best form model, which assesses more diffuse support for democracy as a regime principle, the government-opposition divide diminishes. Voter groups of the SPÖ and NEOS show no significant differences in attitudes compared to ÖVP voters. Despite being less satisfied with the current state of affairs, they support the idea of a democratic system. This structure is encouraging for the stability of Austrian democracy, as dissatisfaction is not directed against democracy itself, but rather against certain parties and policies. However, this does not hold for supporters of the FPÖ, extra-parliamentary parties, and non-voters, who remain less supportive, though not as markedly as in the first model. It is crucial to engage these groups and bolster their support for the democratic ideal to prevent further ideological polarisation and alienation.

We conclude that citizens' satisfaction with democracy varies without a clear downward trend. Simultaneously, agreement that democracy is the best form of government remains high and more stable than satisfaction with its current functioning. However, both indicators have reached a nadir, persisting conspicuously for an extended period. We interpret this prolonged nadir as a warning sign of potential democratic backsliding.

5 Summary and outlook

In this chapter, we have applied Norris's (2017) framework of democratic robustness and backsliding to the Austrian case in order to assess the state of democratic resilience and possible inflection points of democratic regression. Norris herself points out that this framework is based on basic conceptions of the constitutional, the behavioral and the cultural dimensions of democracy. When we strictly adhere to Norris' approach, we can conclude that Austria has a stable constitutional order that is safeguarded by strong institutions and a large community of practitioners. With regard to behavior, we cannot identify significant groups who actively seek to dismantle the regime, and culturally, an overwhelming majority of the population believes that democracy is the best form of government.

When we expand Norris's framework and look at concrete institutional and social configurations, as we have attempted in this chapter, we might come to different conclusions and be able to identify inflection points of backsliding. We use a rather cautious phrase here because we could only provide a sketch of what an expansion that includes a critical analysis of legal discourse, institutional architecture and traditions, ambiguous behavior of political actors, and a granular discussion of cultural backgrounds and attitudes, could look like.

The Austrian case confronts us with a constitutional and democratic order, ideally and historically based on a realistic view of politics. It provides a framework for democratic competition and governance, based on strong political parties and a system of proportional representation that requires political cooperation. The strength of such a system can be, as the Austrian case shows, institutional robustness and the ability to overcome periods of democratic regression. The weakness of such a system is that it relies on a critical number of virtuous actors in political parties, the civil service and various public institutions who are (a) willing to act fairly and seek political compromise, and (b) willing to explain their actions and use their powers

and resources for democratic education (Kneucker 2019; Konrath 2020). Our discussion of the constitutional dimension has pointed to a widespread technical and instrumental understanding of the constitution. Constitutional discourse is dominated by legal experts and has only lately gained wider ground in politics and among citizens. When constitutional discourse is dominated by a predominantly instrumental understanding of constitutionalism, it can become very difficult to counter political “hard-ball games” that push the boundaries of the law, and ambiguous behavior of political actors that insinuates that “something is wrong with the constitution and the political institutions” (Steinbeis 2024). This can be particularly so in the Austrian case, which has - in practice - reconciled formal rule application with strong patterns of party patronage and colonisation. At the same time, our review of the cultural dimension has shown a strong support for democracy in general. We have, however, emphasised that it can be difficult to discern what individuals and groups perceive as democracy. A closer look at the data can reveal inconsistencies and contradictions and point to majoritarian conceptions of democracy that can fail to integrate minority perspectives, universal human rights and the recognition of the role of (constitutional) courts in liberal democracies (Polak 2023).

This leads to the question of how deeply and in what way democracy and the rule of law are actually anchored in Austria. Until 2024, this question has mainly been discussed theoretically. However, when the FPÖ became the largest party for the first time, in the 2024 general elections, the risk of democratic regression within the existing constitutional system was seen as imminent and it became evident how much the understanding of rules depends on communication and background culture (Rauscher 2025). In the end, we could see that the majority of political parties could withstand the lure of illiberal conceptions of democracy and imminent risks of backsliding. It became evident that the Federal President could fulfill his role as a guardian of democracy and the constitution (Heinisch/Konrath 2022, 68), and that he had the backing of a broad segment of the public.

But it also showed how quickly democratic regression could unfold in Austria. Empirical social research can draw attention to individual trends, but in-depth studies for a comprehensive analysis are lacking. This leaves open the question of whether and which political, legal and social resources can be mobilised when parliamentary democracy and the rule of law are restructured within the formally unchanged constitutional framework. In this respect, the Austrian case, which we have only been able to sketch here,

can illustrate the many factors on which democratic stability depends and how quickly it can be weakened under certain circumstances.

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Appendix

A.1. Regression results (binary logit models)

	Model 1: Democracy best form		Model 2: Satisfaction with democracy	
<i>Female</i>	0.34**	(3.04)	-0.03	(-0.36)
<i>Age (ref.: younger than 30 y.)</i>	0.57***	(4.30)	-0.07	(-0.69)
30 to 44 years	1.19***	(8.31)	0.04	(0.37)
45 to 59 years	1.33***	(7.56)	0.26*	(2.36)
60 years or older				
<i>School leaving examination</i>	0.55***	(4.48)	0.32***	(4.02)
<i>Available money (ref.: always enough money)</i>	-0.12	(-0.74)	-0.21	(-1.94)
Need to think sometimes about spending	-0.53**	(-3.16)	-0.79***	(-6.89)
Need to think always about spending				
<i>Living environment (ref.: urban)</i>	-0.21	(-1.52)	-0.21*	(-2.17)
Suburban	0.07	(0.56)	-0.01	(-0.09)
Rural				
<i>Vote intention (ref.: ÖVP)</i>	-0.27	(-1.23)	-0.57***	(-4.26)
SPÖ	-1.17***	(-5.70)	-2.18***	(-15.26)
FPÖ	0.21	(0.72)	-0.13	(-0.74)
GREENS	-0.14	(-0.51)	-0.62***	(-3.54)
NEOS	-0.86***	(-4.24)	-1.32***	(-9.78)
Other	-0.59*	(-2.24)	-1.20***	(-6.93)
Would not vote				
<i>Interested in politics</i>	0.67***	(5.72)	0.49***	(5.64)
<i>Constant</i>	1.01**	(3.05)	1.32***	(6.17)
Observations	4,312		4,369	

Notes: t-statistics in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Greece under New Democracy Rule: A Case of "Liberal Illiberalism"?

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Introduction

Illiberalism and democratic backsliding are often associated with the effects of populists in power. A large literature shows that extended periods of populist rule result in weakening of independent institutions and erosion of democratic norms and procedures (Chrysosgelos et al. 2024). As a result, in Europe, the phenomenon of democratic backsliding is associated with the actions of governments under the full control of populist parties, a perspective particularly dominant in policy, journalistic and lay discourses. The paradigmatic case is Hungary under Viktor Orban since 2010, as well as Poland under the Law and Justice government between 2015-23 (Pirro/Stanley 2022).

In this chapter however we want to problematise whether democratic backsliding can only happen under populist governments. A sizeable literature argues that this is possible. Levitsky and Way (2012) claim that democratic norms can be undermined all the while the formal institutions of democracy remain intact under non-populist parties in power. Lührmann and Lindberg (2019) speak of a global wave of "autocratisation" that can equally emanate from pre-existing elites and implemented through legal and incremental means.

Despite the findings of this literature, the impression remains dominant in Europe that non-populist governments are generally "safe" for democracy, not least because such governments explicitly use this rhetoric against their opponents. This is particularly evident in the literature that critically analyses how the EU can be amenable to democratic backsliding in its member-states, yet its focus remains squarely on populist governments (Emmons/Pavone 2021; Kelemen 2020; 2022) The question then in the

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particular context of the European Union becomes even more specific: can explicit *anti-populism* actually lead to processes of democratic backsliding?

We explore the outlines of a tentative answer by looking at the case of Greece. Between 2015-19 Greece was ruled by a fully populist coalition of two parties of the populist left and right, prompting concerns among scholars and policymakers about the future of democratic rule (Matsaganis 2015). But while the SYRIZA-led government left a lot to be desired in terms of policy competence and quality of public discourse, it is arguably since the centre-right New Democracy party returned to power in a single-party government in 2019 that, according to NGOs and other authorities, media freedom, judicial independence and the independence of regulatory bodies have been suffering (European Commission 2024a, 19, 26). Can developments in Greece since 2019 then be seen through the lens of "backsliding" and "illiberalism"?

Rather than a clearcut answer, we aim to prompt a conversation about whether elements of illiberalism can be present even with explicitly anti-populist parties in power. The chapter discusses first the background leading to the current juncture of unchallenged single-party rule in Greece. Then it outlines developments, independent evaluations and data in recent years that constitute examples of illiberal backsliding. A conceptual section then discusses the implications of these findings for our understanding of illiberalism in Europe, pending more research and analysis, before the chapter concludes.

Historical and institutional background in Greece after the restoration of Democracy

In 1967, a group of Colonels of the Greek Army carried out a coup d' état and established a seven-year dictatorship, which marked the culmination of a period of "sickly" democracy (Nikolakopoulos 2001) dating back to the beginning of the Greek Civil War, in 1946. During this period, some parties were illegal, the executive was not determined solely through elections, and other non-democratically legitimised sources of power played a decisive role in the country, such as the Monarchy and the United States of America. The dictatorship ended in 1974, following an internal regime crisis caused by growing student dissent and, more importantly, the prospect of an imminent war with Turkey for which the Colonels were not prepared.

The transition to democracy, led by Konstantinos Karamanlis, Prime-Minister between 1955-1963 and founder of New Democracy center-right party in 1974, was swift and smooth. The Greek Communist party, which had been illegal since 1947, was legalised and participated in the election of 1974, as part of a coalition of the left. For the first time, the Greek political system was dependent upon its own internal dialectics (Voulgaris 2013, 185), and the government was decided exclusively through free and fair elections (Nikolakopoulos 2023, 30). At the end of 1974 the Monarchy was abolished following a plebiscite, marking the beginning of the Third Republic.

In terms of the format and dynamics of the party system that emerged after the restoration of democracy, it initially took the form of a polarised-assymetrical tripartyism, which soon developed into one of the most stable two-party systems in Europe until the economic crisis of 2010 (Tsirbas 2018, 221). During the crisis, the party system transformed into polarised multipartyism, in order to make a hesitant return to weak bi-partyism after the end of the crisis (ibid.). However, the come-back of bi-partyism did not last long, and, as described below, after 2023 the Greek party system is rather moving towards the predominant party type (Tsirbas 2024).

A central part for the democratisation process was played by the progressive Constitution of 1975. The constitution established a wide series of human rights and civil liberties and also granted extended powers to the President of the Republic. The Constitution of 1975 marked the beginning of a positive and constructive period of rule of law, and effective functioning of democratic institutions (Alivizatos 2015, 432). More specifically, it was a modernising constitution, which introduced the fundamental guarantees of human value and dignity, the freedom of personal development, and—pioneeringly at the time for Western Europe— it also ensured the protection of the environment (Kasimatis 2004). Moreover, the Constitution of 1975 was European-oriented, in the sense that while most European constitutions did not contain provisions allowing for the transfer of the necessary sovereign powers to the then European Economic Community and were forced at the last moment to amend their constitutions, Greece had already established such provisions as early as 1975 (ibid.)

Political background in Greece: From populist coalition to anti-populist one-party rule

The history of today's government in Greece in a way starts at the moment of the ruling party's lowest ebb, in 2015 when the centre-right liberal-conservative New Democracy (ND) lost the election to the populist radical left SYRIZA of Alexis Tsipras. The background of that election was five years of major economic crisis, as Greece was forced to implement a punishing austerity programme under the auspices of the EU and the IMF under threat of expulsion from the Eurozone. While ND was in opposition when Greece signed its first bailout programme under the socialist PASOK in 2010, it entered power in 2011 in a coalition with PASOK to implement austerity against huge popular reactions. The ND-PASOK coalition continued after the elections of 2012, when PASOK was supplanted as the major party of the centre-left by the anti-austerity SYRIZA.

In the 2015 elections ND, by then the one of the two major pre-crisis parties still standing after the collapse of PASOK, lost to SYRIZA. Tsipras created a fully populist governing coalition with the right-wing populist ANEL party promising to end austerity. In the end however, the SYRIZA-ANEL government was forced to sign a third bailout and austerity package which it proceeded to implement until 2018. During these years, the populist nature of the SYRIZA-led government and the provocative posturing of some of its ministers fed fears that it was a danger to democracy and part of the illiberal wave unfolding elsewhere.

In the opposition, ND reorganised under the leadership of Kyriakos Mitsotakis, who instituted a strategy of frontal opposition to the SYRIZA-ANEL government. Part of this strategy was to expose the populist government of Greece as a danger to democracy. A typical example of this discourse is former ND Prime-Minister Antonis Samaras's article in the Financial Times, where, among other things, he accused SYRIZA of "mounting an unprecedented attack on independent institutions and the rule of law", (Samaras, 2018). Anti-populism became a constitutive feature of ND's opposition rhetoric. This made sense for two reasons. First, SYRIZA was already suspect in the eyes of many international observers because of its past Eurosceptic and anti-austerity rhetoric. Second, its term in power coincided with the first global explosion in interest in populism, with the Brexit and Trump victories in 2016, and the rise of other populist parties. While SYRIZA was a party of the left, ND tried to frame its populism as a threat to democracy as much as that of right-wing populism. Thus, ND

positioned itself clearly in the camp of liberal democracy and international multilateralism (Chrysosgelos 2024).

In the 2019 election, ND returned to power with Mitsotakis as prime minister with an absolute majority of seats, albeit less than 40 percent of the vote. This was the beginning of an unprecedented period of political dominance that was extended after the 2023 election, when the party won again the absolute majority of seats in parliament with a larger vote share. Single-party governments had been the rule in Greece nearly 40 years after the re-establishment of democracy in 1974, so this alone was not a unique feature of ND's dominance.

What was new was the combination of single-party government together with a generalised impotence and fragmentation of most major opposition parties; the deep connections and support to the government by almost all mainstream media that had been heavily anti-SYRIZA previously; and the ND government's positive relations with Greece's international partners and Euro-Atlantic institutions. As both domestic elites and Greece's allies closed ranks around Mitsotakis' government after the SYRIZA interlude, most of the internal and external checks that usually applied to a Greek government were weakened. This became accentuated after the 2023 election, when SYRIZA fully collapsed and ND remained as the dominant party of the Greek party system, with no other party currently able to pose any serious challenge or governing alternative.

Thus, the Greek case since 2019 presents a paradox. On the one hand, a party is in power whose formal ideology, discourse and governing style is explicitly anti-populist and, indeed, opposes illiberalism and even presents itself as guarantor of liberal democracy. On the other hand, all the other structural conditions are there that, with the exception of populist ideology, would normally appear as a major risk for democracy in Greece: unchallenged one-party rule, favouritism of most media to the government, and weak external constraints, which have proven unable to halt backsliding even of explicitly illiberal governments (Emmons/Pavone 2021; Kelemen 2020). Could this environment be conducive to illiberalism in Greece?

Indices: Measuring backsliding in Greece

We start by presenting various measurements by international bodies on quality of democracy in Greece. According to one of the most reliable relevant indices, the liberal democracy index (LDI) of the V-Dem project,

Greece is now reduced to an “electoral democracy”. This means that it used to be a liberal democracy, but has experienced democratic backsliding, resulting in the loss of some liberal features (Nord et al. 2025, 13). In an electoral democracy free multiparty elections for the executive continue to exist, however there are not sufficient levels of some fundamental requisites, such as freedom of expression (ibid.). Greece ranks 49th in the LDI, being third from last among the EU countries (ibid., 62). As reported in the same index, in 2024 Greece was the second most rapidly autocratising country in the world, trailing only Hungary (ibid., 23). Greece’s ongoing “episode of autocratisation” began in 2019 (ibid., 13).

Along the same lines, based on the findings of yet another monitoring institution, the Democracy Matrix, Greece, after 2021, shifted from a “working” to a “deficient” democracy (Lemm et al. 2022, 4). According to this index, the decline in the quality of democracy began in 2019, when it returned to levels last seen in 1981, and continued to deteriorate each year until 2023, reaching its lowest point since 1975, just one year after the restoration of democracy (Democracy matrix n.d.). According to the Economist’s Democracy Index, things look slightly less pessimistic for Greece: it lies on the 25th place out of the 167 countries assessed and it is the lowest-ranked “full” democracy (Economist Intelligence Unit 2025, 16). The weakest aspect of Greek democracy, according to this particular index, is the functioning of government (ibid.). In relation to the above, Greece ranks 59th amongst 180 countries and 22nd amongst the 27 EU countries on the Corruption Perceptions Index (CPI) as indicated by the latest data from Transparency International (CPI 2024).

Regarding public opinion on relevant issues, in response to the question regarding “satisfaction with the way democracy works in your country”, Greece is in the last place amongst EU countries, with 71 percent of Greeks stating that they are not satisfied (European Commission 2024b). The EU average for the same question is 44 percent (ibid.). This means that Greece’s democratic backsliding is widely perceived by Greek citizens as well and it is not something only experts can discern.

There is *prima facie* evidence then that the period of ND in power has coincided with weakening of democracy in Greece. The next step is to explore whether these indices and measurements are reflected in developments on the ground. If one were to isolate the main dimensions of Greece’s democratic backsliding, the weakening of the rule of law and institutional checks and balances on the one hand, and the waning of media pluralism on the other, would be the two most significant ones. These

dimensions are connected to some of the most important developments in Greece in recent years.

Rule of law, institutional checks and balances

Wire-tapping scandal

In August 2022, Prime Minister Mitsotakis publicly admitted that the Greek National Intelligence Agency (EYP) had been wiretapping the president of the opposition party Panhellenic Socialist Movement (PASOK) and then-member of the European Parliament, Nikos Androulakis. More names of politicians, ministers of Mitsotakis' own government, journalists, and active military heads were later leaked as wiretapping targets (Samaras 2022). One of the first decisions of the newly elected ND government in 2019 was to move EYP directly under the control of the Prime Minister, making his political responsibility for its actions unquestionable, although he did not assume it and insisted that everything had been done legally. Nevertheless, Panagiotis Kontoleon, the head³ of EYP and Mitsotakis' chief of staff (and nephew), Grigoris Dimitriadis, both resigned immediately afterward. At exactly the same time, the illegal Predator spyware -banned in the EU- was planted on the phones of some of the same people. Hence, an investigation was launched.

However, Greek authorities ended the investigation without any significant actors being held accountable. The government allegedly interfered with several aspects of the inquiry (Samaras 2025). The whole process was sped up and the opposition accused the government of a cover-up (Samaras 2022).

More specifically, Freedom House, the independent watchdog organisation for democracy and human rights, stressed that the Greek government and high-ranking judicial officials repeatedly attempted to hamper investigations into the wire-tapping case (Freedom House 2024). In particular, the Supreme Court prosecutor asserted that the Hellenic Authority for Communication Security and Privacy (ADAE) did not possess the legal competence to carry out audits of telecommunications providers aimed

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- 3 One of the first legislations that the ND government passed after winning the election of 2019 was the removing of university degree as a necessary qualification for the position of EYP director, in order for Kontoleon, who did not have a university degree at the time, to take the position (Law 4622/2019).

at identifying individuals under surveillance, nor is it entitled to handle citizens' inquiries regarding potential monitoring. This was a direct undermining of ADAE's constitutionally granted powers.

Furthermore, shortly before ADAE was expected to issue a fine against EYP, the intelligence agency, the speaker of Parliament replaced two members of the ADAE board and promoted another member. The new board did not move forward with the fine and refused to comply with an investigating prosecutor's order to verify whether the individuals targeted by Predator were also being monitored by the EYP—a connection that would strongly implicate the intelligence service, and by extension the prime minister who oversees it, in the illegal Predator surveillance operation (Freedom House, 2024). Additionally, the President of the Hellenic Data Protection Authority (HDPa) confirmed that around 300 text messages linked to Predator spyware had been sent to approximately 100 devices. Meanwhile, the President of ADAE reported that the agency had investigated multiple complaints, uncovering two confirmed cases of Predator use and identifying a bank account number associated with the individual behind the fraudulent messages. The owner of that bank account was not called immediately for interrogation and when he was finally asked for explanations, his excuse that he had lost his credit card and that someone else used it was accepted as credible.

What is more, the parliamentary committee set up to probe the surveillance of political figures effectively undermined its own investigation by shielding crucial actors—such as spyware vendors—from questioning and enabling witnesses to stonewall behind the secrecy provisions of the national intelligence service (Kaitatzi-Whitlock/Moutzouridis 2025, 184). For example, neither the head of EYP or the PM's chief of staff ever testified before the committee. Many of the people involved in this case belong to Mitsotakis' close circle (European Parliament 2023).

In the beginning of 2022, before the "Greek Watergate" scandal erupted, the European Parliament had already set up the PEGA committee to investigate the findings of the Pegasus Project, a collective of investigative journalists, NGOs and researchers, which revealed that thousands of phones in the EU had been targeted with Pegasus, another illegal spyware. Most European countries had bought some kind of spyware for security purposes; however, that spyware has been misused in several Member States for overtly political aims, specifically to target critics and political opponents of ruling parties (European Parliament 2023). PEGA turned its attention to the Greek case soon after it surfaced, also sending a joint mission to Greece

and Cyprus. The concluding remark of its report states that “the highest political leadership in the country use spyware as a tool for political power and control, in some cases in parallel or after legal interception” (European Parliament 2023).

After the scandal, the Greek government passed a new law which, according to PEGA, moves in the opposite direction of what is needed, incorporating provisions that undermine safeguards, reduce oversight and accountability, and clash with the established jurisprudence of the European Court and the European Charter of Human Rights (paragraph 176). Overall, the way the PM and the Greek government handled the wire-tapping case, “making a sham” (Samaras 2022) of the inquiry into the issue signaled a departure from democratic accountability, one of the essential prerequisites of liberal democracy.

The Tempe train accident

Just three months before the election of May 2023, a devastating train accident occurred in central Greece, in the area of Tempe, killing 57 people—many of them university students—and exposing long-standing issues within the public sector, along with specific failings attributed to the ND government, as well as previous ones. The accident happened when two trains -one carrying passengers and one commercial train- collided head on. The tragedy ignited widespread protests and demonstrations, particularly among young people, rallying around the slogan “Pare otan ftaseis” (“Call me when you arrive”). Despite the public outcry, the accident did not affect the voting behavior of young people or the electoral outcome in general (Tsirbas 2024). In the aftermath of the tragedy the Minister of Transportation, Kostas Karamanlis, resigned. However, he was officially a candidate in the forthcoming election and was elected as a member of parliament.

However, the poor handling of the accident and the subsequent investigations by the government and relevant authorities, the complete lack of progress in improving railway conditions and safety, combined with the ongoing efforts of victims’ relatives to find out what really happened, resulted to a growing list of unanswered questions and a new wave of protests in the second anniversary of the accident, in 2025. The most massive demonstrations in 50 years took place (Conradi 2025) and the government began to lose significant ground in popularity.

Here, we will not address the causes of the accident -whether one of the trains involved was illegally transporting flammable materials, the level of responsibility of the stationmaster -whom the Prime Minister rushed to put all the blame on immediately after the accident, or any other questions pertaining to this tragedy⁴. Our aim is to identify whether aspects of the case's handling *after the accident* reflect illiberal tendencies, such as lack of transparency, disregard for democratic accountability, and indications of cover-up efforts by the government and the judiciary.

Soon after the accident, the Greek parliament formed the Tempe Train Collision Commission to investigate the causes of the tragedy. However, the government put in charge of the committee an MP, Dimitris Markopoulos, known for his provocative behavior. He made a mockery out of the committee's proceedings, infuriating opposition MPs and the victims' relatives with his comments, refusing to call key witnesses, like the minister of transportation at the time of the accident or the head of the train drivers' union, who had issued official warnings about the deteriorating state of the Greek railway and the looming possibility of an accident (Naftemporiki 31/1/2025).

The committee failed to reach any substantive conclusions, effectively shelving the case, which led to accusations of a cover-up by the opposition. Shortly after the committee concluded its work, a cabinet reshuffle took place and two members of the committee were appointed as ministers. Markopoulos then publicly stated that the "committee brought good luck to its members", a remark for which he later apologised. Even the Prime Minister admitted, after the issue resurfaced, that this particular committee was "not parliament's best moment" (The Prime Minister of Greece, 2025). In general, the state's initial response to the tragedy revealed several rule-of-law failings according to Human Rights Watch (2025).

Investigations conducted by victims' families and independent bodies found that authorities cleared debris from the crash site within hours of the incident, including human remains, which were reportedly discarded along with tons of earth in a remote location. These actions raised allegations of evidence manipulation and possible interference with the course of justice (Human Rights Watch 2025). Furthermore, in December 2023, the Greek government refused to pursue charges brought by the European Public

4 For instance, the Hellenic Air and Rail Safety Investigation Authority (HARSIA) released a report in February 2025, https://www.harsia.gr/wp-content/uploads/2025/02/EODASAAM_Accident_Investigation_Tempi-1.pdf

Prosecutor's Office against 23 individuals, including ministers of both ND and the previous SYRIZA government, regarding the poor implementation of Contract 717, which concerned, *inter alia*, the installation of missing safety systems (Lavelle 2025).

At the beginning of 2025 issues of transparency, justice and corruption emerged as the second most serious problem facing the country, according to opinion polls, trailing only inflation (Prorata 2025). In another survey, 81.1 percent of respondents expressed skepticism that the Greek government had taken all necessary steps to fully uncover the truth about the disaster (Tovima.com 2025). Moreover, 68 percent of Greeks believed that justice would not be served regarding the Tempe tragedy, while 74 percent were not satisfied with the way the Greek justice system handled the case (Prorata 2025). Negative public sentiment surrounding the accident began to take a toll on the government and the Prime Minister's popularity, which dropped to its lowest levels since coming to power, according to all available polls (Dimoskopiseis.gr n.d.).

Following the government's declining popularity, the large demonstrations and the widespread public demand for answers, the Greek parliament established a new committee two years after the accident to carry out a preliminary inquiry into whether then-Deputy Minister to the Prime Minister, Christos Triantopoulos, obstructed the crash investigation by allegedly hastening the removal of debris and interfering with the crash site. Nevertheless, in a tactical maneuver, the committee abruptly ended its proceedings, citing the need to allow for a proper trial. This, however, prevented all the public hearings that would have taken place, including those involving ministers and experts. A similar approach will likely be followed for the former minister of transport, Karamanlis, should he be indicted.

In parallel, the Greek government lobbied intensely to secure the Transport portfolio in the European Commission, and succeeded, with the support of the European People's Party. Some view the appointment of a member of a ruling party accused of grave failures in public transport to be an attempt by the Greek government to control pending investigations (Michalopoulos 2024). Others go further, asking whether the Greek government appointed "a wolf to guard the sheep" (Athenslive 2024). In any case, there is strong evidence that the pattern of attempted cover ups and poor due process of investigation and administration of justice was also manifest in the Tempe train accident case of March 2023.

Shrinking media pluralism

Liberal democracy depends on the media capacity to provide citizens with access to diverse information sources and to facilitate their participation in public debate—thereby tying media function directly to the protection of freedom of expression (Tsirbas et al. 2022). The European Convention on Human Rights stipulates that everyone has the right to freedom of expression, including the freedom to hold opinions and to receive and impart information and ideas without interference by public authorities (Council of Europe, 1950, 12). Moreover, according to Article 15 of the Greek Constitution, radio and television are subject to the direct control of the State, which is exercised with the aim of ensuring objective and equitable transmission of information and news (Hellenic Republic 2008).

Globally, the effort at censoring the media is governments' preferred "weapon of choice" against democracy and the top declining democracy indicator (Nord et al. 2025, 28). In Greece, there is a widespread perception that print and electronic media function in an environment of subtle self-censorship, where critical journalism is often sidelined or suppressed (Kaitatzi-Whitlock/Moutzouridis 2025, 178).

In 2020, the Greek government extended direct financial support to selected media outlets using resources from both the State Aid Covid Temporary Framework and the national budget (Giosa 2023). However, the process by which these funds were distributed lacked transparency and was marked by inequality and disproportion. Prominent media organisations were excluded entirely, while obscure or virtually inactive outlets received substantial sums (Giosa 2023) in what became known as the "Petsas list" scandal, named after the Deputy Minister to the Prime Minister and Government Spokesman Stelios Petsas who administered the funding. According to an independent journalistic investigation, less than 1 percent of these funds were allocated to media outlets that were not supporting the government (The press project 2020). A Media Freedom Rapid Response report by the European Center for Press and Media Freedom—backed by the European Commission—deemed the Petsas list scandal as paradigmatic of the lack of transparency regarding state advertising in Greek media (ECPMF 2022).

Notably, the Greek National Transparency Authority declined to investigate the case (European Parliament, 2023). Furthermore, the parliamentary investigation committee which was established following a proposal by the opposition in November 2021 concluded its work without producing any

significant results (Hellenic Parliament, 2021). Remarkably, not even Stelios Petsas, the minister after whom the scandal was named, was called to testify in the committee because government MPs blocked his subpoena (Hellenic Parliament, 2021).

In addition, the mission report from the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament warned that media pluralism in general is under serious threat in Greece (European Parliament 2023). The ECPMF report also highlighted a general lack of political will in Greece to safeguard journalistic freedoms, especially regarding coverage of demonstrations and migration. The report concluded that Greece fails to comply with any relevant recommendations issued by the European Commission (ECPMF 2022).

Furthermore, according to the latest available data from the National Council for Radio and Television, the independent broadcast media regulator in Greece, during the period leading up to the May 2023 election, ND received, on average, 58.4 percent of the time allocated to political parties in TV political news in the seven TV stations with national coverage (NCRTV 2023). In the election of 2019, ND had taken 39.9 percent of the votes.

In the 2025 World Press Freedom published by Reporters Without Borders, Greece places 89th amongst 180 countries and, once again, it is last among EU countries (RSF 2025). On the political indicator, which, *inter alia*, measures the degree of support and respect for media autonomy vis-à-vis political pressure from the state or from other political actors, and the degree of support for the role of the media in holding politicians and government to account, Greece ranks 94th (RSF 2025). On the economic indicator, which, among other things, measures issues such as favouritism in the allocation of state subsidies, and media-related corruption, Greece lies in the even more depressing 124th position (RSF 2025).

In addition, Greece has a long-lasting interconnection between large corporations, traditional business families, the government, and media companies. There is also a high level of media concentration (Tsirbas 2015) and cross-ownership between state-contracting companies and media enterprises, which fosters collusive practices between media and non-media interests (Koutsobinas 2018).

It is evident from the above that media pluralism in Greece is rapidly declining. The constitutional provision for impartiality and balance is not upheld. Moreover, the role of the media as watchdogs of democracy is increasingly weakened, aside from a few notable independent journalism efforts. This ongoing erosion of media pluralism and freedom significantly

contributes to the broader illiberal turn in Greek politics in recent years and clearly facilitates the erosion of rule of law as described above.

Discussion: A case of "liberal illiberalism"?

The data presented above confirms that, as argued in a large literature, democratic backsliding and institutional erosion do not necessarily flow directly from populism. Developments in Greece then may fit the pattern of "constitutional retrogression" (Huq/Ginsburg 2018), where institutions remain formally intact but progressively lose their ability to substantially check executive power. What is interesting in the case of Greece however, which challenges a number of latent assumptions in large parts of the literature, is that this kind of soft backsliding, captured in various international measurements, only started *after* a populist government was replaced by an explicitly anti-populist one.

We thus go beyond the insights of both the populism and illiberalism literatures in arguing that, paradoxically, it is in post-populist moments – periods after the entry and then exit from power of populist governments – that *anti-populist* governments can present control of institutions by liberal/mainstream parties as safeguarding democracy as a whole, thus legitimising crucial dynamics of backsliding. In conditions of single-party rule, general impotence of the opposition and a helpful attitude or non-interference from a country's international partners like the European Union that normally should be concerned with signs of backsliding, illiberal tendencies may start unfolding in all but name.

Without adding further to the complexity of the democratic backsliding lexicon, we believe therefore that the concept of *liberal illiberalism* we propose here captures more accurately developments in Greece. Liberal illiberalism is a particular phenomenon that distinguishes both the nature of its actors (explicitly and self-declaratory anti-populist governments) and the particular kind and degree of meddling with institutions. Rather than full control of liberal institutions of democracy that we see in typical illiberal regimes, liberal illiberalism maintains the form of liberal democracy while corrupting its spirit. And rather than a neutral level playing field for party competition, under liberal illiberalism liberal democracy and its key gatekeepers – the media, international institutions, technocratic, independent authorities – become partial to the parties that self-pronouncedly „protect“ it.

The case of Greece highlights how liberal illiberalism has a soft/cultural (as opposed to populist illiberalism's hard/institutional) ability for control. Media dominance for instance comes without any direct government interference but rather as a result of the bulk of mainstream media's closing ranks around the main anti-populist party as the best guarantee against dangerous anti-systemic forces. Coupled with public media's control by the anti-populist government, this results in an organic liberal media monopoly.

International acquiescence of official public institutions (as opposed to NGOs and other monitoring agencies) similarly emerges naturally, as a result of these institutions' fixation on populist illiberalism and their natural preference for mainstream parties in power. While international actors like the EU should monitor backsliding under governments of all shapes, the case of Greece demonstrates how the intensity of this against non-populist governments is by definition weaker. Emmons and Pavone (2021) have shown how populist backsliders have been successful in deflecting EU criticism and countermeasures by discursively appropriating and deploying the EU's own norms and values to their benefit. One can imagine how much easier and natural the normative fit is between the discourse of an anti-populist backslider and the EU, resulting in the latter failing to take action either unconsciously (because it cannot fathom that an anti-populist government backslides) or, worse, consciously if it considers such governments important strategic partners that must be sheltered from any criticism.

Conclusion

Despite being ruled by an explicitly anti-populist party since 2019, Greece has exhibited in this period important signs of democratic backsliding. Even though they do not directly threaten the openness and competitiveness of party competition – arguably the opposition's dire state right now in Greece is more responsible for this – these developments fit many aspects of illiberalism. We propose the concept of liberal illiberalism as a first contribution to a debate about the different natures of illiberalism. As we show, conducive conditions like single-party rule, the weakness of the opposition, media favouritism and a soft attitude by international institutions all provide opportunities for governments of even liberal complexion to engage in illiberal practices. Further research can shed light on whether

Greece is a unique case of this phenomenon in Europe – the long tail of an equally unique economic crisis experienced by the country in the previous decade – or whether it is present in other countries as well.

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Democratic Backsliding in the Czech Republic: Looming Danger or Distant Menace?

The Story of “Soft Backsliding” as a Czech Phenomenon

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Introduction

The Czech Republic has often been portrayed as an example of a Central European country that is relatively resilient against the perils of democratic backsliding; at the same time, it has often been claimed that, despite the country’s seeming stability, it is prone to the same type of democratic backsliding that has occurred in a number of countries in its neighbourhood, such as Hungary and Slovakia. This ambiguity clearly reflects the divergent interpretations that can be made of the Czech political developments, and the uncertainty of existing scenarios for their likely future trajectories. This chapter aspires to show that, while there have so far been no palpable steps that would bring the Czech Republic closer to the experience of some of its neighbours, we can identify deep divisions within Czech society, with some segments of the public being obviously distrustful of, or even hostile to, democratic institutions and procedures.

There is a burgeoning literature dealing with democratic deficiencies in the Czech Republic and with those features of its political system that may be seen as risky for the survival of democratic politics and institutions. Of these, Bušíková and Guasti (2017, 2019), Hanley/Vachudova (2018), Havlík (2019), Guasti (2020), and Roháč (2023) are the most relevant for this chapter. It in part builds on these sources but, given its limited extent, and instead of an in-depth focus on the specific elements of Czech politics associated with the perils of democratic backsliding, it will attempt to provide

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an overview of processes and actors that could steer the Czech Republic down the road towards failed democracy.

1. Effects of the political and electoral system

As declared in Article 68 of its Constitution, the Czech Republic represents a typical example of a parliamentary regime, associated with a strong proportional electoral system. Given this framework, it comes as no surprise that the political views and attitudes of the electorate have been represented by a relatively high number of political parties, and that Czech politics have traditionally displayed obvious centripetal tendencies. The basic principles of the Czech political system, which is built on a robust system of checks and balances, play an important role here.

The Czech political system is ultimately based on the Constitution, adopted on 16 December 1992, just two weeks before the emergence of the Czech Republic as one of Czechoslovakia's successor states. Conspicuously enough, while the Constitution itself does not incorporate specific provisions for human rights, these are extensively provided for in the Charter of Fundamental Rights and Freedoms, which is a part of the so-called Constitutional Order of the Czech Republic and can be seen as of equal relevance and legal strength as the Constitution. Such a strongly enshrined presence of human rights in the Czech constitutional order can thus be perceived as one of the elements contributing to the democratic resilience of the Czech political system.

Czech law-making, as established by the Constitution, rests on a bicameral structure as it consists of the two chambers of Parliament: the Chamber of Deputies and the Senate; this, given the very homogeneous ethnic, regional, and social character of Czech society, in itself constitutes quite an unusual feature, since the Czech Republic can be seen as a perfect case of a unitary state (see e.g. Just/Charvát 2022). As regards real powers, the Chamber of Deputies clearly dominates the Senate, whose powers are rather supervisory in character. The government, as the main representative of executive power, is only accountable to the Chamber of Deputies, whose support is necessary for the government to properly perform its constitutional duties. The Chamber is supposed, once the government is appointed by the President, to take the vote of investiture, and the government needs – at least formally since, as we will see later on, the Czech Republic experienced several cases of minority governments – to win an

absolute majority of the deputies present during the vote to gain the confidence of the Chamber so that it can start acting in a permanent manner.

The two chambers of the Czech Parliament have a substantially different structure: while the Chamber of Deputies consists of two hundred members who are elected every four years through a proportional system, the Senate has 81 Senators elected through a two-round majoritarian system for a six-year-period, with one third of the Senators being elected every two years. The impact of this arrangement is obvious: the Chamber of Deputies can in each election undergo an extensive transformation of its membership and its legislative work can be heavily dependent on the existing distribution of deputies across political parties; the Senate, on the other hand, is a very stable body whose member structure changes only gradually. Moreover, it tends to diminish the influence of more extreme parties insofar as they mostly fail to win seats under the majoritarian system.²

Despite the stabilizing role of the Senate (which, however, can only impact the legislation produced by the Parliament), there is a specific feature that can be seen as a possible source of political malfunction. The combined effects of the electoral system and distribution of electoral preferences of the Czech public have often resulted in very fragile governments: since the establishment of the independent Czech Republic in January 1993, the country has had sixteen governments, out of which only seven, including two caretaker governments, enjoyed at least relatively strong support in the Chamber of Deputies (i.e. 105 MPs or more), while the remaining nine governments either relied on the slightest possible majority of one vote (3) or were minority governments (6). Moreover, three of these governments failed to win the vote of confidence in the Chamber and, thus, served only for a limited time (Balík et al. 2017, 119-125). Such fragility clearly limited the ability of a substantial number of Czech governments to implement any far-reaching reforms that could potentially contribute to improving the resilience of Czech politics against anti-democratic trends; conversely, their instability could help generate dissatisfaction among some segments of the electorate due to the perceived inaction of the government and its limited responsiveness to public needs. To summarise, as Balík et al. (2017, 118) put it, “(t)he main causes of government instability are weak backing from the

2 We must not forget an important feature that can be found in the special link between the Senate and the Constitutional Court: as noted by Just/Charvát (2022, 175), “another feature contributing to the slightly stronger powers of the Czech second chamber is the legitimisation of the Constitutional Court Justices who are confirmed by the Senate, i.e. institution that does not legitimize the executive”.

Chamber and, above all, the heterogeneity of government coalitions, which are often made up of parties that are ideologically diverse. This complicates their ability to communicate, to agree on a common program, and to implement their policies. The fact that, as a rule, government coalitions are made up of three parties [*or even more as of the last election – author’s comment*], does not make it easy to coordinate government activities.” Moreover, “(t)he position of the government is weak in part because the constitution has not endowed it with instruments that would allow it to influence the agenda of the Chamber, the rate at which individual items are debated or the manner in which the Chamber deals with government bills. There is no need to seek the government’s approval of amendments made to bills, and the government has no power to close a parliamentary debate” (Balík et al. 2017, 119). Clearly, the quality of Czech politics is significantly affected by the workings of its party system.

2. Parties, partisanship, and issues of agenda-setting

As already mentioned, the Czech Republic is a perfect example of a traditional parliamentary system with, moreover, the conspicuous prevalence of political parties as major actors within the system. In other words, the Czech political system can be characterised by the dominance of legislative over executive power, and the Chamber of Deputies as an arena through which political parties can focus on addressing their voters. However, Czech partisanship naturally constitutes a much more diverse and contradictory phenomenon. Since the fall of the communist regime in November 1989³, public attitudes towards political parties have evolved in two strikingly different ways: on the one hand, followers of the classical approach understand political parties as indispensable and as the most efficient tools for mediating citizens’ political will and translating it into real-world policies and legislation, while on the other hand, a section of the electorate tends to display a more or less negative attitude towards political parties which they perceive as obsolete, dysfunctional, or even elitist. Two types of sources infuse this latter attitude towards political parties: first, the very notion of party and partisanship has often been linked to the period

3 It is to be noted that the processes discussed in this chapter began before the emergence of the independent Czech Republic, meaning that the developments prior to November 1989 must also be taken into account.

of communist rule and to the communist party, when the word “party” was synonymous with communist dominance; and the formative impact of this memory cannot be underestimated, even if it has weakened over time. Second, another source can be found in the rise of populism, which came to be increasingly obvious in the Czech politics after 2010.

Of these two distinct sources, it is the latter that predominantly shapes the current party landscape and the public preferences on which it is based. The 2010 election for the Chamber of Deputies initiated substantial changes in the structure of the Czech party system, and opened the door to populist parties which have since then begun to play an important role. Starting in the early 1990s, the Czech party system seemed to be on the -windy, difficult, but persistent - road towards consolidation, characterised by regular alternation between center-right and center-left governments dominated by the liberal-conservative Civic Democratic Party (Občanská demokratická strana, ODS) and the Czech Social Democratic Party (Česká strana sociálně demokratická, ČSSD); the 2010 election not only massively reduced the electoral support for the established parties but also saw the electoral success of Public Affairs (Věci veřejné, VV), the first populist party to manage to gain seats in the Chamber of Deputies. Nevertheless, Public Affairs, which “defined themselves in opposition to established parties, whom they accused of incompetence and corruption” (Balík et al. 2017, 174), quickly fell into disrepute, paradoxically due to the same extensive corruption it had claimed to be fighting, and basically evaporated within a year. However, this was just a beginning. That same year another party (or, as it has described itself, a movement⁴), ANO2011 (its full name is Action of Dissatisfied Citizens, but it is generally known by its acronym), was founded by the billionaire Andrej Babiš and quickly turned into one of the most popular parties in the country. In a clear reference to negative perceptions of politics, ANO2011 “presented Babiš and itself as a ‘non-political’ alternative” (Balík et al. 2017, 174) and Babiš himself earned extensive attention for his claim that he would run the state as “a business firm”⁵. The emergence of populist parties was further cemented by snap elections for the Chamber of Deputies in 2013, which completely eliminated the previously dominant distribution of power across the Czech party system, relegating ODS into

4 All Czech populist parties insist on being presented as “movements” rather than “parties”, thus trying to show their difference from the traditional parties which they frequently label as elitist.

5 For a telling interview with Babiš in which he first used this term, see Němec (27.10.2012)

a minor party and turning ANO2011 into the second most successful force. However, ANO2011 was not the only populist party to succeed: another brand new party, Dawn of Direct Democracy (usually called only “Dawn”, *Úsvit přímé demokracie*), established by the Czech-Japanese businessman Tomio Okamura, not only represented another example of a populist party but was also the first representative of the extreme right to gain seats in the Chamber since the mid-1990s. Its emergence and electoral success thus clearly contributed to the rising wave of populism which has since then helped to create deep dividing lines among the Czech public.

Changes brought about by the 2013 snap election would not in themselves be sufficient to turn populism into a major force; rather, they were just the first indications of a larger transformation in the Czech politics, evidenced by subsequent elections in 2017 and 2021. The 2017 election confirmed the deep structural transformation already evident four years previously, as ANO2011 won by a huge margin with almost 30 per cent of the vote, thus becoming the only big party in the country. Dawn, which had suffered from deep internal frictions, fell apart and was replaced by the Party of Direct Democracy (*Strana přímé demokracie*, SPD), also founded by Tomio Okamura and with policies very similar to those of Dawn. The two parties' success was not, however, the only sign of the party landscape's ongoing transformation: ČSSD suffered the same fate as ODS in 2013, having been turned into a small party, and there was a further increase in fragmentation as nine parties managed to gain seats in the Chamber, a record high number since the mid-1990s. Such profound shifts created a less predictable environment and, thus, more space for political populism: with the accession of a government headed by Andrej Babiš, appointed in the aftermath of the election, this came to be an increasingly obvious and strong strand in the Czech politics.

Divisions in the Czech public's political attitudes, epitomise by the rise of populist parties, came to be very apparent after the 2017 election and were further aggravated by the COVID-19 pandemic. Under the premiership of Andrej Babiš, the Czech government quickly resorted to very restrictive policies which more often than not went significantly beyond constitutional rules, dramatically affecting human rights and creating new cleavages. Society, already heavily polarised by a migration crisis in the mid-2010s and by the impact of a hybrid war which made it increasingly clear that Russian and Chinese interests are embedded in some segments of the Czech public, responded by literally falling apart into two distant sections that can be

labeled as “populists” and “liberals”⁶, however loose such labels are. This condition was made manifest in the 2021 elections for the Chamber of Deputies, in which most of the parties belonged to these two opposite camps: while “populists” were primarily represented by ANO2011 and SPD, but also by a number of smaller parties which failed to gain seats in this election, “liberals” were ultimately grouped in two broad coalitions, one consisting of traditional parties including ODS, the other constituted by two newcomers⁷. While the “liberals” won the election, the results made it clear that the two camps are almost equal in terms of public support, and that the victory of the “liberals” was to some extent accidental⁸.

The current condition of the Czech party system has not changed much since 2021: there still is a yawning gap between the two camps, and the most recent developments indicate that “liberals” are likely to experience hard times in the run-up to the 2025 election for the Chamber of Deputies. Results of the 2024 European elections⁹ point to a weakened position of the incumbent government, and to the somewhat surprising ability of some parties, which currently do not enjoy parliamentary status, to mobilise new voters and possibly reinforce the anti-governmental camp in 2025. Antagonistic attitudes that can often be observed in the relations between the two camps, are expected to persist and even gain strength regardless of the election results, thus constituting a fertile soil for manipulation, which could affect the quality of democracy in the Czech Republic.

3. Media and judiciary as elements of the Czech politics

While neither the media nor the judiciary directly shape the political arena, they have an evident and relevant influence on political actors’ interactions and on normative limits to their actions and behavior. In the Czech Republic, although both the media and the judiciary can be considered to be

6 These labels are used to briefly define dominant political attitudes and, as such, should be seen as significantly simplified categories.

7 The former, called Together (“Spolu” in Czech), consisted of ODS, KDU-ČSL (The People’s Party), and liberal TOP09 (27,79 percent), while the latter comprised the Czech Pirate Party and Mayors and Independents (15,62 percent).

8 Three parties, including both traditional leftist parties (ČSSD and the Communists), failed to get over the five per cent threshold and gain seats in the Chamber, all of them by a relatively tiny margin. Altogether, an unusually high number of almost one million votes was cast for parties that remained below the threshold.

9 For the results see e.g. <https://results.elections.europa.eu/en/czechia/>.

free from state control, this does not mean that there cannot be cases of attempted interference by political parties or individual politicians. Of these two spheres, the judiciary can be considered the most stable and resilient. With respect to judicial structure, the courts of general jurisdiction do not play any relevant role in the political system; however, the Supreme Administrative Court and especially the Constitutional Court can be seen as major actors since their decisions can significantly affect political mechanisms. The Supreme Administrative Court of the Czech Republic has jurisdiction over elections – including local referendums – and political parties, and can, for example, dissolve a party that does not conform with the legal requirements of political activity, be it in formal terms or with regard to illegal behavior. The Supreme Court also decides on complaints against election results and procedures; however, no case has yet occurred that would result in the substantial alteration of results announced by the Czech Electoral Commission. Even if the Supreme Court can be seen as an important body, it is the Constitutional Court that undoubtedly is the most powerful court in the country.

3.1 The Constitutional Court as a guardian of democracy

The Czech Constitutional Court is, in Kühn's (2021) words, "one of the strongest constitutional tribunals anywhere in the world" as it is endowed, *inter alia*, with the power to conduct judicial review of the laws passed by the Parliament, and its decisions are final and cannot be overturned. Unlike the Supreme Administrative Court, the Constitutional Court can thus make more impactful decisions as it is designed to verify the conformity of legal norms with the Czech constitutional order and can therefore annul any norm that it finds unconstitutional. In this sense, its decisions play a similar role to that of precedents in the Anglo-Saxon common law legal systems. The most fundamental basis of the Court's fervent independence can be found not only in its powers but also in the procedure through which its judges are appointed. The Court's fifteen judges are appointed for a ten-year term, renewable once. The appointment is made by the President of the Czech Republic but is subject to the Senate's approval, which guarantees a strong element of impartiality in the selection and decision-making process, and gives the Court a high degree of resilience against any attempt to interfere with its agenda and decisions.

Another important feature of the Court's role in the Czech politics is its activism: it is not exceptional for the Court to interpret and implement the Constitution in a way that interferes with high politics and political decisions in both the legislative and executive branches. As Smekal et al. (2021, 1231) argue, the Constitutional Court actively interfered in political issues related for instance to the electoral system starting in the early 2000s, i.e. well before the advance of populism. However, the Court has kept to this course even after Andrej Babiš became Prime Minister in 2017 and populism appeared to be rampant in the Czech society. The most conspicuous case occurred in 2021, just eight months before the election for the Chamber of Deputies, when the Court substantially altered elements of the electoral system which it found to be in conflict with the constitutional principle of proportional representation (such as the threshold for electoral coalitions, which it annulled), thus making it clear that “the Court is not afraid to issue far-reaching judgements that might invite the ire of (populist) top political figures” (Smekal et al. 2021, 1239). It seems clear that, despite changing tides and ever stronger divides in the public mood, “the Court continues to perform its function as a check on other branches and contributes to preventing further backsliding” (ibid., 1245).

3.2 Media landscape and its political controversies

While the Czech Republic regularly ranks among countries with a high level of media freedom (Freedom House 2023)¹⁰, this does not mean that there are no issues with the implementation of freedom of expression, both in the public broadcasting sector and, given their ownership structure, in private media. As highlighted by Reporters without Borders, which ranks the Czech Republic 17th in its Global Index 2024, the “media landscape is characterised by three major trends: the significant concentration of large media groups (...) owned by major economic players; the rise of new independent media, which have carved out a place for themselves (...) in response to this development; and the strong presence of respected public media (Czech Television and Czech Radio), which, nonetheless, remain

10 For a more detailed treatment of the Czech media environment and the independent position of the Czech public media see e.g. Reuters Institute 2020 and Štětka et al. 2021.

at the mercy of possible political pressure”¹¹. With regard to the various medias’ reputation among the public, the public service media (Czech Television, Czech Radio, and the Czech Press Agency) are usually considered the most trusted sources of information (cf. Reuters Institute 2020 and Štětka 2022); however, this does not apply among those who are open to populist rhetoric and display more or less anti-democratic stances – on the contrary, this segment of the public considers Czech Television to be the mouthpiece of established elites and is therefore perceived as a manipulative communication channel that spreads “governmental propaganda”. This dichotomy neatly illustrates what is probably the biggest current issue in the Czech media landscape: as Smejkal et al. (2024, 549) put it, the Czech public service media “have faced constant attacks from populist politicians in recent years. Yet, despite populists repeated attempts to gain control over them, [they] maintain a key position within the national media environment and remain independent from direct political control or influence”. The most spectacular manifestation of this pressure can be found in the ongoing conflict over the composition of the Czech Television Board, the supervisory body entrusted with overseeing broadcasters’ compliance with legal requirements; for example, in the 2020 election of the members of the Board, only candidates with a connection to ANO2011 were shortlisted, causing a huge uproar among Czech journalists and segments of the public. Despite these repeated attempts, Czech Television has so far managed to resist pressure and retain its independence.

A very different story can be found once we shift our focus to printed media. Shortly after the fall of communism in November 1989, the privatisation process began. “Foreign owners, typically from Germany, also entered the Czech media landscape at that time, but following the economic crisis in 2008, they have been gradually withdrawing and local media have been taken over by Czech entrepreneurs ...” (Šlerka et al. 2022). This takeover was initiated in 2013, when Andrej Babiš, the leader of ANO2011, “purchased the company Mafra for an undisclosed price from the German Rheinisch-Bergische Verlagsgesellschaft” (Klíma 2022), thus gaining control over the strongest media company in the Czech Republic. By the end of the same year, Daniel Křetínský, “owner of EPH, the largest energy company in Eastern Europe, purchased the Czech News Centre from Ringier Axel Springer whose titles included the most popular Czech daily, Blesk, and other tabloids. In 2015, the Czech-Slovak group Penta (...) bought the

11 See <https://rsf.org/en/country-czechia>.

publishing house Vltava-Labe-Media from Verlagsgruppe Passau consisting of 70 regional daily newspapers and family magazines. While Mafra makes up 33 percent of the Czech newspaper readership, Czech News Center represents 38 percent, and Vltava-Labe-Media 17 percent” (Klíma 2022).

A very similar concentration of ownership took place among private television broadcasters. The two biggest, Nova and Prima, are owned respectively by the financial group PPF, one of the country’s most influential businesses, and by GES Group, another big financial institution. Obviously, such an oligarchisation of the media landscape is potentially problematic and does not contribute to general transparency and accountability in the coverage of domestic (and global) developments, all the more so considering the owners’ business interests, which can in some cases be traced back to markets in non-democratic countries. However, over the last two years the incumbent government, headed by Petr Fiala (ODS), has managed to reinforce the independence of the public media and to some extent enhance prospects for a greater diversification of private media ownership. While the former has been achieved through “[t]he amendments to the Act on Czech Television and the Act on Czech Radio, adopted in July 2023, [which] have diversified the system of appointment (and dismissal)” (Štětka 2024) of the members of the Czech Television Board (as well as other relevant boards), and by the rise of television and radio fees paid by the public, which improves the funding of public media, the latter could be even more impactful as “the amendment to the Act on Conflict of Interests [adopted also in 2023] has finally forced the ex-Prime Minister and leader of the political movement ANO2011, Andrej Babiš, to sell (...) [his] media assets (...) thereby ending the decade during which one of the country’s leading politicians (and a PM in 2017–21) controlled some of the most influential news media outlets, and a significant proportion of the media market” (Štětka 2024).

Overall, even if there have been recent improvements, the media market in the Czech Republic remains a source of concern mainly due to ongoing attempts to discredit public media, primarily Czech Television, and interfere in their reporting. Moreover, populist parties and politicians continue to portray Czech Television as an unreliable, elite-controlled outlet, thus encouraging their supporters to resort to alternative media, often linked to actors that present false or at least drastically distorted interpretations of current events.

4. Is there a democratic backsliding? Pros and cons of assessing democratic backsliding as a real threat to the Czech democracy

So far, we have mainly discussed structural features of the Czech political system, judiciary, and media that can help us understand the manifestations and limits of populism in the Czech Republic, their possible impact on the quality of Czech democracy, and their potential for dealing with tendencies towards democratic backsliding. It follows from this brief discussion of the Czech Republic's political, constitutional, and media environments that two crucial elements stand in the way of substantial democratic backsliding: a robust Constitution together with a firmly independent Constitutional Court, and political and electoral systems that almost by definition exclude the emergence of a dominant political party. However, this does not mean that there is no risk of democratic backsliding – rather, instead of gross violations of democratic principles like imposing limitations on civil liberties, misusing legislative changes, or generally any attempts to undermine pillars of democratic society, the Czech Republic has so far faced “soft backsliding” in the form of verbal attacks against democracy, a relatively extensive spreading of fake news challenging democratic values and institutions, and the ever stronger position of populist parties and politicians that clearly do not shy away from making false statements, to the point of creating virtual realities, and sometimes even bordering on becoming security risks for the Czech Republic as they adopt anti-Western and anti-liberal narratives, with the support of authoritarian regimes in Russia or China. In last fourteen years since the 2010 election, we have witnessed a series of events that not only directly or indirectly contributed to the wave of populism, but also helped create an environment in which democratic institutions and practices may seem to be malfunctioning and useless, and best replaced by a technocratic rule that would circumvent parliamentary procedures and reinforce executive power.

The first substantial issue emerged in 2012 when the Parliament approved a constitutional amendment that introduced direct elections for the office of President. While contradicting the spirit of the Czech Constitution and its emphasis on parliamentary arrangements for the country's political system, in itself such a change might not necessarily have a negative impact; unfortunately, its effects have been dramatically aggravated by the fact that the first direct presidential election in 2013 was won by Miloš Zeman, former chairman of the Social Democratic Party. Together with Babiš, Zeman

can be considered the most influential among those politicians who began to steer Czech politics away from its democratic principles. Buben/Kouba (2023, 111) pointedly argue that Zeman quickly lashed out at his opponents, portraying them as disconnected from the people, thus using customary populist rhetoric. More importantly, however, he “began his presidency with a constitutionally dubious action, completing the country’s shift from a parliamentary to a semi-presidential regime by strengthening the presidency in relation to the legislature and the cabinet. After the collapse of the ODS-led government in 2013, Zeman ignored the will of the parliamentary majority (...) and appointed a caretaker government composed of his loyalists. That cabinet failed to receive a vote of confidence, but it governed ‘in resignation’ for the next six months until elections produced another government” (Buben/Kouba 2023, 111). Such clear contempt for the democratic rules of the game could hardly go unnoticed and, even if it had no impact on the constitutional framework, it did a lot to further populist trends. Moreover, in the foreign policy field Zeman strongly favored what he called “policy of all azimuths”, which in practice meant an attempt to refocus it towards strong relations with Russia and China. Here, two infamous examples stand out: one, when Zeman “joked on camera with Vladimir Putin that journalists should be liquidated” (Buben/Kouba 2023, 111; van de Rakt 2018), when he “publicly praised Vladimir Putin” (Hanley/Vachudova 2018, 280), and when, after the conflict broke out in eastern Ukraine, he described it as “a civil war between two groups of Ukrainian citizens” (Cameron 17.11.2014), denying any Russian interference; and second and probably most notoriously, when, in an interview with the Chinese state TV during his visit to China in October 2014, he stated that “the Czech Republic did not intend to lecture China on market economy or human rights but instead to learn how to increase economic growth and how to stabilize society” (Novinky 2014, for context see also Klimeš 2016¹² or cf. Cameron 2014, *emphasis added by the author*), which sent a series of shockwaves through the Czech media and political landscapes. Overall, however, even if Zeman adopted clearly pro-Russian and pro-Chinese attitudes, it is noteworthy that in the latter part of his second tenure his affinity to Russia weakened substantially. Most interestingly, after the Russian attack against Ukraine in February 2022, he made “perhaps the biggest reversal on Russia of any Western leader. Not only had he downplayed the threat of a Russian

12 See for details of Chinese activities in the Czech Republic and Zeman’s support of China.

attack on Ukraine, he went so far as to call it ‘another sham of the US intelligence agencies’. But on the day of the invasion, Zeman denounced the Russian aggression as a ‘crime against peace’ and said it was necessary to isolate the ‘lunatics’ responsible” (Buben/Kouba 2023: 112). Despite this late turn, Zeman’s presidency and his political style are generally considered one of crucial aspects that helped reinforce populist attitudes and create hostile relations among different sectors of the Czech society.

While Miloš Zeman did play a major role in discrediting standard democratic politics, his powers were limited and, in this sense, he was not perceived as a real threat. The opposite, however, can be said of Andrej Babiš, especially after his appointment as Prime Minister in 2017. While Buben/Kouba (2023, 108) are to some extent right in saying that “potential dangers of Czech backsliding have been both exaggerated and politicized. This is especially so in depictions of Babiš and his political record ...”, such a statement applies to Babiš’s real steps but not to his public statements and ideas regarding how the state should be governed. As early as the autumn of 2012, i.e. well before ANO2011’s first electoral success in 2013, Babiš in an interview openly declared his belief that the state should be administered as a business company and that ministers should be managers, not politicians (Němec 27.10.2012). In other words, Babiš’s attitude shows obvious signs of technocratic populism¹³ which, as Guasti (2020, 474) reminds us, “undermines electoral competition (...) judiciary independence, legislative oversight (...) and freedom of the press (...)”. It is therefore no coincidence that Babiš did not base his party on any ideological background; rather, as Havlík (2019) notes, ANO2011 “was intentionally ideologically vague”, making it possible for it later to swing either way on a traditional left-right axis, on the back of an already widespread public disappointment over established parties and their (mal)performance. Unlike these parties, ANO2011 has always enjoyed the benefit of having a single “owner” with extensive personal wealth and control over relevant media: as noted by Bušítková and Guasti (2019, 316), “Babiš donated more than one million Euro to his (own) party in 2012 alone. In the 2013 election, he purchased the highest number of billboards in Czech history and violated the law on party finance and campaign with impunity”. Financial resources and Babiš’s ownership of influential media thus represent two major sources

13 For a detailed analysis of technocratic populism in general and in relation to the Czech Republic, see Bušítková and Guasti 2019. Alternative terms are also used, such as Havlík and Voda’s “centrist populism” (2018).

of his success, although his ability to present himself as a hard-working businessman who understands ordinary people much better than detached elites cannot be underestimated. Unsurprisingly enough, Babiš has turned out to be notorious for his “disdain for parliamentary oversight (and deliberation), which he perceives as impeding governance” (Guasti 2020, 477). In his book *What I Dream About When I Happen to be Sleeping*, published in 2017, Babiš presents far-reaching suggestions which include the reduction of the number of ministries, “the abolition of the Senate; the reduction by half of the number of representatives in the lower house; the scrapping of elected regional governments; and a move to a first-past-the-post electoral system. Voters would only elect their (very powerful) mayor and their parliamentary representative” (Hanley/Vachudova 2018, 282, and Babiš 2017, 126-135). Havlík’s remark (2019, 379) that “the ideal situation for Babiš would be the existence of one-party majority governments with very few restraints on the implementation of cabinet policies” neatly captures the substance of Babiš’s vision. Obviously, should such proposals be implemented, they would result in a significant strengthening of the executive and would be perfectly in line with Babiš’s preference for a strong government, paving the way for substantial democratic decay. In a way, the most telling element of Babiš’s contempt for parliamentary institutions can be found in his outright rejection of the Senate, which he describes as a totally useless body in need of elimination: a populist’s dream as, without the Senate, the majority could achieve whatever it wanted to. In his own words, “the voters do not want the Senate. Abolishment of the Senate would not be a wild experiment” (Babiš 2017, 131)¹⁴.

However, Babiš not only employed verbal attacks but, even if somewhat constrained by the position of his government and by the constitutional framework, repeatedly tried to utilise political tools for his personal political and business interests, with two major such cases. In the first case, as Roháč (2023, 174) puts it succinctly, the “most significant controversy of Babiš’s term as Prime Minister was the appointment of his ally Marie Benešová as justice minister, which raised fears of possible political influence over law enforcement”¹⁵. Although Benešová did not actively pursue any action that would justify these fears, her tenure in the Ministry of

14 Compare for instance with Rovenský 2016.

15 This appointment was controversial mainly because of charges over subsidy fraud and other police investigations into Babiš’s business activities. For details see e.g. Lopatka (13.09.2019)

Justice was affected by a series of allegations and verbal attacks she made against the Constitutional Court and other actors within the judiciary. There were, however, more general aspects to this trend of interference in the operation of the judiciary. Under the two coalition governments in which ANO2011 was a partner (minor in 2013-17, major in 2017-21), several reform attempts were made, affecting various branches of judiciary (but also other authorities like the office of Prosecutor General), though these invariably failed to win the consent of both the judiciary and the public. As summarised by Guasti (2020, 478), “under Babiš government, politically motivated judicial reforms (...) failed, as did attempts to adopt laws that would resolve PM’s legal troubles regarding conflicts of interest”¹⁶.

The second case was related to the worrying links between Babiš’s business activities and his political functions as Minister of Finance (2014-2017) and later as Prime Minister (2017-2021). Hanley and Vachudova (2018) carefully scrutinised this potential conflict of interest and concluded that “as finance minister, for example, he replaced the heads of both the Financial Administration of the Czech Republic (...) (also known as the Chief Tax Inspector), and the Financial Analysis Unit (...) with people close to Agrofert”¹⁷ (2018, 288). Moreover, “by controlling the Ministry of Finance (...) Babiš controlled the state bodies tasked with inspecting the financial activities of Czech businesses and their compliance with tax laws. This gave Babiš access to information about his political and business competitors and thus potential leverage over them” (2018, 288). Of specific concern, in this context, was his ownership of influential media, since Babiš was also repeatedly suspected of using his powers as Minister of Finance to seek to hunt journalists and media critical of his business and political activities.¹⁸

In the course of time, Babiš’s attitudes and especially recurrent suspicions over his alleged illegal actions “that were perceived as threatening to close democratic spaces, had fueled a growing social protest movement called A

16 Guasti (2020, 477-8) offers a more detailed analysis of this issue, including a failed attempt “to curtail PM’s investigation” (ibid.).

17 Holding Agrofert, the flagship in Andrej Babiš’s business empire, is one of the biggest Czech companies.

18 For more details on Babiš’s business activities and its interlinkages with the state, see especially Hanley/Vachudova 2018, 284-5. Bušířková and Guasti (2019, 320) also highlight the fact that “Babiš used state and EU subsidies to build his company, and utilised his position as the minister of finance to weaken his business opponents”. For another interesting case see [iDNES.cz](https://idnes.cz) (27.08.2017), Naši klekli na FAU, říká Babiš na náhrávce o firmě, která skončila v konkurzu, https://zpravy.idnes.cz/babis-nahravka-f-au-prerov-agrofert-dtg-/domaci.aspx?c=A170827_172114_domaci_fka.

Million Moments for Democracy. In 2019, the movement held the largest demonstration in Czech history, with a quarter of a million people in attendance” (Buben/Kouba 2023, 113). However, the only palpable result of this protest movement in real political terms was the invigoration of those segments of electorate that increasingly perceived Babiš as a major threat to the Czech democracy while, for his supporters, this movement only proved that he was right to argue that the old elites will do whatever it takes to bring him down.

5. In conclusion: where are we now and where do we go next?

This chapter shows that the processes leading to the emergence of populism in the Czech Republic and its rise to becoming one of the dominant discourses started around the time of the 2010 elections for the Chamber of Deputies, and culminated after the appointment of Babiš’s government in 2017. However, even if the threats to Czech democracy are numerous, there has “rarely been any question about the stability or integrity of Czech democracy as a regime” (Hanley/Vachudova 2018, 280). In other words, while populist politicians and policies clearly have the potential to endanger Czech democracy in such a way as to lead to a democratic backsliding similar to that occurring in some neighboring countries, Czech democracy has so far proved to be resilient. At the same time, the roots of “post-1989 Czech populism can be traced back even further, at least to the communist nomenclature’s anti-elitism, which pitted the ‘ordinary people’ against a small group of Charter 77 dissidents”¹⁹ (Buščíková/Guasti 2019, 322), which indicates that it would be a mistake to interpret the rise of populism as major threat to democracy as a superficial and recent phenomenon. Rather, the fundamental basis of populism and its tendency to generate an environment conducive to democratic backsliding can be seen in the public’s long-lasting distrust towards political parties and partisanship in general. As Havlík (2019, 374) explains, the “level of public anti-partyism became critical shortly before the 2013 election, with less than 50 percent of people agreeing with the statement that political parties are necessary for democracy, and only 25 percent believing in 2012 that becoming a member of a political party can change anything (...). Widespread dissatisfaction

19 Charter 77 was the most relevant dissident movement opposing the communist regime in the late 1970s and throughout the 1980s.

with political parties and party democracy went hand in hand with rising disrespect toward politicians”. Moreover, research by Bakule (2021, 363) suggests that the part of the public that strongly adheres to the principles of liberal democracy “constitute only a plurality of all citizens. There are also other groups that do not adhere to the democracy or its liberal core”. Surprisingly enough, even if the Czech society is diverse in its attitudes to democracy and liberal values, Bakule concludes that more than “three-quarters of citizens still support democracy, although some of them only the “ugly” variety without its full liberal core. The support for anti-system parties therefore comes rather from the mixture of motives than from the demand for illiberal non-democracy” (ibid.).

What conclusions can we draw? It seems to be clear that the Czech attitudes to democracy and the rise of populism constitute quite a unique mixture that is hard to find elsewhere. Hanley and Vachudova (2018, 289) summarise the Czech case as follows: “The Czech Republic stands out in four ways. First, the sequence of events leading to the concentration of power has been different. In the Czech Republic, the accumulation of vast economic and media power has preceded rather than followed a populist electoral challenge. (...) Second, for ANO, power in the economy and the media served as a substitute for – or an alternative to – the political party and civil society structures (...) Third, all this power has accumulated into the hands of one super-rich individual, Andrej Babiš. Fourth, the populism that Babiš and ANO have used to appeal to the voters is more technocratic than nationalist”. In a similar vein, Guasti (2020, 475) says that in 2013-17 “the power of technocratic populists to undermine accountability is limited and indirect—it cannot undermine the judiciary but can skew electoral competition”, in 2018-19 “the power of technocratic populists to undermine accountability, especially the judiciary, grows but can be constrained by the parliament and the civil society”, but with the outbreak of COVID-19 “[e]mergency measures strengthen the executive, weaken parliamentary oversight, and suspend certain rights and liberties”, which means that “the technocratic populists are least constrained, and the strength and resilience of the institutional guardrails and civil society are tested the most”. In sum, the current situation can best be described as the result of a set of diverse, long-term and short-term causes, which strong constitutional and judicial safeguards have so far prevented from developing into a full-blown crisis. However, the Czech public remains (and likely grows) significantly divided over its assessment of democracy and its performance, and it is not at all unlikely that under some circumstances the next election for the Chamber

of Deputies, scheduled for the autumn of 2025, can send the country down the same way as Hungary or Slovakia.

While their materialisation is not at all inevitable, such prospects have nevertheless been furthered by the results of the Senate and regional elections which took place in late September and early October 2024. Given the data from various public opinion polls conducted throughout 2024²⁰, the widespread expectation was that ANO2011 would win, and that the existing predominance of governmental parties in regional governments could be endangered. Still, ANO2011's landslide victory in the regional elections and its gains in the Senate elections²¹ sent a series of shockwaves throughout the Czech media and government parties, and have set alarm bells ringing ahead of the 2025 Chamber elections. Two aspects have been highlighted as specifically remarkable: first, the big margin by which ANO2011 won, and second – but likely even more substantial – the success of the Communist Party of Bohemia and Moravia (KSČM). Although this party hid behind the facade of Enough!, a broad coalition of (extreme) left parties dominated by KSČM, it almost tripled its regional seats, rising from 13 to 32. KSČM was thus literally resurrected from its quasi-clinical death in the 2021 Chamber election, where it had failed to gain any representation. Furthermore, in the aftermath of the regional elections, when negotiating regional legislatures and governments, ANO2011 proved to be more than willing to discuss coalitions with parties of both the extreme right (SPD) and left (KSČM), thus basically (re-)legitimizing them as partners for regional governments. Even if the extreme left ultimately ended up in the opposition in every region, in the case of the SPD this was the very first time that the party was accepted as a coalition partner, even if only at

20 For some examples, see e.g. polls conducted by STEM in March 2024 (<https://www.stem.cz/volebni-tendence-ceske-verejnosti-3/>) and June 2024 (<https://www.stem.cz/volebni-tendence-ceske-verejnosti-cerven-2024/>).

21 ANO2011 gained 292 seats in regional legislatures, a 64 percent increase from the 2020 regional elections. ODS came second with only 106 seats. The Pirate Party underwent the most spectacular failure: dropping from 99 seats to just three, it lost almost all the seats it had gained in 2020. As regards the Senate elections, ANO2011 managed to gain eight seats, thus adding seven seats to its existing pool of Senators. Even if ANO2011, as the fourth largest group of Senators, is still significantly under-represented in the Senate, the 2024 elections resulted in its highest representation in the Senate since its establishment.

the regional level²². At any rate, such a development can be seen as a relevant breakthrough and an indication of what may happen after the 2025 Chamber elections. All in all, while it is impossible to make far-reaching predictions, doubts about the future trajectory of the Czech politics and the potential impact of recent developments on the stability of the Czech political system and the danger of democratic backsliding are clearly not unsubstantiated.

After all, an obvious paradox hovers above the Czech political landscape since a single issue stands out in any discussion about the (im)possibility of democratic backsliding in the Czech Republic: despite all the differences in political priorities and courses that can be taken to achieve them, only one thing really matters, and that is the yawning and growing gap between the “liberal” and “populist” segments of society. This is exactly what politicians like Andrej Babiš use: the siege mentality, distrust towards traditional political mechanisms and institutions, and uncritical belief into whatever “the leader” says, as manifested by the many voters of the populist parties, are features that are difficult to tackle and would be even more difficult to uproot. On the other hand, parties representing the “liberal” segment of the Czech electorate are in a way handcuffed since, unlike “populist” parties’ voters, theirs tend to be much more critical and less willing to excuse any underperformance. The impact is clear: given the gap, the “liberal” voters are overwhelmingly unlikely to switch to the other side but some of them are obviously willing to “punish” the parties of their previous choice through electoral abstention. Such individual decisions, while emotionally understandable, can ultimately contribute to enhanced prospects for democratic backsliding: it is exactly this opportunity of undermining democratic parties’ credibility that represents an efficient tool in the hands of populist politicians. In a country like the Czech Republic, endowed with a robust mechanism of checks and balances, the issue of trust is crucial. For the soft backsliding to work well, no dramatic actions are needed; rather, a gradual digging of ditches, entrenching those who doubt democracy, can – while in itself it may not seem very dangerous – result in electoral losses for democratic forces. And if this happens, then soft backsliding can turn hard.

22 SPD as well as other extreme right parties (PRO and Trikolora), which ran as a coalition, managed to enter into a governmental coalition in four regions. ANO2011 achieved a clear victory in all of them.

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Democratic Backsliding in Mainstream Estonia¹

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Introduction: Fear of Russian invasion and right-wing radical infiltration

Democratic backsliding has recently become one of the major concerns for the new democracies in Central and Eastern Europe (CEE). Unlike some post-Soviet states that retained cultural or political ties with Russia, Estonia redefined its national identity around liberal democracy and integration with the West. This identity was not just political—it became part of the national ethos after decades of Soviet repression. European Union (EU) and North Atlantic Treaty Organization (NATO) membership were seen as existential guarantees of sovereignty, making democratic principles non-negotiable. In the Latvian case, we see a vicious cycle in which the weak robust party competition in the first party system in the 1990s facilitated the rise of oligarchs and overly liberal rules in party regulations later – all this, in turn, further destabilised the party system. For Estonia, exactly the opposite pattern and a virtuous cycle became evident: robust party competition from the beginning, no oligarchs, and tight regulations on parties favoring the established parties. The objective of an article on democratic backsliding in Estonia is to explore the potential erosion of democratic institutions and values within the country. It analyses current political trends, such as the rise of right-wing radicalism, that may be undermining Estonia's democratic stability.

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1. Background context and political motivator in Estonia - political identity and democratic development in post-independence

1.1. Estonian identity, geopolitical orientation, economical identification

Estonia shares geography with Latvia and Lithuania, but culturally, linguistically, and historically, it is quite different. Estonian is a Finno-Ugric language, related to Finnish, while Latvian and Lithuanian are Baltic languages. Estonia also has stronger Nordic influences, especially from Finland and Sweden, and many Estonians identify culturally as Nordic rather than Baltic. Referring to Estonia simply as part of “the Baltikum” can be misleading because it overlooks the country’s distinct linguistic, cultural, and historical identity. While Estonia cooperates closely with Latvia and Lithuania on regional issues, using “Baltikum” as a cultural or political label can unintentionally reinforce an external narrative that undermines Estonia’s self-defined position as a modern, Nordic-leaning democracy (Kasekamp 2010).

Lennart Meri played a foundational role in Estonia’s post-independence trajectory, acting not only as head of state (1992–2001), but as a visionary bridge between history, diplomacy, and national identity. A writer, intellectual, and former exile, Meri brought cultural authority and international credibility to the newly reborn republic. In a time when Estonia was emerging from Soviet occupation and lacked both global recognition and internal cohesion, Meri offered a clear and confident narrative: Estonia belonged to Europe, the West, and the community of liberal democracies. Estonian political fields have been exceptional compared to EU countries where the majority of the electorate have been supporting liberal parties (ALDE) (Erne 2016).

Estonia is a parliamentary republic with a proportional representation electoral system. The country regained its independence from the Soviet Union in 1991 and adopted its Constitution in 1992, laying the foundation for a democratic governance structure. Estonia uses open-list proportional representation for elections to its unicameral parliament, the Riigikogu, which consists of 101 members elected every four years. The country has gained international recognition for its pioneering use of e-voting, which was introduced in 2005 to enhance accessibility and voter participation.

Estonia’s party system is characterised by moderate fragmentation, with five main political parties dominating the political landscape. The Reform Party (center-right, liberal) has often held the Prime Minister’s office,

while the Centre Party (center-left) historically attracted Russian-speaking voters. In recent years, the Conservative People's Party of Estonia (EKRE) has gained support through nationalist, anti-immigration, and Eurosceptic rhetoric, reflecting a broader trend of populist politics in Europe. Other notable parties include Social Democratic Party (SDE) and Isamaa (center-right, conservative), who has been last year the most popular party with the rating around 30 percent (Erakondade reitingud, 2025). Estonia has consistently demonstrated unwavering solidarity with Ukraine, particularly in response to Russia's ongoing aggression. This support encompasses substantial military aid, diplomatic initiatives, and active participation in international efforts to assist Ukraine. Estonian citizens have actively participated in demonstrations supporting Ukraine, such as those held at Freedom Square in Tallinn, showcasing public unity against Russian aggression. Estonia's steadfast support for Ukraine underscores its commitment to upholding international law and supporting nations facing external aggression. More recently, in 2019 newer liberal and progressive parties like Eeesti 200 have emerged, explicitly promoting human rights, same-sex marriage (Estonia was the first country in the Baltic states to legalise), and inclusive education. These parties reflect the increasing influence of young, urban voters and reinforce liberal values within the party system. According to the ratings their support today is quite marginal, even under the 5 percent (Erakondade reitingud 2025).

Estonia's deep-seated mistrust toward the Russian Federation is not a product of irrational hostility, but rather a response rooted in a century of historical subjugation and trauma under both imperial and Soviet domination. The occupation of Estonia by the Soviet Union in 1940 involved its illegal annexation, followed by systemic mass deportations, political repression, enforced censorship, and the deliberate erasure of national culture. For Estonians, the Soviet occupation is not a distant or abstract historical episode—it is a lived experience transmitted through familial memory, the loss of relatives, and the prolonged deprivation of sovereignty.

Even after the restoration of independence in 1991, the legacy of this occupation continues to shape national consciousness, particularly in light of the Russian state's ongoing refusal to recognise the illegality of the annexation. Russia's foreign policy conduct in the post-Soviet space has only deepened these anxieties. The large-scale occupation of Georgian territories during the 2008 Olympic Games, the annexation of Crimea in 2014, and the subsequent full-scale war in Ukraine have all reinforced the perception that Russia remains a revisionist power—one that poses a threat to the

sovereignty of small neighboring democracies and strategically manipulates historical narratives for political and geopolitical purposes.

This historical experience has fostered a protective nationalism in Estonia, where security is paramount and political identity is often defined in opposition to Russia. The relationship is further complicated by the presence of a large Russian-speaking minority in Estonia — many of whom have different historical memories and media environments, sometimes shaped by Russian state narratives. Estonia's policies — such as language laws or citizenship requirements — reflect not only integration challenges, but also deep-seated fears of internal destabilisation. In this context, distrust of Russia functions as both a geopolitical strategy and a cultural boundary, meant to protect Estonia's fragile sovereignty and hard-won democratic identity. While it can sometimes manifest in harsh rhetoric or exclusionary policies, it is more accurately read as defensive memory politics, rooted in historical pain rather than hostility for its own sake.

Following Russia's invasion of Ukraine on 24 February 2022, not only the West have been paying more attention to Russia's Eastern European neighbors (Antony 2022). Also has taken more interest in the ongoing events in Poland and the Baltic States in particular. Estonia, a post-Soviet democracy and EU member state since 2004, is often hailed as a digital democracy pioneer and a model for successful democratic consolidation. Estonia is a trendsetter in digital society and e-voting due to its early adoption of technology, strong cybersecurity infrastructure, and commitment to digital governance. Following independence in 1991, Estonia rapidly invested in digital solutions to enhance efficiency and transparency, launching the X-Road system in 2001, which enables seamless data exchange between public and private sectors (Hartleb 2020 a). The Estonian model proves that a well-integrated digital infrastructure can enhance democratic participation, streamline public services, and strengthen national security, making it a blueprint for the future of e-governance in Europe (Hartleb 2020a; Borucki/Hartleb 2023).

However, like many other democracies, Estonia is not immune to the risks of democratic backsliding. While its institutions remain robust, certain trends and political developments raise concerns about potential vulnerabilities. While Estonia's institutional framework remains formally democratic, the gradual normalisation of illiberal rhetoric—especially through coalition-building involving radical-right actors—signals a dangerous shift in the symbolic order of politics. Political discourse has increasingly drawn on exclusionary narratives, anti-gender mobilisation, and

historical revisionism, which not only challenge liberal-democratic values but also foster an adversarial relationship between citizens and state institutions. These symbolic shifts have material consequences: marginalised communities report higher levels of political disengagement, while trust in the impartiality of democratic institutions erodes under the weight of ideological polarisation. This underscores the need to look beyond the procedural integrity of elections and examine how democratic legitimacy is experienced and contested at the everyday level.

Estonia offers a telling example of how democratic backsliding may not always follow the archetypal paths seen in Hungary or Poland. Instead, it manifests through subtler processes of symbolic erosion, social resentment, and external narrative infiltration, particularly in small, post-Soviet states navigating both EU integration and proximity to authoritarian powers. The Estonian case suggests that safeguarding democracy requires more than institutional reform; it demands a reinvigoration of democratic culture, critical media literacy, and inclusive policy responses to socio-economic dislocation. More broadly, it calls on scholars of International Relations and Comparative Politics to develop analytical frameworks capable of capturing the emotional, technological, and transnational dimensions of the contemporary democratic crisis.

1.2. Challenges of Integrating the Russian-speaking Minority

Estonia's post-Soviet identity is strongly shaped by an anti-Russian narrative that serves both geopolitical and symbolic purposes. It positions Estonia as a modern, Western liberal democracy in contrast to its Soviet past of russification and repression. NATO and EU membership were not only strategic goals, but also part of this identity-building effort (Petsinis 2019).

However, the integration of Estonia's large Russian-speaking minority - many of whom were rendered stateless after independence due to citizenship laws (Citizenship Act, §1(2), *Riigi Teataja*) that reinstated the pre-occupation republic - remains a key challenge (Kelam 2008). Non-citizens have been granted 'grey passports', which allow legal residence but no political rights (besides voting in local/municipal elections). To date, there are around 60,000 people with undetermined citizenship (Velsker 2017).

While some in the Russian-speaking community maintain cultural ties to Russia, this does not necessarily translate into political allegiance. Attitudes vary according to factors such as age, socio-economic status and

civic engagement. Younger generations are increasingly integrated, while tensions remain, especially since Russia's invasion of Ukraine in 2022. Some Russian-speaking residents feel that Ukrainian refugees are being given preferential treatment, straining community relations.

1.3. Pro-Putin riots in Estonia

With a population of just 1.3 million, Estonia has long warned the West about Russian disinformation and hybrid threats - particularly since the 2007 cyber attack widely attributed to Russia following the relocation of a Soviet war memorial in Tallinn. The monument, commemorating the Red Army, sparked protests among ethnic Russians and was linked to Russian activists, and the cyber attack was seen as both retaliation and provocation (Ottis 2007). The attacks crippled key digital infrastructure in this highly digitised state and included online calls to action in Russian. Estonian officials were vilified as fascists, echoing later Kremlin narratives used to justify the invasion of Ukraine in 2022.

After Russia's full-scale invasion in 2022, Estonia began removing Soviet-era war monuments - over 200 sites - Excavations often failed to find human remains, suggesting they were tools of Soviet ideological control. The process is ongoing, respectful of burial sites but controversial, especially among the Russian-speaking population. The removal of a Soviet tank monument in Narva led to Estonia's worst cyber attack since 2007 (Euronews 2022). While some see these symbols as liberating, the Estonian state sees them as reminders of occupation.

Russian disinformation campaigns targeting Estonia's 25 percent Russian-speaking minority through outlets such as Sputnik and RT have sought to sow division through historical revisionism and anti-Western narratives. These efforts, amplified through social media and messaging apps, have challenged Estonia's ability to respond without infringing on freedom of speech. Since 2014, Estonia has invested heavily in digital resilience, public awareness and international cooperation.

1.4. Strong pro-EU support as a platform for the radical rise

Public support for Estonia's membership in the European Union has remained consistently high since accession. According to a survey conducted

by Turu-uuringute AS in December 2023, 84 percent of Estonian residents support the country's continued membership in the EU (Valitsus.ee 2023). Estonia's constitutional framework ensures the separation of powers, with checks and balances safeguarding against potential authoritarian tendencies. The Riigikogu is the legislative body and has the power to pass laws, approve the budget, and oversee the executive. The Prime Minister, as head of government, is elected by parliament and requires ongoing parliamentary confidence to remain in office. The judiciary is independent, with the Supreme Court (Riigikohus) responsible for constitutional review and ensuring the rule of law. Despite Estonia's strong democratic foundations, certain challenges persist. The rise of populist narratives, ethnic divisions, and digital disinformation campaigns pose potential threats to democratic stability.

The neoliberal reforms implemented under Mart Laar in the 1990s transformed Estonia into a market-driven economy, with rapid privatisation, deregulation, and a flat tax system that attracted foreign investment and led to economic growth (Laar 2010). However, these reforms also created social inequalities, as the transition disproportionately affected older generations, rural populations, and Russian-speaking minorities, many of whom struggled with unemployment and economic insecurity. Over time, these economic grievances contributed to a growing sense of marginalisation and political disillusionment, particularly among those who felt left behind by Estonia's rapid modernisation. The rise of the far-right, particularly the Estonian Conservative People's Party (EKRE), can be linked to this long-term economic and cultural backlash, as they capitalise on anti-elite sentiments, nationalistic rhetoric, and opposition to globalisation—narratives that resonate with those who perceive themselves as the losers of Estonia's neoliberal transformation.

The rise of the far-right in Estonia can also be analysed through the lens of Post-EU Accession Syndrome, a phenomenon observed in several Central and Eastern European countries after their integration into the European Union. Estonia joined the EU in 2004, benefiting from economic growth, modernisation, and structural funding. However, while EU accession was framed as a national success story, it also created new tensions and inequalities that populist and far-right movements have exploited.

2. Dominance of liberalism and party competition

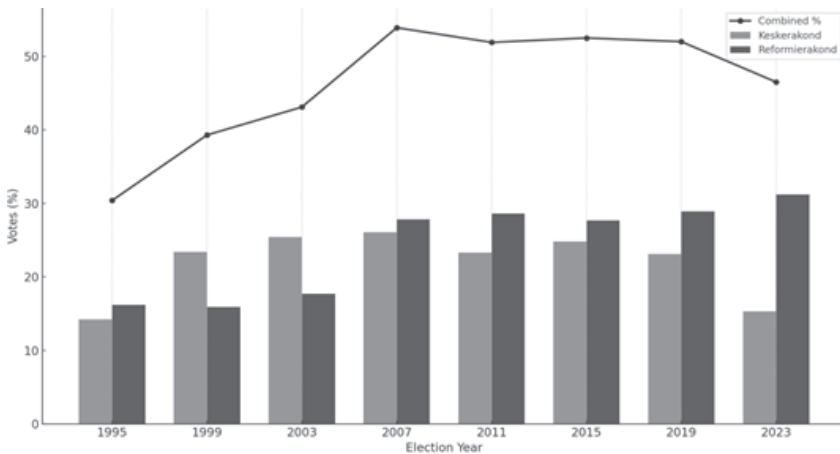
2.1. The divergence in the understanding of liberalism between Estonia and Europe

Estonia's party system has been characterised by formal stability and the long-standing dominance of liberal-centrist forces, in particular the Reform Party (Reformierakond), which has led or participated in most post-independence governments. This liberal hegemony has ensured a steady pro-EU, pro-market and pro-Western orientation, fostering political continuity and predictability compared to other post-Soviet states.

Since independence, the Estonian Centre Party (Keskerakond) and the Reform Party have shaped the political landscape, with ALDE-affiliated liberals governing for around 22 of the last 34 years. Although both parties belong to ALDE, they have often been domestic rivals. Under Edgar Savisaar, the Centre Party remained electorally strong but politically isolated due to his populist leadership, perceived pro-Russian leanings and corruption scandals. This antagonistic role has recently been taken over by the far-right EKRE.

The rivalry between the Centre and Reform parties has dominated Estonian politics, with the liberal parties consistently winning almost half the votes. Throughout Estonia's reform process, the party has consistently promoted liberal political values. Its public image emphasises entrepreneurship, innovation and a forward-looking outlook, which was particularly encapsulated by its slogan in the 2007 parliamentary elections under the leadership of Andrus Ansip: "Estonia into the top five wealthiest countries in Europe" (reform.ee). Over the years, the Reform Party has seen a change in leadership, with younger politicians increasingly occupying prominent positions. This generational renewal has allowed the party to effectively attract and engage younger segments of the electorate.

Table 1: Election Results of Keskerakond and Reformierakond with combined percentage



2.2. Populism under the liberal flag

The Estonian Centre Party, led by Edgar Savisaar from 1991 to 2016, was known for its left-centrist, populist and social-liberal stance. Savisaar, who was also mayor of Tallinn, built strong support among Russian-speaking and low-income voters through patronage policies and nationalist rhetoric. However, his career was marred by corruption charges in 2015, and although his trial ended in 2018 for health reasons, his reputation suffered significantly. His legacy remains controversial, combining nation-building achievements with authoritarian tendencies and scandals.

Savisaar fostered a personality-driven leadership style. His close associates - including future Prime Minister Jüri Ratas, multi-term minister Mailis Reps and EU Commissioner Kadri Simson - rose to prominence, while family members such as his wife, daughter and son were also politically active. Despite the party's popularity, Savisaar never became prime minister. His association with pro-Russian positions and ethical controversies led other parties to avoid coalitions with the Centre Party. The EKRE later took over this role as the main opponent of the system.

The Centre Party faced legal problems, including a conviction for falsifying documents in 2015 and repercussions in the 'Savisaar case' in 2019. A controversial cooperation agreement with the governing party in Russia (!)

also raised concerns. After Savisaar's departure, EKRE attracted many of the party's former protest voters.

A major shift occurred when Jüri Ratas took over the leadership in 2016, steering the party in a more liberal direction and ending its ties with Russian partners (only after the war started). This repositioning led to a decline in support among Russian-speaking voters. While 74 per cent of the party's base identified as 'other nationalities' in January 2019, this had fallen to 53.3 per cent by January 2025, with overall support dropping from 25.7 per cent to 13.5 per cent (Erakondade reitingud). Ratas joined the centre-right party Isamaa which shows that the ideology of political parties play a minor role.

3. The emergence of right-wing extremism in Estonia

3.1. EKRE's origins and evolution from Rahvaliid

Since the early 2010s, Estonia's liberal hegemony has been increasingly challenged, most notably by the rise of EKRE. Positioning itself as the voice of the 'left behind', EKRE appeals to rural, older and culturally conservative voters alienated by liberal modernisation. It has politicised previously settled issues such as immigration, national identity, and EU integration, exposing the limits of elite-driven liberalism (Winkelmann 2018).

While the 1990s saw party consolidation, the post-2011 period has seen fragmentation and the rise of new parties such as Vabaerakond, Eesti 200, and Parempoolsed. EKRE in particular has pushed the boundaries of political discourse and normalised open political expression, attracting around 20 percent of the electorate.

After joining the government in 2019, EKRE quickly stirred controversy with its nationalist rhetoric and legislative activism. Its short term in office (2019-2020) left a strong social imprint, reflecting a broader trend of liberal contestation in post-crisis Europe.

3.2. The Rise of EKRE as a Right-Wing Extremist Party under the Helme Family's Political Dynasty

For years, Estonia's far-right parties were politically marginal, with minimal membership and support (Auers/Kasekamp 2009). This changed over the

past decade when EKRE, founded in 2012, emerged from the remnants of the Estonian People's Union (Rahvaliid), a rural, conservative party without extremist tendencies (Saarts 2015). EKRE rebranded itself under Mart Helme - former ambassador to Russia - and became a dynastic party led by the Helme family.

EKRE's breakthrough came in 2015, when it won 8.1 percent of the vote. Its platform promotes ethno-nationalism, cultural homogeneity, Euroscepticism, and hostility toward immigrants, often with elements of white supremacy and Islamophobia (Wierenga 2017; Braghiroli/Petsinis 2019). The party opposed EU projects such as Rail Baltica and ran anti-immigration campaigns, particularly targeting seasonal workers from third countries (Reuters 2020).

Reflecting Minkenberg's (2002) findings on the radicalism of Eastern European far-right parties⁴, EKRE remains an important force despite its return to opposition in 2021. Its rural strongholds such as Pärnu, Haapsalu and Saaremaa contrast with limited support in urban centres such as Tallinn and Tartu, reflecting the rural-urban divide seen across Europe (Barlai 2018).

Table 2: EKRE Election Results (Parliamentary, European, and Local Elections)

Election Year	Election Type	Votes (%)	Seats Won	Change in Seats
2015	Parliamentary	8.1%	7	New
2019	Parliamentary	17.8%	19	12
2023	Parliamentary	16.1%	17	-2
2019	European Parliament	12.7%	1	New
2024	European Parliament	14.8%	1	=

Source: Own table

- 4 Minkenberg argues that post-communist Eastern European countries present a different configuration of radicalisation than Western Europe. The combination of weak civil societies, underdeveloped party systems, and ongoing nation-building processes has created a political space that is often vulnerable to authoritarian populism and radical right ideologies.

3.3. EKRE's role in the legislative initiatives in Estonian Government (2019–2021)

The rise of EKRE reshaped Estonia's political dynamics, intensifying polarisation and introducing a more confrontational tone to public discourse (Saar 2021). As part of the governing coalition from 2019 to 2021, EKRE promoted a nationalist, anti-liberal agenda that challenged institutional norms and policy continuity (Petsinis 2019).

The party advocated for rural schools, teacher salary increases and strict Estonian language standards. It proposed tax incentives to increase birth rates and strongly opposed immigration - policies that hindered academic and seasonal labor mobility and damaged the internationalisation of universities.

EKRE also opposed the 2014 Cohabitation Act, opposed LGBTQ+ rights and pushed for a referendum to strictly define marriage as a union between a man and a woman. Although planned as a constitutional amendment, the referendum was later reduced to a non-binding public vote (Baltic Worlds 2024, 106).

EKRE criticised EU integration, opposed federalisation and defended Estonia's sovereignty and cultural identity. In 2019, the party reversed an increase in alcohol excise tax hike in response to public discontent and cross-border trade with Latvia.

3.4. The rhetoric or narrative of EKREs politicians

EKRE's xenophobic rhetoric intensified in 2022, with Martin Helme warning that Estonia's native population risked becoming a minority due to Ukrainian refugees. His father, Mart Helme—then serving as EKRE's vice-chairman—further stoked public fears by falsely claiming that prostitution linked to migration (Ukrainian refugees) would lead to a resurgence of HIV in Estonia (Helme 2022). Even prior to the 2019 parliamentary elections, EKRE dominated political discourse, despite the fact that Estonia had accepted only a limited number of refugees. In 2022, for example, fewer than 50 asylum seekers from Islamic countries were officially registered (ERR News 2020).

Despite its radical rhetoric, EKRE maintained its ideological stance even when it entered government in coalition with the Centre Party and the center-right Isamaa. The coalition government was informally referred to as

EKREga (“with EKRE”), as neither Prime Minister Jüri Ratas nor EKRE’s coalition partners challenged the party’s inflammatory positions at that time. On the contrary, Isamaa reinforced nationalist narratives, effectively positioning itself as a moderate alternative to EKRE. Notably, Isamaa’s (at that time) Foreign Minister Urmas Reinsalu opposed Estonia’s participation in the UN Migration Pact, aligning with EKRE’s hardline stance (Government of Estonia 2018).

EKRE’s rise has been facilitated by the dynastic leadership of the Helme family, its advocacy for nativism and ethnocracy, its revisionist historical narratives, and its support from Christian fundamentalist activists. The strategic accommodation of EKRE by mainstream political actors has further legitimised the party, rendering it a viable coalition partner despite its radical ideology. Even after its time in government, there are no comprehensive strategies to counteract EKRE’s growing influence. Rather, right-wing extremism in Estonia is either ignored or tacitly accepted by segments of society.

Both Mart Helme and his son Martin Helme displayed the “OK” hand gesture during their swearing-in as members of parliament—a symbol that has been appropriated by white supremacist movements and gained international infamy following its use by the Christchurch terrorist, Brenton Tarrant (Hartleb 2020). The neo-Nazi Ruuben Kaalep has likewise utilised this gesture. As the former chairman of EKRE’s youth wing, Kaalep played a central role in organizing torchlight marches in Tallinn in the run-up to the 2019 parliamentary elections. Although he formally withdrew from politics in 2024, his ideological associations remain evident.

3.5. The (anti-)Russian narrative

Concerns have also been raised about EKRE’s geopolitical positioning. Although the party officially presents itself as a defender of Estonian sovereignty and national identity, critics have accused its leadership of sending mixed messages to different linguistic audiences. Helir-Valdor Seeder, chair of the Isamaa party, publicly warned that EKRE’s leaders “say one thing in Estonian and another in Russian,” suggesting a duplicity that could serve Russian interests and pose national security risks (Seeder 2021).

In the meantime, the party has attempted to attract ethnic Russians – with less success as was the case with the border town Narva at the last municipal elections in 2021, which is due to the fact that the party particularly

mistrust the Russian minority with a grey passport (stateless people) and falls back on ethnically Estonian patriotism. This trend has gathered pace in 2022. According to the former Vice-Chairman of EKRE Jaak Madison, the grey passport must be abolished and the residence permit for Russian citizens must not be prolonged (Madison 2022). Interestingly enough, he joined now the Centre Party which is representing the ethnic Russians in a dominant way. This shows that party loyalty in Estonia is limited also proved with many other examples in other parties.

As an example, on 26 March 2025, the Estonian Parliament (Riigikogu) adopted with 93 votes out of 101 a constitutional amendment that will revoke the right to vote in local elections from citizens of third countries beginning with the next electoral cycle, and from stateless persons starting from the subsequent one. All EKRE members of parliament voted for, except Vaaro Vooglaid who left the hall for voting. 7 members of the Centre Party voted against the amendment. This measure will affect citizens of the Russian Federation, Belarus, and stateless individuals—altogether impacting approximately 140,000 voting-age residents. While the amendment was passed by a broad parliamentary majority, it has since sparked considerable public debate. Controversy arose particularly because, in the final stages of legislative deliberation, a last-minute revision resulted in the exclusion of citizens from NATO member states from the right to vote—despite the fact that they had initially been exempted from the proposal (it not affect EU members).

Since Russia's full-scale invasion of Ukraine in 2022, disinformation has proliferated, further complicating Estonia's political landscape. Among the country's Russian-speaking population— particularly elderly residents in Narva — pro-Kremlin narratives portraying Ukraine as the aggressor have gained traction on social media (Hoffer 2022). In this context, EKRE continues to exploit nationalist sentiment, positioning itself as the defender of Estonian identity in an increasingly polarised political environment.

3.6. Manifestations of Misogyny in EKRE's Rhetoric

EKRE leaders, particularly Mart and Martin Helme, have frequently used misogynistic rhetoric, targeting prominent female politicians and reinforcing traditional gender roles. President Kersti Kaljulaid faced repeated attacks from the EKRE. After she walked out of the swearing-in ceremony of ministers in 2019 over allegations of domestic violence, Mart Helme

dismissed her as an 'emotionally agitated woman' (ERR News 2019). Her feminist positions were ridiculed and her protest shirt, which read 'Sõna on vaba', was described as 'clowning'.

Prime Minister Kaja Kallas was called a "Komsomol girl" and accused of "dictatorial" leadership during COVID-19 (ERR News 2019; Cavegn 2019). European leaders were also targeted. Mart Helme called Ursula von der Leyen "hysterical" and "an old hag" (ERR News 2021), while he referred to Finnish Prime Minister Sanna Marin as a "salesgirl", drawing international condemnation (The Guardian 2019).

Other women, such as MEP Marina Kaljurand, have been portrayed as weak and manipulated by party elites (ERR News 2020). EKRE figures have also made sweeping claims that women should "give birth rather than enter politics" and warned against female-led governments, citing Merkel, von der Leyen and Lagarde as examples of decline (ERR News 2020; Helme 2022).

The rhetoric employed by EKRE leadership, particularly by Mart and Martin Helme, reveals a consistent pattern of misogyny, wherein women in leadership positions are belittled, dismissed as emotionally unstable, or deemed unsuitable for governance. Such discourse has not only shaped domestic political debates but has also drawn significant criticism from international observers and media (Hartleb 2020b; Wierenga 2017; Whyte 2019a; Braghiroli/Petsinis 2019; Rensmann 2021; Saarts 2015; Minkenberg 2002; Liivik 2015; Winkelman 2018).

An argument put forward is that the far right accompanies a neoliberal drive especially with an eye to the divide between urban and rural areas. Revisionism is seen as a key driver. As a country, Estonia is particularly susceptible to influences from abroad. Estonia has a record of forbidding extremists from entering Estonian territory. The Finn Risto Teinonen, who received Estonian citizenship for his merits in 2002, had to return it upon the initiative of the then President Toomas Hendrik Ilves. Risto Teinonen wore the Nazi armband in combination with the order of merit on photographs, which was obviously due to his conviction. In 2015 he received a five-year travel ban (Mihkels 2015). The Finnish apologist of Russia and supporter of Putin Johan Bäckman is also deemed to be a persona non grata. Bäckman claimed that the Estonian media were unfree unlike the Russian ones and denied the period of Soviet occupation.

Their common goal is suspected to be to destabilise Estonia (Eesti Ekspress 2009). In 2016 the Estonian police reported that two right-wing extremists from Russia were sent to Estonia to show neo-Nazi symbols

at public events. Aleksei Maksimov, a skinhead from St. Petersburg, was supposed to display himself as a local activist (Einmann 2017). In 2022 the Russian war against Ukraine led to another wave of entry bans, even concerning two well-known artists (kultur.ee 2022) who had shown sympathy with Vladimir Putin and intended to perform in Estonia. There were special precautions by the state 15 years after the protests against the relocation of the bronze statue on 23 April 2022 and on 9 May 2022. In April 2022, the Estonian parliament was the first one worldwide to call the Russian war against Ukraine a genocide. The members of parliament decided so by a vast majority (Vahtla 2022). In the meantime, there are more and more efforts to rename monuments from the Soviet era or eliminate them completely.

4. Estonia's media landscape

The media landscape in Estonia is characterised by pluralism and a high degree of press freedom (according to the press freedom index), underpinned by constitutional protections for freedom of expression. The country's major media actors include Estonian Public Broadcasting (ERR), alongside privately owned outlets such as Postimees and Eesti Päevaleht. While Estonian journalism generally adheres to professional standards of independence and objectivity, the ideological orientation of media conglomerates can influence editorial direction. For example, Postimees is often perceived as leaning toward the political right, whereas Delfi, which operates under the Eesti Päevaleht brand, tends to exhibit a more left-leaning editorial stance. These tendencies are largely shaped by the political and economic priorities of the respective ownership structures, rather than the personal views of individual journalists within these organisations.

Despite its robust institutional framework, Estonia's media environment is not without vulnerabilities. The sector faces growing pressure from populist rhetoric, which seeks to delegitimise critical journalism (EKRE has its own successful alternative news portal "Uued Uudised") as well as from foreign disinformation campaigns—particularly those disseminated by pro-Kremlin actors targeting Estonia's Russian-speaking minority. These hybrid threats highlight the media's strategic role not only in democratic deliberation but also in safeguarding national security.

Now EKRE has many grassroots, thereby building upon a very successful online infrastructure unparalleled by other Estonian parties. While the

public image of a top-heavy organisation is in part true, members are firmly integrated into party structures and processes (Saarts/Jakobson/Kalev 2021). Surely, EKRE has arrived in the mainstream not only despite but even because of its ethnocentric agenda. Estonian magazines publish family stories of the Helme clan. EKRE have additionally managed to make use of the popular singer Tõnis Mägi for their demonstrations. his popular song “Koit” (“dawn”) is seen as an integral part of the “singing revolution” in the 1980s, making him a central figure in Estonia’s struggle for freedom and independence. For example, Mägi performed the song to protest against covid measures on the Freedom Square in October 2022. Obviously, EKRE has profited from Mägi’s reputation (Vahur 2021).

Table 3: Democratic frontrunning versus backsliding in Estonia:

Aspects	
Digital Democracy	Estonia remains a global leader in e-government and digital democracy , using technology to engage citizens, even as some political challenges arise.
Political Polarization	The rise of populist parties like the Estonian Conservative People's Party (EKRE) has fueled political polarization , particularly around immigration and national identity.
Ethnic Russian Tensions	With 21,55% of the population being ethnic Russians, tensions around Russia's influence often overlap with political and cultural discussions on democracy .
Elections and Transparency	Estonia's online elections have faced criticism regarding their security and transparency , raising concerns about the robustness of democratic processes.
Social Media and Free Speech	Political leaders have called for more regulation of social media , especially regarding disinformation and hate speech , potentially threatening free speech .

Varro Vooglaid, a lawyer, born in 1980, has become one of the most influential and controversial activists in Estonia. Together with Markus Järvi, he operates the media platform “Objektiiv”, which also runs viral on social networks. Once a week they discuss current political affairs. They started as ultra-conservative anti-abortionists in 2011, thereby setting up the organisation “to protect family and tradition”, embedded in a global network (“Opus Dei”), and received donations from Poland for instance (Eesti Päevaleht 2020, 4). It is remarkable that Christian-Catholic fundamentalism has gained some ground in a country where religion plays a minor role and Catholicism a marginal one. As a member of parliament since 2023,

Varro Vooglaid shares a two-person desk in the parliamentary chamber with party leader Martin Helme. This seating arrangement is not accidental, but rather a deliberate act of political branding intended to visually signal Vooglaid's rising influence within the party over the course of the parliamentary term.

Since the so-called European refugee crisis in 2015-2016 and EKRE's electoral successes, we have to speak of a concerted effort of Estonia's far right, who have benefited from shrewd division of labor. Vooglaid has repeatedly rejected offers to run for office because he has wanted to impact civil society. Nonetheless, he has accompanied the rise of EKRE in a benevolent manner and has offered advice. The activist has been invited as an expert to parliament and discussions by EKRE. When Vooglaid has organised demonstrations in front of government buildings in the wake of the covid pandemic, leading EKRE politicians have regularly taken part in the protests. Mart and Martin Helme have sometimes appeared on stage. Although Vooglaid's discussions were also covered in the largest daily newspaper *Postimees*, he lamented over the spreading of "fake news" by the mainstream media. In February 2022 he, as regular debate contributor, was excluded by *Postimees* because he had called for a hunt after a *Postimees* journalist who had infiltrated demonstrations.

The extreme right has also its militant division: Events are flanked by the so-called Soldiers of Odin. The "milita" spawned from the Finnish organisation in the wake of the refugee crisis in 2016. They are directed against multiculturalism and immigration, working as a franchise organisation (Kotononen 2019). One of five registered founders, Janus Burak, is a former Hooligan and year-long prisoner, and convict, who commuted between Finland and Estonia at that time. Another founder, Indrek Olm was elected member of the EKRE party committee in Finnland in 2017. Both he and Meelis Kollamaa, in charge of the Facebook site at that time, displayed the Hitler salute together (Schröder 2019). EKRE denies connections to Soldiers of Odin officially. An estimated number of five to 20 men who were wearing cowls labelled "Soldiers of Odin.⁵ Estonia" worked as security forces at one of EKRE's demonstrations. On their website two links can be

5 The Soldiers of Odin is a far-right, anti-immigrant organisation that originated in Finland in 2015. Initially, it presented itself as a group focused on protecting local communities from crime, particularly in areas with high levels of immigration. However, the group's ideology has been widely associated with white nationalism, xenophobia, and Islamophobia, often promoting a vision of preserving "traditional" European values. While the group claims to fight against violence and crime, it has been accused

found: one link to Vooglaid's platform "Objektiiv" as well as one to EKRE. On Burak's own website images of weapons are prominent (Laine 2019). And the mainstream media such as the biggest one, Postimees, made it possible. Vooglaid even got an own official podcast there. It only was cancelled after he attacked a Postimees-journalist on an official demonstration in Tallinn. While Estonia remains a functioning democracy with relatively robust institutions, EKRE's entry into government (2019–2021) marked a shift in normative boundaries, with formerly fringe discourse becoming central to public debate. Their confrontational style, attacks on the press, and delegitimation of liberal democratic values have contributed to a politicisation of consensus-based governance, making coalition-building more fragile and polarising public discourse. Though EKRE is officially anti-Russian in rhetoric and supports NATO, their narrative strategies often mirror Kremlin-style tactics: discrediting "elites," invoking traditionalist identity politics, and spreading distrust toward the EU and globalism. While there is no evidence of direct alignment with Russian state interests, the epistemic effects of their discourse — undermining democratic legitimacy, deepening social fragmentation — may indirectly serve authoritarian influence by weakening internal cohesion.

Moreover, EKRE's strategic media use mirrors patterns seen elsewhere in Europe, where radical-right parties employ a dual communication strategy: adopting institutional respectability in formal settings while fueling polarisation through informal, online channels. Some outlets, particularly commercial ones, have inadvertently contributed to this dynamic by prioritising sensationalism over critical scrutiny, while EKRE-aligned or sympathetic alternative media ecosystems (blogs, Telegram channels, online forums) create echo chambers that reinforce grievance politics. The interplay between legacy media, digital platforms, and political actors illustrates how fringe narratives can colonise the mainstream, not only through ideological appeal, but through algorithmic visibility and media responsiveness, blurring the line between public debate and political spectacle.

Estonia's experience with EKRE reflects a broader pattern visible across CEE countries, where media ecosystems have become battlegrounds in the struggle over democratic norms. In Poland, Hungary, and Slovenia, radical right parties have used state media and aligned commercial platforms to consolidate power and demonise critics. While Estonia has avoided media

of inciting hate and contributing to the rise of far-right extremism in several countries (Kotonen 2019).

capture, the narrative dynamics are similar: the radical right positions itself as the only voice of “the real people,” while portraying critical journalists and liberal politicians as traitors or puppets of foreign interests. Estonia’s journey toward equality for LGBTQ+ individuals reflects a complex interplay of progress and resistance. While the country has made notable legal advancements—such as decriminalising homosexuality post-independence and enacting the Registered Partnership Act in 2014—social acceptance continues to lag behind. Historical stigmas from the Soviet era, where homosexuality was criminalised and pathologised, still influence public attitudes today.

What distinguishes Estonia, however, is the hybrid nature of media influence: the presence of a highly digitised society, combined with geographic and linguistic proximity to Russian information spheres, makes Estonia uniquely vulnerable to cognitive warfare—where trust, identity, and truth itself are contested. In this environment, EKRE does not need to align explicitly with Russian interests to weaken democratic resilience. Instead, its discursive strategies — including attacks on the press, demonisation of minorities, and anti-EU rhetoric — indirectly echo illiberal templates cultivated by authoritarian regimes, thus contributing to a wider climate of epistemic instability.

5. *The Role of Revisionism*

Estonia’s national memory is shaped by a narrative of victimhood, resistance, and rebirth, centered on the Soviet and Nazi occupations, mass deportations, and the regaining of independence. Commemorations like the Day of Mourning (June 14) and institutions such as the Estonian Institute of Historical Memory and the Vabamu Museum reinforce this civic memory, emphasising human rights and anti-authoritarianism. However, this narrative is increasingly challenged by far-right revisionism. EKRE, along with figures like Varro Vooglaid and Markus Järvi (Objektiiv), have promoted the glorification of Waffen-SS veterans as national heroes. Events in towns like Lihula and Sinimäe, attended by EKRE leaders such as Ruuben Kaalep and Anti Poolamets, exemplify this trend (Ilves 2021). Tiit Madisson, a Holocaust denier and former mayor of Lihula, was posthumously celebrated as a freedom fighter by EKRE-affiliated media, despite his statements minimising the Holocaust and promoting nationalist victimhood (Madisson 2006).

EKRE's youth wing has organised shooting trainings and controversial conferences, including one attended by members of the German far-right *Dritter Weg* and Finnish politician Toni Jalonen, who openly identified as a fascist (yle.fi 2020). In 2019, Mart Helme praised young EKRE supporters for embracing the party's rhetoric, contrasting their reaction to liberal outrage.

The rise of uncritical historical publications, such as a 2019 unannotated Estonian translation of *Mein Kampf* by radio journalist Margus Lepa, reflects a broader gap in Holocaust education (Weiss-Wendt 2008). Estonia's focus remains on Soviet-era deportations —particularly the 1941 and 1949 mass deportations of ethnic Estonians (Kukk/Raun 2007) —while the Holocaust, including the murder of up to 2,000 Jews at the Klooga camp (Taylor 2020), is often framed as a “foreign” tragedy with limited relevance for Estonian collective identity.

This selective approach to history reinforces ethno-nationalist narratives and sidelines minority perspectives, especially those of the Russian-speaking population. The far right exploits this memory politics to deepen societal divides, presenting history as a binary struggle between Estonian patriots and foreign oppressors.

During the COVID-19 pandemic, EKRE and its allies spread conspiracy theories—including antisemitic tropes involving George Soros — often promoted through platforms like *Objektiiv* or by publishers like *Reval Buch*, linked to German financier Herbert H. Jungwirth (Laine/ Raudsik 2020). Protesters even wore yellow Stars of David, trivialising Holocaust symbolism. According to political scientist Tõnis Saarts (2021), EKRE's discourse has normalised terms like “deep state,” “cultural Marxists,” and “totalitarian homosexuals,” reflecting a radicalisation of public language.

In this context, historical revisionism functions not just as cultural reinterpretation but as a political tool. It challenges democratic cohesion, undermines minority rights, and creates vulnerabilities to foreign disinformation, especially from Russia, which weaponises history to question Estonian sovereignty.

Conclusion

EKRE's trajectory shows how a party with roots in post-communist populism has transformed into a far-right actor by capitalising on national trauma, anti-liberal sentiment and revisionist memory politics. Once targeting

Estonia's Russian-speaking population, EKRE now promotes a broader ethno-nationalist agenda, as evidenced by statements such as Martin Helme's 2019 remark: "It makes no difference to us whether the migrants come from Nigeria or Ukraine. What matters is that these migrants are not Estonians" (Deutsche Welle 2019). His later warning that Estonians could become a minority in their own country (Helme 2022) reflects a strategic shift towards generalised xenophobia.

Following internal disputes after the 2023 elections, leading figures such as Henn Põlluaas, Jaak Valge and Jaak Madison split from EKRE to form the Estonian Nationalists and Conservatives (ERK) in 2024. Madison's move to the Centre Party – previously criticised for its pro-Russian ties – highlights the fluidity and fragmentation of Estonia's far-right landscape.

EKRE's rise fits Kitschelt's (1995) model of a 'winning formula' for radical right parties, made possible in Estonia by an unresolved reckoning with fascist history and a dominant victimhood narrative centred on Soviet oppression. As in the GDR, Soviet-era Estonia was neither open nor cosmopolitan, and the refugee crisis of 2015-16 allowed EKRE to mobilise fears of cultural threat despite minimal actual immigration.

The party's success also stems from structural weaknesses in Estonian democracy: low party membership, limited civic engagement, and a depoliticised culture where political debate is often avoided. As Saarts (2021) argues, radical right discourse has mainstreamed terms such as 'deep state' and 'cultural Marxism', shaping public discourse in an authoritarian direction. Rensmann (2021) and Spier (2010) show how 'deep state' conspiracy narratives, amplified globally by Trumpism, serve as catalysts for far-right resurgence even in high-functioning democracies.

Estonia's neoliberal transition – defined by privatisation, austerity and digitalisation – brought prosperity to some, but exclusion and insecurity to others, particularly in rural areas and among Russian-speaking minorities. EKRE has translated these post-transition grievances into cultural narratives of 'stolen sovereignty', displacing economic grievances onto ethnic and ideological scapegoats. This is consistent with the 'modernisation losers' thesis (Spier 2010), where social hardship is framed not as systemic failure but as moral decline, allowing the far right to offer belonging through exclusion (Rensmann 2021).

Although Estonia scores well on international indices of democracy and media freedom, the risks of democratic backsliding are growing. Formal institutions remain intact, but informal norms – tolerance, pluralism, mutual respect – are eroding. Saarts (2022) notes that the Estonian party system,

once stable, now faces a backlash dynamic, especially when illiberal actors such as EKRE shape policy within coalitions.

Externally, threats from Russia - disinformation, hybrid warfare - remain potent (Hartleb 2019). Internally, Estonia's elite-driven, 'everybody knows everybody' political culture may foster informality and discourage dissent, particularly in academia, the media and civil society. As Poleshchuk (2006) and Weiss-Wendt (2008) noted, Estonia's Holocaust memory remains marginal, reinforcing a selective national narrative that risks legitimising revisionist tropes.

The symbolic power of EKRE's rhetoric – from glorifying SS veterans to trivialising the Holocaust – illustrates how far-right movements exploit memory for political gain. Revisionist history, if left unchallenged, can impede pluralism, deepen ethnic divisions, and leave Estonia vulnerable to both internal extremism and Russian geopolitical manipulation (Ilves 2021; Taylor 2020; Laine/Raudsik 2020).

Despite Estonia's celebrated digital governance, its democratic future depends not only on cybersecurity or NATO defence, but also on the renewal of civic trust, pluralistic norms and an inclusive political culture. A strong democracy needs more than efficient institutions - it needs public participation, critical debate and a collective memory of why democracy must be defended.

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Democratic Backsliding in Hungary - Institutional Dismantling, Electoral Autocracy, and the Authoritarian Accumulative State under Viktor Orbán

Melani Barlai¹

Introduction

Democratic backsliding is no longer confined solely to authoritarian states or fledgling democracies. In recent years, it has become a global pattern affecting even established democracies in Europe (V-Dem Institute 2021, 2025). This erosion of democratic structures frequently occurs not through overt dictatorships or military coups, but rather through subtle, often legal, measures that undermine existing institutions while maintaining the appearance of democracy (Bermeo 2016; Levitsky/Way 2020).

Hungary is considered a paradigmatic case of incremental democratic rollback. Following the collapse of communism, the country initially appeared to be evolving into a stable democracy characterised by pluralistic party competition and clear pro-Western tendencies. Its accession to the EU in 2004 was seen as a significant step in this democratic consolidation process. However, Viktor Orbán's return to power in 2010 marked the beginning of a systematic transformation of the political system that has gradually weakened democratic institutions. The government has used legal means to reshape the electoral system, the media landscape, and judicial independence in its favour, in a pattern described as "soft democratic backsliding" (Schedler 2024; Kazai 2021). This chapter analyses the erosion of democracy in Hungary under Orbán, focusing on key institutional, political-economic, and ideological dynamics. First, it contextualises Hungary's EU accession process, demonstrating that formal integration did not lead to substantive democratisation. It then examines the transformation of the political system since 2010, with a focus on the personalisation of power, the erosion of the separation of powers and the instrumentalisation of constitutional law. The final section examines the development of an authoritarian accumulation state model, in which political loyalty is linked to the

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distribution of economic resources. Concepts such as patronal autocracy and state-directed capitalism are employed to illuminate these dynamics. Finally, the Hungarian case is presented as a paradigmatic example of legalised authoritarianism within an EU member state.

1 Hungary's Path to the European Union

Following the first free parliamentary elections in 1990, Hungary adopted a parliamentary system characterised by the separation of powers, pluralistic party competition, and an independent judiciary. Over the next two decades, liberal-conservative and social democratic governments regularly alternated, which was seen as a sign of a functioning democracy. During this time, Hungary pursued economic and political integration with the West, culminating in its accession to the EU in 2004. Throughout this period, parliament remained central to the political landscape and showed similarities to those of Western democracies (Bos 2013, 132; Rupnik 2016, 78). However, despite these political changes, Hungary's territorial administrative structure remained largely unchanged. Fundamental decentralisation was never seriously considered, and the country retained its centralised county system. To this day, local elections serve in part as a means for voters to punish the ruling parties, but they have not resulted in structural reforms, merely in the redistribution of state resources. This ongoing dependence on the central government prevents the development of genuine regional self-government.

Following a successful referendum on EU membership, Hungary joined the EU on 1 May 2004, alongside nine other post-socialist states. On 12 April 2003, 83.7 percent of Hungarian voters expressed their support for EU accession (NVI 2003). Although voter turnout was relatively low at 45.6 percent, it was sufficient to meet the required quorum. The population's enthusiasm for EU membership continued even after accession. In 2005, 80 percent of respondents viewed Hungary's EU membership positively (Medián 2005). Prior to accession, all Hungarian political parties except the far-right MIÉP were pro-European. However, the hostile stance of the far right towards the EU gradually influenced Fidesz, which, after an initial period of enthusiasm, became increasingly critical of the EU.

This growing Euroscepticism within Fidesz was driven by its dual rhetoric of presenting a pro-European stance on the international stage — not least to maintain its position within the European People's Party

network — while adopting a more sceptical, opposition-minded rhetoric domestically. This critical stance was further reinforced after Fidesz's unexpected loss in the 2002 parliamentary elections, which saw the party relegated to the opposition. Contributing to its discontent was the fact that, as the governing party from 1998 to 2002, it had laid much of the groundwork for EU accession negotiations, only to see the resulting benefits attributed to the Socialists.

Unlike the European Community's founding members, post-communist states did not join the EU with the intention of "surrendering" their national sovereignty. Instead, these states hoped that membership would secure their sovereignty. However, it was only after the initial enthusiasm for the EU had waned that the new member states realised the extent to which EU membership often involves surrendering sovereignty (Pelinka 2007, 241). A revealing example of this shift in perception occurred in 2008, when the Czech president, Václav Klaus, referred to himself as an 'EU dissident' and refused to raise the EU flag over Prague Castle during his country's EU Council presidency (Hartleb 2017, 89).

Hungary's integration into the EU was characterised by a disconnect between formally meeting the EU's accession requirements under its conditionality mechanism and the internal logic of a regulatory state, on the one hand, and national interests, on the other (Schimmelfennig 2004, 265f). Based on the concept of "Potemkin harmonisation" (Jacoby, cited in Schimmelfennig 2004, 266), although EU rules were formally adopted, they were often not actually implemented, or were implemented selectively. Acquis conditionality led not only Hungary but also most countries involved in the EU's major eastern enlargement into a state of isomorphism (Schimmelfennig 2004, 264), whereby accession states primarily aligned with EU standards in order to be legitimised externally, without adapting genuinely to specific transformation challenges or national regulatory requirements. Consequently, the European integration process did not result in comprehensive state reform, but rather in the coexistence of old and new structures (Maniokas, cited in Schimmelfennig 2004, 265).

Following its accession to the EU, it became clear that Hungary's economic performance did not meet EU standards. A sense of enlargement fatigue set in among the older member states, while the newer states experienced post-accession exhaustion. This situation was referred to as the "legacy of accession" and the "post-accession syndrome" (Ágh 2008) because the population and elites had expected increased prosperity and security through EU membership, but these expectations were not fulfilled.

Criticism of the EU's institutional system grew louder, and Euroscepticism spread to Central and Eastern Europe (Tiemann 2006).

These circumstances enabled the Orbán government to undermine democratic norms after 2010 without facing immediate consequences. Hungary increasingly became a case of selective Europeanisation, where European regulations were formally acknowledged but often circumvented in practice. The Hungarian government rejects the liberal state model, subordinating all elements of the political system to the illiberal state model advanced by Prime Minister Viktor Orbán.

In recent years, a growing consensus has emerged among academics that Hungary's political system under Viktor Orbán exhibits pronounced autocratic tendencies and has diverged significantly from liberal democratic standards. This consensus goes beyond mere normative criticism, emphasising the deliberate transformation of the political system that systematically undermines fundamental democratic principles. Orbán himself is at the centre of this development, playing a role far beyond that of a traditional prime minister. András Körösenyi (2018; see also Körösenyi, Illés/Gyulai 2020) coined the term "plebiscitary leader democracy" to describe the Hungarian regime, basing his concept on Max Weber's theory of charismatic authority. From this perspective, Hungary formally remains a democracy, complete with elections and party pluralism. However, its style of governance is highly personalised, with legitimacy primarily derived from direct communication between the prime minister and the populace. Meanwhile, institutional checks and balances have been significantly weakened (ibid.).

2 The centralisation of Orbán's personal power

Following the transition in 1989, Hungary's political landscape was characterised by a pluralistic yet fragmented party system. Unlike their counterparts in Western Europe, Christian democratic parties played a minor role within this system. Despite its ideological ambitions as a Christian social and national conservative entity, the Christian Democratic People's Party (KDNP), founded in 1989, failed to establish itself as a significant force within the political spectrum. Its decline was accelerated by the rising popularity of Fidesz, which adopted national-conservative positions from the mid-1990s onwards. By 1994, the KDNP had fallen below the 5 percent threshold, garnering only 2.3 percent of the vote. In 1997, parts of the KDNP underwent a strategic realignment within the Fidesz-MKDSZ coali-

tion, modelling themselves on Germany's CDU/CSU (Fricz 2006; Kiszelly 2008).

Meanwhile, Viktor Orbán transformed his party, shifting Fidesz from a liberal youth organisation to a right-wing conservative umbrella movement. Orbán played a central role in the post-communist transition. His highly acclaimed 1989 speech at the reburial of Imre Nagy established him as a symbol of anti-communist renewal. Under his leadership, Fidesz evolved from a generational protest party into the dominant force within Hungary's conservative camp in time for the 1998 election victory (Barlai/Hartleb/Mikecz 2023, 49; Kőrösenyi/Hajdú/Ondré 2015, 53).

During his first term as Prime Minister (1998–2002), Orbán took advantage of a law introduced by the previous Horn administration that strengthened the powers of the Prime Minister's Office (MEH). With his trusted ally, István Stumpf, at the helm, the office was strengthened in terms of personnel and organisation, becoming a strategic command centre for the government.

According to the Hungarian constitution (Art. 34, Hungarian Constitution), the government comprises the prime minister and ministers. Orbán's strong position as Prime Minister is underpinned by the 1990 Constitution, which was inspired by the German chancellor democracy model. However, unlike that model, it lacks clear distinctions between chancellor, ministerial and cabinet principles (see Dieringer 2009, 230; see also Kőrösi/Fodor 2003). The 2006 Status Act also supports the prime minister's strong position. The latter granted the prime minister the power to determine the direction of government policy (Art. 14, Law LVII/2006). During Orbán's second term (2010–2014), this law was incorporated into the Hungarian Fundamental Law and amended to grant the prime minister sole directive authority (Art. 18, para. 1, Hung. Fund. Law). This empowered the prime minister to issue direct orders to ministers (para. 2). Furthermore, this amendment introduced a stricter hierarchical chain of accountability, whereby ministers became accountable not only to Parliament, but also to the Prime Minister.

This trend culminated in a form of „presidentialised governance“ (see Izmindy 2020; and Kőrösenyi et al. 2015), in which the prime minister sets political guidelines and effectively acts as an overarching entity above the cabinet, party and administration. The personalisation of power was further solidified through strategic appointments: Orbán increasingly appointed non-partisan ministers, whose lack of an internal party power base secured his control and eliminated intra-party competition (see Izmindy

2020, 66). The term „super-chancellorship" (Stumpf 2014, 235) accurately describes the institutional concentration of decision-making power that transformed the executive into the primary means of exercising state power.

The result is a system that, despite being formally embedded within a parliamentary democracy, operates in a manner akin to a presidential leadership model. Orbán's Fidesz party has evolved from an electoral organisation into a direct instrument of power.

3 Orbán = Fidesz = State

Upon returning to power in 2010, Fidesz exploited its governmental authority to systematically seize control of state institutions for the benefit of the party itself. Even after its electoral defeat in 2002, the party started to build a parallel network of power and resources. This enabled Fidesz to take over state institutions almost completely when it returned to power in 2010, transferring state resources into the Fidesz "cartel". In doing so, Fidesz exhibited the characteristics of a personalised cartel party. In line with the logic of cartel parties (Katz/Mair 1995), this involves misusing state institutions and public funds to maintain a grip on power and embed the party within the state apparatus. The result was a new kind of state party that, while nominally operating within a pluralistic party system, enjoyed privileged access to state resources and institutions in practice. The boundary between the party and the state became increasingly blurred as Fidesz used public resources for explicitly party-political purposes (Metz/Várnagy 2021, 319). This was particularly evident in government communications, where official information and Fidesz propaganda became almost indistinguishable, with public funds being used to disseminate the governing party's messages. This political misuse of state resources has significantly distorted fair competition in the political arena (ODIHR 2022). Organisationally, Fidesz increasingly resembled an authoritarian, personalised apparatus of power. Decision-making structures within the party became highly centralised and hierarchical. Party committees were largely sidelined, with key political decisions being made by a small elite under the direct control of Viktor Orbán. This style of governance diverges sharply from classical parliamentary principles, representing a presidential leadership model (Kőrösi 2015).

The elite of the Fidesz party comprises loyal officials and representatives of the new Fidesz middle class. Many of these individuals receive systemat-

ic support through institutions such as the Mathias Corvinus Collegium (MCC), which receives generous state funding (Barlai/Hartleb/Mikecz 2023, 61). The structural entanglement of the party with the government administration and "civil society" organisations results in state capture, whereby the executive, legislative and judicial branches become deeply infused with partisan influence. Fidesz no longer functions as a traditional governing party, but rather as a state party that relies on a network of loyal individuals for its power (ibid.). This process is reflected in the ideological and organisational evolution of Fidesz over the decades, as illustrated in Table 1.

Table I: The ideological and Organisational Transformation of Fidesz between 1988 and 2023, (Barlai/Hartleb/Mikecz 2023, 59, based on Metz/Várnagy 2021: 319)

Fidesz's Transformation	Ideological transformation	Organisational transformation	Characterics
First phase (1988-1993)	Liberal Party	Movement party	Party base consisting of activist groups at universities, collective leadership style, participatory elements in decision-making processes
Second phase (1993-2002)	Civic Conservative Party	Personalised "catch-all" party	Centralisation of party organisation and decision-making processes, personalisation of leadership, development of a hinterland through the establishment of nationwide "civic circles" (polgári körök)
Third phase (2002-2014)	"Soft" EU-sceptical, right-wing populist party	Hybrid party	Elements: <ol style="list-style-type: none"> 1. of a mass party: broad mobilisation of activists, collective identity building 2. of a movement party: use of the "top-down" repertoire of social movements 3. A personalised party: Viktor Orbán's charismatic leadership style

Fidesz's Transformation	Ideological transformation	Organisational transformation	Characterics
			4. a cartel party: occupation of state resources and control of party competition.
Fourth phase (2014-present)	Hard" EU-sceptic, right-wing populist party	State party	Continuation and development of elements of the third phase under Viktor Orbán; occupation of state resources and transfer of resources to the Fidesz cartel. Interlocking of state and party.

Orbán's leadership style is rooted in media-driven crisis management in response to events such as the financial crisis, the refugee crisis and the pandemic. In these situations, he positions himself as the only capable decision-maker. Parliamentary oversight and intra-party deliberation have been undermined, with political communication replacing deliberative negotiations. This transformation of democracy is accompanied by a rhetorical rejection of liberal norms and open pluralism, further distancing Hungary ideologically from Western democracies (Orbán 2014; 2022a; 2022b). The Hungarian philosopher Miklós Gáspár Tamás has described Orbán's regime as a form of post-fascism, in which the distinction between the state and the leader becomes increasingly blurred. The patrimonial state under Orbán is characterised by ethnonationalist mobilisation, anti-pluralism, and an ideology of collective enemies (Tamás 2017).

Recent system classifications emphasise the increasing personalisation of power, the centralisation of authority, and the gradual transformation of formal institutions into instruments of authoritarian control. The most comprehensive conceptual framework for analysing the Hungarian regime is that of Bálint Magyar and Bálint Madlovics (2020; 2024), who describe it as a "patronal autocracy". Unlike classical authoritarian or hybrid regimes, this model posits that formal institutions merely serve as facades while real power is exercised through informal networks, arrangements of loyalty and personal dependencies. The regime resembles a pyramid, with Orbán as the "chief patron" at its apex, centrally managing and allocating political, economic and social resources. The system rewards loyalty, shields supporters from legal accountability and co-opts economic elites through public contracts and media monopolies. Opposition forces are either co-opted or systematically marginalised. Consequently, this is more a personalised system

of power with a clientelist foundation than an institutionalised autocracy (see also Magyar 2016).

A striking example of the Orbán regime's consolidation of power is the centralisation of pro-government media within the KESMA (Central European Press and Media Foundation) consortium, comprising over 500 outlets. Although these outlets were formally "voluntarily" transferred to KESMA by pro-government oligarchs, this move amounts to the deliberate centralisation of media resources, despite being legally sanctioned. Since its establishment, KESMA has effectively served as an instrument of media control, ensuring the regime's discursive dominance and marginalising opposition voices, thereby creating a largely controlled public sphere (Wilkin 2018; Bajomi-Lázár 2012). The independence of journalism has been systematically eroded, with critical outlets being financially weakened, bought out, or driven out of business.

This transformation of the public sphere is closely tied to the politically controlled redistribution of economic resources, particularly within the framework of EU funding. Gábor Scheiring (2020, 74) argues that a specific type of authoritarian state capitalism emerged in Hungary after 2010, which he terms the "accumulative state". This model relies on politically directed capital accumulation, where economic success increasingly depends on loyalty to the political leadership. Rather than allocating resources based on the market, the state distributes them selectively, awarding public contracts and regulatory access to those who demonstrate loyalty to the political leadership. Scheiring interprets this shift as a response to the failure of the neoliberal competitive state. The accumulative state does not rely on functional markets, but rather on a power coalition between the political core and its "national" bourgeoisie. This elite group benefits from privileged access to investments, particularly EU subsidies, and plays a key role in stabilising the authoritarian order. However, the working class is excluded from this coalition and becomes the target of political pacification, achieved through media control and labour market discipline (ibid., 78)

Miklós Szanyi (2019) offers an alternative viewpoint, examining the micro-level techniques of patronage and rent distribution that convert political loyalty into economic benefits. He describes the development of a „politically guided rent-seeking system“, in which political decision-makers target specific economic sectors, manipulate public procurement processes, and reshape legal institutions to sustain clientelistic networks (Szanyi 2019, 127). Up to 34 percent of EU-funded public tenders in Hungary have only

one bidder, indicating selective market closure in favour of regime-aligned companies (ibid., 136).

Thus, rather than operating through functional markets, Hungary's capitalism relies on institutionalised loyalty channels that intertwine political power with economic control. Unlike Putin's resource-based state capitalism, the Hungarian model does not rely on natural resource exports. Instead, it derives its strength from its role as a "low-value-added assembly platform" within global supply chains (Scheiring 2020, 341). Foreign corporations readily adapt to this new authoritarian order, benefiting from favourable production conditions and political stability while being exempt from democratic standards (Szanyi 2019, 124, 136).

Hungary's model is not an isolated case, but part of a broader trend of dependent democracies transforming into authoritarian accumulation regimes, in which political control and economic redistribution are systematically linked. The operational pillars of this authoritarian capitalism are the centralisation of the media through KESMA, the weakening of collective actors and the selective promotion of loyal economic players.

The concentration of political power in Hungary's clientelist economy and state-controlled capital allocation has been reflected in the reorganisation of the constitutional framework since 2010. This authoritarian restructuring involves formal amendments and strategic constitutional engineering aimed at achieving long-term control over central institutions and eroding checks and balances. This institutional framework provides the legal basis for Hungary's transformation into an illiberal state.

The constitutional order serves a dual purpose. Firstly, it secures patrimonial power structures and dependencies by systematically limiting the scope for institutional oversight. Secondly, it legitimises the redistribution of public resources along clientelistic lines, defining political majorities as sufficient justification for deep institutional changes. Consequently, corruption and patronage are not viewed as anomalies or abuses, but as integral components of the new institutional order.

4 Politics and Development in Hungary Since 1989

From 1949 onwards, Hungary operated under an almost verbatim adoption of the Soviet 'Stalin Constitution'. This constitution was not democratically overhauled until 1989, as part of the National Roundtable negotiations (Dieringer 2009, 157). Although the 1989–1990 constitutional process was

pluralistic, it lacked a broad political consensus and was rushed due to time constraints. Consequently, rather than drafting a new constitution, approximately 90 percent of the existing constitution was revised (Kukorelli/Takács 2007, 75; Körösiényi 2015, 86). This revised constitution was intended as a transitional measure, pending the adoption of a more permanent solution.

Despite various reforms being implemented in subsequent years, such as the Antall-Tölgyessy Pact and the introduction of referendums and an EU accession clause, a new, consensus-based constitution never emerged. Even later amendments under the Orbán and Gyurcsány governments were mere partial revisions (Dieringer 2009, 160). According to Körösiényi (2015, 89), the lack of consensus resulted in a structural legitimacy deficit which encouraged opportunistic constitutional engineering whereby political actors exploited loopholes in the constitution for strategic advantage.

In 2010, Fidesz secured a two-thirds majority in parliament, enabling them by 2025 to implement fifteen profound constitutional changes. These amendments addressed issues such as press freedom, the independence of central institutions (including the central bank, judiciary, and data protection authorities), the electoral system, minority rights, and non-governmental organisation (NGO) regulations. The constitution, which the first amendment renamed the "Fundamental Law", came into effect on 1 January 2012. EU institutions, including the European Parliament, increasingly viewed this development as an example of authoritarian arbitrariness (European Parliament, 2022; German Assembly 2016, 20).

In addition to the formal amendments, there was also criticism of the appointment of public officials based on political loyalty rather than bipartisan consensus (Jakab/Bodnár 2021, 69). Indices such as the Bertelsmann Transformation Index recorded a significant decline in the rule of law, particularly from 2010 onwards, ultimately leading to the initiation of Article 7 TEU proceedings (ibid.,70).

Frequent reliance on "constitutional engineering" was also evident during the 2022 election campaign. Opposition candidates such as Márki-Zay (MMM, the Hungary for All Movement) and Dobrev (DK, the Democratic Coalition) proposed drafting a new constitution, intending to legitimise it via a referendum or a simple parliamentary majority if they won. However, critics such as Kis (2021) have argued that constitutional processes in highly polarised societies require broad public acceptance to ensure legitimacy and longevity.

These developments also had a deep impact on the Hungarian Constitutional Court. Established on the initiative of a communist elder statesman as a political compromise in 1989-1990, it became a key actor in shaping the constitutional vacuum in the absence of a new constitution (Pócza 2021, 79). In the absence of a new constitution, the Court played a pivotal role in filling the constitutional void (Körösényi 2015, 90). With extensive powers modelled on the German system, most notably the popular complaint mechanism², it served as a crucial counterbalance to government power (Bos 2004, 259), a role reinforced by its activist jurisprudence (Halmai 2002, 233).

Regionally, Hungary's Constitutional Court occupied a unique position, with a particularly high implementation rate of its rulings compared to other countries (Pócza 2014, 165). The court also played a significant role as a "fair veto player" (Scheppelle 2003) and as an institution that „educated the executive" (Sajó 2000, 229).

Since 2010, the selection of constitutional judges has been overseen by the parliamentary majority. Their terms have been extended to 12 years, and their number has increased from 11 to 15. All of the new judges were appointed by the Fidesz majority (Halmai 2018, 977). The election of the president of the Constitutional Court has been transferred to Parliament, where Fidesz holds a two-thirds majority. At the same time, the *actio popularis* (popular complaint) was abolished and the procedure for concrete judicial review was significantly restricted.

As early as 2010, Fidesz limited the powers of the Constitutional Court by sharply curtailing its authority in budget and tax matters. The fourth constitutional amendment of 2013 annulled all of the Constitutional Court's rulings between 1990 and 2011. Since then, the Court has been prohibited from reviewing the constitutionality of constitutional amendments in substance, limiting its oversight to procedural matters only (ibid., 978). Previous rulings, particularly those concerning human rights, have been invalidated by new constitutional provisions. Furthermore, Article R, paragraph 3 of the Fundamental Law requires the Court to interpret the constitution in accordance with a national commitment and Hungary's historical constitution — representing a significant ideological shift.

2 Under a popular complaint ("*actio popularis*"), also referred to as abstract judicial review, individuals may file a complaint without having to show that their own rights have been directly violated.

In 2010, General Prosecutor Péter Polt, a former Fidesz member and close associate of Viktor Orbán, had his term extended to nine years. His mandate was renewed in 2019 without opposition input. In December 2024, Parliament passed the fourteenth amendment to the Fundamental Law, raising the minimum age for judges from 30 to 35 and modifying the requirements for appointing the Prosecutor General, among other changes. Previously, the Prosecutor General had to be a prosecutor, but this condition was removed, enabling individuals with no prior experience in the prosecutorial system to be appointed.

Péter Polt's current term is due to end in 2028. Some observers speculate that the government majority may use this amendment to appoint a successor without a judicial background prior to the 2026 parliamentary elections. This would secure their long-term control over the Office of the General Prosecutor, potentially until 2035 (Cseke/Nagy 2024). This constitutional amendment is part of a wider strategy to consolidate power, particularly with regard to political control over important institutions such as the judiciary, media oversight bodies, the state audit office, and other regulatory agencies. These positions are deliberately filled with loyal party affiliates who often lack broad parliamentary or societal legitimacy.

There is a clear pattern of personalised power entrenchment whereby close personal ties to the Prime Minister are becoming increasingly influential in appointments to critical offices. For instance, Tünde Handó, a long-standing associate of Viktor Orbán, was appointed president of the newly established National Judicial Office (OBH). Handó is also married to József Szájer, one of the chief architects of Hungary's new constitution and a founding member of Fidesz. Szájer was also a Member of the European Parliament until his resignation in 2020 (European Commission 2024, 3).

A key aspect of the reallocation of judicial power was the restructuring of the judiciary following the events of 2010. The establishment of the National Judicial Office (OBH) in 2011 created an institution whose president was granted extensive authority over judicial personnel and administrative matters. However, the Venice Commission criticised this reform, stating that it threatened judicial independence: „The reform as a whole threatens the independence of the judiciary. The main problem lies in the concentration of extensive powers in the hands of one person: the President of the National Judicial Office“ (Venice Commission 2012, 7).

Similarly, the European Commission's 2024 Rule of Law Report raised serious concerns about the state of judicial independence in Hungary. The report highlighted the ongoing political influence over the prosecutor's

office, as well as the risk of undue interference in individual cases that this posed. It also noted that judges' freedom of expression was under continued pressure and that media campaigns targeting judges were ongoing. Furthermore, the remuneration of judicial personnel had declined. Despite these issues, however, the Hungarian judiciary was praised for its efficiency in civil, commercial, and administrative cases, as well as for the high level of digitisation of the system (European Commission 2024, 3).

These developments align with the well-established pattern of central institutions being reshaped, weakened, or filled with political loyalists by design. Bánkuti/Halmi/Scheppele (2012) describe this process as the „disempowerment“ of independent institutions in favour of the executive. The long-term goal appears to be ensuring political control by appointing individuals to key veto positions, thereby shielding the government from future political challenges. This trajectory marks a departure from the classical liberal model of separation of powers that existed prior to 2010 (Körösényi 2015, 95). The constitutionalisation of ordinary legislative content, the erosion of judicial oversight, and the increasing personalisation of institutions suggest that the Constitutional Court and similar bodies are being exploited to consolidate authoritarian power.

These developments are not incidental. They reflect a deliberate political vision articulated by Viktor Orbán as early as 2009 in Kötcsé: „There is a real chance that politics in Hungary will no longer be defined by a dualist power space... Instead, a large governing party will emerge at the centre of the political stage that will be able to formulate national policy not through constant debate, but through the natural representation of interests“ (Halmai 2014, citing Orbán).

Evidence of Hungary's authoritarian transformation can be seen in the erosion of judicial oversight, the redesign of the constitutional framework and the deliberate restructuring of the electoral system. Since Fidesz came to power in 2010, the electoral system has undergone extensive alterations — not to improve democratic representation, but to secure the ruling party's patron-client dominance. This restructuring is part of a strategic form of constitutional engineering that systematically distorts core democratic principles. Following the 2018 parliamentary elections, Hungarian democracy scholars increasingly described the political system as an electoral autocracy.

While the outward appearance of democratic elections remains intact from an institutional standpoint, their competitive nature is undermined through targeted interventions. Anna Unger (2018, 6) explains this suc-

cinctly: "These practices fundamentally eliminate the competitive features of elections, while simultaneously maintaining the social legitimacy of the electoral process." The European Parliament has also classified Hungary as an "electoral autocracy" (European Parliament 2022). Key tools of this authoritarian electoral design include the politically motivated redrawing of electoral districts without independent oversight (Political Capital 2012, 6), the introduction of a double-winner compensation mechanism favouring ruling parties (Political Capital 2018), and the introduction of selective restrictions on voting rights, such as asymmetrical absentee voting rules, a nationality mandate staffed by party affiliates and the legalisation of fictitious addresses (Law No. LXVI/1992), which are used to strategically shift votes into politically advantageous districts.

The erosion of democratic standards is also evident at an administrative level. Electoral commissions are often influenced by clientelist structures, independent election observation is largely excluded and opposition poll workers frequently report obstructions and intimidation (Barlai/Banuta 2018, 2019; Barlai 2022). Socially dependent groups, such as the Roma community, municipal employees, and elderly citizens, are particularly vulnerable to such manipulative practices. Vote-buying, particularly via state-run work programmes, is a key feature of informal patronage networks that deliberately influence voting behaviour (Barlai/Hartleb/Mikecz 2023, 46).

Ultimately, institutional interference, administrative distortions and the strategic mobilisation of dependent voter groups are not peripheral issues; they are core components of a politically orchestrated system of rule. The systematic weakening of electoral integrity is a prime example of Hungary's authoritarian realignment, primarily serving to ensure the regime's long-term hold on power.

The party's structural entanglement with the government administration and "civil society" organisations results in state capture, whereby the executive, legislative and judicial branches become deeply infused with partisan influence. A particularly striking example of this is the government's recent legislation targeting civil society organisations, media outlets, and journalists. The Hungarian government recently adopted the 'Transparency of Public Life' bill (see the English translation by Helsinki 2025), which restricts the foreign funding of NGOs and imposes extensive reporting obligations. This significantly narrows the space for critical organisations (Uitz 2025). Although the law is officially justified as a measure to promote transparency and ensure national security, in practice it resembles similar

authoritarian tactics employed in Russia and Turkey, with the aim of delegitimising and financially constraining dissenting voices.

5 Conclusion

The Hungarian case exemplifies democratic backsliding as a dynamic and multifaceted process rather than a single event. Two distinct phases can be identified: an initial phase of "soft" backsliding, in which democratic institutions remain formally in place, yet are functionally undermined; and a subsequent phase in which this institutional erosion transitions into the consolidation of a hard authoritarian regime that systematically excludes competing actors and dismantles alternative centres of power. Hungary's authoritarian transformation began as a gradual process of legal and administrative restructuring that was technically compliant with existing rules but fundamentally at odds with liberal democratic norms. This transformation relied on the deliberate exploitation of existing institutions by a dominant, highly personalised governing party centred on Viktor Orbán. By selectively controlling the judiciary, the media, the electoral system, and civil society, the Orbán regime has steadily expanded and consolidated its power base. The strategic overhaul of the electoral system in particular has become a critical tool for ensuring long-term political hegemony and foundational legitimacy. At the core of this transformation lies Viktor Orbán, whose leadership style, institutional control and strategic decision-making have decisively shaped the process. This actor-focused approach reveals that democratic erosion in Hungary stems not only from structural weaknesses, but also from conscious political choices, strategies for retaining power, and clientelist networks. Orbán's regime combines manipulated electoral legitimacy with authoritarian governance. The state itself becomes a vehicle for consolidating party and personal power, legitimised through orchestrated crisis narratives and supported by a network of loyal supporters. However, this transformation extends beyond institutional frameworks. The Hungarian case vividly illustrates how, under an accumulative state model, key oversight bodies — such as the Constitutional Court, media regulators and electoral commissions — are captured and economic elites are integrated into a system of politically controlled rent allocation. The emergence of a Fidesz-aligned bourgeoisie provides the authoritarian order with economic and social stability by incorporating large segments of the population into a clientelist network of dependencies, loyalties and selective

benefits. Therefore, the erosion of democracy occurs not only "from above" through institutional decay, but also "from below" through the embedding of society in a patrimonial authoritarian regime.

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Democratic Backsliding in Poland - An Autocratic Remodeling Attempt under PiS Rule

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Introduction - Constitutional, Legislative, Electoral, and Party System in Poland

The United Right government, led by Law and Justice (Prawo i Sprawiedliwość, henceforth PiS), started its authoritarian remodeling attempt in 2015. Checks and balances were weakened at various levels up until October 2023, when the party lost the parliamentary elections. Poland has undergone serious democratic deterioration; the Polish political system went through significant changes which resulted in the launching of Article 7 of TEU (Scheppelle/Kochenov 2017) for the first time in the history of the EU. Poland was listed among the “democracies that have seen the most widespread democratic erosion in the past five years” along with Hungary, Romania, Serbia, and Turkey (IDEA 2019). The leader of PiS, Jarosław Kaczyński, aimed to distinguish PiS from the previous post-1989 governments, which were regarded as the systemic continuation of the unfinished and mismanaged transition. After spending 8 years in opposition, his party won the elections shortly after a period of global financial turmoil. He labeled the deep reform of the Polish state as the “Good change” (*dobra zmiana*).

Poland has a semi-presidential parliamentary system, based on a model of shared executive power characteristic of parliamentary-cabinet systems. Executive power is jointly exercised by the president and the Council of Ministers. In contrast to a parliamentary model, the directly elected president not only performs a symbolic role but also has competencies in selected areas of the executive branch, including foreign politics. Poland has a bicameral parliament where the Sejm (the lower chamber) and the Senate (the upper chamber) hold legislative power. With 460 members, the Sejm is more powerful than the Senate, which consists of 100 Senators. Its power

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is limited to the legislative initiative and proposals of amendments to bills passed by the Sejm.

PiS's leader was particularly inspired by Viktor Orbán's political play-book and believed that the real power and efficiency of the state depend predominantly on personal and informal relationships (Zgut 2022). Although, given his low level of popularity, Kaczyński never joined the government as Prime Minister, real political power was centered around him rather than in its constitutionally-defined place (Sadurski 2019).

During the period of PiS rule, the government's executive power was largely carried out through Kaczyński's informal power practices. This was the case even when he officially joined the government as deputy prime minister from October 2020 to June 2022, and again from June 2023 to November 2023. In other words, members of the government were strongly dependent on their relationships with him. Additionally, political decision-making was mostly led by the "Nowogrodzka" (the symbolic name of the street in Warsaw where the PiS headquarters are based), regardless of whether Kaczyński was formally part of the government. This informal design was accepted and comprehended by both the domestic and the international political actors.

Electoral and party system

Poland has a proportional electoral system in which all 460 members of the Sejm are elected by proportional representation. The distribution of seats is effected on the basis of the modified Saint-Lague method; parties win seats according to the aggregate vote for their candidates in a constituency and then allocate them to those with the highest totals. Members of the Senate are elected from 40 electoral districts using a majoritarian method.

The Polish party system has been significantly reshaped since the early 2000s, shifting away from the cleavage between the former communists and the heirs of the Solidarity movement.

It is dominated by the two main flanks of the Solidarity camp: the Donald Tusk-led, liberal-conservative Citizens' Platform (Platforma Obywatelska, PO) and the Jarosław Kaczyński-led PiS. Both flanks have ruled by forming coalitions with smaller leftist/liberal and conservative parties since 2005. After PiS managed to win two elections in 2015, and its candidate, Andrzej Duda unexpectedly won the presidential elections in May 2015 with 51,6 percent, the party's electoral victory was repeated in October

during the local elections. Kaczyński's party won with 37.6 percent, making it possible to form a single-party government for the first time in the history of democratic Poland (Markowski 2016, 1311). However, this did not indicate a majority shift in the electoral attitudes towards Kaczyński's party *per se*. Rather, it was in part caused by the significant amount of "wasted votes" (more than 16 percent of active votes) due to the threshold for parties (5 percent) and party coalitions (8 percent) (Jaskiernia 2021). It should also be noted that PiS's party list also included two other parties, Poland Together (Polska Razem – PR) and Solidary Poland (Solidarna Polska – SP), which made the so-called "United Right" a three-party coalition right from the start (Markowski 2016). This coalition ruled Poland between 2015 and 2019 and then won another governmental cycle for 2019-2023. Between 2010 and 2020, only two new political formations exceeded the threshold of Parliament representation: Palikot Movement [Ruch Palikota] (later renamed Your Movement [Twój Ruch]) associated with Janusz Palikot, and KUKIZ'15, established by rock musician Paweł Kukiz. Other movements like Wiosna (Robert Biedron) and Polska2050 (Szymon Hołownia) made it into Donald Tusk's coalition government in 2023 by running on a party list with others (Jaskiernia 2021).

The low level of trust, and dissatisfaction with the functioning of political system institutions in Poland has been prominent. (Foa/Mounk 2017, 13). According to Wojtasik (2020), this indicates that the party system and its functioning is one of the possible factors of deconsolidation of democracy. Although the economic situation was better in Poland than in other CEE countries, in 2015 its currency drastically lost value against the Swiss Franc. Society's prevailing assessment of post-1989 governments was that these had built cronyism and political-economic clientelism instead of investing in education and healthcare systems (Sata/Karolewski 2019). Thus, secret tape scandals capturing a high level of political cynicism among ruling elites have contributed to shifts in power. This was intertwined with a low level of social capital and a decline in trust in democratic institutions (Gallup 2007); the levels of trust in the courts have also been rather low, with 42 percent of respondents in 2016 and 53 percent in 2022 not trusting the courts (CBOS 2022). Despite the attempts of the United Right to "repolonize" the market (see details in sub-section II), Polish media remained diverse throughout these years, albeit in a highly polarised manner. According to CBOS's 2022 report on Social Trust, Poles were generally critical of news television's credibility and political impartiality, and less than a third of them declared general trust in media (29 percent), while more than

half generally did not trust them at all (55 percent). Taken together, these factors provided a favorable background for an authoritarian, populist turn in Poland.

1. Authoritarian experimentation under Jarosław Kaczyński (2015-2023)

Judicial overhaul

When it came to rebuilding the state through the concentration and recentralisation of power, Kaczyński's role models were Charles De Gaulle's Fifth Republic, Józef Piłsudski's coup d'état and Viktor Orbán's system transformation after 2010 (Jasiecki 2019). In 2011, in a direct reference to the systemic changes of the Orbán government, Jarosław Kaczyński described himself as "deeply convinced that the day will come when we will have Budapest in Warsaw" (TVN 2011).

Consequently, the United Right's first target was the judicial system and the media (Sadurski 2020, Niklewicz 2021; Grzymala-Busse 2018; Przybylski 2018). Although, because it did not have a constitutional majority in the Sejm, PiS could not rewrite the constitution, the governing majority adopted almost 20 different pieces of legislation concerning the functioning of the judicial system and affecting judges' independence: the government approved more than a dozen laws which subjugate the judicial branch to the executive and the government-dominated legislative power. This affected the whole spectrum of the judiciary, from the Constitutional Court and the Supreme Court, through the prosecutor's office to the ordinary courts. This was done by amending the Polish Constitution's scope through several ordinary resolutions and introducing new judges to the Constitutional Court in an unconstitutional manner. Systemic changes in the name of "decommunization" included the restructuring of the National Judiciary Council; disempowering and capturing the Constitutional Court; the removal of the "old" judges (of ordinary courts) by lowering the retirement age; attacking the previous Chief Justice of the Supreme Court; and last but not least, altering the membership rules of the electoral commission with the effect of giving the ruling party control of the commission (Sadurski 2019). Key to this process was the capture of the Constitutional Tribunal, whose rulings until 2016 shaped the human rights protection system and became a tool for issuing rulings which often aligned with the government's political interests (Barcz et al 2024).

More than half of Polish society assessed the performance of the justice system rather negatively since 2005, with 2007 as the only exception, when slightly more respondents expressed a positive opinion (46 percent) about the justice system than a negative one (41 percent) (Barcz et al 2024). The “reform” was pursued under the guise of anti-communist rhetoric: Kaczyński has claimed that the judiciary was never vetted properly and that Poland’s judicial elite is made up of the same people who had benefited from the regime before 1989. Double standards indicated that anti-communist sentiment did not apply to figures such as PiS’s communist-era prosecutor, MP Stanisław Piotrowicz, who became a key figure in pushing new legislation on the judiciary through Parliament (Przybylski 2018).

The merger of the Public Prosecutor’s Office with the Justice Ministry, and its complete incorporation into the executive branch, is another example of the politicisation of checks and balances (Sadurski 2019). The institutional environment built up by the United Right often proved permissive to the regime, with a lack of investigation of high-level cases. This partly stems from the partisan public prosecutor’s office, led by Zbigniew Ziobro, and the fact that secret services and law enforcement authorities often remained passive (Makowski 2020). The public prosecution system did not guarantee internal independence in the decision-making process, and superior prosecutors could influence certain decisions made by prosecutors. The Minister of Justice - Public Prosecutor General has also stepped up against the State Audit Office (NIK), a state watchdog institute that had raised concerns about the misuse of public funds by the United Right coalition (Freedom House 2022).

Further criticism by the European Commission was triggered by the removal of the “old” judges (of ordinary courts) by lowering the retirement age; by an attack specifically on the Chief Justice of the Supreme Court; capturing the Supreme Court through disciplinary chambers, and the so-called “muzzle law” (Pech/Scheppele 2017). In 2016, the European Commission (EC) made two recommendations concerning the Constitutional Court, while the 2017 recommendation related to the Supreme Court and common courts.

Additionally, the European Parliament and the Council held regular debates and discussions about respect for the rule of law in Poland, with the European Parliament adopting several resolutions calling on other EU institutions to take action to restore the rule of law in Poland (Cianciara 2018). The events escalated into the European Commission’s initiation

of an Article 7 procedure in December 2017, claiming that the country's justice system was under the political control of the ruling majority. The EU Commission (2017) launched several infringement procedures against Poland by claiming that the "muzzle law" undermined the judicial independence of Polish judges and is incompatible with the primacy of EU law. Consequently, the European Court of Human Rights (ECHR) has ruled that Poland's constitutional court is not a "tribunal established by law" because it contains a judge illegitimately appointed as part of the current government's judicial policies.²

In 2017, the Parliament adopted new laws that shortened the terms of members of the National Council of the Judiciary and the Supreme Court judges, and put those organs under the political control of the executive branch, in violation of the wording of the Constitution. The president vetoed some of those provisions and proposed his version of judiciary reform. Changes to the laws were finally passed in December 2017.

1.1 Parliament as a political instrument

The legislative procedure has also changed during PiS's rule. Firstly, the opposition parties have been treated with open hostility and intimidation by the ruling coalition. Secondly, legislative fast-tracking by private members of the government became widespread, as it does not require extensive public consultation or impact assessment. In 2016, 40 percent of PIS legislative proposals were submitted as private members' bills. The percentage was 15 and 13 percent respectively in the two previous parliamentary terms (Sadurski 2019, 133). Similarly, it became common to introduce legislation unexpectedly at the last minute, sometimes in the middle of the night. This also made it more difficult to respond to observations of legislative

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- 2 After 2020, Poland also received disbursements neither from its €35.4 billion COVID-19 recovery assets, which includes grants and loans, nor from the €75 billion available in cohesion funds, which may be blocked until the country complies with the EU charter (the enabling conditions). On top of that, Poland paid a daily fine of €1 million for flouting an EU court order to dissolve a disciplinary chamber for judges, against which the Polish government filed a complaint in December 2022 aimed at putting an end to the fines. According to the Commission, Rule of Law conditionality against Poland was not triggered because it did not identify a direct link between the deterioration of the rule of law and the financial integrity of the EU. However, empirical research shows that geopolitical considerations may also have played a role following the full-scale invasion of Ukraine. See Zgut-Przybylska 2023.

mistakes in bills. In addition, opposition politicians have often been excluded from the floor of the Sejm on alleged disciplinary grounds, and have been prevented from asking questions from ministers during parliamentary question time (Sadurski 2019, 134).

1.2 Local governments

Since PiS favored a unitary state model, the partial reversal of privatisation and the consolidation and recentralisation of the state's political and economic power, central authorities reduced the competencies of local and regional bodies. After PiS came to power again in 2015, the United Right government introduced major recentralisation changes among central state administration bodies, at the expense of local government units. The government has gradually re-centralised various previously local and regional competencies, such as dealing with support for farmers, distributing EU environmental protection funds, and dealing with competencies in the field of family benefits, parental benefits, and a one-off childbirth benefit. Rajca (2020) argued that such centralisation tendencies have strengthened the position of central state administration bodies at the expense of local government units. Although the government aimed to further restrict the autonomy of local governments by amending the act on the regional chambers of audit, President Duda vetoed it in 2017 (Freedom House 2017).

Changes introduced after 2015 included the withdrawal of the right of incumbent mayors, and city presidents to stand for a third term of office.. They also result in voters being deprived at the municipal level of their passive electoral rights and having their active electoral rights limited. An increasing number of State acts impose rigid organisational solutions on local authorities. In addition to that, an increased number of new responsibilities have been transferred to local authorities without adequate financial resources being transferred for them to cover these tasks (Rajca 2020).

Whereas the EU's criticisms in general did not address the systemic misuse of EU funds, the government's Local Development Fund distributed disproportionately higher amounts of resources to PiS-led local governments under the COVID-19 financial support program (Flis/Swianiewicz 2021). A committee packed with party loyalists decided to distribute six billion Polish zlotys largely along party lines and in a completely non-transparent way.

1.3 Electoral changes

Polish electoral law was amended nine times between 2015 and 2023. Sadurski (2018) argues that PiS followed in the footsteps of Fidesz when it first proposed massive changes in the Polish electoral system in 2017. These included increased control by the parliamentary majority and the executive over the electoral procedure. In addition, a “dejudicialization” of electoral institutions took place along with two public administration reforms. PiS also introduced two administrative amendments concerning the National Election Commission (Państwowa Komisja Wyborcza, PKW) and the National Election Office, by centralising the electoral process and making the government responsible for the appointment of the National Election Office’s staff.

Since the PKW was subordinated to the Interior Minister can be argued that the integrity of the electoral procedure has been significantly undermined.

According to the Office for Democratic Institutions and Human Rights (ODIHR), elections in Poland met the most important democratic criteria up until the parliamentary elections in 2019. Besides individual cases, no systemic irregularities were found that could cast doubt over the reliability of the 2019 results (OSCE 2019). The 2020 presidential elections were considered a turning point in this regard. During the COVID-19 pandemic, concerns over the fairness of the presidential election were raised owing to the rushed and chaotic amendment of the electoral law, after which the reliance on postal voting raised questions over whether the election met the criterion of “secrecy of the ballot (Wojcik 2020).

ODIHR also found that various political and legislative decisions violated procedural norms and principles of electoral law (OSCE 2019). Although the introduction of a state of emergency and postponing the election were both considered, the government decided to hold the poll at any cost, disregarding the risks posed by the pandemic. Although the Catholic Church has no formal political power, it had close informal ties to Kaczyński’s party. The clergy provides strong political support for PiS, especially in the south-eastern voivodeships: this is mostly the case in small parishes where priests make political recommendations during their services, and party posters and leaflets are often displayed in churches (Zgut 2022). In this regard, the United Right government and the Catholic Church mutually reinforce each other; PiS also referred to the principles of the clergy regarding laws on abortion or same-sex marriage.

The electoral law was once again changed ahead of the 2023 parliamentary elections, increasing the number of polling stations and requiring local authorities to provide free transport to elderly and disabled people on polling day. Although PiS argued that this would strengthen the democratic process by helping more people to vote, concerns were raised that the goal was to boost turnout among rural and older voters who disproportionately support PiS. Another concern was that changing the electoral code so close to elections was undemocratic as well as unconstitutional.

Attempts to “repolonize” the media

PiS attempted to follow Fidesz’s footsteps in many ways to capture, or as Kaczyński framed it, to “repolonize” the media. PiS gradually eroded democratic standards by introducing a new law, the so-called ‘small media law’, amending the former Law on Radio and Television Broadcasting, raising questions about the rule of law in the country at the end of 2015. It enabled the government to appoint and dismiss the heads of the public television and radio. According to the new rules, the presidents and members of the board of both institutions were appointed from among multiple candidates, or dismissed, by the Minister of Treasury instead of the National Broadcasting Council.

Kaczyński also depicted foreign ownership as a threat to national sovereignty (Czuchnowski/ Kublik 2020). According to the World Press Freedom Index, Poland has fallen from its highest position (18th) in 2015 to its lowest (57th) in 2023, with the European Centre for Press and Media Freedom (ECPMF) reporting many cases of breaches of media freedom in the country.³ Journalists independent from the government were threatened with defamation lawsuits and struggled to get regular access to information and accreditation. What’s more, journalists were physically attacked during the mass protests against the abortion ban, with the independent media also suppressed by courts.⁴

3 ECPMF’s 2022 Mapping Media Freedom. Monitoring Report 2022 indicated 21 press freedom violations involving 28 individuals and media entities in Poland. See more here: <https://www.mappingmediafreedom.org/wp-content/uploads/2023/02/MFRR-Monitoring-Report-2022.pdf>

4 Data from Reuters Institute for the Study of Journalism’s 2021 Digital News Report 2021 Poland shows that more than 60 defamation lawsuits against *Gazeta Wyborcza* and at least 40 against *Ringier Axel Springer Polska* (owners of magazine *Newsweek Polska*

The OSCE's election report repeatedly argued that the public media and the media acquired in the countryside were used to gain an electoral advantage by unilaterally spreading party propaganda. Polish public media has two main pillars: TVP (Polish Television), which operates national, regional and thematic television networks, and Polskie Radio (Polish Radio), which operates five national networks and several regional stations. Since 2015, it has been turned into a propaganda instrument for the government (Sadurski 2019, Sobczak 2017, Szot 2020), and became a political polarisation tool to push the agenda of the United Right government, centered around narratives such as: the Polish opposition is more dangerous than the COVID-19 virus; the opposition is an existential threat to the Polish nation; Donald Tusk, then leader of the opposition (and prime minister since 2023) is a double agent for Germany and Russia, who “wants to destroy Catholic Polish family values, and expose Polish properties to Germany” (Tilles 2023a).

State funds have been used to pay carefully selected commentators lucrative sums to participate in these programs and regurgitate government tropes. This was also acknowledged by one of the former employees of the public television, who said that: “We broadcast worse propaganda than the communist regime to support the government's election campaign” (Tilles 2023b). As a result, Poles were exposed to constant disinformation. It also seriously undermined the democratic separation of the state and the former ruling party, which had a profound negative effect on the quality of the election. In addition to the previously listed propaganda media, PiS primarily pushed political ads centered around migration on social media, in particular Youtube (Ptak 2023). This was reinforced by the institutional environment created by the ruling elite after 2015. The National Broadcasting Council (KRRiTV), which regulates the media and is supposed to guarantee media freedom, was particularly exposed to political influence. It issues radio and television broadcast licenses and imposes fines on journalists and broadcasters for alleged partisan reporting. Until the end of 2023, KRRiTV was controlled by PiS in a strongly politicised manner. The United Right government also imposed restrictions on journalists who traveled to the border with Belarus and reported on how people were trying to get into Polish territories.

and website Onet.pl) have been filed since 2015. See more here: <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2021/poland>

Kaczyński has been claiming for years that the majority of the press is under the influence of foreign (mainly German) actors (Tilles 2020), leading him to demand the “repolonization” of the media. The United Right proposed various bills aimed at restricting foreign ownership at various levels. One was the controversial advertisement tax that triggered mass demonstrations in 2020. While the government claimed that, as a “solidarity fee,” the tax would create better conditions for the development of free media, Polish publishers perceived it as threatening the potential weakening or even liquidation of some of the media operating in the country (Wilczek 2021). In the end, the bill was withdrawn. The Polish government also aimed to pass a law “deconcentrating” and “repolonizing” private media by reducing foreign ownership. One of the most significant steps was an attempt in 2021 to restrict media freedom through the so-called ‘Lex TVN’. This would have disproportionately affected the outlets that most vigorously hold the current government to account, such as the TVN24 television channel (owned by American Discovery Channel). Whereas PiS argued that the bill was aimed at preventing states like China and Russia from influencing Polish media, opposition figures have accused the government of seeking to silence TVN, a salient critic of PiS and the country’s largest private broadcaster. Whereas the former government presented the bill as similar to examples found in Western legislative practices, it resulted in diplomatic tension with the United States (Rzeczpospolita 2021). The bill was vetoed by President Duda in December 2021.

One of the most significant changes in the media market occurred when the majority of regional daily newspapers came under political control. Polska Press, the media company that owns these outlets, was bought from the German media group Verlagsgruppe Passau in 2021 by the state-owned oil company PKN Orlen. Consequently, Daniel Obajtek, a close political ally of Kaczyński and a PiS member, controlled 20 of Poland’s 24 regional newspapers, more than 120 local magazines, and 500 online portals with an outreach of 17 million users. Besides being a source of lucrative administrative positions, state-controlled companies served multiple strategic roles during PiS’s rule, including media capture (Zgut-Przybylska 2023). Despite all these changes, the Polish media market remained significantly more diverse than that of Hungary, where the Orbán government captured more than 80 percent of media outlets (Bátorfy/Urbán 2019). One of the flagship outlets in this regard is TVN, which was highly critical of the United Right government and whose outreach continues to be significant.

2 Human rights restrictions and violations driven by religious influence and populism

The United Right developed “unholy alliance” with the Catholic Church by using populist manipulation to deepen social cleavages. The Catholic Church has traditionally had a significant impact on Polish society and has contributed to the consolidation of social capital in the country (Sadłoń 2014). It was also positively associated with resistance to the communist regime before 1989.

Under the guise of religious beliefs, the government waged a cultural war on the LGBTQ community, women, and ethnic and national minorities by adopting nationalist, xenophobic, ostracizing, anti-pluralist and anti-establishment attitudes. The United Right was set to defend the “strict principles of the moral order and the patriarchal model of the family, as well as attitudes expressed in the traditional roles performed by individuals” (Chrostowski 2023). After the return to power of the PiS government, the Catholic Church was promised that, in matters of cultural values and morals, there would be no changes in the law inconsistent with the catholic creed. This was seen as a quid pro quo for the support it has provided by legitimising and supporting the policies implemented by the government, including the dismantling of the rule of law.

Polish civil society has been exposed to hate-motivated attacks, both verbal and physical, on the LGBTQ community, while PiS and public media initiated lawsuits against critics (Freedom House 2019). When it comes to civil society organisations, the PiS government has radically reduced, and often completely ended, financial support to NGOs focusing on sexual minorities. A new statute dated 13 December 2016 has given a privileged position to public gatherings devoted to patriotic, religious and historical events, which tend to be close to the ruling party (Sadurski 2019). Since 2015, media outlets published by Ringier Axel Springer have been sued by persons or institutions with close ties to PiS in 79 civil cases and 17 criminal cases. Numerous legal cases were also pending against social activists who had spoken out against anti-LGBTQ resolutions adopted by local governments (Freedom House 2022).

The Polish government has not only used the opportunity of the COVID-19 pandemic to strip opposition-led local governments (Matuszak et al. 2022) of financial support and to introduce new types of disciplinary offenses for judges. It attempted to push legislation that adhered to the

religious ideals of the Catholic Church. Fostered by the Catholic clergy and legally backed by *Ordo Iuris*⁵, the Constitutional Tribunal drastically tightened the ban on abortion in Poland. In October 2020, the Polish Constitutional Court ruled that, in cases where the fetus has a congenital disorder, abortion is unconstitutional. This in effect resulted in further restricting what was already one of the strictest legal frameworks for abortion in Europe, also applying to cases involving rape, incest, or danger to the life or health of the mother (Krajewska 2021). Despite delays in late 2020, and mass protests bringing together hundreds of thousands of participants in Warsaw and other Polish cities, the controversial ruling came into effect in January 2021. Following this, Jarosław Kaczyński said the country was in the midst of a “cultural civil war” and he urged citizens to defend the church “at all costs” to prevent Poland being “destroyed” (Wójcik/Szpala 2020). By framing the fight as one that centers on the church, the ruling party was portraying the protests as an attack on a pillar of Polish society and, by extension, an attack on “the people.”

The “LGBT ideology” became the subject of an unprecedented smear campaign in Poland after 2018, further accelerating during the pandemic. The state apparatus, including government-controlled public media, significant parts of the Roman Catholic Church’s leadership and clergy, as well as pro-government organisations demanded pushback not only on women’s but also on sexual minority rights (Grabowska-Moroz/Wójcik 2022). In the upheaval of the presidential campaign in 2020, Andrzej Duda declared that “LGBT ideology” was worse than communism: “we are being told, ladies and gentlemen, that those [LGBTQ] are people, and this is simply an ideology” (Adamska 2021). Encouraged by PiS, by March 2019, up to 100 municipalities (including five voivodeships) had adopted declaratory resolutions to support traditional families and to protect children and youth by declaring their area to be free of “LGBT ideology”.⁶

During the COVID-19 pandemic, the ban on demonstrations and on public gatherings of more than five people was still in place in 2021

5 *Ordo Iuris* Institute for Legal Culture (Fundacja Instytut na rzecz Kultury Prawnej *Ordo Iuris*) is an ultra-conservative Polish Catholic organisation and think tank that was established in 2013 by the Christian Culture Association. *Ordo Iuris* has been actively advocating against LGBTQ minority rights, abortion, and the institution of divorce. Its first anti-abortion bill, drafted in 2016, led to women’s “Black protest” in Poland.

6 In February 2024, Warsaw Voivodeship Administrative Court repealed the last “LGBT-free zone” in Poland.

although the government never officially declared the state of emergency which should have been required for such extended strict measures. Furthermore, public gatherings had to be registered with the authorities. When those conditions were not fulfilled, the police often reacted aggressively to demonstrators. After the Supreme Court ruled that this ban was illegal, all pandemic-related restrictions were lifted by late March 2022 (Bertelsmann 2023).

One of the most notorious violations of human rights was related to the use of Pegasus spyware systems for surveillance. The investigation committee found in 2024 that almost 600 people were targeted with Pegasus spyware under the former PiS government between 2017 and 2022 (Ptak 2024). In addition to that, citizens could almost completely lose their right to public information. In a motion to the Constitutional Tribunal earlier in 2021, the first president of the Supreme Court questioned many key provisions on access to public information (Makowski 2021).

After 6 years of backsliding on the rule of law, PiS challenged the EU's legal order in 2021 in court. The Polish government not only often disregarded the rulings of the Court of Justice of the European Union (CJEU), it also requested that the provision in EU law which entitles the CJEU to review national provisions concerning the composition, method of appointment, and competencies of the authorities of the Member States, in particular courts, be declared unconstitutional (Woźnicki 2021). Consequently, the Polish Constitutional Tribunal decided that certain EU treaty provisions are incompatible with Poland's constitution, and that the EU's top court therefore cannot force PiS to suspend part of its judicial reforms.

3 Summary and outlook - Democratic regime trajectories in Poland

Although Poland's democracy has not deteriorated nearly as much as that of Hungary, it became the fastest autocratizing country by 2020 by global standards (V-Dem Institute 2020). Under PiS rule, Poland deteriorated from a liberal democracy to an electoral democracy, closely following the competitive authoritarian regime of Viktor Orbán. Whereas change in power through elections is hardly possible in autocracies, it is more common in hybrid regimes. Between 1987 and 2006, one-third of elections in competing authoritarian states ended in opposition victories (Kendall-Taylor, Lindstaedt/Frantz 2019). Poland represents one of the recent examples, as the October 2023 parliamentary elections resulted in a shift in governmen-

tal power. Despite PiS managing to win the biggest share of the votes (35.4 percent), this translated in less than the majority of 231 seats needed to form a government. This enabled Donald Tusk to pull together 248 seats (157 from the Civic Coalition, 65 from the Third Way, and 26 from the New Left) (Potocki 2023). The Tusk coalition also managed to win the majority of seats in the April 2024 local elections (Stolarek/Gontarczyk 2024) and in the June 2024 European elections.

What were the contextual, structural, and societal conditions behind this regime change after eight years? Various factors contributed to this shift, one of them being the proportional electoral system. A wealth of literature (Kendall-Taylor; Lindstaedt/Frantz 2019) argues that the cohesion of the opposition plays a pivotal role in how elections play out in authoritarian or hybrid regimes. This does not necessarily mean that all opposition parties have to run on one single platform. Thanks to the proportional electoral system, the Polish opposition could follow the Czech model and organise themselves into three different blocs to mobilise their own electorate. The opposition ran on three different lists during the parliamentary elections: Donald Tusk's centrist Civic Coalition (KO), the centre-right Third Way (Trzecia Droga) and The Left (Lewica). This enabled them to successfully mobilise their own electorate with tailor-made messages, without alienating their core voters. The strategy has proved to be efficient. They not only competed with PiS but also with each other for one overarching goal: to maximise mandates and join forces after the elections to replace the United Right government. The proportional electoral system reinforced it, ensuring better representation for minority groups and women (Stolarek/Gontarczyk 2024).

Despite the PiS government's erosion of the rule of law and subordination of public media to the executive, checks and balances and local autonomies remained intact. This stems from the multilevel governance system that was not hollowed out by PiS despite the financial and political restrictions imposed on local municipalities. President Duda's veto also prevented PiS from entirely undermining the autonomy of local governments and from introducing the Lex TVN, although his veto power did not substantially prevent the overhaul of the judiciary in 2017. A remaining diverse media market and a vibrant civil society have shown resilience despite their financial constraints and the hostile environment built by the United Right government.

Last but not least, social preconditions were also key for the process. There has been a steady decline – from 65 to 48 percent within a decade –

in trust in the authority of the Church. Secularisation became a significant phenomenon among the well-educated electorate in larger cities. As a result, there was a huge drop in Catholic practice, and self-identification with Catholicism has weakened, especially among the youth (Tilles 2023a). Consequently, as Stanley Bill (2023) has rightly argued, eight-years of cultural war, abortion restrictions, and hate-mongering against sexual minorities and migrants have eventually backfired on PiS. Undecided voters - mostly women - were more concerned about economic issues and lack of access to safe abortion than the fear-mongering against minorities which was a central element of the PiS campaign. According to Ipsos polls, turnout among women was 74.7 percent, as opposed to 73.1 percent among men (Marczewski 2024). Although the Civic Platform had not until then been very involved in reproductive rights debates, Tusk decided to change direction and stand up for women's rights, which helped the former opposition to better mobilise among the female and youth electorates.

A difficult re-democratisation in the making

Following the “Third Wave” of authoritarian breakdowns (1974-1989) and the fall of the Soviet Union, countries such as Poland and Hungary moved quickly towards a democratic transition. 35 years later, such democratic remodeling has taken different paths, since Poland under Kaczyński did not return to being an established autocracy. As one metaphor puts it: Polish democracy before 2015 was like an aquarium full of diverse fish, which PiS transformed into a fish soup. This included the capture of the full spectrum of courts, the prosecutor's office, public media and most of the local media. Tusk's second government now faces the challenge of turning this fish soup back into an aquarium, which is a more difficult process than the other way around.

The first issue the government addressed was that of the public media; on 19 December 2023 the Sejm (2023) adopted a resolution calling for the restoration of standards in the public broadcaster. The Minister of Culture, Bartłomiej Sienkiewicz, dismissed the old management and appointed new supervisory boards for the following companies: Polish Television, Polish Radio, and the Polish News Agency. The fast but controversial decision was based on the legal provisions of the Commercial Companies Code (Barcz et al. 2024). The political reasoning was that the new government

could not allow PiS party propagandists to continue using massive amounts of taxpayers' money to spread disinformation by violating all the rules of public service communication. Although the method was criticised by the Commissioner for Human Rights Marcin Wiącek and the Helsinki Foundation for Human Rights (2024), others argued that the government was acting for a constitutionally justified purpose. Under the protective umbrella of the politically captured National Broadcasting Council and the National Media Council, public media controlled by the PiS government had been spreading party propaganda and disinformation and violated statutory provisions. However, for the situation to be permanently improved requires the adoption of a new media law. The bill will be voted on by the Sejm in a year at the earliest, and the next president may decide whether to sign it.⁷

What is even more difficult is the restoration of the rule of law via the reform of the judiciary. The Tusk government inherited a judicial system – in particular the Constitutional Tribunal, the National Judicial Council and the so-called neo-judges – that was largely subordinated to the former ruling elite. Since President Andrzej Duda declared that he will use his veto power to block institutional changes, it will be particularly difficult to resolve the issue of the status of neo-judges, among others (Rahman 2024).

Adam Bodnar, the Minister of Justice, has so far achieved the following in 2024: the government adopted a series of laws reforming the National Council of the Judiciary, the prosecutor's office, and the courts. It also took soft actions that do not require statutory changes, such as ending disciplinary proceedings against judges in the prosecutor's office, and replacing court presidents who were nominated by the former Minister of Justice, Ziobro (Jałoszewski 2024). After the Ministry laid out a so-called Action Plan to restore the rule of law, the European Commission decided to unblock previously withheld EU funds, and to terminate the ongoing Article 7 procedure against Poland. Poland's accession to the European Public Prosecutor's Office also greatly contributed to the release of EU funds, as did Minister Bodnar, who had a major impact on changing Poland's image and normalizing its relations with Brussels. However, some experts claim that the EU should not have released the funds and terminated the Article 7 procedure against Poland until rule of law issues were fully resolved in the country. Although the government plans to introduce further reforms, it is also probable that difficult rule of law issues will be kept until after the presidential election in 2025. Nevertheless, Bodnar is under tremendous

7 Poland will hold presidential elections in May 2025.

pressure from judicial activists who were persecuted during the PiS era to take drastic and fast steps to hold judges nominated by PiS accountable (Pietryga 2024). One of the most frequent criticism applies to the ongoing operation of the National Judiciary Council (Jałoszewski 2024).

Another issue that was addressed by the government is the misuse of public funds directed to the circles of the former Justice Minister. The so-called Justice Fund (The Victims and Post-penitentiary Aid Fund), which despite its headline purpose of helping victims and witnesses, preventing crime, and providing prisoners with assistance after their release, ended up financing groups close to Ziobro (including his own party United Poland - Solidarna Polska) that were working for the re-election of Kaczyński's coalition. The Tusk government revealed that auditors have so far identified 100 billion zloty (€23 billion) of state expenditure that raises "suspicion it was spent illegally" (Zgut-Przybylska 2024).

Enhancing mutual engagement with Polish society is one of the best ways to strengthen the democratic design of this process. Poland needs to return to regular public consultations on government projects, reinstate public hearings in the Sejm and develop closer cooperation with civil society organisations. An important initiative is that the Ministry of Justice and the Ministry of Foreign Affairs held their first technical consultations with civil society organisations shortly after the elections. Local authorities with strong autonomy can provide a good basis for this process, which can help the Tusk government channel and voice citizens' preferences.

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Democratic Backsliding in Slovenia: The mutually Reinforcing Effects of Economic Neoliberalism and Illiberal Democracy

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1 Introduction

Slovenia became a member of the European Union (EU) in 2004, joining nine other candidates. It was often labelled as one of the most prepared candidate countries and even as “the best pupil in class”. Such labels are superficial and usually misleading, but Slovenia was generally considered one of the most prepared among the newly joining member states of the EU.

As such, Slovenia should not be one of the examples of democratic backsliding in Central and Eastern European countries. Nevertheless, as this paper aims to show, Slovenia experienced sudden democratic backsliding in 2020 – 2021. As one of the best prepared among the new member states committed to EU integration, it should not experience democratic backsliding. The opposite has occurred for multiple reasons which will be discussed and analysed in the following sections of this paper. The example of Slovenia confirms both the variety of democratic backsliding (Wunsch/Blanchard 2023) across the region and the fragility of institutions, requiring a constant need for deliberate democracy, participation, and active shaping of public policies to strengthen democratic institutions and democratic processes.

The structure of this paper is as follows: first, social, economic, political, and institutional developments in Slovenia are presented. This presentation is not descriptive but shows the normative and structural context that may prevent democratic backsliding. It shows the inherent risks of neoliberal policies – a set of economic, social, and legal policies that have nothing to do with modern political liberalism – contributing to democratic backsliding. No single, isolated cause may push the country toward democratic backsliding. Finally, the experience of Slovenia will be used to illustrate the possibilities for countering and reversing democratic backsliding.

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Slovenia's experience during the transition period, its integration within the EU, democratic backsliding, and rapid reversal towards an uncertain future, are valuable insights relevant to anyone interested in the patterns of democratic backsliding and the efforts to develop a consolidated, pluralistic, and participatory democratic country in the EU.

There was broad public and political consensus on Slovenia's path toward EU integration. The negotiation process was relatively smooth despite the many regulatory, institutional, and socio-economic adjustments required for integration into the EU and harmonisation with its legislation. Even though the negotiation process was regularly reported on to the national parliament and government negotiators needed approval from the parliamentary committee for their negotiation guidelines, the public was not sufficiently aware of the depth of the changes and adjustments.

The attitude of the public was that the process of EU negotiations and harmonisation with EU legislation would help consolidate the functioning of public institutions, increase the level of transparency and accountability of decision-making processes, strengthen the rule of law, secure pluralistic parliamentary democracy and independent civil society, raise the social welfare and social protection of vulnerable social groups and, above all, enhance social prosperity. Even though Slovenia was one of the most developed countries among the ten new member states from Central and Eastern Europe, its GDP level in 2004 was only around 70 percent of the EU's average (Potočnik et al. 2007) and it reached around 90 percent of the EU GDP average in its twenty years of membership (Arnold/Bounds 2024).

The referendum on EU accession was made after the completion of the negotiations and when the accession treaty was made. The referendum took place in the spring of 2003, with a clear majority supporting entry into the EU. According to Slovenia's State Election Commission (DVK), the turnout was around 60 percent of the electorate, with almost 90 percent of those voting approving Slovenia's entry into the EU. Such an outcome was consistent with the broad popular support for the EU and the fact that most of the political parties and key politicians, as well as business groups, trade unions, academics, and civil society, were in favour of entering the European Union (DVK, State Election Commission archive).

Looking retrospectively after two decades of Slovenian membership in the EU, the most significant misunderstanding was the public conviction that entering the EU was a goal in itself that would automatically guarantee prosperity, democracy, the rule of law, and social welfare. In fact, entering the EU was, at best, an opportunity—a means to an end—to

enhance the overall development, competitiveness, transparency, and accountability of governance in the complex, multilayered structure of EU governance and joint decision-making processes. Only the most prepared and well-organised member states can cope with the complex processes of supranational regulatory, legislative, and judicial decisions. They are capable of actively shaping the social, economic, and political processes of the Union. In contrast, less prepared and less organised member states remain mere recipients of the normative context shaped by others. The process of adaptation to the EU framework remains superficial, formal at best, and not substantive. The sense of alienation from EU decision-making processes has grown, rather than diminished, over the last two decades. The quality of public discourse and attention to European decision-making processes, including the work of Slovenian officials in these processes, has not advanced significantly over time. Consequently, turnout for European parliamentary elections in Slovenia is one of the lowest among all European member states. The participation of young Slovenian citizens is especially low.

Moreover, the recognition that entering the EU also entails the creation of new dividing lines between the relatively protected “insiders” and less protected “outsiders” in the context of global social and economic pressures has led to the perception that even the EU, despite being one of the leading trading blocs in the world, does not shield excluded parts of its population from the pressures of globalisation. Due to the historical ties and economic and social relations with the Southeastern European countries, the slow process of further EU enlargement created a traditional core – semi-periphery and periphery version of dependent relations that have not been resolved even after two decades since the last large enlargement in 2004.

The disillusionment with many developments in Slovenia, the European Union, the neighbouring regions, and the international community, does not mean that overall public support for EU membership has dropped significantly. Despite the lack of a coherent national development strategy in the context of Europeanisation and globalisation and the frequently inadequate European responses to several crises in the past two decades, public support for the EU remains high. The conviction is that despite its deficiencies and the rather formal, technocratic integration of Slovenia into the bloc, the EU was and remains capable of shielding Slovenia better against external pressures and crises—the pandemic, for example—than would have been possible if Slovenia had not joined the EU (Bučar/Udovič 2023; Lovec et al. 2022).

What is changing, however, is the more realistic and pragmatic view that the quality, accountability, and responsiveness of public institutions, including the institutions of parliamentary democracy, an independent judiciary, free and pluralistic media, and organised civil society, primarily depend on constant commitments and efforts at home to support, develop, and preserve them.

One of the peculiar characteristics of Slovenia's integration into the EU that needs to be mentioned in the introduction is the low turnout for European parliamentary elections: lower even than 30 percent in 2014 and still below 40 percent in the last parliamentary election. Even the recent elections in 2024 did not achieve a higher turnout than 42 percent, which was the highest turnout since Slovenia's accession to the EU (DVK, State Election Commission archive). On this basis, it is possible to claim that, from a national perspective, the real integration process remains incomplete.

2 Political, institutional, and social characteristics of the Slovenian system

Slovenia adopted its new constitution – a modern, European constitution – in 1991, with a constitutional system that drew on the constitutional arrangements of Austria, Germany, and several other European countries. The chapter on human rights and freedoms placed a strong emphasis on the prevention of any form of arbitrary interference of the government into the privacy of citizens. Many constitutional provisions provide safeguards in criminal procedures to prevent against police abuses. Because of past limitations and contestations of these freedoms, other constitutional provisions provide guarantees for the freedom of expression, freedom of assembly, and freedom of public gatherings, which were key demands of the social and human rights movements in the 1980s (a period of social movements, protests, demands, and gradual liberalisation and emancipation of society). In addition to the chapter on human rights and freedoms, an extensive chapter on social and economic rights was adopted in the constitution. Although not enjoying the same level of direct legal enforceability as the chapter on human rights and freedoms, the provisions on social rights, such as the right to health, a healthy environment, housing, education, and social welfare show a level of constitutional commitment to maintaining high levels of social welfare, equality, and fairness in society (Ustava Republike Slovenije, 2023). Strong social pillars, relatively high lev-

els of social equality, and equal opportunities, are legacies of the previous socialist period, but the constitutional settlement indicates a framework conducive to social solidarity, fairness, and shared prosperity even in the period of transition from the socialist arrangement to the European-style social market economy.

Moreover, important provisions protect the equality of all citizens, such as equality for men and women. In addition to general provisions on the equality of all the citizens of Slovenia, the constitution provides for equal employment conditions. There is a constitutional provision guaranteeing freedom of choice in childbearing, whereby everyone shall be free to decide whether to bear children.

Several important constitutional provisions deal with the organisation of the parliament, the government, and the state in general. One is that the electoral system ensures proportional representation with a four percent threshold and gives due consideration to the fact that voters have a decisive influence on the allocation of seats to the candidates (Article 90). Based on proportional representation, the president of the republic proposes to the National Assembly a candidate for prime minister. If the candidate receives the absolute majority of votes in the parliament—46 out of 90 parliamentary votes—they form the government, which also needs to be approved by the parliament (Grad et al. 2020). There are two rounds of votes in the National Assembly: first to elect the prime minister and then to approve the entire government.

Due to the proportional system, a coalition of political parties in power must be formed. The leading political party rarely achieves more than 30 to 35 percent of votes, which leads to the formation of diverse coalitions with several political parties. The system does not favour strong political leaders at the helm of the government. Running the government in practice requires the skilful leadership of the prime minister and the leading coalition party. It very often requires concessions to the smaller political parties beyond their electoral weight. Occasionally, it even requires agreements and support from the parties in the opposition for certain decisions that require two-thirds unanimity (e.g., the election of the ombudsman requires a two-thirds majority).

On the other hand, the constitutional arrangement favours the incumbent government with a constitutional safeguard called a constructive no-confidence vote. This safeguard is taken from the German constitutional system and stipulates that a vote of no confidence by the parliament can be passed only by electing a new president of the government. This means that

the constitutional system favours the incumbent government and the prime minister after parliamentary elections and coalition formation.

In practice, over the last 30 years, the system provided relatively stable governments despite a sometimes large number of coalition partners. Most of the coalitions were formed on the same side of the political spectrum (centre-left and liberal parties predominantly, and occasionally centre-right political parties, but also coalitions across the political spectrum). Resignations of the prime minister and of the entire government also occurred, but this was more of an exception to the general rule of relatively stable governments. Relatively stable government coalitions in the proportional system meant that many concessions had to be made to counteract the occasional demands of the smaller political parties in the coalition, who have difficulties showing their public and electoral impact within the governing coalition.

Another important characteristic of the Slovenian political system is the relatively large size of the public sector, including public agencies, funds, institutes, and state-owned companies (completely or partially owned by the state). In theory, all these public entities should be run as autonomous, independent, and legally accountable entities. In practice, however, many of these entities have become intertwined with party politics, primarily influenced by the ruling coalition parties but sometimes by opposition parties as well—the so-called “unprincipled coalitions”. Consequently, interest groups of different origins, loyalties, and shifting alliances were often capable of exerting favours, rents, and other forms of advantages that transcended both the interests of the political parties and especially the protection of high-quality access to public services on an equal basis for all citizens. The practice of conflicting interests, rent-seeking, and bypassing public procurement procedures has become particularly problematic in the construction of public infrastructure and in the public health system. Public trust in many public institutions has recently started to gradually erode. Political parties traditionally receive the least public trust, followed by politicians. Even the media, the judicial system, the ministries, and the government, including the national parliament—in many instances in a fast-changing social and political context—do not enjoy a high level of public trust. Similar applies to the church, often to the trade unions. The president of the republic usually ranks highest in terms of public trust, as do the national defence system (including the military, the police, and especially the civil defence system, which includes volunteer firefighters

and their local associations), the system of public education, science and research, entrepreneurs, and independent civil society.

There is a pattern of erosion of both old and newly established political parties, accompanied by a simultaneous rise in the influence of well-organised interest groups. Reasons for the erosion of political parties' influence are manifold: a decline in the attractiveness, for the most talented and accomplished individuals, of action within the party system; a decline of programmatic work within the political parties of the entire spectrum, where the majority of the political parties subscribe to the neoclassical set of economic and social policies that all represent the versions of the third way with strong convergence; the existence, restricted to the fringes of party politics, of partial and exceptional attempts to articulate new form of political and social initiatives – most of them in fact closer to populism than to any type of coherent, elaborate and institutionally innovative ways. The institutionally conservative, status quo political parties attract less and less interest among the public and talented young people. Negative party selection with uncritical loyalists, lack of programmatic ideas and initiatives, as well as convergence toward the neoclassical repertoire of the primacy of markets over public policies, led to the steady erosion of party politics. Gradually, political parties represent more particular groups, personal interests and gains than an ongoing democratic contest of different political visions and programs (Fink-Hafner 2024; Laštro/Bieber 2023).

The European third-way approach to politics—a combination of Anglo-Saxon economic flexibility and the Rhineland model of social security—amplified with the European technocratic approach, led to the steady belief at the national level that party politics is something obsolete and unable to articulate new ideas, initiatives, and institutional innovations. Thus, it does not come as a surprise that the rise and growth of new and instant political parties were formed without a proper social base, without a proper political program, and without a strong, advanced political apparatus. In certain instances, these newly formed political parties, sometimes created only a few months before parliamentary elections, became part of the ruling coalition or even the ruling coalition party itself. The personification of the new and old political parties took primacy over all other political organisations and activities. The cycle of traditional replacement of left and right political changes transformed into a cycle of new and old political parties, resulting in an ever-lower quality of policymaking. After each new round of elections, the initially high public expectations for the new political parties and the supposedly new faces in Slovenian politics soon descended

into disillusionment with politics and an erosion of trust toward public institutions.

Finally, the most important characteristic of the Slovenian political system since its independence was a broad political consensus on key social and political issues. This consensual politics, led primarily by the centre-left coalition governments in the first decade before entering the European Union, was largely continued by the centre-right coalition after the country's accession to the EU. The broad consensus in politics and policymaking gradually eroded due to an extensive mismanagement of Slovenian economic and social policies, which became more visible and tangible only after the global financial crisis. The rapidly increasing public debt, the sale of many formerly successful national companies— both private and public—the new wave of bankruptcies and the rise of unemployment, the deterioration of public services, and the spread of political clientelism, led to the completion of Slovenia's incrementalist and gradual reforms as the model of Slovenian adjustments to the processes of Europeanisation and globalisation. The previous model of political consensus approaches has been exhausted; in its place, the model of polarisation, culture wars, and weak public institutions without a clear strategy and development initiative has come forward. Slovenia was on the verge of receiving a troika from the EU. From being among the most prepared and advanced new member countries, Slovenia has become a semi-peripheral EU member, unable to make the structural progress necessary to become one of the more developed and advanced member states.

The constitutional, legal, and political safeguards against political and social instability remained in place and continue to play a role at the vertical and horizontal levels of policymaking. The nominal stability of the political and constitutional systems did not, however, prevent the deterioration of the quality of policymaking. Instead of more sophisticated policymaking to deal with the new challenges and opportunities of the inclusive knowledge economy, climate change, green transition, and coping with the new social, health, and other risks, policymaking is stagnating. There is a certain level of resilience and inertia embedded in policymaking. There is also a certain level of protection against excesses or further deterioration of public policies in the framework of EU decision-making processes. However, in place of constant improvements and enhancement of problem-solving capacities, it is stagnation that is observed. People, firms, other social groups, and associations increasingly realise that they must rely primarily on their own devices to cope with the ongoing challenges and frequent crises (nat-

ural, social, and economic, domestically and internationally). The more resourceful and successful parts of society can integrate and benefit from Europeanisation and globalisation, whereas the growing divide in society results in some social groups remaining excluded from such opportunities and benefits.

3 Economic neoliberalism and illiberal democracy: Causal links

Perhaps the best explanation for the complex causal links between growing social and economic dissatisfaction, steady erosion of trust in public institutions and political parties, and sudden democratic backsliding – as well as the reversal of democratic backsliding – is offered by Orenstein and Bugarič. Their analysis sees the root causes of democratic backsliding across the Central and Eastern European countries as a delayed reaction to the strict implementation of the highly disruptive neoliberal reforms (mass privatisation of the economy, partial privatisation of social pillars in the deregulatory environment, prone to massive frauds) supported by Western international organisations, including the European Union (Orenstein/Bugarič 2022, 3). This finding is consistent with the rise of ethnopopulists focusing on the economic well-being of the citizens (Vachudova 2020, 7), and with the fragility of democratic institutions across the region in all three categories of countries (consolidated democracies, democratic backsliding countries, and democratic backsliding countries prior to consolidated democracies) described by Stanley (2019).

The public sphere, however, becomes fertile for any rise of populism, demagogues, and illiberal alliances forged between the populist and the excluded social groups. The sentiments are mainly anti-institutional, at the national and European levels, and against globalisation.

4 Individual but cumulative dismantling of independent institutions: The cases of the Slovenian Press Agency (STA), the public prosecution delegation, and the public television

Growing disillusionment with public policies, political parties, and institutions, did not develop overnight (on the dynamics of consolidation and institutionalisation of the party system in Slovenia toward gradual fragmentation and polarisation, from independence to the present, see Fink-Hafner

2024, 170 – 213). After strong support for EU integration and membership not only in the European Union but also in the eurozone and Schengen, enthusiasm for the European Union gradually eroded. This was especially the case during the international financial crisis, when the Slovenian public and private sectors were highly exposed, and the ensuing period of austerity and of sales of a long list of public and private Slovenian companies and financial institutions.

Before the pandemic, a weak and fragile centre-left government coalition collapsed in the middle of its mandate. The smaller coalition parties, with low chances of re-election, opted rather to join the right-wing coalition to prevent early parliamentary elections. The new centre-right coalition was formed with the support of smaller political parties without a clear political profile and with an even less clear social and political base. As described in the previous section, the ground for the rise of populism and for the turn toward illiberal democracy was already fertile. In this section, three examples indicating a slide toward illiberal democracy—the conflict between the newly formed government coalition and the national press agency (STA), the government's interference in nominating two delegated prosecutors to the European Public Prosecution Office (EPPO), and the standoff between the government and the national public television—will be presented.

STA was founded by the government of Slovenia after independence and is the backbone of the information system for the national media. The law on STA guarantees the agency's institutional autonomy and editorial independence as well as adequate financing for the uninterrupted performance of the public service based on the annual business plan (Article 3). In addition to the public service, STA was also allowed to perform commercially, but the accounting for these two activities was kept strictly separate.

When the new government was formed, it withdrew its funding of STA despite its legal obligations and existing contractual obligations via the government's communication office, UKOM. The argument for suspending payment was that alleged accounting inconsistencies must be clarified before payment obligations can resume. In addition, UKOM initiated a weekly analysis of the news and STA information. It was never explained for what purposes, based on what criteria, or by whom such analyses were conducted.

This standoff between the government, represented by UKOM, and STA resulted in financial liquidity problems for STA, which was soon on the verge of insolvency. More than 80 journalists faced economic insecurity

despite performing all of their obligations. The withdrawal of payments lasted for several months, and only solidarity among the journalists made it possible for STA to maintain minimal liquidity and the ability to pay journalists' salaries. The trade unions of journalists launched a public campaign to collect solidarity payments for the journalists. Many ordinary citizens and private donors collected money for the STA journalists to keep them afloat.

The European Commission also raised concerns in its annual rule of law reports. Concretely, in Slovenia's Rule of Law Report for 2021, it was stated that:

"In particular, following some delays in the payment of 2020 funding to the Slovenian Press Agency (STA), the Government Communication Office (UKOM) did not pay the agency's funding for 2021. Upon request of the Slovenian authorities, on 29 April 2021, the European Commission stated that the EUR 2.5 million funding granted by Slovenia to the Slovenian press agency to fulfil its public service mission is fully in line with EU law. However, these funds have not yet been disbursed. Concerns have been raised by different stakeholders regarding the overall situation of media pluralism in Slovenia" (European Commission Rule of Law Report for Slovenia, 2021, section III. on Media Pluralism and Media Freedom).

STA also received moral support from independent international professional media associations, such as the International Press Institute (IPI), which prepared a detailed analysis of STA's legal position and provided arguments for unconditional, regular payments for their public service. The Slovenian court, based on a lawsuit filed by STA, concluded that the government, via UKOM, acted in violation of its legal obligations (the overview of legal analysis, prepared by Media Freedom Rapid Response on Press Freedom in Slovenia, IPI Report 2021).

After almost a year of standoff, the adoption of the court decision about the violation of the payment obligations, multiple calls from national and international independent media organisations, the organisation of the public crowdfunding initiative, calls from European Commission Vice-President for Values and Transparency Věra Jourová, and the resignation of the director of STA, payments to STA via UKOM were temporarily resumed.

There were several reasons for the standoff between the government and STA. On a superficial level, there was a long-lasting dispute between the director of STA and several government officials, including the prime minister. There were likely, however, deeper reasons for the conflict: it was

an attempt to take control of STA and to reduce its independent and autonomous status. Moreover, it was an exercise in disciplining journalists at large, not only those of STA. If it were possible to undermine the autonomy of STA, it would have a negative impact throughout the media landscape—electronic and print—in Slovenia.

A second example of arbitrary government interference with the procedures was the appointment of two delegated prosecutors to the newly founded European Public Prosecution Office (EPPO) to strengthen control over EU-funded projects. Not all the member states acceded to the EPPO, but a majority did, including Slovenia. On this basis, the Slovenian Ministry of Justice prepared a public call for two delegated prosecutors. Only two prosecutors applied to the open public call, both fulfilling all the formal criteria. Before being confirmed by the Ministry of Justice, both prosecutors were also approved by the Prosecutorial Council, an independent body consisting of prosecutors and law professors. Upon their confirmation, the Ministry of Justice informed the government about the selection to send their candidacy to the EPPO for final approval. The government, however, did not allow the proposal to be formally presented to the government and instead decided to repeat the entire selection procedure. The unfounded nature of the government's decision prompted the Minister of Justice to resign. However, the newly appointed Minister of Justice repeated the public call for delegated justice, but the entire procedure came to the same result. The government continued to ignore the proposal for several months, without sending it to the EPPO. The delay in the appointment of the delegated prosecutors prevented the EPPO from formally functioning, prompting both the chief EPPO, Laura Kovesi, and the European Commissioner for Justice, Didier Reynders, to try to persuade the government of Slovenia to send the proposed candidates to the EPPO for the finalisation of the selection process.

More concretely, in the European Commission Rule of Law Report for Slovenia in 2021, it was stated that:

“The nomination of the European Delegated Prosecutors of the EPPO has also been delayed, raising concerns that the national procedure has not been properly followed. In December 2020, the State Prosecutorial Council submitted the names of the two candidates to the Minister of Justice, and the Government did not put the item on the agenda of its sessions, despite the legal obligation to only take note and transmit the names to the European Public Prosecutor's Office. On 27 May 2021,

the Government declared the selection procedure as unsuccessful and instructed the Minister of Justice to publish a new vacancy, which was released on 9 July. According to the Council of Europe recommendations, the recruitment of public prosecutors must be carried out according to fair and impartial procedures embodying safeguards against any approach representing interests of specific groups, and their promotions are governed by known and objective criteria, such as competence and experience” (European Commission Rule of Law Report for Slovenia, 2021, section I on Justice System and Independence).

The government finally sent the proposal of two delegated prosecutors during the Slovenian rotating presidency of the Council of the EU. After it ran out of arguments and procedural and substantive ideas on how to further delay the process of appointment of the delegated prosecutors and following increased pressure from the European institutions during the Slovenian presidency, after exerting pressure on the prosecutorial system in Slovenia in particular as well as on the entire judiciary, the two delegated prosecutors from Slovenia were finally appointed by the EPPO.

The third example relates to the national public television, which has long been criticised by the (former) opposition political parties as unfair and biased against the opposition. Even during the time when the political parties were in opposition, it was a target of many criticisms, complaints, and actions of the opposition parties, such as calling for a boycott of public TV subscription payments, which is mandatory for all households in Slovenia. When the centre-right coalition was formed, the pressure on national public television mounted in parallel with the pressure on STA. After the expiration of the term of the general director of the national public television (RTV), a new general director was appointed. The main criticism against the selection was that the newly appointed general director did not fulfil the criteria of at least ten years of experience and capabilities in managing large organisational systems. The newly appointed general director was previously unknown in the Slovenian landscape. Soon after his appointment, a new director for television was also appointed, who was previously the head of UKOM, already known for his standoff with STA.

These changes at the helm of national public television soon led to a cascade of changes in the organisational and personal structure of the television. The common pattern of these changes was the speed, the appointments without careful consideration of references, and the introduction of many new employees without formal procedures in the period when the

national public television was already in financial difficulties. Some popular TV programmes were either cancelled or curtailed; in their place, new TV programmes were introduced without proper planning and preparations.

It is difficult to assess the direct and indirect consequences of such interventions and conflicts with national public television. Certainly, overall viewership ratings declined, as did income from advertising, but changes in overall trust in the public media in a short period of time is difficult to evaluate without more in-depth studies and analysis.

Each of the three examples, observed separately, could be considered a specific conflict in the important public domain of enabling an open, pluralistic society and the functioning of the government based on checks and balances. Taken together, and in a broader national political context as well as international context, the attempts to open pathways toward a hybrid model of governance can be clearly detected.

Perhaps the biggest indicator that democratic backsliding might be taking place is the increased prevalence of public hate speech, directly or indirectly supported by political parties. Targets can include exposed individuals or independent autonomous institutions, such as the media, the judiciary, civil society, or academia. None of these institutions should be exempted from public scrutiny and criticism. However, when the public's simmering discontent is directed at certain targets without substantive arguments and without properly structured, nuanced, and pluralistic public discussion, such an assault can be considered an attempt to undermine, scare, delegitimise, or otherwise harm certain entities, bodies, or institutions to take them over for non-legitimate purposes or to dismantle them completely.

5 Conclusions

This analysis of democratic backsliding in Slovenia shows how difficult and demanding it is to establish independent, responsive, accountable public institutions and how quickly they become vulnerable in cases of deliberate attempts at subverting them (Levitsky/Ziblatt 2019).

In the example of Slovenia, we can conclude that if there is (in fact, if there was) a broad national development consensus about key social, economic, political, and cultural premises in the national context, as well as the context of Europeanisation and globalisation, the relative autonomy of public institutions can be maintained (Anghel/Jones 2024).

Danica Fink-Hafner, in her analysis of the fluidity of democracy in Slovenia, observed that the erosion of trust toward the political parties began after Slovenia joined the EU in 2004, which coincided with the neoliberal turn of the EU. The inability of the national elites to cope with the challenges of the post-2004 EU contributed to the quick and time-limited democratic backsliding of Slovenia (Fink-Hafner 2024). Delayed reaction in the form of democratic backsliding was several decades in the making (Orenstein/Bugarič 2022). Neoliberal economic policies (national, supranational, and global), erosion of social pillars, and the rule of law all contributed to democratic backsliding in Slovenia. On the other hand, the resilience of the public institutions, the independent media, and the actively organised civil society contributed to the relatively quick reversal of this democratic backsliding. It provides lessons on the causes of the erosion of safeguards and the lack of implementation of inclusive, sustainable development policies for the many (not the privileged few) citizens. In that case, the risk of future democratic backsliding in Slovenia remains a real possibility.

Built-in safeguards, both vertical and horizontal, can help stabilise the institutional structure and prevent democratic backsliding (Ginsburg/Huq 2018; Vachudova 2020). The ultimate prevention of democratic backsliding depends on every individual's autonomy, professional integrity, and independence, particularly those in exposed positions. It depends on an independent civil society and on many social pillars. Slovenia, as a country with a long tradition of corporatism and post-corporatism, also depends on the internal cohesion of various social strata.

To counteract tendencies toward dismantling independent institutions and formal decision-making procedures, many acts can help. These can be decisions of the courts, from lower courts to the Supreme and Constitutional Court; even interim decisions and court injunctions can play an important role, especially in cases and disputes that can last for several years; independent expert opinions can play a role, as well as the in-depth analyses, statements, and positions of the key European institutions and their representatives. A referendum in which the legislative act on waters, aiming at partial privatisation, was decisively rejected by a majority of voters in July 2021. The turnout for this referendum was comparatively high, demonstrating the ability of civil society to mobilise public opinion. As such, the referendum served as a precursor to the political changes in the 2022 parliamentary elections.

On the other hand, the strategic behaviour of loyalists and interest groups can help to subvert independent and autonomous institutions and decision-making processes rapidly. The alliance—explicit or implicit—between the ruling elites, populist leaders, interest groups, and the excluded parts of the population can exploit the broad popular discontent that may have accumulated over many years or even decades. Apart from fully consolidated autocratic rule, the hybrid regime, with its superficial appearance of respecting rules and procedures while subverting genuinely anti-democratic outcomes, appears to be the worst possible outcome of democratic backsliding. Once the inflection point is reached, it is very difficult or nearly impossible to return such a regime to open, democratic, pluralistic, fair, and transparent procedures.

The best strategy to prevent democratic backsliding is to ensure a long-term successful social and economic development strategy and equitable access to high-quality public services. This requires the development of broad social alliances, participation, and cooperation among social groups to achieve shared prosperity. Even in bad economic times, social and economic resilience, participation, and cooperation among social groups can avert attempts by populists and demagogues to subvert key postulates of parliamentary democracy, the rule of law, independent civil society, and human rights. Even in situations of partial or limited democratic backsliding, it is important that the restoration of dismantled institutions and subverted processes take place in an orderly, transparent, and legitimate manner. Otherwise, we may risk merely replacing one unfair and subverted institutional context with another, further undermining the prospects of fully fledged and consolidated democratic processes in the future.

International and supranational support for democratic processes can help, particularly with in-depth knowledge and a nuanced understanding of any society facing or experiencing democratic backsliding (Benedek 2020). Fortunately, the indicators, patterns, and methods of institutional dismantling have become more recognizable and better understood than in the past (European Commission 2023).

Finally, the collective domestic desire and recognition that open, democratic, pluralistic, and transparent decision-making processes can lead to shared prosperity and fair and equitable opportunities for the many is the ultimate and decisive element in ensuring democracy's strength and resilience.

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Democratic Backsliding in Bulgaria: Mainstreaming of Far-Right National Populism and Post- Democracy

Anna Krasteva¹/Emilia Zankina²

Introduction

The Bulgarian case represents a paradox for scholars of democracy. On the one hand, Freedom House rates Bulgaria positively, while on the other, we see a growing tendency towards democratic backsliding. Bulgaria is qualified as a free country with a slight decrease in its ranking over the past five years from 80/100 in 2020 to 78/100 in 2024 (Freedom House Bulgaria 2024). Reputable studies do not list Bulgaria among the emblematic cases of democratic backsliding in Eastern Europe such as Hungary for example (Cianetti/Dawson/Hanley 2018). Bulgaria is not in the list of electoral autocracies in Eastern Europe such as Serbia, Hungary and Russia (ranking 66 percent), but it is neither listed among the best performing liberal democracies like Czechia, Estonia or Latvia (ranking 5 percent). Bulgaria is in the group of electoral democracies with Croatia and Romania (ranking 29 percent) (V-Dem Institute 2024).

Democracy can erode in various ways such as through oligarchisation and wealth concentration, a trade-off between democratic quality and democratic stability, a decrease of media freedom or through mainstreaming of populism (Cianetti/Dawson/Hanley 2018; Krasteva 2016a, 2019). We ascribe to the scholarly consensus that democracy in Central and Eastern Europe (CEE) is deteriorating therefore calling for a need to revise and diversify conceptual and theoretical approaches (Cianetti/Dawson/Hanley 2018).

Democratic backsliding defined as the gradual decline in the quality of democracy and the erosion of democratic institutions (Luhrmann/Lindberg 2019), as well as the decrease in accountability and the concentration

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of power (Huq/Ginsburg 2018) while relevant is not sufficient to fully explain the Bulgarian case. Our original contribution to the theorisation of democratic backsliding is through the prism of post-democracy (Krasteva 2019, 2023a; Krasteva/Todorov 2020).

We build on C. Crouch's (2004) conception of post-democracy, according to which democratic institutions—such as elections and parliaments—remain in place, but their function is hollowed out. Real power shifts towards elites, corporations, and unelected actors, while public participation diminishes and the citizenry becomes passive (Crouch 2004). However, we not only build on Crouch's framework but also go beyond it by examining both democratic decline, on the one hand, and resistance and counteractions, on the other.

Our theoretical framework articulates the transition from post-communism to post-democracy by analysing key shifts: from endemic corruption to state capture, from challenges to the rule of law to the (im)possibility of judicial reforms, from strengthening to the mainstreaming of far-right populism, from the multiplication and diversification of political crises to the crisis as the new normality, and from the erosion of media freedom to its broader degradation. Post-democracy is a process rather than a final stage, and we examine the resistance to it through civic mobilisation, activism, and protests.

From post-communism to post-democracy

Some scholars find the concept of democratic backsliding problematic as it assumes a prior period of successful democratisation (Dawson 2019). We do not share such criticism, because we start with the understanding of an initial period of building and consolidating of democracy. We base our analysis upon Krasteva's concept of transition from post-communism to post-democracy which evolves in three stages that represent unique transformations (Krasteva 2019; Krastev/Todorov 2020).

The first *democratic transformation* started as “the end of history” (Fukuyama 1992) and the triumph of liberal democracy over communist regimes, with the former dominating the grand narrative of post-communist transformation. The rule of law and justice were the key elements of this grand narrative together with the geopolitical reorientation of Bulgaria towards Euro-Atlantic and European integration. Democratic transformation in Bulgaria was conceptualised as a linear process along a strategic and

long-term horizon. Political developments in Bulgaria and the rest of CEE were anything but linear and orderly, thus challenging this linear teleological view (Levitsky/Way 2010; Zankina 2016) which led to “transforming the transformation” (Mickenberg 2015).

The *national-populist transformation* comes second after the start of the post-communist transition and the first to reverse the direction of democratic transformation. National populism erodes democracy by both creating democratic and institutional deficits (Zankina 2016, 2017), eroding the very foundation of democracy. While democratic transformation began from the centre – not in the partisan but in the political sense, as a critical majority of politicians and citizens favoured the consolidation of democracy in Bulgaria – the second transformation started from the national-populist far right (Krasteva 2016a). The national-populist transformation in Bulgaria has still not crystallised into an illiberal democratic project, such as in Hungary, though there are clear negative tendencies. One is the shift in focus from the rule of law and justice to identity politics. It is no accident that the key political actors during that period who utilised identity politics (Internal Macedonian Revolutionary Organization - VMRO and the Movement for Rights and Freedoms – DPS) are considered among the most corrupt parties in Bulgaria. The VMRO is instrumentalising the Bulgarian national identity for political purposes and for profit with practices such as “selling” Bulgarian citizenship to foreign nationals.³ DPS, on the other hand, is an example of an oligarchic and clientelistic party, utilising its control over the ethnic Turkish minority and playing upon threats to Turkish identity.⁴ Another negative tendency is the growth and mainstreaming of far-right populism described further below (Krasteva 2019; Krasteva/Todorov 2020).

Post-democracy (Krasteva 2019, 2023c, Krasteva/Todorov 2020) is the latest wave of post-communist transformations. Post-democracy, as described by Colin Crouch (2004) is understood as a regime in which democratic institutions do exist, but they are empty shells stripped of their role of serving the public interest, subordinated to private interests instead. State capture, discussed further below, is at the heart of this transformation. A

3 The State Agency for Bulgarians Abroad, which is often headed by VMRO representatives, has been at the center of many scandals and investigations about corruption in granting Bulgarian citizenship.

4 The recent split of DPS into DPS-New Beginning and DPS-DPS further illustrates the capture of the ethnic vote with most ethnic Turks voting for the founder of DPS and his splinter party DPS-DPS.

popular saying best illustrates this specificity: while other countries have the mafia, in Bulgaria, the mafia has the country. The post-democratic transformation is invisible: it is not a publicly declared project of the elites, let alone embraced by citizens. It does not propose a new political project but deprives democracy of attractiveness, content, a horizon, a “metaphysic of hope” (Ganev 2007, 197), transforming politics and governments into a “web of political relations” (Tilly 1975, 25, Krasteva 2019; Krasteva/Todorov 2020).

Bulgaria's political system – semi-consolidated democracy and cross-cutting political clashes

Following the collapse of the communist regime, Bulgaria adopted a new constitution and an institutional framework to enable the establishment of parliamentary democracy and market economy. The process was anything but smooth and linear with a lot of setbacks and power struggles among established and newly emerged political actors. Throughout the 1990s Bulgarian politics was characterised by a bipolar political model with alternation of power between the former communist party – the Bulgarian Socialist Party (BSP) and the united democratic opposition – the Union of Democratic Forces (UDF) and its various reincarnations. The ethnic Turkish party, DPS, served as a balancer between the two, often switching sides and determining political outcomes. A series of short-lived government (7 in the first six years of the transition) led to stalemate and policy impasse (Zankina 2024). The 2000s saw a complete reconfiguration of political actors, first with the exiled Bulgarian king, Simeon Saxe-Coburg-Gotha, becoming prime minister, and then his former bodyguard, Boyko Borissov, replicating the king's personalist-populist formula and taking power at the 2009 parliamentary elections (Gurov/Zankina 2013). Since then, Borissov's party, Citizens for European Development (GERB) has become the dominant party in Bulgarian politics, winning 9 of the last 11 parliamentary elections, heading three governments and participating in another two coalition governments.

Allegations of corruption have undermined Borissov's power and have spurred waves of anti-GERB protests in 2017 and 2020. Although Borissov has attracted the most votes in all but two elections, his inability to form a governing majority in recent years has thrown the country into political turmoil and an endless cycle of parliamentary elections (8 in four years). A

new group of anti-corruption parties have emerged but have failed to retain power. In addition, radical right populist formations have mushroomed, attracting an ever larger share of the vote (Zankina 2024). Bulgaria witnessed 6 care-taker governments in three years and two short-lived coalition governments.

In the context of such political dynamics, Bulgaria today is rated a free semi-consolidated democracy according to Freedom House with a government system that includes all key elements of a democracy: separation of power, checks and balances, multiple parties competing in free elections, and peaceful transfer of power. Since Bulgaria's 2007 accession to the EU, liberal democracy has continuously suffered. Through three GERB administrations, 2009–2021, the quality of democracy declined. Numerous reports have revealed constraints on media freedom, questions over the independence of the judiciary, and endemic corruption (Stoyanov and Lyubenov 2024). These numerous and persisting problems continue to put stress on democratic principles and governance, such as endemic corruption, vote buying and corporate voting, political control over institutions, growing distrust in institutions and politicians, discriminatory discourses on LGBTQ+, Roma, and migrant communities, political interference in media freedom, political polarisation and confrontation, and persistent political crises (Freedom House 2024). While there is little fluctuation in the quality of democracy in recent years (Table 1), there are a number of elements indicating democratic backsliding.

Table 1. Freedom Status of Bulgaria

	2020	2021	2022	2023	2024
Freedom in the world	Free	Free	Free	Free	Free
Freedom ranking	80/100	78/100	78/100	79/100	78/100
Political rights	34/40	33/40	33/40	33/40	32/40
Civil rights	46/60	45/60	46/60	46/60	46/60
Nationas in transit	SCD	SCD	SCD	SCD	SCD
Nations in transit ranking	59/100	58/100	58/100	58/100	59/100
Democracy percentage	58.93/100	58.33/100	58.33/100	58.33/100	58.93/100
Democracy score	4.54/7	4.5/7	4.5/7	4.5/7	4.54/7

Source: Freedom house (2024). Freedom in the World. Bulgaria: <https://freedomhouse.org/country/bulgaria/freedom-world/2024>

Two characteristics of the political dynamics in Bulgaria are relevant to the notion of democratic backsliding. One is the ideological positioning of political parties and the specific lines of political confrontation. The 2024 European Parliament elections represent a paradox and an emblematic example. In these elections, the main confrontation among key political actors was not along the lines of “Pro-European vs. Eurosceptic” attitudes. The two mainstream pro-European parties, Citizens for European Development (GERB) and DPS, identified as their main rival not nationalist anti-European parties such as Revival (Vazrazhdane), but the pro-European Change Continues-Democratic Bulgaria (PP-DB), engaging in sharp confrontation and systematic attacks against them. This dynamic can be explained by examining the main cleavages and dividing lines in the Bulgarian political system which structure party interactions (Deegan-Krause 2007, Zankina 2017). One is the division between pro-EU vs Euroscepticism, while the other one is the division between the corrupt status-quo vs anti-corruption (Haughton/Deegan-Krause 2020). While GERB, DPS, and PP-DB are all pro-EU, GERB and DPS represent the corrupt status quo which is attacked by the fighters against corruption PP-DB.

The 2024 European elections conveyed a double message: a victory for pro-European parties, but also an increase in support for Eurosceptic parties. Despite their strong rivalries, GERB-SDS, PP-DB, and DPS represent the pro-EU bloc. Eurosceptic messages gravitate around two poles: soft (There are Such People-ITN) and hard (Vazrazhdane).

Attitudes towards corruption represent a major dividing line among voters and a major mobilising factor (Haughton/Neudorfer/Zankina 2024). At the same time, even when voters do consider corruption to be an important issue, its importance is often overshadowed by other issues, such as economic challenges, political instability or security threats. It is the salience of corruption vs. other issues that explains, on the one hand, the emergence of new parties with anti-corruption appeals, and, on the other, the ability of GERB and DPS to retain large portions of its voter support.

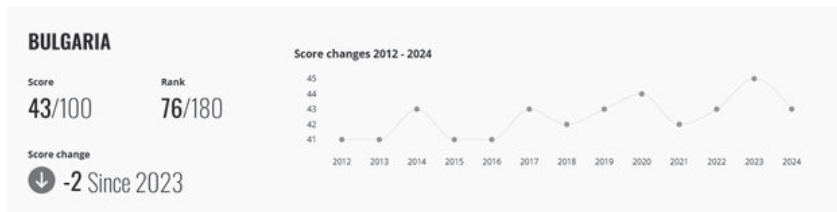
Another negative characteristic of the political system is the extremely high tension between institutions which take the form of battles among various political leaders. One notable example is the clash between President Radev and key party leaders, such as GERB's leaders Boyko Borisov (during Radev's first mandate and Borisov's third premiership), the contested leader of DPS and highly controversial Delian Peevski, and even the leader of the Bulgarian Socialist Party (BSP) Kornelia Ninova. The last one merits particular attention, as it is the BSP which nominated and supported Radev

in his presidential candidacy. This political infighting among political leaders translates into institutional confrontation and deadlock, undermining democracy in three ways. First, it leads to a growing distrust in government institutions; second, to a shift from arguments over values, principles and policies and towards political personalities, egos and narcissism; and, third, to prolonged political instability.

From endemic corruption to state capture

Corruption is a universal phenomenon, but in the Bulgarian case it is a key dimension and vehicle of democratic backsliding because of two negative transitions: from (post)communist corruption to endemic corruption and from chronic corruption to state capture.

Figure 1. Corruption score and changes over time



Source: Transparency International. 2024. Corruption Perception Index 2024: Bulgaria: <https://www.transparency.org/en/countries/bulgaria>

Bulgaria ranks 76th among 180 countries (Transparency International 2024). With a corruption perception score of 43, Bulgaria is among the lowest-ranked countries in the EU together with Hungary (41), and Romania (46), reflecting significant weaknesses in the rule of law (Transparency International 2024). Investigating and reporting on corruption is also becoming increasingly challenging for journalists, weakening one of the key mechanisms for checks on government, due to increased use of strategic lawsuits against public participation (SLAPPs) or legal intimidation by powerful businesses and politicians (Transparency International 2024).

State capture conceptually synthesises the transition from corruption as a deviation from the system to a fundamental transformation of the political system itself which is increasingly dominated by “policy for cash” (Power/Taylor 2011, 7). The classic understanding of state capture defines

it as efforts by individuals, groups, or companies, both in the public and private sectors, to shape laws, regulations, and policies in their interest (Hellman/Jones/Kaufmann 2000). The specificity of the Bulgarian case lies in the need to go beyond the classic understanding (Krasteva/Todorov 2020) and to focus on “government elites and their grip on power” (Perry/Keil 2018, 8). Whereas in some countries in Eastern Europe “private actors buy influence over legislation and regulation in order to produce favourable laws for their businesses” (Hulsey 2018,16), in countries like Bulgaria and Hungary political parties are at the centre of state capture “as core initiating actors who are at least as interested in political control as illicit economic gain” (Hulsey 2018, 16–17). The transition from the absence of an anti-corruption policy to an absent state, from a “preyed-upon” the state (Ganev 2007) to state capture (Krasteva/Todorov 2020) is summarised by Stoïcho Stoïchev, on the basis of a solid empirical study, as follows:

An institutional vacuum has been created and it has been filled by non-public (corruption) regulations. The institutions are inactive, except when they are used for resource distribution or private score-settling among rival clientelistic networks (oligarchic circles). These networks, which include criminals, businessmen, politicians, police officers, judges, prosecutors, public figures and religious persons, create a parallel regulatory order. The centre of power in this type of state is outside of institutions. The informal prevails over the public at all levels (Stoïchev 201, 19).

This “absent” state (Stoïchev 2017), in which institutions formally exist but have been emptied of the common interest and captured by narrow private interests, and in which different branches of government do not control one another but are intertwined with informal networks which have appropriated the true centre of power, is the manifestation par excellence of the post-democratic transformation (Krasteva/Todorov 2020).

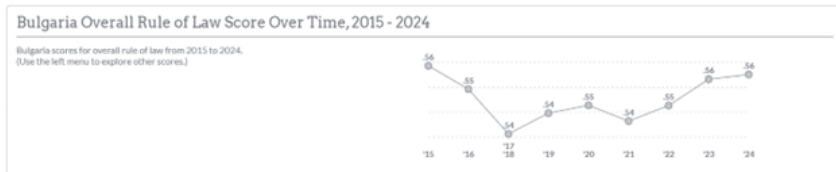
From degradation of the rule of law to the im/possibility of judicial reforms

The degradation of the rule of law is one of the most conspicuous manifestations of democratic backsliding: “the rule of law in Bulgaria during the last decade has been backsliding. The Rule of Law Index (2017-18) gives evidence that Bulgaria, together with Hungary, have the lowest and declining overall Rule of Law scores among the EU member states” (Todorova 2020, 235).

All comparative reports confirm the same negative trend: Bulgaria has the second worse overall ranking on the rule of law among the countries of the EU, EFTA, and North America. It has the lowest ranking on “absence of corruption” and on “criminal justice”. Bulgaria ranks 59 globally, behind Montenegro and Kosovo which rank 57 and 58 respectively (World Justice Project 2024).

Until 2019, reforms in Bulgaria in the area of justice and anti-corruption were followed by the Commission under the Cooperation and Verification Mechanism (CVM) and are, since then, being monitored under the Rule of Law Mechanism. Despite external monitoring under the EU’s CVM, numerous attempts at judicial reform, and legislative and constitutional changes, there is little change in the rule of law (Fig. 2).

Figure 2. Rule of law over time



Source: World Justice Project Rule of Law Index 2024: Bulgaria: <https://worldjusticeproject.org/rule-of-law-index/country/2024/Bulgaria>

V. Todorova demonstrates that the impartiality and the independence of the judicial system are in constant decline, identifies the political capture of the judiciary, and concludes that “all three powers use the law in such a way as to generate channels of corruption, which undermine the law’s fundament” (Todorova 2020, 251). Anticorruption efforts stalled, delaying indictments of high-profile politicians involved in serious wrongdoing (Freedom House 2024). Reform efforts clashed with polarisation and politicisation of institutions.

A positive record was registered in 2023 when Bulgaria achieved the highest rate of improvement in the rule of law with 1,7 percent, moving up three positions (Griera 2023). This improvement was due to the efforts of the Denkov-Gabirel government which managed to push through Parliament partial judicial reforms. Several of these reforms adopted by the 49th National Assembly have been subsequently struck down by the Constitutional Court whose decision is considered not fully impartial but rather politically motivated. After decade aspirations for reform, the so needed

reform of the judiciary is again in an impasse with another set of proposal awaiting parliamentary approval.

From late emergence to mainstreaming of populism

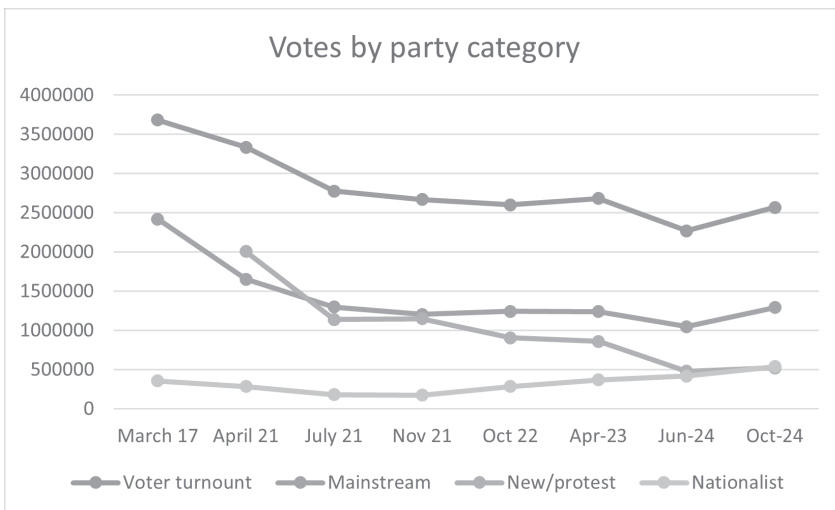
National populism emerged on the Bulgarian political scene as a democratic paradox. In the 1990s, democracy was fragile, but there were no extremist parties; once democracy was partly consolidated, extremist parties appeared and achieved immediate success (Krasteva 2016a, 164). Emerging relatively late compared to other East European countries, national populism made a spectacular entrance on the Bulgarian political scene in 2005, when Volen Siderov literally burst out of a television show into Parliament with 300,000 votes (8.14 percent) for his new party with the emblematic name “Attack” (ATAKA). The second paradox was that the “usual suspects” feeding national populism: severe economic crisis, political instability, waves of refugees occurred later in time and cannot be held responsible for the genesis of this first radical party (Krasteva 2016a, 164).

Since 2005, various configurations of national populist parties have been represented in Parliament and, between 2017-2021, even in government. Since then, around a tenth of voters had cast their ballots for nationalist parties (Haughton/Neudorfer/Zankina 2024). Most recently, this vote has significantly increased to over 18 percent in the June 2024 and October 2024 elections – a function also of the historically low voter turnout. At the backdrop of such decreasing voter turnout, as well as declining support for mainstream and protest/new parties, the far-right vote has been steady and growing.

The evolution of far-right populism in Bulgaria is very dynamic with emergence, rise and death of new ‘exotic’ parties such as the latest “Greatness” (Velichie) or “Sword” (Mech). Rooted in a ‘historic parc’ and Tik Tok presence, Velichie’s success in entering the 50th National Assembly in 2024 was not predicted by any polling agency. Once in Parliament, the party disintegrated in a few short weeks. ATAKA completely disappeared from the political scene with the emergence of a new kingmaker in the far-right – Vazrazhdane. Vazrazhdane has been particularly successful in benefiting from the polycrisis combining anti-vax, anti-NATO and anti-EU rhetoric with pro-Russian views (Haughton/Neudorfer/Zankina 2024, Zankina 2023, 2024). In the combined June 2024 elections for national Parliament and European Parliament, Vazrazhdane scored close to 14 percent

becoming the third largest party in the Bulgarian Parliament with 38 MPs, coming in 4th at the European Parliament elections and sending 3 MEPs to Brussels. In the October 2024 early parliamentary election Vazrazhdane lost a few MPs to the newly emerged, Mech. The decreasing electoral support for any individual populist party coupled with significant vote mobility from one populist party to another, usually newer, populist party indicate that although the success of any individual populist party is short-lived, there is a lasting populist trend (Zankina 2017, 66).

Figure 3. Voters by party category



Source: Calculations by authors based on data by the Central Electoral Commission: cik.bg

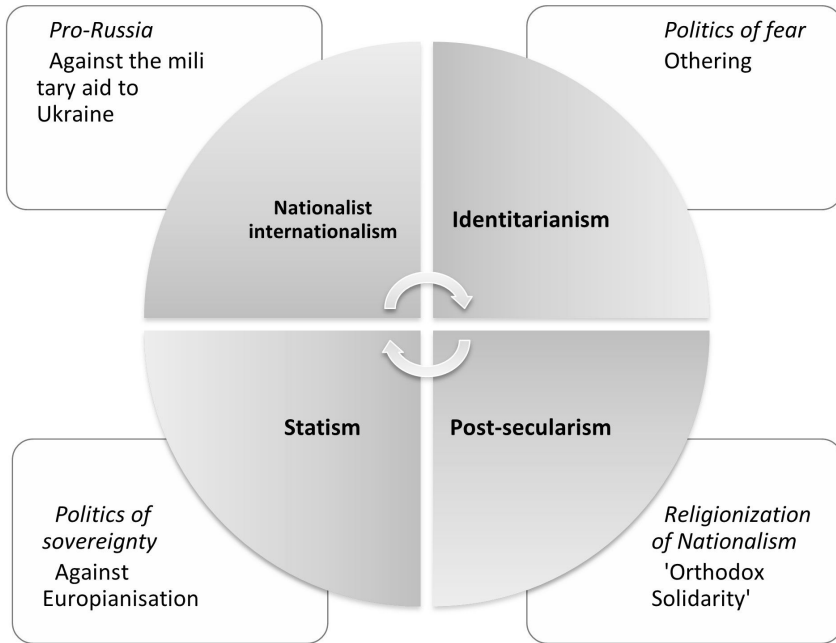
We examine far-right populism as an actor and catalyst of democratic backsliding in two perspectives: mainstreaming of far-right populism and symbolic cartography.

Mainstreaming of far-right populism refers to the penetration of far-right ideas and discourses in party politics and public opinion (Muldoon/Herman 2018), gradually encompassing key political parties. The Bulgarian Socialist Party (BSP) and its shift in priorities from social policy to fight against “gender ideology” represents a case in point. The proliferation of xenophobic, intolerant and discriminatory narratives and hostility towards minorities, immigrants, LGBT+ in the public sphere, of acts of hate speech

and symbolic violence has not been solely due to the multiplication and proliferation of far-right parties, but also to the radical populist “contagion” (Rooduijn et al. 2012) and the penetration of ATAKA’s topics, frames and theses into the political rhetoric of mainstream political parties: “the political system is becoming ‘Atakized,’ whereas the prototype is being ‘normalised’” (Coen 2007, 5). A striking example is a former minister of health from a moderate party who addressed the Roma in an extremist way, saying: “You behave as beasts and will be treated as beasts.” The normalisation of extremism and the radical populist contagion of mainstream parties is a greater threat than the threat of radical national populism itself (Krasteva 2016a, 197 – 198). Recently, a law on school education has been amended targeting LGBT+ children under the umbrella of ‘propaganda of untraditional sexual orientation’. The amendment violates the Constitution, the Law on Discrimination and Human Rights treaties. It was proposed by the far-right pro-Russian Vuzrajane and voted by several other parties in Parliament. The same text was proposed in the previous 49th Parliament and was not adopted. A few months later in the 50th Parliament it was adopted with the votes of numerous parties illustrating the mainstreaming of the far-right national populism.

The symbolic cartography of Bulgarian far-right populism is structured around four-pillars: identitarianism, post-secularism, statism, and nationalist internationalism (Krasteva 2016b). The identitarian pillar concentrates on the overproduction of othering and the exploitation of the politics of fear. Religionisation of politics is a fundamental post-communist trend of the political instrumentalisation of religion. It is even more central in the symbolic nationalist map, acting as its second pillar. ‘Orthodox solidarity’ has been the title of Ataka’s manifesto and of Vazrazhdane as well, and it is crucial to the post-secularist message. Bringing the state back into politics and revitalising it against neoliberal weakening is at the core of the third pole, statism and the politics of sovereignty. The fourth pillar takes the paradoxical form of an ‘international nationalism’, with Bulgarian far-right nationalism being closely tied to Russia (Krasteva 2016). With 58 percent of the population reporting positive attitudes towards Russia and Putin before 2022, the war in Ukraine has provided a fertile ground for far-right parties (Zankina 2023).

Figure 4. Symbolic cartography of the Bulgarian far-right populism



Source: updated version of Krasteva 2016a.

This symbolic cartography is at odds with the core European values of democracy, rule of law, freedom, equality, etc.

Political Leadership and Democratic Backsliding

Bulgaria is experiencing significant democratic backsliding, with political leadership playing a crucial role in this regression. This analysis examines four political leaders, selected based on two criteria: their tangible role in the erosion of democracy and the different ways in which they contribute to democratic decline.

Boyko Borisov, leader of GERB, served as Bulgaria's Prime Minister for most of the period between 2009 and 2021. GERB has since governed in several coalition governments, including the current one. Borisov is the longest-serving and most influential political leader in Bulgaria's post-communist history. His role in democratic backsliding can be summarised

in two key aspects: prioritising *stabilitocracy* over reforms and balancing *corruption deals with EU loyalty*.

Stabilitocracy refers to governments that claim to ensure stability and support EU policies while, in reality, fostering informal, clientelist networks (Bieber 2018). Bulgaria remains one of the most corrupt and poorest countries in the EU. Borisov secured political protection from EU institutions by presenting himself as a loyal European partner. He effectively struck an informal 'deal' with Brussels: I will not behave like Orbán and will support you, but in return, you must turn a blind eye to Bulgaria's endemic corruption.

Rumen Radev. The repeated failure of Bulgarian parliaments to form a stable government has effectively placed President Rumen Radev in charge of the executive through a series of caretaker governments. As outlined in the Constitution (before its revision in 2023), these caretaker governments are appointed by the President in the absence of a parliamentary majority or a popular vote (Zankina 2024). This prolonged period of interim rule has shifted the balance of power, significantly increasing Radev's political dominance (Gherghina/Bankov 2023). Radev is a vocal advocate for reorienting Bulgaria's foreign policy towards Russia, undermining the country's pro-European trajectory.

Delyan Peevski is the most controversial political figure in Bulgaria. In 2021, the U.S. Department of the Treasury sanctioned him under the Global Magnitsky Act for alleged involvement in significant corruption. He has also been sanctioned by the UK. However, Bulgarian institutions have never identified any reason to investigate him. Despite holding a relatively modest formal position as the leader of the opposition party DPS-New Beginning, Peevski wields immense influence over numerous institutions, particularly those with strong enforcement powers—such as the State Agency for National Security and the Prosecutor General's Office. His vast influence is exemplified by multiple policy actions, including the government's post-election decision in November 2024 to allocate 80 million leva (approximately 40 million Euros) to municipalities that supported his new party. Peevski is an oligarch with enormous wealth, yet there is no public record of him engaging in any innovative business ventures.

Kostadin Kostadinov, leader of *Vazrazhdane*, embodies a typical far-right politician. His rhetoric and policies are staunchly anti-Brussels, anti-euro, anti-NGOs, anti-LGBT+, and anti-Ukraine, while being equally strong in his support for Russia and Vladimir Putin. He employs a wide range of tactics, from orchestrating political scandals to encouraging acts

of violence. In February 2025, during an unauthorised demonstration, the European Commission's building in Sofia was vandalised, and clashes with police ensued.

Each of these political leaders contributes to Bulgaria's democratic backsliding in distinct ways. Boyko Borisov masterfully balances loyalty to Brussels with *soft decisionism* (Ganev 2018), reinforcing stabilitocracy at the expense of the rule of law. Rumen Radev leverages presidential power to shift Bulgaria's geopolitical orientation towards Russia. Delyan Peevski weakens democratic institutions, subordinating them to private oligarchic interests with unparalleled arrogance, speed, and efficiency. Kostadin Kostadinov amplifies the far-right's influence, undermining European integration, liberal democracy, and human rights. The combined effect of these different leaders is the erosion of democratic institutions and their gradual transformation in 'empty shells' deprived of the function to serve the public interest (Crouch 2004).

From crisis to crisis – multiplication and acceleration of political crises and symbolic battles between elites and citizens how to use them

In recent years, Europe has been engulfed in a state of "polycrisis" (Krastev/Leonard 2024). The repercussions of the COVID-19 pandemic and slow economic recovery coupled with increased inflation, continued migration and refugee flows, security challenges and risks posed by the Russian invasion of Ukraine and the Israeli-Hamas war in the Middle East, all have contributed to an overall political and economic instability. While this 'polycrisis' plays out differently in each country (Krastev/Leonard 2024), it reinforces the various elements that drive democratic backsliding. Bulgaria is unable to effectively absorb and utilise the European Recovery and Resilience funds for political not economic reasons.

Bulgaria crossed the high-income threshold in 2023. Consequently, the World Bank moved Bulgaria from the upper-middle-income to the high-income category (World Bank 2024). While the economy is slowly moving forward, politics is pulling Bulgarian society backwards.

Anti-government protests that started in July 2020 unleashed a never-ending cycle of parliamentary elections and a mushrooming of new political formations. Between April 2021 and 2024 Bulgaria had seven parliamentary elections and two-short-lived regular governments. Interim governments appointed by President Radev became the norm while a series

of Parliaments failed to agree on a governing formula. Thus, early elections were held in April 2021, July 2021, November 2021, October 2022, April 2023, June 2024, and October 2024. The leading parties have changed significantly compared with just a few years ago. Although GERB still attracted the most votes in the elections of October 2022, April 2023, June and October 2024, and DPS maintained a dominant position, the BSP's vote-share dropped fourfold. New parties such as PP-DB and Vazrazhdane emerged as dominant political forces, and a number of new parties have come and gone with some managing to register momentary success, such as the populist party headed by prominent folk-pop singer and television presenter Slavi Trifonov, Ima Takav Narod (ITN—There is such a People) which won the July 2021 early elections with 24 percent of the vote, but failed to form a government and since has oscillated around the parliamentary threshold. Others, such as, Izpravi se! Mutri vŭn! (Stand Up! Mafia, Get Out!) led by former Ombudswoman Maya Manolova managed to pass the threshold in April and July of 2021, but then disappeared altogether. The 2024 European and national elections took place amidst political instability, policy impasse, and sharp political confrontation.

How do elites and citizens address the political crises, who is winning the symbolic battle for the use of the parliamentary, constitutional, and governance crises (Krasteva 2023a)? A big winner is President Rumen Radev. The Parliamentary crisis consolidated the power of the President, who is ruling the country through caretaker governments and expresses more openly his pro-Russian attitudes. The other winners are the bearers of populism and post-democracy. The far-right *Vazrazhdane* is gaining political capital from its anti-establishment rhetoric against all other elites, who fully deserve such criticism, though not from leaders who are aggravating the crisis. Boyko Borissov, the longest-serving post-communist leader, is shrewdly using the crisis to escape political responsibility for state capture and for Bulgaria's position as the poorest and most corrupt country in the EU. The voters' natural desire for stability is being used to make public opinion accept the return to power of those responsible for Bulgaria's post-democratic oligarchisation. Voters are overwhelmed and exhausted by constant elections; there is no energy for activism or mobilising causes (Krasteva 2023a).

The key paradox is that those who are benefiting from the crises and are the very people who caused them, i.e. the political elites (Krasteva 2023a).

Media – countering democratic backsliding or being part of it

Media when independent and free constitutes the ‘fourth pillar’ of democratic governance.

Yet, Bulgarian media do not enjoy such a reputation. Ivo Indzov (2024, 185) defines them as ‘free but not independent’. The assessment of Reporters without Borders is severe, yet realistic: press freedom is fragile and unstable in one of the poorest and most corrupt countries in the European Union. The few independent media in Bulgaria are under pressure (Reporters without Borders 2024).

Bulgarian media are classified by the Media Pluralism Monitor at high risk with 66 percent risk level just at the border with the countries with the highest risk (67 - 79 percent). Bulgaria is in the ‘red’ group with other countries such as Poland, Greece, and Croatia and very close to the black group of Hungary, Albania, Türkiye (Bleyer-Simon K. et al 2024, 169). The report on Bulgaria details the significant risks to media pluralism:

Identified risks pervade core areas of media functioning, from independence and physical and digital safety of journalists to combating disinformation and ensuring long-term sustainability. These concerns apply to both traditional and online media (Spasov/Ognyanova/Daskalova 2024, 165).

Bulgaria’s media freedom ranking registered a small positive change, improving by 12 points from 71 in 2023 to 59 in 2024 (Reporters without Borders 2024). The general panorama however remains discouraging as media face pressure from political and business interests and there are continued challenges, such as non-transparent allocation of public funding and self-censorship, with independent outlets facing unprecedented attacks due to the country’s frequent political changes (Freedom House 2024). Media ownership represents another major problem with media mogul, Delyan Peevski, who is sanctioned under the U.S. Magnitsky law, controlling media distribution, and utilising the prosecution and the judiciary against media outlets. The latest example is a new strategic lawsuit against public participation (SLAPP) brought against an independent outlet, but also by the public radio broadcaster’s decision to drop an interview following comments from Peevski, which some observers and politicians regarded as political interference (Popov 2024). The connection between media and politics is further illustrated by the Sofia municipal elections when the head of news of one of the leading TV stations, bTV, became GERB’s candidate for mayor of Sofia.

While there are journalists and outlets, who engage in critical and investigative journalism, they are operating in an ever more hostile and restrictive environment, subject to growing political and institutional pressure. At the same time, there are numerous media outlets under political control, who rather contribute to the democratic backsliding than counter it. These trends are in line with Colin Crouch (2004) thesis that media freedom is increasingly compromised in post-democratic societies where political power shifts toward elites, corporations, and media conglomerates, limiting the scope of public debate.

Acts of citizenship countering democratic backsliding

How to counter democratic backsliding? Some authors look for the answer in the role of opposition parties. S. Ghergina and P. Bankov show how the coordinated action of the opposition parties and their agreement to isolate GERB through a *cordon sanitaire* during the 2021 elections put a halt to democratic backsliding (Ghergina/Bankov 2023). This seemed a lasting solution, since GERB was out of government office for a couple of years.

The optimistic conclusion of Ghergina and Bankov remained valid for a very short period of time, since GERB regained power in 2024 winning all recent elections, including the dual European and parliamentary in June 2024 and the latest early parliamentary elections in October 2024, subsequently forming a coalition government with the BSP and ITN. PP-DB who managed to mobilise the protest anti-corruption vote lost almost half of their support in June 2024 and did not regain much in October 2024. With the inability of political parties to mobilise and maintain the protest vote, the only remaining form of vibrant resistance is civic activism.

Civic activism and mobilisations are the immune system of democracy. Active and protesting citizens are the antidote to state capture and post-democracy. We analyse them through the prism of citizenship: “Citizenship remains a significant site through which to develop a critique of pessimism about political possibilities” (Isin/Nyers, 2014, 9; Isin/Nielsen, 2008). It is precisely the active and positive potential of citizenship to generate change and change-bearers that justifies our use of this concept to analyse the actors and actions countering democratic backsliding.

Two waves of protest mobilisations against state capture mark Bulgarian political history in the last decade. On 14 June 2013, controversial media mogul and oligarch Delyan Peevski was elected by Parliament as head

of the State Agency for National Security. This triggered the largest and longest-lasting protests in contemporary Bulgarian history, which lasted about 400 days. They were against state capture – against behind-the-scene networks, shady backroom politics, and oligarchic interests pulling the strings of the political game. While protests did not achieve their goals, neither resulting in the resignation of the coalition government of the BSP and DPS nor the dismantling of the model of shady backroom politics, they strengthened the contestatory citizenship through mass protests (Krasteva 2016b, 2023c).

In the summer of 2020, Bulgarian citizens once again took to the streets, aspiring to reconquer the state captured by post-democratic elites. The main demands were the resignations of Prime Minister and GERB leader Boyko Borisov, the embodiment of endemic corruption, and Prosecutor General Ivan Geshev, who has turned the prosecution into a weapon against government's political opponents and a shield for the GERB-affiliated oligarchs. Rule of law, reform of justice and accountability of elites were the key slogans: "No accountability without justice and rule of law", "Transformation, not only resignation", "Systemic change, not replacement" (Krasteva 2023a, 2023c).

The summer 2020 protests outlined the alliance for change, against state capture, and for rule of law. At its top stood active citizens. They appeared in two roles – contestatory and supporting. The majority of Bulgarian citizens supported the protests and shared their critical position. This support had two faces as well – ad hoc support for the protests' demands and agreement as to their main cause – approximately 80 percent of Bulgarian citizens thought that there is widespread corruption in Bulgaria (Special Eurobarometer 502, 2019). The second pillar of the alliance for change is the Bulgarian cultural elite: 123 intellectuals and internationally acclaimed artists such as Theodore Ushev and Georgi Gospodinov signed an open letter in support of the protests. The third pillar of the alliance for change were Brussels and Washington. During the protests, a report by two US senators on endemic corruption in Bulgaria was released, and so was the European Commission's critical report on the rule of law situation in the country: "Lack of results in the fight against corruption is one of the key aspects raised throughout the summer 2020 protests. A solid track-record of final convictions in high-level corruption cases remains to be established" (EC 2020). It is not the Bulgarian authorities; it is the Bulgarian citizens in the public square who speak in the language of EU institutions and the US administration (Krasteva 2023c).

The contestatory ethos and active citizenship with two types of agency – protesting youths, and the intellectual and cultural elite – are an outstanding expression of the broad public support for the demands for accountability of elites, reform of the judiciary, and restoration of the rule of law and democracy (Krasteva 2016b, 2023a, 2023c).

Conclusion

We structure the main findings and conclusions of the chapter in three categories: recent unprecedented political instability; deepening of democratic backsliding; actors of resistance.

Political instability and democratic backsliding are in a complex relation. The former could provide a favourable context for opposition parties to counter democratic backsliding (Ghergina/Bankov 2023). Bulgaria however scaled it in an unprecedented way so that it became our *differentia specifica*. Bulgaria was the first democracy in the world since 1945 to have held three parliamentary elections in one year – 2021 (Ghergina/Bankov 2023). This negative record was reinforced even further with eight snap elections in less than 4 years (2021-2024). Analysts spoke of ‘italianisation’ of politics for naming numerous governments and very few prime ministers managing to serve out a full term. Bulgaria reached a higher negative record with the incapacity of most Parliaments during this crisis period to even form a government. We could already rename italianisation to ‘bulgarisation’ of politics for labelling the unprecedented high number of elections and never-ending political instability. Two of its impacts are relevant to this analysis: citizens’ apathy increases and trust in politics and institutions decreases. The second impact concerns the trade-off between anti-corruption and political stability. Parties like GERB benefit from voters’ fatigue from elections and instability and maximise the electoral profit from the aspiration to stability thus reinforcing the stabilocracy.

Democratic backsliding in Bulgaria is theorised through the transition from post-communist to post-democracy in which democratic institutions do exist yet serve not the public good, but oligarchic interests. Its major expression is the lowest, together with Hungary, and declining Rule of Law score among the EU member states. The lack of independence of the judiciary is at the core of democratic backsliding. The partial judicial reforms introduced by the 49th National Assembly in 2023 have been disapproved by the Constitutional Court in 2024. Another dimension of

democratic backsliding is the mainstreaming of far-right populism, the parliamentary support for far-right legislative proposals, and the dissemination of far-right narratives by other political parties and actors.

Is countering backsliding possible? The article briefly examines the reform parties' strategies to create cordon sanitaire around the parties of corruption and status quo, but their efforts failed so far. The 2024 European elections sent an inconclusive message: pro-EU parties gained more MEPs, but support for Eurosceptic parties also increased. The mass protest mobilisations, the contestatory ethos, the active citizens are the immune system of democracy and the major hope for the restoration of the rule of law and democracy, as demonstrated in 2020, are less active today, but able to be reactivated.

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Democratic Backsliding in Romania: Between Democratic Consolidation and Backsliding

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1 Introduction

The fall of the communist regimes in Central and Eastern Europe triggered a new wave of democratisation in the region. Romania was part of this wave, yet it differed significantly from its neighbors because the regime did not end with peaceful demonstrations and round tables, but with a bloody revolution that resulted in more than 1,000 deaths and the execution of Nicolae Ceauşecu and his wife. The difficult start of the transition left its mark on the democratisation process to come, laying the foundations for Romanian democracy but also its vulnerabilities. Although the political elites were committed to a democratic and pluralistic system, the democratisation process turned out to become tedious and democratic consolidation fell short eventually.

Nevertheless, Romania has come a long way from one of the region's most oppressive communist dictatorships to a democratic system, and has achieved many milestones along the way. To name just a few, it joined the North Atlantic Treaty Organization (NATO) in 2004 and the European Union (EU) in 2007. However, Romania has never been immune to external and international developments. The rise of populist parties and democratic backsliding in other European countries might impact Romanian politics. In this context, the year 2024 was anticipated to examine the state of democratisation with a super election year and the 35th anniversary after the Romanian system change. The anniversary was marked by the surprise victory of an ultra-nationalist presidential candidate at the first round of the presidential elections, the annulment of the presidential election, and allegations of foreign interference, which raised many questions about the state of democracy.

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Given a 35-year long period of democratisation in Romania and democratic shortcomings along the way, the question remains to which extent has Romania experienced a democratic backsliding since its EU accession? The hypothesis for this chapter is that a soft democratic backsliding can be observed once international pressure, such as EU conditionality, on Romania has decreased.

After a short examination of Romania's path to democracy, the vulnerabilities of its democratic system, and the democratic backsliding in recent years, the difficult transition and its impact on democratisation are analysed. The EU accession and its effect on democratisation are tackled in the third chapter. In the fourth chapter, the still prevalent dysfunctionalities of Romanian democratisation are discussed in the light of the soft and hard democratic backsliding, using data of V-Dem. The conclusion provides an overview of the democratic backsliding and the challenges that lie ahead for Romanian democracy.

2 Difficult Transition and First Steps Towards Democratisation

When talking about Romanian democracy and democratic backsliding, one cannot ignore the system change from a communist dictatorship to a liberal democratic system after the December 1989 revolution, also called the “revolutionary coup” (Gabanyi 2010, 630). Due to the influence of old elites, respectively second-level communists in the revolution and transition (Mişcoiu and Bogdan 2021, 15), the transition to democracy was anything but smooth. The legacy of the transition continues to affect Romanian politics and democracy to this day.

Since a (strong) opposition could not develop during the repressive communist regime (Stoenescu 2018, 178), a change in elite occurred within the communist elite, with the emergence of “recycled communists” (Culic 2006, 79) after the revolution. The National Salvation Front (FSN)² under Ion Iliescu, a former member of the Central Committee of the Romanian Communist Party (PCR), led the transition (Mişcoiu/Bogdan 2021, 15; Mişcoiu 2022, 143-144; Culic 2006, 78). Initially, the (C)FSN intended to

2 At first, it was called the Council of the National Salvation Front (CFSN). It finally became a party in February 1990 and called itself FSN. In 1993, FSN changed its name to the Party of Social Democracy in Romania (PDSR) and later to the Social Democratic Party (PSD).

operate as a melting pot and act as provisional governing organisation before declaring itself a political party (Göllner 2022, 122). Due to its dominance and favourable position, it showed little interest to include the opposition. Only after protests of the historical parties, a similar format of a round-table emerged (Göllner 2022, 122-123; Culic 2006, 76). However, the FSN continued to hold the majority and thus dominated the new format of a “round table”, which enabled them to define the foundations of a democratic structure (Göllner 2022, 123; Balan 2022, 169). The FSN inherited the political structures of the PCR and thus allocated all the necessary resources to dominate the political scene for many years to come (Vaida 2021, 34-35).³

On the societal level, the existing pre-conditions did not favour the development of a democratic society. First protests for a democratic change continued in Bucharest after 1989 due to concerns about the influence and communist legacy of the FSN. However, these protests were violently suppressed by miners who had been ordered to do so by Iliescu. This created “a fracture in society that was hard to heal, even decades later” (ibid., 47). Such measures were a signal to Western democracies that Romania was not truly committed to democratic values (Mișcoiu/Bogdan 2021, 15). It also set the tone for Romanian politics to this day: little to no consensus and willingness to compromise are characteristic for the part of the political elites (ibid.; Vaida 2021, 47). As a result, the FSN’s dominance and role during the transition period was perceived as a “handicap” (Grecu/Ștefan 2012, 103) in the democratisation process. Despite the impressive mobilisation during the Romanian Revolution, civil society could not rely on favourable conditions to develop and become a significant actor in Romanian society (Stoenescu 2022). It was only after more than 20 years when a relevant civil society began to emerge and was able to act as a “political corrective” (ibid., 89).

In terms of institutional design, the new democratic constitution adopted in 1991 was the result of the above-mentioned constellation – with little willingness to compromise and consideration of other interest groups (Göllner 2022, 125). Thus, the constitution contained several aspects that turned out to be “contradictory or ambiguous” (ibid.). One of these ambiguities concerned the bicameral parliament. Initially, both chambers shared

3 Resources also include the takeover of structures by local politicians or mayors, who were an asset to the party due to their extensive network and influence on their localities, such as ownership of media outlets (Vaida 2021, 36).

almost equal powers, which slowed down the legislative process and did not establish a well-functioning parliament (ibid., 130; Balan 2022, 170). The choice of the semi-presidential system was also short-sighted, as the division of powers and responsibilities between the institutions was unclear (Göllner 2022, 130). For example, the president is not part of the executive but exercises executive powers, some of which coincided with those of the prime minister (Gherghina/Mişcoiu 2013, 676). At the same time, the parliament and president are directly elected by the people, thus appointed with the highest legitimacy (Göllner 2022, 130). When taking a closer look at the (power) dynamics in a semi-presidential system, the president “becomes a primary agent of representation that has to share executive power with the prime minister, who is both its agent (when the president appoints the prime minister) and the agent of an institution with the same popular source of legitimacy (parliament)” (Gherghina/Mişcoiu 2013, 675). This complex interweaving, combined with unclear competences of the institutions, has been a source of much tension and political crisis in Romania. Moreover, the president is supposed to act as a neutral moderator between the institutions (Balan 2022, 177). This has not always been the case as personalities play a major role in how the office is interpreted by the officeholders (Gherghina/Mişcoiu 2013, 681).

Due to “a certain continuity of ideology, persons, and institutions with the former communist regime (...) the country did not undergo real political change, equating the results of the first democratic elections with a communist restoration” (Culic 2006, 79). Vladimir Pasti describes the democracy in Romania during the transition as a “showcase democracy (*democrație de vitrină*)”, as democratic institutions were present, yet not functioning (Pasti et al. 1997, 192 cited in Iftimoaei 2012, 297-298). To conclude, the transition set the grounds for a fragile political system at the institutional and societal level, with a highly fragmented political elite and with little commitment to an equal access to power and democratic values. These challenges continue to plague Romanian politics to the present day, and leave it vulnerable to democratic backsliding.

3 EU Accession as a Democratisation Boost, Yet Falling Short in Democratic Consolidation

After six years of transition, the Romanian Democratic Convention, an alliance of six right-wing parties, was elected on an anti-communist (anti-

FSN/PDSR) ticket (Vaida 2021, 37). Also in 1996, Romania was considered to move from a “democratic grey zone” to an “electoral democracy” (Nord et al. 2024, 60). The accession process to NATO and the EU outlined an incentive for democratisation. Due to its shortcomings during the transition period, Romania was required to address its weaknesses, *inter alia*, in the field of democracy and the rule of law, by implementing various reforms and amending the Constitution (Lorenz/Mariş 2022, 4). These changes and their implementation were only possible because, for the first time, the accession to NATO and the EU was identified as the main and common goal of all political parties (Göllner 2022, 132). However, Romania’s initial progress remained slow and the EU accession was postponed until 2007.

Constitutional amendments aimed to address the above-mentioned weaknesses and offer solutions, *i.e.* by strengthening the parliament and making the bicameral system more efficient (Göllner 2022, 133). The extension of the presidential term from four to five years had a major impact on the political system. As a result, parliamentary and presidential elections were no longer held at the same time. This increased the probability of cohabitation,⁴ instability, political crises (in 2007-2008, 2012/2014, 2017-2019), and personalisation of politics (*ibid.*). The use of emergency ordinances by the executive was also addressed in the constitutional amendment. Even though the emergency ordinances were supposed to be used only for the transition period (*ibid.*, 135), according to the amendment, the use was prolonged for “exceptional cases” under the condition that the government has “the obligation to give the reasons for the emergency status” (Art. 115 (4)). This provision has been used extensively by governments to date (Balan 2022, 183). It is important to note that government’s ordinances are considered adopted if the parliament fails to vote on them within 30 days (Art. 115 (5)). In addition, emergency ordinances may be appealed only after they have been adopted (Art. 146 (d)). Romanian governments have not been shied away from using their strong legislative role, as “government by ordinance is a common practice” (Balan 2022, 183). Despite the above-mentioned limitations of the constitutional amendment in practice, it resulted in two relevant changes in the constitution: an incorporation of the separation of powers and a strengthening of the constitutional court (CC), as the decision of the CC on unconstitutional laws could previously

4 Cohabitation can occur when the parliamentary majority “oppose[s] the president (...) and support[s] the prime minister” (Gherghina/Mişcoiu 2013, 673) and thus generate a conflict.

be overturned by the parliament with a two-thirds majority (Göllner 2022, 128-129).

Other areas of democratisation affected by the EU accession process included, among others, civil society (Stoenescu 2022) and politics of remembrance, as the communist regime was condemned in parliament for the first time just a few days before Romania's accession to the EU (Gyöngy 2022, 71-73). Reforms of the judiciary, as Romania needed to improve many aspects of the rule of law and the fight against corruption (Iancu 2022, 201), were considered as important steps towards the accession. These reforms were long overdue since no comprehensive reform of the judiciary was implemented after the system change (ibid., 199). For the first time in the history of EU accession, a post-accession mechanism was introduced, the Cooperation and Verification Mechanism (CVM), which monitored Romania's progress in the rule of law and the fight against corruption, supplemented by introducing recommendations. The EU's powers, however, remained limited in the accession process and were not designed to impact all areas of democratisation. For instance, the media in Romania did not benefit from the democratisation effect of EU accession (Dragomir 2022, 109).

First indicators of institutional conflicts became apparent right after the EU accession, which was marked by two political crises, one in 2007 and one in 2012 (Gherghina/Mişcoiu 2013, 680). Both crises were triggered by conflicts between the prime minister and the president. While the parliament tried to impeach the president, both attempts proved to be unsuccessful, and President Traian Băsescu remained in office (Balan 2022, 184-186). During these crises, both institutions tried to expand their competences and use the given instruments in their favour; in 2012, the government passed an emergency ordinance that “withdrew the jurisdiction of the Constitutional Court over the decisions of Parliament” (Gherghina/Mişcoiu 2013, 674). Despite being a member state at that time, the EU still had sufficient leverage with the help of the CVM, the conditionality of Romania's accession to Schengen, and the blocking of EU funds (Lorenz/Mariş 2022, 4; Gherghina/Soare 2015, 815). Compared to the V-Dem indices (Figure 1), no significant decline can be registered in both instances. This absence of democratic backsliding is an indicator of a democratic resilience, with significant post-accession support by the EU. More interestingly, the overcoming of the institutional crisis in 2012 can explain the increase in the Rule of Law Index, which served as a booster for the Liberal Democracy Index in the following years. Hence, the two political crises are examples of

institutional conflict without democratic erosion, as persistent international pressure prevented democratic backsliding and helped to overcome the crises.

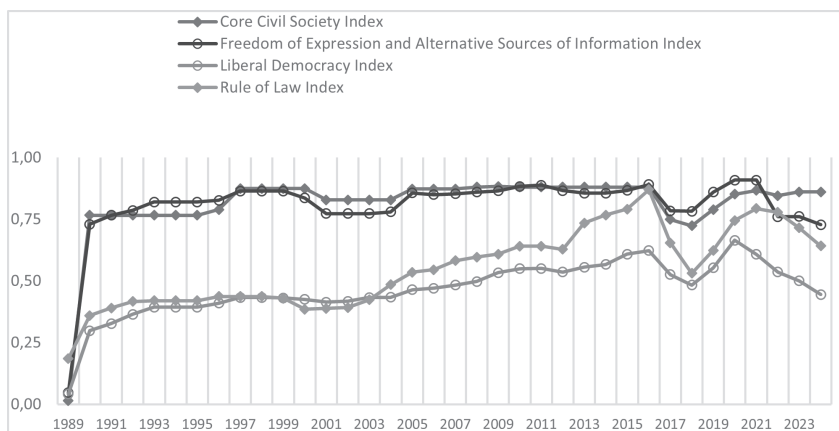
To analyse, some of the constitutional amendments failed to have a real impact in practice. In fact, they have contributed to an even more unstable political system. The rigid and unclear constitutional framework has provided a large room for maneuver for political actors in Romanian politics. Thus, the strong “tendency to personalisation” (Soare 2015, 45) has been a common practice in Romanian politics since the transition. Democratisation initiated by the EU accession remains with a limited impact as long as rules are not internalised and institutionalised, since the reforms were mainly externally driven and led to a “relatively superficial Europeanization” (Volintiru/Zgut-Przybylska 2024, 74). This can be explained by party patronage and the continuity of informal rules within institutions (ibid., 75-76). When talking about democratic consolidation in Romania, scholars like Vaida highlight the shortcomings in this area and describe it as “moderate consolidation” (Vaida 2021, 55-58), while Freedom House continues to classify Romania as a semi-consolidated democracy (Bădulescu 2024).

4 Democratic Dysfunctionalities as Ground for Democratic Backsliding Since 2017

After analyzing the peculiarities of the Romanian transition, democratisation and democratic consolidation process, the dynamics from 2017 onwards do not paint a clear picture. V-Dem’s Liberal Democracy Index shows a constant increase since the 1990s with a peak in 2016 at 0.62 points (see Figure 1). After 2016, an abrupt, statistically significant downfall can be observed, reaching 0.48 points in 2018 – the same score Romania had in 2007. In 2019, the score springs back again until 2020 at 0.67 points – mainly due to the change of government. Since 2021, the score constantly decreases once again with a recent low of 0.45 points in 2024. This pattern can be observed also in different areas. According to the V-Dem Democracy Report 2024, Romania is experiencing a democratic decline (Nord et al. 2024, 20). Two of the main drivers for this democratic decline in this period are: the Covid pandemic, which put the Romanian health system to the test, and Russia’s war of aggression against Ukraine, which shares the longest EU border with Romania. This resulted in high inflation,

energy prices and economic challenges for many Romanians. Moreover, the state of emergency during the pandemic was not conducive to the work of journalists and civil society, as transparency, communication, and access to journalists and NGOs were reduced by the government and public institutions (Ştefan et al. 2021). Although democratic decline affects society as a whole, four selective areas – judiciary, norms, civil society, and media – showcase the development since 2017. The areas are analysed based on V-Dem data in context of the volume’s theoretical introduction. The analysis and background of the democratic decline is compared to further research and reports of Nations in Transit, wherever feasible.

Figure 1. V-Dem selected indices for Romania 1989-2024



Source: Own illustration based on V-Dem Country-Year Dataset v15 (Coppedge et al. 2025)

The Judiciary – “All for Justice”

One of the most prominent attacks on democratic institutions in Romania concerned the judiciary. Despite protests and dissatisfaction with the dominant party PSD in 2015, the party won the parliamentary elections under a new leadership at the end of 2016 with 45.5 percent. Together with ALDE⁵

5 The Alliance of Liberals and Democrats (*Partidul Alianța Liberalilor și Democraților*, ALDE) was led by former Prime Minister and former leader of the National Liberal

it formed the government in 2017, succeeding a technocratic government. One of the first actions of the new PSD-led government was the adoption of the government emergency ordinance (GEO) 13/2017. The main aim of the GEO was to counter the alleged abuse of power by anti-corruption institutions. A Special Prosecutor's Office was established to investigate the judiciary and, thus, undermine the rule of law and anti-corruption work (Göllner 2022, 134). In doing so, the GEO would have reversed the reform of the judiciary that had taken place prior to EU accession (Iancu 2022, 209).⁶ The PSD's main argument for these changes was Romania's overcrowded prisons, but also the rhetoric of a "deep state (*statul paralel*)". The latter referred to the alleged unfair prosecutions by the anti-corruption agency (Iancu 2022, 214), but also to the influence of the so-called "Soros network" in Romanian civil society (Gorni 2024, 1-2; Ștefan et al. 2018).

Due to pressure from the president, opposition, but also mass protests under the motto "All for Justice (*Toți pentru justiție*)" and international pressure, the government repealed the GEO, yet it continued to pursue the goal of undermining the judiciary by different means in 2017 and 2018 (Iancu 2022, 210-211). For example, the minister of justice requested the dismissal of Laura Codruța Kövesi, at the time the chief prosecutor of the National Anticorruption Directorate. As the president hesitated to dismiss Kövesi, the CC decided that the president had to conform to the request of the minister of justice. Hence, Kövesi was dismissed (*ibid.*, 206-207).⁷ Such measures explain the sharp decline in the Rule of Law Index after 2016 until 2018, from 0.87 points to 0.53 points. PSD lost further ground in the population due to its unpopular politics, and in 2019, Liviu Dragnea, the then PSD president, was convicted and imprisoned for corruption. The controversial Special Prosecutor's Office was closed in 2022 (Law 49/2022), as the institution was widely criticised (Selejan-Gutan 2019). The Romanian judiciary from 2016 to 2022 shows that hard democratic backsliding can be effectively countered by joint efforts of national institutions, civil society and immense pressure through EU conditionality, despite Romanian

Party (*Partidul Național Liberal*, PNL) Călin Popescu-Tăriceanu. ALDE merged with PNL in 2022.

6 In addition, the GEO 13/2017 also included the decriminalisation of certain crimes, such as the decriminalisation of abuse of office if the amount involved was less than 200,000 RON (about 40,000 EUR).

7 Eventually, the decision of the CC was ruled by the European Court of Human Rights as a violation to the right to a fair trial (Art. 6 ECHR) and freedom of expression (Art. 10 ECHR) (ECHR 2020).

being a member state at that time. This might fall short in the future as the CVM, an important instrument of EU conditionality after accession, was terminated in 2023. Despite improvements after 2018, the attempts by the PSD-led government(s) to undermine the judiciary further polarised (Iancu 2022, 212) and increased the pressure on the independent judiciary (Selejan-Gutan 2019). Such a swift recovery might not be permanent since the V-Dem's Rule of Law Index indicates another downfall since 2022, even surpassing the provisional low in 2018 (Coppedge et al. 2025), leaving a new response with less options of external international pressure.

Erosion of Democratic Norms and New Rhetoric

After winning the 2016 parliamentary elections, PSD adopted an anti-European rhetoric – a first in Romanian politics (Lorenz/Mariş 2022, 5). This was considered as a disruption as all parties were unanimously committed to the European project. Despite the voters' sanction of PSD rhetoric at the 2019 presidential elections (Mişcoiu 2022, 156; Mişcoiu/Bogdan 2021, 19), PSD's new rhetoric laid fertile ground for right-wing populist-nationalist parties. In 2019, the Alliance for the Union of Romanians (*Alianţa pentru Unirea Românilor*, AUR) was founded and entered the parliament in 2020 with 9 percent (Mişcoiu 2022, 163). In the 2024 parliamentary elections, AUR, S.O.S. România and the Party of Young People (*Partidul Oamenilor Tineri*, POT)⁸ obtained more than 30 percent of the votes. These parties share Eurosceptic and nationalistic rhetoric (Preda 2025, 6). However, they mainly manage to reach out to voters by addressing the population's dissatisfaction with politics, the low trust in political institutions, and internal vulnerabilities such as economic inequality (Bădulescu 2024). They portray themselves as anti-establishment, sovereigntists and the only ones who speak for the “people”, inspired from the right-wing extremist movements of the interwar period and national communism (Iancu 2023, 234-237) in terms of politics of history. The rapid emergence and success of these parties is worrying for the prospect of Romanian democratisation and indicates a further polarisation of the society. This new rhetoric and erosion of democratic norms further support a soft democratic backsliding,⁹ which

8 Both parties split up from AUR.

9 The impact of such rhetoric is difficult to assess, as (V-Dem) indices cannot measure this.

will continue to impact Romanian politics – see the 2024 presidential elections.

Civil Society and NGOs as Watchdogs

Civil society plays an important role in Romania, as it often acts as a watchdog over the work of the government, parliament, president, and public institutions. The score of the Core Civil Society Index has been relatively stable during the years. As for the other indices, also the Core Civil Society Index shows a statistically significant dent during 2016 and 2020. In 2018, 0.72 points are registered which is the lowest score for this index in the history of democratic Romania (Coppedge et al. 2025). This decline is linked to the pressure of governments in relation to the biggest protests since the revolution. Unlike the previously discussed Rule of Law and Liberal Democracy Index, the Core Civil Society Index returns to the pre-2017 level.

Reasons for the temporary decline were various measures taken by the government or parliament to impede the work of NGOs by requiring additional documentation and making it difficult to access funds (Ștefan et al. 2018, 2019).¹⁰ These are usually characterised as uncoordinated measures that might change from year to year. Even if a strategy is lacking, the measures follow a pattern of “death by bureaucracy” (Ștefan et al. 2018). For recent years, civil society in Romania has faced new competition, as civil society organisations close to parties like AUR have emerged and, together with AUR, formed a counter-movement to the progressive and democratic civil society (Stoenescu 2022, 92-93; Bădulescu 2022). The democratic backsliding in the context of civil society can, hence, be described as soft. However, this poses a greater risk when combined with the general lack of openness and cooperation of politicians towards civil society.

Media Under Pressure

The transition of Romania had a significant impact on the media, as financial challenges exposed media to vulnerability, and outlets were taken over

10 For instance, an amendment to a regulation required NGOs to officially submit their financial statements twice a year. Failure to do so would have resulted in the closure of the NGO within 30 days (Ștefan et al. 2018).

by (political) influential figures, also known as media moguls (Dragomir 2022). The V-Dem's Freedom of Expression and Alternative Sources Index follows a similar pattern as the Core Civil Society Index, with a dell in 2017 and 2018. The index sets a new maximum for 2020 and 2021, but once again declines from 2022, with an all-time low since 1990 in 2024 of 0.73 points (Coppedge et al. 2025). According to Nations in Transit, this trend can be confirmed with an assessment of media independence at its lowest level and a continuous decline in recent years (Bădulescu 2022, 2024; Ştefan et al. 2018, 2020).

A key aspect of the media is the influence of political parties through state subsidies. From 2021 to 2024, parties in parliament received a total of about 222.5 million EUR in state subsidies (Lupu 2025, 71). The subsidies have been increasing in recent years and pose a threat to fair competition, especially for small parties. This results into the tendency of parties to be financed almost entirely by state subsidies (Pârvu 2025, 12). Parties use most of their public subsidies for political campaigns, yet non-transparent and difficult to track, as agencies are contracted which act as intermediaries (Andrei 2022). Further challenges include to determine whether the content, news or airtime was paid for by a party or political actor, as it is not labeled as political advertisement by the media (Lupu 2025, 72). For example, PSD and PNL spent 10 million EUR on media coverage within seven months in 2022 (Andrei 2022), making them the parties with the highest spending on media from over 60 percent of their budgets (Dumitru 2023). This poses a direct challenge to media freedom, independence and public trust in the media.

Other threats in recent years include (informal) pressure, self-censorship, and defamation against free media, but also against individual journalists (Bădulescu 2024, 2022; Ştefan et al. 2020, 2018).¹¹ An remarkable example is the National Broadcasting Council, led by a head with close ties to PSD, who pressured Romanian TVR for broadcasting on Liviu Dragnea (Ştefan et al. 2020). Another accusation of censorship was the proposal to introduce the dismissal of the head of the national press agency *Agerpres* by the parliament (Ştefan et al. 2018). In conclusion, the media is one of the areas where pressure has repeatedly increased, and political actors are trying to co-opt the media through informal pressure and influence it within a

11 One of the most prominent cases of defamation was that of Emilia Şercan, a journalist who exposed several plagiarisms, including one of the doctoral thesis of Nicolae Ciucă, former Prime Minister and PNL President.

legal framework. These measures severely undermine media freedom and independence and contribute to a (soft) democratic backsliding – although without drawing a continuous trend.

Continuity of Systemic Dysfunctionalities and Lack of Good Governance

Romanian politics continue to be characterised by institutional and democratic vulnerabilities and dysfunctionalities. Since the revolution, Romania has been governed by a total of 28 governments, which converts in a life span of about 1.3 months on average for each cabinet. The parliament is falling short of democratic debate on legislative proposals, passing an average of one law per day, leaving little time for political debate in parliament – at the same time, there are laws in parliament that have not been passed since the 2000s (Balan 2022, 174). The Romanian party system is particularly unstable, with many party splits and mergers (Vaida 2021, 43). Furthermore, “the leadership is rather closed” (ibid., 45-46) and parties depend on their leaders, but if a leader loses an election, he or she is quickly replaced (Preda 2025, 5).¹² Thus, parties function as instruments for political actors and their clientelistic networks (ibid.). All of the above-mentioned systemic dysfunctionalities are sources of vulnerability and favourable conditions for democratic backsliding.

A particular result of dysfunctionalities is the misuse of GEOs. Governments have adopted a new strategy lately, in which several topics are connected into only one emergency “train ordinance (*ordonanța trenuleț*)” (Voicu 2025, 20). In 2024, the government adopted 156 GEOs and parliament 332 laws (ibid.). For example, due to the war in Ukraine, the government adopted an GEO in 2022 to amend the law on transparency of decision-making, which has been widely criticised, but has not yet been reviewed by the parliament and/or the CC (ibid., 21). Thus, this GEO may be unconstitutional, but is being enacted and implemented by public institutions until proven otherwise. As this is just one example of many such cases, questions on the transparency of the institutions, participation of the (civil) society and good governance arise inevitably. In many cases, GEOs or draft laws are (slightly) modified after pressure from opposition, civil society, and international actors. GEOs remain an instrument for the government to bypass legislative scrutiny. The misuse of GEOs clearly

12 They leave the party and eventually found their own party (Preda 2025, 5).

indicates legal manipulation which can easily initiate soft democratic backsliding. Since political actors use the democratic framework to undermine democracy, Romania fits in this regard the characteristics of competitive authoritarianism (see Levitsky and Way 2010). Due to the “emergency” character of the GEOs, these might also fit the hard backsliding characteristics (sudden, immediate public perception, strong international response), such as in the case of the GEO 13/2017. Also, the extent of the backsliding depends on the subject of the matter, and to which extent other internal and international actors can exercise counter-pressure. In the past, the context of a relatively strong civil society and ongoing international (morally) pressure set boundaries to the impact of GEOs.

Elections as a Democratic Test¹³

The 2024 super election year was a test for Romanian democracy and the resilience of democratic institutions, which it failed to pass. The first round of the presidential election was won by an outsider and ultra-nationalist candidate, Călin Georgescu, with almost 23 percent. In most of the surveys he did not reach more than 7 percent. He managed to win the first round of the presidential election with the help of a TikTok campaign, undeclared fundings, fake accounts, and other illegalities. These facts were disclosed only after the first round of the presidential and parliamentary elections. Despite his declaration of zero spending at all for his campaign, it remains unclear why the institutions, specifically the Permanent Electoral Authority (PEA), did not start to investigate before the elections. Since the then head of the PEA is a former PSD MP, his bias was questioned. In comparison, the candidacy of Diana Șoșoacă, president of S.O.S. România, was rejected by the CC. Her nationalist and controversial positions are suspected of being the reason for her suspension. Yet, Călin Georgescu was also known for his nationalist positions.

The CC annulled the presidential elections only after the Supreme Council of National Defence documents were declassified, citing illegalities and alleged foreign interference. The annulment of the elections appeared to

13 Despite the shortcomings of the majoritarian electoral system, there have been no major changes (Preda 2025, 4-5). An issue regarding the electoral system is the election of mayors in only one round since 2012 which has been a great advantage for the PSD, since the PSD has a strong structure at the local level (Vaida 2021, 41).

be the last resort, but raised the question of its democratic character, as there was much room for interpretation. Romanian citizens were deeply disillusioned by the inability of institutions to ensure fair and free elections. The results of the first round of the 2024 presidential elections illustrates the high level of mistrust and dissatisfaction of the people with Romanian politics and fragile state of democracy, as it was the first time in the history of Romanian democracy that none of the established parties, PSD or PNL, succeeded to the second round (see Mariş 2025). Romanian democracy faces a new test – conducting repeat presidential elections in May 2025 with an even higher mistrust towards institutions.¹⁴

Despite the volatile development in the V-Dem indices since 2017, an overall statistically significant democratic decline can be identified. Given the institutional framework, the short-term perspective of political actors to achieve short-term gains, and lack of good governance – especially in times of crisis – democratic dysfunctionalities become visible and can lead to further democratic erosion. Overall, there are indicators of democratic backsliding in Romania, which can become permanent if international pressure falls short. Soft democratic backsliding has been more impactful because it is introduced gradually and less traceable. Romanian democratisation reached a low point in its consolidation stage, with low trust in political institutions and participation.

5 Conclusion

Romania has already faced many challenges during its democratisation and democratic consolidation. According to Freedom House, Romania has not even reached the status of a consolidated democracy. As a classified semi-consolidated democracy, the legacy of the transition has left its mark on institutional and democratic dysfunctionalities. Political actors, often in legacy and tradition of the second-level communist elites, take advantage of the room of maneuver, even though they might undermine democracy, to achieve their personal goals. The room of maneuver is exploited by the frequent use of GEOs, bypassing legal scrutiny. This creates favourable conditions for democratic backsliding.

14 According to a survey, only 17 percent of the Romanians believe that the 2024 elections will bring an improvement to their lives and 35 percent of Romanians consider the annulment of the presidential elections to be a good decision (IRES 2024).

For previous instances, democratic backsliding was impeded due to internal and international pressure, e. g. EU-conditionality. Although a hard democratic backsliding can be identified around the period of 2018 in the field of rule of law, including the attack on judiciary and misuse of GEOs, the dip remained sharp but short-lived. Other fields for this period, such as the media, civil society, and the erosion of democratic norms, can be characterised as more subtle and gradual and therefore indicate soft democratic backsliding. The rise and rapid success of populist and nationalist parties have introduced a new rhetoric that undermines democracy. In consideration of continuing dysfunctionalities, a lack of willingness to compromise, and the constitutional instrument of GEOs leave the question how effective responses will play out in a volatile development in Romania, with an overall tendency to democratic decline since 2017. In the past, opposition, civil society, and especially international pressure were able to counter democratic backsliding. With the rise of populist movements around the world, the leverage on Romania may be waning.

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Democratic Backsliding in Croatia – Autocratic Tendencies Die Hard

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Introduction

Since Croatia's accession to the European Union (EU) in 2013, signs of democratic backsliding have emerged, as evidenced by several democratic indices, including the Variety of Democracy Index (V-Dem) and World-wide Governance Indicators (WGI). The backsliding of modern democracies is commonly understood as a gradual, yet deliberate process whereby political leaders undermine liberal democratic norms and institutions through strategic abuse of power (Levitsky/Ziblatt 2018). The presence of illiberal actors does not automatically indicate democratic decay, as these are expected to emerge across various democratic regimes. However, the effects of illiberal political practices vary significantly depending on the regime's resilience.

This paper examines the resilience of Croatia's democratic framework by analysing key institutional and political mechanisms that either support or weaken democratic governance. Following the introduction, the section on Croatian political system provides an overview of Croatia's governance structure, highlighting the formal democratic institutions, separation of powers, and the roles of key political actors. The subsequent sections trace Croatia's democratic trajectory through distinct phases: the early post-independence years marked by nationalist rhetoric and weak institutional oversight, the democratic reforms initiated in the 2000s, and the process of Europeanisation during EU accession. The paper then shifts focus to the contemporary state of democracy in Croatia, examining challenges such as executive overreach, the erosion of independent institutions, and media freedom.

All EU member states are required to adopt the *acquis communautaire*, which strengthens the rule of law, independence of institutions and separa-

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tion of powers. However, varying degrees of democratic backsliding across member states reveal that the formal legal framework does not always ensure effective democratic governance, and some systems remain more vulnerable to erosion despite robust legal guarantees.

Therefore, it is crucial to highlight the “opportunity structures” within the system that determine its resilience against democratic erosion. Dolenec (2013, 48) argues that varying levels of quality of democratic governance in different countries are not a result of the higher morality of the given elites in one country compared to another, but of the existence of institutional, political and societal frameworks “strong enough to guarantee mechanisms of control and scrutiny”. When confronted with illiberal manoeuvres by political actors, other democratic entities can resist. The extent to which these actors fulfil their resistance role depends on their democratic commitment and capacity to act within the specific system (Tomini et al. 2022). In more consolidated liberal democracies, with robust checks and balances, autonomous institutions, and free civil society and press, these actors have more space to resist. Conversely, as regimes slide towards authoritarianism, this space shrinks.

In newer EU member states, literature frequently emphasises path dependency and communist legacies to explain the fragility of democratic guarantees. However, Croatia’s case demonstrates that even a severe rejection of the “old” system does not guarantee higher democratic standards. The interests and values embedded by dominant actors during critical junctures often resist subsequent reform attempts. Without sufficient oversight during democratic transitions, illiberal governance patterns risk becoming deeply entrenched.

The Croatian Political System: A Snapshot

Since the year 2000, Croatia has functioned as a parliamentary democracy, transitioning from the semi-presidential system established in 1990. The political system is characterised by the separation of powers between the executive, legislative, and judicial branches. The President of the Republic, elected for a maximum of two five-year terms, serves primarily as the ceremonial head of state, representing Croatia internationally, collaborating with the government on foreign policy matters, commanding the military, and participating in the formation of the government. The Government implements both foreign and domestic policies and oversees state affairs.

The Prime Minister, typically the leader of the majority party in Parliament, heads the Government. The Croatian Parliament, or Sabor, is a representative body responsible for enacting laws, determining the national budget, and addressing other legislative matters. It comprises 151 members elected for a four-year term. Judicial authority is vested in the courts, with their independence and autonomy guaranteed by the Constitution. The Supreme Court is the highest judicial authority, complemented by different administrative and county courts. The Constitutional Court operates independently, assessing the constitutionality of laws and governmental actions.

Croatia's political system also includes autonomous institutions that are integral to its functioning as additional guarantees of democratic governance. These institutions, such as the Ombudsman, the Commission for the Prevention of Conflict of Interests, the State Judicial Council, and the State Election Commission, typically function as extensions of the legislative branch, with members appointed by and accountable to Parliament. The State Attorney's Office (DORH), however, is an independent entity within the judicial system.

Regular free elections are held at the parliamentary, presidential, and local levels. The State Election Commission effectively enforces electoral laws. Since independence, power has predominantly been held by the centre-right Croatian Democratic Union (HDZ). The centre-left Social Democratic Party (SDP) is a major opposition actor, though winning parliamentary elections just twice (in 2000 and 2011). In recent years, several new left- and right-wing parties have emerged.

The Media Act guarantees media freedom and the rights of journalists. Croatia's media landscape exhibits considerable plurality, with 2021 data indicating 133 radio programmes, 27 television programmes, 481 electronic publications, and 770 newspapers (Republic of Croatia Ministry of Culture and Media 2022, 22). However, traditional print media is declining in readership and public trust (Reuters Institute 2021). Online media, including social media, has become the primary news source although it is deemed the least reliable. Overall, less than 50 percent of the Croatian public expresses trust in the news (European Broadcasting Union 2022). State-owned national television (HTV) enjoys the lowest public trust, likely due to its perceived role as a mouthpiece for political elites (Reuters Institute 2021).

A Democratisation Phase

In the early 1990s, Croatia went through a phase of democratic transition that was marked by strong nationalist rhetoric and a focus on establishing a distinct national identity separate from the former Yugoslavia. This period saw the consolidation of power by the HDZ under the leadership of Franjo Tuđman, who leveraged nationalist sentiment to maintain political dominance. The period is characterised as a “semi-authoritarian regime” (Zakošek/Čular 2003) or an “authoritarian democracy” (Čepo 2020). The lack of robust institutional checks and balances during this critical juncture, in which the Catholic Church was a significant influence on politics, created an atmosphere in which civic action was regularly “delegitimised by members of the government” (Tiedemann et al. 2022, 32). The legislative and judicial branches were highly instrumentalised. After the regime change in the early 1990s, there was a 60 percent turnover of judges across all levels of the judiciary. Practices of loyalism and nepotism were present in public bodies and mass dismissals of civil servants were taking place based on “their political convictions or ethnicity”, while new appointments were made on an “ethnic, political, local or friendship basis” (Bejaković 2002, 132). The freedom of the press was highly restricted and the media faced state supervision and persistent harassment (Dolenec 2013). The lack of robust institutional checks and balances during this critical juncture allowed the HDZ to embed illiberal practices within the governance framework, including the centralisation of power and the marginalisation of opposition forces.

The war victory in 1995 and the unification of the Croatian territory in 1998 strengthened the narratives of victory, justice and Croatian nationalism, producing “reservoirs of legitimacy” for the HDZ (Dolenec 2013, 132). In the post-war years, the nationalist rhetoric was commonly utilised to pronounce critics “unpatriotic” and the formative period lacked political plurality.

Literature indicates that party plurality is a crucial mechanism to prevent “illiberal beliefs” from integrating themselves into models of governance during the democratisation of post-communist states (Ekiert et al. 2007). The opposition offers “a clear, plausible and critical governing alternative that threatens the governing coalition with replacement” (Grzymala-Busse 2007, 1) and thus shifts the interest of the elites towards a more accountable form of rule. However, even dramatic improvements in pluralism, occurring once the governance framework has been deeply established, are in-

sufficient to eliminate party patronage (Mungiu-Pippidi 2014, 22). Mungiu-Pippidi (2014, 21) explains that “governance orders reproduce fundamental patterns of social organisation and power distribution in a society, and thus tend to be stable once they reach a certain equilibrium”. The dominance of a single party in the first decade of Croatia’s democracy allowed informal power structures to take root within the system and a subversion of “the establishment of the rule of law despite at the same time introducing formal democratic institutions” (Dolenec 2013, 47).

The formative years of Croatia’s democracy also witnessed an erosion of political culture and a marginalisation of society as a crucial resistance actor. Literature has acknowledged that “parties do not simply reflect pre-existing political preferences but contribute to shape these, thus taking on a role as agents of socialisation in their attempts to mobilise citizens” (Herman 2016, 276). This role is especially dominant in the “genesis environment” during periods of “dissolution of existing boundaries and related identities” when societies require new narratives and identities (Jowitt 1992, 266). The public space in the early years of Croatia’s democracy was characterised by a rhetoric of nationalism and cultural monism. The dominant view was that society is divided between real Croats who are nationalists, Catholics and HDZ voters, and “the communists, alleged opponents of the formation of an independent Croatian state” (Cipek 2017, 155). Accordingly, the first decade of the independent Croatian state exhibited a decrease in dedication to liberal values. Kuntz (2011) found a decrease in tolerance in Croatia towards different groups between the years 1995 and 1999, pointing out that by 2008 Croatia had still not returned to its pre-1995 level of tolerance. The trend clearly highlights the significance of the influence of dominant actors and the dominant rhetoric on the political culture during genesis periods, and the non-causal relationship between democracy and liberalism. Additionally, these years witnessed a general decline in citizen agency. Ideological identification with dominant parties commonly reinforced “through preferential treatment, benefits and subsidies from the state budget” created a large group of “unrelenting supporters across decades” (Dolenec 2013, 142). The link between voter preferences and party ideologies reduced the potential for effective scrutiny in the public sphere.

The Road to the EU

The first substantial steps towards the liberalisation of Croatian “democracy” were taken in the early 2000s after the HDZ lost both presidential and parliamentary elections following Tuđman’s death. In this period, slow but steady progress was made by the newly elected centre-left coalition headed by the SDP towards the democratic consolidation of Croatia and opening the state towards Europe. Cooperation with the Hague War Crimes Tribunal picked up and the supra-presidential parliamentary system was replaced with a parliamentary system. In 2000, Croatia experienced a significant increase on all of the World Bank’s Good Governance Indicators.

The year 2001 also marked the first time Croatia was categorised as “free” by Freedom House’s index. The strengthening of pluralist democratic values in both society and the party system reflected on the accession negotiations with the EU (Čepo 2020, 142). In 2004, after significant improvements in the quality of democracy were observed, the European Council confirmed Croatia’s candidacy.

Democratisation through Europeanisation

Croatia underwent the most comprehensive democratisation during its EU accession, largely driven by increasingly stringent conditionality following the disappointing rejection of the Constitutional Treaty, the difficulties in ratifying the Lisbon Treaty, and post-accession issues with other Central and Eastern European member states (Andrassy 2008).

During Croatia’s accession process, the EU Commission concentrated its attention on assessing whether steps were taken to strengthen democratic governance, ensure party system plurality, enforce checks and balances, enhance judicial independence, and address corruption through institutional and legal reforms (Cerruti 2014, 784). Thirty-five negotiation chapters outlined specific areas of the *acquis communautaire*, each with defined “benchmarks” (Hillion 2011). Among these, Chapter 23, focused on judicial reform, anti-corruption measures, fundamental rights, and EU citizenship rights, was particularly demanding and marked a shift from prior accession frameworks (Turkalj 2012). Drawing on lessons from Romania and Bulgaria, where post-accession challenges led to the creation of the Cooperation and Verification Mechanism (CVM), the EU emphasised anti-corruption and judicial independence as key priorities.

The formal institutional democratisation through external Europeanisation “has opened up the legal space” for democratisation, serving as a “precondition for the internal Europeanisation” (Ágh 2016, 73), but not as a guarantee. An analysis of the WGI and V-Dem indices reveals a formal improvement in the quality of democracy during Croatia’s accession period. The WGI’s rule of law indicator, which measures “perceptions of the extent to which agents have confidence in and abide by the rules of society”, shows continuous improvement from 2008 until 2014.³ Similarly, the government effectiveness indicator, which assesses “perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government’s commitment to such policies”, demonstrated relatively stable growth in this period, peaking in 2014. However, both the rule of law and government effectiveness indicators, alongside the voice and accountability indicator and the control of corruption indicator, show varying degrees of regression in the years following Croatia’s accession to the EU. Notably, the government effectiveness and control of corruption indicators have not returned to the levels achieved during the accession period.

Table 1. Progress of four selected WGI’s governance indicators in Croatia (1996–2022)

Year	Voice and accountability	Government effectiveness	Rule of law	Control of corruption
1996	-0.16	0.10	-0.63	-0.58
1998	-0.29	0.04	-0.41	-0.59
2000	0.51 ▲	0.36 ▲	-0.03 ▲	-0.04 ▲
2002	0.56	0.33	-0.14	0.23
2003	0.62	0.32	-0.05	0.26
2004	0.66	0.44	0.04	0.24
2005	0.45	0.46	0.08	0.14
2006	0.48	0.56	-0.05	0.04
2007	0.52	0.46	0.04	0.06

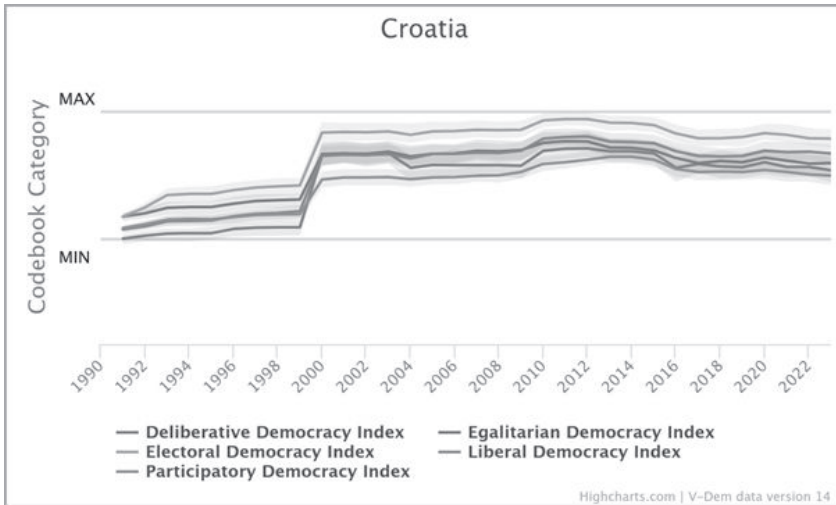
3 The list of indicators used by the World Bank can be found at: <https://www.worldbank.org/en/publication/worldwide-governance-indicators#home>. Source: Worldwide Governance Indicators, 2024 Update, World Bank.

Year	Voice and ac- countability	Government ef- fectiveness	Rule of law	Control of cor- ruption
2008	0.47	0.57	0.03	-0.05
2009	0.49	0.59	0.04 ▲	-0.09
2010	0.48	0.58	0.08	0.02 ▲
2011	0.52 ▲	0.50	0.11	0.03
2012	0.54	0.68 ▲	0.15	-0.03
2013	0.51 ▼	0.68	0.18	0.11
2014	0.51	0.68	0.22	0.20
2015	0.56	0.46 ▼	0.13 ▼	0.20
2016	0.53	0.42	0.34	0.16 ▼
2017	0.48	0.54	0.31	0.06
2018	0.45	0.51	0.30	0.05
2019	0.45	0.46	0.35	0.05
2020	0.58	0.43	0.24	0.18
2021	0.60	0.55	0.28	0.04
2022	0.61	0.58	0.37	0.15

Source: World Bank, Worldwide Governance Indicators (WGI), www.govindicators.org

The V-Dem indicators provide an even more concerning perspective when analysing five principles of democracy: electoral, liberal, participatory, deliberative, and egalitarian. Each of these indicators recorded growth during the period of accession but began to decline between 2012 and 2014, failing to return to their previous levels.

Graph 1. Progress on V-Dem's five high-level principles of democracy in Croatia (1991-2023):



Source: Varieties of Democracy (V-Dem), Country Graph tool, www.v-dem.net

These trends highlight the persistence of an informal illiberal framework which “penetrated diverse aspects of state and society: the government, the public administration, the judiciary, state enterprises, agencies and institutions, private corporations and agencies, the media, the health and education systems” (Dolenec 2013, 157). It is evident that domestic political elites managed to simultaneously conjure *de jure* institutional empowerment and *de facto* institutional subversion, satisfying EU democratisation requests while maintaining their grip on power.

Although the reforms required for the process of Europeanisation were less fundamental than during the initial democratisation in the 1990s, significant institutional and legal transformations were nevertheless required. Accordingly, the scrutiny and oversight that were crucial for preventing the capture of the system in the period when initial democratic institutions were being established, were equally a prerequisite for ushering genuine reforms in the Europeanisation period. The accession process should be understood as a point of “critical juncture” when the structure of party constellation and democratic scrutiny make a decisive difference for the governance models that are transposed through new institutions.

The technical and legalistic top-down approach to democratisation during the accession process required from domestic elites a substantial capacity to transpose the *acquis communautaire* into domestic systems, making it reliant on a “stable network of agents of change” (Barbulescu/Troncota 2013, 68). Contrary to the necessity for decentralisation of governance, Europeanisation produced the opposite effect, empowering the already established political elites. In Croatia, the dominant party at the core of the illiberal governance model was “singled out as the most proximate source of reform” and significantly influenced the effectiveness of new formal institutions (Elbasani/Šelo Šabić 2017, 4).

Given that “institutions are cemented and perpetuated by the ideas and beliefs of those who act within them” (Herman 2016, 264), this approach lacked the capacity to eradicate informal governance structures. The political and societal spheres lacked established agents of scrutiny to provide domestic oversight throughout democratisation. The EU’s top-down model, focused more on political expediency than comprehensive democratisation, failed to empower these agents and instead allowed further concentration of agency in the hands of the dominant party. The incentives of membership were sufficient to build formal institutions and mobilise them at critical moments, but they were not effective in producing genuine democratisation of governance. The discontinuity between formal and informal governance models created conditions conducive to erosion once the conditionality pressures subsided.

The State of Democracy Today

The persistence of entrenched illiberal governance poses significant risks to the integrity of constitutional guarantees and the system of checks and balances. Although the legal framework itself might not be inherently flawed, it can be undermined by informal clientelist influences. Authoritarian control over the legislative and judicial branches enables informal power structures to undermine the democratic mandate of independent institutions by appointing party-aligned individuals and diminishing institutional oversight capacities through soft coercive practices and strategic legislative amendments. Common methods of “soft silencing” include financial restrictions, exclusion of “unfavourable” institutional reports from parliamentary agendas, and outright rejection of “disfavoured” annual reports (Čepo 2021). Additionally, independent institutions may face threats such as “restructuring”,

while executive control over other branches facilitates legislative changes that weaken resistance actors. This environment discourages even committed institutional actors from challenging powerful elites.

A dominant party attracts a larger pool of loyalists across both public and private sectors. Surveys in post-socialist states reveal a prevalent belief that professional success “is determined by connections rather than hard work” (Mungiu-Pippidi 2015). Once the particularistic distribution of benefits becomes understood as “the rules of the game”, actors are more likely to adapt in order to avoid hampering their own progress. Accordingly, packing institutions with loyal actors becomes simpler the longer the party maintains control. The extensive control of the dominant party in both public and private spheres reduces the legitimacy of opposition parties who comparatively have less influence and are perceived as less competent.

Following the entrenchment of an informal governance system, emerging political competition has become less capable and willing to challenge the governance order, increasingly relying on informal structures to accomplish its political aims. While the dominant opposition party, the Social Democratic Party (SDP), initially resisted this model during its first term in power, it is now perceived as equally “corrupt”, employing its own illiberal methods to counter the opposition (Vukic 2023). Such developments are unsurprising, as the opposition inevitably seeks to “level the playing field” when it cannot avoid the system. Political opposition is also often afraid of “public lynching” amplifying such an effect.

Long-term state capture in Croatia has also had a detrimental effect on citizen agency as citizens perceive the system as inherently corrupt, losing trust in political efficacy. The latest Eurobarometer survey on the independence of the national justice system reveals that 71 percent of Croatians rate the judiciary’s independence as “very bad” or “fairly bad”, compared to only 35 percent of EU citizens overall. Additionally, 63 percent of Croatians believe that the government and political pressures are responsible for this lack of judicial independence (Eurobarometer 2023). The situation is even more alarming regarding perceptions of corruption. The 2022 Eurobarometer report indicates that 94 percent of Croatians believe that corruption is “totally widespread” in their country, with political parties, officials awarding public tenders, and courts identified as corruption hotspots (Eurobarometer 2022). Even if this pessimistic view does not paint a completely realistic picture of governance, it has grave implications for the health of democracy.

Citizens are aware of the existence of an unfair distribution system operated by political elites, yet they do not perceive a realistic alternative in the political opposition. Voters faced with no “real choice” essentially lose “confidence in the capacity of the democratic process to produce clean government” (Kostadinova 2009, 696), diminishing the potential for effective scrutiny.

The following sections will analyse recent instances of illiberal attacks on independent institutions, with a focus on the methods employed and the opportunity structures leveraged in these cases.

Ombudsman

The mandate of the Ombudsman, who holds responsibility for promoting and protecting human rights and fundamental freedoms, was strengthened and expanded during Croatia's EU accession process. However, since Croatia joined the EU, the institution has faced persistent challenges from conservative political factions (Čepo 2020). In 2016, the HDZ-majority Parliament, for the first time in Croatia's history, rejected the Ombudsman for Human Rights' annual report. That same year, the Parliament also rejected the annual report of the Ombudsman for Children. Subsequent legislative changes led to the premature removal of the Ombudsman for Children. The repeal of the 2003 Ombudsman for Children Act invalidated all the legal acts issued under it, including the 2014 appointment decision, although this approach diverged from established practices.⁴ Opposition parties and the Ombudsman for Children argued that these actions were targeted specifically at removing her from office due to her perceived alignment with the opposition (Faktograf 2017).

According to Article 26 of the current law, the active Ombudsman for Children is to be removed if their yearly report is not accepted in Parliament (Ombudsman for Children Act). However, the law does not require clarification regarding the reasons for the rejection of a report, meaning that a parliamentary majority can decide to reject a report and trigger the dismissal of the Ombudsman based on political interests, without needing

4 For example, when the new Gender Equality Act was enacted, it was stipulated that "upon the entry into force of this Act, the Decision on the Appointment of the Ombudsman for Gender Equality shall remain in force" (Official Gazette NN 59/04, 84/11, 81/13, 114/22).

to offer concrete explanations. This approach seriously diminishes the institution's independence and autonomy.

Ombudsman institutions are also commonly marginalised by being denied space on the Parliament's agenda (Čepo 2021). In 2021, the HDZ-majority Parliament, after failing to schedule readings of the Ombudsman for Human Rights' reports over three consecutive years, refused to accept the reports for all three years. Considering that the reports offer information on the extent and sources of human rights violations, with the purpose of informing the Parliament so that it can take action to reverse negative trends, not scheduling the reading of the reports signals disregard for citizens' interests and increasing ideological friction in the Parliament.

State Attorney's Office (DORH)

The State Attorney's Office (DORH) and the Croatian Office for the Suppression of Corruption and Organised Crime (USKOK), institutions pivotal in combating corruption, face significant illiberal attacks.

DORH has been accused of being an adjunct to the executive branch during the tenure of State Attorney General Zlata Hrvoj Šipek, especially after the European Public Prosecutor's Office in Croatia (EPPO) arrested Danijela Žalac, a former HDZ minister, on corruption charges. This arrest brought to light concerns over DORH's earlier investigation under Šipek's direct supervision, which was terminated due to purportedly finding "no evidence" of misconduct. Indeed, the executive rarely shies away from publicly giving orders to prosecution bodies, directly disregarding the constitutional guarantees for separation of powers.⁵

In Croatia's political and legal framework, the Prime Minister, particularly one as influential as Andrej Plenković, plays a pivotal role in appointing the State Attorney General. While recent reforms have introduced an open application process for this position, it is widely perceived that candidates seldom enter the fray without prior political endorsement (GONG 2024). Following the initial selection phase, which involves interviews with ministers, the new State Attorney is proposed by the government and the appointment is finalised by a simple majority vote in Parliament, thereby

5 In February 2024 the prime minister publicly urged DORH and USKOK to look into the matter of EPPO jurisdiction in a case concerning one of his ministers, after which USKOK obliged.

eliminating the need for opposition consent. According to the State Attorney's Office Act (Article 28(2)), it is not only the appointment of the State Attorney that is instigated by the government, but also the holder's dismissal from duty. Since the State Attorney General's election and position are overseen by the government, the institution's independence is inherently limited, often making it an extension of the executive.

The election of the latest State Attorney General, who is publicly known for his affiliations with recognised criminals and close ties with the HDZ, demonstrates that reforms have been merely cosmetic (Faktograf 2024). There remains a lack of genuine political will to introduce transparent, merit-based criteria for selecting candidates for the State Attorney's Office.

Commission for the Prevention of Conflict of Interest

The Commission, whose establishment was a prerequisite for EU membership, has been a point of contention for the ruling elites for years, particularly because it has remained steadfast in its duties to investigate and report on conflict of interest among public officials and high-ranking politicians. Since its establishment, the Commission has been led by women, Dalija Orešković (2013-2018) and Nataša Novaković (2018-2023).⁶ Following their initial mandate, both were removed from their positions following initial mandates after they opened investigations concerning members of the HDZ and the Prime Minister (GONG 2023).

Following the initiation of these investigations, courts began to challenge the Commission's long-standing decision-making practices. In December 2020, the High Administrative Court issued a final ruling annulling the Commission's decision concerning a violation of the principles of honourable and responsible conduct based on Article 5 of the Act on Prevention of Conflict of Interest in Exercise of Public Office (Usž-2745/18-5). The Court ruled that the Commission lacked jurisdiction to independently apply Article 5, thereby substantially diminishing the Commission's authority and invalidating many of its prior decisions. It is estimated that around 15 percent of the Commission's decisions between 2015 and 2020 were based on the application of Article 5 (Faktograf 2021). Crucially, many of these involved high-ranking political figures, including Andrej Plenković.

6 The institution is now headed by Aleksandra Jozić Ileković.

Legislative changes introduced later that year entrenched the limitations on the Commission's jurisdiction, confirming its lack of authority to independently apply Article 5 and determine violations in the principle of operation. The new law not only entrenched these limitations but also increased from 2,500 to 4,000 the number of financial disclosure statements the Commission was required to manage. Although this expansion nominally extended oversight, the Commission's capacity to handle the increased workload was not supported by additional financial resources (Čepo 2024), resulting in overstretched administrative resources and ultimately curtailing its investigative capacity.

Since 2016, the executive has significantly reduced the Commission's powers, transforming it into an administrative body, significantly undermining its foundational purpose and efficacy in combating political corruption.

Media Freedom

Media freedom has been repeatedly compromised by political control. According to the latest World Press Freedom Index, Croatia regressed to the 48th place from the 42nd place (among 180 countries) between 2023 and 2024 (Reporters Without Borders 2024a). Ownership of the media sector is concentrated in three companies – Styria, Hanza Media and Media Solutions – reducing media pluralism. Media freedom has been compromised by political control, commonly manifesting through the manipulation of staffing and editorial decisions. Political and business elites frequently use judicial harassment, such as Strategic Lawsuits Against Public Participation (SLAPPs), to silence journalists. In 2024, Reporters without Borders reported that “nearly 1,000 legal actions are underway against journalists and media outlets” (Reporters Without Borders 2024b).

The latest attack on media freedom came in 2024 in the form of amendments to criminal law, colloquially referred to as Lex AP⁷, which criminalises the unauthorised disclosure of content from investigative or evidentiary procedures. Following significant protests, the law now states that journalists cannot be perpetrators, accomplices, or instigators of this act, however, it discourages anyone from sharing important information with journalists as they face a potential punishment of up to 3 years in

7 Lex Andrej Plenković, named after the Prime Minister.

prison. The law undoubtedly threatens whistleblowers who provide the sensitive information on which political journalism depends to a significant extent. While criminalisation is excluded if the release of the information is in the public interest, the decision as to what is classified as public interest is left to the State Attorney, a position notorious for being under the control of the executive.

This law comes as a strong blow against the strengthening of democracy in Croatia, since the media commonly takes on the role of a “constructive social corrective” in the place of instrumentalised institutions (Jurić et al. 2020, 483).

Spaces of Democratic Resistance

The tripartite structure of government—executive, legislative, and judiciary—alongside independent institutions, constitutes the core framework of the Croatian democratic system. They are constitutionally mandated to uphold democracy. When these institutions fail to protect democratic integrity due to a lack of will, capacity, or expertise, the system sustains considerable harm. Democratic resistance may arise from other actors, such as civil society and independent media, but their impact remains constrained by their limited authority. While external allies can provide support and occasionally exert pressure on the government, genuine democratic resilience must be domestically cultivated.

Civil Society as a Democratic Watchdog

Croatia’s civil society is predominantly oriented towards social service, but the small group of organisations that focus on democracy, media freedom and the rule of law are a vital bulwark against democratic backsliding. Organisations such as GONG, Faktograf, Solidarna Foundation, Centre for Peace Studies and Human Rights House function as democratic watchdogs, actively promoting transparency, accountability, and social justice. These groups monitor government actions, report on corruption, and advocate for human rights, ensuring that citizens remain informed about their rights and governmental misconduct. GONG, for example, has been instrumental in monitoring elections and educating voters, while Faktograf serves as a fact-checking resource that counters misinformation and provides reliable

data to the public. The Solidarna Foundation plays a critical role in addressing social injustices and supporting human rights causes, often partnering with other CSOs to strengthen democratic resilience. The Centre for Peace Studies and Human Rights House also advocate for marginalised communities and promote public discourse on democratic values. These organisations amplify the voice of civil society, ensuring that citizens can hold the government accountable and resist attempts to erode democratic norms.

These organisations have encountered systematic suppression and marginalisation by successive centre-right governments as their values often challenge restrictive nationalist agendas. Given the persistent public support for political parties that undermine democratic practices, one might question whether the general populace desires reduced freedoms and protections. The preservation of democratic values cannot rest solely on a limited group of advocates who are continuously sidelined.

Political Opposition

An effective political opposition is essential to maintaining the system of checks and balances within Croatia's democratic structure. However, without a substantial voter base committed to liberal democratic principles, the opposition's influence is limited. The Možemo! party has emerged as a political force with a progressive agenda that prioritises transparency, accountability, social justice, and environmental sustainability. This party has garnered significant support among urban populations, particularly in Zagreb, challenging the longstanding dominance of traditional parties (Vrabec 2024).⁸ Možemo!'s approach resonates with younger voters and those disillusioned with mainstream political actors, though its capacity to expand remains limited by the broader Croatian electorate's conservative inclinations and the trend of democratic erosion seen elsewhere in Europe and globally. The party's strength may lie in its gradual consolidation of a voter base, focusing on issues such as the protection of vulnerable groups, human dignity, equality before the law, tolerance, inclusivity, and responsible resource management. By fostering strong ties with civil society, participating in substantive policy discourse, and addressing the real concerns of

8 9.1 percent of voters voted for Možemo! in the 2024 parliamentary elections.

voters, the opposition can cultivate a more resilient constituency committed to upholding democratic values.

External Pressure and EU Influence

Since Croatia's accession to the EU in 2013, international pressure to uphold democratic standards has lessened. Although the EU establishes a framework for democratic governance, it lacks effective mechanisms to enforce compliance among member states, as demonstrated in multiple recent cases. If a state lacks a genuine commitment to maintaining democratic norms, external intervention alone cannot compel it to do so. In response to growing concerns about rule-of-law violations, the EU is making gradual progress toward establishing institutions dedicated to preserving democratic norms and values. However, the EU's ability to act decisively is limited by the requirement that member states, including those that might be targeted by rule-of-law oversight, must vote to create such institutions and regulations. This internal dynamic poses a structural challenge to the EU's functionality, which falls outside the scope of this chapter.

One notable example of EU influence in Croatia is the recent establishment of the European Public Prosecutor's Office (EPPO), which has conducted several significant corruption investigations, uncovering mismanagement of EU funds by Croatian institutions (Lozančić 2024).⁹ While EU influence may be circumscribed, engaging with EU mechanisms and aligning with European standards can support domestic actors in their efforts to enhance transparency and combat corruption. Ultimately, the most effective protection for the rule of law and democratic governance in Croatia must stem from a robust internal commitment to these principles, supported where possible by international cooperation.

Conclusion

This analysis of Croatia's transition to democracy underscores the profound impact of informal governance patterns on the country's democratic development and the effectiveness of resistance actors within the political

⁹ A recent investigation led to the arrests of the former minister's assistant, former dean, and professor from the Faculty of Geodesy. The ongoing investigation traced ties to the Ministry of Culture, implicating one of its ministers.

system. The initial phase of democratisation, characterised by nationalist rhetoric and the centralisation of power under the HDZ, established a semi-authoritarian regime that marginalised opposition and eroded institutional checks and balances. The entrenchment of illiberal practices, such as nepotism and clientelism, hindered the establishment of a robust democratic framework that sustains a culture of corruption and judicial manipulation.

Although the EU accession process brought about significant democratic reforms, these were insufficient to dismantle deeply embedded informal governance structures. The EU's focus on political conditionality and top-down democratisation did not manage to address the entrenched patronage networks and clientelism.

Despite improvements in democratic indicators during the EU accession period, since joining the EU in 2013 Croatia has experienced regression in key areas such as the rule of law, governance effectiveness, and control of corruption. The persistence of informal governance, entrenched during the critical junctures, highlights the limitations of external pressure and formal institutional reforms in democratic consolidation. The normalisation of illiberal governance and the concentration of power within dominant political elites continue to pose significant challenges to the integrity of Croatia's democratic institutions and the effectiveness of constitutional checks and balances.

While resistance from civil society and independent media, along with occasional support from European institutions, offers some defence, these efforts alone will be insufficient to sustain and strengthen democracy in the coming years without a genuine commitment to democratic values from politicians and citizens alike. Recent parliamentary elections reveal a concerning trend of tolerance for democratic backsliding among voters. For example, the HDZ-led government consistently undermined independent institutions during its 2020-2024 term, but the party's re-election in 2024 suggests voters' acceptance of undemocratic practices. Insufficient investment in civic education is probably one of the most damaging obstacles to the maturation of a young democracy like Croatia's. Without fostering a deep understanding and appreciation of democratic values among citizens, particularly the youth, the development of a robust democratic culture remains hindered.

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Sliding back into the Past? Delegative Democracies in the Western Balkans

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1 Introduction

The region of the so-called Western Balkans² (WB) is composed of a number of countries in southeastern Europe - Albania, Bosnia and Herzegovina (BiH), Kosovo, Montenegro, North Macedonia, and Serbia - which are not yet EU members, but which closely cooperate with the EU to prepare for their accession. Despite being locked into the EU's integration process, they seem to have been unable to consolidate their democratic systems and still show shortcomings on rule of law issues that prevent them from fully complying with EU accession requirements. The opposite trend can be observed: the countries' quality of democracy is declining and the political systems are most often dominated by one person – a male leader. The author argues that, to a certain degree, all the political systems in the region show features of delegative democracies which co-exist with aspects of clientelism, state capture, informal networks and loyalties, and the emergence of “stabilitocracies” (Bieber 2018a). For a better analysis of political systems in the Western Balkans, all these aspects need to be considered, as they collectively contribute to democratic backsliding. The starting point, when analysing democratic backsliding in the region, is the concept of delegative democracy, which is defined by weak political institutions and a lack of horizontal accountability. However, the delegative model is not able to explain the features of state capture, clientelism, and corruption, which are integral parts of the Western Balkan systems and affect the vertical and horizontal accountability. For example, state capture is a system where the dominant political actors use their political positions

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2 The term Western Balkans, created by the EU in 1999, is an administrative label for countries in Southeastern Europe which are not yet members of the EU. Once a country from the Western Balkans joins the EU, as Croatia did in 2013, it officially leaves this “region”.

to influence laws, regulations and policies for their own personal advantage and financial gain (Perry/Keil 2018, 6). When looking at political systems in the Western Balkans the theoretical limitations of the delegative democracy model becomes apparent, because its focus on political institutions makes it unable to entirely explain the issue of democratic backsliding. Hence a combination of both perspectives, on one hand the weak political institution vs strong political leaders – horizontal accountability – and on the other hand the manipulation of the electorate and population by the political elite – vertical accountability – is required to draw a complete picture of the situation in the countries. Additionally, although the EU, in the context of its integration process, officially promotes political reforms and adherence to EU values, it also holds stability as the foremost priority, hence contributing to the emergence of what can be referred to as “stabilitocracies”. To ensure stability in the region, the EU has worked closely with autocratic leaders, thereby ignoring the lack of internal reforms and adaptation to EU norms. “Stabilitocracies” are authoritarian regimes which receive support from external actors in exchange for the promise of political stability in the country. The external support provided by the EU to political elites has boosted their internal political power base. Due to its fear that political instability in the Western Balkans might spill into the Union, the EU has for more than ten years supported these “stabilitocratic regimes”, contradicting its normative values and consequently leading to a loss of credibility in the region.

This assessment of democratic backsliding in the countries of the Western Balkans is limited to the institutional weaknesses and the political leadership of the current political regimes, with both horizontal and vertical accountability being examined. Haggard and Kaufman point out that polarisation, the capture of the executive and legislative branches, and the incremental weakening of political institutions, are features of democratic backsliding (Haggard/Kaufmann 2021, 28-29). Hence, this chapter makes the hypothesis that, in some WB countries, political systems show characteristics of O'Donnell's concept of delegative democracy (1994): the existence of weak political institutions, and strong political actors who strategically capture the executive to undermine political institutions.

This chapter starts with a discussion of the concept of delegative democracy (O'Donnell 1994) and related features of Western Balkan politics. It then addresses the specific circumstances and the context of the democratic transition in the 1990s in the Western Balkans, which is relevant for understanding the development of political institutions and their inherited

flaws. An overview and discussion of the democratic situation in the region, based on a selection of indicators providing an assessment of horizontal and vertical accountability, follows.

Regime types: In-between Democracies or Autocracies

A wide range of literature on the typology of political systems exists (see Levitsky/Way 2010; Merkel 2004; Diamond 2002; Wigell 2008). The main difficulty lies with the classification of hybrid regimes, which are neither consolidated democracies nor autocratic regimes, but combine - to a varying extent - elements of both regime types into one system. Additionally, ongoing transition processes make a categorisation of regime types even more difficult. Political systems are not static: they can develop into either fully-fledged democracies or autocracies but, occasionally, they can also remain stuck in-between. Political power that lies with the political institutions and not with a political actor is a feature of a successful process of democratisation. Przeworski defines a consolidated democracy as “a system in which the politically relevant forces subject their values and interests to the uncertain interplay of democratic institutions and comply with the outcomes of the democratic process” (Przeworski 1991, 51). However, if political actors have an interest in increasing their power by weakening political structures, they can create the necessary conditions to do so. Once democracies no longer fulfill the main requirements of a liberal democracy, these systems, with their deficiencies, become a distinctive type of democracy, such as a delegative democracy. According to Guillermo O'Donnell, delegative democracies are regimes that fulfil the minimal requirement of democracies (see Dahl 1997)³ but are not considered to be fully-fledged representative democracies (O'Donnell 1994, 56). O'Donnell's concept of delegative democracy (O'Donnell 1994; see also Merkel 2004, 50) is a type of democracy that lacks separation of power and where the constitutional limits of the political office are ignored. This means that, in delegative democracies, the “horizontal accountability characteristic of representative democracy is extremely weak or non-existent” (O'Donnell 1994, 61). Horizontal accountability refers to the institutions of the state, which define the

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- 3 Dahl measures the quality of democracy according to two dimensions: firstly, the inclusiveness and equal opportunity of participation in the political process, and secondly, the possibility of competition in elections. See Dahl, A. Robert (1971): *Polyarchy: Participation and Opposition*, New Haven: Yale University Press.

limits of the political leader's competences and activities (ibid.). Merkel et al. (2006) argue that delegative democracies are a product of the political transition process, as the legacies of that process impact on the formation of political institutions and consequently affect the development of the political system (Merkel et al. 2006, 476). Delegative democracies might emerge temporarily during a transitional phase, but occasionally solidify and remain in place for some time. The main features of a delegative democracy, as Merkel points out, are the lack of control of the executive branch by the legislature or judiciary, the domination of political processes by the executive branch, a damaged separation of powers, and a weakened horizontal accountability. Bermeo defines the strengthening of the executive as an "executive aggrandizement", when "elected executives weaken checks on executive power one by one, undertaking a series of institutional changes that hamper the power of opposition forces to challenge executive preferences" (Bermeo 2016, 10). Due to the lack of political control, the government's activities are not confined within the constitutional framework. Check and balances no longer effectively function and the executive is headed by a charismatic personality that dominates the political arena. In this context, civil liberties also come under constraint (Merkel 2004, 50).

In fully-fledged democracies, political institutions ensure that elected representatives exercise their power within the legal boundaries of their political office and comply with the rules and norms assigned to it. What democracy requires is a solid system of horizontal accountability, whereby political leaders take responsibility and are held accountable if constitutional boundaries are crossed. Strong political institutions should be able to deal with abuse of political power by initiating processes to sanction the culprit and to reinforce the constitutional limits of political office. In functioning democracies, the political actor's power is limited by the institutions. Weak political institutions, however, are no longer able to react adequately, and democratic backsliding occurs as a consequence. In a delegative regime, the executive aims especially, to control or to weaken the judicial branch of the political system.

Although delegative democracy primarily analyses the horizontal aspects of government control, a closer look at the manipulation of vertical accountability is required, as political leaders' objective is to be elected into political positions and to retain the power of those political offices. Zakaria makes the point that, by means of fair and free elections, political actors with illiberal and anti-democratic tendencies obtain the opportunity to gain political positions, from which they subsequently undermine demo-

cratic institutions and implement illiberal policies. “Democratically elected regimes, [...] are routinely ignoring constitutional limits on their power and depriving their citizens of basic rights and freedoms” (Zakaria 1997, 22). If an autocratic leader is elected and takes up his/her political position, he/she might no longer feel accountable to his/her electorate. The political leader has mobilised a network of loyal followers who unreservedly support their leader’s policy and will not criticise him/her. With a lack of vertical accountability, the political structures more easily come under attack, as a lack of resistance by the public can be expected. It is the combination of vertical accountability and its effects on horizontal accountability that explain the existence and persistence of delegative regimes. Taking this into consideration necessarily raises the question of whether delegative regimes are still democracies or rather hybrid or autocratic regimes. Another relevant theoretical approach to be considered in the context of political systems in the Western Balkans is Schedler’s concept of electoral authoritarianism, which focuses on how elections are used by autocrats to remain in power, and addresses the vertical accountability of political leaders in relation to their electorate. Elections are central features of democracies but, when manipulated, they legitimise autocratic governments. These regimes give themselves a democratic façade by regularly holding elections to high political offices and to the national assembly. To ensure that election outcomes are positive for the regime, they are manipulated by a variety of means. Still, uncertainty about the outcome remains, as both the autocratic government and the opposition apply strategies to mobilise voters to win the elections (Schedler 2015, 6-7).

Vertical and horizontal accountability are the centrepiece of a fully functioning democracy. The separation of powers, the check and balances as well as regularly held elections are means to ensure that political actors fulfil their obligations within their legal remits. Political leaders are accountable to their voters and have to accept political consequences when losing the electorate’s support. Additionally, the executive branch is held accountable by organised civil society groups, who point out infringements and abuses of power. “Vertical mechanisms point to the input of organised social groups, particularly the media and non-governmental organisations (NGOs), in disclosing political abuses and raising social demand for RoL [rule of law]” (Elbasani/Šabić 2018, 1320). For autocratic leaders, NGOs and other civil society organisations are public critics of their policies, hence these organisations are often framed as “enem[ies] of the state” and as all kinds of “traitors” (Elek/Griessler 2023, 2). This casts a negative light on

them and delegitimises them in front of a wider public, which consequently impedes their work.

With democratic backsliding comes an increase in illiberal policies. Illiberal politics is composed of two aspects: firstly, the manipulation of the electoral process, which decides on the allocation of power, and secondly, the liberal component which, according to constitutional liberalism, restricts the power of the state and protects liberal rights (Kapidžić 2022, 4-5). Delegative democracies and electoral autocracies tend to apply strategic electoral manipulation to ensure the re-election of the political leader, and consequently - due to its weak horizontal and vertical accountability - an authoritarian and illiberal leadership is fostered. Elections are not stolen on election day but, starting some time in advance, the level playing field is strategically manipulated to ensure that the outcome tilts in favour of the incumbent politician. It's a "long-term *strategic harassment and manipulation*" (Bermeo 2016, 6). A certain level of free opinion and independent media is allowed, and criticism of government policies too is possible in delegative regimes, but the majority of the public receives their information from government-controlled media. Civil society organisations are observed, in some cases intimidated, threatened with legal action and controlled through restrictions on their funding. While the critical segment of society is being controlled, the other part of society - the loyal supporters or persons dependent on the regime - receives benefits through informal networks. Clientelism, which is defined as an exchange of material benefits for political support provided by the clients for the patron, is an inherent part of the regime. These exchanges are based on asymmetric power relations and "the establishment of arbitrary redistribution policies" which negatively affects the quality of democracy (Bliznakovski 2021, 3). Political clientelism is a "political strategy based on the distribution of selective benefits to voters and supporters [...] in exchange for their support (Ruth-Lovell 2019, 2). Political parties and politicians mainly offer employment opportunities, assistance in gaining access to social benefits, financial or material support for private persons or businesses. "Clientelism is a cross-cutting phenomenon that harms state-citizen relations, including voter participation and formal institutions, both in terms of their effectiveness and accountability; it also weakens trust and confidence in political and private institutions, as well as the freedom of the media" (Djolai/Stratulat 2017, 74). Closely connected to clientelism is the occurrence of "state capture", which ensures that political leaders have access to funds from private companies and businesses to finance election campaigns and to support their patrons.

Because of a rushed privatisation process during the late 1980s and early 1990s, the political leaders at the time were able to take over some of the states' properties and to influence the privatisation process to their advantage. At the time of transition, the state administration was too weak and too inexperienced to ensure a fair and transparent privatisation process (Perry/Keil 2018, 3). Another important aspect is the creation of political crises, which are useful for the installation and maintenance of delegative regimes, as political leaders can demonstrate their ability to effectively deal with the critical situation. However, it is overall a manipulation of the electorate and weakens vertical accountability, because civil society faces limitations in criticising the government in times of crises. What follows is a further personalisation of the political system, with strong political leaders growing stronger. Due to all these additional aspects, which are to a varying degree part of the political systems in the region and negatively affect democratic processes, the delegative system can be used as a core model for democratic development in the region, but needs to be expanded with aspects of vertical accountability.

In the context of the Western Balkans, the concept of "stabilitocracy" was developed to describe a political system promising to provide stability to external parties (in the case of the Western Balkans, to the EU), but where the regime itself "oscillate(s) between autocracy and democracy". "Stabilitocracy" is an autocratic regime, which receives support from external actors. Out of self-interest, the external actors cooperate with these regimes and provide them with legitimacy and international support (Kapidžić/Djolai/Kmezić 2023, 3). Despite the EU's intention of supporting democracy and rule of law in the region, it has also been looking for political leaders with which it can do business. The political development of the Western Balkan countries in the region is incomplete without the EU's role and the impact of its policies. To overcome delegative systems, political actors are needed who are interested in strengthening the democratic structures of the state and are able to acquire broad support from a similarly minded electorate (O'Donnell 1994, 56).

Overall, for the purposes of this paper the model of the delegative democracy, which is characterised by weak political institutions and a lack of horizontal accountability (O'Donnell 1994, 62), is expanded to include the elements of vertical accountability, which in delegative regimes is negatively affected due to the existence of a loyal uncritical following, its control over the policy-making process, and its focus on political output (O'Donnell 1994, 62), which strengthens the role of the political actor. In the

Western Balkan case, “state capture” and “stabilitocracies” have emerged, which boost illiberal tendencies and undermine democratic systems.

2. Overview of political systems in the Western Balkans

The current democratic situation in the Western Balkans must be assessed against the background of a delayed democratic transition, which occurred during a time of political violence and of breakdown of socialist regimes. Hence, before assessing the current status of democracy in the region, the phase of transition of the beginning of the 1990s is discussed. To provide a picture of the current status of democracies in the Western Balkans, a number of indicators are selected to enable an assessment of the political systems in the region. An overview of the democratic status based on data by Freedom House and the Bertelsmann Index is first provided (Table 1). Secondly, indicators including the rule of law, constraints on government power, separation of power, trust in institutions, and party dominance, are used to assess horizontal accountability. Finally, indicators providing an assessment of the structure of vertical accountability, such as clientelism, corruption, civil liberties, press freedom, state control over the media, and the situation of civil society, are compiled and interpreted.

2.1 Democratic transition in the Western Balkans

Prevalent features of the political systems in the Western Balkans include the dominance of the executive branch of governance over the legislative and the judiciary (Kapidžić 2022, 5), its weakly institutionalised check and balances, and a rather strong political leader with a dominant role over the political environment. One explanation is the persistence of the built-in deficiencies of the hybrid regimes of the 1990s. The founding elections in 1990 were held individually by the then six Yugoslav republics, which were faced with political changes – among them the end of socialism, the transition from a one-party to a pluralistic party system and a constitutional crisis within the Yugoslav federation – against the background of increasing societal and political polarisation. After the first pluralistic elections and subsequent breaking away of the republics from Yugoslavia in the early 1990s, the newly established countries entered a phase of a “delayed transition” (Anastasakis 2013, 93), meaning that, instead of liberal democra-

cies, semi-autocratic or illiberal regimes were installed. Serbia and Croatia for example were described as “competitive authoritarian regimes” (Levitsky/Way 2010, 87) or as regimes with an ideology of “semi-authoritarian nationalist illiberalism” (Anastasakis 2013, 102). After Croatia and Slovenia’s declarations of independence in June 1991, Serbia under Serbian President Slobodan Milošević resorted to the use of violence to try to keep the federal republic within his sphere of influence. Slovenia got away within some days in summer 1991, but Croatia, which had a substantial Serbian minority, became drawn into a longer-lasting war with Serbia, which threatened Croatia’s independence, territorial integrity and sovereignty (Kasapović 2000). Hence, the political regimes in both countries became more autocratic due to their specific situation and political leadership.

Bosnia and Herzegovina, the “Yugoslavia within Yugoslavia”, suffered the most during the break-up of the federation, when militant groups fought for control over territory by applying the strategy of ethnic cleansing. After the war, all these groups were brought together into an asymmetrical state, consisting of the Republika Srpska and the Federation of Bosnia and Herzegovina, where a political cooperation between Bosniaks and Croats was institutionalised. This ethnically-based setup of political institutions with a variety of veto opportunities hampers democratic reforms in the country and endangers its EU accession perspectives (Gavrić/Banović/Barreiro 2013). Under the current leadership of the nationalist Milorad Dodik, the Republika Srpska in particular has developed into an autocratic statelet that aims to split from Bosnia and Herzegovina.

In the former Yugoslav Republic of Macedonia (known as North Macedonia since 2019), the separation from Yugoslavia and the political transition occurred more smoothly, as the post-communist parties were able to remain in power and to dominate the political scene until 1998, when a peaceful change of government took place. Unfortunately, the policies of the conservative government that followed contributed to increased discontent among ethnic Albanian Macedonians, leading to a short civil war in 2001, which the international community helped resolve. The period after the conflict led to an easing of tensions between the different societal groups and a calming of political tensions. However, from 2008 onwards, after the rejection of NATO membership and delays in the EU integration process, the re-elected conservative government took an autocratic turn. Under the auspices of the EU, the autocratic regime, led by Prime Minister Nikola Gruevski, was replaced with a transitional government, and after holding elections a social democratic government was installed in 2017

which tried to make progress on EU accession (Bieber 2020, 53 – 63). Following its name change, North Macedonia joined NATO in 2020 and started negotiations with the EU in July 2022. Despite these successes, the social democratic government was defeated by the conservative party in the elections of April 2024.

Kosovo suffered for decades under Serbian rule; when in 1989 Serbian President Milošević decided to revoke the province's autonomy, the situation was ripe for another conflict. Due to its status as a province of Serbia, the international community originally discouraged Kosovo from seeking independence. However, the worsening humanitarian situation and the escalation of the conflict by the Kosovo Liberation Army (KLA, UÇK) forced the international community to intervene militarily in 1999 to avoid the type of mass atrocity previously experienced by Bosnia and Herzegovina. The building of democratic institutions after the war was dominated by external actors who formed a close connection with the domestic political elites of Kosovo. According to Bieber, a “particular pattern of competitive authoritarianism” emerged in Kosovo, which “has been based on an unconditional and uncontested Western foreign policy orientation, the lack of a clear parliamentary majority, and a low level of full institutional control” (Bieber 2020, 72). In 2019, the opposition party Vetëvendosje! (Self-Determination!) ran its election campaign on pointing out issues of corruption and external influence, became the strongest party in Kosovo and went on to win the 2021 and 2025 elections as well.

Montenegro and Serbia remained in a federal union, dominated by Serbia, until 2006. Serbia experienced a short phase of democratisation in the 2000s after the fall of the autocratic Milošević regime, but already in 2012, the Serbian Progressive Party (SNS) emerged as the strongest party and grew in importance under the leadership of Aleksandar Vučić. Overall, Serbia's political development can be described as consisting of three periods: the beginning of multi-party politics from 1990 until 2002, when Slobodan Milošević was the dominant leader; the period from 2000 until 2012, when governments were led by varying government coalitions; and the takeover of political control by SNS from 2012 (Bieber 2020, 42). Vučić's rule led to a “*Return to semi-authoritarianism*” [italics in original] (ibid., 34).

In 2006, with the blessing of Serbia and the EU, Montenegro became independent. Politics in the small republic was for years dominated by one man, Milo Đukanović, who only in 2023 left politics for good (Kovacevic 2007).

Albania was not part of Yugoslavia, but the country had to overcome a political system which for decades had been completely isolated internationally and followed a Stalinist communist ideology. Internal tensions occurred due to a catastrophic economic situation, leading to sometimes violent protests, and mass migration. The country ended up going through a violent civil war in 1997, when a pyramid saving scheme crashed and people lost their life savings. Albania's priority was the stabilisation of the country, and democratisation processes were influenced by the communist elites, who attempted to maintain their power. In 2013, the Social Democrat Edi Rama became prime minister and was able to win the three following elections (Krasniqi 2019, 169-192). He is currently dominating the political system. Albanian society is very much polarised between Rama's old counterpart of the Democratic Party, Sali Berisha, who was placed under house arrest due to corruption allegations, and Rama's Social Democrats. Despite Rama's image as a modern, pro-European leader, his years in power contributed to an increase in corruption and money laundering. Recently, his close party friend, and mayor of Tirana, Erion Veliaj, was arrested by the Special Prosecution Against Corruption and Organised Crime (SPAK), which led to an attack on the judiciary and the Special Prosecution Office (euronews Albania 11.02.2025; Karaj/Sinoruka 25.02.2025).

The region's political transition took place against a background of violent wars, economic collapse and political uncertainties leading to an increased polarisation within societies and among the political elites. Democratisation was halted in favour of state-building, and the autocratic leaders could rely on the support of the electorate to prioritise the finalisation of the state-building process. Only after 2000 was the political environment able to facilitate a second phase of democratisation, which led to an improvement in the quality of democracy. New political actors emerged on the political scene and the - at the time very confident - EU provided support for the countries to prepare for EU membership. This "Western Balkan Spring" ended with the financial crisis in 2008, which severely affected the countries economically and had political ramifications. Due to the unfinished political transitions of the 1990s and the various crises faced by these transitional regimes in the 2000s, the countries' political systems never reached the level of fully consolidated democracies. Bieber argues that, due to these circumstances, the democratic experiences of the countries were shortened, hence the political institutions of these regimes "often maintained and used the authoritarian patterns and structures they inherited" (Bieber 2018b, 31). The "historical institutional legacies" of the

transitional period and the “particular nature of transition” (Bieber 2018b, 32-33) impacted negatively on the current political situation in the region. This confirms the argument that delegative democracies are the product of the transition process.

The EU’s approach to the region also focused on political stability rather than on democratisation. Autocratic leaders were not criticised for their domestic politics; on the contrary, EU leaders tried to bring them onto the international stage, which provided them with international legitimacy. Due to this external validation, these illiberal, hybrid or even autocratic regimes solidified. The EU is responsible for the advent of these “stabilitocracies”, regimes promising to maintain stability by applying undemocratic mechanisms internally. Additionally, with the EU enlargement process comes financial support for the countries to conduct reforms to fulfil the criteria for EU enlargement. Because the EU’s enlargement process is at a standstill, the bloc has lost its transformative power and political conditionality. At the moment any political reform strengthening democratisation is a disadvantage for the region’s political actors, as it risks undermining the power of the current regime without bringing any tangible benefits from the EU. The EU is now confronted with the fact that the countries of the Western Balkans do not fulfil the democratic criteria for accession and are unlikely to do so in the near future.

2.2 The Status of Democracy in the Western Balkans: An Overview

Despite long-term support from international organisations and especially from the EU to implement domestic political reforms with the objective of strengthening democracy and the rule of law, progress has been limited. The current status of democracy in the countries of the region is defined by Nations in Transit as “transitional and hybrid democracies” (Freedom House 2024). Bosnia and Herzegovina has received the lowest score (36,31 out of 100), followed by Kosovo (38,10 out of 100), Serbia (43,45 out of 100), Montenegro (45,83 out of 100), with Albania and North Macedonia as the two best ranked countries with the same score of 46,43 out of 100. The Bertelsmann Political Transformation Index (BTI) for 2024 categorises the countries as “defective democracies”, with the exception of Bosnia and Herzegovina, classified as “highly defective democracy”. The ranking of the countries based on the BTI scores are as follows (from lowest to highest

score): Bosnia and Herzegovina (BiH), Serbia, Kosovo, Montenegro, Albania, and North Macedonia.

Table 1: Status of Democracy

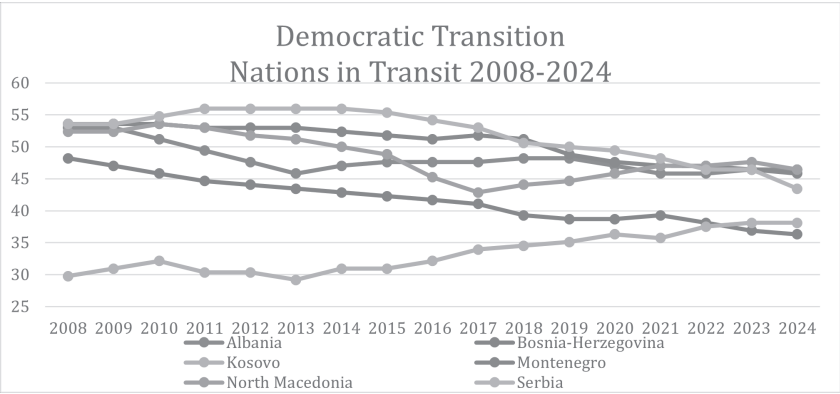
Indices Countries	Freedom House (2024) Nations in Transit - Democracy Index	BTI (2024) Political Transformation
Albania	46,43/100 (1 st place) Transitional & hybrid regime	7,50/10 (2 nd place) defective democracy
BiH	36,31/100 (6 th place) Transitional & hybrid regime	5,55/10 (6 th place) highly defective democracy
Kosovo	38,10/100 (5 th place) Transitional & hybrid regime	6,80/10 (4 th place) defective democracy
Montenegro	45,83/100 (3 rd place) Transitional & hybrid regime	7,10/10 (3 rd place) defective democracy
N. Macedonia	46,43/100 (1 st place) Transitional & hybrid regime	7,75/10 (1 st place) defective democracy
Serbia	43,45/100 (4 th place) Transitional & hybrid regime	6,05/10 (5 th place) defective democracy

Source: Bertelsmann Stiftung (2024): Bertelsmann Transformation Index, East-Central and Southeast Europe, <https://bti-project.org/en/reports/regional-dashboard/ESE?&c b=00000>; Freedom House (2024a): Countries and Territories, <https://freedomhouse.org/countries/nations-transit/scores>

The rankings show some differences, with Bosnia and Herzegovina classified as the least developed country in the region. This can be explained by its internal political divisions and the complex political structures, which are the result of the war in the 1990s. These rankings rely on different indicators for assessing the status of democracy. Still, in both the Freedom House Index and the BTI Index North Macedonia is doing best and comes first. Albania receives the first and second highest scores. Place three goes in both indices to Montenegro and places four and five are between Serbia and Kosovo. Despite these scores, Montenegro was in early 2025 identified as a forerunner for EU membership by the EU and in Serbia the issue

of corruption has led to massive anti-government demonstrations, which unnerves current President Vučić. It is still unclear whether the level of democracy in North Macedonia will decline following the change of government in April 2024. Despite the slight difference between the indices, it can be observed that none of the countries were able to consolidate their democracy. Still, it is necessary to look into some of these indicators in more detail, especially those which provide information on the vertical and horizontal accountability dimensions.

Graph 1: Development of Democracy in the Western Balkans since 2008 (Nations in Transit)



The graph provides an overview of the development of democracy between 2008 and the start of the financial crisis, and 2024. The political climate in the region experienced a shift since the impact of the financial crisis, the interruption of social life during the COVID-19 crisis, and the ongoing indecisiveness of the EU in relation to the integration of the Western Balkan states into the EU.

Table 2: Development of Democracy in the Western Balkans since 2008 (Nations in Transit)

	Albania	BiH	Kosovo	Montenegro	N. Macedonia	Serbia
2008	52,98	48,21	29,76	53,57	52,38	53,57
2009	52,98	47,02	30,95	53,57	52,38	53,57
2010	51,19	45,83	32,14	53,57	53,57	54,76

	Albania	BiH	Kosovo	Montenegro	N. Macedonia	Serbia
2011	49,40	44,64	30,36	52,98	52,98	55,95
2012	47,62	44,05	30,36	52,98	51,79	55,95
2013	45,83	43,45	29,17	52,98	51,19	55,95
2014	47,02	42,86	30,95	52,38	50,00	55,95
2015	47,62	42,26	30,95	51,79	48,81	55,36
2016	47,62	41,67	32,14	51,19	45,24	54,17
2017	47,62	41,07	33,93	51,79	42,86	52,98
2018	48,21	39,29	34,52	51,19	44,05	50,60
2019	48,21	38,69	35,12	48,81	44,64	50,00
2020	47,02	38,69	36,31	47,62	45,83	49,40
2021	45,83	39,29	35,71	47,02	47,02	48,21
2022	45,83	38,10	37,50	47,02	47,02	46,43
2023	46,43	36,90	38,10	46,43	47,62	46,43
2024	46,43	36,31	38,10	46,43	46,43	43,45

Source: Freedom House (2024b): Nations in Transit, All Data Nations in Transit NIT 2005-2024, <https://freedomhouse.org/report/nations-transit>

Delegative democracy is a result of an incomplete and defective transition process, therefore tracking democratic indices over a longer period of time is useful for evaluating the regimes. Graph 1 shows that countries such as Albania have declined from its highest score of 52,98 out of 100 in 2009 (in 2006 the score was even 53,57/100) to 46,43 in 2024, while Bosnia and Herzegovina slid down from 49,40/100 in 2007 to 36,31/100 in 2024. Another more drastic decline can be seen in the case of Serbia, which from a score of 55,95 in 2014 declined to 43,45 in 2024. The start of this downward trend coincides with Aleksandar Vučić taking over as prime minister in 2014 and acting since then as the strongman of Serbian politics. The scores for Montenegro declined slightly as well, from its highest mark of 53,57 in 2010 (also in 2005, 2008, 2009) to 45,83 in 2024. North Macedonia's democratic development endured a setback during the Gruevski regime from 2006 until 2017, during which a decline can be seen from its highest score of 53,57 in 2010 to its lowest of 42,86 in 2017. After that, the indicators show a recovery until 2023 with a score of 47,62, but unfortunately already a slight decrease to 46,43 in 2024. The success story, despite other problematic issues, is Kosovo, which increased its scores from its lowest point in 2013 of

29,17 to 38,10 in 2024. However, as the graph shows, Kosovo still needs to catch up with the other countries in the region (Freedom House 2024b).

Horizontal accountability

Horizontal accountability should guarantee the control of the executive power by the other branches of the state, as well as compliance with the provisions of the constitution, which determines the roles of the politicians. The underlying idea is that, in democracies, political powers rests with the political institutions.

The reforms in the field of fundamental rights and rule of law are the main focus of the EU. According to the 2023 report of the World Justice Project (WJP) on the rule of law, the countries are concentrated in the middle spectrum of the scale between 1 and 0. Albania and Serbia are assessed the lowest at 0,48; next is Bosnia and Herzegovina with a score of 0,51; North Macedonia with 0,53 and Kosovo and Montenegro with 0,56. Moreover a downward trend in the area of rule of law can be noticed in the majority of countries, except Montenegro, which seems to have stabilised and Kosovo, which shows a positive trend (World Justice Project 2023 a-g).

The BTI (2024) gives Serbia the lowest rate for the separation of powers, followed by Kosovo, Albania and North Macedonia, with Montenegro and – surprisingly – Bosnia and Herzegovina receiving the highest ratings. Another important indicator is the dominance of the main political party. The figures in the table show the actual percentage of votes the biggest party received at the last election and the party's actual share of power based on the allocation of seats in the assembly. Albania's and Serbia's main parties are above the 50 percent mark and North Macedonia and Kosovo have a very high percentage just below 50 percent. The other parties are much smaller and less in a position to control the legislative branch in their countries.

Table 3: Horizontal accountability: Rule of law

Indices Countries	WJP Rule of Law (2023) Overall index	BTI (2024) Separation of powers	Party dominance IPU: seats won divid- ed by number of to- tal seats in assembly (Election result of par- ty)
Albania	0,48/1	6 / 10	52,9% (2021) IPU: result 48,7%
BiH	0,51/1	7 / 10	21,4% (2022) IPU: result 24,40%
Kosovo	0,56/1	5 / 10	48,3% (2021) IPU: result 50,28%
Montenegro	0,56/1	7 / 10	29,6% (2023) IPU: result 26,3%
N. Macedonia	0,53/1	6 / 10	48,3% (2024) IPU: result 44,58%
Serbia	0,48/1	4 / 10	51,6% (2023) IPU: result 51,6%

Source: World Justice Project (2023a): Rule of Law Index, Overall Score, 2023, <https://worldjusticeproject.org/rule-of-law-index/global>, Bertelsmann Stiftung (2024): Bertelsmann Transformation Index, East-Central and Southeast Europe, <https://bti-project.org/en/index/political-transformation>, IPU Parline (n.d.): Parliamentary elections, <https://data.ipu.org/elections/>

To summarise, these scores show that Serbia and Albania are weak on the issue of rule of law, while Montenegro and Kosovo received the best scores on the Rule of Law Index, with North Macedonia coming as second best. Bosnia and Herzegovina has quite low scores and is ranked second lowest, after Serbia and Albania.

Serbia is again weak in the area of separation of powers. So is Kosovo, followed by Albania and North Macedonia. Bosnia and Herzegovina, and Montenegro, have good levels of separation of power; in the case of Bosnia and Herzegovina, this can be explained by its political structure based on checks and balances. The dominance of the government parties in four of the six Western Balkan countries is rather concerning, as the government can easily influence the legislature through their parties.

In a democratic system political power is limited by political institutions. How the institutions are perceived by the people in the region is an indi-

cator of the institutions' ability to fulfil their function of restricting the political actors within their legal scope of office. Unfortunately, the Balkan Barometer (Regional Cooperation Council 2023) shows an overwhelmingly negative picture on the level of trust in political institutions in the Western Balkans. The only positive mentions are that a certain level of trust – above 50 percent of interviewees (N=6027) – in the judiciary exists in Serbia. In Kosovo, a certain level of trust in the parliament and the government seems to exist. The level of distrust and trust in political parties in Kosovo is about equal. All other indicators show that the level of trust is below 50 percent.

Table 4: Indicative indicators of horizontal accountability: Trust in political institutions (N=6027, in percentage)

Indices Countries	Trust in Judicial institutions (e.g. courts)				Trust in Parliament				Trust in Government				Trust in political parties			
	Totally trust	Tend to trust	Tend to distrust	Totally distrust	Totally trust	Tend to trust	Tend to distrust	Totally distrust	Totally trust	Tend to trust	Tend to distrust	Totally distrust	Totally trust	Tend to trust	Tend to distrust	Totally distrust
Albania	1	19	40	34	1	26	43	29	2	36	31	30	0	14	42	42
BiH	5	28	37	28	2	19	46	30	2	19	41	36	2	13	36	47
Kosovo	29	16	32	19	14	49	22	12	11	45	30	11	9	39	31	16
Montenegro	6	32	37	22	5	27	39	26	5	25	37	30	2	16	42	37
N. Macedonia	2	13	35	47	2	16	33	45	3	16	31	47	1	11	32	51
Serbia	10	44	27	15	6	35	29	26	10	36	25	25	3	19	34	40
W. Balkans	9	25	35	28	5	29	35	28	6	29*	32*	30	3	19	36	39

Source: Regional Cooperation Council (2023): Balkan Barometer 2023 Public Opinion, Sarajevo, 86 and 88-89. Internet: <https://www.rcc.int/balkanbarometer/publications>. These totals were not rounded, but taken as they were stated in the publication on page 88, where the figures for the entire region were presented, and on page 86 for the rule of law section.

Assessing all these indicators, it becomes apparent that there are shortcomings at the level of horizontal accountability. Although the Serbian population expresses a certain level of trust in the judiciary, Serbia has a number of weak indices. Bosnia and Herzegovina has low scores in a number of areas, which must be assessed in the context of the post-conflict structures

of the state. Albania, Kosovo, and North Macedonia have mixed results and overall Montenegro is doing well on horizontal accountability. The ruling party's dominance in parliament, especially in Albania and Serbia, has contributed to the weakening of structures; whereas we see backsliding in the case of Serbia, we do not see it the same way in Albania, although a similar situation of an executive dominance exists. North Macedonia only recently (May 2024) voted a very strong government into power with a huge majority in parliament, and it still needs to be seen if the government will use this majority to weaken the separation of powers. Still, the government consists of coalition partners who might resist any attempts to undermine democracy in the country. Kosovo's current government under the leadership of Albin Kurti, in office since February 2021, has a substantial majority in parliament as well, but – according to the indices – it seems that this majority was not abused to undermine the democratic institutions, but rather used to improve the political situation.

Vertical accountability

Vertical accountability comprises a number of indicators, which either provide a picture of the relationships between the electorate and the politicians and the strategies used for maintaining them, or give an insight into how citizens and organised groups are controlling government policies. Indicators of clientelism and corruption relate to strategies of how politicians and political parties are using their networks and state structures to provide benefits for voters. The strength of liberal rights and of civil society indicates the ability of society to hold the government accountable. Media, if in the control of the government, establishes a strong link between the electorate and the ruling parties through positive reporting; in some countries, however, it no longer provides neutral information.

Clientelism is a prevalent feature of the Western Balkans. The Balkan Barometer (Regional Cooperation Council 2023) indicates that between a third and a fifth of people in the Balkans believe that it is helpful “to know people” to get jobs, and the same percentage of people believe that “personal contacts” or other networks are important. Together the figures come to between 40 to 50 percent (Regional Cooperation Council 2023). Knowing the right people or relying on networks of people to receive some benefits is not uncommon, but demonstrates a certain dependency on these pathways for receiving jobs. The figures – based on the opinion poll – show higher indicators for North Macedonia, Montenegro and Serbia.

The figures by the WJP demonstrate that corruption is an especially problematic issue in Albania, Serbia and Kosovo, but all of the counties are dealing with high levels of corruption (WJP Rule of Law Index 2023). The perception of corruption is high in Bosnia and Herzegovina, Serbia, and Albania (Transparency International 2023).

Table 5: Indicative indicators for vertical accountability: informal networks, corruption

Indices Countries	Clientelism Knowing the right people for “getting ahead in life and finding a job”. N 6027	Clientelism “Personal contacts, incl. the network of family and friends [...] for getting ahead in life and finding a job”. N 6027	Corruption WJP Rule of Law index of Corruption (scale 0-1)	Corruption Corruption Perception Index (0= corrupt/ 100 = clean)
Albania	20 %	23 %	0,36/1	37/100
BiH	25 %	22 %	0,42/1	35/100
Kosovo	27 %	5%	0,48/1	41/100
Montenegro	30 %	24 %	0,48/1	46/100
N. Macedonia	33 %	19 %	0,45/1	42/100
Serbia	29 %	22 %	0,42/1	36/100

Source: Regional Cooperation Council (2023), Balkan Barometer 2023 Public Opinion, Sarajevo, 45. <https://www.rcc.int/balkanbarometer/publications>; Transparency International (2023), Corruption Perception Index, <https://www.transparency.org/en/cpi/2023/index/srb>; WJP Rule of Law Index (2023), Absence of Corruption, <https://worldjusticeproject.org/rule-of-law-index/global/2023/Absence%20of%20Corruption/>

In terms of political and civil rights, all of the Western Balkan countries are classified as partially free, but Montenegro, followed by Albania and North Macedonia, has higher ratings compared to the other countries in the region, whereas Kosovo, Serbia, and especially Bosnia and Herzegovina, are found at the lower end (Freedom House 2024). Civil society plays an important role in controlling the implementation of policies by the government; it also limits state power over individual rights and provides input on policy issues for the government. Albania, Bosnia and Herzegovina and Kosovo perform poorly in terms of organised civil society, while North

Macedonia, Montenegro and Serbia are doing better on those scores (Freedom House 2024a), despite civil society organisations facing a number of government-led attacks on their work in recent years, particularly in Serbia (Elek/Griessler 2023).

Media is of importance for informing the electorate on political issues, government politics and oppositional viewpoints. In liberal democracies media pluralism ensures a broad representation of different opinions on information relevant to the public, whereas editorial freedoms are in general respected. The main aim is to inform the public on policy matters; even though media outlets might adopt certain interpretative or ideological perspectives, the public will be able to receive information from different sources as long as several media outlets exist. Problems arise when media ownership becomes concentrated and pluralism consequently limited, and when governments tighten financial control over the media. In cases where media outlets are dependent on government funding, there is a risk of pressure being placed on editorial decisions, influencing the content of programmes or publications. Moreover, journalists should be able to work freely and without intimidation. During election campaigns media outlets might be pressured to present the government in a positive light and thereby assist in election mobilisation for the government party. Press freedom in a country depends on all these factors. Media control by the state is high in Serbia and Bosnia and Herzegovina, low in Kosovo and medium for the other countries (Media Ownership Monitor 15.02.2024). Press freedom is rated as low in Serbia and Albania, a bit better in Bosnia and Herzegovina, followed by Kosovo, and the best grades in the region go to North Macedonia and Montenegro (Reporters without Borders 2024).

Table 6: Indicative indicators for vertical accountability: media, informal networks

Indices Countries	Freedom House Freedom Index	Civil Society Nations in Transit	Media Reporters without Bor- ders Press Freedom	Media State Control over Media Re- sources
Albania	68/100 Partly free	4.75/7.00	54,10/100	Medium
BiH	51/100 Partly free	4.25/7.00	58,85/100	High

Indices Countries	Freedom House Freedom Index	Civil Society Nations in Transit	Media Reporters without Borders Press Freedom	Media State Control over Media Resources
Kosovo	60/100 Partly free	4.75/7.00	60,19/100	Low
N. Macedonia	67/100 Partly free	5.25/7.00	73,78/100	Medium
Montenegro	69/100 Partly free	5.25/7.00	73,21/100	Medium
Serbia	57/100 Partly free	5.25/7.00	54,48/100	high

Source: Freedom House (2024a): Countries and Territories, Internet: <https://freedomhouse.org/countries/freedom-world/scores>, Freedom House (2024b): All Data, Internet: <https://freedomhouse.org/report/nations-transit>. Reporters without Borders (2024): Global Score 2024, Internet: <https://rsf.org/en/index>, Media Ownership Monitor (15.02.2024); Media Ownership Matters, Internet: <https://www.mom-gmr.org/en/countries/>

The countries in the region show quite a diverse picture in relation to vertical accountability. Still, Serbia is characterised by rather high indicators, but not the highest, in the area of clientelism, corruption, and state media control, and is low on press freedom. Civil society organisations, despite a rather good indicator, face a number of challenges in Serbia. All countries show deficiencies in the different indices, with the indicators for press freedom in Albania and Serbia and the high control of state media in Serbia as well as in Bosnia and Herzegovina especially worrying. Corruption is always an indicator for state capture, which is a feature of the political regimes in the region.

2.3 Analysis of the political and the policy level

First of all, the overall political situation among Western Balkan countries is characterised by the fact that their democratic systems are not consolidated but stuck in a transition process, which in some countries shows a tendency towards regression. Serbia is a clear case of democratic backsliding, and can be characterised as an electoral autocracy rather than a delegative democracy. North Macedonia experienced an episode of democratic backsliding

but, as the democracy scores show, recovered after Gruevski's regime ended in 2016. In 2024 Gruevski's old party took over government from the Social Democrats, and it remains to be seen what impact this change of government will have on the quality of democracy. Albania has all the ingredients for a delegative democracy: a strong dominating politician as prime minister, a dominant party in the legislative branch, a president appointed by parliament, a loyal electorate, a media sector under government influence and informal clientelist networks linked to corruption. Democracy scores do not currently signal a democratic backsliding, but they also indicate that there are weaknesses in the system. In Montenegro, the once dominant Democratic Party of Socialists of Montenegro (DPS) left government after the 2020 parliamentary election and its party leader, and at the time president of Montenegro, Milo Đukanović, lost the presidential elections in 2023. This has changed the political environment of Montenegro, which escaped a further decline in democratic standards thanks to Đukanović's dismissal. Montenegro's democracy indices are looking good.

However, there are countries in the region which, in addition to fragile political situations and democratic weaknesses, have to deal with statehood issues: Bosnia and Herzegovina and Kosovo are a case in point. As statehood is part of the Bertelsmann Transformation Index, the countries' overall democracy score will be negatively affected. Kosovo has shown major improvements in its democratic standing in recent years, but was starting from a very low level. Bosnia and Herzegovina is faced with a number of issues, due to the federal structure of the state, which leads to blockages in the decision-making process. The Serbian entity of Bosnia and Herzegovina, the Republika Srpska, under the long-term leader Milorad Dodik of the Alliance of Independent Social Democrats (SNSD) and currently also President of the entity, turned into a rather autocratically-led part of the state. The democracy scores indicate that consolidation of the democratic transition has been hampered and even reversed. Bosnia and Herzegovina has rather good scores in the area of rule of law and separation of powers, but corruption remains a significant issue. Overall, a decrease in the figures is visible, but even considering the problems in relation to its specific, ethnically-based political structure, it is obvious that the country is losing ground in relation to democratic standards.

Still, the picture varies depending on the countries' individual situation, which suggests that the legacies of the transition processes impacted on the current political institutions. Albania and Serbia show clear signs of weak political structures and strong political leaders, a similar situation to

that faced by North Macedonia between 2006 and 2016. Maintaining the leader's political support occurs through weakening vertical accountability. Informal and clientelist networks boost the power of political leaders, who have access to economic ventures. Media is streamlined, NGOs and CSOs are restricted in their activities, and the state's economy is controlled by the political elites. On the international stage, these leaders like to surround themselves with like-minded politicians, creating the image that they are widely accepted internationally. These powerful leaders have strong support in parliament and the judiciary is dependent on their political goodwill. Rule of law is not fully being applied by the regime, as this might undermine their own power base. Informal networks and clientelism are features of the political system and of how politics is conducted. Trust in political institutions is low, which is characteristic of post-communist societies but not helpful for democratisation. Transparency and inclusion of civil society in political decision-making processes is limited. Powerful men taking political positions through democratically held elections and, once in power, ignoring constitutional restrictions on their political position, has shaped politics across the region. In the case of Serbia, it is the person of Aleksandar Vučić, who switches between the positions of Prime Minister and President with no real difference in how he executes power. Albanian Prime Minister Edi Rama has held political power in the country since 2013, despite the severe resistance of the opposition. Montenegro managed to change the political situation when Milo Đukanović's party and he himself as president were voted out of office. North Macedonia, once suffering under the rule of Nikola Gruevski, was able to recover after the new social democratic government came in 2016. Since then, it has been able to improve its democracy ratings. With the election of Gruevski's old party, the VMRO-DPMNE (*Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity*) into government with a huge majority in parliament, it remains unclear if this positive trend can be continued.

The situation is complex and must be studied on a case-by-case basis, as these countries have different experiences with the democratic transition and with democracy in general.

3. Summary and Outlook

The difficulty of assessing the democratic status of Western Balkan countries is that they are still in the process of democratisation, but are now seemingly stalling in their development and rather backtracking on their positive achievements. The main characteristics which contribute to a weakening democracy are the strong political leaders, a huge majority in parliament, the use of strategies to bind the electorate to political leaders (clientelism, corruption, media control) and to weaken any other criticism (civil society organisations). External pressure to improve the political systems in these countries, to fight corruption, increase transparency, include civil society organisations in the decision-making process or to strengthen the rule of law, has not brought about the expected results. The EU, with its conditionality mechanism and financial assistance, has actively supported these countries for more than 20 years. For the moment, it seems that defective democratic systems, such as delegative democracies, are becoming a main feature in the region – or even turning into regimes of electoral autocracies.

The region's prospects are not good and the EU's strategy of bringing the countries closer to the Union of democratic states is no longer working. What can be seen is that backsliding can be reversed – as was the case in North Macedonia – and autocratic tendencies stopped with the support of an active civil society. The population of the countries are the recipient of the failings of the system and they are rightly demanding more from their politicians. As long as they are, despite all the threats and obstacles, willing to publicly demand their rights, government leaders cannot completely ignore them. Any harsh reactions to civil society protests reflect negatively on the political leaders internationally, hence they will constrain their reaction. Membership of the EU is still an objective for most of the countries, but reforms need to be implemented and the EU is skeptical about moving forward with the region's EU integration. For the moment – as this paper has demonstrated – the picture in relation to democratic status is worrying and this uncertainty about future developments will remain with us for a while.

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Political Mistrust and the Crisis of Democracy: An Overview

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1 Introduction

The crisis of democracy has been a recurring theme in academic research. Since the publication of Colin Crouch's book *Post-Democracy* (2004), what was once purely a philosophical debate about the state of democracy has permeated mass media and, in recent years, has been heavily marketed on social media, often in connection with political agendas. In the meantime, the narrative of a democracy in crisis has become an inseparable part of public discourse (Youngs 2024, 2). Whether this narrative has entrenched (Bochsler/Juon 2020 169) or merely documented the crisis, and to what extent it has eroded faith in democracy, is so far difficult to ascertain. However, nearly all population surveys show declining trust in democracy and its institutions across Europe (European Commission 2024a and 2024b; International IDEA 2023).

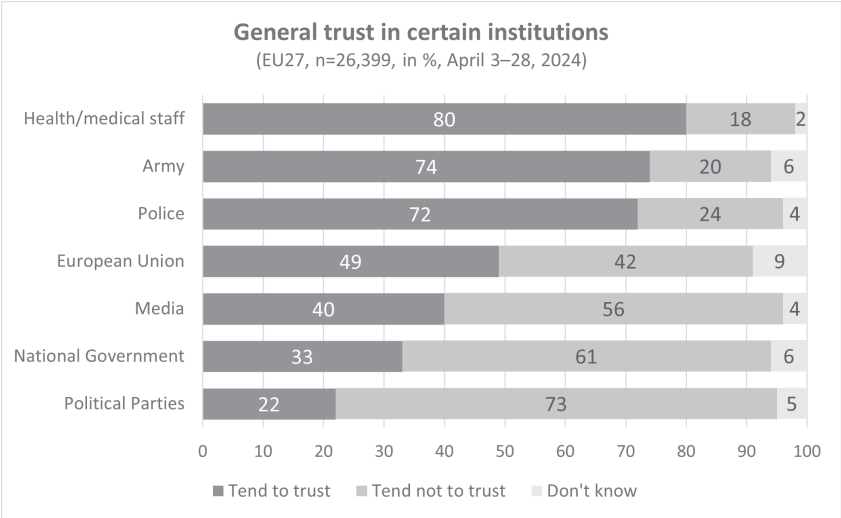
For example, the Eurobarometer from spring 2024 reveals that only 36 percent of EU citizens trust their national parliaments (see table 1), and a mere 33 percent trust their governments. Political parties across Europe fare even worse, with only 22 percent of EU citizens expressing trust in them. The media also struggles with a trust deficit, garnering only 40 percent approval (European Commission 2024a, 38)

These low levels of faith in political parties and politicians are reflected in electoral outcomes, with some exceptions such as Ireland, where a stronger economic situation prevails compared to other EU member states. Thus, the satisfaction with the Irish government is higher, too. Conversely, higher trust values are observed for entirely different (and non-political) professional groups: medical and healthcare personnel enjoy the highest level of trust (80 percent), followed by the national military (74 percent) and the police (72 percent) (European Commission 2024a, 38–52).

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Table 1: “QA6: How much trust do you have in certain institutions? For each of the following institutions, do you tend to trust it or tend not to trust it?”



Source: European Commission (2024a), Eurobarometer STD101, Public opinions in the European Union, p. 39., Figure by the authors.

A democratic system cannot endure without certain trust in its institutions. However, when the economic, social, or security situation causes citizens to feel abandoned and fearful about the future, this trust starts to erode. The resulting mistrust shows itself rather in emotions (often called ‘gut feeling’) than in concrete facts, and is not limited to democracy, but extends to the balance of power and politics as a whole including, invariably, media (Haggard/Kaufman 2021 14; V-dem 2025, 6).

One phenomenon closely associated with this erosion of trust in democratic actors and institutions is the emergence of an abstract and often negative conception of ‘the state’, perceived as undemocratic or even authoritarian. This perception creates an opening for populist movements that seek to dismantle the constitutional and judicial checks and balances that typically safeguard democratic governance. This dynamic is currently observable in countries such as Hungary and the United States, and its influence is increasing in other states. The term commonly used to describe this development is ‘democratic backsliding’. It refers to a process through which democratic institutions are systematically weakened, pluralism is diminished, and political communication becomes increasingly shaped by

populist rhetoric and manipulation. While democratic backsliding does not necessarily signify the end of democracy, it signals a troubling shift toward authoritarian tendencies (Haggard/Kaufman 2021, 2–4).

Importantly, this process does not arise spontaneously; rather, it tends to occur when political trust within a society deteriorates, giving way to widespread dissatisfaction, political apathy, and mistrust. The underlying causes of this phenomenon are complex and interrelated. (Bauer/Becker 2020, 19). These are the questions and topics this article seeks to address.

2 Fields of Doubt

In general, the European public appears dissatisfied, somewhat exhausted, and increasingly disillusioned with its political leaders since the COVID-19 pandemic (Ingruber 2022, 304). The promised ‘return to normalcy’ after the pandemic never materialised, and the hope for a restoration of pre-pandemic conditions remains unfulfilled. New challenges arose too quickly. Thus, the perception among the population is of a relentless sequence of crises—economic, ecological, and social.

Since many of these issues are rooted globally and therefore beyond the significant influence of individual governments, the need for national and individual security remains inadequately met. Subsequently, this anger targets certain population groups, particularly minorities such as the LGBTQ+ communities and/or migrants, as well as the so-called elites —‘so-called’ because this category often includes professional groups, such as journalists, academics, or NGO workers, that live and work under precarious conditions yet are perceived as elites (Kaltwasser/Hauwaert 2020, 6). Social media platforms play an amplifying role in this dynamic by inadequately controlling and insufficiently filtering hate speech. Propagandistic repetition reinforces these narratives. Over time, even provocative topics or language trigger a habituation effect (Kohlenberger 2024, 82). The vocabulary of populism becomes entrenched in society, transitions into the mainstream, and eventually also influences those who are not potential supporters of such ideologies.

Previously, the technique of emotionalisation was predominantly employed by far-right parties. Today, parties across the political spectrum have adopted it, believing it to be beneficial. The boundaries between political discourse and conspiracy theories have become blurred, particularly at the extremes of the political spectrum and on platforms like Telegram and Tik-

Tok—the latter increasingly relevant politically (McDevitt 2022). Morality plays a pivotal role in populist rhetoric, shifting social and value scales in the process (Mudde 2021, 3).

However, abstract warnings against populism or individual populists prove counterproductive, as they often come across as condescending and dismissive of citizens' concerns. Such warnings risk appearing as moralizing admonitions, disconnected from the very problems and fears troubling the public (Brodnig 2024). Fundamental democratic principles or the concept of democracy itself, often seen as abstract, take a backseat to individual well-being (Braley et al. 2023) that fits comfortably into the concept of individualism and even egocentrism as a new form of a libertarian attitude. This underscores that a certain degree of democratic backsliding has already commenced.

Indeed, not only are many people in the European Union now preoccupied with other concerns, primarily financial, but governments find it more and more difficult to meet these needs (see European Commission 2024a, section on European citizenship). It is becoming increasingly evident that those concerns about economic downturns—frequently highlighted across all categories of media for years—are contributing significantly to the erosion of trust in the established political system (Kaltwasser/Hauwaert 2020 4).

Moreover, Europe currently lacks another critical component that could foster a sense of hope: there seems to be no more room for democratic utopian ideas. The narrative remains fixated on the keyword 'crisis.' As a result, uncertainty and negativity are spreading, creating a vague longing for lost security and belonging. Some parties are better than others at exploiting this yearning, often right-wing parties, which rely less on ideology and more on appealing to the emotions of the population. This has far-reaching consequences for political culture, which is now evolving with unprecedented speed in EU member states (see International IDEA 2023), and especially in the US.

Despite the unique democratic characteristics of each EU member state, the political issues dominating current election campaigns and discourses are remarkably similar. According to the Eurobarometer, economic concerns rank highest, followed by migration and security debates. These three topics dominate the political discourse surrounding the EU's current situation (European Commission 2024b). At the national level, however, health holds greater significance than security, as evidenced by voter surveys in Austria conducted by ISA/Foresight (2024).

Not only do these issues preoccupy people across Europe, but they are also among the topics most driven by polemics and populism. These issues are often interconnected, particularly when it comes to identifying scapegoats for the increasing number of crises. False information is willingly accepted in this context, as political successes are often built upon it, impacting social cohesion—typically in negative ways through polarisation, stereotypes, and, increasingly, nationalist positions (Braley et al. 2023). Insults and dehumanisation, which are prevalent on social media, can, in the worst cases, escalate into actual violence (Kohlenberger 2024, 76). Braley et al. interpret the January 6, 2020, attacks on the U.S. Capitol in this light (2023), arguing that what becomes sayable eventually becomes doable (Ingruber 2024, 66). Across the spectrum, groups consistently perceive the ‘other’ as the one threatening democracy, while all sides claim to be the ones defending it.

However, democracy is remarkably resilient, enduring extensive criticism, various attacks, systemic shifts, and attempts to align it with the political will of specific groups. It remains the only political system that respects criticism and actively invites citizens to express their concerns and initiate political changes whenever necessary or desired. Following the end of the Cold War, it seemed entirely self-evident that democracy, with its emphasis on civil and human rights, would spread globally. Nevertheless, studies like the annual *Democracy Report* of the Swedish research institute V-Dem reveal the opposite trend. As of early 2025, 72 percent of the global population lived under autocratic or dictatorial systems. This figure pre-dates the second Trump presidency and its vast consequences, as well as the copy-cats in other countries, meaning the statistics for 2025 are likely to show an even grimmer outlook (see V-Dem 2025, 6).

Like many researchers, Cianetti and Hanley argue that democracy is in retreat worldwide. They highlight a particularly alarming aspect: it is not only younger democracies that are at risk, but also several well-established democracies—including the United States (2021, 66)—that were previously considered stable but whose attitudes towards democracy are now shifting towards a kind of oligarchy that does not have an academic name, yet. This leads to, and is also triggered by, value discussions, moralizing attitudes and social differences, and is accompanied by social media campaigns that promote polarisation and social fragmentation (Braley et al. 2023).

Social conflicts inevitably impact political culture, which is also evolving in Europe due to other factors that influence elections, such as shifting patterns of media consumption. Attention is shifting away from traditional

media toward platforms that claim political neutrality yet allow various campaigns—often not recognised as such—to shape public sentiment, even hate speech and, consequently, electoral outcomes (e.g., the Romanian case in November 2024). Moreover, political parties increasingly create and utilise their own media outlets, which no longer fulfill traditional democratic roles such as holding representatives accountable or providing objective, transparent reporting.

As segments of the population disengage from political reporting, and constantly consume algorithmically filtered social media content that is lacking in prior context or knowledge, they are unable to critically assess or recognise this content as propaganda. It is important to emphasise that this does not happen due to ignorance but rather due to the algorithms, which restrict exposure to viewpoints outside one's own echo chamber unless one actively and persistently works to break free from it—a process that requires considerable effort and time (Lamberty/Frühwirth 2023; Nocun/Lamberty 2020; Brodnig 2024).

The consequences of these developments are already evident in EU member states as well as in other parts of the world. Blaming populist parties or social media platforms alone would be an oversimplification and unrealistic. Instead, the focus should be on understanding the root causes of widespread public dissatisfaction, assessing its magnitude, identifying the issues it is tied to, and determining what is needed to ensure democratic systems remain intact without resorting to illiberal measures.

3 Persisting Challenges

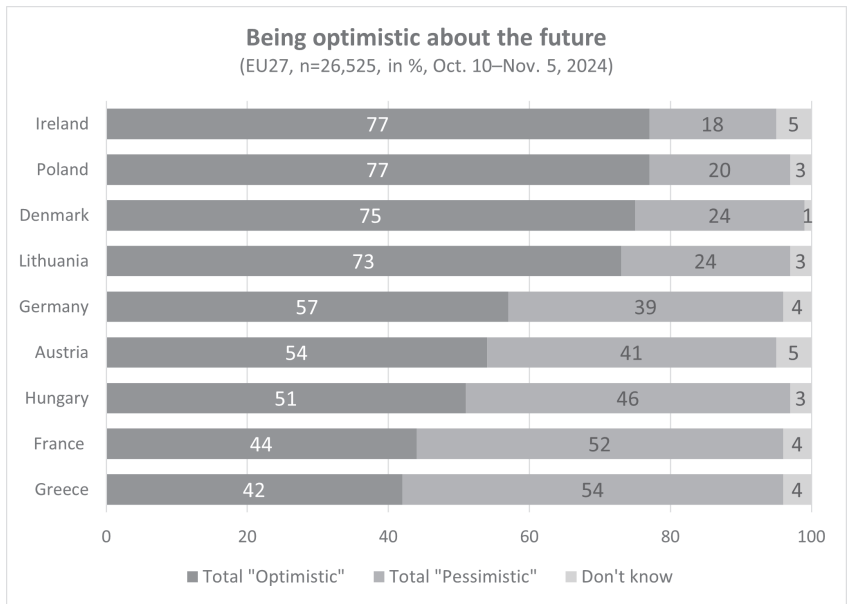
Nevertheless, the European Union remains one of the most democratic regions in the world. Annual statistics attest to this, but they also indicate that this status is not guaranteed to remain (see V-Dem 2024; V-Dem 2025). For instance, the Economist Intelligence Unit's *Democracy Index* 2023 ranks the first EU member state only at fourth place, behind Norway, New Zealand, and Iceland. Among the top 20 countries, no more than nine are EU members (EIU 2024, 10).

In this context, the biannual *Standard Eurobarometer* study provides valuable insights into long-term trends. The findings of Eurobarometer

102/2024³ paint a mixed picture (European Commission 2024b). While public trust in the European Union has increased compared to Eurobarometer 101/2024 (European Commission 2024a) and now stands at 51 percent, its highest level since 2007, the situation for national parliaments and governments is far less encouraging.

In only three countries more than 50 percent of the population express trust in their national government: Luxembourg (76 percent), Denmark (58 percent), and Poland (51 percent). At the other end of the spectrum are Cyprus (21 percent), France (18 percent), and Slovenia, which ranks lowest with only 17 percent expressing trust in their government (European Commission 2024b).

Table 2: “QAll: “Would you say that you are very optimistic, fairly optimistic, fairly pessimistic or very pessimistic about the future of the EU?”



Source: European Commission (2024b), Eurobarometer STD102, Public opinion in the European Union, p. 18., Figure by the authors.

3 For Eurobarometer 102/2024 a total of 26,525 citizens from all 27 EU member states were surveyed between October 10 and November 3, 2024.

Compared to spring 2024, optimism regarding the future of the EU has risen by one (non significant) percentage point to 61 percent. Leading the list are Poland with 77 percent, Denmark with 75 percent, and Lithuania with 73 percent, while Greece has the most pessimistic outlook at just 42 percent, slightly behind France at 44 percent (see table 2). Few issues display as much variation as perceptions of the economic situation. This is important because it directly influences feelings of satisfaction and trust in the EU as well as in domestic democratic institutions (European Commission 2024b).

Opinions on the EU's current economic situation also vary widely, which is significant given the direct impact of economic perceptions on satisfaction and trust in both the EU and domestic governments. In 11 member states, the current economic situation in the EU is viewed positively, according to *Eurobarometer 102/2024* (European Commission 2024b). Denmark leads with 87 percent approval, followed by Luxembourg at 86 percent and the Netherlands at 82 percent. At the opposite end of the spectrum, Greece once again ranks lowest, with 86 percent holding a negative view, followed by France at 82 percent and Slovakia at 75 percent.

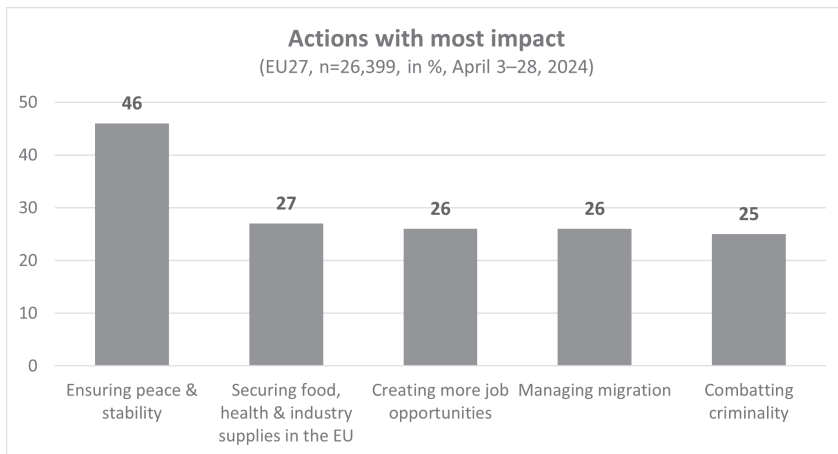
These divergent perspectives on the European Union naturally raise the question of Europeans' self-identification as Europeans. The answer is a clear yes, with Luxembourgers expressing the strongest sense of EU identity (92 percent), followed by Portuguese citizens at 87 percent. The most negative attitudes are once more found in Greece, where only 57 percent of the population claim to identify as EU citizens (European Commission 2024b). By contrast, when asked about their connection to their own country, responses are much more enthusiastic: 92 percent agree strongly or somewhat.

The *Eurobarometer* study traditionally poses the following question: "What do you think are the two most important issues facing the EU at the moment?" Unsurprisingly, the war in Ukraine continues to rank first, followed by migration, which has increased as an issue of concern by four percentage points compared to spring 2024. The international situation and inflation respectively occupy third and fourth place. However, when the same question is asked regarding individual countries, the priorities differ. Inflation ranks first, followed by migration, and then the overall economic situation and healthcare. Similar trends are evident in voter analyses in countries like Germany and Austria (ISA/Foresight 2024).

When discussing dissatisfaction or concerns among the EU population, the answers to the next question are particularly relevant: "Which of the

following actions at the EU level do you think would have the highest positive impact on your life in the short term, i.e., in the next year? First? And then?" (see table 3). Here, 46 percent of EU citizens responded "Ensuring peace and stability", followed by 27 percent for "Securing food, health, and industry supplies in the EU" and both "Creating more job opportunities" as well as "Managing migration" (26 percent). "Combating criminality" comes close behind with 25 percent (European Commission 2024a).

Table 3: "QB11ab: "Which of the following actions at the EU level do you think would have the highest positive impact on your life in the short term, i.e. in the next year? Firstly? And then?"



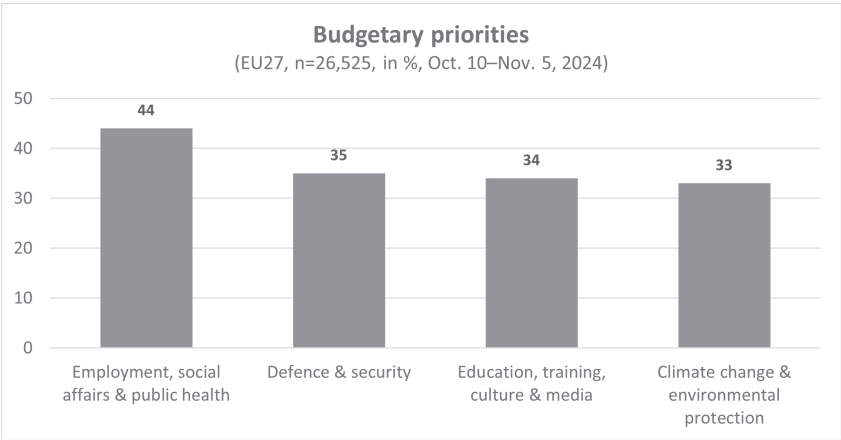
Source: European Commission (2024b), Eurobarometer STD101, Europeans' opinions about the European Union's priorities, p. 11., Figure by the authors.

Another question, focusing on where the EU should prioritise its spending in the near future, yields particularly interesting results (see table 4). Employment, social affairs, and public health rank first, with 44 percent of respondents citing this as their top priority. Defense and security follow at 35 percent, marking the highest value recorded for this category to date, and "Education, culture, and media" comes in third at 34 percent. The latter may seem surprising, particularly as climate protection has fallen slightly to fourth place at 33 percent, dropping one rank (European Commission 2024b).

When examining priorities across individual EU member states, "employment, social affairs, and public health" receives the most support in

19 countries. However, in Denmark, Sweden, and the Netherlands, climate change ranks as the top priority. In four countries (Cyprus, Latvia, Poland, and the Czech Republic), defense and security take precedence, while France and Greece place the highest priority on "education, culture, and media", a field where pressure increases as soon as financial resources shrink or populism prevails.

Table 4: “QB11: “Which of the following actions at the EU level do you think would have the highest impact on your life in the short term, i.e. in the next year? Firstly? And then?”



Source: European Commission (2024b), Eurobarometer STD102, Public opinion in the European Union, p. 55., Figure by the authors.

Nearly all those responses, in one way or another, relate to security and the maintenance of living standards. Since ensuring basic needs is one of the most critical functions of a state or a union of states, it is unsurprising that failure in this regard impacts public trust in governments and, consequently, voter behavior. This also contributes to growing fatigue with party systems, as there appears to be too little renewal within them. The perception of ‘old faces’ is associated with entrenched politics, creating the impression that governance focuses more on self-preservation than on serving the public. While the role of political elites may indeed be one of entrenched power (Druckman 2023), it is unsurprising that parties thriving on public protest benefit from this general sentiment. The narrative of de-

tached politicians resonates strongly on social media, requiring no evidence since the stereotype has existed for years.

Druckman does not accuse politicians of deliberately fostering dissatisfaction and the resulting democratic backsliding but argues that they pay insufficient attention to it because they are preoccupied with other decisions. This lack of communication with the public reinforces dissatisfaction and distrust (2023). Similarly, Meyerrose contends that the EU's overly rapid and poorly executed integration process, along with the Union's occasional neglect of effective communication with its citizens, contributes to democratic backsliding (2024). One might add that this is true not only of the Union, but also of its member states.

4 Lack of Trust, and Populism

Distrust tends to arise particularly when individuals personally experience a decline in their well-being compared to the past or when fear of such a decline is credibly communicated. In such situations, psychological defense mechanisms come into play, leading individuals to distrust those currently in power or those connected to them. Instead, they place their trust in those who are not yet in power but who promise to do everything differently and to fundamentally change 'the system.'

Notably, it is not always necessary to present these changes in detail. The mere promise, coupled with a resounding "We, the people," is often sufficient, even without presenting any concrete answers to those challenges. For populist politicians, the proof of promises also stays a mere promise. Similarly, there is no need to explicitly define what constitutes 'the system,' as the underlying narrative has been constructed over decades by the most varied groups. Phrases such as 'the economy,' 'the government,' 'the judiciary,' or 'the crisis' are often invoked as if these were immutable and abstract entities, detached from the influence of the populace. The turning point, when all this plays together and changes the system, can only be 'predicted' retrospectively (Schrader-Rashidkhan 2024, 393).

The desire for change, often rooted in nostalgia for a past perceived as better, outweighs concerns about potential new problems. This is why slogans like "Make [...] great again" tend to be so successful, despite not meaning much. Bauer and Becker point out that populism does not require addressing many issues—sometimes only one or two are enough—as long as these issues suffice to mobilise public sentiment (2020, 22). Populism can

then appear almost apolitical, thereby fostering an even stronger sense of unity directed against ‘those at the top.’ As trust in democratic institutions also declines, proposals for streamlining these institutions or fundamentally altering them are often welcomed without consideration of their long-term consequences: "What is democratically problematic with contemporary populists are not necessarily their policy stances. It is, rather, their attack on the ‘non-controversial’ sector in order to delegitimize pluralism, dissent, and opposition" (Bauer/Becker 2020, 21).

Failing to see this, a change in power is often considered desirable, even if individuals do not fully align with the ideology of the opposing party, because of a conviction that, by voting for a radical opposition party, they do something positive to support democracy. Notably, some parties clearly articulate their intentions in their platforms and speeches, but these statements are either ignored or dismissed as insignificant.

Cianetti and Hanley (2021) as well as Bochsler and Juon (2020) provide evidence for countries like Hungary and Poland, showing that these former model students of democratisation have regressed politically due to populism and a weak civil society. Citizens primarily voted for these parties because of their supposed fight against corruption. Multiple crises, particularly in the EU's economic policies, seemed to validate the populist parties' narratives and contributed to their continued electoral success (Cianetti/Hanley 2021, 69–70). Rickett comments on this phenomenon that "What makes democratic backsliding so prevalent is its adaptability to circumstance" (2022, 1).

Corruption, economic challenges, and polarisation are some of the tendencies that can lead to democratic backsliding (Rickett 2022, 3). This is particularly relevant as it highlights that populism and radical shifts in voter behavior do not arise out of nowhere but are closely connected to the actions of parties that have driven crises, and others who play with these issues.

Thus, the puzzling question is not why populists achieve significant success in many countries, but rather: Why are other political parties and movements unable to reclaim the narrative of democracy, unity, solidarity, and peace? How is it possible that politicians, who hardly share any connection with those who elect them and show little concern for their interests, manage to secure one electoral victory after another? And how can it be that individuals simultaneously call for democracy, express in surveys how important it is to them, yet cast their votes for parties that aim to gradually undermine it? "While 78 percent of the world's population re-

ports wanting to live in a representative democracy, democracies continue to erode, with 70% of the population living in autocracies” (Braley et al. 2023). The explanation lies in the so-called “subversion dilemma,” which suggests that citizens who desire to live in a democracy are willing to accept certain democratic limitations to protect democracy from those they no longer trust (Braley 2023).

Garnett and James recently highlighted democratic elections as particularly at risk due to the influence and manipulation of autocratic movements through disinformation. They identify the combination of public dissatisfaction and negative information resulting from manipulation as a particularly dangerous mix for democracy. Moreover, they find it troubling that global investments in campaigns to support democratic electoral processes are increasingly diminishing (2023, 2).

Or is the reality even more complex? Svolik et al. argue that “Across Europe, voters who sympathise with the far right hide an untapped authoritarian potential: They are open to rolling back democracy much further than their elites have dared. All they have to do is ask” (2023, 19). Democratic backsliding, in Hungary and Poland, for instance, was initiated by already established parties that gradually shifted their goals over time (Bernhard 2021, 586). This raises the question: Where does one draw the line between a functioning liberal democracy and a system that has drifted—or is in the process of drifting—away from democratic norms (Kapidžić 2020, 2)?

Cianetti and Hanley repeatedly stress that it is not sufficient to distinguish between “progressing” and “regressing” democracies. The political systems of individual states—and, more importantly, the desires and needs of their populations—are far more diverse than such dichotomies suggest (2021, 78; Wunsch et al. 2024, 5).

5 Gradual Backsliding

Backsliding is not necessarily characterised by rapid political changes, such as a sudden “rapid democratic breakdown” (Bakke/Sitter 2020, 24), but rather represents a gradual process. A state does not transform backsliding from a democracy to a non-democracy overnight through a coup or revolution. The process can take years, yet it accelerates exponentially over time: “Rather than overnight breakdown, democratic backsliding is a death by a thousand cuts, in which power-hungry executives slice away at funda-

mental institutional checks and balances in ways that ultimately distort pluralism and political competition” (Cianetti/Hanley 2021: 66).

Likewise, there is no clear point at which a democracy transitions from being functional to no longer functioning (cf. Wolkenstein 2022, 262). Just as democracy is not a static endpoint but constantly in flux, the same applies to its regression (see, e.g., V-Dem 2024). Externally, certain aspects and warning signs become immediately visible, such as overt manipulation, the decline of press freedom, the disablement of democratic institutions and the obstruction or even destruction of civil society (cf. Bakke/Sitter 2020, 24f.). Wolkenstein emphasises the legal situation as an important indicator but notes that this alone is insufficient for recognising backsliding, as social hierarchies, authoritarian governance, and related factors must also be considered (2022, 272). How rapidly this acceleration can take place has been proven by the Trump administration in spring 2025.

As electoral processes and institutions are weakened, and as civil and human rights are gradually eroded, the quality of democracy deteriorates incrementally. A rather new development is that some of the most established democracies are beginning to falter, with populism challenging freedoms and societal relationships that have been upheld for decades, such as freedom of expression and press freedom⁴. Additionally, illiberal democracies are increasingly forming international alliances to consolidate their power (Holesch/Kyrianzi 2020).

Bakke and Sitter describe this entire trajectory as an elite-driven project. Backsliding, they argue, is not caused by the population as a whole but by elected leaders who take the liberty of reshaping the political system to suit their own interests: “Consequently, backsliding is about what powerholders do, not what they would like to do” (2020, 24). A particularly noteworthy point in Bakke and Sitter’s analysis is the importance of recognising what does not constitute backsliding (ibid.), as constant criticism of the state of democracy can itself be counterproductive, undermining public trust in democratic systems.

Cianetti and Hanley also caution against overusing the term backsliding, warning that this could backfire (2021, 66). They argue that such narratives often implicitly accuse society, which could lead to disengagement from political participation. In their view, the term is overly schematic and prevents a deeper, more detailed examination of the issue (ibid.: 68–69). Along

4 For more information on the current state of the freedom of the press see <https://rsf.org/>

similar lines, Garnett and James (2023, 9) advocate for greater nuance in reports. This critique is directed both at the academic community and at journalism.

6 The Role of Civil Society

Bernhard (2021, 585) argues that only weak democracies are susceptible to backsliding. But is this truly the case? Rickett would disagree: “Democratic backsliding is a multi-faceted dilemma that can be caused and made apparent in many ways” (2022, 4). A crucial factor in this process is the population itself. Once civil society disengages due to a loss of trust, a gateway for anti-democratic tendencies opens (cf. Wunsch et al. 2024, 4f.; Knutsen et al. 2024; Luo/Przeworski 2023, 30).

Instead of a youth rebellion prioritizing ecological concerns, justice, and solidarity—as seen before the COVID-19 pandemic—populism is threatening to gain the upper hand over structured political concepts. Specific policy content matters less than the promise to do things differently and to remove those currently in power, with whom dissatisfaction is widespread.

Young people often feel and are politically unrepresented by parliament, but this does not render them apolitical (European Commission 2024a). Meanwhile, middle-aged individuals frequently get overwhelmed by the challenges of daily life and, in some cases, turn away from politics entirely. Older generations, in turn, are no longer as loyal in their voting behavior as they once were. Across all social and educational strata, a sense of alienation from politics—or more accurately, from politicians—is evident. This leads many to follow individuals or groups with extreme views, whose plans could entail significant changes to the democratic system. Ironically, this occurs as a result of the population’s withdrawal and a certain depoliticisation, which can, in turn, be seen as a reaction to exclusion from political participation (Gora/de Wilde 2022, 347).

These developments are not confined to individual nations, as evidenced by the political climate in France, the Netherlands, Germany, and non-European countries like the United States. In contrast, some nations in the Global South are taking entirely different paths. For example, in August 2024, Bangladesh demonstrated how quickly a decades-long, authoritarian power structure can collapse when the population unites against the ruling elite. This occurred through a non-violent, youth-led revolution, during which the chosen interim president was Nobel laureate Muhammad Yunus,

a figure widely regarded as uninterested in holding onto power. This perception stems partly from his high age and partly from his life's work, during which he deliberately distanced himself from political authority (The Guardian 2024).

One lesson that European democracies could learn from this is that charisma does not have to depend on media portrayal but can be rooted in genuine achievements. Such charisma can prevail against authoritarian systems when civil society remains vigilant. As Wunsch et al. put it: "For citizens to play the role of effective safeguards against executive aggrandisement and the resultant democratic erosion, there is an important precondition: a shared understanding that liberal democracy is worth defending against the incumbent's attempts to weaken and undermine executive constraints" (2024, 4).

Public sentiment, political attitudes, and the democratic behavior of citizens significantly impact the quality of democracy in the fight against backsliding (Wunsch et al. 2024, 3). Gora and de Wilde (2022) repeatedly emphasise the importance of democratic culture and, above all, political participation. Meanwhile, Braley et al. advocate for information and political education (2023) as a means to prevent European democracies from becoming mere empty shells (Kapidžić 2020, 7).

7 Conclusion

There is, however, reason for hope. The Eurobarometer 102/2024 revealed surprisingly high levels of trust in the European Union, despite prevailing nationalist tendencies. As Bauer and Becker note, pluralism does not dismantle itself automatically (2020, 26f.). Keeping this in mind is crucial for preserving bureaucratic institutions. The accusation of backsliding cannot be universally applied, as all democracies respond differently to illiberal tendencies and challenges (Garnett/James 2023; Gora/de Wilde 2022, 343). Analyses often neglect to consider the population's trust in democracy and its needs.

Democracy is a process and rarely a straightforward path. Many democracies experience fluctuating phases regarding institutional freedoms and other dimensions. According to Mudde (2021), populism can only be addressed through a "repoliticization of politics." Inaction, as Wolkenstein (2021) warns, will undoubtedly worsen the situation, whereas efforts to

counteract the loss of trust and backsliding could lead to a meaningful impact.

The focus, therefore, should rather be on developing new narratives. The oft-cited counter-narrative will not suffice, as it risks appearing as a desperate tactic and falling into the trap of merely amplifying the opposing position (Brodnig 2024, 55f.). A more effective approach would involve creating something genuinely new. The saying “don’t put new wine into old bottles” applies here; today, it is essential to consider how public distrust can be transformed into something more positive and optimistic—something that invites participation, collaboration, and active engagement instead of withdrawal.

Ultimately, it is the people who decide the future course of democracy. For political parties, it would be worthwhile to listen more carefully to the population’s needs and to involve them more meaningfully in political processes. In the long run, polemics alone will not suffice. For voters, the advice can only be to carefully consider how and within which political system they truly wish to live. While the term “togetherness” may sound sentimental, politically, economically as well as socially, it is not an unreasonable concept.

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Conclusion

Melani Barlai/Christina Eva Griessler/Martin Rolf Herbers

1. Patterns of Democratic Backsliding in Europe

This comparative analysis reveals that democratic backsliding in Europe takes varying degrees and forms across the continent. In many cases, it takes the form of 'soft' democratic backsliding, whereby liberal-democratic institutions are gradually eroded through legal, incremental, and procedural manipulations without elections being suspended or constitutional orders being dismantled. This is particularly evident in countries such as Italy, Greece, Austria, France and the Czech Republic, as well as Slovenia, Romania, Germany and Estonia, where democratic frameworks remain formally intact. However, executive dominance, institutional co-optation or norm erosion are reshaping these political systems incrementally. Italy and Greece are showing increasing legal centralisation, while Austria and Slovenia are facing party-state entrenchment and weakening media pluralism. France is exhibiting technocratic majoritarianism, and the Czech Republic and Germany are contending with far-right normalisation. Meanwhile, Romania, Croatia and Estonia are experiencing post-accession democratic stagnation and nationalist exclusion.

In countries such as Hungary and Poland under PiS, as well as parts of the Western Balkans, however, democratic backsliding has moved beyond the soft variant towards harder forms of illiberal rule. These regimes exhibit systemic traits of autocratic legalism, such as the instrumental use of legal mechanisms to entrench executive power, disable oversight institutions and marginalise dissent. These cases demonstrate how backsliding may begin softly but evolve into consolidated authoritarian tendencies over time. Thus, while soft backsliding is a dominant entry point, this volume illustrates a spectrum — from early signs of democratic decay to hardened legalist autocracy — requiring case-sensitive typologies and responses.

1.1 Typological Differentiation: Soft vs. Hard Backsliding

Democratic backsliding across Europe manifests itself along a continuum ranging from soft to hard variants. The following table orders the countries according to their historical experience of democracy, from those that re-established democracy after WWII to post-communist and EU accession states.

Table 1: Summary of Backsliding Types; Figure by the authors

Country	Backsliding Type	Characteristics
Germany	Soft (latent tensions)	The democratic consensus is being tested by the rise of far-right parties, populism, as well as value polarisation.
France	Soft → Legalist	Constitutional mechanisms are being used to marginalise dissent without overt violations.
Italy	Soft → Legalist	Centralisation and nationalism are wrapped in proceduralism, and there is backsliding without rupture.
Austria	Soft (party-state risk)	There is informal influence over the media and elite networks, and norms are weakened within legal bounds.
Greece	Soft → Legalist	There is a subtle rollback under a pro-European guise, and spyware scandals challenge the rule of law.
Czech Republic	Early Soft signs	Trust is weakening and there are populist shifts in party dynamics, but this is not yet systemic degradation.
Estonia	Soft (radicalisation)	Civil liberties are under strain due to exclusionary nationalism and geopolitical securitisation.
Hungary	Hard (autocratic legalism)	Recent legislation restricting civil society marks a significant shift towards autocracy, with legal changes, media capture and constitutional manipulation. A consolidated illiberal regime is using legal constitutionalism to neutralise opposition.
Poland under PiS	Hard (autocratic legalism)	Legal reforms have been merged with extra-legal judicial intimidation and censorship dynamics.
Slovenia	Soft (issue-driven)	The risk to the rule of law has intensified under executive pressure and in the era of the pandemic.

Country	Backsliding Type	Characteristics
Bulgaria	Soft (post-communist)	Despite a democratic façade, fragmented institutions and ethnic vote-brokering persist.
Romania	Soft (post-accession)	There is an ongoing struggle between reformist and illiberal forces, and the judiciary has been politicised.
Croatia	Soft (illiberal practices)	Patron-client networks dominate subnational governance and policy implementation.
Western Balkans	Hybrid (legalised illiberalism)	There is delegative stability, with competitive authoritarian trends being buttressed by EU tolerance.

1.2 Executive Aggrandisement and institutional degradation

Processes of executive aggrandisement and institutional degradation often drive democratic backsliding in Europe. Executive aggrandisement involves transferring authority from parliaments, courts, and oversight bodies to the executive branch, while weakening or capture of institutions designed to constrain power. In Hungary and Poland under PiS, for instance, this reflects deliberate constitutional engineering, institutional capture and erosion of judicial independence. Notably, Hungary has recently intensified its autocratic trajectory by introducing legislation that restricts the activities and funding of civil society organisations. Although framed as enhancing transparency and national security, this law effectively constrains government-critical NGOs and limits foreign funding — a tactic reminiscent of authoritarian practices in Russia, Georgia and Turkey. This law exemplifies how legal tools can be used to consolidate executive dominance by undermining the intermediary institutions that are essential for a pluralistic democracy. These legal tools allow governments to consolidate executive power while maintaining the facade of democratic legitimacy, exemplifying the phenomenon of ruling through law rather than upholding the rule of law (Scheppelle 2018, 549-553).

Similar patterns can be seen in Italy and Greece, where executive centralisation is paired with rhetoric about sovereignty and anti-populism. In France, the increasing reliance on executive prerogatives and the circumvention of parliamentary procedures are further undermining the system of checks and balances. In the Western Balkans, particularly in Albania

and Serbia, state capture has become systemic, with political elites exploiting public institutions for personal and partisan gain through clientelist networks and business deals. Here, corruption is not an anomaly, but an entrenched mechanism of governance.

Democratic backsliding is also sustained by the weakening and capture of formal institutions. Hungary and Poland under PiS exemplify how governments use court-packing, selective enforcement and regulatory capture to consolidate executive power. Judicial independence and media freedom are undermined through legal and budgetary manipulation. Similar tactics have emerged in Greece and Austria, involving executive interference in media oversight, obstruction of investigative bodies and weakening of horizontal accountability. In Hungary, the fusion of party and state institutions is an advanced form of institutional degradation, achieved through the consolidation of informal power.

While formally adhering to democratic procedures, political leaders obscure the *de facto* concentration of power. This results in what O'Donnell (1994) terms 'delegative democracy', whereby citizens entrust strong executives with authority yet lack the means to effectively hold them to account. Vertical accountability is undermined by manipulated information, distorted electoral rules and institutional decay, while horizontal accountability is circumvented as parliaments, courts and oversight agencies are neutralised or sidelined. The combined erosion of these accountability mechanisms produces a non-institutionalised democracy characterised by informal power networks, clientelism and executive overreach (O'Donnell 1994, 61–63).

1.3 Ideological drivers of backsliding

Alongside institutional degradation democratic erosion across Europe is increasingly influenced by ideological movements that challenge liberal democratic principles. Populism and nationalism are central to this process.

In Hungary, for instance, Viktor Orbán's government has institutionalised an exclusionary ethno-nationalist agenda, presenting itself as the sole defender of Christian and Hungarian values against foreign and liberal influences. Anti-migration rhetoric and constitutional revisions reinforce this ideological identity. In Poland, the PiS government has used nationalist narratives, particularly anti-German and anti-LGBTQ+ themes, to mobilise electoral support and legitimise executive dominance. Italy's Fratelli

d'Italia promotes a nationalist-conservative agenda emphasising traditional values and cultural homogeneity, and Meloni's leadership has embraced sovereigntist discourses while stifling pluralistic debate. In Bulgaria, the governing elite uses populist anti-establishment rhetoric to justify weak judicial reforms and centralise informal control, while simultaneously exploiting nationalist sentiment towards Roma and Turkish minorities. In Estonia, the mainstreaming of EKRE has brought exclusionary nationalism and Euroscepticism into the political arena, thereby weakening the liberal democratic consensus. Germany and the Czech Republic are experiencing growing discursive polarisation. In Germany, the rise of the Alternative for Germany (AfD) party has normalised far-right positions and challenged post-war liberal democratic norms. In the Czech Republic, anti-establishment populism has increasingly shaped the tone of democratic contestation.

These trends demonstrate that democratic decay often begins with a weakening of mutual tolerance and institutional restraint, accelerated by ideological polarisation and identity-based appeals (Levitsky/Ziblatt 2018).

1.4 Autocratic legalism in practice

Autocratic legalism, as first defined by Corrales (2015) and later adapted by Scheppele (2018), describes a form of democratic erosion in which elected leaders exploit democratic mechanisms to consolidate power, dismantle checks and balances, restructure political competition while maintaining the facade of constitutional democracy. Corrales emphasises that this strategy involves not just the use but also the abuse and not-use of law to protect incumbent and punish dissent (Corrales 2015 as cited in Scheppele 2018, 548).

Under Orbán, Hungary has become the epitome of this model, with constitutional overhauls, judicial capture, electoral engineering, media restrictions and NGO-targeting laws entrenching executive dominance within a legal framework (Scheppele 2018). Poland's PiS government has followed a similar path by politicising the judiciary and curbing media pluralism, thereby shifting from soft to hard backsliding. Greece and Italy display softer forms of democratic backsliding, where legal reforms that are presented as democratic efficiency actually undermine accountability. France's use of Article 49.3 to bypass parliamentary debate demonstrates a more technocratic approach to law and marginalises deliberation. In Western Balkans,

so-called “stabilitocracies” (Primatorova/Deimel 2012 as cited the similar term in Bieber (2018, 176) exploit EU-compatible legislation to consolidate informal authoritarian control (Bieber 2018, 182).

1.5 Patterns of countermeasures to democratic backsliding

As noted above, the various types of backsliding are affecting the political system in different ways, which consequently requires a variety of apt strategies to efficiently address these dynamics. Detecting vulnerabilities in democratic systems is the first step in developing strategic approaches to respond to processes of undermining democratic regimes. Raising public awareness of democratic backsliding and its consequences needs to be understood and acknowledged by a broad section of the general public. The countermeasures, which aim to slow down or even reverse democratic backsliding, need to impact the political system on several levels. These either focus on the political institutions (polity), the political processes (politics) or the political content (policy). We argue that the key actors to counter the dynamics of democratic backsliding are the citizens, the broader public, and the organised civil society. An informed population, which has the means to assess and react to political developments, is crucial for the prevention of the erosion of democratic norms, the weakening of its institutions and overall for maintaining a functioning democracy. The fundamental rights, the right to protest, to assemble and to form organisations has to be protected. The countering of democratic backsliding starts with awareness, the recognition of the related dangers, and its overall impact on society.

The mechanism to counter backsliding on the polity level focuses on the limitation of the executive power. As long as the government complies with the rules of the democratic game and recognises the constitutional limitations of the political office, backsliding can be restrained through legal venues. Once the government ignores laws or amends them to expand their political powers, then it becomes harder to reverse this trend. Democracy requires strong political institutions, which are able to refrain the political actors from expanding their political power or abusing their influence in areas, which are outside of the scope of their political office. Even in France, the built-in ambiguities of the political system provide the president with a larger scope of political power than originally intended by the constitution. This bears the dangers of abuse. In theory, the powers of

the state - legislative, judicial, and executive - should keep each other in check, but in some of the discussed case studies - Albania, Greece, Croatia, Hungary, Serbia - the executive power dominates all other branches of government. Strengthening a rule-based system guarantees the government's compliance with the legal foundations of the state. The constitution has to provide clarity on the competencies' of the political offices and guidance in case of uncertainty. Moreover, the political systems should consider the installment of an ombudsperson or an impartial head of state with the task of securing democracy and institutional strengthening the independence of the judiciary.

Populist parties apply a critical narrative of the current state of affairs and demand a more efficient or output-focused political system, which rejects the idea of deliberative democracy. These narratives contribute to the erosion of democratic norms and values, which precedes the dismantling of the democratic structure. The dissatisfaction of the population turns into the loss of trust in political institutions, which is accelerated by populist narratives. The political parties gain power through elections. Democratically minded political actors are more likely to adhere to the democratic rules. Consequently, democratic backsliding can be avoided by electing and supporting parties with a democratic understanding of their political role. The outcome of an election lies with the electorate, who should be aware of the consequences of its political decisions. A concentration of votes for one party results in a *de facto* one-party system with an absolute parliamentary majority for the government in parliament and the lack of a relevant opposition. Democracy functions as intended when parties with diverse ideological outlooks and worldviews compete in free and fair elections for the support of the electorate. The electorate has the possibility and responsibility to ensure that this plurality is maintained.

Backsliding is being accelerated by the interference in the political processes (policy-level), especially in elections. The political opposition is confronted with strong governments, which tend to change the electoral laws shortly before an election to impede the political opposition's participation in the process. Hungary and Poland under the PiS-government are well-known examples for amendments of the electoral law prior to elections. Moreover, the control of the media and its use during the election campaign influences the election outcome. This creates an uneven playing field for the political parties and results in advantages for the parties with sufficient funds or access to media networks or businesses. Elections are strategically manipulated to change the level playing field in favor of the

incumbent government. Oppositional political parties participating in the parliamentary processes are being marginalised, delegitimation and the governmental parties keep monopolising their political narratives. Still, there exists a certain risk with holding elections, because even when these are being manipulated, the outcome remains uncertain (Schedler 2015, 6-7). Slovenia is an example of escaping any further backsliding by electoral change, and so did Poland in 2023. Populist and illiberal governments are more and more confronted with resistance from civil society, as seen in Bulgaria, Poland, Serbia, and Croatia. Not only that civil society organisations are mobilising and demonstrating against the interference in elections and the overall manipulation of the electoral process, moreover they participate in election monitoring to assess the election's legitimacy. Overall, political processes of decision-making have to remain democratic in the sense that the inclusion of different perspectives is maintained and for important questions, a majority consensus within society should be reached. Governments with a strong majority, are inclined to overlook or ignore other opinions that ridicule the position of other parties or representatives. The monopolisation of public opinion creates the illusion that the government is equal to the citizens of the state, consequently, whatever the government decides is depicted as the people's wish. Governments with a parliamentary majority might not have to include other parties or stakeholders in the democratic decision-making process, but reaching out to other parties and representatives strengthens the democratic legitimacy of the process.

Democracies are under pressure, due to societal and economic challenges, which demands a proactive policy of trustfully engaging with the populace and working on solutions addressing the fears of the people. Democratic forces try to repel the populist narratives by delivering people-centred policies, presenting themselves as an active government and trying to reconnect with the population. In the cases of Austria and Germany, it needs to be seen if this approach is effective. In both countries, the populist and even right-wing forces have a strong electoral support and take up a substantial number of seats in the parliament but have so far deliberately been excluded from government. Even in Hungary, at the parliamentary election in 2022, the opposition coordinated their election campaigns with the objective of reducing the government's overall parliamentary majority but failed to make sufficient gains. During the 2021 elections in Bulgaria, the opposition in a coordinated effort was even able to stop democratic backsliding, by isolating the GERB party until 2025. In countries such as

Austria and Slovenia where political life was built on a national consensus, dissatisfaction with politics weakened the societal solidarity, which populist powers took advantage of to further fragmentise and polarise the society. The Slovenian has shown that democratic backsliding can be reversed, but the focus needs to remain on maintaining the internal cohesion of Sloven society to resist populist advances. Estonia with a substantial Russian minority is faced with political parties on the political right that are deepening the societal divisions, hence the government needs to foster inclusiveness and civic understanding of citizenship. Strategies to counteract democratic backsliding need to address social issues and politicians have to engage with people on a level to regain their trust. It has been established that corruption impacts negatively on the democratic processes and can contribute to the “oligarchisation” of society, a build-up of clientelistic structures and to a system of state capture. States have to actively deal with corruption within their countries, and the EU has to keep the pressures on to ensure respective policies are implemented.

Additionally, guaranteeing the autonomy of the independent advocates, experts, society representatives and the civil society is essential for the safeguarding of vertical and horizontal accountability. As democratic backsliding affects all countries within the EU and in the neighbouring countries, civil society has to organise and to mobilise on a transnational level to become a strong watchdog and effective protector of democracy. These transnational networks act individually from their countries, identify the issues as a European problem and provide advocacy and expertise. Within the states, spaces of democratic resistance and active citizenship are means to control the government and raise problematic issues in the public sphere, as organised civil society can coordinate their voices.

In federal political systems local institutions have resisted or were slow to implement national government’s policies, as this was observed in the Polish case. But this depends on the vested powers of those local institutions, as in the Italian case, regions seemingly can not avail of the necessary tools to counter the illiberal policies on the national level. The EU remains a safeguard of democracy in its member states. Post-socialist countries noted the positive experience of the EU’s engagements during the phase of the accession negotiations when democratisation was assisted, endemic corruption was addressed and transparency increased. The EU parliament has criticised the anti-democratic policies of some of the member states and is involved in election observation. The European parliament produced the Sargentini Report (European Parliament 2018) highlighting the democratic

undermining of democratic institutions by the Hungarian government, whereby MEPs are keeping the case of Hungary's disregard for EU values on their agenda. The European Parliament has as one institution of the EU officially criticised the elections in Serbia in 2023 for not being free and fair (European Parliament 2024). Furthermore, the Venedig Commission, as part of the Council of Europe, advises on constitutional matters and has reacted to problematic constitutional changes, such as in the case of Hungary. Although membership of the EU has not prevented countries from backsliding on democratic values and norms, the EU acts as a watchdog and guarantee of democracy in Europe. The EU and other European institutions are monitoring political developments, criticising and advising governments, contributing to the diffusion of European and democratic values.

Table 2: Countermeasures of Democratic Backsliding; Figure by the Authors

Level	Polity	Politics	Policy
	Clearly defined competences and set role for public offices	Consensus based decision on election laws	Policies to maintain social cohesion and focus on social issues
	Installing or strengthening an independent watchdog	Provide the prerequisites for fair and free elections	Provide for inclusive policies deterring the polarisation of society
	Constitutionally providing for spaces of civil society	Exclusion of anti-democratic parties from government powers	Anti-corruption policies to counter "oligarchisation" and clientelistic policies
	Installing and/or strengthening control institutions, e. g. ombudsperson/impartial head of state	Finding narratives stressing consensus and rejecting post-truth and anti-expert ideas	Stronger direct or digital engagement with the population
	Institutionalise the independence of the media	Including a broader part of society in the decision-making process	Provide for Civic Education
	Stronger local institutions can repel nationalist policies		

Level	Polity	Politics	Policy
EU	Maintains institutions and procedures to assess the EU countries level of democracy	Closely cooperates with the member states, addresses the European public and supports civil society	Supports pro-democracy development and highlights out violations

The central role of securing democratic standards depends on a critical and informed civil society.

1.6 The role of civil society as safeguard against democratic backsliding

Civil society, broadly defined as the sphere of voluntary collective action around shared interests, values, and goals, plays a vital yet often underestimated role in safeguarding democracy. Situated between the individual citizen and state actors, civil society encompasses a wide variety of organisations and activities: from formal organisations to spontaneous movements; from journalistic watchdogs and human rights groups to unions, faith-based associations, and informal neighbourhood initiatives (Cohen/Arato 1992; Keane 1998). What binds them is not institutional power, but a shared commitment to civic engagement, autonomy from the state, and the articulation of democratic demands from below.

In the context of democratic backsliding, civil society forms a multilayered defence infrastructure against authoritarian drift—particularly where formal checks and balances fail. Its contributions can be understood along three interrelated lines of defence:

At the forefront are those actors who safeguard transparency, accountability, and freedom of information. Organisations dedicated to press freedom, investigative journalism, and whistleblower protection play a critical role in exposing abuse of power and norm erosion. In Germany, for example, platforms like *FragDenStaat* and *Abgeordnetenwatch* help citizens monitor political decision-making and assert their right to know (see chapter on Germany). Similarly, France has witnessed the rise of protest movements and activist networks critical of perceived executive overreach, especially under the constraints of the Fifth Republic's semi-presidential structure, as laid out in the chapter on France. These civil society actors act as substitutes for weakened institutional scrutiny, ensuring that government actions remain visible and contestable.

Beyond exposure and critique, civil society fosters long-term democratic resilience by building political literacy and civic competence. Non-partisan education programs, such as those of the German *Bundeszentrale für politische Bildung* (BpB), empower citizens to understand democratic processes, engage with public issues, and resist manipulation. As Putnam (1993) argued, societies with a dense web of civic associations are more capable of sustaining responsive and accountable institutions.

Philanthropic organisations, advocacy groups, and community-based initiatives offer resources, safe spaces, and long-term support for democratic actors. Their focus ranges from migrant rights and minority protection to environmental justice and gender equality. These actors, while rooted in national contexts, increasingly form part of transnational networks, thus recognizing that democratic backsliding is not a local aberration but a regional and global trend (Kaldor 2003).

The internationalisation of democratic erosion, which becomes evident in shared tactics of legalism, populist rhetoric, and institutional capture requires civil society to be equally transnational. As illiberal strategies migrate across borders, civil society must coordinate across sectors and states, sharing knowledge, building solidarity, and jointly resisting democratic decay (Keane 1998; Diamond 1999). Lessons from Hungary, Poland, and Bulgaria show how backsliding in one member state can embolden others if not met with a concerted response.

The European Union has a key role to play in this regard. While often perceived as a top-down actor focused on institutional rule enforcement, the EU must become a more active supporter of civic ecosystems. Financial support, capacity-building, and political protection for civil society initiatives are essential, particularly in member states where independent civic activity is under threat. More broadly, the EU must foster democratic culture, not just democratic procedure, by helping citizens engage meaningfully with politics and restoring trust in institutions.

Yet civil society is not immune to instrumentalisation. Authoritarian regimes often attempt to co-opt civic actors or create “GONGOs” (government-organised NGOs) to simulate pluralism (Carothers 1999). As seen in Hungary and increasingly in other contexts, state-controlled funding can distort civic priorities and undermine credibility (Heinrich Böll Stiftung 2023). Therefore, maintaining the autonomy, integrity, and pluralism of civil society is itself a democratic imperative.

Civil society is more than an auxiliary to formal democracy; it is its living core. When parliaments falter, executives overreach, and courts are

neutralised, civil society often provides the last line of defence—and the first seeds of renewal. Its strength lies in its diversity, adaptability, and rootedness in everyday experience. While democratic backsliding is driven by elites, its undoing may very well begin with citizens (Gellner 1994). As such, sustaining civil society is not a luxury, it is a necessity for democracy's survival.

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