Caesarean politics in Hungary and Poland

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ABSTRACT

We propose the new concept of Caesarean politics to explain democratic deconsolidation in Hungary and Poland. We argue the move towards illiberal democracy in both countries has been made possible by a shift towards Caesarean politics, in which radical changes are framed as “politics as usual”, while in fact these challenge the essence of liberal democracy. Focusing on the three pillars of Caesarean politics: (1) patronal politics, (2) state capture, and (3) identity politics, we show how both countries become cases of Caesarean politics, where, using discourses of “friends” and “enemies”, the leader coordinates vast patronal networks that capture the state.

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Many were surprised by how fast the dissolution of democratic institutions took place in Hungary after Viktor Orbán and his Fidesz (Hungarian Civic Alliance) came back to power in 2010.1 Poland has embarked on a similar project in 2015, when Jarosław Kaczyński and his PiS (Law and Justice) returned to power with the slogan to turn Warsaw into Budapest by the Vistula river. Both countries were once considered poster students of democratisation, pluralism and rule of law. Yet, the two countries present now the largest and sharpest drops in levels of democracy in CEE (Cianetti, Dawson, and Hanley2018), dismantling the very institutions that made them models to emulate. Both Orbán and Kaczyński have abandoned liberal democracy, which they frame as a failure if not a treachery of the Hungarian and Polish people, although both were participants of the 1989 roundtable talks (Zgut et al.2018). Both Fidesz and PiS claim that correcting the failed transition requires an urgent transformation of liberal democracy to give the power back to “the people” (Müller 2014). They have embarked on a conservative-nationalist project using a populist discourse, stripping away checks and balances, concentrating power to exert partisan control over public institutions. Notwithstanding these, both Fidesz and PiS have been able to secure high electoral support in national, municipal and European elections. We propose the new concept of Caesarean politics to explain the success of the authoritarian move in both countries. As a first step, we sketch out the conceptual contours of Caesarean politics, drawing on classic and modern literature on Caesarianism and adjacent research. We go beyond theories of strong men seeking power and we explore both the institutional and identity aspects of Caesarean politics proposing a new understanding
of the term as a regime that rests on three pillars that systematically interact and reinforce each other: (1) patronalism and (2) state capture that are justified with (3) exclusionary identity politics. Next, we examine comparatively the mainstream parties’ shift towards Caesarean politics in Hungary and Poland, exploring the three pillars of Caesarean politics in detail. Noting the differences between the two countries, we conclude how radical institutional changes are framed “politics as usual”, while enacted changes in fact challenge the core of liberal democracy and thus represent a difference in kind rather than difference in degree: Caesarean regimes are different from previous post-transition regimes.

Caesarean politics

The notion of Caesarist politics or Caesarism has been used with reference to strong leadership (e.g. India under Indira Gandhi, Kaviraj 1986) or dictatorship-like rule (e.g. Kongo Kinshasa under Mobutu, Willame 1971). Past research on Caesarist politics is scant and mainly limited to historical studies of strong leaders seeking mass support. We move beyond this understanding and argue for a more contemporary notion of Caesarean politics (rather than Caesarist politics) that goes beyond both the Schumpeterian elitist conception of democracy (Ober 2017) and Bonapartist authoritarian rule based on plebiscitary acclamation (Steinmetz 2009, 464). Our understanding of Caesarean politics comes closest to what Max Weber described as “the plebiscitary character of elections, disdain for parliament, the non-toleration of autonomous powers within the government and a failure to attract or suffer independent political minds” (Casper 2007).

Caesarean politics affect both institutional and identity aspects of political rule. At the institutional level, Caesarean politics is a specific mode of political operation that favours the ruler and his (her) network(s) and goes hand in hand with state capture by particular interest to enable the individual leader who wins an election to govern the country as he or she sees fit. At the level of identity, Caesarean politics is related to discourses that tap into public xenophobia and frame collective identity in an exclusionary manner, applying the friend-enemy imagery (Karolewski 2012). While many identity discourses are exclusionary in nature, Caesarean politics pertains to political strategies constructing enemies and traitors to the national cause that is claimed to be represented by the government leader/party alone, thus questioning the legitimacy of pluralism. This way, Caesarean politics is executive rule legitimised through electoral success that uses patronalism, state capture and exclusionary identity politics to enact anti-pluralist regime change to help charismatic leader(s) become true Caesar(s).

We argue that the three elements of Caesarean politics – (1) patronalism, (2) state capture and (3) exclusionary identity politics – are interrelated elements, each being equally relevant and reinforcing each other in generating Caesarean politics. In this sense, the triad of Caesarean politics does not represent an additive concept but rather a relational one – a patterned matrix of relationships among political practices and discourses, both codified and informal, all pertaining to political power. The triad of Caesarean politics functions as “interaction order” (Goffman 1983), operating and operated by elites to coordinate and constrain social interactions and political competition.

The first key aspect of Caesarean politics is patronalism, a system, in which political authority centres on a single patron controlling an elaborate system of rewards and
punishments. As Henry E. Hale (2014, 2017) argues, nationwide networks of loyal acquaintances profit politically and financially from the network of the patron. In these patron-client networks, informal understandings dominate over formal rules and personal connections are paramount. Since personal access to the patron is essential for political survival and enrichment (Hale 2017, 32), patronalism tends to political closure, which operates through subverting the political competition and amassing power. This is why control of the media plays a crucial role, as political success, in particular in political regimes allowing free elections, can depend on media coverage, outreach and impact. While post-soviet patronal networks cut across political parties, the “closed” political party remains relevant for power-hoarding in Hungary and Poland.

The second key aspect of Caesarean politics is state capture. State capture is not just widespread corruption but its essence lies in networks of corrupt actors that act collectively to pursue private interest at the expense of the public good (Fazekas and Tóth 2016). Abby Innes (2014, 88) argues that states in CEE cluster around two dominant modes of dominance over state institutions: the party state capture (political monopoly of a party taking control over key state institutions, including courts and enterprises) and corporate state capture where public power is exercised mainly for private gain. While the Czech Republic, Slovakia, Romania and Bulgaria are cases of corporate state capture (see also Kolev in this Special Issue), Hungary and Poland stand for party state capture, a re-monopolization of the political system in favour of one party (or a group of aligned parties). The difference between corporate and party state capture is crucial since while corporate capture aims to weaken or disable policies (i.e. state activity), party state capture strengthens policy implementation and responsiveness because party preferences are immediately turned into policies (e.g. the radical decommunization policies of PiS or the left-liberal elite purge of Fidesz). In contrast, a corporate (or cartel) state capture is less likely to be interested in changing the ideological core of policies but rather seek institutional and policy stability, reflecting static corporate demands (e.g. the “the state as a firm” ideology by Andrej Babiš in the Czech Republic).

The third key aspect of Caesarean politics concerns exclusionary identity politics that are constructed to legitimize regime change. Since the primacy of the leader is the cornerstone of politics, identity discourses are employed to establish the leader/patron as the spearhead of the homogenous community, surrounded by dangerous “others”. The binary construction of “us” versus “them” leads to blaming and scapegoating strategies (Meeusen and Jacobs 2017). This “othering” serves promoting the proclivity of citizens to think of “others” in terms of “enemies” and mobilise them based on exclusionary practices (Schmitt [1932] 1996). The traditional target groups of exclusion are migrants and minorities (Walters 2002), but in CEE, liberals from opposition parties, in league with international organisations, or any critic of the regime can easily find themselves presented as internal and external enemies. Caesarean politics thus resemble to some extent what Pappas (2014) called “populist democracies”, where society is split along a single cleavage, ostensibly dividing the good “people” from some evil “establishment”. Feelings of insecurity, threat and resentment (Huysmans 2004, 2006) are perpetuated not only for legitimisation through fear, for instance, to increase chances of re-election, but also to tune the political system to limit political competition and dissent. As a consequence, Caesarean identity politics have the function of legitimising the expansion of the power of the ruler/party at the expense of both popular will (understood as something beyond
simple majorities) and political opposition through self-serving reforms of state institutions, restrictive laws or denial of liberties and rights.

There is still limited understanding of what exactly determines shifts towards Caesarean politics. Almond (1956) claimed more than 60 years ago that fragmented political cultures and “immobilism” of the political system make democratic regimes less stable and increases the chances of “Caesaristic” breakthroughs:

[...] these systems tend always to be threatened by, and sometimes to be swept away by, movements of charismatic nationalism which break through the boundaries of the political sub – cultures and overcome immobilism through coercive action and organization. In other words, these systems have a totalitarian potentiality in them. (Almond 1956, 408)

He ascribed “Caesaristic” potential mainly to “continental” democracies such as France or Italy, and argued that Anglo-Saxon countries show a much higher degree of stability and are immune to “Caesaristic” breakthroughs. Yet, today’s political developments in the US and the UK would question Almond’s belief in the merits of Anglo-Saxon political systems. Moreover, he failed to explain how exactly these “Caesaristic” breakthroughs come about and what form they assume, while there is difference between a Gaullist nationalism, a military junta or a fascist regime (for the critique of Almond’s approach see Lijphart 1969).

We believe authoritarian political culture and polarised immobilist political systems are key for installing Caesarean politics. Even though dictatorial power and clientelism were the key features of the communist system and society, Caesarean politics as a concept has not been applied to CEE so far. We claim that our concept of Caesarean politics can explain post-transition political changes and the current retreat of liberal democracy in CEE, where authoritarianism and admiration for strong leaders persist in society (Todosijević and Enyedi 2008) and exclusionary identity politics find widespread support.

**Swerving democracy in Hungary and Poland – a prelude to Caesarean politics**

Although many have taken for granted that Hungary and Poland achieved democratic consolidation, the loyalty to democratic norms and values of both citizens and elites was weak way before Orbán and Kaczyński returned to power (see also Guasti and Bustikova in this Special Issue), paving the way for the Caesarean turn. Both countries show over the years decreasing attachment to democratic norms and values in different datasets of democratic consolidation. Declining levels of trust in public institutions and government make Hungary and Poland stand out as prime candidates for Caesarean seizure: unlike the rest of the CEE, both saw legislative trust decreased by more than half by 2000 from the levels of 1990. Similarly, trust in civil service dropped significantly only in these two countries of CEE (Catterberg and Moreno 2005). According to Eurobarometer, trust in government in Hungary declined steadily and by 2009 was as low as 14% – a figure reached by Poland in 2013, both Fidesz and PiS taking the helm of politics under identical circumstances, with society disillusioned with government and politics (Eurobarometer 2019).

The extreme polarisation between left-liberal and conservative-right parties not only led to a general distrust of society towards public institutions but parties on both side
of the ideological spectrum engaged in mutual enemy construction, demonising each
other, thus laying grounds for exclusionary identity politics. The bipolarization of politics
has fatigued the majority of citizens and led to the emergence of demagogic and charis-
matic leaders with little focus on parliamentary politics and programmatic competition (for
Hungary see Pappas 2014; Greskovits 2015). Polarisation also led to crystallization of
patronal networks: in Poland already in the mid-1990s, social-democratic SLD (Alliance
of the Democratic Left) established a “royal court” system of privileged businessmen,
media moguls and clergy representatives. Similarly, Orbán’s college roommate, László
Simicska became Fidesz’s financial mastermind running a vast business and media
network that consolidated during the first Fidesz government in 1998–2002 (Magyar
2016, 84).

In addition to political apathy, economic turbulences left people disenchanted with
politics in general. Many of the people felt they became “losers” of the democratic tran-
sition as the governments of the time were unable (and partly unwilling) to efficiently
reform the labour market, strengthen the welfare systems and balance growing social
inequality. The 2008 recession only fuelled economic fears of the people. Hungary was
hit hard with one of CEE’s highest levels of government debt and millions of homeowners
threatened by non-performing mortgages (Körösényi 2018; Simon 2018). Although
Poland’s economy turned out to be highly resilient, the 2015 Swiss Franc crisis shook
the feeling of economic security of many Poles (Hakim 2015; Holodny 2016). Left-liberal
elites have discredited themselves allowing corruption to flourish while doing little to
ease the social transition to liberal capitalism in growing globalisation (Greskovits 2015,
also introduction to this Special Issue by Agarin). Furthermore, leaked secret recordings
of ruling politicians in both countries seem to have played a role in ousting them from gov-
ernment, as these confirmed voters’ suspicion that they are power-claiming cynics, only
eroding state institutions serving public interest.3

This way, the grounds for Caesarean politics in both countries were laid prior to Fidesz
and PiS taking power over. Nevertheless, it was only the 2010 Fidesz and 2015 PiS govern-
ment that activated the “interactive order” of the triad of Caesarean politics that chal-
lenges the democratic “rules of the game”, reflecting a difference in kind, rather than a
difference in degree vis-à-vis prior regimes. Let us now examine how the elements of Cae-
sarean politics work together in weakening liberal democracy.

**Patronal politics**

The primacy of the leader as the patron of all benefits and sanctions is the key element
of Caesarean politics. Orbán and Kaczyński are uncontested party leaders, although Kac-
yński chose to be a simple MP, not a PM like Orbán. Both Hungary and Poland have
changed the law and adopted policies that enable personal rule by the book. In addition,
a massive and deep elite purge at all levels of public administration was completed to
widen the patronal network. New legislation ensured patronal interest in private sectors
as well. This was coupled with the appropriation of the media, essential to guarantee
patron/party-friendly coverage or straight-out propaganda to ensure public support for
the new regime (Hale 2017, 33).

In Hungary, the period since 2010 has been marked by continuous efforts to establish a
pro-Orbán elite at the expense of former elites. Orbán built an extensive hierarchical
patronal network that stretches into all public sectors, justified with the need to get rid of the communist elite. State-run enterprises were filled with supporters, personnel at all levels of the public administration, even head teachers or hospital directors, were replaced with party loyalists without training or experience (Dimitrova 2018). Although largely ceremonial, the President’s Office has been given to loyal party members, who in return, regularly abstain from exercising their constitutional veto rights over legislation. The independence of the Central Bank was taken away, its president became a close ally and former Fidesz economy minister, who actively supports party oligarchs. The number of ombudsmen was reduced from three to a single one, a position given to a former government commissioner, thus ensuring there is no oversight of government. In the same manner, the Prosecutor General, another long-time Orbán loyalist, regularly blocks corruption charges against Fidesz and state-coordinated corruption involving regime’s favoured oligarchs remains uninvestigated by the police (Kostadinova and Kmetty 2018; Zgut et al. 2018, 9–11).

Many Orbán-inspired changes did take place in Poland, too. Large-scale personnel exchange took place in the public administration, state-owned enterprises and banks. The same justification for the complete personnel replacement was used as in Hungary: the necessity of purging the state of communists and liberals. The new staff consisted of PiS loyalists, oftentimes without proper professional experience. This appears to be a characteristic of patronal politics in both countries, yet there is an importance difference: the personal rule of Kaczyński is confronted with several networks that compete with each other, while Orbán is an uncontested patron. This way, Polish patronal politics resemble the competing pyramid system, rather than a single pyramid system (for the difference see Hale 2017, 32), where current PM Morawiecki’s network competes with the rival network of Justice Minister Ziobro. The competition among networks might in fact weaken or limit the reach of patronalism. In contrast, in Hungary nobody can challenge Orbán, who singlehandedly decides who can succeed and who is to fail.4

The single pyramid patronal network is enabled and maintained by the authoritarian system that Orbán built to prevent fair elections. He overhauled Hungary’s electoral system in repeated modifications to favour Fidesz and manipulated advertising and campaigning rules to benefit his party. New legislation adopted also encourages the creation of fake-parties to split the anti-Fidesz vote. The gerrymandering of the electoral districts secured two-third majority for Fidesz with only 45% of the popular vote in 2014 and just 50% of the vote in 2018. The State Audit Office, run by a former Fidesz politician, is used as a political weapon against the opposition as it levies fines and suspends state funds to opposition parties, whilst dismissing the same rules for Fidesz using public funds to run partisan campaigns (Zgut et al. 2018, 9–11). These changes and practices gradually disabled electoral competition as evidenced by international observers’ reports that found already the 2014 elections gave Fidesz “an undue advantage” and the 2018 elections were “unfair” (Kelemen 2017; Bozóki and Hegedûs 2018).

PiS fell short of the Orbán-nesque changes of the electoral system, although it drafted a new electoral law in tune with the Hungarian reforms. Still, faced with numerous protests, Kaczyński did not to follow through with the law, especially with elections approaching in 2019. Following the election results that PiS considered disappointing despite winning, the reform might be back on the agenda. Yet, the PiS government is also not shy to use public institutions as weapons against the opposition to limit political competition (see also
Bochsler and Juon in this Special Issue). PiS controlled tax authorities or district attorneys harass opposition politicians. One example is the scandal surrounding the Financial Supervision Authority (KNF). The PiS-appointed head of KNF, Chrzanowski has been arrested on corruption charges in November 2018. As a political retaliation, PiS Justice Minister Ziobro ordered the arrest of the former head of KNF, PO (Civic Platform) appointee Jakubiak in December 2018 (Omachel 2019) but had to release him for lack of evidence.

The control of the media has been in the centre of both Orbán’s and Kaczyński’s patronal politics. In Hungary, new media legislation was adopted “to correct leftist bias” (Dragomir 2017a) as Orbán blamed his earlier electoral defeats on the lack of right-wing, conservative media (supportive of him and his party). The Media Council, a body within the Media Authority, monitors and enforces the set of new media laws. The appointment system gives the government de facto control over the Media Council and Hungary’s public service media outlets – national TVs, radio stations and the national news service (Brouillette and van Beek 2012). Despite large demonstrations against the new media laws (Jenne and Mudde 2012; Wilkin, Dencik, and Bognár 2015), the entire public media is now subordinated to Orbán’s patronal network and it serves Fidesz’s propaganda purposes (Bozóki and Hegedűs 2018). Since the Media Council can sanction journalists with penalties for content judged not “balanced, accurate, thorough, objective and responsible“, it serves the patronal network perfectly – the fear of sanctions induces media self-censorship, thus limiting media freedom even further (Kelemen 2017).

A bulk of the changes initiated by PiS also aimed at replacing leading personnel in public radio and TV station outlets. Yet, since PiS had no constitutional majority to change institutions as Fidesz did, the party decided to sidestep these: in December 2015, the government passed controversial laws enabling the Minister of Treasury to directly appoint the heads of public TV and radio, thus circumventing the National Broadcasting Council – a constitutional institution to guarantee independent information in state-owned media. In 2016, PiS established the Council of National Media to appoint the head of the Polish Television, the Polish Radio and the Polish Press Agency. At the same time, the constitutional organ – the National Broadcasting Council – has been rendered powerless and eventually taken over entirely by PiS to pressure private media, exactly the case of the Hungarian Media Council. Since then, state-owned media became a platform for hate campaigns against politicians and journalists critical of the ruling party. In 2016, Kaczyński made Jacek Kurski, an important PiS politician and leading political campaigner for PiS, the head of the state-owned TVP, the largest and influential anchor. Kurski is infamous for organising smear campaigns against PiS competitors for which he was sentenced by Polish courts. Yet, this did not prevent him to become an MP for PiS in 2007 and a MEP in 2009. Kurski’s position is symptomatic for the patronal system of rewards and punishments, as he fell out of Kaczyński’s grace a number of times but could regain his position through effective work in favour of the network.

In Hungarian private media, non-transparent arbitrary licensing decisions benefited pro-government broadcasters (Dragomir 2017a). Only media outlets that supported Orbán’s regime benefitted from public advertising funds following the logic of the patronal network. The few remaining critical outlets that publish on government corruption or scandals are thus disabled financially, with their future insecure. A 2014 law further raised barriers to Hungarian journalists’ access to public interest information thus making
it harder to scrutinise government actions. Moreover, restrictions of media freedom were coupled with a media take-over to assert total control. Private media owners were pressured to sell to oligarchs aligned with the party. Heinrich Pecina, a controversial Austrian investor close to the Fidesz, facilitated the transfer of a monopoly of regional dailies to Lőrinc Mészáros, Orbán’s childhood friend, turned media tycoon. Mészáros is also responsible for the infamous closing down upon acquisition of Hungary’s largest daily newspaper, leftist Népszabadság (Nagy 2018, 207). Similarly, in 2015, Andy Vajna, film-maker and Orbán’s close ally, purchased a national private TV (TV2) with credit from the state-owned Eximbank. By 2017, 90% of Hungarian media belonged either to the state or a Fidesz ally (Dragomir 2017b), confirming Orbán’s incontestable patron position on the Hungarian media scene.

Similar to Fidesz, PiS has been trying to put pressure on Polish private media using its patronal network in control of the regulatory authorities. For instance, in 2017, one of the largest private broadcasters, TVN was fined by the PiS-occupied National Broadcasting Council for its allegedly one-sided reporting of the 2016 protests against the PiS reforms of the court system. The fine was criticised by the EU, the Helsinki Foundation for Human Rights and the US State Department as a violation of freedom of expression and intimidation of critical voices. In 2018, the Council withdrew its decision, mainly due to US pressure, as TVN was bought by the American Discovery Corporation in 2015 (Money.pl 2018). Other than Hungary, Polish private media are still free, consequently, reporting about scandals, enrichment and other misdeeds of the ruling class is quite frequent, although the PiS government limited access to officials, used advertising and subscriptions funds to influence news outlets and is threatening reporters with legal action.

In sum, although patronalism is not new for CEE governments, Hungary and Poland reached previously unseen levels of patronalism, incumbent parties and their charismatic leaders building vast networks reaching all segments of society. Patronal networks are extended using legislative power to deconstruct former institutions and regulation. Still, there are some differences between the regimes: PiS lacks the constitutional power to make wide and deep institutional changes and thus the opposition still has a voice. Furthermore, Poland seems to correspond to the competing pyramid system, in which several networks compete for their power position vis-à-vis the single patron, who prefers pulling the strings from behind, not taking an official position in government. In contrast, Hungary seems to correspond to the single pyramid system, where no one can challenge Orbán as the ultimate patron, with all powers concentrated in his hands.

**Party state capture**

As already mentioned, Hungary and Poland seem to follow the practices of party state capture, where the ruling party seeks total re-monopolization of the political system in its own favour. This is another feature of Caesarean politics, an essential instrument being the dismantling of the rule of law, since independent courts, in particular the Constitutional Court and the Supreme Court, are major hindrances to concentrating power and state capture. Claiming they were enacting the “will of the people”, who felt betrayed by liberal democracy, both Fidesz and PiS embarked on reforming the legal system upon taking office. The systematic changes aimed mainly at the circumvention of democratic
rule of law and the weakening of judiciary to the extent that one can speak of the introduction of rule by law, placing the ruler (and his party) above the law.

Citing his 2010 electoral win as a “ballot box revolution”, Orbán set out to adopt a new constitution (called Fundamental Law) to signal the beginning of a new era for Hungary, breaking with the unsuccessful transition. In this spirit, the 2012 Fundamental Law was adopted as a reaction to Hungary’s previous constitution. It gave up the egalitarian aims of the post-communist constitutional liberal democratic system and shifted towards an anti-egalitarian and ethnic concept of the nation, as a source of power, in sharp contrast to the inclusive value system of the previous constitution or the EU constitution (Lisbon Treaty) (Majtényi, Kopper, and Susánszky 2019, 4). This anti-egalitarian thrust is also signalled by the constitution writing process, where Fidesz has exercised exclusive control. The amendment of the old and the adoption of the new constitution were both done using the non-transparent expedited process, without any consultation with the opposition parties or the people (e.g. through referendum). Orbán’s government also adopted a series of so-called Cardinal Laws that require two-thirds of votes in parliament to be adopted or amended (Kelemen 2017, 221–2), further entrenching Orbán’s new system against possible challenge from the opposition.

Although the new Hungarian constitution left the parliamentary architecture essentially intact, Orbán substantially emptied this construction to cement his personal rule. Starting from 2010, he consciously diminished available options for political opposition or civic groups to take part in the legislative process. The earlier norms that the opposition could set up select committees in parliament (Enyedi 2015) are disregarded and the government no longer uses normal parliamentary procedures to submit bills to avoid legal obligations to initiate social consultation with civil society groups and opposition parties. Instead, the standard became that individual MPs submit bills, often through the fast-track procedure, because in such cases no consultations need to take place and there is no time to contest Fidesz proposals (Majtényi, Kopper, and Susánszky 2019). Since there is no transparency in the legislative process and the opposition cannot interfere, parliament lost its role and just rubberstamps Fidesz’s proposals.

When PiS won both the presidential and parliamentary elections in 2015, it adopted the Hungarian roadmap of legal changes to remove checks and balances. PiS did not win any constitutional majority as Fidesz but was able to form a single party government, an unprecedented event in Poland after the 1989 regime change. Based on this, PiS claimed a broad legitimacy for radical political change, using the same ethno-nationalist rhetoric that Orbán employed. The PiS government of Beata Szydło (largely Kaczyński’s puppet) embarked on a series of reforms carried out in violation of parliamentary procedures, marginalising the opposition and pushing through laws at night and at a speed not allowing a sensible debate. In this sense, the Polish parliament stopped being a separate power representing the people and became a tool of executive power, pushing through controversial reforms (Sadurski 2018), similarly to the case in Hungary.

Both Fidesz and PiS aimed for not only uncontested legislative power but tried to disable the judicial checks and balances of executive power. Orbán dismantled the rule of law step-by-step, from top to bottom, strengthening political interference affecting judicial independence over the years (Dimitrova 2018). Upon taking office, the Fidesz government severely curbed the competencies of the strong and independent Constitutional Court and changed the procedure for appointing judges to allow for appointments
without consulting the opposition. The Fidesz constitution expanded the membership of the Constitutional Court from 11 to 15 judges to make more space for Fidesz loyalists, turning the top judiciary into a party establishment within the patronal network. When the Court nevertheless found unconstitutional some newly adopted laws, the government in response amended yet again the constitution, granting constitutional status to laws that were previously declared unconstitutional, nullifying rule of law and installing rule by law instead (Kelemen 2017; Bozóki and Hegedűs 2018; Zgut et al. 2018).

To assert further control over the judiciary, the Fidesz government lowered the retirement age of judges from 70 to 62 years to purge government critics and fill it with Fidesz loyalists (Kelemen 2017; Körösényi 2018). All the EU could do is start discrimination charges and while Hungary eventually amended the law, most of the ousted judges never returned. The political appointment of a party affiliate as the head of Hungary’s National Judicial Office further strengthened political control of the judiciary by the Fidesz patronal network. The party also plans to establish an Administrative High Court, allowing exclusively judges arriving from the state’s public administration (loyal to Fidesz) to rule on cases involving elections, taxes and public procurement (Hungarian Helsinki Committee 2018). These Fidesz executed judicial reforms ensure no legal challenge can be voiced against the government and procedures that were originally designed to limit executive power are meaningless. Orbán shows no sign of compromise on the issue, not even since the EU started action against his government for undermining the bloc’s democratic values and rule of law in 2018.

Very similar developments took place in Poland after 2015, although it was the liberal-conservative PO (Civic Platform) and PSL (Polish People’s Party) that first interfered with the set-up of the Constitutional Court, fearing electoral loss to PiS. The PO-PSL parliamentary majority elected a number of “their” judges to the Constitutional Court months before the official retirement of the judges to be replaced. While it was a rather transparent attempt to rig the Constitutional Court in favour of PO and PSL, it also politicised the Court, weakened its legitimacy and prompted its eventual destruction by PiS, equipped with the argument that the Court is not impartial anymore. This way, the PO-PSL government opened the way for the “winner takes it all” practice, in which all institutions, including the courts, are “up for grabs”, once a party wins election.

The new laws adopted by PiS changed the functioning of the Constitutional Court, demanding higher majorities between judges to come to valid decisions, a higher number of judges, as well as a chronological order of deciding on the constitutional complaints. The new law has been criticised both domestically and abroad as a de facto paralysis of the Court and in consequence, a suspension of the checks-and-balances principle (Sadurski 2018). In the stand-off, the Constitutional Court declared some of the PiS decisions unconstitutional, while the PiS government continued to reject rulings of the Court, arguing that the Court cannot decide on its own about its personnel. Eventually, the Constitutional Court has been functionally disabled as PiS was able to put party loyalists and enablers on the bench (Grzeszczak and Karolewski 2018). Since the European Commission started a probe into rule of law violations in Poland in 2016, the government responded by EU bashing, labelling the Commission as an “unelected” body that lacks legitimacy, exactly the way Orbán did when Hungary was criticised by the EU (see the introduction to this Special Issue by Agarin).
After the Polish Constitutional Tribunal has been turned into an appendix of PiS, the next step was to restructure the ordinary courts, the National Council of the Judiciary and the Supreme Court, which was undertaken all at once through a 2017 law and a number of amendments in 2018. Once again, Hungarian examples were closely followed: PiS decreased the mandatory retirement age for Supreme Court judges from 70 to 65 years (60 years for the female judges) to replace judges with PiS loyalists. As a result, although a 6-year tenure was guaranteed by the constitution, 27 of 72 judges of the Supreme Court have been forced to retire, including the First President of the Supreme Court, Malgorzata Gersdorf. The President of Poland was given the power to extend judges’ tenure, although there was no such constitutional provision (Grzeszczak and Karolewski 2018). The Polish government partly retreated from the controversial reforms only after the 2018 ECJ preliminary judgment, establishing EU law violation and threatening financial punishment. Nonetheless, measures to ensure control over the judiciary were little affected and the EU does not seem to be capable of stopping these. For instance, the PiS introduced new disciplinary chamber of the Supreme Court has become one of the main instruments of Justice Minister Ziobro to intimidate dissident judges. In addition, the Ministry of Justice organises systematic harassment and smear campaigns against judges critical of the reforms in order to “break” them, using classified information, including details from ongoing trials and the judges’ private sensitive data (Kubik 2019). The systematic influence of executive power over courts questions the respect for the rule of law, judicial authority, as well as court independence and judicial impartiality (Batory Foundation 2018).

All Hungarian reforms were justified by Orbán with the need to purge of the country from the “political other”, following Ceasarean logic that aims at limiting competition and reducing pluralism. He claims there is a need to finish “decommunisation” (Palonen 2018, 8), a process incomplete for Orbán, who considers the present left opposition as direct continuation of the communist elite. Orbán used this anti-elite populist discourse (and the mass discontent with the left) to come to power, yet, his new constitution not only delegitimized communists but also, in fact, weakened mass participation in order to protect his personal rule from public dissent. The tool of referendum came to be a purely plebiscitary method in the hand of the executive government (Körösényi 2018) since Orbán claims to represent “the will of the people”. At the same time, the European Court of Human Rights saw a dramatic 1177 percent increase in the applications filed by Hungarian citizens (Bozóki and Hegedűs 2019).

The radical reforms carried out by PiS after 2015 have been accompanied by a similar discourse on “lustration”. The main rationale for the PiS legal changes (e.g. the forced retirement of judges) was that post-communist cronies and liberal traitors of the Polish nation hijacked various branches of the Polish government, including the courts. Using the same populist rhetoric, allegedly, the post-transition democratic system served only the interest of “postcommunist elites” at the expense of ordinary Poles. This is even more striking as PiS itself seems to be a safe harbour for a number of former communist apparatchiks, including former prosecutors involved in political trials of the 1980s, the “archenemies” of PiS supporters, who fancy themselves as victims of communism and the Third Republic.

These political changes Hungary and Poland show the extent party state capture goes hand in hand with the dismantling of the rule of law and the system of checks and
balances. The party not only attempts to capture every corner of the state but aims at circumventing democratic institutions to limit political opposition and diminish the role of politics. Interference with the judiciary disables executive review, and installing rule by law assures no dissent can be voiced against the regime. In turn, undermining the separation of powers helps entrench and extend the patronal networks of the party leaders to an extent never seen before and ensures Caesar, who claims to serve the “will of the people” can rule the country as he wishes.

**Exclusionary identity politics**

The third key aspect of Caesarean politics relates to exclusionary identity politics going beyond nationalist and sovereigntist outlook of a given party. The discursive processes of “othering” serve the strengthening of the imagery of the homogenous “true people”, served by the Caesar against “dangerous others” in a continuous existential fight. Caesarean governments give the enemy a face and a name, using blame attribution to shield the system from criticism pertaining to consolidating power. The “others” can be minorities, refugees, international organisations such as the IMF or the EU but also the liberal-leftist opposition and/or critics accused of endangering the sovereignty of the community. In this sense, exclusionary identity politics does not have to be based on ethnic or religious cleavages, as the “other” can be anybody who opposes the Caesarean regime.

All constitutional changes in Hungary were justified using a populist discourse of friends and enemies of the nation that allowed Orbán to define the “enemy” as the liberals and the 1990-born system of liberal democracy (Pappas 2014), while the nation was rearticulated as the sole basis of legitimate politics (Palonen 2018). Orbán’s populism is thus strategic politics of authority creation and elite transformation (Urbinati 2014), the constitutional changes weakening former power holders, promoting adversarial politics and favouring majoritarian norms at the expense of minorities, similarly to what Pappas (2014) described as “populist democracy”. Orbán claims to be the sole representative of the people through a direct link of the so-called national consultations, regular questionnaires sent to the citizens. The questions are formulated in a way to appeal to identity fears of people, clearly signalling who (IMF, EU, migrants, civic actors, “Soros troops”, etc.) are the enemies to be blamed for the different existential threats Hungary must defend against. Eight rounds of consultations took place between May 2010 and December 2018, but the outcome of the consultations has never been made public. This does not prevent Orbán to use this plebiscitary tool to sidestep both political opposition and citizens, shrinking politics instead empowering the people by claiming his public policy is the “will of the nation” (Enyedi 2015, 2016; Körösényi 2018).

Media control was crucial for the government propaganda perpetuating the populist image of Hungary in a Manichean world, surrounded by enemies, which in turn justified Orbán’s concentration of power only to enable him fight the continuously re-created list of enemies and threats. Facing the economic crisis, the nationalisation of private pension funds allowed Orbán to kick the IMF out from the country and claim success against the EU and the IMF imposed austerity measures (Jenne and Mudde 2012). Pointing out the lack of democratic accountability in the EU and IMF, these became “enemies” of the people and Orbán declared already in 2012 that “Hungarians will not live as foreigners dictate” (Telek 2015), perpetuating sentiments of resentment and distrust of international
organisations. Internal enemies of Orbán’s system had a similar fate. For allegedly attacking Fidesz and Orbán on all possible forums, civic groups and philanthropist George Soros were identified as enemies of the nation in a conspiracy theory resembling very much the “deep state” narrative in the US, with Soros being “the puppet master allegedly pulling the strings of all the government’s foes, including the NGOs, the critical media, the opposition parties, and the EU” (Krekó and Enyedi 2018, 45). Laws limiting the free operation and creation of NGOs were adopted (Dimitrova 2018) and the 2017 Hungarian Foreign Agent Act resembles Russia’s infamous law that requires foreign-funded NGOs to register as foreign agents (Dragomir 2017b; Simon 2018).

The 2015 refugee crisis brought out the essence of Orbán’s exclusionary identity politics, as he adopted a fierce anti-migration discourse and policy, making people think of the “others” exclusively in terms of “enemies”, refugees being blamed for spreading crime and terrorism besides the Islamization of Europe. Taping into xenophobic public opinion, the refugee crisis presented this way became an existential threat, and anti-foreign sentiments rose to levels never seen before. Polls showed two-thirds of Hungarians supported Orbán in building a fence on the southern border to keep migrants out; and Hungarians were the most likely people in Europe to believe refugees increase the chances of terrorism (Lendvai 2018). Simultaneously, people in support of refugees were labelled “human traffickers”, betraying the nation and selling out national interest, using the “deep state” narrative of foreign interest agents.

PiS has initiated similar discourses constructing internal and external enemies. One of the more salient ideologists of PiS, Andrzej Zybertowicz, said one of the major tasks for PiS should be the creation of the “Machine of Narrative Security”, which would be a concerted system of “narrative” activities involving the Polish diplomacy, public administration and propaganda. Zybertowicz is also the author of the idea that the Polish state has been penetrated by “grey networks” of former communist security services and the public protests against PiS can be seen as a form of hybrid war Russia allegedly is leading against the new Polish government, identified with the “Polish nation” (Wilkocki 2018). This resembles the recurrent argument that protests against the PiS government might be initiated and even provoked by the Russian government with the goal of destabilisation of Poland.

The Polish government has backed Budapest in its anti-refugee politics since 2015. The migration crisis has become a central issue in Poland, too, even though the country was not located on the Balkan migration route. The PiS government discourse caused a similar dramatic drop in the readiness of Poles to accept refugees (Strzelecki 2017). Budapest and Warsaw have become adamant critics of the EU refugee relocation scheme, stressing its repressive nature and pointing out that migration policy is a prerogative of the member states. Moreover, the PiS discourse evoked physical threats posed by refugees, Kaczyński argued already in the 2015 campaign that “various parasites and protozoa in the bodies of those people [refugees], safe for them, can be dangerous to us” (Newsweek 2015). Kaczyński reiterated this construction of refugees as threatening “others” when he spoke of the danger of “radical lowering” of the living standards in Poland should refugees be accepted (Leszczynski 2017). By so doing, the PiS government played Caesarean politics, presenting itself as a cultural bulwark against the Islamization of Europe – exactly the same way that Orbán has argued Hungary is the gatekeeper of Europe in the face of migration.
Similar to Fidesz, the PiS government has been at pains to depict the EU (especially the European Commission) as a one-sided institution in league with the left political opposition, being a threatening “other”. Former PiS foreign minister Waszczykowski criticised the alleged leftist leanings of the EU saying it opposed “what the majority of Poles represent – tradition, historical consciousness, patriotism, belief in God and a normal family between a man and a woman” (Bild 2016). This EU bashing went hand in hand with calling the parliamentary opposition traitors for siding with the EU (Lyman and Berendt 2015). At the same time, the PiS government was begging Orbán as its natural ally against the EU, playing a blame game against Brussels to mobilise their supporters at home and to support each other within the EU. In response to EU’s criticism of undemocratic policies, Orbán and Kaczyński agreed that a “cultural counter-revolution” (Krekó and Enyedi 2018, 45) was needed to radically reform a post-Brexit EU, calling for more power to be devolved to national parliaments, which they see more legitimate (though both have been very active emptying these of democratic norms and practices).

Hungary and Poland show that discourses of identity fears outlining enemies, traitors and threats are central to justifying political changes in Caesarean politics. The discursive strategies employed in the two countries are strikingly similar, irrespective whether these have been employed to justify the exchange of the elite, the judicial purge, or the new legal and administrative setup that serve the patronal network and state capture. The same exclusionary identity policy and discourse is employed to rally support of the people and shield the regime from competition or criticism both domestically and internationally. The goal is to create the image of a Manichean world that justifies the power concentration in the hands of the ruler, portrayed as the bastion of the nation, while opponents can be deemed an enemy, labelled a traitor or defined as an external foe of the national cause. The traitors and threatening others can be found anywhere, not only among minorities or immigrants, political opponents but in the LGBT community or in international organisations, thus allowing for a rather flexible framing of exclusive identity. This way, Caesarean politics uses identity politics in a strategic way, readily changing and adapting to the needs of the ruler in identifying new enemies to be fought – be that cultural, religious, political or any other – to justify the latest changes in the regime.

Conclusions

We have argued that the application of our new theoretical tool comprised of the interactive triad of Caesarean politics – patronalism, party state capture and exclusionary identity politics – helps us better understand the nature of the new regimes in Hungary and Poland. Despite both Orbán and Kaczyński framing institutional and identity changes as “politics as usual”, the deconstruction of liberal democracy in both countries went to the extent that the Caesarean regime represents a difference in kind, rather than a difference in degree from previous post-transition regimes. This is despite the fact that both countries witnessed weak entrenchment of and declining attachments to democratic norms, or that certain patronage and state capture practices were integral to domestic policies already under previous governments. Yet, Caesarean politics is unique in systematically denying political pluralism and dismantling the rule of law, using exclusionary discourses of enemies and traitors to deny opponents, amass power and limit competition, while vast patronal networks overtake the entire state.
We have noted how similar trajectories the two countries followed are and how these reflect the reinforcing interactive elements of Caesarean politics. Orbán and Kaczyński have made patronal networks the essential element of their political regime in Budapest and Warsaw. Unlike e.g. Russia, these patronal networks do not cut across parties, firms and NGOs but rather focus on the party of the patron itself, which becomes the main vehicle for power-hoarding and state capture. In turn, party state capture – unlike corporate state capture – ensures the rapid execution of identity policy preferences in the form of illiberal and authoritarian institutional and policy reforms. Political interference, radical elite exchange and far-reaching centralisation have led to questioning the separation of the different branches of government and ensure one party rule. The restrictions of media freedom, coupled with media control, make for a propaganda machinery at the disposal of Fidesz and PiS to maintain or increase societal support. This is where the third aspect of Caesarean politics comes into play: both Fidesz and PiS embarked on exclusionary identity policies centred on imageries of “friends” and “enemies” to substantiate threats that need to be fought, which in turn legitimate concentration of power and shutting off opponents (domestic or international). Groups portrayed as outsiders to the homogenously constructed nation are labelled enemies and traitors – including not only multinational capital, refugees, liberal organisations, the EU but domestic groups such as the opposition, critical liberal activists or scholars – and have become the prime targets of discrimination and resentment. The different discursively created crises only contribute to generating more resentment against the various “others”, while focusing on existential threats successfully diverts the attention of citizens from political deliberation or accountability of the executive that are circumvented by patronal networks and party state capture.

Still, there seem to be differences between the countries. The deconstruction of democracy has advanced to a higher degree in Hungary than in Poland. The extent of power-hoarding and pressure on critical voices is much greater in Hungary and the media is now under full control of Orbán. Poland followed this roadmap and used the legislative law machinery to same way to deconstruct the liberal democratic regime but has not (yet) succeeded with regard to a number of essential Caesarean steps such as electoral law reform or effective pressure on private media. This might be because Fidesz has been able to secure constitutional majority three times since 2010 and therefore has more means and legitimacy than PiS but this is one of the most crucial questions for any future analysis of Caesarean politics. Are the differences between the two countries due to Poland being a latecomer and PiS lacking constitutional means or are there other reasons for this “divergence in convergence”? One possible answer could refer to the different nature of patronal politics in the two countries. In Poland, we have a competing pyramid system, in which several networks compete for power. The system is less typical as Kaczyński does not have any official position in the government but is very effective in pulling the strings of power. In contrast, Orbán, a widely recognised, skilled and charismatic politician, heads Hungary’s single pyramid system that ensures his total control.

Yet, some might claim that losing the 2019 local elections present a serious challenge for Orbán’s Ceasarean rule and similarly the 2019 PiS general election results show that the Caesarean regime can be resisted. Yet, a closer inspection of the results show that Orbán’s Fidesz did not lose votes but the opposition coordinated better its electoral strategy.
Similarly, PiS received the highest vote share by any party in Poland since the transition and did not obtain more seats because of the peculiarities of the electoral system. For both regimes, following the Caesarean logic of rule by law, the immediate response could be electoral law reform, as already intended by PiS and already once done by Fidesz. Another alternative for Orbán in response to the opposition success is to further diminish the power of local governments as already suggested by some Fidesz propositions (Nepszava 2019). The October 2019 parliamentary elections strengthened the PiS rule in Poland. Even though the PiS lost its majority in the Senate, the Senate can only postpone legislation, rather than block it. The decisive step will be the presidential election in 2020. We expect both Kaczyński and Orbán will concentrate on further entrenching their regime against any possible opposition as their success depends on being able to “stand for the people”. The new (old) PiS government has been proceeding with its weakening of rule of law, mainly by establishing pressure on independent judges and putting further party loyalists on the bench of the Constitutional Court.

Notwithstanding the differences, the cases of Poland and Hungary show that highly polarised political systems with low levels of social trust in democratic institutions and prone to identity fears run the risk of Caesarean seizure. Hungary and Poland may be the forerunners but there are many others in CEE and in other parts of the world, who are/have imitated similar strategies of Caesarean politics to gain power and the danger of further democratic backsliding is real. Mobilising along the lines of “friends” and “enemies” enables leaders to strengthen their grip on power and exclude the opposition, portrayed as illegitimate and incapable of governing or traitor to the national cause. At the same time, plebiscitary tools can be used to sidestep both opposition and citizens, shrinking politics by claiming that public policy and discourse reflects the “will of the nation”. Playing on identity fears, leaders divert public attention from party-controlled networks running the captured state that on turn disables any challenge of Caesarean leadership. Non-transparent procedures and the loss of liberties and rights make meaningless the democratic constraints of executive power or majority rule and everything becomes subordinated to conjured national interest – defined solely according to Caesar’s taste. Caesar, the ruler-cum-patron, enjoys primacy over law, regulations, social norms, or the people – the very foundations of democratic rule of law.

Notes

1. Fidesz won in coalition with the Christian Democrats (KDNP), an insignificant political force in itself.
2. We would like to thank one of the anonymous reviewers for this point.
3. In Hungary, violent demonstrations followed a leaked admission of the Socialist PM that he lied for years to citizens to win elections in 2006. In 2014, secret tapes of leading PO politicians showed their arrogance and staggering distrust of the institutions of the Polish state they controlled (Chapman 2014).
4. This is well illustrated with the fate of Simicska, who was completely removed from the network in 2014 although he established Fidesz’s financial base during the 1990s and 2000s and thus had great political influence due to surrogates in high positions in ministries and state-companies. He was replaced by Orbán’s childhood friend, Lőrinc Mészáros, a gas pipe fitter who has become the second wealthiest man of the country, and Zsolt Nyerges, a family friend of Orbán, who took over the Simicska businesses (Petho and Szabo 2019).
5. The institution responsible for is responsible for the oversight of banking, capital markets and insurance institutions.

6. Political practices to purge the former employees and informants of the communist security services.

7. One of the more prominent examples is Stanislaw Piotrowicz, who played an active role in dismantling the Constitutional Court in 2016. Piotrowicz was a communist prosecutor during the Martial Law in Poland (1981-1983) and was actively involved in charging anti-communist dissidents.

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