**Explaining Authoritarian Populist Behavior in Hungary**

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**Abstract**

We know that democratic backsliding is most often conducted by authoritarian populists through incremental reduction of checks and balances, but which institutions are most likely to be targeted and why? I argue that authoritarian populists will target institutions which fulfil two criteria; (1) the institution is able to check the executive enough to block policy or electoral goals; (2) the institution is willing to use those checks. These criteria make up institutional threat, and the highest threat institutions are most likely to be targeted for backsliding. Focusing on Hungary from 2010 to 2014, I conduct case studies on three institutions: the media, judiciary, and electoral system. I find that Orbán acted in the expected manner, targeting high threat institutions most.

 *Keywords:* democratic backsliding, Eastern Europe, populism, Hungary, comparative

**Explaining Authoritarian Populist Behavior in Hungary**

In a campaign speech on April 8, 2010, Hungarian politician, Viktor Orbán, said “if we act now on Sunday, we can wake up in another country as early as Monday morning, change can begin in all areas of our lives” (Orbán, 2010). The election ended with Orbán’s party, Fidesz, winning 263 of the 386 seats available (National Electoral Office, 2010). Orbán used this majority to make good on his campaign promise. In January 2012 a new constitution came into effect, which would indeed change the political reality in Hungary.

In this constitution, the Fundamental Law, powers were stripped from democratic institutions and Hungary experienced a decline in democracy scores (Habdank-Kołaczkowska et al., 2014). This is consistent with patterns of democratic backsliding in other countries (Mechkova et al., 2017; Boese et al., 2022). The actors who drive backsliding come to power through majoritarian and populist appeals, and once in power, they use those appeals to justify their backsliding behavior (Greskovits, 2015; Enyedi, 2016; Vachudova, 2020). There is also commonality in the order in which backsliders target institutions, with legislatures being targeted first because they tend to hold the power to affect other institutions, followed closely by courts, and then by the media and electoral management bodies (Lindenfors, 2019; Sitter and Bakke, 2019; Haggard and Kaufman, 2021; Sato et al., 2022).

In this paper, I address why that is the case. I argue that institutional threat, composed of checks on the executive and likelihood of using those checks, determines whether an authoritarian populist will target an institution. When an institution has checks but is captured by the authoritarian populist, it is a medium threat. When an institution has checks and is not captured, it is a high threat. Finally, when an institution has no checks, it is a low threat.

This theory helps identify which institutions are most likely to be targeted for democratic backsliding and why, so that we may begin to think of potential safeguards to prevent democratic backsliding. An institution that is likely to be targeted can be protected through further insulation from executive powers or through laws or constitutional amendments restricting the ability of the executive to make changes to the institution. With the rise of authoritarian populism, careful governments may choose to preemptively protect these high threat institutions so that even if an authoritarian populist comes to power, there will be additional safeguards guaranteeing the institution will continue to be a check on executive power. We see the importance of this especially in the case of Hungary, where the 2/3 majority of the legislature needed to change the Constitution was thought to be robust enough to prevent abuse of executive power but turned out to be insufficient. Instead, the supermajority further empowered Orbán to attack other institutions (Scheppele, 2013; Krekó and Enyedi, 2018; Magyar, 2019; Grzymala-Busse, 2019). By understanding the strategic decisions of authoritarian populist leaders, we can better protect institutions that are vulnerable and help maintain systems with checks and balances and separation of powers.

To test the theory, I apply it to the case of Hungary under the leadership of Viktor Orbán from 2010-2014. Hungary’s backsliding during this time is significant and is viewed as one of the first successful examples of the increasing power of authoritarian populists. Hungary is an ideal case for this analysis because Fidesz’ supermajority in the legislature means that Orbán had a better chance than other backsliders at taking power from other institutions.

I begin the paper by presenting my theory of institutional threat, followed by a brief overview of the state of democracy in Hungary. The remainder is split into three sections which address the institutions being investigated: the judiciary, media, and electoral system. While there are many democratic institutions, these three are considered essential for any democratic regime, which allows this theory to be applied consistently elsewhere.

To determine whether institutional threat affects the decision of whether to target the institution, I first assess threat level at the beginning of Orbán’s term in 2010. Based on the power of each institution, I categorize them as low, medium, or high threat. I then use process tracing to track Orbán’s actions to determine whether the institution is targeted to the extent predicted. Throughout, I gather evidence to determine whether institutional powers and likelihood to use those powers are related to attacks on those institutions. After this initial assessment, I also look to see whether threat level changes during the term because while the threat level of the institution at the beginning of the term determines whether it will be targeted, the targeting can then change the threat level and determine if there will be further targeting in the future. I also consider changes to the partisanship or ownership of these institutions, which provides more variation.

I find that Orbán behaves in the expected manner, targeting the powers of high threat institutions that had the greatest ability to keep him from being reelected and his policy goals from being implemented; namely, the judiciary and the media. He also moderately targets electoral institutions, which posed a medium threat. This adds nuance to scholarship on the sequencing of events in episodes of democratic backsliding, explaining that threat level is what causes backsliders to target courts most.

**Democratic Backsliding Sequencing**

In the past two decades, authoritarian populists have come to power in democracies around the world, and they are largely responsible for the prevalence of democratic backsliding. Defined by their focus on the “true” people versus the corrupt elites, and by their anti-establishment rhetoric (Mudde, 2004; Müller, 2016; Norris & Inglehart, 2019), they have been responsible for breaking down democratic institutions across the world. They usually do this through executive aggrandizement, gradually eroding the powers of democratic institutions (Bermeo, 2016). Scholars have extended event sequencing models to better understand the dynamics at play in that process.

 Models for sequencing events have been used to determine which events are most likely to lead to either a democratic or authoritarian regime. However, many of these results are mixed. Lindenfors et al (2019) identify these contradictions in the literature, pointing out that while some have identified elections as a necessary early step for democratization (Howard and Roessler, 2006), others have found that elections actually help consolidate autocracies (Gandhi and Przeworski, 2007). Similarly mixed results have been found for other institutions (Lindenfors et al., 2019).

Because of these uncertainties, scholars have recently created new models for sequencing events in the process of democratization. Lindenfors et al.’s (2019) model reveals that the most important steps in the creation of a democracy are the establishment of high court independence, enforcement of free and fair elections, and guarantee of protections for journalists. Sato et al. (2022 working paper) have expanded upon this work to study sequencing specifically in episodes of backsliding. They find that horizontal accountability mechanisms, such as the courts, are targeted first, followed by diagonal and vertical accountability mechanisms, such as the media and elections.

Why do authoritarian populists follow this pattern? Why do they choose to target the courts over other institutions? In this paper, I address these questions by developing a theory of institutional threat to explain authoritarian populist choices in the backsliding sequence and apply it through a qualitative within-case analysis of the judiciary, the media, and the electoral system in Hungary under Orbán.

I argue that authoritarian populists choose which institutions to target based on institutional threat. This is made up of two components, ability to check the executive and willingness to use checks. Politicians have electoral and policy goals, and they seek to meet these goals during their time in office (Mayhew, 1974; Strom, 1990). However, they are constrained and cannot always achieve these goals. In democratic systems, there are institutional veto points to keep executives from unilaterally implementing their own policies and being reelected without the input of other actors (Tsebelis, 2002). For example, legislatures often have a mechanism for removing the head of government and high courts often have some version of judicial review. Democratic norms often discourage leaders from eliminating these types of checks, but authoritarian populists are more willing to do so.

The presence of checks on the executive is not enough to encourage targeting, though, because not every institution with checks is likely to use them. Partisanship and ownership of these institutions matter and help determine whether they will exercise their checks. In countries like Hungary with significant partisan polarization, party members are not likely to punish co-partisans for democratic backsliding (Lieberman et al., 2018; Vegetti, 2019). Therefore, institutions controlled by the authoritarian populist’s party or who have close ties to the authoritarian populist may have checks on the executive but are unlikely to use them. When a leader or party captures an institution, meaning they have complete control over it, there is little incentive to target the institution, even if it has checks.

**Figure 1: Institutional Threat**



Figure 1 visualizes this model of institutional threat. I hypothesize that an institution with no checks is a low threat and will only rarely be targeted by an authoritarian populist. An institution that does have checks but is unlikely to use them is a medium threat and will be targeted more than low threat institutions. Even though the institution’s checks are unlikely to be used in the moment, there is still a chance that in the future, the partisan balance or leadership of the institution will change, making use of checks more likely. Thus, these institutions will be targeted more than low threat institutions, but not as much as high threat institutions that pose a more immediate threat. Finally, an institution that has checks and is likely to use them is a high threat and will be targeted most.

I test this theory in the context of Hungary for two reasons. First, I can leverage variation in threat level across institutions and over time while still controlling for the political context of the country. Secondly, as Lührmann and Lindberg (2019) point out, most studies of autocratization focus on countries that have completely broken down into authoritarianism. The selection of a country that has undergone backsliding but is not completely authoritarian opens the door for greater generalization and can help us predict how other authoritarian populists in backsliding countries will behave.

**Democracy in Hungary**

Hungary’s transition to democracy started before the collapse of the Soviet Union with liberal reforms in the late 1980s (Bozóki, 1995; Magyar, 2019). Despite problems with ratification of a constitution, the country experienced about 20 years of relative democratic stability. However, these two decades were followed by a decline in democracy due to democratic backsliding (Enyedi, 2016). According to Varieties of Democracy data, after Viktor Orbán was selected as Prime Minister in 2010 and rewrote the Constitution, Hungary’s democracy scores fell (see Figure 2) (Coppedge et al., 2022; Pemstein et al., 2022).

Not all democratic institutions fared the same during this period of backsliding. For each institution, the Constitutional Court, media, and electoral system, I determine threat level and identify my targeting expectations. Then, I analyze the government’s actions regarding these institutions to find out if targeting occurred at the expected times. In the following sections, I investigate these institutions in turn, beginning with the Constitutional Court.

**Figure 2: Liberal Democracy Scores in Hungary**


**Constitutional Court**

In this section, I test the theory of institutional threat using the Constitutional Court in Hungary. First, I provide background on the Constitutional Court along with evidence that it was a high threat institution from 2010 to 2014. Then I determine whether it should have been targeted. I hypothesize that because the Constitutional Court was a high threat from 2010-2014, Orbán should have targeted it consistently. I find that, in line with expectations, Orbán targeted the Court heavily from 2010-2013. I also find that the Court was weakened enough in 2014 to garner less attention from Orbán and was targeted less during that year.

**Figure 3: Threat Level of Institutions**

|  |  |  |
| --- | --- | --- |
|  |  | Institutional checks on the executive |
|  |  | Yes | No |
| Likelihood of using checks | High | High Threat**Constitutional Court** **2010-2014****Media 2014** | Low Threat |
| Low | Medium Threat**Media 2010-2013****Electoral System 2010-2014** | Low Threat***Constitutional Court 2014*** |

**The Court: A High Threat Institution.** According to Bankuti et al., (2012), “the most crucial check on power in this unicameral parliamentary system was the Constitutional Court” (p. 249). The largest check in this institution was the power of judicial review (Spuller, 2014), which was used consistently throughout the 1990s and 2000s. In many cases, the Constitutional Court was able to dictate changes to the language of laws, something that makes it stand out as a powerful political body. For example, the Court changed the language of Act LXXIX of 1997 to eliminate a 30-day waiting period between when a Prime Minister resigns and when they leave office (Curia of Hungary, 884/B/2004), and it decided on the constitutionality of ministerial decrees (Curia of Hungary, 132/B/2008). That these decrees are reviewable proves that the Court had a way to check the Prime Minister.

The Court also forced Parliament to create new laws, declaring legislative omissions if Parliament had not acted on an essential issue. In one case, the Court ordered Parliament to create a law about record-keeping in government within one year of the decision (Curia of Hungary, 656/E/1999). Through this, the Court had an indirect impact on the Prime Minister’s legislative agenda and, therefore, the powers of the Court are clearly sufficient to constitute checks on the Prime Minister.

The makeup of the Court also made it a threat. There were 11 judges, each nominated by a multi-party committee and voted on by Parliament (Basic Law of Hungary). Judges were supposed to be non-ideological, but because the governing coalition held the reins in the appointment procedure, most judges did have a traceable ideology. In 2010, there were four judges elected by left-wing governments, four by right-wing governments, and one by a bipartisan majority (Szente, 2015). Therefore, there were enough judges on the ideological left and center to be able to overturn legislation Orbán presented. In addition, a supermajority of 2/3 of Parliament was needed to make any changes to the court system, further insulating the Court from the Prime Minister. The ideological balance of the Court made it likely to challenge Orbán, and thus the second criteria for a high threat institution is fulfilled (see Figure 3).

This characterization is also supported by the Court’s actions at the beginning of Orbán’s term. When Orbán tried to impose a retroactive 98% severance-pay tax in 2010, it was blocked by the Court (CMS Law, 2011). Orbán reintroduced the tax in 2011 to work around the Court’s objections, but, again, the Court ruled against it (Curia of Hungary, 1747/B/2010; Kovács & Tóth, 2011). This is evidence that not only did the Court have the ability to check the executive, but it was also willing to use its checks to block Orbán’s policy goals. Because it was a high threat, I expect that Orbán should have targeted the Constitutional Court to achieve his goals. In the next section, I track the targeting of the Court to test this hypothesis.

**Targeting of the Court.** Consistent with expectations, Orbán targeted the Court immediately once he came into power, even before the Fundamental Law came into effect. With a constitutional amendment in July of 2010, the nomination process for justices changed, allowing the ruling party to nominate justices without consent from other parties (Amendment XX, 2010). However, this took some time to have a substantive impact, with the Court still invalidating some of Orbán’s policies, including a tax introduced in 2010. This demonstrated that the Court still fulfilled the criteria of a high threat institution. On the day of the Court’s first ruling against the law, Fidesz’ Parliamentary leader and ally of Orbán, János Lázár, put forth a new version of the law and argued that the Constitutional Court’s “broad role” in deciding on budgetary matters “is no longer appropriate” (as cited in Lembcke & Boulanger, 2014). Later, he introduced an amendment to take the tax out of the competences of the Constitutional Court, attempting to clear the way for its implementation and further limiting checks on Orbán’s power (Scheppele, 2011; Kovács & Tóth, 2011). These early changes are reflected in a decrease in judicial constraints on the executive, as measured by Varieties of Democracy (see Figure 4).

**Figure 4: Judicial Constraints on the Executive**

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In another attempt to limit the Court’s willingness to rule against Orbán’s policies, Fidesz passed an amendment in September 2011 that increased the number of justices from nine to fifteen (Amendment XXXII, 1989). This, combined with the new appointment procedure, made the Court more ideologically friendly to Fidesz, with the hope that it would rule in the party’s favor more often (Scheppele, 2011).

However, targeting did not stop because the Court continued to rule against some of Orbán’s policies. The implementation of the Fundamental Law in January of 2012 instituted further changes to the Court that caused the next large decrease in the judiciary’s constraints on the executive (see Figure 4). *Actio popularis,* which allowed anyone to submit any law or Act to the Constitutional Court for review, was eliminated, meaning accessibility of the democratic process was diminished (Bánkuti et al., 2012). Now, only Parliament, the Commissioner for Fundamental Rights, or the government can ask for a review, while individuals can only bring a case forward if they have been tangibly harmed by an Act.

The Fundamental Law also reaffirmed the change to 15 members on the Court and guaranteed those seats for 12 years (Bánkuti et al., 2012). This, combined with the 2/3 requirement in Parliament for appointments means that if any other party won power in the future, they would not have many seats to fill and even if they did, it would be difficult to garner the support needed to fill the seats. In addition, these judges have been loyal to Fidesz and rarely vote against the party’s interests, indicating that these changes also helped Fidesz achieve their policy goals (Szente, 2015; Krekó and Enyedi, 2018). Szente (2016) finds that only one Orbán-appointed judge regularly ruled against the government, while the rest ruled with the government in 72-97% of cases. This contrasts with earlier appointees, who ruled in favor of the government in only 3-45% of cases.

Despite the loyalty of the newly appointed justices, the Constitutional Court continued to rule against Orbán in some key cases, including the decision to invalidate a voter registration requirement in late 2012 (Bozóki, 2013). Even though the Court was weakened, it remained a high threat institution because only seven justices (less than half) were Fidesz appointees, and it was still using its powers to block policies. Consistent again with expectations, the attacks on the Court continued. A series of judicial reform amendments passed in the following years forced many lower court justices into retirement, put restrictions on who could be a judge, and put strict term limits on Constitutional Court justices (Bánkuti et al., 2012).

In 2013, Parliament passed the Fourth Amendment to the Fundamental Law, which invalidated all Constitutional Court decisions issued before 2012 (Szente, 2015; Grzymala-Busse, 2019). Fidesz was no longer bound by previous Court decisions and could reinstall policies that had been struck down. Fidesz members were able to achieve their policy goals because they were no longer unconstitutional, and the Court could no longer hear some cases related to these policies due to the limitations on the Court’s competences.

Targeting slowed down in 2014, with no significant changes to its powers. This indicates that the Court had been so weakened by that point that it was no longer a high threat, as seen in the decrease in judicial constraints in Figure 4. The consistent changes to Court powers and procedures from 2010-2013, though, support my theory that authoritarian populists target high threat institutions for democratic backsliding. Because the Court had been the most powerful check on the government when Orbán came into office and the composition of justices was ideologically mixed, it was a threat and thus was targeted immediately (Szente, 2015). However, that targeting did not stop the Court from using its remaining powers to strike down laws, so it continued to be a high threat and was targeted further. Further targeting addressed some earlier court decisions by nullifying rulings before 2012. Orbán and Fidesz used their supermajority to change almost every aspect of the Court and continued to make changes whenever the Court ruled against them. This prolonged targeting of the most powerful check on the government supports the theory that a high threat institution will be targeted by an authoritarian populist consistently until it is no longer a threat. Because the Court continued to use its power to block Fidesz’ goals, it remained a target from 2010 through 2013, and became a low threat in 2014 (see Figure 6).

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**Media**

**The Media: A Medium, then High Threat Institution.** In this section, I investigate the threat level of the media in Hungary, finding that it was a medium threat from 2010 to 2013, and a high threat in 2014. The media have the power to legitimize a candidate, decide whether to cover an issue, and serve as a watchdog. These powers are of interest to politicians because the use of these powers can stop them from achieving their goals. In the case of authoritarian populists, this presents a possible target for democratic backsliding depending on how powerful the media are. I begin by explaining the media landscape in Hungary leading up to 2010, tracing its powers and independence over time. I argue that due to partial media independence and the ability to publish stories criticizing the government, the media was a medium threat from 2010 to 2013. I also argue that there was a change in threat level during the term. Due to a change in media ownership, independence increased in early 2014, making the media a higher threat.

Media in Eastern European countries has been shaped by the legacy of communism since the democratic transition in the late 1980s. As the transition progressed, the media democratized quickly, developing its own checks on power. Journalists had more freedom to criticize politicians and provide alternative viewpoints (Bajomi-Lázár, 1999). Some state-owned media remained in Hungary, but there was a significant privatization in the years after the democratic transition (Vásárhelyi, 2012). The diversification of media should not be overstated, though. While there were significant moves toward diversification of views, ownership of media sources was concentrated among several rich elites, which some scholars have termed the oligopalization of the media (Bajomi-Lázár, 1999).

There was also partisan oversight of media organizations, making the media less insulated from outside influence. While journalists did enjoy freedom from direct threats, according to a survey conducted by the Communication Theory Research Group in 2006, only 38% agreed that the press was completely free (as cited in Vásárhelyi, 2012). This indicates that although media freedom was improving in Hungary throughout the 1990s and early 2000s, there were still limits to it.

Orbán had higher than average access to media since his breakout anti-communist speech in 1989. The media attention Orbán received after this speech led Fidesz to develop an extensive media strategy earlier than other parties, extending their coverage in newspapers and television for years (Gulyas, 2004). According to Szilágyi and Bozóki (2015), Orbán’s “annual state of the nation speeches regularly occupied the first two pages of Hungary's most popular liberal daily” throughout the 1990s, even when he was in the opposition (section 3, para. 5). This is evidence that even without holding the highest political office, Orbán was able to garner media attention. Further evidence of his dominance in the media comes from the television coverage of his speeches during the 2000s. Many of Orbán’s speeches were aired on Hír TV, which scholars note was unusual “because live coverage of political speeches was not general practice either for Hír TV or for any other broadcaster” (Szilágyi & Bozóki, 2015, p. S157).

Given these circumstances, the media were a medium threat to Orbán in 2010. The media were free enough to allow for some dissenting voices and other parties could still access it, so the media’s largest check on the executive, its watchdog function, remained intact by 2010. However, the media were not completely free and there were ways for politicians to influence the rich elite who owned most of the airwaves, channels, and papers, making it less likely that they would share negative news or opinions of Orbán.

In fact, some of the few private media companies were owned by friends of Orbán and his party, including owner of Lánchíd Rádió, Lajos Simicska, making many outlets less likely to run critical stories (Polyák, 2019). Orbán met with Simicska frequently at the beginning of his term, asking for Simicska’s input on government appointments and the spending of development funds. Even further, “over the next four years, not a single government contract involving EU development funds was awarded without Simicska’s knowledge and approval” (Kovács, 2015). During this time, right-wing channels and papers dominated the media landscape, pushed pro-Fidesz stories, and received billions of Hungarian Forints in advertising revenue (Vásárhelyi, 2016). This is evidence that the media were not independent from the government, meaning they still had some power to check the executive, but were unlikely to do so due to the media owners’ ties to Orbán. This made the media a medium threat.

However, the threat level changed in 2014 as Orbán’s relationship with Simicska soured. Once their friendship dissolved, Orbán could not rely on the stations controlled by Simicska to continue publishing favorable stories (Polyák, 2019). Sources within Fidesz reported that Orbán himself noticed a change in the media’s independence. These sources stated that “Orbán deemed that Simicska had acquired too much influence and independence on the media market and made key decisions affecting the media market without consulting or getting approval from the prime minister” (Vásárhelyi, 2016, p. 520). This increase in independence made the media a higher threat to Orbán. Because the media were now more likely to use their checks on the government, the threat level changed from medium to high.

Based on this threat assessment, I expect targeting to change during the time period in question. From 2010 to 2013 when Orbán was allied with the media oligarchs and could expect them to support his party, the institution was a medium threat. Although the oligarchs were unlikely to use their power to check the executive during that time, there was always the possibility that circumstances could change. That was what happened when media conglomerate owners started turning against Orbán in 2014. At this point, the media could no longer be counted on to support Orbán, and thus became a high threat. In line with my theory, I expect Orbán to moderately target the media from 2010 to 2013 and to increase targeting in 2014.

**Targeting of the Media.** Targeting began in 2010 when Orbán came to power and continued throughout the term, as seen in Figure 7. Targeting began with Constitutional amendments and the 2010 Media Act, which directly limited press freedom. In July of 2010, an amendment required the media to be responsible for fostering a national and European identity, along with being responsive to the needs of ethnic and religious communities (Amendment XX of the 1949 Constitution). This was followed by a series of Acts about the media, the most substantial of which was the Media Act (Law CLXXXV of 2010 Law). This Act created a powerful Media Service Support and Asset Management Fund led by the Media Council to enforce regulations, which would become one of the largest restraints on press freedom because the Media Council decides who receives funds and what is appropriate to air in the media (Bajomi-Lázár, 2012; Štětka, 2019; Polyák, 2019).

**Figure 7: Freedom of Expression in Media**



The Media Council also threatened the future of media freedom due to the appointment procedures for its members. Members are appointed for nine-year terms and all appointments to the Council were all controlled by Fidesz in 2010, including the chairperson (Scheppele, 2011; Polyák, 2019). This guaranteed that even if Fidesz lost either the 2014 or 2018 parliamentary elections, the party would still have complete control over the regulation and oversight of media without any recourse from the new majority party or coalition. This was pushed further in July 2011, when the Media Act was amended to allow members to stay on the Council after their term expires if the new candidate put forth cannot get the 2/3 support of Parliament required (Brouillette & van Beek, 2012). Even if Fidesz loses its majority in Parliament, it will be difficult for any future governing coalition to get the 2/3 of Parliament’s support necessary to replace members of the Media Council.

From 2011 to 2013, the Media Council also made several decisions about media freedom that limited access for anti-government outlets. When the group allocated radio frequencies, about half were given to explicitly pro-government stations, while the only remaining opposition station was not given a frequency (Bajomi-Lázár, 2012). Lánchíd Rádió, a station owned by Orbán’s ally, Lajos Simicska, was given an additional 13 frequencies to distribute their far-right programming (Polyák, 2019). Beyond this, the government used state advertising as a reward for friendly stations and channels (Bajomi-Lázár, 2017). According to Bátorfy and Urbán (2020), Népszabadság, a newspaper critical of Orbán’s government, saw its share of state advertising revenue decrease from almost 20% in 2009 to less than 6% in 2013. Meanwhile, a pro-government newspaper owned by Orbán’s ally Lajos Simicska, called the Magyar Nemzet, saw its share of state advertising increase from about 27% in 2009 to more than 50% in 2013. This is evidence that the government was using informal means to disproportionately support Fidesz-friendly media throughout this time.

Targeting continued at this relatively steady pace throughout 2012 and 2013. In 2013, for example, a change to the civil code was introduced that made it easier to receive damages for defamation (Bodrogi, 2017). During this time, the Media Council also continued to collect large fines from media organizations (Human Rights Watch, 2013). Even greater targeting followed in 2014, though. Several changes to the media landscape changed the threat level from medium to high, and they were followed by an increase in use of regulatory powers by the Media Council, supporting expectations that when threat levels change, so does the amount of targeting.

In 2014, Fidesz created the National Bureau of Communications, tasked with determining which stations would receive advertising revenues from government organizations (Polyák, 2019). This was a way to control media outlets by making them even more reliant on government advertising revenue. This worked in the intended manner, with some stations reporting negatively on the opposition upwards of 80% of the time, and negatively reporting on the governing party only 5% of the time (Organization for Security and Co-operation in Europe, 2018). Relatedly, Fidesz also passed a law which placed a heavy tax on advertising revenues (European Commission Report, 2015).

The owner of Lánchíd Rádió, Lajos Simicska, had been close with Orbán in previous years, but in 2014 the relationship started to erode (Polyák, 2019; Bátorfy & Urbán, 2020). Simicska had a large media empire, which was to the benefit of Orbán when they were friends. Once the pair’s relationship fell apart, though, Orbán could no longer rely on the media to remain favorable toward Fidesz. At this point, the media became more willing to use their checks on the government, changing the threat assessment from medium to high. Orbán acted to eliminate the threat, starting with the 2014 decision to take away stations from Simicska’s media conglomerate, and resulting in the dissolution of part of Simicska’s media empire and limitations on its growth (Mertek Media Monitor, 2016). Once the media were no longer under Orbán’s control via his own power sharing with Simicska, they became a high threat institution and Orbán directly targeted Simicska and a wide array of media organizations.

Further evidence showing targeting increased during 2014 is the number of radio and television frequencies that were distributed to Orbán’s friends. When Simicska and Orbán were allies, the Media Council gave Simicska’s station 13 additional frequencies. In contrast, Andrew Vajna, far-right media owner and Hungary’s film commissioner, was given 31 frequencies for his station, Rádió1. Another example of increased targeting in 2014 was the consolidation of privately owned media in Hungary under Heinrich Pecina. From 2010 to 2014, a merger was pending under Pecina, who was pro-Fidesz. The Media Council did not act until 2014, approving the merger and showing that 2014 again was the mark of a new wave of media targeting (Polyák, 2019).

It is important to note that many measures of media freedom do not capture the decline in press freedom in 2014 fully because substantively, the media market looked much the same at the end of the year as it did at the beginning, with several large media conglomerates owned by friends of Orbán. This is largely due to how quickly Orbán began targeting the media after Simicska and others turned against him. As Orbán himself mentioned, these news organizations had become more independent during 2014. Normally, this would lead to an increase in press freedom score. However, Orbán took away all of that independence even before the end of the year, which means the overall press freedom scores stayed about level despite the fact that Orbán targeted the media severely during that time.

Orbán’s targeting of the media is consistent with expectations based on my theory of institutional threat. When the media were a medium threat at the beginning of Orbán’s term, he did target them, but not as much as he did once they became a high threat in 2014, as seen in Figure 6. This is in line with my expectations that authoritarian populist leaders will target institutions more when they are a higher threat.

**Electoral System**

**A Medium Threat.** For an authoritarian populist, any electoral system which allows fair choice between competing options is of concern. However, some electoral systems lend themselves well to authoritarian populists and help them stay in power. Hungary’s electoral system is one of those systems. In this section, I argue that Hungary’s electoral system was a medium threat institution throughout the 2010 to 2014 term because under its rules, it was possible but unlikely that Orbán would be voted out of office and the electoral management body was independent.

In 2010, Hungary had a mixed-member, hybrid electoral system that, while still free and fair, had elements that were favorable to Fidesz. In this system, some seats were allocated through majoritarian methods and some were allocated based on proportional representation (Basic Law of Hungary). This means that parties ran individual candidates in single-member districts and had party lists in multi-member districts.

Many of the mechanisms in place in this system were beneficial to Fidesz. Although there was proportional representation for about half of the seats in Parliament, the other rules for allocating seats and the composition of the districts leant themselves more to a two-party dominated system. By law, there was a 5% vote threshold to earn seats in the multi-member districts, but in practice, any party with less than 10% of the vote was unlikely to get any seats (Enyedi & Tóka, 2007). This means that the larger parties had an advantage even in the proportional representation multi-member districts. Fidesz got its footing early in the transition by positioning itself as the adversary to the unpopular outgoing government. Once it became the leading right-wing party, it was difficult for any other parties to win a substantial number of seats due to the de jure and de facto vote thresholds.

The existence of single-member majoritarian districts is beneficial to Fidesz as well because these types of districts tend to lead to two-party systems (Duverger, 1959). This is indeed the case in Hungary, where the two major parties are likely to go head-to-head in many districts. As one of the two largest vote-earning parties, Fidesz was well-placed in the electoral system. Beyond this, the electoral system benefited Fidesz because it resulted in the largest majority in Parliament the country had seen since its transition to democracy (Ilonszki & Várnagy, 2016).

Due to Fidesz’ dominance and the already beneficial electoral system for larger parties with advanced party institutionalization, the electoral system was a medium threat (see Figure 3). While the electoral system had a check on Orbán, the distribution of Fidesz support and the electoral rules made it unlikely that the check would be used. According to my theory, because the electoral system was a medium threat to Orbán’s goals, he should not have targeted it as much as more threatening institutions, like the Constitutional Court. In the next section, I argue that the changes Orbán made to the electoral system before the 2014 Parliamentary elections constituted only a small amount of direct targeting and did little to affect the results of the election.

**Targeting.** From 2006 to 2014, Freedom House’s scores for Hungary’s electoral process remained steady at 12, signaling that the electoral system was only occasionally targeted during this time (Bogaards, 2018). Some targeting occurred in the form of unfair redistricting and Fidesz gaining control over the local and national boards charged with overseeing elections, but other changes made to the system are not as clearly backsliding. In this section, I will detail the changes made to the electoral system and argue that only a few constitute democratic backsliding.

The first major law changing electoral rules was in 2011. Act CCIII reduced the number of single-member districts, made seats determined by proportional representation reliant on centralized party lists rather than regional lists, and led to redistricting, which created more favorable single-member districts for Fidesz (Bogaards, 2018). While this did make the system more majoritarian, which is to the benefit of larger parties, scholars studying electoral institutions often argue that majoritarian institutions are not less democratic, they are just based on a different model of representation (Andeweg & Louwerse, 2020; Golder & Ferland, 2021). There are trade-offs with the choice between consensual and majoritarian electoral institutions, each providing some benefits and drawbacks for representation and the functioning of democracy. Scholars have tested which is better for democracy using citizen-elite linkages and citizen contentedness with the system, but there is no consensus (Aarts & Thomassen, 2008; Golder & Stramski, 2010; Lijphart, 2012; Golder & Ferland, 2021).

The redistricting part of the law is more indicative of targeting, with scholars modeling that if the redistricting had occurred before the 2010 election, Fidesz would have earned 8% more seats than they did (Bogaards, 2018). Simulations modeling redistricting in Hungary based on the distribution of voters in 2010 also show that it is nearly impossible to draw districts with the same number of voters due to other laws requiring electoral district lines to follow county lines (Biró et al., 2012; Kovalcsik et al., 2019). This evidence suggests that the redistricting part of the law was intended to directly benefit Fidesz (Scheppele, 2011) without being able to deliver on the benefits of compactness and efficiency that were promised.

Other changes to the system were made that were not as clearly anti-democratic, though. A 2012 law required all citizens to register to vote, but this was overturned by the Constitutional Court and rewritten in 2013 to only require voters abroad to register (Kubas, 2017). Also in 2012, ethnic Hungarians living abroad were enfranchised. Although it is true that the majority of these voters support Fidesz, there is little evidence to suggest that this is undemocratic (Ilonszki & Várnagy, 2016). In fact, many describe any extension of voting rights as inherently democratic. Overall, the changes to electoral rules in 2011 and 2012 did not severely weaken the democratic process, and, therefore, the system remained a medium threat. It still had a check on Orbán, but it was still unlikely to be used due to the geographical distribution of Fidesz voters and redistricting.

A moderate amount of targeting continued as expected in 2013 and 2014. Act XXXVI of 2013 gave Parliament the duty of electing members of regional electoral commissions and the national electoral commission with a 2/3 vote. This is indicative of backsliding because it is unlikely any party will earn a 2/3 majority in the future, ensuring the members Fidesz elected in 2013 will not be replaced for years, even if Fidesz loses its majority. Although the law dictates that the members of the Commission should not have a party affiliation, Fidesz has incentives to elect members friendly to the party. Data from Varieties of Democracies supports this, showing that the Electoral Commission has become less independent over time (Pemstein et al., 2022; Varieties of Democracy, 2022, see Figure 7).

Another incidence of targeting in 2013 was the passage of a law dictating that commercial stations could not charge parties for advertising. Most decided to not air any political advertising at all because they would not earn any money and it took airtime away from advertisers who would pay for the time (Ilonszki & Várnagy, 2016). Because public media organizations were largely controlled by Fidesz, challenger parties had almost no way of advertising on television, giving Fidesz a major advantage (Szelényi, 2019). This weakened competition, which is a major part of a fair electoral process.

**Figure 8: Electoral Management Body Autonomy Over Time**

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One other election law in 2013 increased how much parties can spend on campaigns (Ilonszki & Várnagy, 2016). Some scholars identify problems with increasing spending limits, a major one being that it encourages wealthy politicians to stay in politics longer, making less room for newer politicians and viewpoints to enter the system (Avis et al., 2017; Weschle, 2019). However, there is not a consensus in the literature about the impact of campaign finance laws because effects vary across countries (Gulzar et al., 2021). Nonetheless, taken in their entirety, the changes to the electoral system made it easier for Orbán to hold onto power, making it possible for Fidesz to keep hold of Parliament with only 44.9% of the vote (Magyar, 2019). Based on the data and evidence, I find that Orbán targeted the electoral system in the expected manner.

**Discussion/Conclusion**

This analysis of democratic backsliding under Orbán from 2010-2014 supports my theory that institutional threat explains which institutions are targeted by authoritarian populists. Figure 6 shows the targeting incidents in each year, which allows for a comparison among the institutions. As expected, the Constitutional Court, which was a high threat from 2010-2013, was consistently targeted by Orbán. Although there were a similar number of targeting incidents for both the Court and the media in 2010 and 2011, the consistency of Court targeting over the years indicates that Orbán continued to view it as his largest obstacle. In 2014, though, it was so severely weakened by these attacks that it became largely unable to stop or block any of Orbán’s actions, which led to a steep decline in targeting.

Patterns of media targeting also support the institutional threat theory. The media were a medium threat from 2010 through 2013 and, as predicted, Orbán did constrain the media during this time. There were slightly fewer incidents of targeting the media than the Court, consistent with expectations about the differences in targeting between high and medium threat institutions. Additionally, some of the changes made to the media in earlier years were not used immediately but were capitalized on later when the media landscape changed in 2014. At that point, the media had become a high threat and targeting increased significantly.

In contrast, the electoral system, a medium threat institution, was targeted the least. However, it is important to note that there were significant changes to the electoral system, including making it more majoritarian, increasing campaign funding limits, and introducing voter registration. These changes are considered backsliding by some scholars, but the lack of consensus in the literature makes it unclear, and therefore they are excluded from the list of targeting. Even if these were included, though, the Court from 2010 to 2013 and the media in 2014 were targeted more, which provides further evidence to support the prediction that high threat institutions will be targeted more than medium threat institutions.

These findings contribute to our understanding of political behavior and democratic backsliding in three ways. Firstly, these findings support the literature that claims the political behavior of elites is driven by electoral and policy goals. Orbán’s targeting of the Court indicates he was concerned with his policy goals, and he acted accordingly to stop the Court from getting in the way of those goals. Likewise, the media and electoral system posed a threat to his electoral goals, and he acted to lessen the possibility he would be voted out by making these institutions less independent. In this way, policy and electoral goals drove behavior.

Secondly, this paper extends approaches to democratic backsliding to explain the decision-making process of authoritarian populists. Most of the existing approaches identify patterns in the targeting of democratic institutions, but do not explain why those patterns exist. Building from the agent and institutional approaches, I find that there are some predictable patterns in the targeting of institutions by authoritarian populists and that they are related to the threat level of the institutions. We can expect authoritarian populists to target institutions that have checks on the executive and are willing to use those checks due to the partisan makeup of the institution or whether it has been captured by the ruling party. This highlights the importance of both individual factors such as electoral and policy goals, and institutional factors. This also provides support for and demonstrates the additional utility of these approaches in understanding democratic backsliding.

Thirdly, the findings reaffirm the importance of institutional safeguards during constitution-building. Orbán targeted the institution most able to check his power, indicating that these types of institutions may need additional protection. For those who are forming institutions and are concerned about possible democratic backsliding in the future, it is clear that giving institutions powers to check the executive is not enough. Those institutions are targets, and thus need other mechanisms in place to prevent authoritarian populists from taking those powers in the future. In a similar vein, this provides some groundwork for being able to predict future incidents of democratic backsliding and may make us better able to prevent them. This work is evidence that authoritarian populist behavior can be understood and that understanding their behavior can help us strategize about how to prevent democratic backsliding.

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