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# The Liberal Oligarch: Understanding the Persistence of Liberal Democracy in the Czech Republic under Prime Minister Babiš

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## Abstract

Amidst democratic backsliding throughout the Visegrád region, the Czech Republic stands out as an outlier. While Prime Minister Babiš was assumed to usher competitive authoritarianism into the Czech Republic, as evident by his party's loss in the 2021 Parliamentary Election which disposed him from the office, this did not occur. I investigate why Babiš did not attack the institutions of Czech's liberal democracy through a comparative perspective. I find that liberal democracy remained because in contrast to Hungary's Orbán and the Polish ruling party (PiS), Babiš never posed a threat to liberal democracy, and instead was simply a corrupt oligarch who ultimately respected democracy. This study provides a basis for assessing threats to liberal democracy, in which a politician's commitment to and respect for liberal democracy, as well as their desires to concentrate power, is fundamental in determining the risk they pose to the system.

**Keywords:** Democracy, Competitive Authoritarianism, Democratic Recession, Czech Republic, Hungary, Poland



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## 1. Introduction

When Action of Dissatisfied Citizens (ANO), the party of Slovak billionaire Andrej Babiš, won a plurality in the 2017 Czech Parliamentary Election for the Chamber of Deputies, ushering Babiš into the role of Czech Prime Minister, pundits were quick to compare the charismatic outsider to other leaders of the Visegrád. Bakke and Sitter (2020: 8) noted that ‘one ideological factor unites Orbán, Kaczyński, Fico, and Babiš - populism’. Arguments concerning Babiš’ populism appealed to his anti-establishment rhetoric and desire to run the state like a business; both views were assumed to inevitably result in the elimination of pluralism as in Hungary and Poland (e.g. Bušíková and Guasti 2018; Bernhard, Bušíková and Guasti 2019). Vachudova and Rovny (2019) claimed ‘the 2017 election results suggest that the Czech Republic is following Hungary and Poland...’ in electing charismatic leaders who work to undermine liberal democracy. Meanwhile, Jakub Patočk stated to the Corporate Europe Observatory that ‘Babiš is like Orbán and PiS, in the sense that he is an antithesis to the concept of the western democracy’ (Knaebel 2018). Yet unlike in Hungary and Poland, where the incumbents have utilized state institutions to consolidate their rule and insulate them from electoral threats, Babiš lost the 2021 Czech Parliamentary Election and participated in a peaceful transfer of power.

To most, this peaceful transition of power following a free and fair election was a surprise: had this not occurred, the Czech Republic would have been the third Visegrád country to descend into competitive authoritarianism in the 21st century - and the final one to do so, given Vladimír Mečiar’s rule of Slovakia in the 1990s following the Velvet Divorce (Levitsky & Ziblatt 2018; Levitsky & Way 2010). Thus, given Babiš’ loss and his respect for the democratic electoral process came as a surprise to many, the question must be asked: why did the Czech Republic remain a liberal democracy under Babiš, instead of following in the footsteps of Hungary and Poland towards competitive authoritarianism?

To answer this question, I focus on the actions of elites, concluding that the different trajectories of Visegrád regimes can be explained by the different aspirations of actors who have served as heads of government. I analyze the actions taken by Orbán and PiS, to see if Babiš attempted to replicate them or engage in similar efforts to bring about illiberalism. In focusing on elite actions, I neither assume that populism is a sufficient predictor for democratic recession, as many analyses of Babiš’ threat wrongfully focused on (e.g. Bušíková & Guasti 2018; Bernhard, Bušíková & Guasti 2019), nor do I employ insights provided by partisan opponents. While I

discuss the problems of the former strategy in the following sections, here I argue that partisans engage in hyperbolic or misleading speech that serves a political rather than analytical purpose. Take, for example, Czech politician Vít Rakušan's (Piráti+STAN) statement during a televised debate preceding the 2021 Parliamentary Election that 'either [the Czech Republic] will remain a liberal democracy, or we will follow Orban' if Babiš remains prime minister (Noack & Bauerova 2021). While this claim was supported by many pundits, it was echoed as an electoral appeal, rather than a reflective analysis on democratic recession. This speaks to the difficulty of utilizing statements from members of the opposition in a study of democratic recession under the incumbent. Additionally, I assume that the actions of leaders matter more than their rhetoric, and thus illiberal speech - despite rarely being employed by Babiš - is insignificant when not followed by illiberal action.

With this framework, I analyze why democracy in the Czech Republic suffered a different fate under Babiš than it did in Hungary under Orbán and in Poland under PiS. I find that, in contrast to Hungary and Poland, where illiberal leaders abused state power to consolidate their incumbency advantage, Babiš never posed the same threat to liberal democracy. Babiš never had the intention of creating an autocracy; instead, he used his office to advance his financial interests and avoid prosecution for corruption. This distinction made Babiš a misidentified threat.

These findings are of great significance to contemporary political science and corresponding democratic analyses. First, the overuse of the term populism is a serious concern: it lumps politicians of varying liberal commitments together, allowing autocrats like Orbán to hide among liberal populists like Babiš (Rooduijn 2019). Per Art (2020: 10), 'labeling semi-loyal democratic actors like Orbán 'populists' only serves to mask their authoritarianism'. Thus, correctly identifying illiberal politicians without grouping them with populist leaders sans autocratic desires is an urgent matter that must be resolved, and I provide a formula to do so. Second, the comparative evidence I present from the Visegrád Group confirms that de-democratization can be avoided by electing liberal leaders, furthering agency-oriented understandings of democratic backsliding. My findings suggest that to maintain liberal democracy, politicians must be elected who have a commitment to it - a fact that explains the divergence in regime trajectory between the Czech Republic, Hungary and Poland.

## **2. Theory**

## 2.1 Liberal Democracy and Competitive Authoritarianism

Before threats posed to liberal democracy can be examined, it is first important to establish this term, and how it contrasts with other electoral regimes. Liberal democracy can be defined as a democratic electoral regime in which there are 'political rights of participation, civil rights, horizontal accountability, and the guarantee that the effective power to govern lies in the hands of democratically elected representatives' (Merkel 2004: 36).

Two of the largest factors guiding liberal democracies, both absent in illiberal regimes, are the principles of tolerance and forbearance exercised by the governing party, as described by Levitsky and Ziblatt (2018). Tolerance requires respecting the political opposition and their right to contest the governing party. Forbearance requires incumbents not to exercise all powers given to them in order to maintain fair competition, or, as put by Hungarian activist János Kis, it is the principle that 'the party in opposition can safely expect the party in government to refrain from taking advantage of its majority in order to permanently exclude its rival from power' (Sadurski 2019). Liberal democracy can thus, at least partially, be analyzed by what leaders do not do when given the legal capacity to do it. Having established a framework for analyzing liberal democracy, we can then establish a regime type for those who fail to abide by it.

For countries such as those in the Visegrád, which are marked by connections and commitments to the European Union (EU), full authoritarianism is improbable. The eastern expansion of the European Union was, indeed, designed to spread democratic values throughout Europe, and, despite the EU's general failure to intervene in cases of democratic backsliding, it is presumed that full authoritarianism would not be tolerated in member states (Müller 2013; Levitsky & Way 2010). Thus, for European leaders opposed to the ways of liberal democracy, their options of illiberalism are limited to a hybrid regime so as not to completely cut ties with the West while also consolidating incumbent power. This phenomenon has arisen in the EU in the form of competitive authoritarianism.

Competitive authoritarianism refers to regimes in which elections are held and are the primary means by which to gain political power, but in which the incumbent's abuse of power and manipulation of state institutions makes electoral competition real but unfair (Levitsky & Way 2002; 2010; 2020). It is characterized by linkage and leverage to the West - the United States and the EU - that force countries to not engage in fraud, eliminate elections, or violate civil

liberties outright (Levitsky & Way 2005; 2010). Instead, the incumbent engages in subtle (and not so subtle) abuses of state institutions to consolidate their power at the expense of the opposition (Pirro & Stanley 2021).

There are, thus, two probable regime types which could exist in EU member states that are at odds with each other: liberal democracy and competitive authoritarianism. While there are gradients of both regime types, we can differentiate between the two by analyzing competitive authoritarianism as instances in which elections exist, but liberal democracy does not (Levitsky & Way 2002).

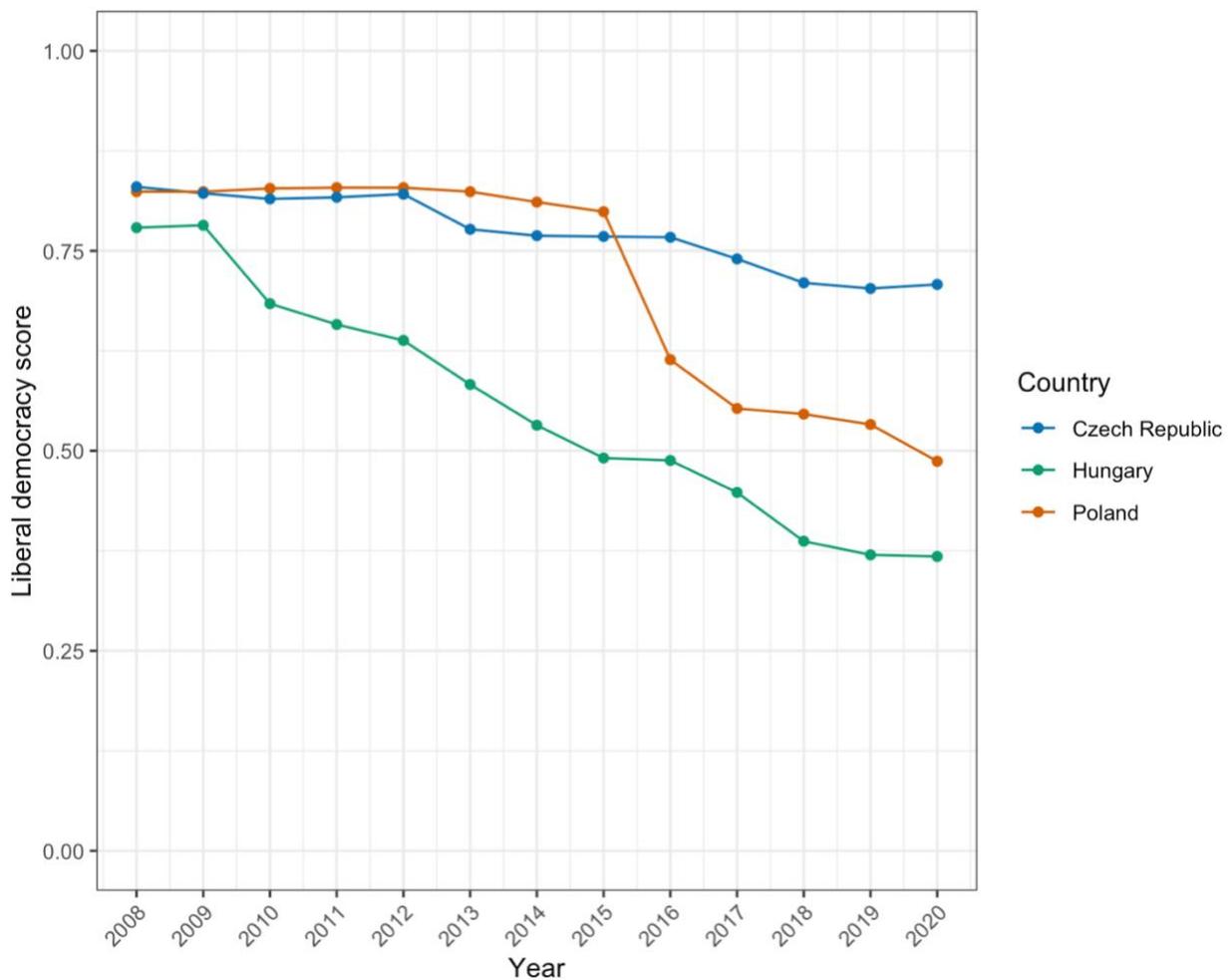


Figure 1. Liberal Democracy Scores in the Czech Republic, Hungary and Poland (2014-2020) (Coppedge, M. et al. 2021.)

Figure 1 depicts the level of liberal democracy in the Czech Republic, Hungary and Poland since 2008. As shown, the Czech Republic has not experienced a significant democratic recession since Babiš assumed power in 2017. This contrasts with the significant adverse impact of Orbán on Hungary's democracy since 2010, and Poland's PiS on liberal democracy since they gained control of the executive and legislative in 2015.

Under Orbán, Hungary has become a noted example in the annals of democratic backsliding, consolidating Fidesz's electoral advantages while crippling the opposition and civil society in a manner that makes it competitive authoritarianism's ideal type (Kreko & Enyedi 2018; Bozóki & Hegedűs 2018). Poland under PiS has enthusiastically followed in Orbán's footsteps, with the party's leader, Jarosław Kaczyński, stating, 'Viktor Orban gave us an example of how we can win ... The day will come when we succeed, and we will have Budapest in Warsaw' (Buckley & Foy 2016). Lacking a constitutional majority in the Polish Sejm, PiS' actions have largely been limited to obstructing and packing the courts, rather than parliamentary procedures and constitutional changes to consolidate power as occurred in Hungary when Fidesz achieved a constitutional majority in 2010 (Sadurski 2019; Grzymala-Busse 2019). While Poland has yet to consolidate its competitive authoritarianism, its trajectory under PiS is aimed towards such. Given the variance in regime trajectories within the Visegrád, the persistence of liberal democracy in the Czech Republic, as shown in Figure 1, must be explained.

## 2.2 Populism

Any casual observer of politics knows that populism has become a buzzword since 2016, now serving as a 'catch-all term that implicitly swallows up' an array of parties built upon different ideologies and commitments to the principles of liberal democracy (Hunger and Paxton 2021; Moffitt 2016: 383). Due to much of the discussion of Babiš' threat of illiberalism being centered around populism, it is integral to properly define the term as it is used in this study.

To define populism is to begin with the hallmark definition provided by Cas Mudde (2004: 543) of a 'thin-centered ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, the pure people versus the corrupt elite, and which argues that politics should be an expression of the *volonté générale* (general will) of the [pure] people'. Mudde notes that populism can either be exclusive, right-wing populism, or inclusive, left-wing populism. Porter-Szűcs (2017) characterizes the former as exclusionary egalitarianism, whereby the ingroup (usually constituting a nation) enjoys all the privileges to be offered by the

state, while the outgroup is sidelined and discriminated against. Left-wing populism is inclusive in its conception of the people, arguing that the nation's financial elites are exploiting the common worker and calling for the redistribution of wealth (Huber & Schimpf 2017). Art (2020) argues that left-wing populism has largely disappeared from the West, while right-wing 'populism' is not necessarily populist but competitive authoritarian and nativist. Art (Ibid.: 10) demonstrates that those who are labeled right-wing populists - Marine Le Pen, Orbán, or Trump, to name a few - are not populist but rather nativists or competitive authoritarians, concluding that populism does not 'really [exist] in the same way... that [other] regime types do (democracy, authoritarianism, and now competitive authoritarianism)'.

Art's (Ibid.) critique is of populism as an ideology, the school of thought most commonly employed in contemporary discussions of populism (e.g. Mudde 2004; Norris & Inglehart 2019) which has led to populism's status as a catch-all term. This is where I believe the systemic flaw lies in the classification of who is and who is not populist, and how I propose the definition of populism be altered to avoid the fallacy of conflating populism with illiberalism. I do not suggest that populism is non-existent in contemporary politics, only that the way we have come to think of it, and its impact on systems of government, is highly flawed. Populism's thin-veiled ideology is, in fact, so thin that it cannot be treated as an ideology any more than radicalism - which, without a given form or substance, has no fixed nature ascribed to it. Thus, I agree with Art's (2020) analysis, and ultimately reject viewing populism as an ideology, instead contending that populism's most minimalistic yet fitting definition is as a rhetorical style of politics that parties and candidates can blend with other ideologies and styles of governance, appealing more to some voters than other.

Treating populism as a style of political campaigning rather than an ideology characterizes how leaders appeal to popular support by forming emotional bonds with those they define as 'the people'. Populism is thus a form of political communication, characterized by a style of presentation that projects a connection with a defined construct of 'the people' (de Vreese, Esser & Aalberg 2018; Moffitt & Tormey 2014). It employs an 'anti-status quo discourse that signif[ies] the political space by symbolically dividing society between the "people" (as the "underdogs") and its "other"' (Panizza 2005: 3).

According to this interpretation, populism is defined as 'a political strategy through which a personalistic leader seeks or exercises government power based on direct, unmediated, institutionalized support from large numbers of mostly unorganized followers' (Weyland 2001:

14). Operationalizing populism as a style of political campaigning, rather than an ideology or a regime type, characterizes how leaders appeal to popular support by forming emotional bonds with those they define as 'the people'. Mudde (2004: 542), a proponent of populism as an ideology, even highlights populism as a communicative method, referring to populism as the 'highly emotional and simplistic discourse that is directed at the gut feelings of the people'. With this minimalistic definition, we can reassess assumptions pertaining to the effect of populism on democracy, providing a sufficient framework for analyzing Babiš and his threat - or, more accurately, the lack thereof - to democracy.

### **2.3 The Impact of Populism on Democracy**

As noted, populism has no specific form of governance ascribed to it; rather, it serves as a form of charismatic legitimacy to bolster politician's electoral success (Pappas 2016). The Western populist can choose both their supplementary ideology - right- or left-wing - and how it governs - as a liberal democrat or a competitive authoritarian. As populism is simply an appeal, not a form of governance or regime type, it alone cannot be used as a predictor for one's commitment to democracy (de Vreese, Esser & Aalberg 2018). Instead, populism can combine with other forces that work to alter democracies, or it can serve as simply an electoral appeal for parties that ultimately respect the political system into which they were voted.

There is theoretical and empirical proof that populism has adverse effects on liberal democracy. Those reliant upon populism frequently believe (or at least argue) that they represent the general will of the pure people against the corrupt elite. This can result in either: a lack of toleration for the opposition, who they view as members of the corrupt elite, or a majoritarian understanding of democracy, which, with a sufficient majority and a lack of forbearance, can result in institutional re-engineering that isolates the opposition from government, resulting in competitive authoritarianism (Grzymala-Busse 2019). Indeed, Levitsky & Loxton (2013; 2012: 160) find that in Latin America, 'successful populism frequently leads to competitive authoritarianism'. They argue that this occurs largely because populists are frequently outsiders to the political system, as such they 'lack the skill, patience, and commitment to pursue their goals within existing democratic institutions' (Levitsky & Loxton 2013: 111). Further, they argue (ibid.) that populist sentiment causes them to continue to charge against the existing democratic establishment and frequently launch assaults on the institutions which are still dominated by the opposition.

Nevertheless, populism is not always paired with competitive authoritarianism. As noted by Levitsky & Loxton (2012), it is attacks on liberal democracy that usher in competitive authoritarianism, not populist appeals alone. Therefore, populism should not be used as a proxy to predict democratic recession. Instead, it must be understood that populism can be paired with any form of governance, liberal or illiberal, and thus the actions of leaders must be the focus of concerns regarding democratic recession, not their rhetoric.

### **3. Technocratic Populism**

While I contend that populism alone does not undermine liberal democracy, due to the pertinence of populism in descriptions of Babiš' perceived threat to liberal democracy, I explore his populism at length. I contend that Babiš is a populist, though he has largely defined 'the pure people' in broad terms, and the medium he took to do so was unique. As noted by Bušítkova & Guasti (2019), due to the Czech Republic's post-communist egalitarianism, low unemployment and strong economic performance, it is hard to define the people and the elites in economic terms. Similarly, the concept of a Czech nation has little salience, resulting in Babiš only employing nativism pragmatically as a cursory tool in political speeches, followed by little action - a stark contrast to Orbán, who has bolstered his political power through his tough-on-immigration stance (Bušítkova & Guasti 2019; Stojarová 2018; Bíró-Nagy 2021). Moreover, religion has never played a major role in the lives of the Czech - only 29% of Czechs said they believed in God in 2017 (Jo Starr 2019; Evans 2017). Thus, Babiš did not rely on religious appeals to the Czechs, while appeals to a Christian nationhood have been a trademark of Orbán and PiS' rhetoric (Grzymala-Busse 2019; Art 2020).

Consequently, instead of appealing to nativism or economic dissatisfaction, Babiš constructed an elite which he could rally against: corrupt and incompetent government. Babiš positioned the party he created in 2013, Action of Dissatisfied Citizens (ANO), as a rebuke to traditional parties, which he saw as incompetent and ineffective sources of corruption. The Czech Republic is plagued by corruption and red tape, and in 2017 it was viewed as the biggest issue facing the country by a plurality of voters (Plaček et al. 2021; CFISR 2017). He promised to modernize the Czech's system of government, minimizing red tape and streamlining services while bolstering the productivity of the people, and it was around this that Babiš' populist rhetoric centered (Babiš 2017).

Before entering the public sphere in 2013, Babiš was the CEO of Agrofert, an agricultural, media, construction and energy conglomerate which held Kč 92.6 billion (\$4.2 billion) in assets at his departure, and regularly amassed billions in earnings after taxes (Pánková & Zenkner 2020). Despite succeeding at least in part because of government subsidies and fraud, Babiš used the success of his company as his credentials for running the state (Rankin 2018). Asked why he entered politics, Babiš responded: 'I was forced to because I just can't stand the way this country is controlled and by whom it is controlled any more', ultimately labeling the state under opposition control a 'selhávající stat' (failing state) due to its lack of efficiency (Cienski 2013; Cichowlas & Foxall 2015).

Babiš' populism parallels his managerial strategy, acting as a political entrepreneur whose personal resources - his media connections, vast wealth, and connections abroad - posit him as a highly accomplished leader who can apply his business skills to government. Buščíková & Guasti (2019) thus refer to Babiš' style of politics as a form of 'technocratic populism' promising 'to make everything better for the ordinary people' by adopting an 'expert and business-like governance style' (2018: 303). He asked voters to put their trust in his hands, promising to use his experience in business to run the state effectively, 'as a firm' (Ibid: 305). Babiš' technocratic populism is characterized by anti-establishment and anti-corruption appeals, as well as calls for more representative government made popular by ongoing political crises, distrust in political institutions and overall dissatisfaction with the Czech government (Stojarová 2018; Rupnik 2007).

As a result, his populism created a commodified exchange between voters and the people: 'issues and personalities are treated as political products ... [with] voters as consumer[s]', and he as the supplier (Kopeček 2016: 731). As such, he remains ideologically flexible in response to a highly volatile electoral market, working to satisfy the changing demands of voters (Ibid; Jagers & Walgrave 2006). Unlike Orbán, Fico and PiS, all of whom are ideologically far-right, Babiš is pragmatic, and his main ambition remains protecting and growing his success in the business world (Shotter 2017).

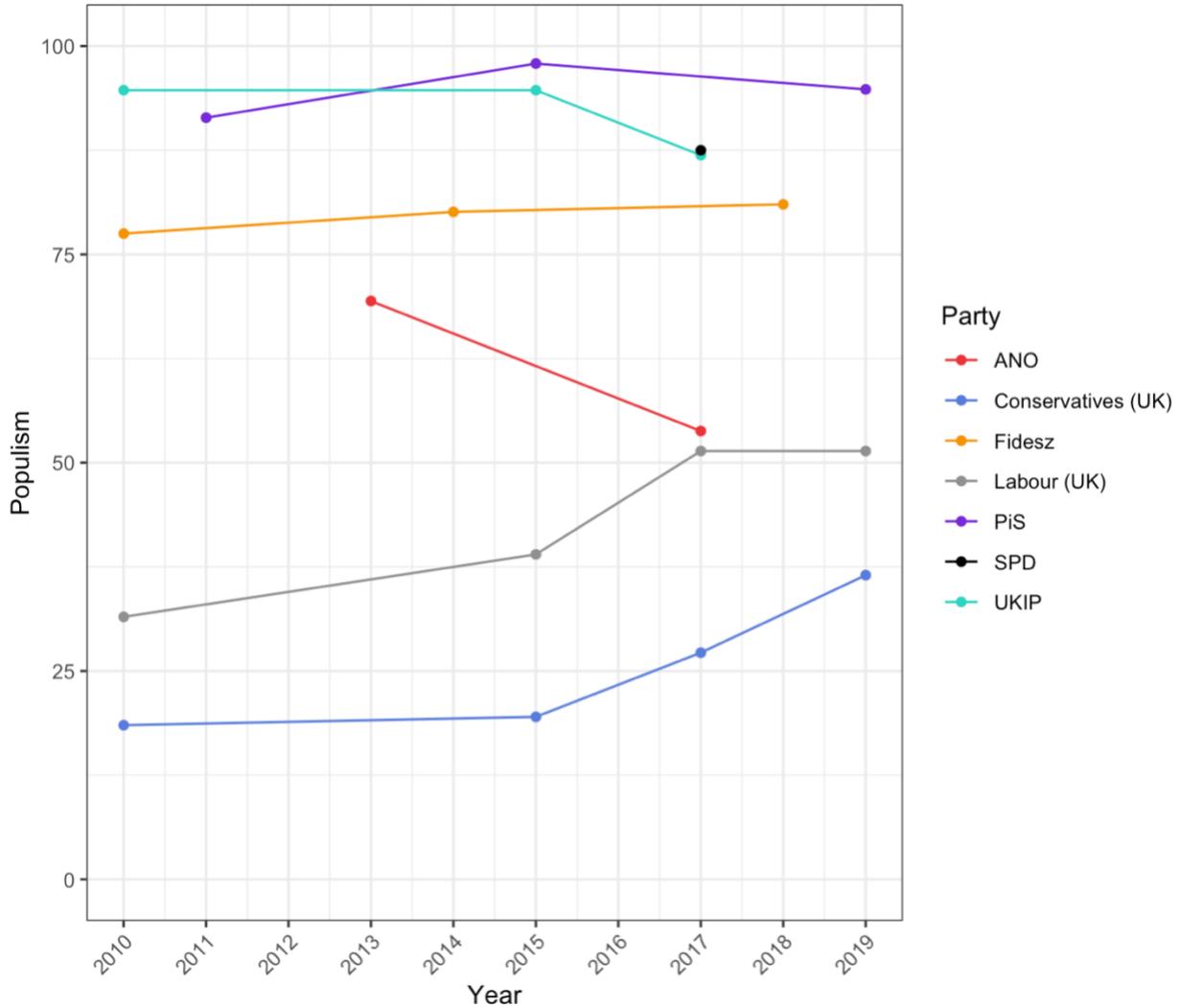


Figure 2. Level of Populist Rhetoric Employed by Parties in Electoral Year (Lührmann et al. 2020.)

Figure 2 plots the level of populist rhetoric employed by parties in election years and shows that ANO does rely on populist appeals, though to a lesser extent than Fidesz and PiS - as well as UKIP and the Czech SPD. Since reducing their level of populist rhetoric prior to the 2017 parliamentary elections, ANO has become far more comparable to the UK's Labour party than the illiberal parties aforementioned. This adds salience to the rationale behind not dismissing Fidesz and the PiS from the label of populist, as they do indeed employ high levels of populism, but as I argue, it is not their dominant trait—nor is it what they have used to destroy liberal democracies.

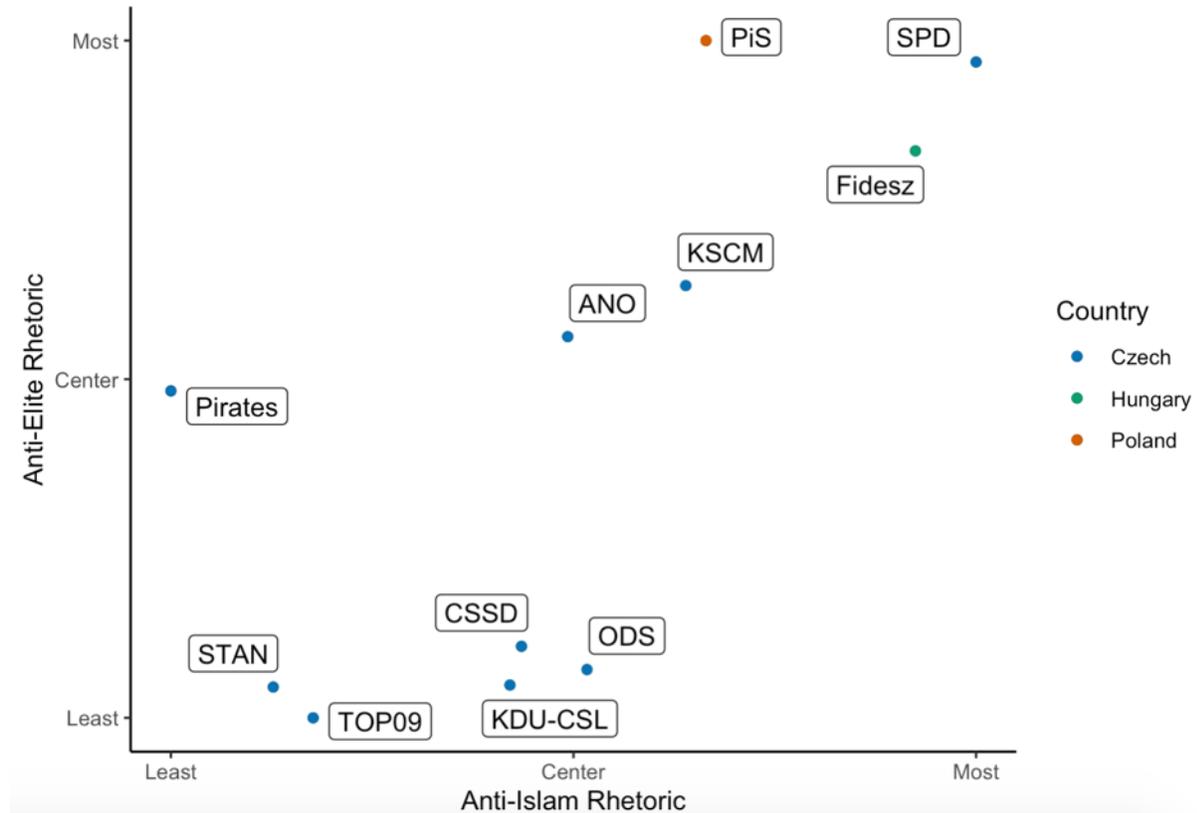


Figure 3. Party's Anti-Elite Rhetoric and Anti-Islam Rhetoric (Jolly et al. 2019.)

Moreover, whereas Babiš' populism is 'straightforward ... exclusively populist,' the SPD, PiS, and Fidesz's populism is radical right, as shown in Figure 3 by their high anti-Islam rhetoric in addition to their high levels of anti-elite rhetoric (Stojarová 2018: 34). This demonstrates the divide between Babiš and the autocrats of the eastern Visegrád: where Babiš assumed far-right positions only in response to refugee crises, Orbán and PiS remain committed to a Christian Europe and to stopping "LGBT+ ideology" (Dunai & Komuves 2020; Walker 2020). To summarize, Babiš' populism is different than others who define the people and the corrupt elites along the lines of socioeconomic status or nationality. Instead, due to the limited salience of both factors in the Czech Republic, Babiš focused simply on appealing to voters' demands and rejected adopting a single ideology. Further, he mounted his electoral efforts on the same principles of supply and demand that guided his business venture, with an ideologically elastic supply of policies to meet the demands of voters. In this regard, Babiš is, in fact, populist, relying on populist appeals to maintain his popularity with voters, best characterized by the concept of technocratic populism.

Having dissected Babiš' populism, the question of why Babiš did not undermine liberal democracy can now be answered. In the section which follows, I assess the extent to which Babiš threatened liberal democracy in the Czech Republic, without conflating populism and illiberalism as is frequently done in studies of democratic backsliding.

#### 4. Assessing Babiš' Threat

To determine the threat that Babiš posed to Czech's liberal democracy, a comparative methodology can be employed, examining what Babiš did and did not do, and how his actions compare to those of illiberal leaders such as Orbán or PiS. I examine the factors which concerned observers in the wake of Babiš' ascension to Prime Minister, and the extent to which these actualized to damage liberal democracy in the Czech Republic. There were three specific observations which pundits hailed as threats it was believed Babiš posed to Czech's liberal democracy - beyond, of course, the fallacy that his populist rhetoric would undoubtedly usher in illiberalism. The first is his control of media in the Czech Republic through his corporation, Agrofert; the second is his fraud involving the misuse of EU subsidies designed for small businesses and attempts to avoid prosecution; finally, there is the extent to which Babiš respected the political opposition and civil society. From this, I draw conclusions about the extent to which Babiš was willing to play by the democratic rules of the game.

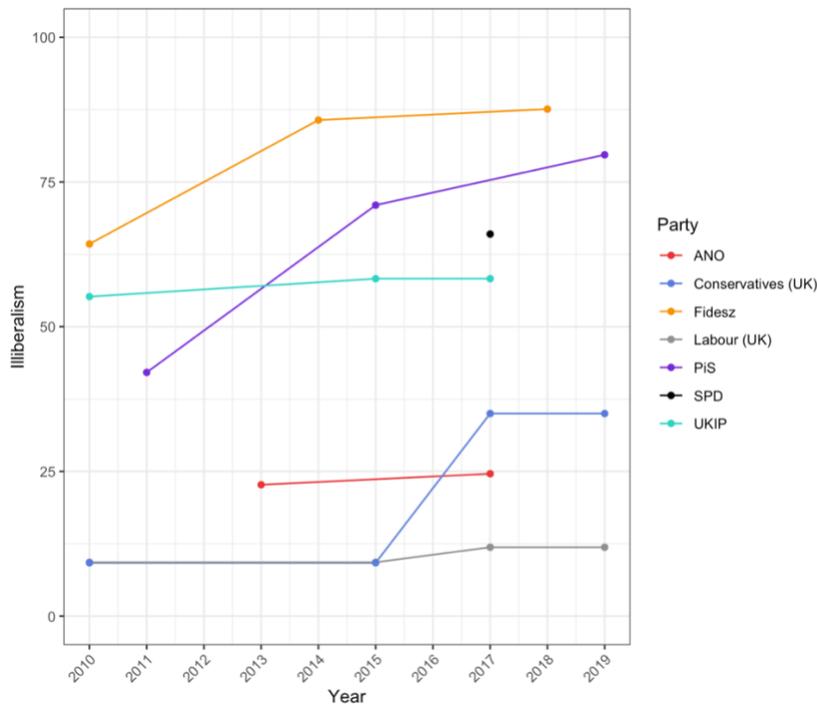


Figure 4. Level of Illiberalism by Parties in Electoral Year (Lührmann et al. 2020.)

#### 4.1 The Free Press

Babiš' agricultural company, Agrofert, entered the media market in 2013, purchasing *MF Dnes* and *Lidové Noviny* - two of the largest newspapers in the Czech Republic (Hanley & Vachudova 2018). By 2017, Agrofert-owned newspapers constituted 33% of the readership share of all national newspapers (Vojtěchovská 2017). Babiš continued his media conquest, purchasing radio stations and most free newspapers distributed in urban centers, causing his media network to reach about half of Czech adults by 2018 (Hanley & Vachudova 2018).

In a similar manner to media mogul and Italian Prime Minister Silvio Berlusconi, Babiš was known to pressure his newspapers to report on him favorably, resulting in many journalists and editors at *MF Dnes* and *Lidové Noviny* quitting in protest of their loss of their editorial independence. Though he denies asserting control over the publication process, secret recordings of Babiš show he took editorial control over news pieces set to damage his political opponents, and the European Commission has found Babiš' control of news outlets to constitute a conflict of interest (Ondráčka 2018).

While partisan ownership of the press can have detrimental effects on liberal democracy, it alone cannot trigger democratic recession as evident by the persistence of Italian democracy during Berlusconi's tenure. Comparing Babiš to Berlusconi is a more accurate analysis than comparing Babiš to Orbán. Just like Babiš, Berlusconi faced criticism as he 'blurred the line between politics, media and business' and has been compared to the illiberal leaders of contemporary Poland and Hungary (Who Rules... 2017; Körösenyi and Patkós 2017); yet, in contrast to Orbán, Babiš did not attack media outlets outside his ownership; instead, he has focused on pressuring the media outlets he owned into offering support for his style of politics, similar to Berlusconi. Even in this comparison, Babiš does not amass as much power as Berlusconi, for, unlike the former-Italian Prime Minister, he has not entered the television market (Körösenyi & Patkós 2017; Campus 2010).

The difference between Babiš and competitive authoritarian leaders like Orbán is that the former has not used his office to influence or obstruct opposition media, while the latter has weaponized the state against dissenting media, effectively crippling the freedom of the press. Orbán has proclaimed that he is staging a 'fight against ... media maintained by foreign groups

and domestic oligarchs,' a fight that has forced news outlets to close and deprived many of their broadcasting licenses, earning himself a place on *Reporters Without Borders'* list of Press Freedom Predators (Orbán 2018; RSF 2021). Moreover, he has used public broadcasting as a Fidesz mouthpiece, as did Meciâr in Slovakia - a prime tenant of competitive authoritarianism (Kingsley 2018; Bernhard, Bustikova & Guasti 2020; Levitsky & Way 2010).

Similar efforts have been made in Poland to limit the freedom of the press. In 2015, PiS purged the leadership of the public broadcasting channel, *TVP*, and in 2021, the party amended broadcasting laws to forbid entities from outside the European Economic Area from owning more than a 49% stake in any Polish media firm (Moskwa 2021). This new law specifically targets *TVN*, the largest television channel in Poland, owned by U.S. media conglomerate *Discovery*, known for its criticism of Poland's ruling party (Ibid). These actions are an illiberal attempt to silence the voices of the opposition and contrast to Babiš, who has used his privately held media outlets to propel his political career but has not hampered the opposition's ability to contest his rule, a distinction that reflects Babiš' limited threat to liberalism.

#### **4.2 Corruption and the Rule of Law**

Despite running on an anti-corruption platform, Babiš is undoubtedly corrupt and has used the office to protect and grow his personal wealth. Babiš was found to have removed a farm and convention center south of Prague from Agrofert's conglomerate in 2007 to make it eligible for €2 million in EU small-farm subsidies before eventually putting the farm back in his holding. The incident, known as the Stork's Nest affair, has hampered Babiš' career, as have accusations that he had his son kidnapped and taken to Crimea to avoid further questions (Mortkowitz 2018). Additionally, just prior to the 2021 Parliamentary Elections, Babiš was named in the Pandora Papers for using shell companies to purchase a \$22 million chateau in France (Noack & Bauerova 2021).

Nonetheless, this does not necessarily make him illiberal. Corruption in the Czech Republic predated Babiš, with both former Prime Minister Vaclav Klaus and President Zeman being marked by major corruption scandals, all while liberal democracy persisted (Cameron 2013). Moreover, Transparency International recognizes the Czech Republic as less corrupt during Babiš' rule than Klaus' (see Transparency International CPI). Regardless, as evidenced by the persistence of Italian and Czech liberal democracy in the face of a history of corruption,

systemic corruption alone cannot undermine liberal democracy (LaPalombara 1987; Fukuyama 2014). Thus, while Babiš is certainly corrupt, this is not sufficient evidence to conclude that liberal democracy in the Czech Republic was at risk of imminent democratic recession under Babiš.

A more credible threat to democracy is Babiš' actions to avoid prosecution for his financial crimes. In fear of prosecution for the Stork's Nest affair, Babiš replaced the justice minister with Marie Benesova, an ally of President Zeman's who would elect to not prosecute Babiš for his crimes, prompting widespread protests (Bernhard, Bustikova & Guasti 2019). He also attempted to assert control over the General Inspection Security Services, and, with the help of President Zeman, removed multiple high-ranking ministers and public servants, in violation of civil service law (Pehe 2018). These were undeniably Babiš' most illiberal actions during his tenure. They draw striking parallels to U.S. President Donald Trump's firing of James Comey and can be viewed as one step in undermining the rule of law, a tenant of liberal democracy that is frequently attacked by competitive authoritarians and illiberal political leaders, with detrimental consequences.

However, in contrast to Orbán or PiS, which altered the justice system to consolidate their political power, and in the process subverted the rule of law, Babiš' actions were grounded in fear of prosecution. This distinction is important. Despite his corruption and purging of judicial administrators, the breadth of Babiš' assaults on the rule of law were isolated to avoiding prosecution, rather than launching institutional attacks on the opposition. This is a sharp contrast to the actions of the PiS, who have subverted the Constitutional Tribunal through court packing, ushering in their competitive authoritarian governance (Sadurski 2019).

Similarly, in 2010, Orbán 'packed the nominally independent Prosecution Service, State Audit Office, Osbudsman's office, Central Statistical Office, and Constitutional Court with partisan allies,' in effect capturing the referees tasked with ensuring the game of democratic competition remains fair (Levitsky & Ziblatt 2018: 79). Consequently, these institutions, tasked with upholding the rule of law and democratic practices, became impotent and allowed Fidesz to create an electoral monopoly as these Fidesz-captured institutions leveraged fines and erroneous audits against the opposition, thereby stifling challenges to Orbán (Kreko & Enyedi 2018); Scheppele (2013) coins these efforts that undermine the rule of law as characteristic of a

'frankenstate,' in which processes of horizontal accountability are undermined, granting those in government unchecked power.

While Babiš' attempts to avoid prosecution can be seen as an affront to the rule of law, it does not constitute its removal as a check on competitive politics as do the actions of Orbán and PiS. Instead, once again, Babiš behaved more like Berlusconi, who used his office to bypass the judicial system when facing charges of tax evasion, as well as drug and prostitution related offenses (Quigley 2011). Körösényi and Patkós (2017) effectively distinguish Orbán and his illiberal style of governance from Berlusconi - and transitively Babiš. While both Orbán and Berlusconi weakened the rule of law, Berlusconi did so in the name of corruption, rather than to consolidate his political power. As such, Berlusconi preserved pluralism and maintained at least enough respect for the opposition to allow them to operate free and fairly, a striking contrast to Orbán (Körösényi & Patkós 2017). This signifies the difference between transactive leaders, such as Berlusconi and Babiš, who have worked within the system while critiquing it and abusing some institutions for personal rather than political gains, and transformational leaders, such as Orbán, who work to reconstruct the regime to consolidate their political power (Ibid).

With respect to corruption and the rule of law, Babiš displayed illiberal tendencies; however, these are distinct from Orbán and PiS, who worked to create a frankenstate in which the rule of law was made moot, or worse, weaponized against the opposition to consolidate the power of the incumbent - an action which has shown to have a much more adverse effect on liberal democracy than corruption and efforts to avoid prosecution.

### **4.3 Tolerance for the Opposition**

Reflecting on the occupation of the Czech Radio building during the Prague Spring, Babiš stated, 'freedom and democracy is mostly about being able to admit that someone has the right for a different opinion and a different preference than I have' (Babiš 2018). While taking this quote provided by a former member of the Communist apparatchik at face value would be a fallacy, by investigating Babiš' actions it is revealed that there is little dissonance between his words and actions.

Regarding civil society, typically a target of autocratic repression, Babiš has tolerated the role of international NGOs even though they have largely criticized him; this is not to suggest that

Babiš promoted the role of NGOs - indeed, Transparency International has leveraged a lawsuit against Babiš for calling the anti-corruption organization 'corrupt' (Ondráčka 2018); nevertheless, he allowed them to continue to operate and freely criticize his rule, a course of action much different than Orbán's Stop Soros Laws - ill-defined legislation that allows for the imprisonment of those who provide assistance to immigrants (Beauchamp 2018). These laws have been used not only to attack NGOs that aid migrants, but also to attack proponents of liberalism who challenge the Fidesz government and illiberal democracy (Bodoni 2020). Further, Orbán's closure of the Central European University, which he views as 'hub of liberal thought' resisting his rule, is yet another instance of variance between Babiš and competitive authoritarian leaders, given that Babiš never assaulted higher education or other institutions' freedom of speech and thought to criticize his rule (Novak 2020).

Babiš' tolerance for civil society extends to tolerance for his political opponents, who have yet to be sidelined at the hands of the ruling party - in contrast to the opposition in Hungary and Poland. Orbán has altered the Hungarian electoral system and the rules of campaign finance, ushering in the 'cartelisation of the Hungarian party system' (Susánszky, Unger & Kooper 2020). The new electoral system favors majoritarian politics by way of a single-member districts, forcing divided opposition parties to cooperate to have any chance of electoral success, resulting in higher transaction costs that further inhibit the opposition's success (Lyman & Smale 2014). The strategy needed for success in this electoral system contrasts with that of campaign financing, which allots funds based on the number of candidates a party runs, encouraging parties to not form alliances in order to receive financing (Ibid). As a result, opposition parties find themselves in an unescapable trap between an electoral system which encourages coalition electioneering and a campaign finance system which discourages such coalitions (Susánszky, Unger & Kooper 2020). Furthermore, the ruling party has embezzled resources to fund sham parties to divide the vote of the opposition, allowing Fidesz to maintain a constitutional majority with only a plurality of the vote (BTI 2020).

Babiš did not propose, much less attempt to implement, institutional attacks on opposition parties such as re-engineering the electoral system to inhibit fair competition or manipulating public campaign funds to finance sham parties to split the vote, as Orbán has (Lyman & Smale 2014). Instead, the electoral field has become more accessible for opposition parties, with the Constitutional Court ruling that election laws created prior to Babiš' tenure as Prime Minister unfairly benefit large parties, such as ANO, and altered the law to reduce this advantage

(Kenety 2021). Despite the Constitutional Courts rulings which ultimately hurt Babiš' party, he did not subvert the country's court system, nor did he challenge the court's legitimacy after this ruling which damaged his party's prospects ahead of the 2021 elections. Instead, he showed institutional forbearance and tolerance for the opposition, two defining characteristics of politicians who play by the rules of liberal democracy (Levitsky & Ziblatt 2018).

## **6. Conclusion**

I have analyzed the rule of Prime Minister Babiš and the threat he was assumed to pose to Czech democracy. In doing so, I have explored the validity of arguments leveraged against him following his ascension to Prime Minister. Indeed, he was a corrupt, populist oligarch who sought to enrich himself and avoid prosecution using his position of authority. However, through a comparative analysis, it becomes clear that he never sought to consolidate his power and yield an unfair advantage against his political opponents - a contrast to the illiberal leaders of Hungary and Poland. Overall, Babiš respected the free press, rule of law and opposition. The assumption that his corruption or populist rhetoric alone would undermine liberal democracy in the Czech Republic proved insufficient as his actions largely conformed to the norms of liberal governance, and, ultimately, he failed to consolidate his incumbency via abuse of state institutions, resulting in his party's loss in the 2021 Parliamentary Elections and the peaceful transfer of power.

There are two main limitations of my study: first, I have not explored the illiberalism of actors besides Babiš, inhibiting the conclusion that the Czech Republic is entirely immune from democratic backsliding. Particularly due to Czech's dual executive, liberal democracy in the Czech Republic could be discarded by President Zeman, who remains the only representative of his party in national government following the 2021 Parliamentary Elections, possibly leading him to engage in illiberal action as he sees his chances of effecting policy through the traditional democratic process dwindling. Further, despite the illiberal and nativist SPD sitting as the country's fourth-largest party, the risk they pose to the Republic has been ignored in this article. Additionally, this analysis takes a macro-approach to Babiš' actions, viewing styles of politics - even those with illiberal spirits, such as his campaigning with Orbán (Muller 2021) - as insignificant if not followed by action.

The second limitation, though in my opinion of less significance, is that Babiš party, ANO, did not have a simple majority and had to work with a relatively unstable coalition government. While Orbán was able to replace Hungary's constitution due to Fidesz's supermajority in the 2010 elections, the PiS held on to only a simple majority following 2015, and, without the ability to easily replace the nation's constitution, elected to attack the country's court system to consolidate their rule. It is true that ANO had neither of these types of majorities, yet this did not make autocratic change possible. First, Babiš could have attacked unelected offices, like PiS, to 'capture the referees' of democratic government (per Levitsky & Ziblatt 2018: 87). Babiš displayed the capacity to do this with his replacement of the justice minister in 2019, but, as noted, he elected for an official who would not prosecute him for his financial crimes, rather than a candidate who would attack his political opposition, suggesting he had no intention of consolidating power through this method.

Another possible way Babiš could have assaulted liberal democracy despite his party lacking a majority would have been for him to form an alliance with the SPD in addition to their alliance with the ČSSD, which could be used to weaponize the institutions of the state against the political opposition. The SPD has nativist and autocratic tendencies and is seen as the black sheep of Czech politics. Following the 2017 election, Babiš refused to back the SPD's plan to hold a vote on the withdrawal from the EU in exchange for the SPD's confidence despite the SPD offering ANO a path towards a stable majority in the Chamber of Deputies that would likely have been willing to undermine liberal democracy (Lopatka 2017). Yet, they have not worked together.

While the motivations of why Babiš refuses to form a coalition with the SPD - even though the group has voted with ANO regularly - is unclear: it can be viewed as the result of either a commitment to the EU and its respect for democracy or a cordon sanitaire, the principle of not cooperating with radical parties. The lack of an alliance between ANO and the SPD, even if it is not a formal method of exclusion as occurs during deliberate campaigns of anti-packing (see Art 2022), once again demonstrates how Babiš has chosen not to pursue efforts to undermine liberal democracy in the Czech Republic. Regardless, Babiš' choice not to form this alliance is telling, and undermines the assumption that his party's lack of majority can explain why he did not assault Czech democracy.

ANO's loss in the 2021 Parliamentary Elections reinforces what I have argued in this paper: Babiš did not try to undermine liberal democracy in the Czech Republic. The opposition was never systematically targeted by Babiš, in contrast to the opposition in Hungary and Poland today, which allowed them to freely contest Babiš' rule. The success of the opposition and the limited decline of liberal democracy in the Czech Republic should not be a surprise. Instead, as I have shown through the comparative analysis of elite actions rather than assumptions based on populism or corruption, the distinctions between Babiš and the illiberal heads of government in Hungary and Poland are clear and the threat that Babiš posed to the Republic was always minimal.

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