The Limits of Autocratic Diffusion

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PANEL 2:

The Democratic Beachhead: Ukraine and the Future of DDRL

ABOUT THE CONFERENCE:

"The Autocratic Challenge to Liberal Democracy and the Future of Global Development: The World 20 Years After the Founding of CDDRL" was a one-day workshop examining the state of democracy and development today held on November 4, 2022, in celebration of CDDRL's 20th anniversary.

The workshop brought together current and former CDDRL scholars to understand the causes and consequences of these global challenges, and to advance a research agenda that can underpin an era of democratic renewal.

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How can autocracy diffuse? Can leaders adopt each other’s legal, electoral, and institutional templates? Using the example of the Hungarian illiberal governing party, Fidesz, and its leader, Viktor Orbán, I argue that autocratic diffusion is likely to be limited by several factors, most notably domestic institutions and the would-be autocrats’ own competence.

**Fidesz and Orbán: a temple to emulate?**

After coming to power in 2010 (with a minority of the popular vote that translated into a constitutional supermajority), Orbán’s Fidesz government rewrote the constitution, and transformed the judiciary from an independent court system to a largely politicized one, loyal to the governing party. As Kim Lane Scheppele has exquisitely documented, Fidesz gerrymandered elections, halving the number of MPs in Hungary’s parliament but then designing new electoral districts that varied enormously in size (not surprisingly, Fidesz-dominant districts were tiny, while Fidesz voters were diluted in districts several times bigger). These moves scrupulously followed formal legal procedure: enabling motions, parliamentary votes, new bills, laws, and regulations.

The state also prosecuted the culture wars, again through formally legal means. Civil society organizations were stigmatized as “foreign agents” and burdened with registration and tax requirements in 2017. University gender studies departments have been eliminated, and the Central European University, the premier private university in Hungary, hounded out of the country in 2018 under the weight of new regulatory requirements. Laws passed in 2021 banned the presence of gay and trans people in schools, public media, and educational materials, equating homosexuality with pedophilia.

Orbán and Fidesz have virtually silenced the opposition political parties, limiting their time to speak in the parliament, banning them from introducing bills or amendments, and giving the opposition candidate 5 minutes on national TV during the most recent electoral campaign this spring. The government obtained control over the media through tax policies and ad buys: 80% of the media market is now dominated by Fidesz affiliates.

At the same time, the state offered powerful rewards to supporters. Fidesz substituted public sector employment for social welfare and unemployment benefits, so that 6% of the workforce
now is employed by the state, exempted young people from taxes, and gave new housing benefits to couples planning large families. Orbán’s cronies have benefited from the nationalization of sectors ranging from pharmacies to oil, and from non-competitive contract tenders. Tax laws and targeted legal efforts have undermined competition and hurt the disloyal.

The result in Hungary has been that Fidesz has assumed a near control of politics, economy, and society. Visitors to Budapest might be surprised: cafés are bustling, people speak freely, and elections are still held. But Fidesz has systematically entrenched itself in power, successfully suborning the state to change the constitution, control the economy, win the culture wars, and buy itself durable support.

The attractions of authoritarianism

Critically, Orbán has achieved autocratic control through seemingly democratic means. He has harnessed state power to entrench himself, and has done so without open fraud, coercion, or repression. As many others and I have argued elsewhere, he has done so through a concerted effort to suborn formal institutions, undermine informal norms, and reward his supporters.

Orbán is also the sanitized, urbane face of far-right politics. He provokes occasional outrage, but there are no wild-eyed conspiracy theorists among his advisers, he does not profess love for Kim Jong-un, and he has capably exploited international institutions such as the European Union, rather than attempting to explode them from within.

The Orbán template is thus an attractive one to would-be autocrats: go after the institutions of independent monitoring and oversight, stifle the opposition, entrench yourself in the economy, and reward your supporters with welfare and subsidies, and do it all while preserving the formal trappings of democracy. Not surprisingly, autocratic leaders in Poland, Turkey, and Russia have happily met with Orbán and lauded their common goals and practices.

In the United States, a significant sector of the American Republican party also adores Orbán. Orbán happily hosted the Conservative Political Action Conference (CPAC) in May in Budapest. Tucker Carlson has hosted his show from Hungary in the fall of 2021. Orbán travelled to Texas for the CPAC conference in August, denouncing globalists, immigration, and gay rights. He announced that “we should unite our forces,” in the fight against immigrants (“Muslim invaders”), gender studies (“absurd”) and gay rights (equivalent to pedophilia), to roars of approval from the conservative crowd. Conservative commentators such as Rod Dreher and
Matt Schlapp pointed to Hungary as a model to emulate, and former President Trump praised Orbán as his friend.

This Republican championing of Orbán and his tactics led commentators to worry that “America’s far-right embraces Hungary's autocratic president” and that “the GOP is Viktor Orbán’s party now”.

The template for the GOP seems obvious: a political party that could not achieve a majority of the vote through democratic means (Fidesz only obtained a majority of the vote in the 2022 elections, which were no longer fair) transforms the institutions of the state to ensure its hold on power. The appeal is obvious to a party that is similarly dependent on the disproportionality of electoral procedures and institutions to hold onto power.

Fidesz and the GOP are fighting a similar culture war, with Fidesz successfully fighting their “enemies” through legislation that limit their rights and make their activities illegal, and virtually eliminating the political opposition.

Orbán demonstrates how to wield the power of the state to create what he calls an illiberal, Christian democracy. For Republicans who see a Leftist dominance of both culture and technology, the state is the only way to establish conservative cultural and political power. As Rod Dreher, the organizer of CPAC put it, “we need to unapologetically embrace state power.” He further argued that “If Americans want to see the conservatism of the future, they should go to Budapest and learn how and why to use state power for conservative ends.”

This autocratic project also resonates with the Republican-adjacent Catholic integralism of writers such as Adrian Vermeule, Patrick Deneen, or Sohrab Ahmari, who openly call for the end of liberal democracy in the name of an illiberal Christian state that pursues the “common good,” as defined by “natural law” (as interpreted, presumably, by the integralists themselves.)

**Institutional limits on the diffusion of autocratic templates**

Yet even if his supporters in Poland, Turkey, or the United States share Orbán’s goals, there are limits to the diffusion of the autocratic template.

In the United States, the institutional inertia and built-in veto points of the American institutional system preclude the kind of takeover Fidesz engineered. Fidesz only needed a one-time parliamentary supermajority to instantly replace Hungary’s constitution with its preferred variant. In the United States, two-thirds of both houses of Congress would have to put forth an
amendment then accepted by two-thirds of state legislatures, and then ratified by three-fourths of state legislatures.

Second, so long as the United States is a federation, the kind of unitary takeover of power that Orbán was able to engineer is impossible. The American states have historically served as laboratories for democracy, where new rights and policy experiments were forged—and as laboratories against democracy, as national level partisan conflicts and polarization have resulted in distinct policies on climate change, health care, reproductive rights, and voting itself. As a result, we may very well get a patchwork of democratic and autocratic states that echoes the post-Reconstruction Southern authoritarian enclaves, but a federal takeover is much less likely. Similarly, Hungary is also a parliamentary system: control over the executive and the legislative arms belongs to the party or coalition with majority votes. There is no other separation of powers, and the judiciary is the only check: that is what made the takeover of the courts so critical to Fidesz’s project. In contrast, different parties often control the legislative and the executive branches in the United States. Third, there is no state-owned media for the majority party to take over—and unlike Hungary, the government does not make massive ad buys that make or break media outlets.

Most importantly, using the state as adroitly as Orbán has is a non-starter. For all the corporate subsidies and favorable tax policy, the idea of rewarding supporters with an expansion of welfare benefits or public goods runs into the teeth of the GOP’s remaining fiscal conservatives—and the race politics of the Unites States. Today’s politicians certainly fight the culture wars. They even try to punish corporate opponents, as Governor Ron DeSantis tried to do to Disney. But there is little appetite for mass hiring by the state, tax exemptions for young voters (as opposed to senescent corporations), or direct housing subsidies for families with many children. In post-communist Hungary, the state is an accepted and active player in the economy, in ways that both allow public investment and autocratic entrenchment. In the United States, the state’s active involvement is met with skepticism and suspicion (unless it subsidizes corporations and selected elites.)

**Competence as a constraint**

Beyond these formal strictures, a successful takeover of the state requires competence. Fidesz began as a party of young law students: and attorneys continue to dominate its top echelons. It is disciplined, it votes on and enacts precise laws rather than diktats, and it has proven capable in dealing with outside critics such as the EU.
Poland shows why this competence is so important. The government of Prawo and Sprawiedliwość (Law and Justice, PiS) began its rule in 2015 with a controversy over the Constitutional Court: the new government refused to seat judges nominated by the previous, and instead insisted both on naming the replacements and curtailing the power of the Court. PiS then attacked the media, with directors of the public TV and radio stations and critical journalists being fired and replaced. Its leaders then announced a civil service purge that would verify at least 2,000 civil servants for their loyalty and ideological identification.

Yet PiS was unable to take over the state as Fidesz did. First, despite also ruling alone, it did not have the supermajority that Fidesz did. Second, its efforts verged on the bumbling at times (different versions of bills were sent to the Senate and the parliament, massive protests meet the government’s more outrageous efforts, and a lively independent media has survived attempts to curtail it.) Its legislative proposals have been found to be riddled with simple errors and inconsistencies, including in the Supreme Court proposals. PiS legal experts have been denounced as party hacks and “amateurish.”

**What we should worry about**

As a result, many other would-be autocrats cannot simply emulate Orbán and transfer his template for the takeover of the judiciary, the economy, and the state. Institutions, the strength of civil society and the opposition, and the autocrat’s own capacities all serve to constrain a wholesale adoption of the Orbán model.

In the United States, the biggest dangers are home-grown, and they have nothing to do with Orbán. These include the undermining of the faith in election integrity, the most essential institution in any democracy. The result has been a spate not only of voter suppression laws: but attempts at vote *subversion*. These include Big Lie supporters running for Secretaries of State, efforts in over 30 states to change how and which votes are counted, and the assertion by state legislatures that they alone decide who is sent to the Electoral College.

Orbán, for his part, has quite understandably not called into question either the electoral process that brought him into power or the electoral outcomes that keep him there.

As a result, Orbán’s regime in America or elsewhere is largely a pipe dream. There is far less to fear from Hungary, than from our own homegrown autocrats, and their ready willingness to undermine the most fundamental institutions of democracy.
Since 2002, the Center on Democracy, Development and the Rule of Law (CDDRL) at Stanford University has collaborated widely with academics, policymakers and practitioners around the world to advance knowledge about the conditions for and interactions among democracy, broad-based economic development, human rights, and the rule of law.

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