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In Defense of Media Freedom: The Power of Protest

I. Introduction

Democratization has been taken for granted as a self-sustaining process since the collapse of Communism and individual countries have been left to manage their governments domestically. As a result, the primary issues that now confront them are characteristically internal. Although new republics made rapid advancements to meet the standards of their peers, the quality of democratic institutions has now fallen into global decline.[1] Highly visible forms of democratic breakdown have increasingly given way to the subtle erosion of liberal norms and procedures.[2] If unchecked, even civil institutions can be made vulnerable to the exploitation of determined leaders. Democratic backsliding threatens transitioning and consolidated democracies alike, and the internal dynamics through which it occurs must be understood before it can be effectively addressed.

This analysis addresses a key component of illiberal trend by investigating how specific leaders are able to undermine media independence, while comparable ones fail to achieve the same effect. The existence of a free media is indispensable to a functional democracy, and its "domination… has underwritten" the success of illiberal regimes in monopolizing control in other regards.[3] The decline of media freedom is associated with the loss of civil liberties and political decay generally, but media and civil institutions are at increasing risk even when electoral democracy is maintained.[4] Even then, the erosion of press freedom creates an environment in which state powers can exploit compromised media institutions and consolidate deeper control over political discourse and the state.[5] The quality of media has "profound effects upon the quality and sustainability of democracy," and an independent press is necessary to enforce oversight where horizontal accountability can be weak or absent.[6]

The Visegrád nations of Poland, Czechia, and Hungary all had early success in establishing liberal democracies, but the independence of their media institutions has been targeted by their current populist leaders.[7] However, the effectiveness of each regime varies greatly. Viktor Orbán has exercised near complete control of Hungarian politics since 2010 and gained custody of much of the media through a series of informal alliances and legal overhauls.[8] Since 2015, The Polish Law and Justice party (PiS) has attempted to follow Orbán's example, but with less success.[9] Highly-regarded Czechia has also seen

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[1] Sarah Repucci, "Freedom and the Media 2019: A Downward Spiral," Freedom House, June 4, 2019, https://freedomhouse.org/report/freedom-media/freedom-media-2019.
[2] Nancy Bermeo, "On Democratic Backsliding," *Journal of Democracy*, 27(1), 2016: 5-19.;
[3] Csaky, Zselyke. "Freedom and the Media 2019: A New Toolbox for Co-opting the Media." Freedom House. June 4, 2019. https://freedomhouse.org/report/freedom-media/freedom-media-2019.
[4] Staffan Lindberg, "The Nature of Democratic Backsliding in Europe," Carnegie Europe, July 24, 2018. https://carnegieeurope.eu/2018/07/24/nature-of-democratic-backsliding-in-europe-pub-76868; Repucci 2019.
[5] Steven Levitsky and Lucas Way, "Why Democracy Needs a Level Playing Field," *Journal of Democracy*, 21(1), 2010: 57-68.
[6] Marc F. Plattner, "Media and Democracy: The Long View," *Journal of Democracy*; Baltimore 23 (4), 2012: 62–73, http://dx.doi.org/10.1353/jod.2012.0081; Repucci 2019.
[7] Arch Puddington, "Worrisome Signs, Modest Shifts," *Journal of Democracy; Baltimore*, 16(1), 2005: 103-108; "2019 World Press Freedom Index." Reporters Without Borders. Accessed October 15, 2019. https://rsf.org/en/ranking_table.
[8] Peter Krekó and Zsolt Enyedi, "Orbán's Laboratory of Illiberalism," *Journal of Democracy*; Baltimore 29(3), 2018: 39–51.
[9] Wojciech Przybylski, "Can Poland's Backsliding be Stopped?" *Journal of Democracy*; Baltimore 29(3), 2018: 52-64.

its press freedom threatened since president Miloš Zeman came to power in 2013, and especially with the 2017 appointment of current prime minister Andrej Babiš.[10] Although the Czechs appear to be of the same breed as their counterparts, they have not had the same impact.[11]

II. Theory

These cases provide a convenient spectrum of analysis to examine how media freedom is allowed to endure. In addition to their common democratization experience, they all operate under parliamentary systems, with some variation, and provide constitutional guarantees to free speech and information that have nevertheless been violated.[12] Greater variations in the structure of media institutions have been identified, but they do not correspond especially well to the differences that we see today. Tworzecki and Semetko explore the development of media culture in Czechia, Poland, and Hungary and the historic relationship of media groups to their respective states.[13] Both Poland and Hungary notably struggled to overcome the influence and explicit bias of ex-Communist journalists during the 1990s, but the Hungarian press is far more prone to advocate for the ruling government. This is difficult to explain as part of a developmental pattern, as private ownership was heavily restricted by both the Czech and Hungarian governments who share similar ownership patterns today.[14] Kostadinova provides an overview of trends in media ownership in post-Communist Europe and the relationship between pluralism and content quality, but pluralism certainly does not explain the difference between Zeman's and Orbán's governments.[15] Interestingly, Tworzecki and Semetko failed to find a relationship between patterns of media use and trust in government, casting further doubt on the significance of specific media markets.

The Power of Protest

Instead, vertical accountability mechanisms provide the most reliable constraints on leaders. Horizontal checks have also been useful in containing Zeman, but they have not always been effective in Poland or Hungary. Vertical accountability has been powerful in the latter cases, even though the ruling parties have had full legal capacity to pursue their agendas. Stetka and Örnebring reveal the limited ability of investigative journalists to deliver political change and that, at least regionally, the members of the press themselves are not the primary agents of accountability.[16] Since these governments claim electoral legitimacy from the public, they are most responsive to the mobilization of average citizens. Politicization of the press is an extremely desirable goal for any regime, but media institutions are also highly prized by the public. Citizens have turned to the streets in all of these cases when they believe that a credible threat to these institutions exists. The act of mass demonstration, or sometimes the threat of it,

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[10] "2019 World Press Freedom Index." Reporters Without Borders. Accessed October 15, 2019. https://rsf.org/en/ranking_table.
[11] Jiri Pehe, "Czech Democracy Under Pressure," *Journal of Democracy; Baltimore* 29(3), 2018: 65-77.
[12] Eva Bognar et al. *Country Report: Hungary* (Budapest: Center for Media Pluralism and Media Freedom, 2017); Václav Štetka and Roman Hajek. Country Report: Czech Republic (Budapest: Center for Media Pluralism and Media Freedom, 2017); Annabelle Chapman, "Pluralism Under Attack: The Assault on Press Freedom in Poland," Freedom House, June, 2017.
[13] Tworzecki, Hubert and Holli A. Semetko, "Media Use and Political Engagement in Three New Democracies: Malaise Versus Mobilization in the Czech Republic, Hungary, and Poland." *The International Journal of Press/Politics* 17(4), 2012: 407-432.
[14] Bognar 2017; Štetka 2017.
[15] Petia Kostadinova, "Media in the New Democracies of Post-Communist Eastern Europe," *East European Politics and Societies and Cultures* 29(2), 2015: 453-466.
[16] Stetka, Vaclav and Henrik Örnebring, "Investigative Journalism in Central and Eastern Europe: Autonomy, Business Models, and Democratic Roles" *The International Journal of Press/Politics* 18(4), 2013: 413-435.

is the only power to reliably force regimes to change their action when governmental checks have been insufficient.

Explaining Mobilization

Popular mobilization is the most viable mechanism for accountability when institutional safeguards fail, but citizen response critically depends on the *visibility* of specific threats. Thus, the success of leaders in infiltrating media institutions corresponds directly with their ability to conceal their actions. The ruling party uses popular support as a metric to gauge its ability to act unconventionally. Its strength relative to opposition suggests its ability to avoid legal reprisal, but the party's interpretation of an electoral mandate to actually take action is more important in determining the extent of their infiltration. Mobilization carries the tacit threat of removal and conveys that the party's legitimacy is in danger. The actions of populist leaders demonstrate both that they have an interest in infiltrating the media and that they are sensitive to their level of popular support. Voter mobilization does indeed control government action, but illiberal leaders may avoid accountability by strategically reducing their visibility and preventing pressure from taking shape. Through these cases, this analysis illustrates the relative success of regimes in undermining press freedom through obscured means, and reaffirms the ultimate power of popular protest in enforcing accountability and protecting media institutions.

III. Czechia: High Visibility, Minimum Disruption

Coalition Weakness

The personalities now in charge of the Czech government have been routinely criticized for their relationship with the media. Zeman has served as the country's president since 2013, but he has only exercised power through delicate coalitions. The President's Party of Civic Rights – Zeman's People (SPOZ; formerly SPO) was founded to support Zeman's candidacy and is not represented in Parliament.[17] After assuming the Presidency in 2013, Zeman appointed his own caretaker government and continued to consult it for months after it had been rejected by Parliament. Lacking a convincing mandate of his own, Zeman finally relented when the Senate threatened to consult the Constitutional Court.[18] He is instead forced to rely on coalitions between parties with conflicting ideologies in the fragmented Chamber of Deputies.

Long-time ally and current prime minister Babiš has faced great difficulty in maintaining a plurality for governance. Babiš's Action of Dissatisfied Citizens (ANO) is the largest party in Parliament, but it falls far short of independent governance.[19] Babiš has been tested more than once, and his first government failed a vote of no confidence in 2018.[20] The second government survived another no confidence vote in 2019, but only after negotiating controversial support from the Communist Party and the far-right Freedom and Direct Democracy Party (SPD).[21] Zeman lacks the legislative unity to pursue his agenda independently, and he has failed to assert his independence over Parliament.

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[17] Inter-Parliamentary Union, "New Parline Database," https://data.ipu.org/, Accessed November, 2019.
[18] Pehe 2018.
[19] Inter-Parliamentary Union 2019.
[20] Jo Harper, "Left's Faustian Pat Props Up Czech Trump, For Now," *Forbes*, November 22, 2018, https://www.forbes.com/sites/joharper/2018/11/22/lefts-faustian-pact-props-up-czech-trump-for-now/#28ff6b677aed.
[21] Pehe 2018; Jan Lopatka, "Czech Government Survives No-Confidence Vote But Cabinet Still Fragile" *Reuters*, June 27, 2019, https://www.reuters.com/article/us-czech-politics/czech-government-survives-no-confidence-vote-

Rhetorical Assault

Zeman has not had the opportunity to impact press freedom through legal channels as in Hungary or Poland, and his hostility toward the press has been largely rhetorical, but highly visible. Zeman has expressed disdain for the press throughout his career, but a few infamous instances during his presidency have raised his profile internationally and drawn sharp repudiation at home and abroad. In conversation with Putin during a public event in Beijing, Zeman made an offhand remark about the presence of "too many journalists" and suggested that there was a need for 'liquidation.'[22] A smiling Zeman later displayed a mock AK-47 bearing the inscription 'for journalists' that he had received while on tour in Czechia.[23] The President has not shied from this rhetoric, even joking that a banquet for Czech journalists should be organized at the same Saudi consulate in Istanbul where Jamal Khashoggi had been dismembered only weeks before.[24]

The implications of these comments are up to the interpretation of voters, but outraged politicians and journalists have embedded the incidents in public dialogue. Zeman has brushed off their criticism and continued with minimal pressure from the voters themselves. Whether owing to their opinion of the President or as an expression of their faith in governmental checks and balances, the public has not treated Zeman's rhetoric as a tangible threat to the press. Far from being apathetic, Czechs have turned out in massive numbers to protest the clear conflict of interests posed by Babiš's personal ownership of several media outlets.[25]

Preventive Pressure and Protest Paralysis

With their tenuous position in power, both leaders, and Babiš in particular, have been sensitive to their image at home.[26] The conditionality of their power was made clear to the Czech leaders after mass demonstrations forced Slovakian prime minister Robert Fico to resign from office in 2018.[27] The protests that suddenly deposed Fico were prompted by the assassination of an investigative journalist, highlighting the sanctity of press freedom in the region and presenting an explicit warning to Czechia's leaders. Babiš has previously yielded to public outcry, and he was forced to rescind a concession to the Communist Party that appointed one of its members to the committee overseeing the state's security forces.[28]

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but-cabinet-still-fragile-idUSKCN1TS0EH.; B.C. "The Enduring Influence of the Czech Republic's Communists" *The Economist*, July 11, 2018, https://www.economist.com/the-economist-explains/2018/07/11/the-enduring-influence-of-the-czech-republics-communists.

[22] Hans de Goeij, "Czech Leader's Call to 'Liquidate Journalists Was a Joke, His Office Says," *New York Times*, May 15, 2017, https://www.nytimes.com/2017/05/15/world/europe/milos-zeman-journalists.html; "Zeman Says He Wished to 'Liquidate' Press; Critics Unamused," *AP News*, May 15, 2017, https://apnews.com/a5e29978248d4df58d520316a6b0c4c9.

[23] Maya Oppenheim, "Czech President Holds up Replica Gun Marked 'for Journalists' in Press Conference," *The Independent*, October 23, 2017, https://www.independent.co.uk/news/world/europe/czech-parliament-ak-47-journalists-press-conference-name-and-where-it-happened-elections-media-a8014841.html; Rick Noack, "Czech President Waves Mock Rifle 'at Journalists' During News Conference," *The Washington Post*, October 23, 2017, https://www.washingtonpost.com/news/worldviews/wp/2017/10/23/czech-president-brandished-a-mock-gun-toward-journalists-amid-fears-that-media-conditions-there-could-deteriorate/;

[24] https://www.euronews.com/2018/10/26/czech-president-jokes-he-will-organise-banquet-for-journalists-at-saudi-embassy

[25] AP News 250k turn out against Babis. https://apnews.com/69da90aeca1c4bc0bfcde253c936df69

[26] Pehe 2018.

[27] Grigorij Mesežnikov and Ol'ga Gyárfášová, "Slovakia's Conflicting Camps," *Journal of Democracy*; Baltimore 29(3), 2018: 78-90.

[28] Pehe 2018.

Presently, Babiš has become the target of largescale protests after the public perceived institutional accountability mechanisms have stalled.

Czech media is heavily dominated by a small number of oligarchs, and Babiš owns the multi-platform MAFRA media group as a subsidiary of his Agrofert conglomerate.[29] He has been accused of violating MAFRA's editorial independence while prime minister, and he demonstrated his willingness to exploit his office for personal gain as Zeman's finance minister.[30] His appointment to prime minister was answered with an amendment to the Act on the Conflict of Interests that explicitly forbids politicians from holding stakes in the media. Despite prior assurances that he would "resolve" his ownership, a 2019 dispatch by Transparency International revealed his failure to do so and prompted massive demonstrations demanding either his compliance or his resignation.[31] Czechs have twice produced crowds of 250,000 demonstrators in June and November, dwarfing the small crowd of 4,000 demonstrators that responded to Zeman's "liquidation" remark.[32] The difference is that while Zeman's public statements are highly visible, they are not matched by action. Mobilization occurs when visibility aligns with the perception of a credible threat that legal oversight has not contained.

IV. Poland: Moderate Visibility, Limited Disruption

Hidden Leaders, Political Dominance

Despite the structural parallels of the Polish and Czech governments, Law and Justice has proven much more capable and disruptive to Polish media. The President of Poland has slightly greater power to introduce legislation, but he is still bound by the approval of the Sejm and Senate. More importantly, PiS won the Presidency and sizable majorities in both the Senate and the Sejm in 2015, securing the electoral mandate to overwhelm opposition.[33] Despite their advantages, PiS has encountered the limits of its power as dictated by public pressure. The popular mandate emboldened the party to pursue its agenda, and their domination of legislature enabled and encouraged them to take much of its action through legislative channels. They have had moderate success in this venue, but its use and the rhetorical openness of some PiS members has exposed it to public scrutiny.

Party leader Jarosław Kaczyński is an outspoken critic of his country's media and what he claims is its exceptional liberal bias, unmatched in other democracies.[34] His rhetoric is not nearly as inflammatory as Zeman's, but Kaczyński's views are well-known and frequently reiterated in interviews with friendly news sources. Unlike Zeman's SPOZ and Babiš's ANO, Kaczyński has managed to separate his persona from the official leaders who enact controversial PiS policy. Instead of reprising his

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[29] Štetka 2017.
[30] Pehe 2018.
[31] Ruth Fraňková, "Finance Minister Babiš to Solve Ownership of Agrofert in February," *Radio Prague International*, January 26, 2017, https://www.radio.cz/en/section/news/finance-minister-babis-to-solve-ownership-of-agrofert-in-february; Transparency International Secretariat, "European Commission Confirms Czech Prime Minister Andrej Babiš Has Conflict of Interest," *Transparency International*, June 5, 2019, https://www.transparency.org/news/pressrelease/european_commission_confirms_czech_prime_minister_andrej_babish_has_conflic; Karel Janicek, "Czechs Use Anniversary of Velvet Revolution to Pressure PM," *AP News*, November 16, 2019, https://apnews.com/69da90aeca1c4bc0bfcde253c936df69.
[32] Samuel Osborne, "Prague protests: Thousands of Czechs Take to the Streets After President Attacks Media," *The Independent*, May 15, 2018, https://www.independent.co.uk/news/world/europe/czech-protest-prague-milos-zeman-media-wenceslas-square-a8257461.html.
[33] Inter-Parliamentary Union 2019.
[34] Chapman 2017.

role as prime minister from PiS's last run in power, Kaczyński chose instead to defer the position to proxy leaders, whom he can influence from the sidelines.[35] The tactic has successfully provided a release for public pressure and allowed Kaczyński's agenda to continue through changes in formal leadership. Loyalist Beata Szydło was initially chosen to serve as prime minister in 2015, but she was later shuffled to deputy prime minister after providing Kaczyński with the sole dissenting vote against former opposition prime minister Donald Tusk's reelection as president of the EU European Council.[36] When a Sejm bill to replace the judges of the National Judiciary Council provoked protests, President Duda vetoed the bill so that softer legislation could be introduced.[37] The new legislation granted PiS effective control of the council by forcing the majority of its judges into early retirement, rather than by replacing them outright. While PiS is driven by its own moral authority, the leadership nevertheless employs a deliberate strategy to balance its exercise of power against the reprisal that it fears from the electorate.

Limitations of Power

Despite possessing the capacity to ignore political opposition in pursuit of their agenda, PiS has still been sensitive to public opinion, and opposition forces have been successful in limiting their transgressions when they can involve civil groups and rally the public. The Polish government has at times followed the techniques successfully used by Orbán, but they are met with greater resistance and achieve only limited success. In Hungary, Fidesz immediately set out to restructure the laws governing media administration in the same year that it came to power in 2010.[38] The relevant media oversight bodies in Poland and Hungary were once highly similar, consisting of non-partisan boards whose members were jointly appointed by the ruling party and opposition.[39] Fidesz disrupted this balance with a series of legislative measures that established a new Media Council with oversight authority over all media. Its board members would be appointed by the Parliament, effectively overriding the independence of other bodies and shifting the control of public media into partisan hands.

PiS took a more straightforward approach with the passage of a 'small media law' that terminated the membership of its National Broadcasting Council (KRRiT) until a new media organization could be created.[40] The move alarmed opposition, but it was of low enough profile to inspire only small-scale demonstration.[41] The subsequent proposal of a 'big media law' sought to establish essentially open-ended control over public media content. The more controversial move drew unwanted attention that was compounded by the openness with which PiS members proclaimed their goal of creating a national media outlet to espouse the values of the ruling government. Recognizing the greater controversy, PiS settled for the establishment of a National Media Council with the relatively limited power to appoint the supervisory board of the state's public broadcasters.[42]

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[35] Przybylski 2018; Henry Foy, "Jaroslaw Kaczynski: Poland's kingmaker," *Financial Times*, February 26, 2016. https://www.ft.com/content/8238e15a-db46-11e5-a72f-1e7744c66818.
[36] Przybylski 2018.
[37] Christian Davies, "Polish MPs Pass Judicial Bills Amid Accusations of Threat to Democracy." *The Guardian*. December 8, 2017, https://www.theguardian.com/world/2017/dec/08/polish-mps-pass-supreme-court-bill-criticised-as-grave-threat.
[38] Peter Wilkin, *Hungary's Crisis of Democracy: The Road to Serfdom* (Lanham: Lexington Books, 2016): 111-130.
[39] Wilkin 2016.
[40] Chapman 2017.
[41] Roy Greenslade, "Polish Journalists Protest at State Control of Public Broadcasting," *The Guardian,* Jan 11, 2016, https://www.theguardian.com/media/greenslade/2016/jan/11/polish-journalists-protest-at-states-control-of-public-broadcasting.
[42] Chapman 2017.

The Hungarian Media Council was significant for allowing the creation of an increasingly byzantine bureaucracy with the pretense of non-partisan oversight. After the Media Council, Fidesz continued to create the National Media and Information and Communication Authority (NMHH) with authority over print and broadcast media, specifically. While the new organization added another level of separation from Parliament, its boards would be appointed by the prime minister (Fidesz), the Media Council (appointed by Fidesz), and the new NMHH president, also appointed by Fidesz.[43] In contrast, Poland's National Media Council is explicitly political and allows active party members to serve on the board, breaking with nonpartisan tradition and drawing publicity to its actions.[44] Six months later, Law and Justice proposed legislation that would strictly limit journalists' access to parliamentary proceedings, triggering a high-profile standoff by already concerned observers. In addition to the usual outcry from political opponents, journalists occupied the Parliament and threatened a protracted and inevitably public battle with the administration. Fearing the consequences, the party withdrew.[45]

The entanglement of PiS's actions against the media with constitutional issues has drawn attention to actions that might otherwise go unnoticed by the public and limited their ability to take unilateral action. The judiciary is the final check on PiS's legislative and executive domination, and the party took early action against its independence simultaneously with its campaign for media co-optation and raising early concerns about their intentions. The KRRiT itself has a constitutionally defined role and it could not be suspended without triggering legal oversight and the input from the Constitutional Tribunal.[46] Opponents of PiS equate the party's attacks on the media with its attacks on the courts, and actions that threaten to upset the foundation of the republic have been predictably controversial.[47]

The Polish experience clearly demonstrates the relative importance of popular opinion as a way of guiding government behavior. PiS has been brazen in its attempts to subvert any structural obstacles that it confronts, but the party is only willing to do so as long as it believes that it can maintain electoral support. PiS has been wise to backtrack when it senses that it has overstepped its bounds with the public, but the party has pushed the limits of its mandate and suffered reprisal as a result. The 2019 election cycle left PiS with a slim 51% majority in the Sejm and 48 of the country's 100 Senators.[48] Kaczyński's populists have always been aware that their power depends on public acceptance, and the recent election revealed how closely they have come to losing it. If they are to continue pursuing an illiberal agenda without risking further sanction, they will need to rely more heavily on covert means.

V. Hungary: Low Visibility, Extensive Infiltration

Protest Matters

Media independence has been severely compromised under the present Orbán administration, but the Hungarian public is not, at its core, dissimilar from its neighbors. They have demonstrated that they value the right of information and relied on the power of protest to destabilize governments that have present observable threats against the press. The first Orbán government served from 1998 to 2002

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[43] Wilkin 2016.
[44] Tworzecki 2012.
[45] "Polish Protestors Block Parliament Over Press Freedom," *BBC News*, December 17, 2016, https://www.bbc.com/news/world-europe-38347674; Associated Press, "Poland Scraps Proposed Media Restrictions in Wake of Street Protests," *The Guardian*, December 20, 2016, https://www.theguardian.com/world/2016/dec/20/poland-scraps-proposed-media-restrictions-in-wake-of-street-protests; Chapman 2017.
[46] Chapman 2017.
[47] *Ibid*.
[48] 2019 Senate 48/100 https://data.ipu.org/node/135/elections?chamber_id=13496&election_id=27933

before its replacement by the Hungarian Socialist Party (MSZP). With support from Fidesz, 100,000 Hungarians turned to the streets almost immediately after MSZP's victory to express fears about the party monopolizing the press and restricting information in Communist fashion.[49] These concerns were not unfounded, and Hungary's democrats struggled to contain ex-Communist bureaucrats who dominated public media after independence and used their platforms to support socialist parties including MSZP.[50] The so-called Media Wars ended in 1996, but its memory laid the foundation for the outrage that met MSZP in 2006 when Prime Minister Gyurcsány was recorded admitting that his party had achieved nothing since gaining power and had lied relentlessly to win reelection.[51] His comments were widely published and triggered three weeks of sustained protests, peaking at 80,000.[52] The movement was violently repressed, but smaller demonstrations against the government recurred annually until Gyurcsány resigned in 2009. MSZP's hold on power delayed its replacement, but it could not prevent it.

MSZP's legitimacy crisis paradoxically bestowed Fidesz with the authority to restructure media institutions, but it is also clear that Fidesz learned the lessons of MSZP's departure. On more than one occasion, Fidesz has rolled back proposals when the voting population has turned out in force. When the administration proposed an internet tax in 2013 as part of a series of similar taxes aimed at other sectors for the expressed purpose of addressing the nation's deficit, Hungarians expressed their concerns about its impact on information and expression and turned out in Budapest.[53] The resultant rally spanned five days, drawing a crowd of 100,000 on the final day and recalling the protests that had weakened MSZP. Obviously cognizant of this, Fidesz withdrew the legislation.

The significance of this protest underscores that the Hungarian people by and large hold the same expectations for freedom of expression as their neighbors, even if their consumption habits differ. Hungarians increasingly rely on the internet and social media as their primary source of information, and so internet freedom is held in especially high regard.[54] The *quality* of the content that individuals access notwithstanding, the state's move was simple and had overt implications for the average citizen. Even when pursuing action that resonates more closely with its nativist base, the government has at least attempted to cloak its intentions and offer nominal alternatives to quiet protest. In 2017, the Parliament passed legislation that threatened to close the New York-based Central European University in Budapest, founded and funded by frequent Fidesz target and migration advocate George Soros.[55] The legislation was derided as an obvious attack on academic freedom by its opponents, and a large demonstration of 70,000 students and protestors forced the state to recoil. Without conceding wrongdoing, the government instead offered a "loophole" under which CEU could continue to operate in full legal compliance.[56] CEU

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[49] Reuters, "Hungarian Protests State Control of Media," August 31, 2002, *The New York Times,* https://www.nytimes.com/2002/08/31/world/hungarian-protests-state-control-of-media.html."
[50] Wilkin 2016; Tworzecki 2012.
[51] Tworzecki 2012.
[52] "Swelling Protest in Hungary Urges Prime Minister to Quit," *The Washington Post*, September 23, 2006, https://www.washingtonpost.com/archive/politics/2006/09/24/swelling-protest-in-hungary-urges-prime-minister-to-quit/6c466afe-e3b0-4c90-92cf-52f9802b76a1/.
[53]Jon Stone, "Hungary Suspends Internet Tax Plan After Mass Protests," *The Independent*, October 31, 2014, https://www.independent.co.uk/news/world/europe/hungary-suspends-internet-tax-plan-after-mass-protests-9830515.html.
[54] Bognar 2017.
[55] Daniel Boffey, Orbán on offensive after EU takes legal action over Soros university, *The Guardian* April 26, 2017, https://www.theguardian.com/world/2017/apr/26/eu-launches-legal-action-against-hungary-higher-education-law-university.
[56] Helene Bienvenu and Balint Bardi, "Hungary Law that Could Close Soros-Backed University Faces Uncertainty," *The New York Times,* April 12, 2017, https://www.nytimes.com/2017/04/12/world/europe/hungary-central-european-university-soros-orban.html.

eventually relocated to friendly territory after an extended battle with the government, but the state does hesitate to explicitly oppose the public.[57]

Avoiding Scrutiny

When faced with observable public pressure, even Orbán's state has recoiled. Its deep encroachments on the independence of the press have been successful in other forms because they have not been so obvious. In the wake of MSZP's scandal, Fidesz was enjoyed the popular mandate to finally implement a new constitution after having until this point operated on a modified version of its basic law under Communism.[58] The document formed a so-called *Frankenstate* that selectively adopted articles from other European democracies to further centralize power in the unicameral parliament.[59] The tactic was successful, and the implementation of the new constitution produced a crowd of 30,000 protestors, paling in comparison to the large numbers that had turned out in defense of media institutions under clearer threat.[60] Fidesz approached its media reforms in the same way, again borrowing policies that bestowed the Media Council with far-reaching powers while maintaining the guise of normalcy.[61]

Fidesz loyalists appointed in the new bureaucracy directly control the content of public broadcasting, and extend their reach through "reorganizations."[62] Beyond its legal powers, Fidesz has monopolized information through informal ties with private oligarchs. Hungarian regulations mimic Czech ones in that they formally require corporations to disclose their ownership, but private enterprises are protected by "multi-layered ownership structures" and the use of "proxies and straw men."[63] Media moguls unknown to the public benefit from the state's selective distribution of advertising funds in exchange for their self-censorship. The dynamic allows Fidesz to claim that it is uninvolved in private media, and its critics struggle to find tangible proof of political meddling. Even these companies operate with plausible deniability, and a Fidesz-aligned corporation suspiciously closed the revolutionary-era opposition newspaper Népszabadság after acquiring it in 2016. The new owners justified the action based on the newspaper's admittedly poor circulation numbers and undermined allegations of a political motive.[64] Orbán and associates have infiltrated both public and private media, but they have been careful to conceal their actions. Without clear and direct evidence of wrongdoing, Fidesz has frequently prevented mobilization simply by minimizing public awareness.

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[57] Cristina Abellan Matamoros, "George Soros Vows More Funding for Central European University in Budapest: *Euronews*, August 16, 2019, https://www.euronews.com/2019/08/16/george-soros-vows-more-funding-for-central-european-university-in-budapest.
[58] Krekó 2018.
[59] Kim Lane Scheppele, "The Rule of Law and the Frankenstate: Why Governance Checklists Do Not Work," *Governance* 26(4) 2013: 559–562.
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[63] Bognar 2017.
[64] Robert Trait, "Protests in Hungary at closure of main leftwing opposition newspaper," *The Guardian*, October 9, 2016, https://www.theguardian.com/world/2016/oct/09/protests-in-hungary-at-closure-of-main-leftwing-opposition-newspaper; "It's Official: Népszabadság is Dead," The Budapest Beacon, December 12, 2016, https://budapestbeacon.com/its-official-nepszabadsag-is-dead/.

IV. Conclusion

Media institutions can be compromised if the methods used against them are not easily observed, but the overwhelming importance of popular support to regime legitimacy presents an effective way to halt democratic backsliding. At least in the context of these regimes, leaders self-regulate their actions to prevent the loss of popular support. As seen in Hungary, a highly dominant party that has literally written its supremacy into law is still susceptible to public pressure. Similarly, PiS faces the most organized opposition of these cases, but it is not as concerned about horizontal checks on its power as it is that it will lose the popular mandate to bypass legal obstacles. Even Zeman's coalition is contained in recognition of its vulnerability to the public sphere, as much as it is to Czechia's fragmented opposition.

There is little evidence that the Visegrád region is unrepresentative of democracy in general. Although the close cultural and historical similarities of the selected countries may be relevant, neither the popularity of a given leader nor their platforms seem to be significant factors. The press restrictions that each country endured under Communism seem like a likely influence, but as addressed by Macková et al. and observed elsewhere in the region, popular protest is driven by the young, whose exposure to that history is second-hand.[65] Although it may be an obvious (or optimistic) conclusion, the experience of these countries demonstrates clearly that the limits of a government's power are defined by the governed.

A regime's interference in the media is not strictly derivative of its electoral supremacy, and all governments face the same potential for protester backlash. What their command of power does grant them is the advantage to hide their actions by leveraging the resources and influence of the state.[66] The failure to use these tools will expose a popular regime to the same pushback that an unpopular one faces when encroachment occurs. The value of the media is self-evident to the protestors observed in these cases, and it might be unrealistic to expect citizens to rally in defense of less obvious civil liberties. Regardless, the successful defense of media indicates that mass mobilization is the key to defending these institutions as well, and the goal of civic organizations must be to expose the hidden actions of the state wherever possible.

[65] Mesežnikov 2018; Alena Macková et al.,"When Age Matters: Patterns of Participative and Communicative Practices in the Czech Republic," *Communication Today*, 7(2): 2016.
[66] Csaky 2019.

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