

The Effects of Populism on Liberal Democracy

A Comparative Study of Chávez in Venezuela and
Law and Justice in Poland

Abstract

Recently there has been a rise of populism within Venezuela and Poland. Simultaneously, both countries have seen a de-democratization as a result of legal and political changes carried out by their governments. This study consists of a comparative analysis of two case studies on left-wing populism in Venezuela and right-wing populism in Poland, and aims at investigating the relationship populism and liberal democracy. I analyze these cases using the theories presented by Nadia Urbinati in her work *Democracy Disfigured* (2014).

The results show that despite the different types of populism, both parties have in similar ways contributed to the de-democratization in their countries. I provide three hypotheses on how this has happened; (1) because it leads to a centralization of powers by mobilizing the majority to violate the checks and balances and the separation of powers; (2) because the anti-pluralistic nature of populism can legitimize a tyrannic majority rule, that is able to evade and disregard the rights of minorities and oppositions; (3) because it can undermine the legitimacy and interfere in the work of independent institutions outside of the government.

Key words: Venezuela, Poland, Populism, Liberal Democracy, De-democratization, Chávez, Law and Justice.

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1 Introduction

The European election results in 2017 revealed that the support for populist parties was higher than it had been for over thirty years. In 22 countries, populist parties received an average of 16 per cent of votes in the parliamentary elections (Gelin & Åsard, 2020, 41). However, this trend has not been unique for just Europe. During the last decades, the political climate in the Americas, along with large parts of Asia have been heavily characterized by populism. This has resulted in that around two billion people were estimated to live under some form of populist rule in 2019 (Lewis, 2019).

Despite its increased attention over the last decades, populism is perhaps one of the terms surrounded by the most ambiguity within political science. Historically it has been used to describe widely different scenarios, and scientists are still far from reaching a consensus. The vagueness of the term has made research on populism difficult, and as a result many scientists do not only disagree on the meaning of the term but also on its effects on political systems. While some claim that populism is a threat to democracy, others have argued that populism can have positive effects on it. For example, Mudde and Kaltwasser argue that populism can strengthen the democracy by giving voice to those who previously were excluded from the political process. They also claim that populism has gotten unfair criticism that instead should be aimed at its host-ideology, such as nationalism or socialism. Therefore, it has been difficult in previous research to establish whether a de-democratization has been a result of populism itself, or the host-ideology (Mudde & Kaltwasser, 2012, 20-21).

I wish to further contribute to this research and therefore I have decided to investigate two different cases of populism; Chávez's left-wing populism in Venezuela, and Law and Justice's right-wing populism in Poland. My ambition with these two case-studies is to establish the ways in which both forms of populism, despite their different host-ideologies, have in similar ways threatened the democracy in both countries. Therefore, my research question reads as follows:

How has populism contributed to the de-democratization in Poland and Venezuela?

I will analyze these two cases by using the theories presented by Nadia Urbinati in her work *Democracy Disfigured*. Based on these theories, I will argue that both cases of populism has threatened the democracies in three similar ways; (1) because it leads to a centralization of powers by mobilizing the majority to violate the checks and balances and the separation of powers of liberal democracy; (2) because the anti-pluralistic nature of populism can legitimize a tyrannical majority rule, that is able to evade and disregard minority rights, and minimize the influence of political oppositions; (3) because it can undermine the legitimacy and interfere in the work of other independent institutions outside of the government that are crucial to democracy. In my analysis I will provide several examples of the actions that Law and Justice and Chávez have taken that I argue has dismantled the democracy in their countries. Lastly, I will give a few suggestions on future research that can build on this study.

2 Theory

In this study I have decided to base my analysis on the theories presented by Nadia Urbinati on the relationship between populism and democracy. I will spend the rest of this section by first discussing the definitions I will use for democracy and populism, and later account for Urbinati's theories presented in her work 'Democracy Disfigured'. I will finish the discussion by presenting three hypotheses on how populism has threatened democracy in Venezuela and Poland.

2.1 Defining Liberal Democracy

In Mudde and Kaltwasser's work, they refer to democracy as "the combination of popular sovereignty and majority rule; nothing more, nothing less". This is the most minimalist definition of democracy, without the common adjectives, such as liberal or illiberal, direct or indirect. Even though this definition contains the very core characteristics of a modern democracy, it is a very 'thin' one at that. The minimalist portrayal risks presenting the people as a passive entity, that only participates in politics through its elections (Mudde & Kaltwasser, 2012, 10 f). For this reason, I will be looking at the, more commonly referred to, liberal democracy.

Because democracy is a heavily contested term it is difficult to find a definition that has reached full consensus within political science. Therefore, I have decided to go with the second best and use Robert Dahl's definition of liberal democracy. While his ideas have not gone without criticism, Dahl's concept of democracy is likely one of the most widely accepted. While it's not only an elaborate system that demands political freedoms and rights, it is also useful for the analysis of democracy (Mudde & Kaltwasser, 2012, 11).

According to Dahl, democracies are structured around two separate and independent dimensions: public contestation, which is the possibility to freely formulate preferences and oppose the government, and political participation, which refers to the right to participate in the political system. Dahl also stresses the importance of checks and balances to secure the survival of the democracy, that guarantees the separation of powers and also protects the fundamental rights of minorities that otherwise could be threatened by a tyrannical majority rule (Coppedge, Alvarez, and Maldonado, 2008). Other than these principles, Dahl also introduces eight institutional guarantees to ensure the optimization of the two independent dimensions:

1. Freedom to form and join organizations
2. Freedom of expression
3. Right to vote
4. Right of political leaders to compete for votes
5. Eligibility for public office
6. Alternative sources of information
7. Free and fair elections
8. Institutions for making government policies dependent on votes and other expressions of preference.

2.2 Defining Populism

Populism also lacks a definition that has reached full consensus, and it is therefore important to note the difficulty that occurs when using such a word (Mudde & Kaltwasser, 2012, 3). While I do not aim to debate each definition, I will dedicate the next section to discuss Mudde's definition presented below, and argue for why I believe that this is an appropriate one to use.

"[Populism is] a thin-centred ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' and 'the corrupt elite,' and which argues that politics should be an expression of the volonté générale (general will) of the people". (2007, 23).

While some might find this definition too minimal, I argue that it is still one that is valid. The different definitions of populism always allude to an antagonistic relationship between 'the people' and 'the elite'. Populism appeals to the common people, and is an anti-elitist ideology, which makes it a moral ideology, that distinctly divides the people up into the pure, true ones, and the corrupt ones. Therefore, this distinct feature is appropriate to include in my definition (Mudde & Kaltwasser, 2012, 8).

The second feature of populism that most can agree upon is the belief in a 'general will'. This is believed to be the shared will by the true people, and populists thus believe that the politics should be an expression of this. However, according to populist rhetoric, the elite has corrupted the politics, resulting in it no longer being an expression of the general will, but rather an instrument used by the elite to exert power. Populists will therefore argue that the power has to be returned to the true people so that the politics will represent the general will, which can only be achieved by increasing the power and control of the populist party, since they are the only true representative of the people (Mudde & Kaltwasser, 2012, 8).

Lastly, the definition talks about populism as a thin-centered ideology. While some have avoided calling populism an ideology altogether, defining it as a thin-centered one allows it to be a flexible ideology that can attach itself to other ideologies, such as nationalism and socialism etc. Populism is therefore an ideology of chameleonic nature, which can make it difficult to recognize. However, the core traits of populism still remain, and these are the ones one must look at when determining whether a movement is populist or not (Mudde & Kaltwasser, 2012, 9).

2.3 Nadia Urbinati's Theories on the Relationship Between Populism and Democracy

Now, to continue the discussion on the relationship between populism and democracy, I will discuss the theories presented by Nadia Urbinati in her work 'Democracy Disfigured'. I have decided to sum up her theories under three hypotheses that will lay the foundation of my analysis later. I will discuss these one by one and explain how populism in different ways can hinder the democratic process and therefore lead to a de-democratization.

Hypothesis 1: Populism can lead to a centralization of powers by mobilizing the majority to violate the checks and balances and the separation of powers of liberal democracy.

Urbinati argues that once populists are in power, there is a risk that they will mobilize the majority in order to override and violate the checks and balances and the separation of powers. This is often done by populist parties taking advantage of the majority that they hold to rewrite old constitutions and laws in order to undermine the protection provided by other institutions, branches and oppositional parties. For example, there has been a pattern of populist governments transferring power that was previously held by other branches to the executive branch, thus increasing their own control and making it easier for the government to pass laws that are in their interest without the interference of other branches (Urbinati, 2014, 129 ff.). Thus, populist parties change the rules of the political game in favor of the current government, hindering the possibility for oppositional parties and politicians to enter the political competition. Populist parties therefore risk hindering the political contestation (Urbinati, 2014, 159 f).

According to Urbinati, polarization, and the collectivist idea of one true people, is what allows for this concentration. Populist leaders claim to be the only true representative of 'the people', therefore, anyone who opposes them can be accused of being part of 'the corrupt elite'. Thus, any power that is given to those outside of the populist party would be illegitimate, since not being a part of the populist party would mean that they cannot represent the true people. Thus, the populist rhetoric gives the impression that there is no longer any need to assure a separation of powers. This is highly problematic from a democratic perspective. The polarization turns the people into a passive entity, where they are no longer seen as different individuals with different opinions. The result is a decreased political participation, a lack of alternative information and a threat to the free contestation within liberal democracy (Urbinati, 2014, 131 ff.).

Hypothesis 2: The anti-pluralistic nature of populism can legitimize a tyrannical majority rule, that is able to evade and disregard minority rights, and minimize the influence of political oppositions.

While populism is not necessarily anti-democratic, the collectivist aspect of it makes it an anti-pluralist ideology. The polarizing discourse portrays 'the people', as one common entity, with one 'general will', and there is therefore little room for conflicting opinions within this movement. Those who do not fit in with 'the people', are either part of the corrupt elite, or ignorant enough to not acknowledge this corruption. Populists therefore do not believe in the importance of protecting minority rights or political oppositions, since these are seen as a hindrance to the general will of the people (Urbinati, 2014, 150 ff.).

This displays one of the fundamental problems with democracy, that is the risk of it turning into a tyranny-by-majority. Without reforms in place that protect the political oppositions and minorities, the popular majority can always be mobilized to override the interests of these groups. In order to avoid this risk, most modern-day liberal democracies have institutions and laws in place that protect the interests of both minorities and political oppositions and secure their influence over politics despite not being a part of the majority (Urbinati, 2014, 138 ff.).

Nadia Urbinati argues that there is a pattern of attempts from populist parties attempting to discard these protections. Therefore, populists in power risk turning liberal democracies into authoritarian democracies, where the majority is allowed to rule freely without the interference of other parties and interest groups. This challenges the principles of autonomy and representation within democracy (Urbinati, 2014, 138 ff.). In Nadia Urbinati's words: "Being in the minority is not safe in a populist regime, and this is enough reason to mistrust it" (2014, 166).

Hypothesis 3: Populism can undermine the legitimacy and interfere in the work of other independent institutions outside of the government that are crucial to democracy.

Populism rarely stops at just the government but will tend to polarize other sectors of society. Urbinati argues that populist movements have a history of attacking other institutions that are crucial to democracy, such as media outlets, independent courts and the education system. Once in power, many populist leaders have used their upper hand through the political majority, to pass laws that allow them to censor media, fire critical journalists and replace them with others who are loyal to the populist party. There is also a history of populist governments spreading propaganda and accusing other independent institutions of being corrupt, which in turn undermines the legitimacy towards them (Urbinati, 2014, 160).

This presents a threat to the definition of liberal democracy that I discussed previously. Not only does an increased governmental control over independent institutions reduce the opportunity to take part of alternative information, hindering citizens from forming independent opinions, but it also contributes to a greater centralization of powers within the government, further hindering oppositions and minorities to influence the political agenda (Urbinati, 2014, 143).

3 Method and Material

Previous studies of populism have struggled to separate the effects on democracy caused by populism itself, and those caused by its host-ideology. This has led some scientists to claim that it is not populism itself that presents a threat to democracy, but rather the host-ideology, such as socialism and nationalism (Mudde & Kaltwasser, 2012, 2). While I do not necessarily disagree with the fact that socialism and nationalism can cause a democratic backsliding on their own, the purpose of my study is to show how populism can present a threat to democracy regardless of its host-ideology. I have therefore decided to base this essay on a comparative study of two widely different countries and cases of populism; Chávez's left-wing populism in Venezuela, and Law and Justice's right-wing populism in Poland.

I have selected these two cases on the basis of John Stuart Mill's Method of Agreement. This method builds on the idea that the two cases being investigated should be as different as possible in all regards, aside from the independent and dependent variables. Thus, if the same independent variable can be found within both cases, it should serve as an explanation to the result (Teorell & Svensson, 2007, 227). In this case, I aim to show how the occurrence of populism in both countries has resulted in a democratic backsliding. This will be measured using the definition of liberal democracy and populism, presented in the chapter before.

I have selected Venezuela and Poland for two reasons. Firstly, Poland and Venezuela differ from each other geographically, economically and culturally, yet they have still seen similar decreases of the democratic quality in their countries during the populist rule (Reporters Without Borders, 2020ab). Therefore, I argue that a closer investigation of the processes of the dismantlement of the countries' democracies are highly relevant to the current research on populism and democracy. Furthermore, the large differences between the countries motivates a comparison between the two according to the Method of Agreement (Teorell & Svensson, 2007, 227).

Secondly, both Poland and Venezuela have for long been seen as indicative countries for their regions. This has resulted in both countries being highly relevant for the study of democracy throughout the recent years, and they continue to be indicative of their regions (see Robert, 2012, 136 ff. and Gelin & Åsard, 2020, 41 ff.). While I wouldn't encourage any large generalizations from this study due to the small selection size, I argue that by choosing indicative and relevant cases, some generalization will be possible (Teorell & Svensson, 2007, 222).

Before continuing, it is also important to note that while I've decided to look at the development in Poland from the early 2000s up until the writing moment (that is December in 2020), I have made the decision to only study Venezuela up until 2013, when Maduro took over office. This is because despite clear populist characteristics of Maduro, his time in office has been characterized by an authoritarian rule, and a political violence that was not used during Chávez's rule (Trombetta, 2018). Because it is not the ambition of this study to discuss dictatorships and political violence I have decided to leave this period out of my study.

The Method of Agreement has been subject to much critique, and it is therefore of importance to discuss the issues that occur when this method is chosen. Firstly, the real world is too complex for there to ever be two cases that differ from each other in all aspects except for the dependent and independent variables. Thus, it is easy to miss certain factors that play into the eventual result. Secondly, since the selection is done after all the

information of each case is known, there is a risk for a selection bias, which can lead to an inaccurate conclusion (Teorell & Svensson, 2007, 229).

While the purpose of my study is to show how populism has contributed to de-democratization, the key word here is contributed. The purpose of this study is not to disprove other factors, but it is instead to shine light on the issues that emerge while populists are in power. I therefore aim to discuss how populism played a part in the elaborate processes that lead to the democratic backsliding. It is in these extensive case-studies where the strength of Method of Agreement lies, and I therefore argue that despite the issues that surround it, it is a valid method when done correctly and for the right purposes (Teorell & Svensson, 2007, 229).

I have mainly based the case-studies on earlier research on Poland and Venezuela and their parties and political leaders. To assure that this information is free from biases and false information I have used several different sources to fact check each study. I have also taken a great deal of first-hand material from law documents, reforms and statements from the governments themselves. A majority of my material is from journalists and scientist that for long have reported and researched on political regimes, such as Martin Gelin and Kenneth M. Roberts, which provides an extensive and detailed material (see Gelin & Åsard, 2020, 9 ff. and Cornell University, 2020).

4 Background

4.1 PiS' Right-Wing Populism in Poland

After the fall of the Soviet Union in 1991 Poland stood before a crossroads. They could either choose to immediately go from a planned economy to a full-scale capitalist society, or they could choose a slower but more stable way, by gradually winding up the old communist system. Poland chose the former and at the turn of the millennium the future seemed bright (Gelin & Åsard, 2020, 41). But a turn towards a liberal market and the closer relationship with the EU did not come without its side effects. The new reforms resulted in a great decrease of the real wages and an increase in unemployment rates and prices. As a result, many started to doubt the neoliberal reforms and missed the communist era (Gelin & Åsard, 2020, 47). It is in the light of this economic crisis that we should see the current political changes in Poland. Today, the Polish regime is highly critical of the EU, and the idea of Poland becoming a well-intergraded part of the West is far gone (Ash, 2018).

Law and Justice (*Prawo i Sprawiedliwość* in Polish, also known as PiS for short), the party that has dominated the Polish politics during the last couple of years, was created by the brothers Lech and Jarosław Kaczyński in 2001. The radical right party managed to gain more votes on the dispense of the left, due to their tough policies against criminality. For example, PiS was in favor of capital punishment which made them popular in Poland, despite the fact that it would have made an entry into the EU impossible. The rhetoric proved successful and Lech Kaczyński was elected president in 2005. In the parliament election the year after, PiS also became the largest party in the Sejm (Gelin & Åsard, 2020, 47-50).

From 2007 to 2015 the Polish economy continued to develop well. Due to the benefits received from the EU, Poland was one of the few countries that was not heavily affected by the 2008 financial crisis (Johnsson, 2018, 9). However, in 2015 the refugee crisis hit. The prime minister Ewa Kopacz from the liberal-conservative Civic Platform (PO) was met by heavy criticism when she announced that Poland was going to host a few thousand refugees from Syria. The criticism was heavily influenced by nationalist and xenophobic expressions but was also a result of the neo-liberal reforms that PO had introduced during their time in office (Gelin & Åsard, 2020, 57-58).

The immigration question and the neo-liberal reforms ended up costing PO the 2015 election, and PiS became the largest party again. None of the left-wing parties got enough votes to stay in office, and as a result Poland had one of the most right-wing parliaments in all of Europe. Before the parliamentary election the right-wing conservative politician Andrzej Duda had also won the presidential election. PiS was now in charge of both the legislative and executive branch (Gelin & Åsard, 2020, 58).

The Kaczyński brothers' politics has been characterized by a strong nationalism, combined with conservative values. The party is outspokenly Eurosceptic and is known for its xenophobic and authoritarian opinions. It has close ties with the Catholic church of the country, and their politics is heavily influenced by those of the church. PiS has a traditional view on the family and is outspokenly critical of feminist and LGBT+ movements. The radical-right wing populist policies of PiS became even more clear after Lech Kaczyński was elected mayor of Warsaw in 2002. He drove a clear nationalist ideology and combined it with an outspoken support for what he deemed the vulnerable parts of society (New Internationalist, 2007).

PiS is clearly characterized by its populist rhetoric. Jarosław Kaczyński has an aggressive discourse, where he speaks well of the 'true Polish people' simultaneously as he criticizes the past governments for being corrupt. PiS' rhetoric is therefore one of a clear antagonistic relationship between 'the people' and 'the elite'. Since the beginning the Kaczyński brothers have also claimed to speak for the true Polish people, and it's general will, while they blame liberal and left-wing politicians for being responsible of the economic hardships that the country has gone through. The party has an authoritarian view on democracy, in which the majority should be allowed to rule without the interference of minorities (Gelin & Åsard, 2020, 67).

4.2 Chávez's Left-Wing Populism in Venezuela

Similarly, to the Polish case, Venezuela long seemed to have a bright future ahead of it with a stable, democratic regime in place already in 1958. However, this optimistic view didn't last forever, and the later part of the 20th century was characterized by corruption and economic hardship, a political environment where populism can easily set root (Peeler, 1992).

Chavismo, which has characterized the Venezuelan politics for the last decades, began in a group called the Bolivarian Revolutionary Movement 200 (MBR 200), that was created in 1983 by Chávez and other officers within the Venezuelan armed forces. The movement was highly critical of the increasingly corrupt two-party system and the socio-economic inequalities that continued to grow as the oil prices sank. Together with military conspirators the MBR 200 organized a military coup in 1992, with the aim to remove the president at the time, Perez (Roberts, 2012, 140-141).

While the attempt failed, Perez was eventually impeached in 1993, but despite his absence the dissatisfaction with the political system continued to grow. The electoral participation rate decreased heavily, and in the mid-1990s, 91 per cent of the Venezuelan people expressed a lack of trust in political parties. This can be understood by the total domination that the two parties AD and COPEI had had over the political system during the latter half of the 20th century (Coppedge 1994). But it was also a result of the catastrophe of the Venezuelan oil-based economy that eventually caused the GDP per capita to decline with 20 per cent (Crisp, 2000, 175).

Chávez managed to channel the dissatisfaction with the political establishment and mobilized it to eventually rise to power himself. In 1997 he created a new party known as the Fifth Republic Movement (MVR). Chávez managed to win with 56.2 per cent, and his work of dismantling the constitutional framework of Venezuela began (Roberts, 2012, 143-144).

While Chávez's dualistic discourse has varied greatly over the years, it continues to fit in with the definition of populism. It has its origin in a thin-centered ideology, with combinations of nationalism and socialism. Zúquete defines Chavismo as a political discourse that divides the people up into good and evil, and in which the leader "leads a chosen people gathered into a moral community struggling against all-powerful and conspiratorial enemies, and engaged in a mission toward redemption and salvation" (2008, 92).

The division of good and evil, together with the dualistic ideology has been highly consistent within Chavismo. Contrary to popular belief, Chávez did not initially build his movement on socialism, it was instead nationalism that inspired his ideology. His discourse was heavily influenced by historic struggles for national independence and regional

integration, while he also framed his opposition as anti-patriotic. The division between the people and the elite, was therefore less between labor and capital, but more so between the dominated and the exploiters (Blanco Muñoz 1998, 397). Though with time, Chávez's ideology moved closer to the radical left, and the ideology of 'socialism for the 21st century' started to emerge in 2004 (Hawkins, 2010a, 83)

Regardless of the center ideology however, Chávez managed to create a myth of a true Venezuelan people with one general will. As he once claimed "I demand absolute loyalty to me. I am not an individual, I am the people." he framed his leadership as the one that would save the Venezuelans from the oppression they had endured and accused his opposition for being the enemy of the people (De La Torre, 2012).

5 Analysis

In my analysis, I will discuss my three hypotheses one by one, and argue for how the actions of the populist parties in Venezuela and Poland have contributed to a de-democratization of powers.

5.1 The Centralization of Powers

Hypothesis 1: Populism can lead to a centralization of powers that violates the checks and balances and the separation of powers of liberal democracy.

5.1.1 Poland: PiS' Interference with the Judicial Branch

The year of 2015 marked a significant change within Polish politics; PiS had now claimed victory in both the presidential and parliament elections, which meant that they now dominated the Polish politics (Sadurski, 2018, 104). In this first section, I will discuss how PiS mobilized the popular majority, and through several legal and political changes, attempted, and succeeded, in centralizing the power, essentially undermining the checks and balances of the Polish democracy and how this presents a threat to the democracy.

After claiming victory in both the presidential and parliament elections, PiS now held a majority in both the executive and legislative branches. However, this did not seem to be enough for PiS, and the party has at multiple occasions attempted to pass laws that would increase their influence over the judiciary as well. PiS made headlines all over Europe when they attempted to lower the retirement age for judges, which meant that forty per cent of the judges would have been forced out of work. The motive of this action was to fill the vacant positions with Kaczyński-loyal judges, which would have given them the upper hand in the Supreme Court (Sadurski, 2018, 145).

However, this was not the first time that PiS had attempted to overtake the power of the judicial branch. Right before the shift of powers in 2015 the former government had appointed five new judges, but PiS refused to accept them. Instead, they chose to appoint five judges of their own. PiS' refusal to accept the new judges made it unclear which were the legitimate ones, and many started to question the legal security in the country (Johnsson, 2018, 14 ff.). The Venice Commission inspected the decisions and found that the actions of PiS was not in compliance with the principles of the European Court. Despite the overwhelming critique, PiS ignored the statements (Ståhl, 2018).

Since these scandals, PiS has continued to appoint several judges, resulting in a Supreme Court that is now dominated by PiS-loyal judges, which has made it another instrument for PiS to practice their power. In recent years, hundreds of prosecutors and judges have been fired. The Minister of Justice has been given the power to intervene in individual cases and replace prosecutors when he finds it appropriate (Gelin & Åsard, 2020, 62 ff.). Peter Johnsson, an expert on Polish politics, has therefore stated that an independent Supreme Court no longer exists in Poland (2017, 197).

Kaczyński has long been critical of the judicial branch in Poland. He has on several occasions accused the Supreme Court of being corrupt. He has also claimed that the

judiciary stands in the way of the people and their true representative; the Sejm, essentially accusing it of being undemocratic since it is not directly chosen or represented by 'the people' (Johnsson, 2017, 119). Kaczyński's argument is clear; independent institutions that aren't directly chosen by 'the people' are illegitimate and corrupt but can be 'bettered' by increasing the influence of the Sejm (Johnsson, 2018, 142).

5.1.2 Venezuela: Chávez and Supra-Constitutional Power

Before Chávez's rule, large parts of the Venezuelan society had been excluded from political participation. Up until this point, the main form of political participation had been through electoral participation, and as discussed earlier, this was at an all-time low after the crises of the 1980s (Crisp, 2000). Chávez realized that in order to legitimately claim power, he would have to increase the common participation and therefore began a new form of 'protagonist' democracy and therefore promised to radically redesign Venezuela's democratic institutions, and he quickly began to uphold what he promised once he had taken office (Roberts, 2012, 147 f).

Chávez issued his first decree in February 1999 and ordered a consultative popular referendum on whether a constituent assembly should be convened. Despite a low electoral participation rate at 37.8 per cent, Chávez decided to proceed with 86.4 per cent of voters supporting the election. The elections were held in July in 1999 and allowed Chávez supporters to claim 121 of 131 seats in the assembly (Roberts, 2012, 148).

The attempt to refound the republic is a classic example of popular sovereignty, as it resulted in dissolving the former constitutional rules and institutions. The new constituent assembly claimed 'supra-constitutional power', and quickly dissolved the two houses of national congress and the state legislative assemblies. In December the same year, a new committee was formed out of the constituent assembly with the task to exercise legislative powers that was previously carried out by the national congress. This resulted in an elimination of institutional checks on the executive power, and an increased concentration of power in the executive branch (Roberts, 2012, 149).

During Chávez's rule, the power was highly concentrated both within the Chavismo movement and within the regime, and up until his death it was essentially unchecked. The domination of Chávez is especially obvious since he only took halfhearted attempts to fully establish his movement as a party organization, and even when he finally formed the United Socialist Party of Venezuela (PSUV) in 2006, it was still heavily dominated by Chávez (Roberts, 2012, 154).

While there isn't anything inherently problematic about having a strong leader in a party, what is more troubling is the high amount of concentration of power in the presidency, and how this has allowed Chávez's party to avoid the checks and balances. In the process of rewriting the constitution Chávez used his power to first disband the legislature controlled by the opposition. He also constructed new electoral rules that would secure him a clear majority in the constituent assembly. Simultaneously, he strengthened the power of the executive branch; for example, by lengthening the presidential term and allowing re-elections (Roberts, 2012, 154).

The new constitutional order allowed for new elections in the year of 2000, which gave Chávez's MVR the opportunity to claim a majority of seats and the opportunity to further expand their decree powers. The constituent assembly dissolved legislatures in several regions and declared a judicial emergency, leading to the termination of

employment for around 200 judges. In 2004 they passed a new judicial reform bill, allowing the government to appoint twelve new Supreme Court justices. By doing so, Chavismo assured its control over the judiciary as well (Roberts, 2012, 155).

5.1.3 Discussion Hypothesis 1: The Dangers of Populist Centralization

Chávez's radical redesign of the country's democracy, along with PiS' interference with the judicial branch exemplifies the risk that occurs once populists are in power. Their numbers allow them to mobilize the popular majority in order to centralize the power in their own hands. Simultaneously this also undermines the legitimacy of the institutions that are not dominated by the populist party and ignores the need for these institutions to influence and check the power of the populist party.

This is observable in both the Venezuelan and Polish case, since both governments systematically undermined the other branches of the democracy, while concentrating the power to their own party. This is legitimized by the populist ideology that both PiS and Chávez display, which claims that these institutions can only become legitimate, by increasing the people's control over them. Since they claim that they are the only representatives of the people, this is done by increasing their own influence over the other branches and institutions.

While the promise of increasing the influence of 'the people' in these institutions can give the appearance of and increased democratization, PiS' and Chávez's actions are highly problematic considering the liberal democratic perspective. What was supposed to be pluralist, independent institutions, ended up being controlled by the already dominating parties, thus eliminating the checks and balances within the country. This leads to an essentially unchecked centralization of power where the populist party can rule without the influence of other government branches and political oppositions.

5.2 The Undermining of Minority and Opposition Rights

Hypothesis 2: The anti-pluralistic nature of populism can legitimize a tyrannical majority rule, that is able to evade and disregard minority rights, and minimize the influence of political oppositions.

5.2.1 Poland: The Diminishment of LGBT+ and Women's Rights

In the next section of this analysis, I'd like to focus on the opportunities and rights of political oppositions and minorities in Poland. In this section, I will look closer on how PiS' politics has targeted the LGBT+ community and women's rights movements, and later discuss on the basis of the theories presented by Nadia Urbinati, on how this presents a threat to the liberal democracy.

Due to the strong conservative and traditionalist view on family that PiS holds, one of their main targets have been Poland's LGBT+ community, which Duda has openly condemned at multiple occasions. In a statement in the summer of 2020, Duda accused the LGBT+ movement of being worse than communism. On June 10th the same year, Duda signed a "Family Charter" of election proposals, that would forbid teaching of LGBT+ issues in schools, as well as hindering same-sex couples from marrying and adopting children (BBC, 2020). The Kaczyński brothers also attacked the LGBT+ community in several instances, for example, when Lech Kaczyński was mayor in Warsaw he attempted to stop the Pride festival, fearing that it would promote a 'homosexual lifestyle' (Gelin & Åsard, 2020, 50).

Today, it is still not without risk to be openly transgender or homosexual in Poland, and the situation is worse in rural areas. In Bialystok attendants of the first Pride festival in the city were verbally attacked by radical right-wing nationalists (Gelin & Åsard, 2020, 69-70). When the liberal mayor of Warsaw signed a declaration in support of LGBT+ rights and demanded an improvement of the sex education in Polish schools, multiple regional parliaments declared their districts as LGBT-free zones. Jarosław Kaczyński has condemned the declaration and called it 'an attack on the family and children' (Lucy Ash (2), 2020).

Furthermore, PiS is also been highly critical of feminist movements, claiming that they are harmful to families, marriages and traditionalist values. While women make up half of the population in Poland, which technically shouldn't make them a minority, only about thirty per cent of the positions within the political institutions consists of women. This means that within the government, women are in minority, and therefore hold less power when it comes to political decisions (Wójcik, 2016).

While Polish women have for long faced one of the most restrictive abortion rights in Europe, PiS has throughout the years made several attempts to limit it even further, and today, abortion is almost completely outlawed in Poland (HRW, 2018). In 2016, the most conservative part of PiS, attempted to pass a bill that would not only put a complete ban on abortion, including in the case of rape or incest, but would also allow for women to be punished in case they had an abortion. However, as a result of massive protests, this bill was never passed into law (Gelin & Åsard, 2020, 65).

However, this would not be the last time that PiS would attempt to limit the right to abortion. In 2020, Law and Justice made a new attempt to restrict abortion rights again, and Poland's Supreme Court eventually ruled that abortions due to fetal defects were unconstitutional. Since 98 per cent of the abortions in Poland up until this point had been a

result of fetal defects, the ruling essentially moved the country near a complete ban on abortions. This bill was also met by massive protests around the country but at the writing moment it has not been changed (Picheta, 2020).

5.2.2 Venezuela: A Reform of the Political Arena Sought to Hinder Political Opposition

Unlike the Polish case, Chávez did not target minority groups in the same way. On the contrary, much of Chávez's political claims were built on the aim to increase the inclusion of minorities within Venezuela, and in many ways, he succeeded in doing so. As mentioned earlier, at the beginning of Chávez's rule political participation was at an all-time low, however, through social programs Chávez's party managed to increase the participation in the lower classes and therefore also increased their influence over the politics in general (Coker, 2013, 102).

Despite said advancements, there are two problems with Chávez's rule from a democratic perspective. Firstly, the social programs that sought to increase political participation were constructed with the aim to also boost Chávez's popularity, which essentially broadened the participation on the condition that they would support Chávez (Uzcátegui, 2010). Secondly, while Chávez's politics didn't attack minorities outside of the government in the same way as in the Polish case, their main target was instead the political opposition, leading Chávez's party to attack minorities within the political arena through new reforms and legislations to limit their influence (De La Torre, 2016, 62).

When Chávez first came to power he saw the opportunity to reach out to the excluded, in order to organize and mobilize them from the top-down into new participatory institutions, such as the Communal Councils and the Bolivarian Circles (Hawkins & Hansen, 2006) (Hawkins, 2010). The populist, top-down construction of these institutions, resulted in a hindered popular autonomy. The organizations were heavily politicized, with Chávez as their leader. By controlling the social movements, the government hindered pluralism among the public sphere, accusing those who did not comply with the politics within the organization of being enemies of the true Venezuelan people. Thus, they managed to neutralize critical voices within these institutions (Uzcátegui, 2010).

The mobilization of the excluded sectors of society succeeded in boosting the popularity of Chávez. The programs especially targeted the lower classes in Venezuela, painting Chávez as the provider of social welfare, which later would serve as a tool for the maintenance of power. Chávez's legitimacy was based on his party winning elections, and therefore, large social spending would coincide with the country's elections (De La Torre, 2016, 67 ff).

Moving on to my second claim, Chávez's party introduced several reforms during its rule that would further limit the pluralism and contestation, as well as hinder the political opposition within the government to affect the democracy. Chávez did this by creating a myth of 'the true people' for which he spoke. Thus, anyone who was opposed to Chávez's ideology, also opposed 'the true people' which legitimized his reforms (Roberts, 2012, 146 ff).

Chávez took advantage of the majority he held in the government to create an unfair electoral field. The government passed several bills that allowed them greater control over media, which in return allowed them to regulate how politics was reported. Chávez used state resources to finance his campaigns, and continuously attacked the oppositions with accusations of being corrupt and enemies of the people. Through these reforms, Chávez

disfigured the electoral arena so that the influence of his political rivals remained minimal, allowing him to run for president without facing any real opposition (López & Panzarelli, 2013, 248). Because of the party's efforts to hinder oppositional forces, Chavismo was by 2005 in control of the national executive, legislative, and judicial branches of government (Roberts, 2012, 155).

5.2.3 Discussion Hypothesis 2: The Tyrannical Majority Rule

While on a surface, Venezuela and Poland can seem to differ quite a bit in the discussion of my second hypothesis, both cases embody the problematics surrounding the populist ideology that both PiS and Chávez's parties hold. While speaking of 'the people' as a whole, the population is seen as one large entity with one common will, which essentially robs the individuals of their own identity and their own values. This results in an undermining of the need for protection of minority rights, no matter if these are minorities within or outside of the government.

In Poland, the reforms that have limited both women's and LGBT+ rights have been difficult for the opposition to stop since they only hold a small influence over the Polish politics. This allows the majority, that is currently held by PiS, to make political decisions that will affect minorities, without having to consult the minority. The same occurrence has been observed in Venezuela, when Chávez's reforms lead to the opposition parties holding minimal power within the government.

Both countries are clear examples of the dismantling of pluralism and the protection of minority and oppositional forces within the democracies. At the expense of minorities, the parties have been able to mobilize the popular majority to override the opinions and interests of others, thus strengthening their power and influence over each country's politics. These changes have resulted in both countries resembling a tyranny-by-majority. Therefore, PiS' and Chávez's continuous ignorance of minorities, presents a threat to the idea of autonomy, freedom of speech and equal contestation, which are all crucial elements of liberal democracy (Mudde & Kaltwasser, 2012, 11 f).

5.3 Populists' Interference with Independent Institutions

Hypothesis 3: Populism can undermine the legitimacy and interfere in the work of other independent institutions outside of the government that are crucial to democracy.

5.3.1 Poland: The Weakening of the Independence Within Media and the Educational System

In this section I will discuss PiS' continuous interference with institutions that ideally should be kept independent from the ruling party, and how this has resulted in yet another threat towards the liberal democracy of the country. I have decided to mainly focus on the censorship of the media in the country, as well as the interference with Poland's educational system, to later argue for why I claim that this risks undermining the liberal democracy.

Over the last couple of years, the Polish media has started to more so resemble propaganda. This turn has been surprising to many, considering the fact that only in 2015 Poland ranked 18th out of 180 countries on the World Freedom of Press Index. However, in 2020 Poland ranks 62nd, showing a massive decrease of the freedom of press. This change is due to several new reforms that have been put into place during PiS' rule, which has sought to hinder media outlets from criticizing the government as well as increasing the opportunities for PiS to influence the media (Reporters Without Borders, 2020).

Several of the bills that PiS has passed have sought to criminalize defamation, and a new article allows for courts to sentence journalists to prison for as much as one year on these grounds. While imprisonment is still less common, the article has resulted in a self-censorship within the independent media, in order to avoid lawsuits and potential sanctions from the government (Reporters Without Borders, 2020).

Within the state-owned media, the discourse is heavily characterized by partisanship and hate speech, and a new law has made it possible to fire journalists who are critical of the government. Furthermore, the law states that public service radio and television should aim to 'strengthen the patriotic stance' in the country, which has resulted in a public service that now more resembles propaganda. Several reforms have also been put into place in order to hinder journalists' opportunities to monitor the Sejm (Gelin & Åsard, 2020, 64).

Moving on to my second claim, PiS has on multiple occasions attempted to influence the educational system and alter the curriculums in order for it to follow their own ideology. In 2017 PiS presented an education reform, which abolished the middle school system. The reform resulted in the closing of around 7000 schools, and the dismissal of over 9000 teachers and principals. PiS have been heavily criticized for using this opportunity to replace teachers with sympathizers of the party, accusing them of attempting to increase their control over the schools (Flückiger, 2017).

The new reform brought with it a number of significant changes to the curricula as well. The new syllabus is heavily characterized by the same conservative values that PiS also holds. Similarly to the media, it is supposed to promote a patriotic spirit, and therefore it possesses a heavy focus on Poland's history, centering around its military history and Polish heroes. The curricula leaves out large parts of world history, such as the EU and the Holocaust, which are deemed less important by PiS (Flückiger, 2017).

The sex education has been greatly influenced by the views of the traditional Catholic church as well. In 2019, PiS attempted to put a complete ban on sex education in the country

by passing a bill that would allow people who 'promote underage sex' to be sentenced to jail for up to five years, accusing them of promoting pedophilia. Anti-contraception and anti-abortion ideology were also supposed to be promoted. The bill was met by massive protests, which eventually resulted in it not passing, despite this however, the sex education is still heavily influenced by conservative views (Douglas, 2019).

5.3.2 Venezuela: A Media Reform in the Name of Democratization?

During Chávez's rule, Venezuela became one of the strictest legal climates for media in Latin America. In the early 2000s, his party took advantage of the majority that they held in the Venezuelan congress, in order to greatly reduce the freedom of press for media outlets in the country through several reforms that sought to 'democratize' the media by broadening the public radio and television (De La Torre, 2016, 72).

One central strategy to regulate the private media was through so-called insult-laws, that prohibits 'disrespectful' speech towards government institutions and their officials. While many other Latin American countries at the time abandoned these laws, the Venezuelan Supreme Court ruled to uphold them in 2003, claiming that they "act as a barrier to the abuse and disrespect of freedom of expression and those situations that endanger the State itself and that could affect the independence of the country" (Atwood, 2006, 26).

In March 2005, a new penal code took effect which strengthened and extended insult laws and other regulations which could be used to limit both the freedom of press and freedom of expression. Not only did the new reform broaden the protection given by insult-laws to even more institutions, it also included a new article which criminalized the spread of "false information" through any form of media text "that is intended to cause or causes panic in the collectivity or to keep it in a state of anxiety". Those who broke this law risked a jail sentence of up to seven years. What defines either 'false' or 'panic' is left unaddressed and remains a matter for the judge to decide, further increasing government's control over private media, since the Justice System at the time was largely dominated by Chávez-loyal officials (Atwood, 2006, 27).

The new article was heavily criticized by media law experts for being used to intimidate the press into self-censorship and interfering with the privacy of communicators. The vague language of the article opens up for the possibility that any opinion that the reviewer doesn't share could be classified as false, since opinions are naturally subjective. Thus, giving the judiciary the opportunity to legally challenge opposing opinions, with heavy sanctions for offenders, the article appears to be aimed at silencing any critical opinion of the government (Atwood, 2006, 27).

Even if government investigations and lawsuits don't lead to legal punishment, the risk of financial ruin for newspapers and journalists put enough pressure on them to exercise self-censorship, leading them to avoid criticizing the government. They also heavily limit the political debate, making it impossible for television channels to host a fair debate between Chávez and his opponents, since the television station would be held accountable for all statements from the opposition (Atwood, 2006, 29).

The second main statement of Chávez's government that I will discuss was the Law of Social Responsibility in Radio and Television (Ley Resorte). The law allowed the government to further intervene with media channels and carry out severe sanctions for those who did not comply. In order to abide by the new law, all television channels had to

include ten hours of programs produced in Venezuela per day. Out of those, five-and-a-half had to be from “independent national producers” that must be registered with the CONATEL, who’s directors were chosen by Chávez.(Atwood, 2006, 29)

The Ley Resorte was comprised of different requirements that each show had to comply with. The media channels that didn't abide to these regulations could be fined, and if they breached the law more than twice during a three-year period, the channel could face a seventy-two-hour shut-down. Those who continued to violate the requirements, could be forced to close down completely. The severe sanctions and punishment for minor violations, advocates for that the true incentive of the law was to increase the government’s control over media, making Ley Resorte another instrument for the government to further strengthen its authority (Atwood, 2006, 29-30).

5.3.3 Discussion Hypothesis 3: Populist Control Over Independent Institutions

PiS’ and Chávez's attempts to increase their control over their countries’ independent institutions, exhibit the obvious problems that occur when populist parties are in power. Since populists divide the people into two antagonistic groups; 'the true people' and 'the corrupt elite', those who are not part of 'the people', or in this case those who are not loyal to PiS and Chávez, are portrayed as corrupt elites. This legitimizes them to increase their control over these institutions, because they are doing this in the name of the people, which essentially should result in an increased democratization.

Contrariwise, this results in the undermining of the legitimacy of independent institutions, which are crucial to democracy. As stated in my definition of liberal democracy, it is of great importance for citizens to have access to a pluralist selection of information, and to alternative information outside of that provided by the government. When this is lacking, it obstructs the citizens’ opportunities to form their own, independent opinions. Therefore, I argue that PiS’ and Chávez's constant interference with independent institutions, and their continuous attempts to increase their influence over these institutions presents a threat to the democracy.

6 Conclusion

In this study I have argued for how PiS and Chávez have contributed to the de-democratization in Poland and Venezuela and showed how I believe that they have done this in three ways. Firstly, the parties have, through several reforms and laws, caused an increased centralization of powers within the government. This has been done by mobilizing the majority, and therefore by taking advantage of their numbers, to pass several reforms which have violated the checks and balances and the separation of powers within the democracy. Secondly, the populist parties have attempted to create an unrestricted majority rule, that is able to disregard minority rights and minimize the influence of political opposition, thus undermining the pluralism within democracy. Lastly, the actions of the parties have continuously interfered with the work of other independent institutions and caused an undermining of the legitimacy within these organizations. This has led to a decrease in the freedom of press, freedom of speech, therefore hindering the access to alternative information.

My main argument is that not only have the parties presented a threat to each country's democracy, but they have done so in very similar ways. Thus, despite widely different host-ideologies, there is a similar pattern of the processes of dismantling the democracies within both countries. I argue, that the similarities are due the populist ideology of the parties, rather than the different host-ideologies. The populist ideologies are evident in every action and reform that has been taken, since these have all been done in the name of the people, promising them that the party will return the power from the old corrupt establishment into the hands of the true people. However, the result has instead been a problematic development in both countries moving closer to an authoritarian form of democracy, a tyrannical rule by the majority that is controlled by the ruling party.

While the purpose of this text has not been to disprove that nationalism, socialism and other radical ideologies can pose a threat to democracy themselves, I have done this study in order to shine light on the issues with populism in the modern day, as a response to previous research that has highlighted what they claimed to be the positive aspects of it. The populist leaders of today do not gain power through political violence, war or riots, but through regular elections in which they mobilize the majority to successively break down the checks and balances, separation of powers and protection for minorities, oppositions and independent institutions. What is important to note, is that the elections during Chávez' and PiS' rule were relatively free from corruption, which sets them apart from dictatorships where the power is gained through active attempts of corruption and even violence. Populists instead tend to legitimately claim power, but once in office they will mobilize the majority in order to rewrite laws and constitutions to change the political playing field to their advantage, often in the name of democracy and the people. This is the danger with populism, since the dismantlement of democracy happens slowly and discretely, which makes a detection of it more difficult.

Despite the issues portrayed with populist parties in this study, I would encourage further research before any large generalizations are made on the basis of this study. While case-studies can give an in-depth analysis and provide a good basis for mapping out the processes that causes the eventual result, they are still based on a very small selection, and so is the case with this study as well. I will therefore conclude this study by encouraging future research to continue the investigation on the relationship between populism and liberal democracy. As stated earlier, Poland and Venezuela are far from the only countries that have been affected by populist parties, and it is therefore possible to continue the

studies with more in-depth case studies. I would also encourage a more quantitative approach in order to provide the current research with statistical analyzes on populism and democracy.

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