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## National and International Responses of Public Authorities to Populist Parties in Europe

### Introduction

Populism has emerged as a major phenomenon in contemporary European politics, increasingly challenging the traditional structures and values of liberal democracy. The rise of populist parties, characterized by their anti-elitist rhetoric and divisive societal discourse, has prompted concern within both national and international institutions. Researchers discuss how states should deal with actors who contest democratic values, principles, or in some cases also institutions. The consensus is on the elimination of parties that use violence as a method of political struggle. However, there is a dilemma as to whether democracies should tolerate or repress parties that gain significant social support, legitimize power through elections, participate in the political process but challenge the 'liberal' segment of the liberal-democratic model. This dilemma is particularly significant for state institutions that have a range of repressive and tolerant instruments at their disposal that can be used against populist parties.

Research concerning the reactions of public actors to nine populist parties in Europe has shown that opposition to populists is mainly based on a tolerant approach coming both from national institutions and international actors (Bourne, 2024b). However, the data also indicate that the involvement of public institutions in counteracting populist parties varied significantly between the cases studied, with the division between populist parties in power and (oppositional) non-governmental populist parties coming to the fore. This paper aims to deepen understanding of patterns in the way public authorities responded to populist parties across Europe. A comparative analysis of the specific nature of reactions will highlight the similarities and differences in public authorities' approach. The paper also aims to explain the rationale behind the observed responses to populist parties. Based on Bourn's (2024) typology of opposition initiatives against populist parties, the article will answer the specific questions leading to the achievement of the objectives of this study: What types and forms of opposition initiatives were used by public institutions, against which populist parties, and which institutional actors played a significant role in shaping opposition responses to populist parties?



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Drawing on empirical research carried out by an international team across seven European countries, this article employs quantitative and qualitative analysis to examine and compare opposition initiatives targeting nine populist parties (Bourne et al., 2024). The study offers thus an in-depth analysis of how national and international public authorities have addressed the rise of populism in Europe.<sup>2</sup>

### Responses to populism in Europe

Populism poses a significant challenge to liberal democracy due to its fundamental features that directly contradict pluralistic principles. Populist thinking is characterized by a stark division of society into two opposing groups: the ‘virtuous people’, who are imagined as being united and pure, and the ‘corrupt elite’, who are seen as the source of societal problems. Populists build a homogeneous identity of ‘the people’ through exclusion, determining narrowly who belongs to society and who is cast out (Laclau, 2005; Moroska, 2010, pp. 26–27; Mudde, Rovira Kaltwasser, 2017). This leads populists to view politics in terms of friends and enemies, thereby stifling opportunities for compromise or negotiation. Populism targets the liberal rather than the democratic component of the liberal-democratic model (Fennema, 2000; Mudde, 2007; Müller, 2012). While they accept electoral legitimacy and popular sovereignty, they narrowly interpret democracy as merely the will of the majority, explicitly ignoring the protection of minorities and the deliberative and consensual aspects of democracy. Some populists also reject institutional constraints such as constitutional checks and balances, which they view as limiting the will of the “people.” Consequently, when populists gain power, their practices often clash with established standards of democratic accountability and threaten the core values of liberal democracy (Kaltwasser, 2019; Olsen, 2024). While populist parties have different attitudes, their shared characteristics, such as anti-pluralism, exclusionary rhetoric and a tendency towards majoritarian rule, raise important concerns within national and international institutions about how to respond to these challenges.

Nowadays, researchers increasingly question the legitimacy of using repressive instruments typical of militant democracy, which restrict the rights and freedoms of political parties. They challenge the effectiveness and democratic legitimacy of these response instruments (Brems, 2002; Malkopoulou, Norman, 2018; Rijpkema, 2018; Kirshner, 2019). At the same time, they point to instruments based on ordinary methods of opposition to political opponents through discourse, dialogue and contestation, as well as institutional checks, legal controls based, among other on criminal law, but also civic education shaping democratic attitudes or sensitivity to manifestations of intolerance (Malkopoulou, Moffitt, 2025; Rovira Kaltwasser, 2019).

However, there are deficiencies in systematic empirical studies based on tolerant approach. Research on institutional responses to extremist, radical right-wing or populist parties focuses primarily on repressive instruments of militant democracy (Bleich, 2011; Bourne, 2018; Laumond, 2020). Many works discuss the approaches of single

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actors at the national or international level, e.g. European Union's responses to the rule of law crises and democratic backsliding, as a consequence of populist politics (Closa, 2021; Coman, 2022). However, few studies so far analyzed more comprehensively responses of public actors to populist parties, including both tolerant and intolerant opposing initiatives of public authorities, that allows to indicate some regularities (Rovira Kaltwasser, Taggart, 2016; Bourne 2024b). Bourne noticed that "patterns of opposition to parties that had formed populist governments (Fidesz, Law and Justice, and 5SM-League) were more similar than patterns of opposition where populist parties had been junior coalition partners or governing support parties (Podemos, Vox, Danish People's Party and Sweden Democrats). These leads the author to the conclusion that "governing status and salience, rather than left-right ideological orientation, and degree of populism [...] best explain patterns of variation in opposition to populist parties" (Bourne, 2024b, p. 116).

This article builds on the above research results by providing a more in-depth analysis of how public authorities responded to the populist parties under study. The paper also aims to explain why public authorities responded to populists in the way they did.

### **Research design, methodology and cases under studies**

The empirical basis for the analysis conducted in this article are opposition initiatives undertaken by public actors against nine populist parties in seven European countries. The data was collected by an international research team between 2020 and 2024 (Bourne et al., 2024). The researchers conducted a systematic content analysis of opposition initiatives, coding reports from two major daily newspapers in each country during the targeted timeframes (Bourne, 2024).

The initiatives were coded on the bases of Angela Bourne's typology. It distinguishes three types of actors leading the initiative (public authorities, political parties, and civil society) and two main ways of responding to populist parties based on paradigms present in the literature: tolerant and intolerant (militant) (see Figure 1). Furthermore, the analysis concerns two levels from which the actors and reactions originate – national and international. Public authorities encompass state institutions such as governmental bodies, agencies, courts, regulatory bodies, and, at the international level, supranational organizations and foreign governments (labeled as international responses). Political parties include both the opposition and/or ruling parties at the national level, as well as party groups in the European Parliament and politicians from other countries. Civil society actors incorporate various forms of organizations, mainly NGOs and private individuals. Supranational non-state actors (parties and civil society) are coded as transnational responses. According to the typology tolerant responses regard populist parties as legitimate participants in democratic competition, addressing disagreements through established democratic norms and institutions. Intolerant responses, by contrast, treat populist parties as exceptional threats or illegitimate actors, justifying extraordinary measures such as exclusion from political processes, curtailing rights or resources, or deploying coercive actions. With regard to public authori-

ties, tolerant initiatives manifest themselves as ordinary legal controls and pedagogy, which encompass three main forms of responses – public persuasion, measures typical for checks and balances, and ordinary legal controls. Intolerant reactions labelled as rights restrictions, encompass instruments typical of militant democracy that restrict the rights and freedoms of political parties, such as banning parties, temporary exclusion from the political process or surveillance.

**Figure 1. Typology of Initiatives Opposing Populist Parties (IoPPs)**

MODE OF ENGAGEMENT	IOPP INITIATOR		
	(Public Authorities)	(Political Parties)	(Civil Society)
<b>Intolerant</b> (exceptionality, illegitimacy/threat)	Rights-restrictions	Ostracism	Coercive confrontation
<b>Tolerant</b> (‘normal’ politics, despite disagreement)	Ordinary legal controls and pedagogy	Forbearance	Adversarialism

**Source:** A. Bourne (2024), *Methods of Mapping Initiatives Opposing Populist Parties*, in: *Democratic Defence as Normal Politics*, ed. A. Bourne, Palgrave Macmillan, Hounds-mills, p. 52.

The coded initiatives became the source for a quantitative and qualitative analysis of the reactions of public authorities to populist parties presented in this paper. The quantitative aggregation of initiatives in relation to: tolerant and intolerant modes of engagement, different actors undertaking reactions (at the national and international level), and various forms of responses of public authorities (public persuasion, checks and balances, judicial control) enabled the identification of similarities in the way public authorities responded to the cases under studies. The analysis also identified parties towards which the actions taken differed significantly from the observed trends. The qualitative analysis of coded opposition initiatives allowed to deepen the knowledge of the initiatives undertaken – to identify specific actors opposing populists in particular countries, and at the international level, as well as to indicate the actions and policies of populist parties to which public authorities responded. The study, set in the broader context of individual countries, helped explain the reasons behind the observed responses to populist parties.

The analysis covers responses to nine populist parties in seven European countries. The selection provides geographical diversity across Europe, while including both left-wing and radical right-wing populist organizations, as well as parties classified as “valence” populists.<sup>3</sup> It also encompasses populist parties in government and a non-governmental populists forming a clear opposition to the government or supporting it. The analysis includes (radical) right-wing populist Law and Justice (PiS) in Poland during its first term in office (2015–2019), Hungary’s Fidesz (radical) right-wing populist party during selected intervals in office (2010–2012, 2014–2016, 2018–2020), Italy’s radical right-wing League and valence populist party Five Star Movement (5SM) from their electoral breakthroughs through their participation in government (2013–2020, cover-

<sup>3</sup> ‘Valence’ populism refers to a form of populism centered on broadly supported, non-ideological issues - such as anti-corruption, government transparency, democratic reform, or moral integrity – rather than traditional left-wing or right-wing positions (Ales, 2024).

ing the Conte I and II cabinets). League was a smaller coalition partner in the I Conte government from 2018 to 2019. In Spain the analysis covers two populist parties radical right-wing populist party Vox and left-wing Podemos, tracing their emergence and consolidation from 2014 to 2021. Vox has been an oppositional party with parliamentary representation from 2019, whereas Podemos participated in government (2019–2023) with other left-wing and regional parties to support the Spanish Socialist Workers' Party (PSOE) government. For parliamentary populist parties opposing or supporting (central) governments, the study also examines oppositional radical right-wing populist Alternative for Germany (AfD) from its founding in 2013 to the end of its first Bundestag term in 2021, Sweden Democrats (SD) during three consecutive parliamentary terms, first two as an opposition party (2014–2016, 2018–2020) and later as a party supporting center-right government (2022–2023) and the Danish People's Party (DPP) both during its initial opposition term in parliament (1997–2001) and its later role as a supporting party for a center-right government (2014–2019) (Bourne, 2024b, pp. 12–13).

### Public authorities' reactions to populist parties: general trends

Research has shown that the reactions of public actors to populist parties were predominantly tolerant. In the case of public authorities, they accounted for 96.8% of reactions 96.8% (Bourne et al., 2024). In most cases, public institutions were important actors in acting against populist parties, although in several countries – Denmark, Sweden and Spain – they were significantly less active than other public actors, such as political parties and civil society (Table 1). The most active opposition to populists came from institutions in Poland and Italy, which took initiatives against Law and Justice, the Five Star Movement and the League. In Poland, they accounted for 37.1% of reactions, while in Italy they generated almost 30% of opposition activities against each of the parties. A significant share of institutional opposition reactions can also be seen in the case of Fidesz (25.7%) in Hungary and Alternative for Germany (20.1%). In the case of opposition to Podemos and Vox, the Danish Peoples Party and Sweden Democrats, the percentage of institutional reactions was significantly lower, at 12.9% and 9.6% in Spain, 6% in Sweden and 6.2% in Denmark, respectively. These results indicate that where populist parties were in power, the activity of public authorities was high. The exceptions were the co-governing Spanish Podemos and the opposition party Alternative for Germany.

Table 1  
**Number of reactions of public actors to populist parties (with percent of all reactions related to party)**

	Public Authorities	Political Parties	Civil Society
1	2	3	4
Fidesz	234 (25.7%)	363 (39.9%)	312 (34.3%)
Law & Justice	239 (37.1%)	150 (23.3%)	255 (39.6%)
League	46 (28.2%)	43 (26.4%)	74 (45.4%)
Five Star Movement	35 (29.2%)	48 (40%)	37 (30.8%)
Podemos	15 (12.9%)	67 (57.8%)	34 (29.3%)

1	2	3	4
Danish Peoples Party	14 (6.2%)	166 (74.1%)	44 (19.6%)
Alternative for Germany	58 (20.1%)	141 (49%)	89 (30.9%)
Sweden Democrats	18 (6%)	191 (64.1%)	89 (29.9%)
Vox	7 (9.6%)	42 (57.6%)	24 (32.9%)
<b>TOTAL</b>	<b>666 (23.5%)</b>	<b>1211 (42.7%)</b>	<b>958 (33.8%)</b>

**Source:** A. Bourne, A. Moroska-Bonkiewicz, B. Laumond, F. Campo, F. Tyszka, K. Domagała, M. Nicolaisen (2024), *Initiatives Opposing Populist Parties (IoPP) in Europe Dataset*, Harvard Dataverse, <https://doi.org/10.7910/DVN/V4TEB2>.

The exceptionality of the response to the AfD lay not only in the relatively high percentage of institutional responses compared to other non-governmental populist parties parties, but also in the exceptionally high percentage of intolerant responses, accounting for 33.3% of all institutional responses in Germany. Intolerant reactions towards the AfD accounted for almost 100% of all intolerant institutional actions towards populist parties recorded in the study (Bourne et al., 2024). Individual cases of intolerance also occurred towards the Spanish Podemos and the Hungarian Fidesz.

It is noteworthy that 58.9% of all international reactions came from international public authorities, with the largest number directed to Fidesz and Law and Justice (Bourne et al., 2024). Although the number of international reactions to Italian parties and the Danish Populist Party is low, they constitute a significant share of all reactions directed on these parties by public authorities (Table 3). These data largely confirm the division observed above between governing populist parties and outside of it. However, they also draw attention to other potential factors triggering heightened international reactions in the case of Hungary and Poland – the unliberal policies pursued by populist governments.

### **‘Tolerant’ forms of response by national and international public institutions**

Public authorities’ initiatives, which are referred to as ‘ordinary legal controls and pedagogy’ (Figure 1), comprised three main forms of response to populist parties: public persuasion, checks and balances, and ordinary judicial control (Table 2). Public persuasion – a form based mainly on speech acts by office holders condemning populist parties – was the most commonly used formula of opposition to populist parties, with the exception of Podemos and Vox in Spain. In most of cases, persuasive measures accounted for between 43.5% and 76% of institutional responses. In countries where populists were in power, a frequently practiced form of response was checks and balances built into the democratic systems of individual countries (Table 2). These included judicial oversight of the actions of the legislative and executive branches and judicial protection of civil rights and freedoms, oversight by parliaments, presidents, and special institutions such as the Ombudsman. Opposition actions based on the system of checks and balances mainly concerned the League (32.6%) and the Five Star Movement (22.9%) in Italy, Law and Justice in Poland (22.2%) and Fidesz in Hunga-

ry (14.2%). The exception among the populist parties in power was again Podemos, which recorded one case of a check and balances reaction. Opposition to this party was based on ordinary judicial control. The check and balances strategy in the case of parliamentary populist parties was also negligible or non-existent. This relationship is largely due to the nature of such instruments in democratic countries designed to control and constrain the decision-makers. In the case of non-governmental parties, apart from acts of persuasion, the share of ordinary judicial control based on the criminal or civil code was more significant. In Spain, legal reactions accounted for 78.6% of institutional reactions against Podemos and 85.7% against Vox, and in Sweden, 55.6% of reactions against the Sweden Democrats. In Spain and Sweden, this form of opposition initiatives by public authorities was dominant. The percentage of legal actions against populists in Italy was also high. The lowest percentage of such forms of responses was recorded in Poland and Hungary, with most of them coming from international institutions (Table 2).

Table 2  
**Number of tolerant reactions from public authorities to populist parties  
 (with percent of reactions related to party)**

	Ordinary legal controls and pedagogy by public authorities			
	Checks and Balances	Judicial controls	Public persuasion	All 3 forms of reactions
Fidesz	33 (14.2%)	23 (9.9%)	177 (76%)	233 (100%)
Law & Justice	53 (22.2%)	25 (10.5%)	161 (67.4%)	239 (100%)
League	15 (32.6%)	11 (23.9%)	20 (43.5%)	46 (100%)
Five Star Movement	8 (22.9%)	11 (31.4%)	16 (45.7%)	35 (100%)
Podemos	1 (7.1%)	11 (78.6%)	2 (14.3%)	14 (100%)
Danish Peoples Party	1 (7.1%)	4 (28.6%)	9 (64.3%)	14 (100%)
Alternative for Germany	2 (5.1%)	10 (25.6%)	27 (69.2%)	39 (100%)
<b>Sweden Democrats</b>		10 (55.6%)	8 (44.4%)	18 (100%)
<b>Vox</b>		6 (85.7%)	1 (14.3%)	7 (100%)
<b>TOTAL</b>	113 (15.5%)	111 (17.2%)	421 (65.3%)	645 (100%)

Source: A. Bourne, A. Moroska-Bonkiewicz, B. Laumond, F. Campo, F. Tyszka, K. Domagala, M. Nicolaisen (2024), *Initiatives Opposing Populist Parties (IoPP) in Europe Dataset*, Harvard Dataverse, <https://doi.org/10.7910/DVN/V4TEB2>.

The reactions of international actors were mainly based on acts of persuasion directed at populist ruling parties, except Podemos (Table 3). These persuasive acts of response accounted for 82.8% of all reactions by international public authorities (Bourne et al., 2024). International checks and balances were only practiced against ruling parties, with the Hungarian Fidesz being the most targeted. At the same time legal control exercised by international institutions regarding the compliance of national law with European law concerned exclusively Fidesz and Law and Justice (Table 3). Yet, the Hungarian case stands out in particular, as 67.8% of all institutional reactions to Fidesz came from supranational institutions and other countries, and only 32.2% from national institutions. This was the opposite of the other cases, where the main opposition came from national institutions.

Table 3  
**Number of state and international tolerant reactions from public authorities to populist parties (with percent of reactions related to party and form of reaction)**

	Ordinary legal controls and pedagogy by public authorities							
	Checks and Balances		Judicial controls		Public persuasion		All 3 forms of reactions	
	State	Intern.	State	Intern.	State	Intern.	State	Intern.
Fidesz	23 (69.7%)	10 (30.3%)	8 (34.8%)	15 (65.2%)	44 (24.9%)	133 (75.1%)	75 (32.2%)	158 (67.8%)
Law & Justice	50 (94.3%)	3 (5.7%)	12 (48%)	13 (52%)	97 (60.2%)	64 (39.8%)	159 (66.5%)	80 (33.5%)
League	13 (86.7%)	2 (13.3%)	11 (100%)		12 (60%)	8 (40%)	36 (78.3%)	10 (21.7%)
Five Star Movement	6 (75%)	2 (25%)	11 (100%)		7 (43.7%)	9 (56.2%)	24 (68.6%)	11 (31.4%)
Podemos	1 (100%)		11 (100%)		2 (100%)		14 (100%)	
<b>Danish Peoples Party</b>	1 (100%)		3 (75%)	1 (25%)	4 (44.4%)	5 (55.6%)	8 (57.1%)	6 (42.9%)
Alternative for Germany	2 (100%)		10 (100%)		26 (96.3%)	1 (3.7%)	38 (97.4%)	1 (2.6%)
<b>Sweden Democrats</b>			10 (100%)		6 (75%)	2 (25%)	16 (88.9%)	2 (11.1%)
<b>Vox</b>			6 (100%)		1 (100%)		7 (100%)	
<b>TOTAL</b>	96 (85%)	17 (15%)	82 (73.9%)	29 (26.1%)	199 (47.3%)	222 (52.7%)	377 (58.4%)	268 (41.5%)

**Source:** A. Bourne, A. Moroska-Bonkiewicz, B. Laumond, F. Campo, F. Tyszka, K. Domagała, M. Nicolaisen (2024), *Initiatives Opposing Populist Parties (IoPP) in Europe Dataset*, Harvard Dataverse, <https://doi.org/10.7910/DVN/V4TEB2>.

The above analysis of the forms of response used by public institutions towards populist parties confirms the different nature of responses used towards populist parties in government and non-governmental populist parties (with some exceptions). Towards ruling parties, institutions used all three forms of action: public persuasion, checks and balances, and ordinary judicial control. The main difference in relation to other populist parties was the presence of checks and balances and a significant contribution from international actors. In the latter respect, the reactions to Fidesz and PiS are noteworthy, as international actors responded more broadly than in the case of Italian populists. Institutional reactions to non-governmental populist parties, on the other hand, were based primarily on persuasion and ordinary judicial controls. The case of Spain is noteworthy, as the reactions to the co-governing Podemos and the opposition to Vox showed no differences and were based almost exclusively on ordinary legal controls.

### ***Public persuasion***

The distinguishing feature of the initiative referred to as public persuasion was actions through which public authorities expressed their opinion about populist parties'

activities, drew public attention to populist behavior and called for populist parties to change their policies. The most commonly used methods were condemnations, often accompanied by demonizing discourse. These accounted for over 50% of persuasive initiatives in all the cases analyzed. They were based on strong statements or speeches condemning the policies, or values of populist parties explicitly labeling them as divisive, xenophobic, anti-democratic, or shameful (Bourne, 2024b). We have also identified other, less frequently used forms of public persuasion, such as public appeals, investigations, dialogue, declarations or symbolic acts. However, the analysis showed that some of the above forms were used primarily or exclusively by international actors (supranational institutions and representatives of European states) against populists in Hungary and Poland (Bourne et al., 2024).

Apart of condemnation a noticeable opposition strategy was public appeal. Officials, orally or in writing (open letters, statements, reports, press releases), urged populists for change and the governments or international institutions for countering specific populist party initiatives and to uphold fundamental values. For example, Polish Ombudsman Adam Bodnar called on PiS-led government to implement recommendations of the Venice Commission regarding the Prosecution Service and the Courts. On another occasion he called on the Polish President not to sign the new Anti-Terrorist law, arguing that it unduly limited the public freedoms (Bourne et al., 2024, PL430). In Germany, after the AfD let anti-vaccine activists into the Bundestag to disrupt proceedings, several political leaders in particular the minister presidents of Thuringia and North-Rhine Westphalia urged starting party ban proceedings, arguing AfD was abusing its parliamentary role to undermine democracy (Bourne et al., 2024, DE290). Supranational institutions and foreign government figures (UE, Council of Europe, UN, US Congress) often released public reports that highlighted the impact of populist policies on rights and democracy, often urging repeal or reform (Bourne et al., 2024, HU1068, HU1052). For example, Austrian foreign minister called on the Hungarian government to comply with the Dublin Regulation, a key EU asylum rule, which required migrants' claims to be processed in the EU country in which they first arrive (Bourne et al., 2024, HU729). The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) called on the European Commission to review the new Hungarian Basic Law and the cardinal laws to verify their compliance with the Treaties and the Charter of Fundamental Rights of the European Union (Bourne et al., 2024, HU266).

The investigation action type of public authorities came mainly from international bodies and were directed against Fidesz and Law and Justice governments. Investigation typically refers to structured, evidence-based process by which authorities scrutinize the actions of parties and their members to uphold legal and democratic standards. If infractions are found, they may refer cases to prosecutors, courts, or disciplinary bodies. Public authorities often released statements or reports to inform the public of ongoing or concluded investigations, reinforcing democratic accountability and the rule of law. For example in 2016 the Council of Europe and United States Congress, were concerned about the state of democracy and the rule in law in Poland and send their representatives to the country to investigate the situation concerning Constitutional Tribunal and to discuss the issue with the PiS-led government (Bourne et al., 2024, PL091, PL092). Similar interventions were taken by US Congress in 2019

against Fidesz (Bourne et al., 2024, HU1072). In 2019 the Organization for Security and Cooperation in Europe (OECD), which was monitoring parliamentary elections in Poland, for the first time decided to examine the influence of the government-controlled media on the electoral process (Bourne et al., 2024, PL614). In 2021 EP Committee on Civil Liberties, Justice and Home Affairs (LIBE) sent a fact-finding delegation to Hungary to investigate the state of the rule of law. The mission found that conditions in Hungary worsened, especially in media pluralism, academic freedom, and government openness (Bourne et al., 2024, HU1142). Nevertheless, supranational actors also attempted to engage in dialogue with populist governments. This often preceded the decision to apply a legal instrument or was part of a procedure initiated by EU institutions. The study captured dialogue as the first stage of Article 7 of the Treaty on European Union (TEU) triggered for the first time ever against Poland in 2017, and against Hungary in 2018 (Bourne et al., 2024, PL438, PL461, PL520, PL528, HU1119).<sup>4</sup> However, this has also been the case in previous years with regard to changes concerning the Constitutional Tribunal in Poland, when the European Commission held talks with Prime Minister Beata Szydło (Bourne et al., 2024, PL041, PL089, PL131). Lengthy attempts at dialogue preceded the launch of the infringement procedure. Similar actions took place in 2012 in relation to constitutional changes introduced by the Orbán government in Hungary (Bourne et al., 2024, HU411). As in the case of the investigation, the dialogue-based responses concerned almost exclusively the reactions to Fidesz and PiS at the international level.

International reactions based on public persuasion also played a significant role in the case of populist parties in Italy and Denmark. In the case of the Five Star Movement and League, these reactions came exclusively from actors in other European countries, mainly France and Spain. Spanish mayors and French President Macron condemned the Italian policy of closing harbors to boats carrying immigrants, and generally the rise of extreme right-wing policies concerning refugees in Italy. This led to a diplomatic crisis between Italy and France in 2018 (Bourne et al., 2024, IT120a, IT120b, IT128a, IT128b, IT149). Similarly, the Danish People's Party was criticized by European Union institutions, the Council of Europe and European leaders primarily for its hostile policy towards immigrants, racism and xenophobia. While targeting DPP, they criticized also the center-parties for tightened immigration law under the influence of populists (Bourne et al., 2024, DK032, DK038, DK071, DK183).

The above analysis indicates that while opposition to populists based on public persuasion was applied to all populist parties, international reactions focused on populists in power and the Danish Peoples Party supporting the centrist government in Denmark. However, the specific nature of these reactions differed between countries. In the case of Fidesz and PiS, they came from both supranational institutions, mainly the European Union, and actors from other countries, and concerned a whole range of policies that primarily undermined the rule of law in those countries. In the case of populists in Italy,

<sup>4</sup> Article 7 TEU serves to remedy serious breaches of the fundamental values of the Union, including democracy and fundamental rights. The invocation of Article 7 may lead to the suspension of EU membership rights, i.e. actions characteristic of intolerant IoPPPs. However, in the first stage, EU institutions engage in dialogue with Member States to resolve issues before they escalate, <https://www.consilium.europa.eu/pl/policies/article-7-procedures/>.

however, the reactions came exclusively from other European countries and concerned a narrow but controversial area of populist activity: immigration policy.

### ***Check and balances***

Actions in this category are designed to ensure the separation of powers and promote legal, transparent and accountable governance. This strategy points to opposition actions by various authorized institutions such as courts, including constitutional courts, the European Court of Human Rights, the Ombudsman, presidents, the second chamber of Parliament. As indicated above, it was predominantly used as a tool to limit the actions of populist parties exercising legislative and executive power. Nevertheless, the nature of the opposition's response varied between countries.

Opposition initiatives against populist parties in Hungary and Poland employed by courts aimed to uphold democracy and protect judicial independence. Constitutional courts have reviewed, amended, or annulled legislative proposals from populist governments until they were captured by the populist government which took place in Hungary in 2013 and in Poland in 2016. Later, apart from politically motivated rulings in favor of populists, rulings restricting the actions of populists were the exception (Bourne et al., 2024, HU900, HU635, PL650, PL650). After the paralysis of the Constitutional Tribunal in Poland, the supreme and ordinary courts exercised control over the legislative and executive branches, often directly referring to the norms of Constitution to reject government laws that undermined judicial independence or civil rights and freedoms (Bourne et al., 2024, PL514, PL518, PL376). The courts and judges were active throughout the entire period under review during the first term of the Law and Justice government. For example, courts undermined decisions taken by the so-called politicized neo-NCJ (Bourne et al., 2024, PL518). They reviewed actions of Attorney General and legality of governmental and Presidential actions (Bourne et al., 2024, PL014, PL246, PL394, PL464, PL503, PL504, PL616, PL628; Domagała, Moroska-Bonkiewicz, 2024). When national checks and balances were endangered, Polish courts and judges have also referred cases up to the European Court of Human Rights (ECHR) gaining support and oversight from supranational institutions (Bourne et al., 2024, PL616). In 2016, a group of several dozen prosecutors decided to file complaints with the European Court of Human Rights after being demoted. They accuse the Polish authorities, and in particular the Prosecutor General, of violating the right to a fair trial and a real right to appeal against unfavorable decisions issued without justification (Bourne et al., 2024, PL183).

In Hungary, national courts were rarely involved in opposing the decisions of executive and legislative branches, except in minor cases (Bourne et al., 2024, HU717, HU686, HU829, HU732). One notable exception was when the Debrecen Court of Appeal ruled that the right to equal treatment of Roma children had been violated due to ethnic segregation in schools. The court awarded around 100 million forints in compensation to 60 victims. This decision was upheld by the Supreme Court (Bourne et al., 2024, HU1137). However, since 2014, the European Court of Human Rights has played an active supervisory role in relation to the Orbán government's actions,

defending civil rights and freedoms against abuses of power. It ruled among others that the Hungarian Church law violates the freedom of religion (2014), that the Hungarian parliament has to amend the surveillance law (2015), that the Hungarian courts and the Constitutional Court violated the right to freedom of expression (2016), ruled also that the Hungarian authorities violated the article of the European Convention on Human Rights for the protection of private property (2018) (Bourne et al., 2024, HU520, HU830, HU836, HU954).

Unlike in Hungary, in Poland, the Ombudsman played an active supervisory role throughout the entire period of Law and Justice's rule. Remaining an independent body, it challenged the controversial law settled by the populist majority to the Constitutional Court and later, through persuasion (condemnation), common courts at the national and supranational level (Bourne et al., 2024, PL006, PL046, PL087, PL103, PL145, PL158, PL171, PL288, PL542, PL554, PL638, PL430). In Hungary, the activity of ombudsmen (civil rights, data protection, minority rights, future generation) was visible until 2014. At that time, a person passive towards the actions of the Orbán government was elected to the combined office of ombudsman (Tyszka, 2024, p. 133).

When populists take power in a country, the presidential oversight function over the actions of the parliamentary majority becomes particularly important. However, the presidents in Hungary and Poland proved to be loyal to the populist party (Tyszka, 2024, p. 132). The exception was Hungarian President László Sólyom, whose term ended a few months after Orbán took power in May 2010. Within three months, President Sólyom vetoed several bills, including the Law on the Status of Government Officials, which allowed the dismissal of a large number of civil servants without justification (Bourne et al., 2024, HU056). The law, however, was adopted again without introducing any significant changes in the areas contested by the president. This was possible because Orbán's government had a two-thirds majority in parliament. Polish President Andrzej Duda, like the later Hungarian President János Áder, with a few exceptions, accepted controversial systemic changes proposed by populist governments. One of the exceptions was Duda's veto of two of the three new Laws on the Judiciary issued in 2017. The vetoed laws concerned the National Council of the Judiciary and the Supreme Court (Bourne et al., 2024, PL538). Although the president's amendments were only partially considered, without changing the unconstitutional nature of the laws, the President signed the new law. Paradoxically, however, the presidential veto delayed the process of politicizing the National Council of the Judiciary and the Supreme Court in Poland.

The actions of President Sergio Mattarella in Italy had a different impact. The Italian president was regarded for his dedication to constitutional principles and European integration. Throughout both Conte cabinets, he regularly called for adherence to constitutional norms and Italy's EU commitments, urging caution regarding economic and migration policies that risked conflict with European standards. The database indicates that he used his constitutional power to influence legislative and executive policies of populist government. In 2018, Mattarella rejected the nomination of Paolo Savona, a Eurosceptic economist, as Finance Minister, due to concerns about his stance on the euro and Italy's position in the European Union (Bourne et al., 2024, IT112). In 2019 President voiced concerns about the "simplification" decree proposed by the govern-

ment, which was meant to cut bureaucracy but became an “omnibus” law with 85 diverse amendments. He signed the decree but warned parliament to remove unrelated provisions, otherwise he would not sign the conversion into law. In response, Senate President Casellati declared 62 amendments inadmissible for lacking relevance to the decree’s main topic (Bourne et al., 2024, IT162a, IT163a). The Italian Senate also exercised checking powers over the executive branch. In 2020, approved the indictment of League leader Matteo Salvini, who was accused of unlawfully detaining the NGO ship Open Arms, which had rescued 151 people adrift at sea. As Minister of the Interior, Salvini prevented them from disembarking for 19 days (Bourne et al., 2024, IT242). Also the procedure called a Special Tribunal of Ministers was used on several occasions to investigate members of the Conte Cabinet I and II for unlawful activities during their office (Bourne et al., 2024, IT138, IT230, IT241-IT243).<sup>5</sup> It concerned again the government’s actions towards immigrants, in particular League leader Matteo Salvini (Bourne et al., 2024, IT172a, IT230, IT241, IT243). The European Court of Human Rights made a statement in matters relating to the Italian immigration policy, emphasized the government’s obligation to provide healthcare, food, water, and legal protection to the people rescued at the sea, however it did not admitted there was any obligation for the Italian state to allow disembarkation on Italian soil (Bourne et al., 2024, IT256a, IT256b, IT191a, IT191b).

These examples point to a clear difference in the way the systemic opposition operates in countries ruled by populists. This difference was largely due to the political strength of the populists and the specific nature of their ideology and program. Fidesz and PiS should be classified as right-wing populist parties with authoritarian tendencies. Populist governments in Poland and Hungary sought to strengthen executive power by eliminating the system of checks and balances, leading the countries towards illiberal democracy. The political power of Fidesz enabled the populist party to make fundamental systemic changes and take over most of the country’s control institutions. Research has shown that in Hungary, during Fidesz’s first term in office, opposition reactions from public institutions such as the Ombudsman or the Constitutional Court were much more frequent than in later years, when they were staffed by people loyal to the ruling party (Tyszka, 2024, p. 132; Sadecki, 2014; Auerbach, Kartner, 2022). This situation largely explains the low percentage of opposition reactions from domestic institutions towards Fidesz and the dominant share of opposition reactions from international actors. In Poland, despite the lack of a constitutional majority, the government made changes through legislation and a simple majority, in cooperation with the president. Nevertheless, the extent of institutional capture was lower than in Hungary. Selected institutions, including courts and the Ombudsman, remained independent and played an important role in counteracting populists. The different situation in Poland undoubtedly influenced the dominant importance of opposition actions by domestic institutions and the smaller share of reactions from international actors.

<sup>5</sup> In Italy, the “Special Ministers Tribunal” is not a permanent court, but a constitutional process where ministers are prosecuted for crimes committed in office only with authorization from Parliament. If authorized, cases go to regular courts. This system is designed to ensure ministers’ legal accountability while protecting them from politically motivated charges.

The situation in Italy was significantly different. Although the League can be described as a radical right-wing populist party, it was a smaller coalition partner in the I Conte government and governed for only about one year. The Five Star Movement, as the leading party, was a non-ideological populist party. Unlike Fidesz and PiS, the politicization of independent state institutions was not a particular problem in Italy. The research indicates that the main source of controversy was the populists' restrictive migration policy. Apart of that, the government policy was mainly focused on anti-corruption efforts, economic and public health reforms, improvement of administrative systems, security policy and defense (Di Quirico, 2022; Giannetti et al., 2020). In the second Conte government, policies were less harsh on migration, reflecting a center-left coalition, and included more dialogue within the EU (Russo et al., 2021). In addition, the President of Italy, regional presidents, the Special Tribunal of Ministers and the second chamber of parliament played an active corrective role in relation to government policy. This situation undoubtedly contributed to a lower percentage of check and balances responses from international institutions than in the case of Hungary.

### *Ordinary judicial controls*

In all cases studied, except Hungary and Poland, opposition to populist parties parties based on ordinary judicial controls was a significant or dominant form of response of national public institutions to populist parties. In Spain and Sweden legal control accounted for 85.7% of responses to Vox, 78.6% to Podemos and 55.6% to the Sweden Democrats. In Italy, Denmark and Germany, ordinary judicial controls accounted for 23.9–31.4% of institutional responses. In Hungary and Poland, the share of responses was significantly lower, at about 10% (Table 2), with majority responses coming from supranational institutions, the European Commission, the Court of Justice of the European Union (CJEU) and the European Anti-Fraud Office (OLAF).

In the cases examined, leaders or members of populist parties, associated organizations, individuals and businesses were subject to investigations and court cases of various kinds. Most often, these concerned all kinds of financial fraud, such as embezzlement of party or public funds, including illegal financing of party activities or its foundations, and misuse of EU funds. These occurred, to varying extents, in the cases of Podemos, the League, Sweden Democrats, Alternative for Germany, Denish Peoples Party, Fidesz, and Law and Justice (Bourne et al., 2024, SP020, SP184, SP205, SP201, SP203; SE038, SE083, SE110, SE158, SE168, SE253, SE110, DK176, DK209, DK042, IT01 IT21, DE139, PL479, HU892, HU731, HU679). Denish People's Party members were accused of economic crimes, and public institutions and companies captured by Fidesz were accused of corruption (Bourne et al., 2024, HU112, HU740, HU886). In the case of the Five Star Movement, Vox, the Danish People's Party and the Sweden Democrats, the study revealed legal proceedings concerning forged documents or signatures (Bourne et al., 2024, IT79, IT82, SP129, SP130, DK176, SD194). The League, on the other hand, was accused of bribery (Bourne et al., 2024, IT70, IT71). Interestingly, only a few of the identified proceedings against radical-right pop-

ulist parties concerned hate speech or discrimination. There were couple of cases involving AfD, Vox, SD, DPP and Fidesz (Bourne et al., 2024, DE172, DE209, SP172, SP195, SE150, SE315, DK122, HU634). In the case of 5SM and Podemos, however, there were cases of defamation (Bourne et al., 2024, IT067, IT085, IT146). There have also been cases of domestic violence committed by a member of Vox (Bourne et al., 2024, SP173), sexual harassment, gun and drug crimes in the case of Sweden Democrats (Bourne et al., 2024, SE203, SE044).

In the case of the Five Star Movement, many legal activities concerned judicial scrutiny on enforcing transparency, legality, and internal democracy. Courts intervened in 5SM's internal party processes, suspending internal ballots and ruling some expulsion procedures as illegal, emphasizing internal democracy (e.g., Palermo court suspending a 5SM primary result; Rome court ruling expulsions unlawful) (Bourne et al., 2024, IT056, IT075). Investigations also exposed irregularities in local elections, such as forged signatures supporting 5SM candidates in Palermo and Bologna, resulting in prison sentences for some members (Bourne et al., 2024, IT079, IT082). Legal actions addressed issues of candidate selection and party governance, with courts upholding the principle that party statutes and transparent procedures must be followed (e.g., Genova tribunal upholding a candidate's primary victory) (Bourne et al., 2024, IT081).

When measures taken at national level against anti-liberal populist parties in Poland and Hungary failed, the courts began to refer preliminary questions to the Court of Justice of the EU. Their aim was to verify whether the actions taken by institutions subordinate to populist governments were in line with European law. Such a measure, in the event of a finding of non-compliance, provided a legal basis for national courts to issue judgments on the legality of the actions of national institutions. This path was most commonly practiced in Poland, with one case also recorded in Hungary (Bourne et al., 2024, PL521, PL559, PL851, HU1087).

Nevertheless, most of the reactions in this category towards Fidesz and PiS came from supranational institutions. They accounted for 65.2% and 52% of ordinary legal controls, respectively (Table 3). The actions were mainly taken by the European Commission and the Court of Justice of the European Union (CJEU) as part of infringement proceedings. In the case of Fidesz, these included a law concerning NGOs (Bourne et al., 2024, HU1138), media law (Bourne et al., 2024, HU145), a "special tax" on foreign telecommunications companies (Bourne et al., 2024, HU192), the Law on the Central Bank, a law abolishing the Office of the Data Protection Ombudsman and a law on early retirement of judges (Bourne et al., 2024, HU400), and the "Stop Soros!" anti-immigrant package (Bourne et al., 2024, HU917). In the case of Poland, the actions concerned the new retirement age for Supreme Court judges (Bourne et al., 2024, PL491, PL595), the violations of the principle of judicial independence created by the new Polish Law on the Supreme Court (PL514), policy undermining independence of the judiciary by failing to provide them necessary guarantees of protection against political scrutiny (Bourne et al., 2024, PL604). The CJEU also heard preliminary questions submitted by the District Court in Warsaw and the District Court in Łódź (PL590). The European Anti-Fraud Office (OLAF) has also repeatedly acted against Fidesz (Bourne et al., 2024, HU731, HU679, HU892).

The analysis shows that in the case of ordinary judicial controls, reactions to populist parties in Poland and Hungary differed from other cases in that there was a high percentage of reactions from supranational institutions on issues concerning violations of European law, primarily the rule of law.

### **Intolerant opposition from public authorities**

As indicated earlier, restrictive measures against populist parties were primarily taken against Alternative for Germany. In the context of the dilemma raised in the theoretical part of this paper regarding how to respond to populist parties, it is worth pointing out what types of instruments were used in relation to the populist party under study. An analysis of opposition initiatives shows that these were primarily measures leading to the decision taken in March 2021 by the intelligence service to have the AfD monitored by the Federal Office for the Protection of the Constitution (Bourne et al., 2024, DE164). Following that, four state intelligence services in Eastern Germany declared they would monitor the AfD: Saxony, Saxony Anhalt, Brandenburg and Thuringia (Bourne et al., 2024, DE165). In 2020 the Federal Office for the protection of the constitution already declared that the AfD's rightist wing "Der Flügel" will be officially considered right-wing extremist and therefore their activities monitored (Bourne et al., 2024, DE261). This resulted in the AfD executive committee's decision to dissolve it on 30 April 2020. Earlier, in 2019, following the anti-Semitic attack in Halle, Lower Saxony's interior minister dismissed members of the right-wing AfD faction Der Flügel from public service on disciplinary grounds. In Lower Saxony, 16 security service officers were identified as right-wing extremists (Bourne et al., 2024, DE151). The study also recorded one case of intolerant opposing initiative by international actor towards public servants affiliated with the Hungarian party Fidesz. In 2014 the United States imposed a ban on entering US territory for six Hungarian public servants on suspicion of corruption. This came after a series of warnings to Budapest to reverse policies that threatened to undermine democratic values (Bourne et al., 2024, HU614).

The analysis indicates that the intolerant reactions of German state institutions towards radical right-wing populists were based on the so-called soft instruments of militant democracy (Müller, 2012). They did not eliminate the party from the political process, but they did restrict its right to privacy and secrecy.

### **Conclusions**

The comparative analysis of public authorities' responses to populist parties in seven European countries presented above enabled to deepen the knowledge about the patterns of opposition, to indicate exceptions and reasons underlying the approaches of opposition undertaken by national and international institutions to populists.

The study showed that intolerant reactions limiting the rights and freedoms of political parties were exceptional, occurring almost entirely in Germany, compared to the tolerant reactions prevailing in other European countries. The specific nature of

the reaction to the AfD should be linked to the paradigm of militant democracy that was developed in post-war Germany, in which repressive instruments and political ostracism played a major role in countering political extremism. Although the reactions to the AfD indicate a “mild” militant approach based on soft measures, intolerant initiatives are still an important element of the strategy for responding to radical right-wing populists in Germany. Nevertheless, most reactions to the AfD, including those from political parties and civil society, were based on tolerant actions. This permitted Benedicte Laumond to describe Germany’s policy as “adapted militancy” (Laumond, 2024). The reactions to AfD shows, that although the path dependence plays a role in shaping opposition reactions, the growing relevance of populist parties may lead to a significant adjustment of traditional responses. Bourne’s research findings concerning the bans of anti-system parties in Europe indicates that the use of repressive instrument against political parties requires the securitization of those parties (Bourne, 2018). The specific nature of populist parties described as “anti-liberal” makes it difficult to recognize threats to social or political security. At the same time, excluding a party that enjoys strong public support lack democratic legitimacy as it would undermine the principles of liberal democracies, such as pluralism, people’s sovereignty and the principle of representation. This partly explains why public institutions refrain from repression and use tolerant instruments based on criticism, checks and balances, and ordinary legal controls.

Among the tolerant responses of public authorities to nine populist parties in Europe, a clear difference emerged in the ways of responding to populists in power and non-governmental populist parties. It consisted in activating different institutions and instruments of response. Reactions to populists in power were characterized primarily by the use of instruments typical of checks and balances and a significant proportion of international reactions. In the case of other parties, the main form of response was public persuasion and ordinary control by national judiciary. An exception to this division was the Spanish ruling party Podemos, which was mainly subject to responses based on ordinary legal controls. Also the Denish case stud out, with a high percentage of international responses. The difference in reactions to Podemos can be explained, among other things, by the fact that it was a minor coalition partner of the socialist PSOE party. Reactions to Podemos were therefore a result of reactions to the policies of the mainstream party’s government. The case of the Danish People’s Party, on the other hand, shows that international actors were concerned about the influence of discriminatory populists stances on the centrist government’s immigration policy. Nevertheless, in the case of non-governmental populist parties (apart from the AfD), the overall share of institutional responses was small (compared to reactions from other public actors – parties and civil society). This is largely because, although populists in Denmark and Sweden supported the governments of mainstream centrist parties, they did not formally participated in government. This limits the possibility of using instruments typical for controlling and limiting power against them.

The reactions of public authorities to populist governments in Hungary, Poland and Italy, despite their similarities, revealed also significant differences. The reactions to populists in Poland and Hungary were largely the result of populist governments pursuing policies that undermined the rule of law. The politicization of public institu-

tions by Fidesz and Law and Justice limited the control functions of many state bodies and caused a shift towards illiberal democracy. The lack of tools at the national level constraining the populist parties as well as the significant threat to democratic and European principles and values coming from populist governments, prompted international actors, mainly European Union, to use a range of opposition instruments at their disposal. The difference in the range of reactions coming from independent state institutions in Poland and Hungary may explain to some extent the varying share of international responses in both cases. At the same time, the policies conducted by Italian populist government, although raised some controversies, did not pose a threat to the existence of liberal democracy. Moreover opposition reactions were mainly based on the actions of national institutions capable of correcting populist's policies. Thus, the responses of international actors in Italy, compared to Poland and Hungary, were of a different nature – they were based mainly on public persuasion by the institutions of other countries as a result of regional conflicts on particular issues. The above research results indicate that the specific nature of institutional reactions depends above all on the policies pursued by populists parties. This conclusion nuances Bourne's findings, as it indicates that the attitude of populists towards democracy and their lack of respect for its norms and institutions is a significant factor determining institutional opposition to populist parties in power. In the case of non-governmental populists parties, the study suggests that the extent of populists' influence on government policy and the level of controversy that this policy generates may be of significant importance for international institutional reactions. However, further research is needed to confirm the validity of this claim.

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## Summary

The growth of populist parties across Europe has fundamentally altered the political landscape of the continent, presenting unprecedented challenges to established democracies. It rises concerns within national and international actors about how to respond to these challenges. This dilemma is particularly significant for public authorities that have a range of repressive and tolerant instruments at their disposal that can be used against populist parties. The study offers an in-depth analysis of how national and international public authorities have addressed the expansion of populism in Europe. The aim of this paper is to deepen understanding of patterns in the way public authorities responded to populist parties across Europe and to explain the rationale behind the observed responses. Drawing on empirical research carried out by an international team across seven European countries, this article employs quantitative and qualitative methods to examine opposition initiatives of public authorities at the national and international level targeting nine populist parties.

**Key words:** Populist Parties, National and International Responses, Public Authorities

## Krajowe i międzynarodowe reakcje władz publicznych na partie populistyczne w Europie

### Streszczenie

Rozwój partii populistycznych w Europie zasadniczo zmienił krajobraz polityczny kontynentu, stawiając przed ugruntowanymi demokracjami bezprecedensowe wyzwania. Podmioty krajowe i międzynarodowe zastanawiają się, jak reagować na partie populistyczne. Dylemat ten jest szczególnie istotny dla organów publicznych, które dysponują szeregiem represyjnych i tolerancyjnych instrumentów, które mogą być wykorzystane wobec tego typu partii. Niniejsze

opracowanie przedstawia szczegółową analizę sposobów, w jakie krajowe i międzynarodowe organy władzy publicznej reagowały na ekspansję populizmu w Europie. Celem jest pogłębienie wiedzy na temat prawidłowości w sposobie reagowania organów publicznych na partie populistyczne oraz wyjaśnienie powodów zaobserwowanych reakcji. Opierając się na badaniach empirycznych przeprowadzonych przez międzynarodowy zespół w siedmiu krajach europejskich, w niniejszym artykule wykorzystano metody ilościowe i jakościowe w celu zbadania inicjatyw opozycyjnych organów publicznych na szczeblu krajowym i międzynarodowym skierowanych przeciwko dziewięciu partiom populistycznym.

**Slowa kluczowe:** partie populistyczne, reakcje krajowe i międzynarodowe, władze publiczne

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