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## Who cares about the rule of law? Citizens' rule of law priorities in Hungary and the Czech Republic

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### Abstract

This article presents a representative empirical study where, instead of rating the importance of specific elements of the rule of law, respondents were asked to set up an order of priority between elements of democracy (majority rule) and the rule of law (counter-majoritarian institutions). The survey was conducted both in Hungary and the Czech Republic: these two countries represent the two extremes within the Visegrád Group regarding the rule-of-law-situation, Hungary being the worst and Czechia the best. In Hungary we can observe a deep tension in terms of priorities, and this basically translates into the government-opposition division: pro-government voters prioritize majoritarian arguments, while most opposition voters prefer counter-majoritarian institutions. In Czechia, on the contrary, counter-majoritarian and majoritarian features of the democratic system are seen in a more balanced way: even voters of populist and far-right parties highly appreciate the prevention of power abuse and a functioning constitutional court.

### Key words

Rule of law; democracy; Hungary; Czech Republic; populism

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In the introduction, I am building on my article at Balkan Insight where I first summarized the initial findings of this study: *Populist voters in Czechia and Hungary differ over democratic principles*, 9 October 2024, <https://balkaninsight.com/2024/10/09/populist-voters-in-czechia-and-hungary-differ-over-democratic-priorities/>

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## Resumen

Este artículo presenta un estudio empírico representativo en el que, en lugar de calificar la importancia de elementos específicos del Estado de derecho, se pidió a los encuestados que establecieran un orden de prioridad entre los elementos de la democracia (gobierno de la mayoría) y el Estado de derecho (instituciones contramayoritarias). La encuesta se realizó tanto en Hungría como en la República Checa: estos dos países representan los dos extremos dentro del Grupo de Visegrado en lo que respecta a la situación del Estado de derecho, siendo Hungría el peor y Chequia el mejor. En Hungría se observa una profunda tensión en cuanto a las prioridades, lo que se traduce básicamente en la división entre el Gobierno y la oposición: los votantes progubernamentales dan prioridad a los argumentos mayoritarios, mientras que la mayoría de los votantes de la oposición prefieren las instituciones contramayoritarias. En la República Checa, por el contrario, las características contramayoritarias y mayoritarias del sistema democrático se perciben de forma más equilibrada: incluso los votantes de los partidos populistas y de extrema derecha aprecian mucho la prevención del abuso de poder y el buen funcionamiento del tribunal constitucional.

## Palabras clave

Estado de derecho; democracia; Hungría; República Checa; populismo

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## 1. Introduction: Importance and priority

In today's public discourse, populist and illiberal tendencies among governments and parties are often blamed exclusively on political leaders. When reading the news and most part of the legal academic discussion, one might get the impression that it is Viktor Orbán alone who reigns over the Hungarian people, and they are merely the prime minister's helpless victims.<sup>1</sup> In fact, Hungarians have repeatedly re-elected Orbán's Fidesz party since 2010. In Poland, Law and Justice governed for two consecutive terms until 2023, and in the same year in Slovakia, Robert Fico's Smer-SD was voted back to power after a four-year interim period, just like Andrej Babiš's ANO in Czechia in 2025.

The question is why people re-elect leaders who systematically undermine the rule of law and weaken (or even eliminate) independent counterbalances to their power? A plausible answer might be that the rule of law is not important for them, but this contradicts several surveys, such as the special Eurobarometer on the rule of law: people in the V4 generally found compliance with the rule of law just as important as the EU average (interestingly, only Czechia demonstrated significantly lower support).<sup>2</sup> If people value the rule of law yet still vote for parties that undermine it, the explanation must lie in divergent understandings of democracy (Wunsch 2025, pp. 6-10) and in competing motivations: namely, that there are other things more important to them when voting. These might be of course manifold, such as practical and economic considerations (Manow 2018), other policy preferences, partisan loyalty, or ideology (Graham and Svoblik 2020). From a constitutional point of view, the most relevant possible motivation is that people might prioritise majority rule over counter-majoritarian institutions.

Namely, Orbán usually refutes any criticism — whether from the EU, opposition, or media — over the state of the rule of law in Hungary with the argument that the government is empowered by the people to carry out those contested reforms in question and the government is only fulfilling the will of the majority. Anyone who criticises this is, therefore, ignoring the will of the people. This is, of course, an entirely cynical argument for many reasons, not least that Fidesz has not prepared any proper election program since 2010, so the (relative) majority who supported the ruling party barely knew what they were voting for, except for the promise to “continue” whatever the government had done before.

Still, what if there is something to Orbán's argument? What if a significant proportion of the electorate really prefers a government capable of action at any price, even if it means granting it almost unlimited power? This is a relevant question not least because of the EU's increasing willingness to enforce the rule of law in its member states, lately also by means of financial conditionality (Scheppele and Morijn 2024, Bakó 2024). However, if the rule of law is not considered as important in a society, political and financial pressure on the affected government might be counter-productive, without enhancing the public demand for the rule of law.

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<sup>1</sup> Although there are some refreshing exceptions by scholars of comparative constitutional law (Weiler 2020), legal sociology, and populism studies (Arato and Cohen 2021, Blokker 2024).

<sup>2</sup> The most detailed large-scale studies are the Special Eurobarometers on the rule of law from 2019 and 2024.

To map people's priorities regarding majoritarian and counter-majoritarian features of the democratic state order, I conducted a representative empirical study. Unlike most rule-of-law-surveys, where respondents are supposed to score statements from 1 to 5, I designed a survey where statements must be put into the order of priority. So, respondents need to decide if certain majoritarian or counter-majoritarian elements are more important, but they cannot give equal significance to any two statements.

To get a comparative insight from the Central European region, the study was conducted both in Hungary and the Czech Republic. These countries are similar in terms of population and represent the two extremes within the V4 regarding the rule-of-law-situation, Hungary being the worst and Czechia the best.<sup>3</sup> By examining these two countries I expect to see on the one hand, to what extent the post-socialist background determines peoples' stances towards the rule of law and democracy, on the other, how citizens of countries with different experiences on populism differ. Namely, Hungary has been governed by the national-conservative Fidesz since 2010, and most checks and balances towards the government's power have been eliminated. Czechia was ruled by the allegedly populist ANO-government for a term until 2021, and the party is back to government with right-wing allies from the end of 2025, but Czechia definitely has not undergone a permanent populist turn until now.

This paper is structured as follows. In Section 2, I outline the theoretical context and the contradiction between democracy (majoritarianism) and the rule of law, arguing that populism is a reaction to liberal constitutionalism. Section 3 explains the methodology of the empirical research, and the results are elaborated in detail in Section 4. Beyond the results in the general population, I focus on some typical co-occurrences between the first and second preferences, and on preferences of different electoral groups and age groups. People's priorities and their perceived reality are also compared, the most striking examples are analysed by electoral groups as well, to see to what extent different party voters can be satisfied with the rule-of-law situation in their country. The final Section 5 concludes that while in Hungary there is a deep polarization in terms of the basic principles of democracy and the rule of law, Czechs agree about the importance of preventing the abuse of power, even if the accents regarding the other components vary.

## 2. Theory: Liberal democracy and populism in Central Europe

The rising number of hybrid regimes illustrate that the existence of democracy might not simply be a yes/no question, but it can be imagined as a scale with liberal democracies and totalitarian regimes at the two extremes (Bozóki and Hegedüs 2018). Still, when defining democracy, authors often argue that there is no such thing as an *illiberal democracy*, because democracy is necessarily liberal, where liberal rights and the rule of law is safeguarded (Weiler 2016, Halmai 2021). In this framework, the need for the rule of law and counter-majoritarian institutions is meant to manage the "political risk" (Vermeule 2013) hidden in "too much democracy" (Zakaria 2007, p. 26). No doubt that the arbitrary use of state power, the tyranny of the majority should be prevented. However, the margin of appreciation regarding how to do it seems to be more and more

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<sup>3</sup> According to the 2023 WJP Rule of Law Index.

narrowed, since the Western world and especially the EU strongly favours its ideal-typical understanding of democracy (Schorkopf 2016, p. 159).

The dominance of liberal democracy as the only normality was clear already in 1989/90, when post-socialist countries were supposed to copy this model in a rush, after regaining their independence – but in many cases what they actually did was merely a soulless imitation (Krastev and Holmes 2019). The new counter-majoritarian features could be seen as the result of the no-alternative, aggressive liberal institutionalisation by the West in the post-transition period (Blokker 2019, p. 530). With the historical experience of decades of communist dictatorship, Central and Eastern European countries had of course good reason to implement guarantees against state arbitrariness. Still, state arbitrariness occurred due to Soviet (foreign) influence or occupation, while the design of Western-type liberal democracy is based on fundamentally different considerations: on guaranteeing the freedom from its own elected government and eliminating internal dangers posed to democracy (Rehling Larsen 2021, p. 487). So, it seems logical that in post-socialist countries it might be excused if the elected government's power is subject to less limits, if in exchange, the government can give effect to national democracy vis-à-vis foreign actors and guarantee the freedom from oppression by foreign powers (*Id.* p. 496).

This is exactly the argumentation that Hungarian Prime Minister Viktor Orbán is using during his rhetorical freedom fight against the European Union over issues of the rule of law, migration, and identity politics (Verovšek 2020, pp. 9-10, Bakó 2024, pp. 86-87): accusing the EU of intervening in Hungarian democracy whenever the EU criticises controversial reforms of the Hungarian government. The government talks as if an independent judiciary, or reducing corruption would be some evil, *federalist* tricks of the EU which in fact has only one goal: to impose liberal, migration-friendly and LGBT-friendly policies on Hungary against the will of Hungarians.<sup>4</sup>

In this context, the most important point cannot even be raised in the political discourse: that the rule of law and the normal functioning of counter-majoritarian institutions should normally be a national matter, regardless of what the EU wants in this field. Unfortunately in some Central European countries, such institutions, especially constitutional courts can have a dubious reputation in the eyes of certain parts of the electorate, not least because in the years after the democratic transition, some crucial and divisive issues of the transitions were resolved by judgments, leaving many disappointed, with the feeling of injustice.<sup>5</sup> On the contrary, in Czechia, the Constitutional Court opted for an approach where legality is not merely formal, but its concept is merged to legitimacy.<sup>6</sup>

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<sup>4</sup> See for instance Orbán's interview with Kossuth Rádió (About Hungary 2024), or his remarks at international meetings, e.g.,: Reuters 2023.

<sup>5</sup> For example, the Hungarian Constitutional Court prevented the prosecution of perpetrators and commanders of communist crimes (decision no. 11/1992), it stuck down a lustration law, (decision no. 60/1994) and delivered some controversial judgments regarding reparations concerning confiscated property. (decisions no. 21/1990, 28/1991, 4/1993) A similar, formal-legalistic interpretation of law was present in Poland when dealing with the communist past. See Czarnota (2018, p. 57).

<sup>6</sup> So contrary to Hungary, suspending the limitation of communist crimes was found to be constitutional in Czechia (Pl. ÚS 19/93). In detail see e. g. Sadurski (2016, pp. 9 *et seq.*), Di Gregorio (2019, pp. 208 *et seq.*)

The success of anti-liberal or *populist* politics is remarkable in the region also beyond Hungary's Fidesz, considering for instance the national-conservative PiS in Poland or the left-conservative Smer-SD in Slovakia. Andrej Babiš's ANO party in Czechia, that has just returned to government at the end of 2025, is somewhat different: it is also critical towards checks and balances but not because of ideology or the alleged importance of popular sovereignty, but because of striving for more efficiency regarding the management of the state (Havlík and Hloušek 2021 p. 119). Populist political tendencies show how fragile the balance between majority rule and its limiting factors is (copied from the West 30-35 years ago): if non-majoritarian institutions are seen as too powerful, people tend to turn towards populist parties to regain popular sovereignty.<sup>7</sup> So, populism can best be described as the (bad) conscience of liberal democracy (Mudde and Rovira Kaltwasser 2017, p. 116) or even a ghost that haunts liberal democracy because of suffocating politics (Manow 2024, p. 115).

Politically seen, populism is a reaction to liberal constitutionalism: to the growing influence of domestic and international non-majoritarian institutions (Zürn 2022, p. 791). When striking back to liberal constitutionalism, populists borrowed and misused the core idea of political constitutionalism (Bellamy 2023): the scepticism towards strong-form judicial review (conducted by constitutional courts or other apex courts). This scepticism is based on the argument that by extracting certain values and areas from the sphere of politics, judicial review depoliticises the constitution and bears the risk of arbitrariness and undermines democracy (Bellamy 2007, p. 147). As Adam Czarnota summarises: Populist constitutionalism is about the "rejection of the idea of law as a neutral institutional mechanism to govern politics", where "the sovereign ruler is not a constitution but a political nation" (Czarnota 2024, p. 564).

The empirical study below therefore examines if people in longtime populist-led Hungary and swinging Czechia prefer their democracy run by the political nation (through its representatives) or by neutral laws as applied by independent, counter-majoritarian institutions. This is of course not a black-and-white question, as the most typical patterns of prioritisation will show.

### 3. Methodology: Ranking the rule of law and democracy

In order to compare majoritarian and counter-majoritarian preferences, respondents had to set up a priority order between elements of democracy and the rule of law. As follows from above, by democracy I mean the minimalist understanding of democracy: majority rule established via regular, free, and fair elections. By rule of law, I mean counter-majoritarian institutions and limits to the elected government's power. Even if the rule of law has many other layers (such as legal certainty, legality, etc), this conceptual minimalism is useful in an empirical study, because in the public discourse (especially in populists-dominated public discourse), typically this is how the tensions between democracy and the rule of law are depicted. From the six statements listed (and shown

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<sup>7</sup> Michael Zürn explains the political reasons behind this as a double process of disappointment: first with traditional parties and then, with non-majoritarian institutions which were initially trusted as counterbalances against the traditional parties. This double process, he argues, leads to a perception that the political system as a whole is not responsive for voters' claims. See Zürn (2022, pp. 791-793).

to respondents in a random order), three referred to the most basic features of democracy/majority rule and three to the rule of law.

Statements supporting majority rule were the following:

- The **government** should pursue policies in line with the **will of the majority**.
- Citizens should be able to decide about certain laws via **referenda**.
- To protect national interests, the government should sometimes undertake **conflicts with the EU** and other member states.
- Statements supporting the rule of law were the following:
- The **Constitutional Court** should **prevent** the government from **abusing its powers**.
- Citizens should be able to enforce their **rights** before **independent courts**.
- The government's policies should **comply with** regulations and political expectations of the **EU**.

Of course, whenever abstract democratic and rule-of-law principles are translated to more concrete statements for the purpose of empirical research, definitional questions arise (see Hertogh 2024). My aim was not to include statements that perfectly fit into a comprehensive theoretical framework. Instead, the statements reflect the most prevalent arguments in the public discourse about democracy and the rule of law. I had to exclude typical, although subjective evaluations, such as “judgments should reflect justice”. It was also important to keep the number of statements limited, because setting too many elements to the order of priority would have been demanding for respondents. That is why I avoided going into specifics and decided for broader wording in the survey. As a result, statements are formulated in the context of widely known institutions and their most common tasks.

Majority rule is explicitly framed as a *representative* concept in the survey (“The *government* should pursue policies in line with the will of the majority”), and there is a distinct option for *direct democracy* (“Citizens should be able to decide about certain laws via referenda”). Among counter-majoritarian institutions, the independence of courts is framed as a necessary condition for the *enforcement of individual rights*, while the Constitutional Court is mentioned in the *political context of power relations*, as its main task is to prevent the government from abusing its powers.<sup>8</sup>

The reason why I included statements about the EU is explained by the public discourse, in Hungary in particular. As explained above, the government consistently connects popular sovereignty to state sovereignty in Hungary-EU relations by suggesting that the EU's rule-of-law-agenda is an intervention to the will of Hungarians. That is why as a sovereigntist option, I included the statement that the government should undertake conflicts with the EU in order to protect national interests. In parallel, in the communication of most opposition parties prior to and at the time of conducting the

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<sup>8</sup> This of course does not mean that constitutional courts have no roles in individual rights' enforcement. The institution of constitutional complaint exists both in Hungary (Article 24 (2) c) and d) of the Hungarian Fundamental Law) and the Czech Republic (Article 87 (1) d) of the Czech Constitution), but although they represent a significant part of the case load, the success rate of constitutional complaints remains in fact very low. See e.g., Šipulová (2019, p. 35), Kühn (2021, p. 95), Karsai and Mihály (2020, pp. 192 *et seq.*)



survey, the rule of law was (unfortunately) not depicted primarily as a national matter but as a legitimate expectation from the EU, the price of Hungary's EU-membership. So, the statement about compliance with EU rules and expectations is included to see to what extent these rules and expectations are seen as desirable, and as part of the rule of law.

The CAWI survey was conducted via social media between 2-12 July 2024 in Hungary, with a sample of 1,100 people, and 7-18 August 2024 in Czechia, with a sample of 981 people.<sup>9</sup> The survey is representative. Quotas were applied during fieldwork, and remaining deviations from population benchmarks were corrected after data collection through weighting. Weights were constructed by using iterative rim weighting (raking) on six dimensions: gender, age, education, settlement type, region, and past vote; the past-vote margins were calibrated to the official results of the most recent election.<sup>10</sup> This directly addresses the main pathways through which the digital divide could bias the results (especially age and education), while calibration to past vote further reduces the risk of imbalance in party preferences. The data was collected and analysed by 21 Research Centre, Budapest.<sup>11</sup>

#### 4. The results: Common minimum and parallel worlds

Enabling the Constitutional Court to prevent the abuse of power is the top priority for respondents in both countries. However, there are differences regarding the strength of preferences and the second choices, as shown in Figure 1 below.

FIGURE 1

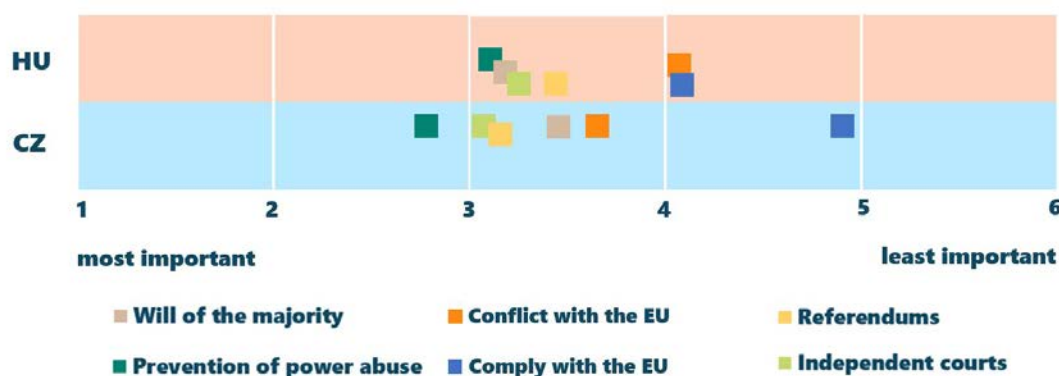


Figure 1. Strength of majoritarian and counter-majoritarian preferences in Hungary and Czechia.

<sup>9</sup> Datasets available at the Czech Social Science Data Archive: Bakó 2025.

<sup>10</sup> At the party preferences, we took the results of the 2024 European elections as a basis in the case of Hungary, and the 2021 general parliamentary elections in Czechia. The reason of the difference is twofold. In Czechia, the turnout at the 2024 European election was very low (36.45%) compared to the turnout at the latest general election (65.4%), while in Hungary the turnout at the 2024 EU election was much higher, 59.46%. While in Czechia, both national and European elections are held in the system of proportional voting, Hungarian parliamentary elections are held in a semi-majoritarian system, a proportional system applies only for European elections. As at general elections, Hungarian oppositional parties (and voters) usually have to use tactics, build alliances, true party preferences can best be measured at the EU elections.

<sup>11</sup> The data was analyzed by 21 Research Center according to the instructions of the author. Figures are the work of the author, partially based on the initial data visualization provided by 21 Research Center. The survey was run in Czech and Hungarian.

In Hungary, the Constitutional Court (ranking mean: 3.11) is closely followed by majority rule (3.19) and independent courts (3.23), while in Czechia, the Constitutional Court is by far the top priority (ranking mean: 2.78), followed by another counter-majoritarian option of independent courts (3.08) and referenda (3.16). Despite their government's harsh rhetoric towards the EU, Hungarians are far more EU-friendly than Czechs, who see conflicts with the EU to protect national interests as clearly more important (ranking mean: 3.66) than Hungarians, and compliance with EU rules is highly neglected among them (4.93). Among Hungarians, conflict with the EU and compliance with EU rules received almost the same ranking mean (4.01 and 4.03, respectively).

Looking at the general preferences of the entire societies, we do not find huge differences between the two countries. However, when looking for *majoritarian* and *counter-majoritarian* groups and comparing rule-of-law priorities and party sympathies, we find different patterns in Hungary and Czechia.

#### 4.1. Power to courts or power to majorities?

By examining the typical patterns in the priority orders, I tried to find out to what extent the importance of majoritarian and counter-majoritarian elements is seen balanced, and whether there are groups that can clearly be described as majoritarian or counter-majoritarian. So, I took the most often picked counter-majoritarian (Constitutional Court and independent courts) and majoritarian (majority rule by government, referendum) options in the two countries and checked whenever they are picked as their first preference, which options were the most typically chosen as their second preferences after them.

The result is outlined in the following figures (Figure 2 and Figure 3), also included is the percentage of ranking as the first preference and the mean of ranking of the given options.

FIGURE 2

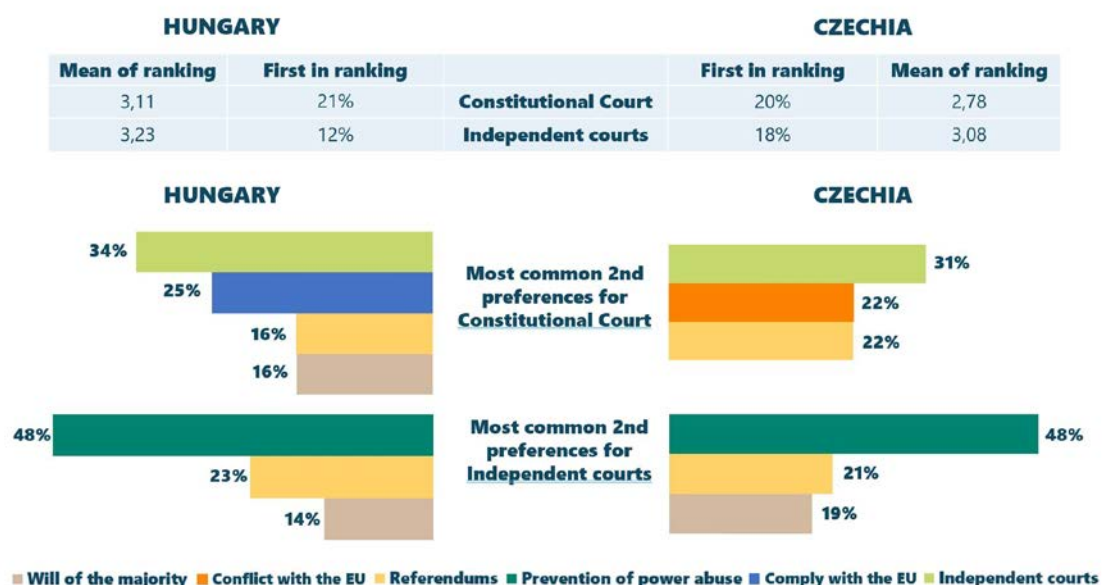


Figure 2. Counter-majoritarian groups and their second preferences.

Both in Hungary and Czechia, the most common second priority after the prevention of power abuse by the Constitutional Court is that people can enforce their rights before independent courts. In Czechia, sovereigntist-majoritarian options (conflict with the EU and referendum) are also quite often picked secondary options after the Constitutional Court. In Hungary, majoritarian options are present to a lesser extent in this group, but the compliance with EU rules is picked remarkably often as a second preference after the Constitutional Court. This can best be explained by the EU's regular efforts to uphold the rule of law in Hungary, which is intensely communicated in the media, so many citizens link the rule of law to the EU.

For respondents who chose independent courts as their first preference, the pattern is obvious: a significant part of them (near absolute majority) picked the Constitutional Court as a second preference, and majoritarian options (referenda and majority rule) lag far behind in both countries).

We can clearly see a counter-majoritarian group: respondents who picked independent courts first mostly tend to belong here, along with many of those who prioritize the Constitutional Court, especially in Hungary. However, the need for a functioning Constitutional Court is quite often coupled with majoritarian-sovereigntist preferences in Czechia.

Czechs' balanced view regarding the need for the most typical counter-majoritarian institution (Constitutional Court) and for majority rule is also apparent when examining the most typical second preferences for (representative) majority rule and referendum, as outlined in Figure 3 below.

FIGURE 3

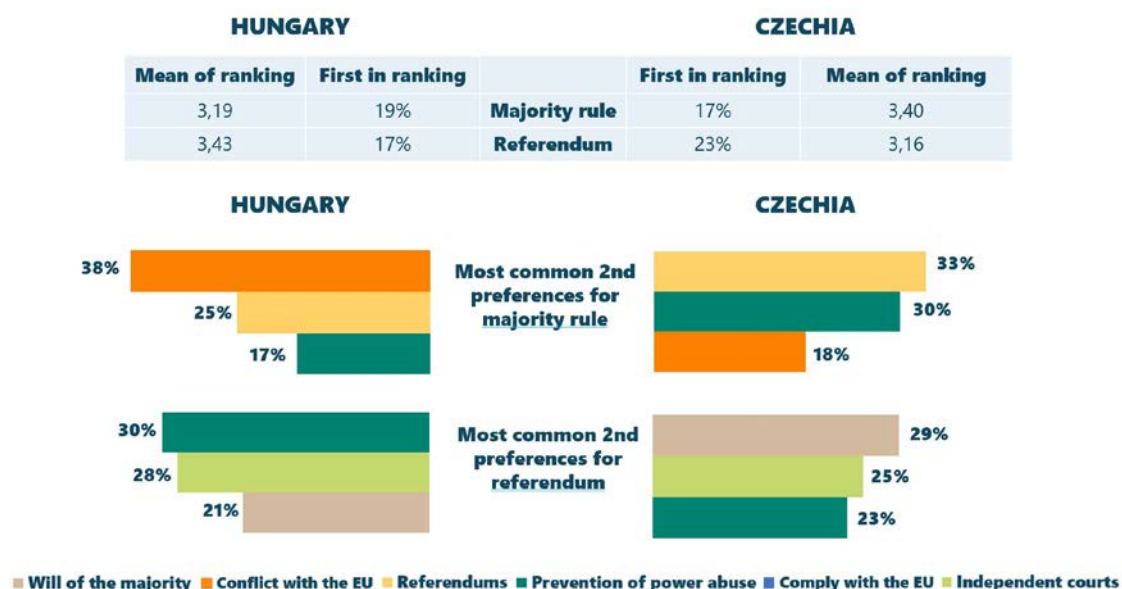


Figure 3. Majoritarian groups and their second preferences.

For those who picked majority rule (by the representative government) as their first priority, referendum and the Constitutional Court are the two most common second options by a narrow margin among Czechs. Almost one third (30%) of those who prioritized majority rule found a well-functioning Constitutional Court as the second most important.

In Hungary on the contrary, majority rule is mostly coupled with the need for conflict with the EU in order to protect national interests (probably not unrelated to the government's EU-critical rhetoric), and, to a significantly lesser extent, to referenda. The Constitutional Court is important only for 17% of those who picked majority rule as their first priority. It is remarkable, that the need for independent courts as tools of individual rights enforcement is unimportant for advocates of (representative) majority rule in both countries.

However, along with majority rule, both counter-majoritarian options are present as typical second choices in the group which preferred referendum as priority. In Hungary, advocates of referendum mostly chose the Constitutional Court or independent courts as second options, while in Czechia, the need for referendum is most often linked to majority rule (by the representative government).

This difference in the accent might be explained with the practice of referenda in the two countries. In Hungary, there is a possibility for referendums both for popular initiative and for the initiative of the government or the president of the state, at least legally. However, there is a wide range of prohibited subjects and a relatively high, 50% validity threshold. In fact, in the past years, Fidesz-governments made the institution of referenda empty. Due to the wide interpretation of prohibited subjects, popular initiatives (mostly linked to opposition parties) were usually stuck down by the National Electoral Commission, the Curia (Supreme Court) or the Constitutional Court, and in the rare cases when the government suspected real popular support behind an oppositional initiative, it reversed the contested measure without holding a referendum. (Bakó 2023, pp. 198-199) Since 2010, referendums were only held upon the initiative on the government, both of them were framed within the *fight for sovereignty* against the EU: in 2016 on the "refugee quotas" and in 2022 on the protection of children from the "LGBT propaganda". However, even if the large majority of votes cast supported the government's standpoint in both cases, legally, both of these referenda remained invalid because of failing to reach the required turnout.<sup>12</sup> The strong correlation between referendum, Constitutional Court, and independent courts suggest that, when the will of the majority is articulated solely within a representative structure, Hungarians tend to attach a counter-majoritarian character to referendum in so far as it could function as a check on the elected government in single issues, if it would be allowed to be used according to the letter of the law.

In contrast to Hungary, the institution of nationwide referendum literally does not exist in Czechia. There is no general law regulating nationwide referendum, and accordingly, the only such referendum was the one about the EU-accession. Having practically no experience with nationwide referenda, people might tend to idealize it or overestimate its actual effect on politics. (However, its actual effect will largely depend on how it is legally designed in terms of possible subjects, quorums, etc). Enhancing direct democracy and the introduction of nationwide referenda is urged by several Czech parties both on the left and the right side of the political spectrum. (Kovář *et al.* 2018, p.

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<sup>12</sup> The detailed results of the two referenda are available at <https://valtor.valasztas.hu/valtort/jsp/tm2.jsp?EA=37> and at <https://vtr.valasztas.hu/nepszavazas2022> (2022).

181) This is reflected also in the empirical results when looking at the preferences of the electoral basis of different parties.

#### 4.2. Is there such thing as liberal and populist voters?

Before looking at the parallels between party preferences and priorities regarding democratic principles, it must be reminded that the data was collected in the Summer of 2024, when Czechia was governed by the centrist SPOLU-STAN-Pirates coalition (Pirates left the government soon after the survey). The latest general election took place in October 2025. Afterwards, the new government was formed by ANO, far-right SPD and right-wing Motorists: all of them were in opposition at the time of the survey. With general elections due in April 2026, the political landscape in Hungary has also changed, as the new centre-right Tisza party strengthened further and it has been massively leading the polls against the governing Fidesz-party since November 2024.<sup>13</sup>

We found that referendum was the first choice followed by the Constitutional Court for opposition<sup>14</sup> voters in Czechia, and referendum was the second most important for undecided voters after the Constitutional Court. Voters of the governing parties<sup>15</sup> placed independent courts in the first place and the Constitutional Court in the second.

We face an interesting difference between voters of populist parties in the two countries, as outlined in Figure 4 below. While in Hungary, voters of the governing Fidesz and opposition far-right Mi Hazánk (Our Homeland) indeed strongly prefer majoritarian and sovereigntist arguments, voters of Babis's ANO, the far-right SPD, and the new right-wing alliance of Přísaha - Motoristé sobě (the Czech parties usually referred to as populist, see Havlík and Kluknavská 2024) have more balanced preferences.

FIGURE 4

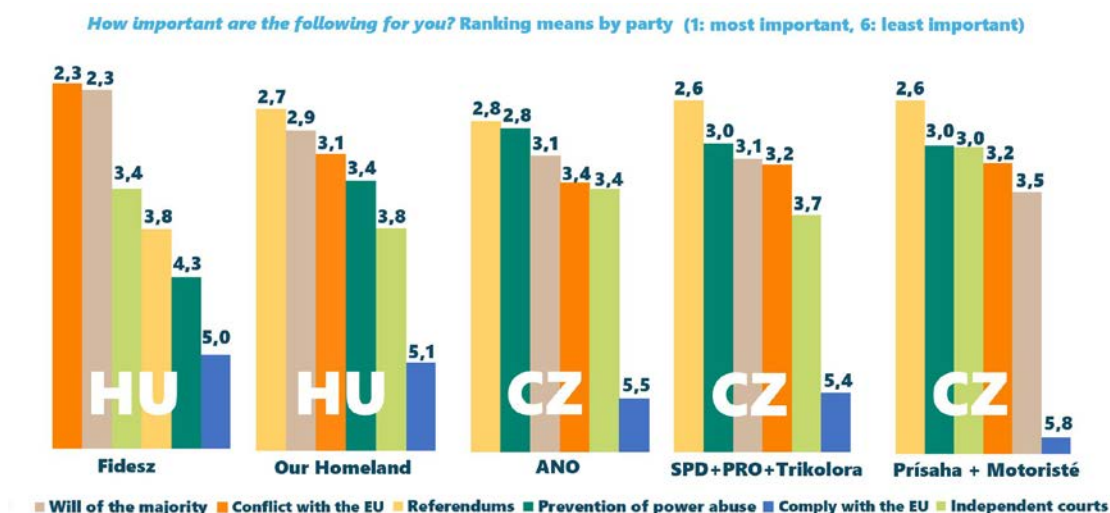


Figure 4. Preferences by party: populist voters in Hungary and Czechia.

<sup>13</sup> Historical data-visualization based on data of the main polling institutes is available at: Barnóczki 2025.

<sup>14</sup> Opposition parties and coalitions were the following at the time of the survey: liberal-populist ANO, right wing Přísaha — Motoristé sobě, far-right SPD — PRO — Trikolara, leftist SOCDEM — KSČM — Zelení.

<sup>15</sup> The centre-right SPOLU coalition consisted of ODS, KDU- ČSL, and TOP 09. They governed together with liberal-progressive STAN and Piráti at the time of data collection.



For voters of Czech “populist” parties, the Constitutional Court’s prevention of the abuse of power is clearly important: among ANO voters, it is ranked first, equally important as referenda, while among voters of SPD (and its allies) and of Přísaha — Motoristé, it is second. The overarching importance of the Constitutional Court for Czech citizens is illustrated by the fact that the second rank with the ranking mean of 3.0 among voters of SPD & allies and of Přísaha — Motoristé is the lowest among the electoral groups, but it is still a higher ranking mean than the Constitutional Court got in Hungary among the general population (3.11) It is no wonder that among the voters of Fidesz (which systematically weakened the Constitutional Court and filled it with loyalists), the support for the prevention of power abuse by the Constitutional Court is extremely low (ranking mean: 4.3). Also, the voters of the oppositional far-right Our Homeland find the Constitutional less important (3.4).

It is remarkable that Hungarian respondents who support the far-right are less EU-sceptic than voters of the ruling national-conservative Fidesz-party.<sup>16</sup> Fidesz-voter respondents ranked conflict with the EU to protect national interests equally important than majority rule: the ranking mean of 2.3 represents a record in the strength of preferences among the electoral groups of both analysed countries. Voters of Our Homeland ranked conflict with the EU to the third place: their ranking mean (3.1) is comparable to the electoral basis of most Czech populist parties (3.2-3.4), where, however, conflict with the EU was worth only for the fourth place.

Voters of the Czech centre-right governing coalition led by ODS demonstrate a somewhat weaker, but solid claim for undertaking conflicts with the EU (ranking mean: 3.6), but this is only their third preference far behind independent courts and the Constitutional Court. As shown in Figure 5 below, voters of their minor coalition partner, liberal-progressive STAN-Piráti (Piráti left the government soon after the survey) prioritise the two counter-majoritarian options, independent courts and the Constitutional Court exactly with the same ranking preferences (2.6 and 2.8, respectively), whereas majority rule is their third choice lagging behind (3.5).

FIGURE 5

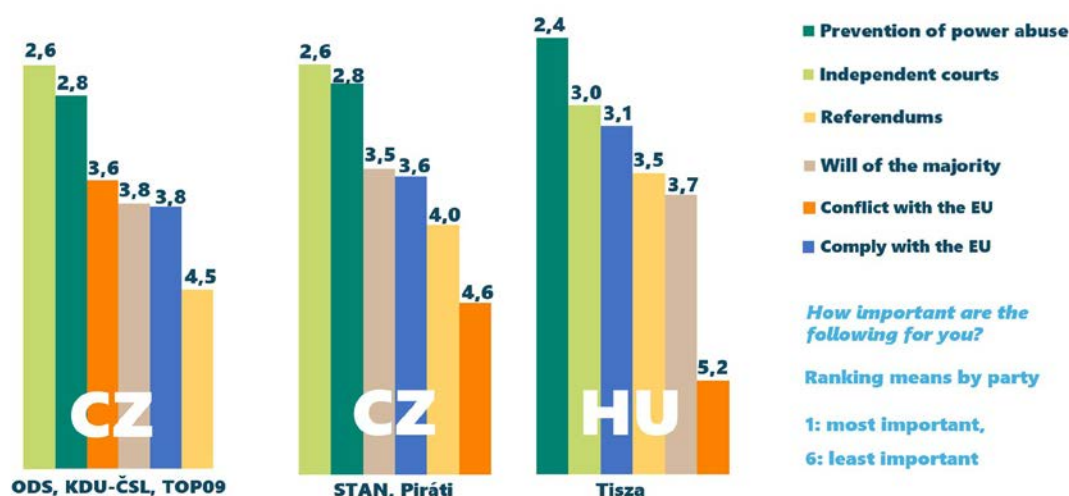


Figure 5. Preferences by party: centrist/liberal voters in Hungary and Czechia.

<sup>16</sup> Similar tendency was shown by 2023 by Bíró-Nagy and Szászi (2024, p. 289), who used a more nuanced set of indicators for Euroscepticism.

As for Hungarian opposition parties, I only included the new centre-right Tisza party<sup>17</sup> in the above figure because all the other opposition parties (except for the far-right Our Homeland) suffered a probably terminal defeat at the European elections in June 2024, so they can no longer be considered serious political forces. The apparent backing for a functioning Constitutional Court (ranking mean: 2.4) and, to a lesser extent, independent courts (3.0) and compliance with EU rules (3.1) among Tisza voters is interesting in light of the fact that the party leader, Péter Magyar used to be the husband of Fidesz's former justice minister Judit Varga when she initiated controversial judiciary reforms and she was the poster child of the government's fight against the EU over the rule of law.

It is worth mentioning the group of undecided voters: they consisted of 27% of respondents in Czechia and 34% in Hungary, and they have very similar priorities in the two countries. Uncertain voters clearly prioritise the Constitutional Court, followed by referendum and independent courts. In Hungary, majority rule is equally important for them than independent courts (ranking mean of both: 3.3), for Czechs majority rule is slightly less important. The only difference in this passive/uncertain electoral group is that for Czechs, conflict with the EU (ranking mean: 3.6) is clearly more important than comply with the EU (5.2), while in Hungary, EU-related options are ranked similarly (comply with the EU: 4, conflict with the EU: 4.3).

In the context of democratic and rule-of-law-priorities of different electoral groups, the question inevitably occurs, if and to what extent the support for (representative) majority rule or for counter-majoritarian institutions depends on whether the respondent's favourite party is in government or in opposition. It seems to be logical that voters of governing parties mostly favour majority rule, while voters of the opposition want to see the government's power limited by courts. However, the data shows that such a direct parallel cannot be drawn. While in Hungary, Fidesz voters indeed strongly favour majority rule, this is true also for voters of Our Homeland, which is a small party, a little above the 5% parliamentary threshold. In Czechia, there is only a slight difference in terms of the support for majority rule in the different electoral groups, and this difference is contrary to what one might expect. It is the pro-government voters that tend to rank majority rule lower (ranking means 3.8 and 3.5) and the opposition voters higher (ranking means from 3.0 to 3.5). It is rather the claim for direct democracy that seems to correlate with the oppositional position, at least in Czechia. In Hungary, referendums are relatively underrated both among Fidesz-voters and among voters of most opposition parties. Voters of the far right Our Homeland are an exception, they ranked referendum first. There is also a visible demand for referenda among uncertain voters and supporters of the joke party MKKP (ranking means 3.2 and 3.3).

#### *4.3. Post-socialist past and what future?*

Analysing the results in the context of age groups was expected to give us a telling perspective for two reasons: comparing the preferences of older and younger groups might reveal some legacies of state socialism, and the preferences of the young might

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<sup>17</sup> The party does not communicate much about its ideology, the *centre right* categorisation is based on the party's membership in the EPP group in the European Parliament.

predict some shifts in the long run. However, relevant differences can only be shown in Hungary, as it is clear from Figure 6 below.

FIGURE 6

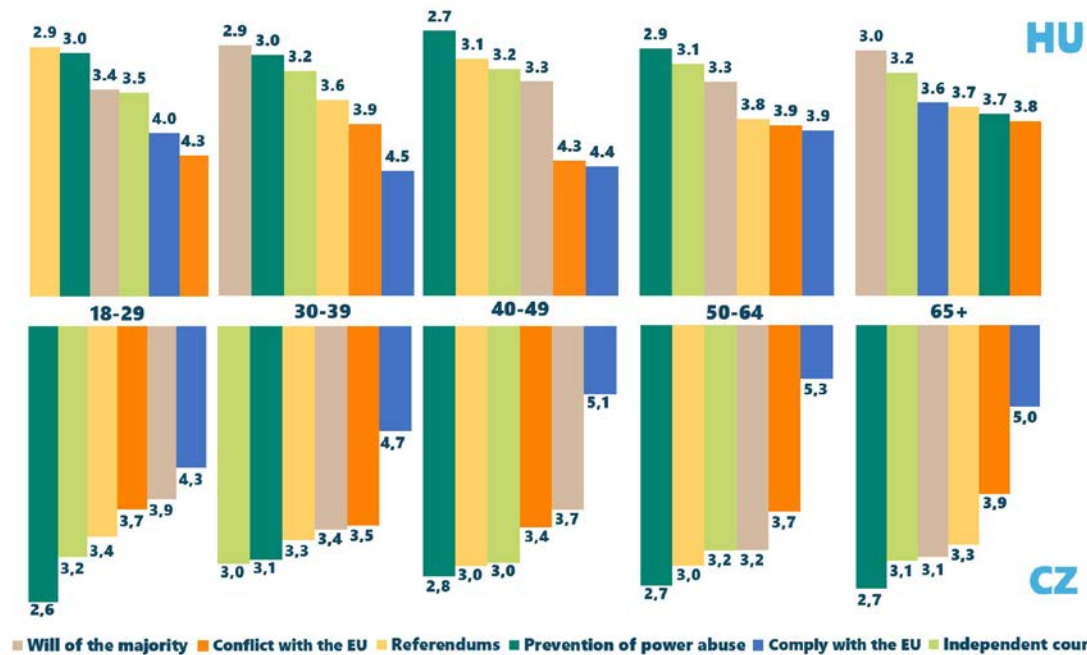


Figure 6. Preferences by age group in Hungary and Czechia (1: most important, 6: least important).

In Czechia, we can witness a wide consensus across age groups: the Constitutional Court is mostly the first choice, coupled either with independent courts or with the need for referenda, often (especially in the middle-aged groups) by a narrow margin. Only very slight differences can be shown between the age groups in Czechia. For instance, the relevance of complying with EU rules (which is the last choice in all age groups) seems to further decrease with the increase in age. While referendum is mostly ranked as second or third place, majority rule (by the representative government) is usually rendered at the bottom of the priority list. However, the importance of majority rule slightly increases with the increase in age: in the group of 65+, it reaches the second rank, equally important than independent courts (ranking mean: 3.1).

The priorities of the Hungarian population are more diverse depending on age groups. Particularly marked is the distinction of the group of elderly (65+) from the other age groups. While most age groups rated the Constitutional Court and referenda or majority rule as first and second priorities, the elderly put the prevention of power abuse by the Constitutional Court quite at the bottom of the preference list. Their strong priority is majority rule, and as a counter-majoritarian option, they prefer the enforcement of individual rights before independent courts as the second priority.

As these people were already adults at the time of the democratic transition in 1989/90, the question occurs whether their critical view towards the Constitutional Court is related to the controversial, activist jurisdiction of the Court in the 90's,<sup>18</sup> or they had got used to the idea during state socialism that the power of the government (the party) is

<sup>18</sup> For more detail on this activism see e.g.: Sólyom 2001, Szente 2013, Tóth 2018.



unlimited. Still, their appreciation of independent courts and individual rights enforcement shows that they are aware of the need for limits to the government's power, but they follow an individual approach about that. (The other age group with a marked sympathy towards majority rule is the group of 30-39 years old, but it is closely followed by the Constitutional Court, so we can definitely see the two camps of majoritarian and counter-majoritarian, government- and opposition-voters here.)

Another peculiarity is that contrary to Czechia, in Hungary it is the elderly who are the most pro-EU: compliance with EU-rules is appreciated the highest in the 65+ group (ranking mean: 3.6). This might be explained with two things: they remember the struggle for EU-membership and appreciate getting into the club; however, this is true also for the middle-aged groups above 40, too. Moreover, the Czech elderly and middle-aged groups also remember that, but as the data shows, this does not make them committed to EU-compliance: there, it is rather the younger generations (who experience the benefits of EU-membership through mobility, etc) who find EU-compliance more important, but it is still their last choice.

The other possible reason for the pro EU-stances of the Hungarian elderly is the typical party preferences. Namely, the elderly are a remarkable basis for the governing Fidesz party (which explains the strong preference for majority rule in this group), but also for the Democratic Coalition (DK): a successor of the post-communist Hungarian Socialist Party led by their earlier Prime Minister, Ferenc Gyurcsány,<sup>19</sup> rebranded as a pro-EU, left-liberal party, with the main message that whatever the EU is doing is good.

An interesting issue is the rule-of-law priorities of the young, especially considering that the national-conservative Fidesz-party has been governing with no significant limits to their power for almost 15 years by now. So, people between 18-29 have lived most of their life, and practically all of their politically conscious life under Fidesz-governments, where the public discourse on the rule of law is mostly simplified to complying or resisting to the EU, as discussed above. Still, we cannot see fundamental differences in their priorities compared to the other age groups. They appreciate referendums the highest (ranking mean: 2.9), and this is very closely followed by the Constitutional Court (3.0). Similarly, the need for majority rule (3.4) and for independent courts (3.5) is balanced in this age group. So, it seems we cannot say that the young generation has been brainwashed by the consecutive Fidesz-governments.

#### *4.4. Do ideas and reality meet?*

After getting a picture about people's ideal priorities regarding democracy and the rule of law, the second part of the survey examines, to what extent people see their priorities being realised in their country. So, respondents were asked to pick two from the very same six statements, that they think are the most prevalent in their country and two they considered to be the least prevalent. The two-two most often picked choices are outlined in Figure 7 below. To demonstrate the conflicts and overlaps between perceived reality and ideals, I also included, how the most and least prevalent options were ranked in the first question.

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<sup>19</sup> At the time of the data collection. Meanwhile, he resigned from politics in May 2025.

FIGURE 7

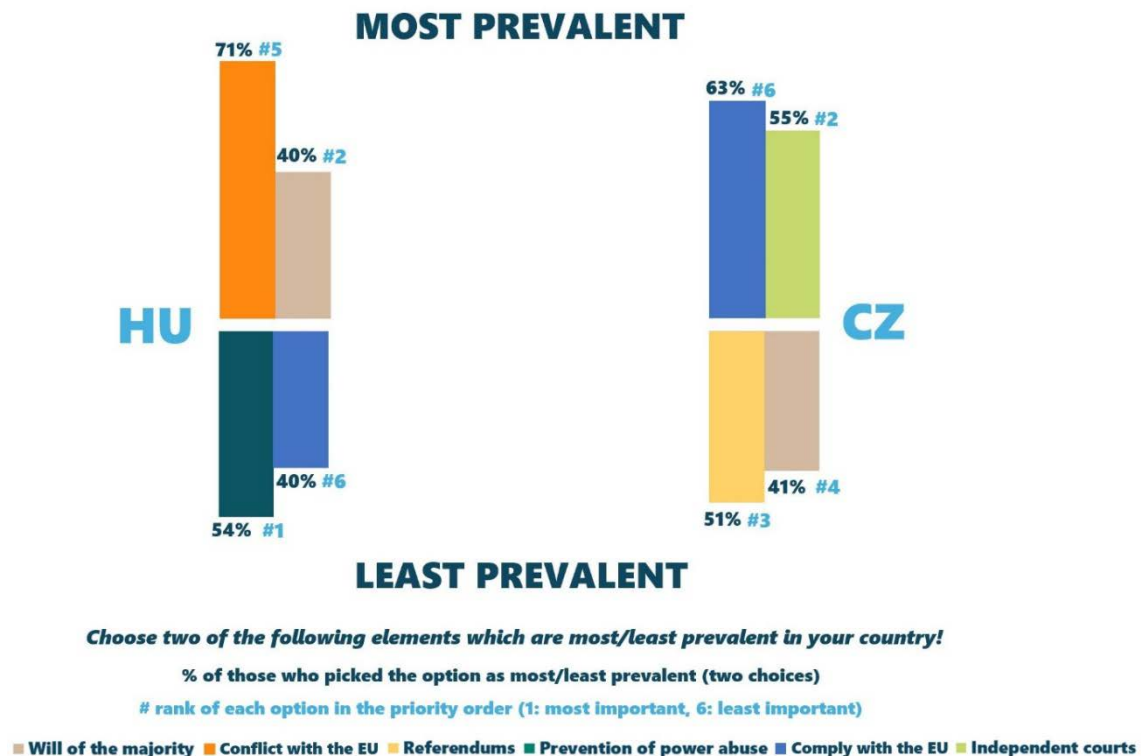


Figure 7. Most and least prevalent (perceived) options and their ideal importance in Hungary and Czechia.

Two things jump out at first sight.

First, majoritarian-sovereigntist options are marked as the two most prevalent in Hungary (conflict with the EU and majority rule), but as the two least prevalent in Czechia (referendum and majority rule). On the contrary, counter-majoritarian options are seen as the least prevalent in Hungary (Constitutional Court and comply with the EU), and as most prevalent in Czechia (comply with the EU and independent courts) — however, unlike in Hungary, EU-compliance is not directly related to the rule of law in Czechia. The conflict between democracy and the rule of law is well reflected in these public perceptions, whereas either majoritarian (in Hungary) or counter-majoritarian (in Czechia) elements are seen as dominant.

The most prevalent options in Hungary do not need to be explained in length, especially considering the government's constant rhetorical freedom fight against *Brussels*. It is also no wonder that the normally functioning Constitutional Court is chosen as the least prevalent option: using its constitution-making (and amending) two-thirds majority in parliament, the government first restricted the competences of the Court, overruled some of its judgments by way of a constitutional amendment, and then filled the Court with loyal judges. As a result, the Court now consistently avoids conflict with the government in politically delicate cases, moreover, for instance in cases related to the fight for sovereignty against the EU, it even serves the government's political goals.<sup>20</sup> It seems however, that the actual compliance with EU-rules is somewhat underestimated

<sup>20</sup> For more detail about the transformation of the Hungarian Constitutional Court and its case law see e.g., Bakó (2023, pp. 136 *et seq.*), Gárdos-Orosz (2021, pp. 153 *et seq.*)

by the Hungarian public, due to the fact that conflictual policy fields (such as migration or the rule of law) dominate the media discourse, and the massive amount of *boring* technical policies to which Hungary complies is not on the agenda.

The reasons why majoritarian institutions are seen as less prevalent in Czechia were partly discussed above. Nationwide referendum as such does not exist in Czechia: considering this fact, it is somewhat surprising that only 51% marked it as one of the least prevalent options. However, referendums are indeed held at the local level. Referendum is relatively closely followed by the will of the majority through representative government as the second least prevalent (41%). Unstable coalition-governments and fragmented party system is a typical feature of Czech politics (Guasti and Mansfeldova 2024), where the proportionality of the electoral system is laid down in the constitution (Article 18(1) of the Czech constitution). The need for constant compromises might make the impression that the multi-party governments cannot effectively implement the will of the majority, even if due to the proportional electoral system, such governments (mathematically) *represent* the majority of active voters. This is confirmed by the empirical results: the statement that “the government pursues policies in line with the will of the majority” was seen as rather less prevalent not only by opposition voters but also by government voters: 32% of voters of the ODS and allies said that the will of the majority was the least prevalent (compared to 24% who saw it as most prevalent) and voters of STAN-Piráti were even more sceptic, 44% saying that majority rule belonged to the two least prevalent statements.

Contrary to that, the Hungarian electoral system is semi-majoritarian (operating with single-member constituencies and proportional party lists) that favours the strongest party (Bakó 2023, p. 97). This means that the representative (parliamentary) majority is stronger than the actual majority the party received in votes. Moreover, the governing Fidesz-party has not prepared any proper election program since 2010, so citizens can only consider the government’s previous performance when evaluating if it really implements the will of the majority. Accordingly, it is mostly Fidesz-voters who picked the emergence of the will of the majority as one of the most prevalent options (68% of Fidesz-voters did so), but also voters of the far-right, oppositional Our Homeland agreed to that to a large extent (50% of them saw majority rule as most prevalent).

The second interesting takeaway is the apparent conflict between ideal priorities and perceived reality. This conflict is especially harsh in Hungary, where conflict with the EU (marked by 71% as one of the most prevalent elements) is seen as largely insignificant, ranked fifth place out of six choices in the priority order. In parallel, a functioning Constitutional Court, which is seen as the least prevalent by 54% of respondents, would be the top priority for Hungarians. This kind of conflict disappears in the context of the second most and second least prevalent options: majority rule is the most prevalent according to 40%, and it is ranked as second, while EU-compliance does not prevail in the opinion of 40% and it is ranked as last, sixth in the priority order.

In Czechia, the conflict between ideas and reality is clearly less intensive, except for the option about EU-compliance which is seen as most prevalent (by 63%) and rated as far the least important (with a ranking mean of 4.93 out of 6). To some extent, a controversy can be observed about referenda, which is relatively desirable (ranked as third place out of the six options), but clearly marked as the least prevalent (by 51%) — as the reasons

were discussed above. But the prevalence of the other two most often picked options basically corresponds to their desirable priority: independent courts are seen as the second most prevalent and ranked for second most important, and majority rule is the second least prevalent and ranked as fourth place, as rather less important.

Although in Czechia, the prevention of power abuse by the Constitutional Court is ranked as the highest priority, its actual performance is Janus-faced: 32% picked the Constitutional Court as one of the least prevalent options and 26% as one of the most prevalent ones. The ambiguous prestige of the Czech Constitutional Court might be explained by the tendency of its self-restraint vis-à-vis the legislature since 2012, however, the Court remained active vis-à-vis the general courts, when deciding on individual complaints (Kühn 2021, pp. 105-106). In the context of the conflict between democracy and the rule of law, a remarkable exception must be mentioned: concerning electoral legislation, the Court has consistently taken conflict with the legislature to enforce the constitutional principle of proportional representation (Šipulová and Králová 2024, pp. 71-73).

Of course, it does matter a lot if these conflicts between ideas and perceived reality equally affect different electoral groups or not. If the answer is in the negative, the situation might lead to increased frustration in certain groups and further deepening political divisions. This is clearly the case in Hungary, where the most prevalent options reflect the priorities of government voters, and the least prevalent ones would be important for opposition voters. In Figure 8 below, only the far most and far least prevalent statements are outlined according to electoral groups, together with the ideal preferences of these groups.

FIGURE 8

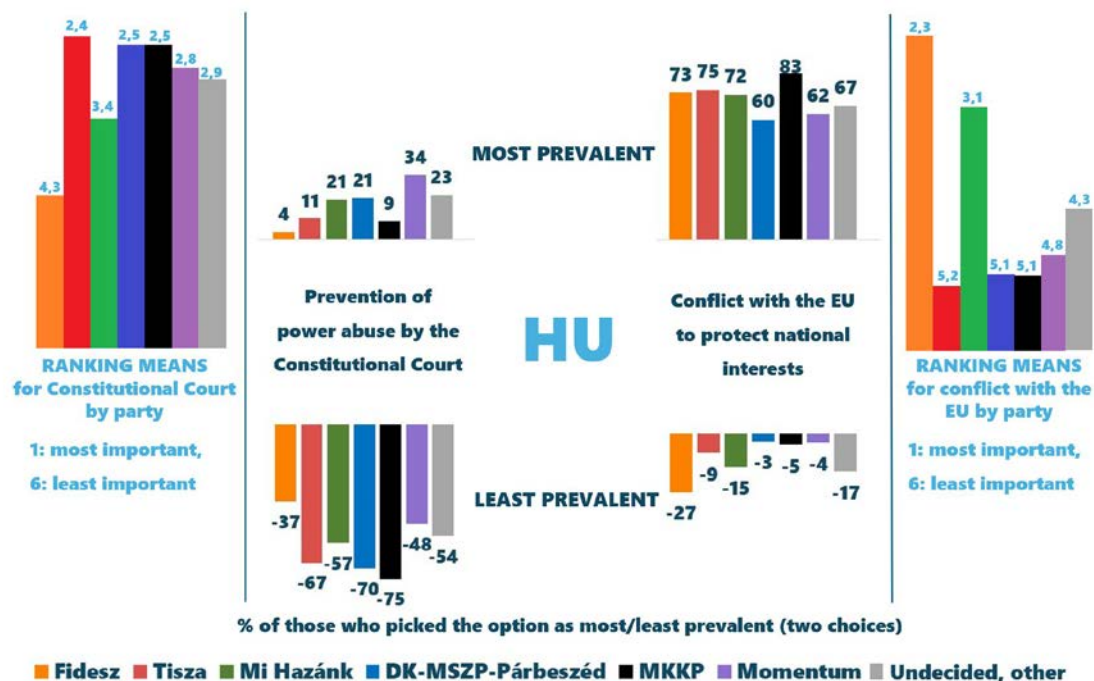


Figure 8. Most and least prevalent options and their ranking means by party in Hungary.

While the large majority of each electoral group marked conflict with the EU as one of the two most prevalent features, this is a priority only for voters of the governing Fidesz-

party, and, to a lesser extent, of the far-right Our Homeland. The Constitutional Court is obviously seen as the least prevalent option in all electoral groups: even a remarkable part (37%) of Fidesz-voters think that the Constitutional Court does not prevent the abuse of power by the government. But it is not important for most of them anyway: Fidesz-voters are the electoral group in which the support for a well-functioning Constitutional Court is the lowest, with a ranking mean of 4.3. Except for the voters of the far-right Our Homeland, all opposition voters and also uncertain voters ranked the Constitutional Court high, between 2.4-2.9 in average.

Considering both the most and least prevalent options, the biggest gap between ideas and perceived reality is among the voters of the left-liberal joke-party MKKP, and the gap is huge also among voters of the new catch-all opposition party Tisza. Not surprisingly, it is Fidesz-voters who can be the most satisfied, as their ideal preferences and perceived reality overlaps to the larger extent among the electoral groups.

Contrary to Hungary, in Czechia we can observe only a very slight congruence between preferences of pro-government voters and reality, and the conflict between opposition voters' preferences and perceptions is either minor or, in some cases, there is no conflict at all. The results for Czechia are illustrated by Figure 9 below.

FIGURE 9

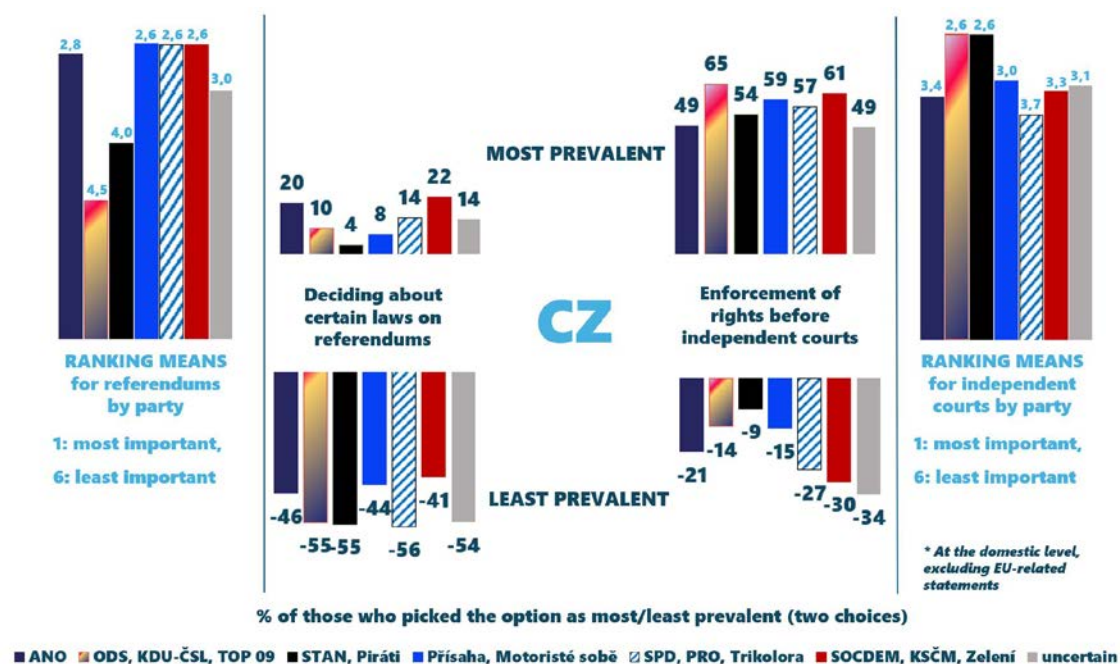


Figure 9. Most and least prevalent options and their ranking means by party in Czechia.

It is important to emphasize that in Figure 9, I took judicial independence as the most prevalent option, although it was marked as second most prevalent (55%) after EU-compliance (63%). However, unlike in Hungary, EU-compliance is not substantially seen as part of the rule-of-law discourse in Czechia. Considering that the aim of this study is to map people's preferences and perceptions about the relationship between democracy and the rule of law, the perceptions about judicial independence is a more appropriate subject to examine by electoral group in Czechia, also due to the fact that the difference between the prevalence of the first two options is not that significant in Czechia than in Hungary (see Figure 7 above).

In Czechia it is apparent that judging the prevalence of each option is more balanced than in Hungary. This is exactly the opposite in the case of ideal preferences, where ranking means were more extreme (from 2.78 to 4.93) among Czechs, while Hungarians tended more towards the centre (3.11 to 4.03).

When looking at referenda, we found that it is seen as one of the least prevalent options by voters of the far-right SPD (56%), which promotes direct democracy also in the party-name: Freedom and Direct Democracy. But similarly, pro-government and uncertain voters find referendum as the least prevalent almost to the same proportion (55% both for ODS and Stan-Piráti, 54% for uncertain voters). This gives reason for less disappointment among pro-government voters, who ranked referendum lower (4.5 and 4.0 respectively) than among SPD-voters (with the ranking mean of 2.6, it is their first priority). While voters of populist Přísaha, ANO and left-wing SOCDEM and allies ranked referendum similarly high, they are a little bit more optimistic about the actual significance of referendum: only 41-46% of them said it was the least prevalent. This might be explained by the fact that although there are no nationwide referenda in Czechia, referendums are held in the local level.

When it comes to rights enforcement before independent courts, it is voters of the (then) governing ODS and allies, who can be most satisfied. They see independent courts as the most prevalent among the electoral groups (65%), and they are the ones who appreciate independent courts the highest (ranking mean: 2.6). Supporters of the junior coalition partner Stan-Piráti ranked independent courts similarly high, but they saw this option coming true to a somewhat lesser extent (54%). In general, more than half of opposition voters picked this option as one of the most prevalent elements (49-61%), while they ranked it a bit lower than pro-government voters (ranking means: 3.0-3.7).

Unlike in the case of referenda, which is overwhelmingly seen as the least prevalent in all electoral groups, the evaluation of independent courts is more ambiguous, especially among voters of the leftist coalition and the far-right SPD and allies. Although the majority of these voters (61 and 57%, respectively) marked independent courts as one of the most prevalent elements from the list, a remarkable minority (30 and 27%, respectively) sees this on the contrary and categorized this option as the least prevalent. Undecided voters are the most divided over the emergence of judicial independence, 49% saying it is the most prevalent, 34% saying the opposite.

## **5. Conclusion: The rule of law as a ditch or a bridge?**

The results of this empirical study contribute to understand how political polarization and populism<sup>21</sup> mutually reinforce each other and lead to a vicious spiral. Namely, in Hungary there are two camps with a ditch in-between in terms of democratic and rule-of-law preferences: voters of the governing Fidesz-party and of far-right Our Homeland are majoritarian-sovereigntist, while voters of all the other opposition parties and uncertain voters prioritize the limits to the government's power. They favour a Constitutional Court that prevents the abuse of power, and to a varying extent, independent courts, EU-compliance, or even referendum, as counterbalance to the power of the representative government. What is concerning is not just the clear divide

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<sup>21</sup> For a conceptualisation and review of the respective literature see e.g., Roberts 2022.

in terms of priorities, but at the same time, some crucial similarities when it comes to evaluating the perspectives. According to a postelection poll from 2022 (when Fidesz gained its fourth two-thirds majority in a row), the majority of Hungarians did not believe that Fidesz could democratically be voted out from power anymore, but this would only be possible by means of violence. Even roughly one-third of Fidesz-voters agreed with that, compared to half of the general population and 79 percent of oppositional voters (Bíró-Nagy, Szászi, Varga 2022, p. 70). This raises the question of why those one-third of Fidesz-voters still supported the government and whether they were indeed happy with a regime which they do not consider a functioning democracy.

At this point it is important to mention Natasha Wunsch's very recent monograph (Wunsch 2025), in which the author analysed Hungarian and Polish citizens' commitment towards liberal democracy by deploying various empirical methods. In the context of Hungary, she found that the absolute majority (57 percent) fell in the category she labelled as "weak liberal democrats": citizens who appreciate liberal elements of democracy (civic rights, gender equality and free elections were specified as such in her survey), but also rate majoritarian items high and are open to economic trade-offs such as welfare benefits (Wunsch 2025, pp. 56-57). These results and the finding of the present study are mainly consistent, although majoritarian attitudes are measured differently. While Wunsch formulated majoritarian claims in general, without distinguishing between representative and direct democracy ("The majority can always overrule the minority", "Any law can be changed if there is a majority for it", "The minority must accept the will of the majority in all circumstances" *Id.* p. 49), I deliberately referred to majority rule in the frames of representative democracy: "The government should pursue policies in line with the will of the majority." As presented in subsection 4.1. above, it seems that Hungarian respondents tend to attach a counter-majoritarian character to the initially majoritarian direct democracy in so far as it could (ideally) function as a check on the elected government.

The case of Czechia shows why the country has been resistant to a massive populist turn until now. In Czechia, societal polarization positively affected mobilisation for democracy, as shown by Guasti and Michal (2025, p. 12). The present survey has found that there is not really such a thing as the *other side*, at least considering the basic questions of democracy and the rule of law. The accents might be different, but counter-majoritarian and majoritarian features of the democratic system are seen in a more balanced way. Other (although not representative) empirical research has come to similar conclusion: even if the Constitutional Court is characterised as an unelected elite-institution in a survey, "voters' perceptions of judicial legitimacy are not easily shaped by" such biased characterisations (Juzgenbayev 2025, p. 115). The need for the Constitutional Court to prevent power abuse is like a bridge that links different groups of society. The fact that this is also important for voters of populist parties gives reason for optimism: these voters will probably punish their parties if they, when in power, start attacking or weakening the Constitutional Court.

The finding that Czechs generally prioritize counter-majoritarian institutions over majoritarian ones is interesting in light of the 2019 Eurobarometer study on the rule of law. There, Czechs showed a somewhat lower support for different elements of the rule of law than the EU-average or other V4 countries. The difference was visible both in the



wider context of legality (legal certainty, equality before the law, transparency of lawmaking) and considering the subject of this study: independent controls against the legislator, and the protection of individual rights before independent courts.<sup>22</sup> However, the support for democratic and majoritarian principles was not measured by the Eurobarometer survey, so it is unclear if the support for the rule of law was lower due to stronger majoritarian preferences or the preferences were generally weaker for both. My study also shows that Czechs' commitment towards limited government is completely unrelated to the supportive or rejective stance on the EU. The importance of preventing power abuse is a national matter, being equally important for centrist and populist voters, old and young, pro-EU and EU-critical.

Precisely this is unfortunately lacking in Hungary, where, for years, both the government and the opposition have communicated about the rule of law as if it was an expectation from the EU. This was either put into a negative context as foreign intervention, or interpreted in a positive way, namely that belonging to the West requires compliance with the rule of law. However, as it is proven by the EU's decade-long, ineffective efforts, it is not the EU but Hungarian voters alone who would be able to reinforce the rule of law in their country, if they would be willing to punish their government for rule-of-law violations. Until people believe that they must choose between democracy and sovereignty on the one hand and the rule of law and the EU on the other, this will not work: only the ditch between the two camps will get deeper.

The question arises why Czechs are different and what Hungarians could learn from them? Democratic resilience is a complex matter influenced both by citizens' attitudes and by the constitutional institutional setup and its actual functioning. Exploring the interplays between the concrete institutional framework and practices, and public attitudes requires a distinct comprehensive study. From the attitudinal differences shown in this study we can conclude that pushing exclusively the majoritarian or the counter-majoritarian agenda is not a promising way of improving the quality of democracy, especially in deeply polarised societies such as Hungary. Instead, institution building should strive for compromise solutions, to establish and maintain institutions that can emerge as shared reference points among varied societal and political groups.

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<sup>22</sup> Special Eurobarometer 489, especially Q 1.1 to Q 1.5 and Q 5.1 to Q 5.3.



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## Appendix 1. Metadata

**Brief description:** This is a representative empirical study where, instead of rating the importance of specific elements of the rule of law, respondents were asked to set up an order of priority between elements of democracy (majority rule) and the rule of law (counter-majoritarian institutions). The survey was conducted both in Hungary and the Czech Republic: these two countries represent the two extremes within the Visegrád Group regarding the rule-of-law-situation, Hungary being the worst and Czechia the best.

**Institution and researcher responsible for the project:** Beáta Bakó, Charles University, Faculty of Law

**Contributing institution (data collection, analysis according to the author's instructions):**

21 Research Centre, Hungary

**Geographic coverage of the data:** Czech Republic, Hungary

**For what population data is representative:** The sample is weighted according to gender, age, education, settlement type, region, and 2021 parliamentary election results (CZ) / 2024 European parliamentary election results (HU). (Reason for the difference in measuring representativity with regard to party sympathy: at national parliamentary elections, HU has semi-majoritarian system with individual districts, but EU elections are proportional with nation-wide party lists, so real party preferences are better measurable.)

**Data collection methods:** online survey (social media, CAWI)

**Sampling:** CZ: 981 respondents; HU: 1,100 respondents

**Data collection time:** CZ: 7-18 August, 2024; HU: 2-12 July, 2024

**Availability:** The datasets are available at the Czech Social Sciences Data Archives: <https://doi.org/10.14473/CSDA/HL0XSA>

## Appendix 2. Questionnaires

### Questionnaire – CZ (English translation)

Hi,

Thank you for helping us and participating in the 21 Research Centre's poll on public policy issues. Please give us about 10 minutes of your attention :)

Please answer all questions! To start the questionnaire, click on the “next” button!

1. What gender are you?

- a) Male
- b) Female

2. What year were you born?

.....

3. How many inhabitants does the municipality you live in have?

- a) 100,000 or more
- b) between 20,000 and 99,999
- c) between 5,000 and 19,000
- d) between 1,000 and 4,999
- e) less than 999

4. In which region do you live?

- a) Prague
- b) Central Bohemian Region
- c) South Bohemian Region
- d) West Bohemian Region
- e) North Bohemian Region
- f) East Bohemian Region
- g) South Moravian Region
- h) North Moravian Region

5. What is your highest COMPLETED level of education?

- a) Primary education (max. 9th grade)
- b) Secondary education without matriculation (e.g. vocational school)
- c) Matriculation
- d) Degree in tertiary education

6. How important are the following for you? Rank them into priority order: put the most important one to the first place and the least important to the sixth place. Do not consider the actual situation but what you think would be ideal.

If you are filling in the questionnaire from your smartphone, click on the answer options in the order you want to sort them. The numbers that appear after clicking represent the rank of the option in the sequence. If you click on an answer option again, you can undo its sequence number. You can also use the button at the bottom of the page to delete all the numbers. Click the right arrow to continue.

- a) The government should pursue policies in line with the will of the majority.
- b) The Constitutional Court should prevent the government from abusing its powers.
- c) Citizens should be able to enforce their rights before independent courts.
- d) Citizens should be able to decide about certain laws on referendums.
- e) The government's policies should comply with regulations and political expectations of the EU.
- f) To protect national interests, the government should sometimes take conflicts with the EU and other member states.

7. Choose two of the following elements which are most prevalent in the Czech Republic. Focus on the current real situation. Once you have selected exactly two, click on the continue button!

- a) The government pursues policies in line with the will of the majority.
- b) The Constitutional Court prevents the government from abusing its powers.
- c) Citizens can enforce their rights before independent courts.
- d) Citizens can decide about certain laws on referendums.
- e) The government's policies comply with regulations and political expectations of the EU.
- f) To protect national interests, the government sometimes takes conflicts with the EU and other member states.

8. Choose two of the following elements which are least prevalent in the Czech Republic. Focus on the current real situation. Once you have selected exactly two, click on the continue button!

- a) The government pursues policies in line with the will of the majority.
- b) The Constitutional Court prevents the government from abusing its powers.
- c) Citizens can enforce their rights before independent courts.
- d) Citizens can decide about certain laws on referendums.
- e) The government's policies comply with regulations and political expectations of the EU.
- f) To protect national interests, the government sometimes takes conflicts with the EU and other member states.

9. If the parliamentary elections were held this Sunday, which party would you vote for?

- a) ANO 2011

- b) ODS
- c) KDU-ČSL
- d) TOP 09
- e) STAN
- f) Piráti
- g) SPD
- h) Přísaha
- i) SOCDEM
- j) KSČM
- k) Zelení
- l) Motoristé sobě
- m) PRO
- n) Trikolóra
- o) I don't know.
- p) I would not vote.

10. Which coalition, party or movement did you vote for in the 2021 parliamentary elections? If you did not vote, please indicate so.

- a) ANO 2011
- b) SPOLU (ODS, KDU-ČSL, TOP 09)
- c) STAN - Piráti
- d) Přísaha
- e) SPD
- f) Trikolóra, Svobodní, Soukromníci (TSS)
- g) KSČM
- h) ČSSD
- i) other
- j) I did not vote.

Note to questions 6-7-8: The statements were shown to respondents in a randomized order.



## Questionnaire – HU (English translation)

Hi,

Thank you for helping us and participating in the 21 Research Centre's poll on public policy issues. Please give us about 10 minutes of your attention :).

Please answer all questions! To start the questionnaire, click on the “next” button!

1. What gender are you?

- a) Male
- b) Female

2. What year were you born?

.....

3. Where do you live permanently?

- a) In the capital
- b) In a city
- c) In a town
- d) In a village

4. In which region do you live?

- a) Central Hungary (Budapest and Pest County)
- b) Central Transdanubia (Fejér, Komárom-Esztergom and Veszprém counties)
- c) Western Transdanubia (Győr-Moson-Sopron, Zala and Vas counties)
- d) Southern Transdanubia (Baranya, Somogy and Tolna counties)
- e) Northern Hungary (Nógrád, Heves, Borsod-Abaúj-Zemplén counties)
- f) Northern Great Plain (Jász-Nagykun-Szolnok, Hajdú-Bihar, Szabolcs-Szatmár-Bereg counties)
- g) Southern Great Plain (Bács-Kiskun, Békés, Csongrád-Csanád counties)

5. What is your highest COMPLETED level of education?

- a) Primary education (max. 8th grade)
- b) Secondary education without matriculation (e.g. vocational school)
- c) Matriculation
- d) Degree in tertiary education

6. How important are the following for you? Rank them into priority order: put the most important one to the first place and the least important to the sixth place. Do not consider the actual situation but what you think would be ideal.

If you are filling in the questionnaire from your smartphone, click on the answer options in the order you want to sort them. The numbers that appear after clicking represent the rank of the option in the sequence. If you click on an answer option again, you can undo

its sequence number. You can also use the button at the bottom of the page to delete all the numbers. Click the right arrow to continue.

- a) The government should pursue policies in line with the will of the majority.
- b) The Constitutional Court should prevent the government from abusing its powers.
- c) Citizens should be able to enforce their rights before independent courts.
- d) Citizens should be able to decide about certain laws on referendums.
- e) The government's policies should comply with regulations and political expectations of the EU.
- f) To protect national interests, the government should sometimes take conflicts with the EU and other member states.

7. Choose two of the following elements which are most prevalent in Hungary. Focus on the current real situation. Once you have selected exactly two, click on the continue button!

- a) The government pursues policies in line with the will of the majority.
- b) The Constitutional Court prevents the government from abusing its powers.
- c) Citizens can enforce their rights before independent courts.
- d) Citizens can decide about certain laws on referendums.
- e) The government's policies comply with regulations and political expectations of the EU.
- f) To protect national interests, the government sometimes takes conflicts with the EU and other member states.

8. Choose two of the following elements which are least prevalent in Hungary. Focus on the current real situation. Once you have selected exactly two, click on the continue button!

- a) The government pursues policies in line with the will of the majority.
- b) The Constitutional Court prevents the government from abusing its powers.
- c) Citizens can enforce their rights before independent courts.
- d) Citizens can decide about certain laws on referendums.
- e) The government's policies comply with regulations and political expectations of the EU.
- f) To protect national interests, the government sometimes takes conflicts with the EU and other member states.

9. If the parliamentary elections were held this Sunday, which party would you vote for? Please, also indicate if you would not vote.

- a) Fidesz-KDNP
- b) Tisza

- c) DK – MSZP – Párbeszéd
- d) Momentum
- e) MKKP
- f) Mi Hazánk
- g) Jobbik
- h) Mindenki Magyarországa Néppárt
- i) Második Reformkor Párt
- j) LMP
- k) Megoldás Mozgalom
- l) Other
- m) I don't know
- n) I would not vote

10. Which party list did you vote for at the general election of 2022? Please also indicate if you did not vote.

- a) Fidesz-KDNP
- b) The common list of the oppositional coalition (DK-MSZP-Párbeszéd-Momentum-LMP-Jobbik)
- c) Mi Hazánk
- d) MKKP
- e) Other
- f) I did not vote.

11. Which party list did you vote for at the election to the European Parliament in 2024? Please also indicate if you did not vote.

- a) Fidesz-KDNP
- b) Tisza
- c) DK – MSZP – Párbeszéd
- d) Momentum
- e) MKKP
- f) Mi Hazánk
- g) Második Reformkor Párt
- h) Mindenki Magyarországa Néppárt
- i) LMP
- j) Jobbik
- k) Megoldás Mozgalom

l) I don't know / I prefer not to answer.

m) I did not vote.

Note to questions 6-7-8: The statements were shown to respondents in a randomized order.