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## Is East-Central Europe Backsliding?

# FROM DEMOCRACY FATIGUE TO POPULIST BACKLASH

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Almost two decades after the fall of communism, the political landscape of Central and Eastern Europe (CEE) is marked by vivid contrasts. The good news is that ten former Soviet-bloc countries are now firmly anchored within the European Union, the democratic club established by West European democracies half a century ago. Moreover, a recent wave of democratic change from Ukraine to the Balkans suggests that even those countries which initially failed to achieve a democratic transition may get a second chance. The bad news is that several CEE countries in which democracy is allegedly consolidated have recently displayed signs of backsliding (even if these are not captured in their still very good Freedom House ratings). Meanwhile, the complexions of the Rose and Orange revolutions are looking less rosy, and the new dispensations in Ukraine and Georgia sometimes seem not so different from the old ones.

To be sure, such generalizations need to be qualified. Eastern Europe in the old sense is no more, and we see a variety of different trajectories of democratization in postcommunist countries. Still, it is possible to identify certain common patterns and issues. The real question is not “Is democracy facing an imminent threat?” Instead, we should ask “What kinds of democracies are emerging after the transitions in East-Central Europe, and what are their vulnerabilities?” and “What is the significance of their troubles from a Europe-wide perspective?”

There is little doubt that the democratic crisis is serious and deserves to be analyzed thoroughly and without complacency.<sup>1</sup> The landscape

after the battle displays the following features: In both Poland and Slovakia, ruling populist parties have made coalitions with extreme-nationalist parties whose presence in the government would have been unthinkable prior to EU accession. Last year, Hungary witnessed violent street demonstrations when the conservative Fidesz party refused to accept the election results on the grounds that the prime minister had lied. On the fiftieth anniversary of the 1956 revolution, opposition supporters stormed the television headquarters (which, of course, were carrying a live broadcast of the takeover!). In Bulgaria, the October 2006 presidential race came down to a choice between an ex-communist and a proto-fascist who openly voices his hatred of Turks, Gypsies, and Jews. The party of ex-king Simeon formed an unlikely coalition government with the ex-communists (a “historic compromise” of sorts), challenged by the radical populist movement Ataka, with its politics of resentment (but without actual popular mobilization). Czechs and Slovenes have tended to produce milder versions of the Central European trend: In Slovenia, the conservative populist government of Janez Janša adopted problematic laws on citizenship and the media. In Prague, a stalemated election led to seven months with no government, making the Czech Republic for a time the largest NGO in Europe! Most Czechs have concluded that the political elite has proven its utter uselessness. Both the Polish-style politics of frustration and the more benign Czech-style politics of irrelevance point to a widespread disenchantment with democracy.

It is not only Western observers who paint this somber picture. It also reflects the concerns of academic analysts, public intellectuals, and political figures in the region. Two Polish ex-presidents from opposite political backgrounds, Lech Wałęsa and Aleksander Kwaśniewski, speak in near-identical terms of threats to Polish democracy. When Bronisław Geremek, deputy president of the European Parliament, speaks of violations of civil rights and democratic freedoms, it is more than an emotional overreaction to the new Polish lustration law. Adam Michnik (now director of the daily *Gazeta Wyborcza*), who knows a thing or two about the meaning of civil liberties, describes the Poland of the Kaczyński twins as “a peculiar mix of the conservative rhetoric of George Bush and the authoritarian political practice of Vladimir Putin. In their attack on the independent press, curtailment of civil society, centralization of power, and exaggeration of external dangers, the political styles of Poland and Russia are very similar.”<sup>22</sup>

As is often true, Poland can be seen either as an exception to, or a magnifier of, trends present elsewhere in the region. That the latter is now the case is suggested by some underlying trends in public-opinion polls. Less than two decades after the fall of the communist dictatorships, the Eurobarometer survey of December 2006 reveals that trust in democratic institutions is much weaker in Eastern than in Western Europe. To be sure, a clear majority of East Europeans (including 62 percent of Poles) believes that democracy is better than other forms of government. Nonetheless, about

three-quarters of Poles consider democracy too indecisive or incapable of maintaining law and order.<sup>3</sup> About half (down to 42 percent in the most recent poll) consider that “it does not really matter whether the government is democratic or undemocratic.” In 2005, half the respondents responded that “in some cases a nondemocratic regime may be preferable to a democratic one.” All the surveys suggest that there is no available alternative to democracy, but also that there has been a severe erosion (and sometimes collapse) of trust in democratic institutions and political elites.

### **The Limits of Linearity**

This worrying trend need not be exaggerated, but it does call into question the prevailing linear reading of democratization that has been applied to East-Central Europe over the last two decades: a progression from liberalization to democratic transition to democratic consolidation. Each stage has its own criteria and benchmarks, and it has generally been presumed that the process is cumulative—once you reach the next stage, you do not regress. It is this last proposition that is being cast into doubt by recent developments. The consolidation of democracy cannot be reduced to acceptance of alternation in power or to the absence of a “veto player” (such as the military in Turkey) capable of challenging the constitutional order. Nor can it be assessed solely on the basis of structural factors such as modernity (as measured by levels of education), “stateness” (a major point of difference between Central Europe and the Balkans), or the existence of an external anchor such as the EU. The CEE countries scored high on all three of these factors, which accounts for their post-1989 success. Yet their current troubles also point to the linear model’s limits. The CEE setbacks underline the importance for democratic consolidation of a civic culture—Tocqueville summed it up as the “habits of the heart”—without which the legitimacy and stability of democratic institutions will always remain doubtful.

The recent populist backlash is a direct challenge to the liberal paradigm that had prevailed in the region for a decade and a half. This elite-led consensus had two main parts: the primacy of the constitutional order and the need for economic liberalization. The first entailed the separation of powers, as well as the importance of politically “neutral” institutions such as the constitutional court, the central bank, and the board supervising public media; constitutionalism took precedence over citizenship and participation. The second part implied a need for large-scale privatization of the economy and its integration into the international (primarily European) market.

There was an interesting interplay between these two elements, which to some extent accounts for the present situation. The ideas of civic participation and civil society associated with the dissidents were soon eclipsed by the institutionalization of democracy and the formation of

a party system. In fact, the weakness of political participation and the absence of powerful social actors were seen as favorable conditions for the conversion to a market economy. The paradox of simultaneous and interdependent political and economic transitions runs something like this: To push through radical market reforms you need strong democratic legitimacy, such as came from the break with the old totalitarian regime in 1989. The free market came to Poland under the banner of a trade union called “Solidarity.” Václav Klaus, the Czech prime minister in the early 1990s, would not have gotten a chance to launch his market reforms without the political legitimacy provided by the presidency of Václav Havel. Yet the actual implementation of economic reforms benefited from a weak civil society and low political participation. When economic results turned out to be generally positive, people became used to markets much more readily than they came to embrace democracy. Only a fifth of Poles think that their parliament is useful compared to four-fifths who find that private companies “contribute to the economic development of the country.” The new elites who led the move away from communism thrived by consolidating democratic institutions without participation and by forming a policy consensus at the expense of politics.

The posttransitional and postaccession backlash against this consensus marks the close of the post-1989 period. The backlash is giving rise to unscrupulous uses of executive power as well as worrisome and potentially dangerous outbursts against basic principles of liberal-democratic constitutionalism. Yet the backlash can also be seen as questioning some of the “self-evident” assumptions of today’s liberal democracies, such as the political “neutrality” of the constitutional courts and central banks. Similarly, EU accession was presented as a politically “neutral” objective, shared (nuances aside) by all mainstream CEE parties—even though it entailed joining a “single market” and endorsing eighty-thousand pages of legal norms. Hungarian prime minister Ferenc Gyurcsány’s now-infamous May 2006 speech to his fellow Socialist Party members admitted that “for a year and a half we have faked governing; instead we lied in the morning, in the evening, and at night.” And yet he also said several times that with regard to economic policy, “there is no choice.” The populist surge can be read as a response to those phrases—to governance as a matter of “faking” government, and to the notion that politically “neutral” institutions must always constrain policy choices. The populist backlash in Central Europe is nasty and often brutish, and we may hope that it remains short. Yet it may also herald the return of politics after a period of technocratic ascendance.

### **Populism and the Flaws of the Transition-Era Consensus**

This is the background to the onslaught on the transition-era elites and their policy consensus, which meant that governments could come

and go but similar policies would prevail. The main argument against the transition-era consensus is that it was morally and politically flawed: The peaceful transition negotiated in 1989 between ex-dissidents and ex-communists allowed the former to impose their liberal agenda of “procedural democracy” while the latter converted to capitalism and “free enterprise.” This curious mix of a transition beset by “original sin” and of the “revolution betrayed” is most explicitly stated in the rhetoric of Poland’s Kaczyński twins. Their notion of democracy hijacked by post-communist elites includes a conspiracy theory according to which the key institutions of parliamentary democracy and the market economy were secretly sold out to the ex-communists and their fellow travellers among the former oppositionists.

The result, according to this view, is moral, political, and economic corruption. Hence the dual focus of the campaign against the transition-era elites: decommunization and anticorruption. Both issues, largely neglected in the 1990s, have now returned with a vengeance. The thoroughgoing privatization of the CEE economies represented the most formidable reallocation of resources since World War II. It was economically successful, though achieved without a proper legal framework and with corruption on a scale commensurate with the endeavor. Now the populists have grasped the power of anticorruption rhetoric to delegitimize the existing political and economic elites.

Decommunization serves a similar purpose. In the 1990s the region was divided between those who implemented decommunization (the Czechs and Germans) and those who failed to, whether because they would not (Poles and Hungarians) or could not (Slovaks, Romanians, and Bulgarians). The debate at that time divided those who thought decommunization would enable their country to move on to the higher tasks of democracy-building from others who feared that it would sidetrack the transition with a political agenda oriented toward the past rather than the urgent needs of the near future.

Today, the problem of decommunization confronts all three categories of countries in one form or another. In Poland it has taken the form of a new lustration law that affects more than 700,000 people; Hungary witnessed a dubious effort to reprise the 1956 uprising; the Czech parliament adopted a law in May 2007 establishing an institute of national memory modeled on those already operating in Poland and Slovakia.<sup>4</sup> Romania too is now implementing a lustration law.

It is true that some aspects of coming to terms with the communist past were not dealt with in the immediate aftermath of 1989, when “instant democracy” was the motto of the day, and they are now returning like a boomerang. But also at work, most obviously in the Polish case, is the political instrumentalization of the issue, accompanied by self-serving authoritarian arguments: To “clean house” by purging corruption and communist agents we need more powers in our hands, and thus

we must do away with some constitutional and institutional constraints. Hence, next to Poland's Institute for National Remembrance, which stores and (when needed) releases police files, there is an Anti-Corruption Institute; moreover, several police and intelligence agencies operate in parallel, amid great confusion about their responsibilities and a complete lack of transparency. A creeping sense of uncertainty and fear has reappeared for the first time since the end of the old regime. In the name of a struggle against the alleged rule of politically dangerous and corrupt networks during the transition years, Poland's populists resort to authoritarian methods, state capture, and nationalist rhetoric.

### **The Shrinking Influence of a Growing EU**

Is the EU a mechanism for containing the democratic malaise or has the union contributed to the malaise's development? In Central and Eastern Europe a country's proximity to Brussels has been perhaps the most reliable predictor of the outcome of the democratic transition. Democratization, transformation, and "Europeanization" have been seen as related processes that have helped to move countries from electoral democracy to institution-building and then to the adoption of EU norms and practices.

Recent CEE developments suggest that democratization through EU enlargement has reached its limits. EU tutelage works until you get in, but once you have joined there are few incentives or means to induce further reforms or the observance of democratic norms. EU conditionality works best with relatively small and weak states, and its success depends on achieving cognitive and behavioral change. Without a change in political culture, the formal adoption of institutions or norms may merely create an empty shell and possibly undermine the EU from within.

It is striking that most of the pro-European coalitions that dominated CEE politics over the last decade or so fell apart as soon as they had accomplished the "historic task" of achieving EU membership. In their places have arisen harder or softer exponents of Euroskepticism. The EU is a very convenient target for populist resentment since it is a liberal project—supported by the economic and political elites in charge of the recent transition—and implies a redefinition of national sovereignty and identity. The current Polish and Czech governments opposed any idea of a European constitution and welcomed with relief the outcomes of the French and Dutch referenda (though, under pressure, they will probably accept a more modest reform of EU institutions).

Why do Euroskepticism and populism appear to be growing in both old and new member states? Part of the answer is that the EU-accession process has also contributed to the abovementioned tendency toward "emptying" party competition and politics more generally of their substance. The EU stands for the rule of law, a single market, shared legal norms, and the adoption of European policies in the absence of a corre-

sponding European politics.<sup>5</sup> The latter problem was precisely what the failed attempt to adopt a European constitution was intended to remedy. Meanwhile, several new members believe that the nation-state remains the prime framework of democratic politics but that its influence on EU policies is too limited. The Czech government has announced as its priority for its forthcoming presidency of the EU the shift of powers from the EU to member states. The Czech and Polish governments roughly share the following outlook: Important international and security issues are a matter for the United States and NATO; democratic politics is the business of sovereign nation-states; the appropriate realm of the EU is the economy and trade. In essence, these governments see the EU as merely an economic supplement to NATO.

Such a view, of course, limits considerably the influence that the EU can exert on new member-states when questions of democratic norms are at stake. The whole EU-accession process was able to promote democracy because of the accepted asymmetry it entailed. It worked best, of course, with those who already shared the assumptions of the European project, but it was also effective in a different way with the illiberal elites, who soon discovered that the costs of nonmembership to them and their respective countries would be prohibitive. Once a country has joined the EU, however, this logic no longer seems to hold, at least not in the short term.

The main limit that East European populists run up against is the sharp reaction to their language or the substance of their proposals on the wider European scene. Thus when the Polish education minister advocates a complete Europe-wide ban on abortion or says “We’ve managed long enough without tolerance, and we’ll manage without it even now,” he has to face the “shock and awe” of his European counterparts. When leading Polish members of the European Parliament adopt a declaration commemorating General Francisco Franco as an outstanding European Catholic or when MEP Maciej Giertych publishes an anti-Semitic pamphlet in Strasbourg, it provokes a scandal in the European Parliament and makes front-page news—in Western Europe, not in Central and Eastern Europe.<sup>6</sup>

One could brush aside such incidents if they did not indicate the resurfacing of an antidemocratic political culture. When the Polish head of government, in the context of the EU constitutional debate, says that if the Germans had not killed so many Poles during the Second World War, Poland would be entitled to more votes in the EU, it is much worse than a mere factual mistake. Without World War II, of course, there would be many more Germans (and Russians) today, and the voting asymmetry between Poles and Germans would be even worse! More importantly, however, the statement reveals a complete misunderstanding of what the EU stands for, that it is precisely a postwar peace project based on reconciliation and interdependence which has now been ex-

tended to the whole continent. Kaczyński's remark reveals that the new Polish government elite is obsessed, in both its domestic and its foreign policy, with the need for a threatening enemy, be it the Germans, the EU, or some domestic conspiracy. This is politics according to Carl Schmitt, not the Kantian ethos of the European Union.

The populist backlash in Central and Eastern Europe reveals, first and foremost, the absence in the new democracies of *corps intermédiaires*, of checks and balances, of truly independent media to serve as a counterweight to creeping authoritarianism. It also shows the return of dormant strands in the region's political culture and thus its potential vulnerability to the authoritarian temptation. These developments are contributing to widespread estrangement from the postenlargement EU in the older member states. If current trends continue, with new members backsliding on democratic practice while pursuing a strident defense of "national interests," we could well see internal EU ties loosen to the point where the Union becomes little more than an enhanced free-trade zone.

### The Limits to Populism

Despite the current political malaise in the new democracies, we should resist overdramatizing the populist backlash, which is by no means an exclusively East European phenomenon. Populism thrives on transgression in its discourse and in the issues it raises, but once in power populists tend to resort to some of the policies and practices that they once denounced. Cooptation, clientelism, and state capture tend to be the pattern rather than the pursuit of radicalization. This is hardly good news for the quality of democracy, but at least it helps to defuse the populist challenge. As nationalists and populists get closer to state power (and to the EU), they may evolve into more traditional political-party formations. The tendency of populists in power is to try to keep the extremist vote (through symbolic politics and deliberate transgressions against "respectable" political discourse) while moving closer to the center. This has certainly been the case with Slovakia's left-wing populist movement Smer (Direction), and in Poland the Law and Justice party (PiS) of the Kaczyński brothers might be following the same pattern. The cost of absorbing populist allies is that one is often led to borrow their language and their agenda. The question is which course poses the graver threat to liberal democracy—having the populist radicals outside or inside the tent?

The EU provides a means to set certain limits to populism. It has done so in Western Europe. The case of Austria in 2000 illustrated both the EU's influence and its limits. It tried to ostracize the coalition government headed by Chancellor Wolfgang Schüssel because it included the far-right Freedom Party of Jörg Haider. The EU discovered that it had

sent a useful signal (to East European candidates among others) but that its hard line could be counterproductive. Eventually Schüssel, thanks to skill, patience, and a more flexible approach on the part of the EU, helped Haider to self-destruct. The lesson for East-Central Europe may be that the EU framework can help to marginalize radical populists and absorb the more moderate ones.

Finally, this is not the 1930s, when economic crises and the rise of fascism derailed the post-World War I East-Central European democracies. Today the region has never had it so good. Its economy is growing at twice the rate of the rest of the EU. To be sure, the economic benefits are unevenly shared and the losers of the transition do provide a base for populist parties—but not a base for systemic change. Indeed, unlike in the 1930s, when both fascism and communism presented fierce ideological challenges, today there is no alternative to liberal democracy in Europe. Last but not least, there is the existence of the EU itself—a major difference from the 1930s, when competing nationalisms and the rise of totalitarianism destroyed the European order. For all these reasons, Europe is less vulnerable than other regions facing democratic regression. The new EU member states may share some symptoms of democratic malaise with Europe as a whole, but they also are protected by some specifically European limits to the rise of populism.

## NOTES

1. Just as European politicians were inhibited in their discourse prior to joining the EU, there was perhaps also an element of restraint on the part of analysts of the democratic transitions or public figures in the countries concerned in order not to give arguments to the opponents of EU or NATO enlargement. Advocacy time should now be over.

2. Adam Michnik, “The Polish Witch-Hunt,” *New York Review of Books*, 28 June 2007.

3. CBOS polls presented by Polish sociologist Mira Marody, “La question de la démocratie en Pologne,” *Pouvoirs* (Paris) 118 (2006): 63 (special issue devoted to the state of democracy in Poland).

4. The institute was at the last minute renamed the Institute for the Study of Totalitarian Regimes. Its governing council is to be politically appointed.

5. This is the central issue of Vivien Schmidt’s book, *Democracy in Europe: The EU and National Politics* (Oxford: Oxford University Press, 2006).

6. Giertych’s pamphlet is titled “Civilizations at War in Europe.” It claims that Jews, as a result of having their own civilization and living separately, “had developed biological differences.”