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Central Europe on the Road to Illiberalism

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Abstract

It has now been 20 years since Fareed Zakaria wrote his famous article on the state of democracy in the modern world. A remarkable new energy for this concept has risen from the region of Central Europe and directly impacts the traditional view on the concepts of democratization, consolidation and country transition. Some scholars believe that we are witnesses of a new backwards wave of democratization. Of whom some have also criticised the dynamic decay of the post-communist transition to democracy which was faced with potent and widespread expectations within the democracy without any “delay”.

Don't forget Zakaria's prophecy

Twenty-seven years after the prophetic article by Farred Zakaria nobody, including the author believed that his concept would find his new home in the region of Central Europe, especially in the post-communist countries that were displayed as a good example of the transition to democracy after 1989.

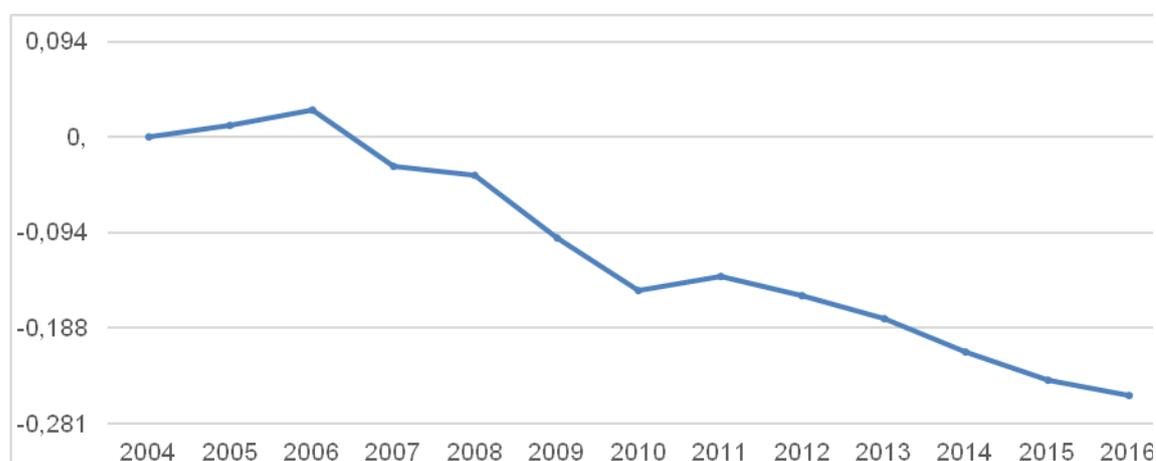
Central Europe in the previous years, and particularly after the economic (European) crisis, has turned away from consolidation of their democratic system and shifted to a new one more in common to the regimes in Asia described as illiberal democracies or defect democracies. Inner tension that were sleeping like a princess in the fairy-tale brought to live be external events and processes that hits the global democracies all over the world. These trends were also seen by some international organizations that have called attention to growing xenophobia, extremism and distrust in traditional political institutions and mainstream political parties.

Freedom House last year published, their annual “Nations in Transit” report clarifying that liberal democracy is on decline especially in the Central Europe and Eurasia. Especially it noticed that in central Europe illiberal nationalism turn the course from the democratic trend. As the report showed, since 1995 as Freedom House focuses on regimes in transition, data from their previous research did not show a positive snapshot on the state of democracy in this region. The democracy score has declined for 12 years in a row, including the fact that from 2007 the trend of decline was more visible than the trend of improvement of the democracy and their components including political institutions, processes, and habits.

Not only Freedom House, but many scholars within the region of Central Europe (we could include also Eastern Europe) are moving to the illiberalism, and ideas of Farred Zakaria illiberal democracies are remelted within these states and societies.

The ideas that were defined before Zakaria noticed the changing nature of authoritarian regimes that were liberalized but not completely involved in the democratic processes and procedures of their daily lives. On the other hand, scholars observed, that some regimes were not able to full adopt democracy and “something” was missing, or even that some authoritarian pattern remained in the new regime. These regimes were known in the past as hybrid regimes and define a system that is in the middle of authoritarian and democratic regimes. There has to be more than “enough” types, definition, typologies of hybrid regimes that have been created very specific on one country model. And that was the main reason why some countries were stuck in the middle and unable to be defined within the common used theories and models of regime types, including the hybrid regimes.

Graph No 1. Change in democracy score average in Central Europe from 2004-2016



Source: Freedom of the House, 2016

The concept of illiberal democracy that was published in 1997 by Farred Zakaria was completely different from those prior concepts. One of the main reasons was that it was a reaction to problems that were visible all around the world in every new established democracy. The main problem was that these namely free elected political regimes were willing to ignore constitutional limits of their powers. As Zakaria notes “from Peru to the Palestinian authority, from Sierra Leone to Slovakia, from Pakistan to the Philippines, we see the rise of disturbing phenomenon in international life – illiberal democracy” (Zakaria, 1997, p. 22). The universalism that comes from this concept is not only visible through the various types of states all around the world, but also from the common problem based on a misunderstanding of constitutional liberalism. Nevertheless, this trend was visible more than 20 years ago, but still its more actual than ever and the patterns that where described by Fareed Zakaria generally are now not only visible in this region but are more sophisticated applied to the system than ever before. Illiberal elites are continuously undermining the constitutionalism on every level of the political regime.

The first visible, also for European societies, shift from the course of democracy was in Hungary. Dramatic changes visible within their constitutional reform present a turning point in the democratic development in this region. During these changes, questions were raised, such as whether it is a unique event in the history of Hungary and Central Europe, or it will represent the trend that will be occurred in all region.

Hungary under the government of Viktor Orbán started to slowly nibble at the liberal constitutionalism in the country. Not democracy, but the civil liberties that make this system liberal. Tendency to centralize power is in the centre of illiberal democracy, and this was seen also during the first year of Orbán governments after 2010. The centralization and restriction of civil liberties was seen simultaneously on three levels.

The first crucially was at the constitutional level, then the media and last but not least the structural level. At the constitutional level, the new constitution not only limits some power of the constitutional court, but also, as the Venice Commission criticizes, it affected the lack of transparency, shortcomings in the dialogue between the majority and the opposition, and an adequate area for public dialogues in the country. The limitation of the Constitutional Court's power was proceeded by the remove of its right to strike out laws (any) that had been already settled in the constitution or for example lower retirement age of judges. Some scholars go a step further and state that the new Hungarian constitution brought the regime back to the constitution that existed before 1989. But the main problem that was related to the new constitution was the fact that after a short time when became active (January 2012) immediate attempts began to change it again. As László Sólyom calls it, the "fourth amendment" removed the last signs of separation of powers in the system. And what was the last nail in the coffin? The new constitution gave a new tool to government (within the entrenched political control of judiciary) to prevent opposition towards its power. The second thing of centralization in the system was visible in the media, were also the Orbán government, not only through new constitution and also through direct and indirect actions such as shrinking press freedom and their independency. All the laws on media created a polarized environment, where the public media are in favour of the government. Press freedom was shrunk by the fact that media regulation went under one single entity called the National Media and Infocommunications Authority (NMHH), whose members are from the ruling party (as obvious they were elected by a two-thirds majority in the parliament). There a couple more examples of attacks on media freedom in Hungary (from restriction, to shut down, from blocking some messages / and pictures to attack on international journalist by police). The last crucial sign of centralization was on structural level, which is more a lay term to this article. Centralization on the structural level was seen by a gradual acceptance of power, in other words the ruling party created an environment where the laws once made had the media cement them to the system. One main structural changes were related to the electoral system and gerrymandering. Orbán's government redrew the geographical boundaries of constituencies following a key pattern to make Orbán's party stronger in them.

Some similarities are also observed in other countries of Central Europe, some of them are far away from the Hungarian path to illiberalism, some of them are very close, but tendencies that are observed in them are crucial for the future of their existence as a liberal democracy. For example, Poland is far closer to the Hungarian path, there are similar patterns that could be added into this new trend of illiberalism in Central Europe. The common pattern is the characterized “*strategic retreat*” and is visible not only in Hungary but also in Poland; a pattern visible in the relations to European institution. As in the Hungary case, also in the Poland case, some processes were highly criticized by some European institutions. As Anne Applebaum (2016) in her column wrote “*legitimately elected government (in Poland) is braking the constitution, both in letter and in spirit*”. This may be seen as a sharp and exaggerated view, but still an opinion that needs to be counted. And yes, as in Hungary, also in Poland the majority government started to undermined the power of Constitutional Court, and also the media, including the centralization of civil service. There are differences in the Hungarian and Polish cases, including the party system, position of “oligarchs” in media, the existence or absence of far-right political parties in parliament, etc., but these countries as Anton Shekhovtsov wrote in his case study called *In Transition Reversible? The Case of Central Europe* (2016) “*Poland has also shown how techniques practised in other countries can be copied and repeated*” (Shekhovtsov, 2016, p. 22).

Poland and Hungary may represent an “ideal” type of countries that are turning the course from the liberal democracy, and for many EU politicians, scholars and journalists they really are universal examples. But we must look at Central Europe more in broader contexts. And do not forget the two nations that are placed in the middle of Hungary and Poland, Slovakia and the Czech Republic. Also in these countries, we can observe patterns that are more on the illiberalism side than on the liberal one.

If we look closer on the processes that were visible after 2006 in the Slovak Republic in a complex view, some patterns are completely the same as in Hungary (or Poland) and some patterns differ, but for sure there are also tensions to be more “equal” than “free”. Despite the fact that the new government was formed from 4 parties, after the period of one party rule, and the first impression led to believe on national unity and reconciliation, we actually were “maybe” wrong. This small country is on his own way to illiberalism. During the first Fico government, the country was struggling with high levels of corruption and cronyism, as observed in all of Central Europe. They have also passed media law that was criticized from not only opposition, and media, but also from international organizations. Despite the fact, the “*life in Slovakia was going forward*”. Some scholars were calling for attention after the election in 2012, when Robert Fico and his party created a one ruling party government, but they didn’t follow the Hungarian trend, instead they did nothing. And this was the main problem, they buried down the successful development of the democratic path by doing nothing. The corruption and cronyism grew following the pattern. These tendencies and also Fico’s rhetoric against migrants caused a historical moment in Slovak politics, in the first time of history, parliamentary election in March 2016 opened their doors to the for

far-right extreme political movement with 14 seats. And Fico rhetoric didn't stop but continued. Despite the fact that the Fico government was trying to undermine the power of the constitutional court with his "people" till now he was not completely successful. But on other power areas he could be in the future. With his new partners and without any broader media coverage they passed a new law on public service. The law gives to all ministers (as political nominee) the right to decide on personal matters of their office. After the law, will be active (this summer 2017) a Council will be formed and will be responsible to settle new ethical and moral codex in public service and will be responsible directly to the Governmental office. This gives an open space, as some scholar, journalist and opposition politicians observe, to mobbing on the workplace. With other words, getting rid of misfits' state employees through putting them on list called (by the law) "redundant employees".

The same goes for the Czech Republic, after the last presidential and parliament election the trend is more visible than ever. Yes, there were corrupt governments before and some high ranked politicians were arrested and went on trail for corruption and abuse of power, but not one of them was so successful in the media sphere as former minister of finance Andrej Babiš. He is the second wealthiest man in the Czech Republic, a successful businessman and the owner of the Agrofert company that bought the MAFRA media group. After this success, the centralization of political and media sphere under Babiš was called the "berlusconisation" of Czech politics. It must be also mentioned that this neoliberal leader of ANO 2011 is not the main problem. There is another public figure who is permanently blowing up xenophobic, radical and anti-otherness mood. The current president Miloš Zeman with his anti-Western, anti-European, pro-Russian rhetoric displayed the system in the light of illiberalism, maybe for now and so far, just verbally, but he has the authority to act. The Czech illiberalism is different in comparison to other three countries in Central Europe, and its more about money than ideology, values, rhetoric or populism. They can undermined democratic path with undemocratic practices that are possible for their financial or political position.

Post-communistic illiberalism, or state first than "democracy"

After a short overview of the crucial patterns that are visible in Central Europe and calling attention to them, one might conclude that rise of illiberalism in this region is being witnessed. Some observe that this illiberalism is a little creepy but still these states are moving the course from democratic path, and are playing with the question to the established of a new efficient and effective political regime that can promote on one hand the quality of their citizens and on the other hand help secure some rights of the "special" elites.

Centralization as the key pattern of Zakaria's concept of illiberal democracy is also visible in post-communistic illiberalism, but illiberalism is more sophisticated than it was 20 years before. On one hand these states are members of a few international organizations, members of the European Union and have a wide range of economic and political partnerships. This was not 20 years before, these states were in the middle of the democratization process of the system and starting phases of consolidation, without any proper future in the international relations. Currently they have received some proper positions, and despite this fact they can build up an illiberal wall around their states. How is it possible? There can be observed external and internal sources that allowed illiberalism. On one hand, structural and visible sources like global crisis, migration crisis, economic crisis, the crisis of traditional political parties as examples. On the other hand, there is present the exhaustibility of democracy. The democratic system, including its elites and societies are willing to accept regimes that are not democratic, and they are looking forward to them as they become more and more stronger, or stable and efficient. As Marc F. Plattner (2010) notices that it is *"surely true that failures and drawback of other types of regimes help to shore up to continuing appeal of democracy"* (Plattner, 2010, p. 83). But what happens when the democratic regime is unable to struggle with a global crisis, and events that occur more quickly, and with more numbers than ever. Or when democratic regimes are paralyzed to fight against terrorism and civil wars all around the world? Then democracy is losing their legitimacy and attraction. And we are living now in such a world. And this is the common pattern in all countries of Central Europe, the starting point of melting the liberal constitutionalism under democracy started with the inner crisis in government or parliament. High ranked political elites are accused or suspected of corruption, all before parliamentary elections in all these states.

Centralization of power as we noted, is more sophisticated in these states than it was before, though some patterns remain the same. For example, the will to undermine the Constitutional court, or to paralyze it without any power struggle or games. This happened not only in Hungary, but also in Poland shortly after their last election and in Slovakia a struggle to undermine it continues.

The media represents also a very highly wanted sphere for illiberal elites. They tend to undermine, if they don't have any media oligarchs, by laws (as in Poland and partly Slovakia) or play a very effective role in centralization through the "special" relations with some media oligarchs (as in Hungary) or through their own involvement (as in Czech Republic).

The next pattern of post-communistic illiberalism could be tracked to the moment when political elites started to occupy civil service. This pattern is not visible in every country, but it may be made a statement that successful examples from countries that have already adapted some measures to centralize it will be applied in others (Poland, and partly also Slovakia).

The last but not the least common pattern of post-communist illiberalism is visible on the level of political communication. In the last decades, including the refugee's crisis, were marked by the rising

xenophobic, radical and anti-otherness. This rhetoric in comparison to Western Europe was completely different, not from the common ground of the ideas and attitudes, but from the fact that while in Western European countries this rhetoric is associated with anti-establishment and radical / extremist parties in Central Europe this rhetoric is associated mainly with mainstream political parties that are in government. Also, the rhetoric is the high priority (or key tool – pattern) in this type of illiberalism, more than the processes that Zakaria defined. This could be confirmed with the “actions” of Slovak Prime Minister Robert Fico and his previous governments. His road to illiberalism was not lead by the processes that were not so visible at the structural level, or his aspiration to occupation of the constitutional court, but on his inability to do something with the system. His rhetoric is at this moment the only one thing that was effective and able to work, to define his “actions”.

The post-communistic illiberalism is characterised not only through the processes that are visible on the political level, or on the actions of illiberal elites. But also from the perspective of the societies, for sure all of them have different patterns, cultural values, but the historical background, the Communist heritage and the post-communist spirit are similar. These societies are very heterogenous when the question of equality for different religious, cultural, ethnical or special groups in the society is asked. There are completely missing societal (and political) habits that were not develop properly in the past. The societies are completely paralyzed and polarized, not only on the level of government vs. opposition, but also on the level of liberal vs. conservative. This gives to the post-communist illiberalism a special mark that we were not able to find in the previous periods and regimes that Zakaria mentioned in his prophetic article.

The region of Central Europe observed these days is a unique vacuum of potential threats on one hand, and on the other potential and ideal example for countries, especially their leaders that are struggling with liberal constitutionalism. Central Europe nowadays displays a unique space, from where the third reversed wave may occur and spread all over the Europe. This is not a prophetic article, but a raised finger to the all that are thinking it’s not so simple and unlikely.

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