

# POPULIST POLITICS AND LIBERAL DEMOCRACY IN CENTRAL AND EASTERN EUROPE

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Editors



**INSTITUTE FOR  
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## PREFACE

The main goal of the comparative project *Populism and Liberal Democracy in Central Eastern Europe*, supported by Trust for Civil Society in Central and Eastern Europe, was to assess the consequences of and the dangers related to the rise of populism in Central Eastern Europe in pre- and especially in post-accession period in new EU member states. In 2007 scholars from four institutions – Centre for Liberal Strategies (Bulgaria), Institute for Public Affairs (Slovakia), Institute of Public Affairs (Poland), and Central European University, Legal Studies Department (Hungary) elaborated national case studies in which they analyzed various factors of populist politics. They did not deal with populism as a societal and political phenomenon or debate the definition and typology of populism, but rather focused on wider societal conditions for populist politics in four mentioned countries, putting them into the context of whole transition period after the collapse of communist regimes.

At the level of **background conditions** authors of case studies described the political background underlying the rise of populism in contemporary Central and Eastern Europe. They addressed three groups of questions. First, is there a falling confidence in established political parties standing behind the transition agenda (or the consensus formed during the transition period) around issues such as socio-economic reforms, privatization, restitutions, EU and NATO membership, financial discipline? Secondly, is there a process of constraining the room for democratic politics, resulting from the growing influence of players such as constitutional courts, independent central banks, independent judiciaries, EU bodies and networks, NATO, thus limiting modus operandi for mainstream parties professing liberal constitutionalism to perform as political actors? Is it therefore possible for a mainstream party to offer a platform significantly different from the platform of its competitors? Thirdly, to what extent have mainstream parties become alienated from the voters and surrendered the role of formation of political will to other players: media or political newcomers, often apparent populists?

Authors of the case studies assessed the extent of policy areas dominated by EU bodies in domestic socio-economic and political agenda, the foreign policy constraints (NATO, EU), significance of strong independent bodies in policy making process (constitutional courts, central banks, regulatory boards, independent judiciaries etc.) as well as civil society actors able to play a formative role in public discourse on important

social issues. They analyzed the issue of “transition consensus” - whether it exists at all and if so, then to what extent the major parties agree on key policies? What are these policies? When did such a consensus emerge? How stable it is? Are there any parties radically challenging this consensus?

Satisfaction of population with politics, an important factor of people’s political behaviour, was analyzed (trust in political parties and representative institutions, level of approval of democracy) as well as public participation in politics, turnout in elections, membership in political parties, interest groups, NGOs. Media are important actors of public life, therefore analysts could not abandon such issues as involvement of media in electoral and political contests, their political orientation, role in formation of public opinion, party affiliation, and the extent of political control over the public media.

In the area of **political resources of parties and political players** scholars’ aims was to outline the strategies of successful political players, to define the role of ideology in party programmes and speeches of leaders. They described the most important areas of disagreement among the main parties since the middle of the 1990s, the main political cleavages related to party competition and the main issues of political discourse. One of the discussed issues is the sociological profile of the supporters of the parties as well as the dynamics of parties support/popularity. Other areas of analysis included *patronage* (the scope for patronage appointments in the economy, public administration, public electronic media, party affiliation as a factor of career chances, and extent of political nomination), *nationalism* (nationalist appeals as a tool for mobilisation, the link between nationalism and euro-scepticism, nationalistic rhetoric in ideological profile of parties), *integrity politics* (extent of anticorruption issues on the agenda of political parties and in public debates), *personality factors* (role of party leaders in the political process and in communication with their constituencies, and level of trust in politicians), *strategies of governing vs. opposition* (how political parties cope with changing the roles).

As far as the **consequences of populism and populist politics for democracy and the rule of law** are concerned, scholars explored some of the more lasting consequences of the changes in political competition, namely which might pose a threat to democracy and the rule of law. They examined to what extent these changes could possibly lead to an anti-liberal political wave in

Central and Eastern Europe which could endanger political stability and the protection of human rights. They analyzed the relationship between majoritarianism and constitutionalism and how committed political parties are to observing constitutional restrictions in the face of popular illiberal demands. Surveyed areas included attitudes toward political opponents, attempts to criminalise them, using smear campaigns, attacking the integrity

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of rivals, and challenging the right to political participation of minorities.

Four national case studies served as a factual and analytical background for writing the policy paper on the rise of populism in Central and Eastern Europe which is included in this publication as a substantive introduction.

# THE RISE OF POPULISM IN EASTERN EUROPE: POLICY PAPER

Daniel Smilov and Ivan Krastev

'A spectre is haunting the world: populism. A decade ago, when the new nations were emerging into independence, the question that was asked was, how many will go communist? Today, this question, so plausible then, sounds a little out of date. In as far as the rulers of the new states embrace an ideology, it tends more to have a populist character.' This observation was made by Ghita Ionescu and Ernest Gellner exactly forty years ago, long enough for 'populism' first to disappear and then to re-emerge as the major player in global politics. Now, as then, there can be no doubt about the importance of populism. But now, as then, no one is clear about exactly what it is. Is there one phenomenon corresponding to this one name?

Populism is difficult to conceptualize partly because it is extremely context-dependent. Probably, it is more adequate to speak of populisms in the plural. For example, political scientists use "populism" to describe both Chavez' Venezuela and Putin's Russia, even though these are markedly different regimes.<sup>1</sup> Although both of them seem to be "democracy's doubles", they part with liberal democracy in different ways: Putin, in contrast to Chaves, is more market-oriented and co-operative vis-à-vis the US, especially regarding Bush's global war against terror.

Philippe Schmitter points out that the concept of "populism" is often abused in political discourse.<sup>2</sup> By calling someone a "populist" people are just expressing their negative evaluation of a particular actor or political agenda. Overall, "populism" is most probably a "family resemblance" concept, so it will be a futile exercise to look for a very strict definition of the phenomenon. Nevertheless, the populisms in Central Eastern Europe that are in our primary focus do share some important common characteristics.<sup>3</sup> First, populists in the region appeal to the "people as a whole", as opposed to "corrupt" and "impotent" political elites. In other words, they present themselves as an alternative not to a specific political party or platform, but as an alternative to the existing representative system as a whole.

They promise to reinvigorate political life, to bring back "substance" to politics. Secondly, populists (to varying degrees) oppose a key idea of liberal democracy: that the political majority should be limited in important ways by constitutional constraints. The Central European family of populism is openly majoritarian – it is centered around the belief that the consent of the majority is the ultimate ground of legitimation in politics. Therefore, this type of populism is particularly opposed to the idea of minority rights. Thirdly, and again to varying degrees, populists challenge at least some elements of what they see as the "liberal consensus" of the transition period: market-oriented reforms, integration in the Euro-Atlantic organizations, rejection of nationalistic language and behavior. Populists "challenge" all or at least some of these "taboos", reject the "political correctness" of liberalism, and give an opportunity for the citizens to discuss problems which have been "bracketed out" by the mainstream parties.

Thus, what is striking about the present use of the term "populism" is the almost unimaginable diversity of policies and actors it tries to cover. Yet commentators and political theorists who insist on using "populism" as a common family name for such diverse political players have a point. Only a vague and ill-defined concept like "populism" can allow us to grasp and reflect on the radical transformation of politics that is under way in many places in the world. Although vague and ill-defined, the concept of 'populism' does a better job than any of the other currently-circulating well-defined concepts of capturing the nature of the challenges facing liberal democracy today. These challenges emanate not from the rise of anti-democratic and authoritarian alternatives, but from the dangerous mutations within the conceptual realm of democracy.

It is obvious that the new populism has lost its original significance as an ideology or expression of agrarian radicalism. 'Populism' is also too thin and eclectic to pretend to be an ideology in the way liberalism, socialism or conservatism is. But the growing interest in

<sup>1</sup> "Democracy's Doubles", *Journal of Democracy*, Volume 17, No. 2, April 2006.

<sup>2</sup> *A Balance Sheet of the Vices and Virtues of 'Populisms'*, paper delivered at the conference the Challenge of New Populism, organized by the Centre for Liberal Strategies, Sofia, in May 2006.

<sup>3</sup> For a discussion of populism in Eastern Europe see Cas Mudde, "In the Name of the Peasantry, the Proletariat, and the People: Populism in Eastern Europe", in Meny and Surel, *Democracies and the Populist Challenge*, Palgrave, 2002.

populism has captured the major political trend in our world today: **the rise of democratic illiberalism.**

It is precisely the rise of democratic illiberalism that worries us when we discuss the proliferation of populist revolutions in Latin America, the political turmoil in Central Europe or the political logic behind the ‘no’ votes in the referenda on the EU Constitution in France and the Netherlands. The new populism does not represent a challenge to democracy understood as free elections or as the rule of the majority. Unlike the extreme parties of the 1930s (fascists, communists), the new populists are not planning to ban elections and to introduce dictatorships. In fact, the new populists like elections and, unfortunately, tend to win them. What they oppose is the party-based representative nature of modern democracies, the protection of minorities’ rights, and any constraints on the sovereignty of the people.

When we discuss the rise of populism today we refer to the process of the erosion of the liberal consensus that emerged after the end of the Cold War; we refer to the rising tensions between democratic majoritarianism and liberal constitutionalism, the two fundamental elements of liberal democratic regimes. The rise of populism indicates a decline in the attractiveness of liberal solutions in the fields of politics, economics and culture; it implies an increase in the popularity of the politics of exclusion.

## SENSES OF CRISIS IN EASTERN EUROPE

Liberals are alarmed by these recent developments. But part of the problem is that they do not agree on their interpretation, and especially on the nature, depth and character of the crisis. First, there are those who believe that the described problems are nothing but temporary aberrations from the norm within young and inexperienced liberal democracies. These aberrations are due to transition fatigue, and disappointment with the speed of market reforms create welfare. The hope is that with the continuous integration of the region in the EU these temporary problems will be gradually overcome, and Central Europe will become the home of democracies very similar to those in the western part of the continent. This optimistic interpretation relies on the strength of liberal democratic institutions and the rule of law in Central Europe: the liberal consensus of the transition period is firmly entrenched in the constitutional framework of the politics, and will allow only for marginal variations in the course of governance. It is true, the argument goes, that there might be a period in which the people will be enchanted by the appeal of populists and will distance

themselves from liberal parties, but after a relatively brief spell things will “return to normal”.

Secondly, there are others who would go as far as to compare the current crisis of liberal democracy with its demise in the interwar period, when right- and left-wing extremists subverted the democratic order by abusing its instruments of representation. Admittedly, this is a slightly paranoid and alarmist interpretation, but there is *prima facie* evidence in its support as well. For instance, in the region there are signs of growing intolerance toward vulnerable minorities, such as the Roma, resurgence of anti-Semitic feelings, calls for taking politics to the streets, and even occasional outbursts of violence. It is true that the constitutional framework of liberal democracy is still intact, but within this framework the dominant mode of making politics becomes illiberal. In other words, the most popular tool to mobilize public support becomes the attack against liberal policies and principles in different areas of governance from immigration and welfare, to EU integration matters. The danger here is obvious: the loyalty to the basic constitutional framework is growing thin, and this in the long run might erode the rule of law, and might lead to the gradual subversion of the regime and its replacement with some form of authoritarianism, or with an aggressively majoritarian and intolerant political model.

Finally, there are those who without being alarmist are convinced that the current crisis is not just a temporary aberration, but is an expression of a lasting trend, which will lead to a serious transformation of liberal democracy. These observers stress the importance of what they see as intensifying problems of the structure of representation provided by liberal democracy. Since the platforms of the mainstream liberal parties grow increasingly similar, people do not see that elections are likely to make any difference. Citizens do have the vote, but in fact they do not have important alternatives to choose from: key issues, such as extensive constitutional frameworks, monetary policy (run by independent banks), international relations (determined by participation in organizations such as NATO, EU and WTO), are off-limits for routine democratic politics. This lowers the pay-off for voting for liberal parties – they do not promise to change the essential elements of the status quo. The populists capitalize on this fact by offering to “reopen” for political competition all these “liberal taboos”. If this analysis is correct, it appears that liberals have surrendered active political participation to their populist rivals. Liberal mobilization of voters becomes only possible as a form of veto against some excessive and dangerous candidates or issues. But are voters always going to veto the excesses of populists, if they become firmly entrenched in the political establishment, and if their discourse starts to dominate routine democratic politics?



## THE EVIDENCE

On the basis of four structured case studies of Bulgaria, Hungary, Poland and Slovakia we are drawing the following conclusions about the rise of populism in Central Europe:

- **Populism is not “radicalism” or “extremism”:** It is not useful to conceptualise Central European populism as “political radicalism” or “extremism”. Extremism was the typical challenge to liberal democracy in the post war period. Communists and neo-Nazis attacked the democratic polities in Western Europe with radical proposals for systemic change, which was to be carried out partly through violent means. Such calls for radical changes cannot be observed in the region today. Contemporary populists do not offer a political alternative to democracy. The problem is rather that the ideal of democracy they espouse is unattractive and dangerous.
  - **“Soft” and “hard” populism:** Although populism is not extremism, there are more and less radical versions of the phenomenon. “Soft populism” is a challenge to the existing system of representation and mainly to the existing party system. It is a signal of a crisis of representation: it thrives on popular perceptions that the established parties are corrupt, that they form cartels and are alienated from the people, that they are too ideological, etc. “Hard populism” is characterized by more severe threats to the constitutional framework: it challenges not only the existing structure of representation but also some of the fundamental principles of liberal democracy, such as the protection of individual and minority rights, etc. Soft-populist parties in our case studies are: Simeon II’s NMSII (НДСБ) (in 2001) and Borissov’s GERB (ГЕРБ) in Bulgaria, Orban’s FIDESZ in Hungary, Fico’s Smer-SD in Slovakia. Hard populists are more difficult to come by, but they are by no means missing from the region. The most notorious example here is PiS, Self-Defence and League of Polish Families, in Poland, and the phenomenon of the Kaczynski brothers more generally: their stance against minorities, their attempts to criminalize their opponents, and the disrespect for entrenched constitutional principles and foreign engagements in our view justify their depiction as “hard populists”. In the same categories are parties such as Siderov’s Ataka in Bulgaria, Meciar’s HZDS and SNS in Slovakia, and other smaller parties throughout the region.
  - **The dividing line between the “soft” and “hard” versions of populism is fluid** and ever changing. Since populist parties generally lack both internal party structures and discipline, and ideological coherence they are prone to changes in their overall profile.
- Their radicalism might increase or decrease not only during elections, but also while in office. For instance, regarding foreign policy issues and minority rights Smer-SD could be described as moving towards more “hard” versions of populism. Similarly, it can be argued that PiS in Poland evolved into “hard” populism throughout its term in the government. Siderov’s Ataka, in contrast, was scaling down its radical rhetoric in the presidential campaign of 2006, in an apparent attempt to attract more moderate voters.
- **Not a post-accession phenomenon:** It is often argued that the rise of populism is a specific post-accession phenomenon, which is due to inflated expectations concerning EU membership and fatigue from long-lasting austerity measures. Our findings offer little support for such an explanation. The mentioned post-accession factors might play some role in highlighting certain trends, but these trends were visible in the countries we studied from earlier on. Thus, the rise of populism started in Bulgaria as early as 2000-2001, when the ex-tsar Simeon II made his return to the country. In Slovakia, Meciar’s style of hard populism was dominant for much of the 1990’s. In Hungary, Orban’s politics “mainstreamed” nationalistic populism towards the end of the 1990’s. Poland seems to fit best the “post accession” scenario, but there as well smaller populist parties existed throughout the 1990’s.
  - **Established liberal parties fail to attract voters:** There is a general tendency of falling trust in liberal parties. They manage to mobilize much fewer voters, and in very specific situations. There is essentially one specific situation, when liberals mobilize votes: when they are perceived as a last hurdle before a “hard” populist coming to power. This was the situation in 2006 in the Bulgarian presidential elections when Siderov (Ataka) was beaten by a large margin by the Socialist candidate Parvanov. In the 2007 Polish parliamentary elections, the mobilization behind the liberal Civic Platform happened only when PiS became perceived as a “hard populist” party, explicitly threatening constitutional foundations. As regards to “soft populism”, established liberal parties seem to have very few answers. Bulgaria is a case in point, where “soft populism” has triumphed in most of the elections in the period 2001-2007. Slovakia also illustrates the thesis that “soft populists” enjoy significant public confidence in comparison to other actors.
  - **Constrained space for democratic politics:** Central Europe is one of the regions in the world where legal and extra-legal constitutionalisation of politics has been quite pervasive. All of the countries that we study have extremely powerful constitutional courts and judiciaries, which impose serious “rule of law” constraints on the policy making of democratic bodies.

Further, all of these countries have adopted and almost constitutionalised specific neoliberal economic policies, which are practically outside the reach of the political process. In Bulgaria there is a “currency board” – an arrangement which pegs the local currency to the EURO – which is a step further than an “independent” central bank. All of the countries aspire to become Euro zone members, which places further restrictions on their economic policies. Finally, bodies such as the NATO, the Council of Europe, WTO, and, of course, the EU provide directly applicable norms and standards which domestic majorities need to take seriously into account. All these constraints diminish the space for autonomous *liberal* democratic policy making. Which is more important, the programmes of the liberal parties come dangerously close to each other: as a result, the voters fail to see the differences among them. Hence, motivation for voting for parties, which have accepted all the mentioned constraints, is low: voting for them is perceived as making no difference. Thus it seems that the better off (the “winners” of the transition) are only motivated to vote for liberal parties when they perceive a serious danger from a “hard populist”. They remain unmoved in the case of challenges from “soft populists”.

- **The platforms, which mobilize voters, are increasingly “identity-based”.** In circumstances where the liberal parties are increasingly losing their appeal and profile (except from cases of last-ditch mobilization against hard populists), nationalism and identity politics become more and more attractive to the public. These platforms increasingly win votes. Even in countries, such as Hungary, where populism has no separate exponents but has infiltrated at least one of the major parties, nationalism and even xenophobia and anti-Semitism have become vote-winning strategies. One of the effects of the rise of populist actors in Central Europe has been that they have forced virtually all of the parties to adopt one form or another of “responsible” nationalism. It is important that this is not a revival of the pre-WWII nationalism in the region. This type of nationalism seems to be induced by some of the features of the present-day political processes in Central Europe. Also, it copies quite liberally from the “identity” politics of Western European parties.
- **Not a leftist revolt of the masses.** Populism in Eastern Europe is not a revolt against neoliberalism. Paradoxically, most of the populist parties *are de facto* neoliberal in economic terms (the best examples being Smer-SD in Slovakia, and GERB and NMSII in Bulgaria, but also FIDESZ in Hungary and others). Many of the populist parties do feature calls for “redistribution” of the benefits of the transition, but these calls usually mean that certain corrupt elites should be punished (Ataka in Bulgaria, PiS in Poland, Smer-SD in Slovakia). Redistribution thus is translated not in

economic policies but in “anticorruption” measures. There is no vision of different (say, social democratic) economic politics espoused by populists. In this sense, rather paradoxically, populism in Eastern Europe is anti-egalitarian and meritocratic: no surprise then that a former tsar was one of the first leaders of a populist force in the region. Central European populism is a longing for *new elites*.

- **Not a temporary phenomenon.** There is no evidence suggesting that populism in the region is a temporary aberration from a certain vision of “normality”. There are certain long-term changes in the political process, which seem to facilitate the spread of populism. First, politics has become much more media-centered and personalized. The importance of loyalty to ideas and programs is diminishing because of the more efficient means of social coordination (internet connections, mobile technologies, cable TV and 24-hour news channels, etc.) Populist parties, with their focus on communication and personalities, are much better suited for such an environment, than “traditional” parties. The above mentioned “constitutionalisation” of politics also has done some permanent damage to the electoral chances and the political appeal of traditional parties. In the new circumstances, people look for other channels of representation and defence of their interests: citizens turn directly to courts and the judiciary, EU structures, governments in the case of strikes, direct demonstrations, etc. Loyalty to parties and party programs no longer seems to be the most efficient way to defend ones interests.
- **The parties are the “weakest link”.** Populism has most dramatically affected the concept of a “political party”. Parties in consolidated democracies are usually expected to be stable and programmatic. The rise of populism is a serious challenge to this theory, since it has dealt a death blow to many “established” parties of the transition period, and has brought to the fore a host of new players. Further, populism has not made parties more programmatic, but on the contrary: it has almost made the concept “party program” devoid of meaning. Is this phenomenon to be interpreted as “deconsolidation” of democracy in Central Europe? If not, what are the “post-party” forms of democracy, which are going to appear in the region? Populism is indeed antagonistic to liberalism, but is it going to permanently change our concept of democracy as well?

## RESPONSES TO POPULISM

There is a variety of strategies that could be employed as a response to the rise of populism. Some of them have

already been tested in Central Europe. Others are familiar from the fight against other threats to liberal democracy, such as extremism. A third category includes some experimental ideas, which have not been tested yet, but which have gained some prominence among expert and academic communities. Below we provide a map of the possible responses, and an account of their advantages and disadvantages.

■ **Treating populism as extremism and radicalism:**

As said above, liberal democracy does have means to address extremist, anti-systemic parties. The most restrictive measures which could be employed are legal restrictions, such as bans on unconstitutional parties. There are two such legalistic approaches. The first is *militant democracy*, which was pioneered in Germany. Karl Loewenstein in the 1930's advocated the idea that democracy should not be neutral (as the Weimar Republic was neutral to different types of political parties and their ideology), but should defend militantly its own principles.<sup>4</sup> The important for our purposes point of the militant democracy doctrine is that it is a *preventive* doctrine: it asks the state to act (sometimes long) before a crime has been committed or some danger has become imminent. The second approach could be called the "American" approach of "clear and present danger" by reference to the standard used by the US Supreme Court. This doctrine requires *imminence* of the danger: the state does not act before the actual threat occurs, but waits until the danger is imminent, and the threat is almost unavoidable. However, even in the case of "hard populism" it seems better to avoid as much as possible the employment of legal restrictions: indeed, no populist party has been efficiently stopped from entering politics by legal means, although attempts have been made. Therefore, the first strategy of choice should be incorporation and integration of the populists in democratic politics. Of course, this incorporation could be accompanied by avoiding coalitions or other collaborative activities with them. If the political measures are not sufficient to alleviate the dangers of "hard" populism, then the more restrictive legal measures could, theoretically, be employed. Yet, if it is necessary to impose legal measures against populists, it should be said that the "clear and present danger" approach provides less opportunities for abuse than the "militant democracy" doctrine. In our assessment, in none of the four countries that we studied treating populists as extremists would be appropriated. It is true that some of Siderov's remarks verge on racism and xenophobia, but this does not seem to be a sufficient ground for a ban on Ataka, or some other severe legal restrictions on their activities. Such an approach could be actually very coun-

ter-productive, raising the popularity of the potential targets. The same could be true if EU partners (member states governments, EU bodies, etc.) exercise pressure on Central European countries to treat populists as extremists: the result again could be counterproductive.

■ **Increased constitutionalization of politics:** An intuitively appealing idea for liberals seems to be the increased constitutionalization of politics. This could be achieved through the strengthening and increased role in the decision making processes of bodies such as constitutional courts, central banks, currency boards, intergovernmental bodies, the judiciary, independent public administration, etc. In the EU context, a faster transition to "multi level governance" or "polycentric governance", which disperses responsibility among a variety of bodies, could be very appealing. The idea behind such proposals is that even if populist manage to get to the government (as they increasingly do) they will not be able to distort the policy making process, since an increasing number of decisions will be taken by independent bodies. Recently, the former Bulgarian foreign minister Solomon Pasi publicly defended a similar idea in a much more radical form. He argued that computer simulators and programs should be used to screen out "incompetent" politicians and "inefficient" policy proposals. He actively argued for much more rigorous constitutional constraints on the democratic process, going beyond human rights and basic principles into the realm of economic efficiency, value choices and the setting of social priorities. We believe that such strategies are not only potentially counter-productive (they will make populists more popular), but are also dangerous with their potential to further undermine trust in democracy. This is a strategy which is basically saying that democracy is valuable as long as the voice of the people does not really matter. Anti-majoritarianism of this sort could hardly be a viable response to the rise of populism.

■ **Political isolation:** The list of generally inefficient strategies continues with attempts to isolate politically the populists. This strategy is a spin-off of the reduction of populism to extremism. The assumption here is that populism is a generally marginal phenomenon, against which all of the "mainstream" parties stand united. First, this strategy has been proven unworkable in the context of Central Europe. In the Polish case, before coming to power PiS was not that much different from and confrontational toward its main opponents from the Civic Platform: the initial idea before the previous parliamentary elections was that these parties would rule together. Further, isolation is

<sup>4</sup> Karl Loewenstein, *Militant Democracy and Fundamental Rights*, 31 American Political Science Review 417, 638 (1937).

practically impossible (and not advisable) in the case of “soft-populism”. Even “hard” populists are very difficult to isolate the populists, as demonstrated by the recent local elections in Bulgaria, after which Ataka entered the local government in various important cities. Especially difficult to avoid are coalitions between soft- and hard populists (GERB-Ataka; PiS and Leper’s party; Smer-SD and Meciar, etc.) Secondly, the isolation strategy underestimates to what extent populism has already undermined established parties and infiltrated the political spectrum – in Bulgaria, for example, it is not quite clear who are the “non-populists” are. In general, when populism has taken centre-stage, isolation cannot work. Finally, threats of isolation could be effective not so much in the *elimination* of populist parties, but in the drawing of a line which should not be passed by them: for instance, if they become openly anti-Semitic or xenophobic, if they threaten to permanently damage certain foundational constitutional values, a strict strategy of non-cooperation and isolation should be adopted. One should not hope that with such a strategy ‘hard’ populism will be eliminated, but it might thereby be reasonably contained.

■ **Civil mobilization:** The 2007 Polish parliamentary elections could be interpreted as a success story for the strategy of civic mobilization against populism. One should not be overly optimistic, however. The most that these elections show is that liberal parties could mobilize their voters when “hard” populists threaten to take over the country. The same was the message of the 2006 parliamentary elections in Bulgaria, when the Ataka’s candidate suffered a resounding defeat. The experience of Central Europe also shows, however, that civic mobilization is not easy against soft populists. As pointed out above, nothing prevents a soft populist party from “hardening” after the wining of elections. Further, it is discomfoting to learn that liberal voters could be mobilized only in desperate attempts to prevent hard populists from coming to power. If so, this would mean that routine politics is no longer attractive and meaningful for the liberal voter: she or he are only interested in vetoing certain options, but are not interested in participating more actively in the political process. Ordinary politics becomes a realm of the populists.

■ **Revival of programmatic parties and stable party systems:** This strategy accepts that populism has already done significant damage to the representative structures of liberal democracy and especially the party system. It assumes that a revival of the pre-populist status quo (real or imagined) is still possible. This status quo is seen mainly in terms of the “western European” party systems and especially the German one. Thus, the main goal of the strategy is to recreate

something like the German party system in East European context. Two, types of measures are usually invoked by such strategies: institutional hurdles to new players and increased advantages for the established parties:

- i) Hurdles for new players: majoritarian electoral system, tighter requirements for registration of a political party and party lists in elections;
- ii) Advantages for established parties: increased state funding for the parliamentary parties, introduction of state funded party foundations and institutes, party programs of political education, more benefits in terms of recreation and education for party members, institutionalized relationships between parties and trade unions and employers’ organizations, etc. We are generally skeptical of the usefulness of such measures, which try to “rebuild” a streamlined party system with institutional means. Even in established democracies, such as Germany, where such institutional measures are employed, it is hardly possible to avoid new comers (the Green Party, the new Left Party, etc.) Loyalty to parties and programs is being eroded not only in Central Europe and it is probably wishful thinking to believe that these processes could be limited through formal institutional measures. The Hungarian case study suggests the limits of such a strategy. Hungarian mainstream parties are institutionally well-protected from challenges from newcomers and also enjoy significant institutional privileges. The rise of populism has not indeed produced a new populist party in Hungary. But the result is not less threatening: populism has infiltrated at least one of the major parties, and it seems that there is a certain tendency of “hardening” of its outlook. One could only speculate what could happen if this party wins elections: Hungary might turn into another Poland from the heights of the Kaczynski period.

■ **Democratic experimentalism:** The last strategy is much more ambitious. It tries to imagine a new role for political parties in liberal democracy. For instance, consider the opening up of the political parties more radically to the public through:

- i) Internal democracy procedures: primaries, shorter mandates for the party leadership, etc.
- ii) E-democracy: securing a direct link between the voters and the government through the usage of new modes of communication (the internet).
- iii) Lottery: decreasing the amount of leadership discretion in the choice of candidates and more regular usage of alternative methods of candidate selection, such as the lottery.



The second strategy sounds exotic not only in Central European context. But in contrast to the others, it tries to address some of the underlying conditions for the rise of populism. (See Philippe Schmitter's Green Paper commissioned by the Council of Europe for a more detailed account of the last strategy)<sup>5</sup>.

Two general conclusions could be drawn on the basis of this review of strategies addressing the rise of populism in Eastern Europe. First, sometimes the dangers of over-reaction might outweigh the dangers the very phenomenon presents. Secondly, however, complacency towards

and "normalization" of East European populism also seem inappropriate. At the very least, populism is correlated with the undermining of the representative infrastructure of democracy, and the programmatic parties more specifically. In a parliamentary regime, these parties have been essential for the success of democracy in Western Europe after the Second World War. Their increasing absence in contemporary Eastern Europe cannot but create some anxiety among supporters of liberal democracy. Metaphorically put, we are entering the uncharted waters of a globalizing world with no reliable captain of the democratic ship.

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<sup>5</sup> Philippe Schmitter, *The Future of Democracy in Europe: Trends, Analyses and Reforms*, A Green Paper for the Council of Europe (2007) at [http://www.thefutureofrepresentativedemocracy.org/files/pdf/resources/schmitter\\_thefutureofDemocracyinEurope.pdf](http://www.thefutureofrepresentativedemocracy.org/files/pdf/resources/schmitter_thefutureofDemocracyinEurope.pdf)



# BULGARIA

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## INTRODUCTION

This paper provides a structured analysis of the populist trends in Bulgarian politics. Under “populism” we understand a particular ideology or political strategy, which opposes “the people” directly to incompetent and corrupt “elites”. This ideology is “minimalist” both in terms of content and internal coherence: it could be utilised by actors with different political backgrounds. Thus, it is an attempt to transcend the established cleavages and divisions among “mainstream” political parties, such as the “left v. right”, or the “ex-communists v. transition democrats”, etc. Populists justify their political choices as “the will of the people,” and are generally sceptical about constitutional or other constraints. The ultimate goal of the paper is to assess the impact of the rise of populism on the Bulgarian political process.

## CONTEXT

In order to grasp better the nature of the Bulgarian developments, it is necessary to begin by briefly defining the preceding period of *non*-populist politics.<sup>2</sup> During the first decade after the fall of the communist regime in 1989, the Bulgarian political process was dominated by two ideological party camps. On the left there were the ex-communists (BSP – Bulgarian Socialist Party); right of the centre were the democrats – the Union of the Democratic Forces (UDF), who were the driving force behind most of the liberalisation processes initiated during this period. Thus, for more than ten years there was a resemblance of a generally established party system in Bulgaria structured along the left-right division typical for the mature democracies. The BSP made extensive use of ideas such as the social state, greater intervention of the government in the economy, minimal privatisation, and stronger ties with former foreign partners and Rus-

sia in particular. The UDF, for its part, supported more radical economic reforms, including privatisation and restitution of agricultural lands and urban properties nationalised by the communist regime, full integration and membership into the Euroatlantic structures – EU, NATO, etc. The two blocks also offered different assessments of the communist past: the UDF rejected it as a period of oppressive totalitarianism, while the BSP was much more nuanced, attempting to stress the positive achievements of its predecessors in government. In short, the two main parties espoused different visions of the past and the future of Bulgaria, defended different programmes before the electorate, and demonstrated rather sharp differences in terms of concrete policies. During most of the 1990s, Bulgarian society was passionately divided along the ideological lines drawn and promoted by the party system. The role of personalities in politics was secondary: party supported candidates as a rule won against popular leaders.<sup>3</sup>

## THE FIRST POPULIST WAVE

In 2001 all this changed dramatically, and the appearance of the stability and consolidation of the Bulgarian party system disappeared. The return of the former tsar, Simeon II, from long years of exile was an event which was greeted by welcoming demonstrations in Sofia and the other major cities of the country. The gathering of large masses of people sparked reminiscences of the first years of the transition, when the ex-communists were forced out of government by popular pressure. Not surprisingly, then, the then-ruling government of Ivan Kostov (UDF) reacted rather nervously to the popular return of Simeon II to the country, and mobilised all of its resources with the intention of preventing him from participation in the political process. First, the Constitutional Court – in which the UDF had a clear dominance – banned Simeon II from participation in the presiden-

<sup>1</sup> The author especially thanks Genoveva Petrova (Alfa Research, Ltd.) for the provision of sociological data and thoughtful comments on the profiles of political parties and electoral dynamics in Bulgaria. Thanks go also to Dimiter Dimitrov, Svetlozar Andreev, and Luis de Sousa with whom the author has discussed different parts of the paper.

<sup>2</sup> Of course there were examples of populist politics in Bulgaria before 2000 as well. The most notable one was George Ganchev – a flamboyant politician who did quite well in the 1996 presidential elections (came in third), and managed to create a parliamentary represented party – the Bulgarian Business Block. Yet, Ganchev was an unsuccessful challenge to the “bi-polar” Bulgarian party system of the 1990s, and his type of populism was a rather marginal phenomenon. After 2001, populism took centre-stage.

<sup>3</sup> The most striking example of this was the victory in the 1996 presidential primaries of the virtually unknown candidate of the UDF Petar Stoyanov against the former dissident and first democratically elected president of the country Zhelyu Zhelev.

tial election because of residence requirements.<sup>4</sup> Secondly, and more controversially, a Sofia court denied registration to the National Movement Simeon II (NMSII) – the organisation with which the ex-tsar was planning to take part in the parliamentary elections. The denial was grounded in procedural considerations – the lack of support shown by signatures, etc: all of these were rather curious in the case of a political organisation which was just about to win half of the seats in the Bulgarian parliament. These efforts came to no avail, since Simeon II and NMSII managed to run in the elections even without being registered as a separate party: they used the registrations of two small and insignificant parties for that purpose.

The results of the June 2001 parliamentary elections were shocking: the NMSII won more than forty per cent of the vote and exactly half of the seats in the Bulgarian National Assembly. The result would have been an absolute majority in the parliament had it not been for several small parties which used Simeon II's name on their ballot without his authorization – some three per cent of the vote were lost on such parties through voter confusion. The established “traditional” parties – the centre-right UDF, and the centre-left Socialists – together won less votes than Simeon II's NMSII. Simeon II's arrival showed the degree to which the party system was not well-established. The parties were not truly programmatic, and the political culture of the population was susceptible to fits of opportunism and populism.<sup>5</sup>

The coming to power of the former tsar can justifiably be classified as an instance of populism for the following reasons:

- Simeon II appealed to the people as a whole, without stressing the cleavages, differences and distinctions within this whole, and without assuming that there could be conflicting interests within the population which could not all be satisfied in the same time;

- Simeon II's campaign portrayed the then-existing political elite as largely politically corrupt. Against this background, he presented his candidacy as the triumph of personal integrity in politics;

- Simeon campaigned against existing parties. For a long time after his arrival he refused to register the NMSII as a political party,<sup>6</sup> still nurturing the idea that he was the tsar of all Bulgarians, not a simple party leader. Simeon II, himself, was not a member of parliament – his name was in the title of the party list but not among the party candidates;

- Simeon II's movement was agnostic and indifferent towards more substantive political ideologies. His main message was that the ideologies of the established political parties were already *passé*.

- The sole source of mobilisation of the people behind Simeon II was personal – his personal charisma and historical legacy. Programme and party structure were non-existent as sources of mobilising electoral support. As to the party structure, it was already made clear that there was not sufficient time for institutionalising the movement in the country: the party list of NMSII was created in a haphazard way, little different from the lottery in its reliance on chance and formal equal opportunity for the second tier of the Bulgarian political elite, which has been left out from the patronage practices of the two major parties – the UDF and BSP. In terms of programme, Simeon II argued that this was not an essentially political problem but rather an issue for the experts to decide. For this purpose he invited young, educated Bulgarians from abroad (without any previous political experience) to become ministers in his cabinet, and to design the policies in various governmental sectors;

- In terms of political presentation and communication Simeon II stressed appearances over content. In terms of content he was minimalist and elusive: he spoke

<sup>4</sup> The 1991 Constitution requires that candidates for presidential office spend the five years in the country before the elections. This provision was introduced in 1991 specifically against Simeon II – ironically, it came to be applied ten years later than the original plan. In this case the Constitutional Court faithfully stuck to the plain text of the basic law, although on other occasions the Court has proven that it could interpret constitutional provisions rather creatively. For instance, several years before the Constitutional Court had returned all of the real estate property of Simeon II and his family, which amounted to millions of euro.

<sup>5</sup> The electoral programme of NMSII looked like the manifesto of any fairy-tale hero: it sometimes defied the laws of nature, and, more often, the laws of economics. The beginning was innocent: the NMSII made it clear that it would follow the major policies of the former government (Kostov's passwords), but would bring about more radical economic reforms, and would eradicate corruption, which is perceived as a major problem in Bulgaria. The heroic part started with the promise that the former tsar would make things 'substantially better' in the country within 800 days. One of the ways of doing so would be by simultaneously reducing the budget deficit to *zero*, and *significantly* cutting the taxes. This could have been possible if the country were to slash its welfare provisions – healthcare and education, in particular – but this was not what His Majesty's economic experts had in mind. They were planning an immediate improvement of the situation of the 'ordinary people' in Bulgaria, most of whom are heavily dependent on these already under-funded public services. Nor were the experts envisaging a default on the huge foreign debt payments of the country or abandoning of the tough budget restraints of the currency board. In their opinion, all their goals, contradictory as they appeared, were to be achieved simultaneously. The eradication of corrupt practices was addressed by a more 'coherent' strategy: it would be impossible, it was argued, for a (former) tsar and all his men to dirty their hands in inappropriate activities.

<sup>6</sup> Before the June 2001 elections Simeon indeed tried to do so, as stated above, in order to be able to compete for parliament. After he managed to send people to parliament, he refused to register a party.



slowly and uttered well worn-out clichés. In terms of presentation, however, he was quite skilful in stressing the mass support and affection he enjoyed, and his kindness and polite, non-confrontational political style, which was rather refreshing against the background of the less refined Bulgarian political class.

- Finally, and probably most importantly, Simeon II campaigned not on a specific, coherent programme, as it was already pointed out, but rather on people's expectations for what should be done. In short, he created the impression that after years of austerity measures a time of prosperity was finally coming for everyone. The ex-tsar summed up these expectations in his promise to improve dramatically the situation in the country within 800 days.

The first wave of populism in Bulgaria, represented by the NMSII, demonstrated the electoral potential of the populist approach: for a very short period of time it managed to assemble and mobilise the people behind a charismatic leader. It must be stressed, however, that once in office the NMSII went through a complex evolution which transformed it from a populist movement into a "traditional" political party. First, after coming to power the NMSII cut back on many of the fantastical promises its leader made or hinted at in the pre-election period. Ultimately, the NMSII led a government whose politics was continuous with the previous government: financial discipline and strong commitment for integration in NATO and the EU. The overall result of this was positive for the country. From the point of view of the NMSII, however, the revision of the pre-electoral promises led to a quite dramatic fall in public confidence in the movement and its leader: falling support became apparent only two months after the June 2001 election. First, the movement failed to elect a president and in a surprise result the Socialists won the 2001 presidential elections. Secondly, the rating of Simeon and the NMSII fell steadily, reaching embarrassingly low levels after less than a year in government. In the 2005 parliamentary election the NMSII, which had now been registered formally as a political party, took second place (after the Socialist Party) but with only one-third of its 2001 electoral result. In the 2007 EU parliamentary elections the support for the NMSII fell to a critical minimum of around six per cent, electing only one deputy to Brussels; this trend was confirmed by a very poor electoral result in the autumn 2007 local elections.

Thus, NMSII can meaningfully be discussed as a populist actor only within the first year of its appearance on the political stage, and especially in the 2001 electoral cycle. After that the NMSII was gradually disciplined by the Bulgarian institutional framework into a player very much resembling the parties that it radically criticised. Ultimately, the NMSII became a member of the Alliance of Liberals and Democrats in Europe (after making un-

successful attempts to become a member of the European People's Party), and it was transformed into a relatively small party with a right-of-centre, liberal orientation.

## THE SECOND POPULIST WAVE

Days before the 2005 presidential election the pollsters in Bulgaria were in for another big shock: out of the blue, a new political actor appeared claiming 8-9 percent of the voters' support. Since this was so surprising, the rumour was that leading polling agencies delayed the announcement of their prognoses, because they feared the accuracy of the results. The new actor was a party organised around a TV journalist radically criticising the political establishment as corrupt and dangerous from the point of view of the national interests. The party was called "Ataka", and the journalist Volen Siderov. His career trajectory had taken him to a regional cable network – TV SKAT, which possessed a devoted following of viewers with nationalistic, anti-establishment inclinations. Siderov's biography is instructive for the student of populism. In the beginning of the transition, Siderov was the editor-in-chief of the newspaper of the UDF *Democracy*. After that he became a journalist in one of the most influential dailies *Monitor*, a newspaper on the borderline between the serious press and the tabloids.

Ataka ultimately entered the Bulgarian parliament in 2005, becoming for a short time the biggest opposition group (though the group itself soon disintegrated) when the other, bigger parties – the BSP, the NMSII, and the Movement for Rights and Freedoms (MRF) – formed a grand ruling coalition. The success of Ataka in entering the Bulgarian parliament can justifiably be treated as an instance of populist politics and mobilisation for the following reasons:

- Ataka's ascent was a small-size replica of the ascent of the NMSII to power: much of the analysis of the pre-electoral strategy of the NMSII is applicable to Ataka as well. The only difference was the nationalistic discourse and the language coming close to hate speech used by the new actor;
- Ataka appealed to the Bulgarian people as a whole, denying the relevance of differences and cleavages embedded in the party system, and denying even the rights of ethnic minorities to political representation. Ataka was the first party in Bulgaria since the relative consolidation of Bulgarian democracy to challenge the legitimacy of the MRF (ethnic Turkish minority party in its essence). It was also the first party to use a thinly veiled racist language against the Roma minority in Bulgaria;
- The role of the personality of the leader of Ataka was undeniable. The lack of a party structure and organi-

sation was compensated for by personal charisma of a specific sort;

- The role of the media and the TV SKAT in particular, explains much of the success of Ataka. This was the main tool of mobilisation of electoral support of the organisation. SKAT provides a forum for populist discourse. Not surprisingly, the station is “anti-elitist” (meaning against the political elites in power), defends public morality, national interests, national integrity, etc. All this is presented with a degree of popular culture, conspiracy theories, and tiny bits of high culture;<sup>7</sup>
- Ataka is not a programmatic party by any means. Its political agenda is a compilation of “expressive issues”, most of which are not translatable into concrete policy. For instance, the party stands for the revision of the results of the whole transition period, since all the transformations, it alleges, were done in a corrupt and illegal way. It is not clear how such a revision could be achieved, however, short of a revolution leading to re-nationalisation of privatised assets. The party has never committed itself to such a concrete policy, however. The same is true of its position toward the Roma: it is clear that the party views the Roma as the source of numerous problems, but it is not apparent how the party would solve these problems. Finally, the party relate immediately to symbolic issues, such as the closure of the nuclear reactors at the Kozlodui power plant, the destiny of the Bulgarian nurses in Libya, the alleged national irresponsibility of scholars re-examining certain national myths, such as the myths around the April 1876 uprising in Bulgaria, etc;

The culmination of Ataka’s political career thus far were the presidential elections in 2006 when Volen Siderov was one of the two candidates reaching the second decisive leg of the contest. There, Siderov lost to the Socialist incumbent candidate Georgi Parvanov by a very large margin – approximately 80 to 20 per cent. The situation was similar to the situation in France in the previous presidential elections when Le Pen lost to Chirac by a very large margin. In any event, coming second in the presidential election was a huge success for Ataka. It is important to stress that in order to receive this result, Ataka had to move slightly to the centre of the political spectrum, by scaling down its claims and adopting a much milder and acceptable for the general public political discourse. After the presidential election, however, the party moved back to more radical positions, influenced by its European counterparts from the alliance of right-wing extremist parties in the European parliament. The representative of the party in the EU parliament was

involved in a number of racist scandals, the most notorious of which was his email insults to a Hungarian Roma deputy. At the 2007 elections for the European parliament the party did relatively well by winning 3 out of the 18 Bulgarian seats. Its support has been stabilised at six-ten per cent of the voters, which gives it a good starting position in future elections in Bulgaria. In the autumn 2007 local elections, the party did relatively well, managing to win sizable groups of representatives in the local councils of a number of Bulgarian cities. In many cities its group was the third largest after the groups of GERB (see below) and the BSP.

### THE THIRD POPULIST WAVE

In 2007 there was another electoral shock for the political establishment in Bulgaria. At the May EU parliamentary elections a new political party, Citizens for European Development of Bulgaria (GERB) led by the popular mayor of Sofia Boiko Borissov, won more votes than any other party. In the local elections in the autumn of 2007, GERB emerged as the largest political force in the country: 80,000 people more voted for the party-lists of GERB than voted for the candidates of the Socialists – the only remaining large “traditional party”. In circumstances of low turnout, this was a meaningful difference, although admittedly small in absolute terms.

GERB’s main resource was the personal charisma and appeal of its leader. The party was registered and set up only in 2006, reflecting the political ambitions of its leader to convert his general popularity into representation at the national level. Borissov, very much like Siderov, was member of the second tier of the political elite. His career started inconspicuously: during much of the 1990s he was a businessman of a specific type that is highly symbolic for Bulgaria: the boss of a private security firm. The private law enforcement business in the 1990s was dangerously close both to the state security structures (police, secret services, etc.) and to the criminal underworld. In such a context, Borissov could hardly avoid, even if he tried, contacts with people connected in the popular imagination with the “organised crime” and the “political mafia”. Therefore, his political CV, as composed by the public imagination, starts with allegations of illegitimate, suspicious, and improper connections. His visual image also feeds such public perceptions as far as Borissov has espoused (consciously or not) the aesthetics of the good and reformed criminal: no hair, no glasses, always slightly unshaven beard, short and expressive speech in the idiom of the street, leather jackets, athletic looks, etc.

<sup>7</sup> It is very important that the network does not invest in the quality of the picture or the quality of the content of its programmes. This is probably an intentional aesthetic choice, which gives to the whole show a very “natural” feel, bringing it close to reality TV and even the documentary genre. The overall effect is that it is as if “the people” express themselves in the programmes of this TV network.

The first fact, which brought Borissov to the attention of the public, however, was that he was the bodyguard of the former communist leader Todor Zhivkov, while he was tried for crimes committed during his long stay at the helm of the totalitarian regime. Borissov's career did not take off until the end of the 1990s, when he became the official bodyguard of Simeon II. This royal appointment helped elevate Borissov to the heights of politics, although the process did not happen immediately. First, he became the head of the police under the government of the NMSII. In 2005 he ran as a candidate for parliament of the NMSII, and won a seat in parliament. He declined to leave the police for the parliament, however, and stayed on under the coalition government of the BSP, NMSII, and MRF. This did not last for long since in 2006 Borissov decided to run for the mayor of Sofia – elections which he won without great difficulty. Borissov's public ratings have been extremely high since 2002-2003, but it was only in 2005-2006 when he converted these ratings into political support. Borissov's party GERB (not only the abbreviation of Citizens for European Development of Bulgaria but also meaning "heraldic sign" or "coat of arms" in Bulgarian) did not become an electoral force until 2007 and still lacks representation in Bulgaria's National Assembly. The reasons for categorising Borissov as a populist leader are the following:

- Borissov speaks directly to the Bulgarian people. Much of his success could be attributed to his ability to speak to the ordinary people, to look like many of them, and to articulate what they commonly think about complex governmental matters;
- Electoral success and mobilisation are to be attributed largely to personality factors, not programmatic issues. Borissov consciously attempts to present his party as a right-of-the-centre-party, but in terms of programme and policy, Borissov has been always elusive, using "symbolic issues" very much in Siderov's manner. It is not surprising, therefore, that Ataka and Gerb are not seen as direct enemies, and that they have come to certain common positions on symbolic issues, such as the Kozloduy nuclear power plant, for instance;
- Borissov is to a large extent a product not of party life and party politics, but of media presentation. He has an extremely fine sense for PR matters and manages always to be in the focus of media attention. His use of street jargon in a relatively delicate manner and with a fine sense of humour makes him one of the media favourites;

Much of the analysis of Simeon II and Siderov could be applied to Borissov as well. He is much less aristocratic and more down-to-earth than Simeon, while being less nationalistic and fanatical than Siderov. From

this perspective, Borissov presents a new stage of the fine-tuning of Bulgarian populist sentiments: it is spicier than the ex-tsar, but does not scare the people as much as Siderov does. These simple reasons probably account for the electoral success of the new popular hero. Nevertheless, he should be treated as part of the same phenomenon, the features of which could be summed up as follows:

- Disintegration of the traditional, ideological, programmatic parties;
- Loss of the mobilising power of ideological and programmatic coherence, and party loyalty in elections;
- The rising value of personal charisma, expressivity and aesthetic techniques of popular mobilisation;
- Appeal to the people as a whole, and treating their acclamation and support as the ultimate legitimation in politics, trumping issues such as individual and minority rights, international conditionalities, etc;
- Heavy reliance on the public media, as a substitute of party structure in political mobilisation.

These are the contours of the "populist condition" in Bulgaria, which we set out to explore in more detail in this paper.

## BACKGROUND CONDITIONS

One of the hypotheses about the rise of populism is that the inability of established, mainstream parties to provide ideology, policies, and other more specific benefits for their followers, makes these followers to look for ever newer, more radical, and more exotic political alternatives.

In order to test this hypothesis, we ask the following questions. First, is there a process of constraining of democratic politics that results from the growing influence of players such as constitutional courts, independent central banks, independent judiciaries, EU bodies and networks, NATO, etc? Within these constraints is it possible for a mainstream party to offer a platform significantly different from the platform of its competitors? Secondly, is there a falling confidence in established political parties that stand behind the transition agenda (or the consensus formed during the transition period) around issues such as privatisation, restitution, Euroatlantic membership, financial discipline, austerity measures, etc.)? Finally, to what extent have mainstream parties surrendered the role of formation of political will to other players, especially media, and political newcomers?

## CONSTRAINTS

Bulgaria is a good case study for the exploration of constraints on the political process, since there is a long list of them, very well institutionalised in different sectors of public life:

### ECONOMIC CONSTRAINTS

Economic policy was largely a discretionary area for the government until 1996 in Bulgaria. During these first transitional years, the Bulgarian Socialist Party was willing to engage in economic experimentation: it delayed the privatisation process, loosened financial discipline for the financing of loss-making state owned enterprises, etc. As a result, the financial situation in the country drastically deteriorated at the end of 1996, and the banking system virtually collapsed. In order to tackle hyperinflation, and to restore the trust in the banking system, the Bulgarian government established the so-called "Currency board", which fixed the rate of the Bulgarian Lev to the rate of the Deutsche Mark originally (later the Euro). This was the first significant constraint on discretion in the area of the economy, which deprived the government from the right to alter the exchange rate of the Bulgarian currency. The second major constraint was the conclusion of various agreements with the IMF and the World Bank, which provided for loans in return for fast reforms in the area of privatisation and the improvement of the functioning of the administrative apparatus. All of these limited significantly the room for the designing of radically different economic policies. Gradually, the two main parties – the UDF, and more significantly the Socialists – recognised these constraints as fully legitimate. This recognition, however, brought their economic programmes very close together, and made them virtually indistinguishable after 1997.

### POLITICAL CONSTRAINTS

The accession of Bulgaria to EU and NATO imposed a virtual "political review board" on the Bulgarian government. It had to report regularly to the EU Commission on progress in agreed upon reforms, as well as to coordinate its foreign policy with EU and NATO partners. The room for independent initiatives decidedly diminished, although of course it could not be fully eliminated. For instance, although the Bulgarian population was as a whole against the intervention of NATO against Milosevic's regime, Kostov's UDF government gave permission to NATO for the use of Bulgarian air space for attacks against Yugoslavia: the only act of defiance was the refusal to accept Albanian refugees in Bulgaria.

In the area of substantive reforms of the administration and the judiciary, the influence of the EU Commission

was very strong: a fact which has been well-studied and documented. The overall result of the monitoring and the conditionalities was by and large positive from the point of view of liberal democracy and its entrenchment in Bulgaria. For our purposes it is important to note that this monitoring and the imposition of the conditions by foreign partners brought the programmes of the mainstream parties close to each other even further: simplistically put, they had to agree to follow strategies elaborated together with foreign partners.

### JUDICIAL CONSTRAINTS

The Bulgarian Constitutional Court and the Bulgarian judiciary have asserted themselves strongly during the transition period. During the 1990s, the Bulgarian Constitutional Court managed to "bracket out" from political competition at least four main areas: restitution of agricultural land, restitution of urban property, judicial independence, and independence of the public electronic media. In all these four areas there was significant political disagreement. In the first two, the disagreement was between the left and the right: the BSP and the UDF. The Socialists opposed the restitution of property nationalised by the communist regime, and instead, introduced a scheme of compensation for the assets with state bonds. The UDF, with the decisive help of the Constitutional Court in this regard, prevailed: the principle of full restitution for nationalised assets was promoted to the rank of a constitutional principle.

Regarding the independence of the judiciary and the media, the political dividing line ran not so much between left and right, but between government and the opposition: throughout the 1990s, Bulgarian governments had tried to assert their influence in these areas. Here again the Constitutional Court was quite instrumental in curbing these attempts.

Overall, the impact of the Court in this period could be assessed as positive, but again a side effect of this influence was the diminished room for substantive political disagreement after the constitutionalisation of particular questions.

Since the beginning of the new century, the Court has focused predominantly on the issue of judicial independence, interpreting this principle to prevent the possibility of any major reform of the judicial system. This has brought the Court as a whole in conflict with the political establishment: most of the parties at the present moment would go for more radical judicial reforms than the Court would be willing to permit. In any event, however, the constitutionalisation of a very strict conception of non-interference with the judicial system has further decreased the possibilities for radically different ideas of judicial reform, a policy area which became central in the period 2001-2007.



International courts, and especially the European Court of Human Rights, have had a similar constraining impact on the Bulgarian political process, although to a more limited degree. One important issue relates to the legitimacy of ethnic minority parties. The pressure of the Council of Europe and its bodies were crucial for the legitimisation of the Movement of Rights and Freedoms, which is generally an ethnic minority party. Without the existence of such foreign standards, this legitimisation would have been more difficult, (though this does not mean that the ECHR standards of political freedom are fully applied in Bulgaria).

## NGOs

NGOs have not been a significant constraining factor on the Bulgarian political process. NGOs command a very low level of public trust. Yet, there have been examples where NGOs have been successful in the imposition of specific goals and priorities on political actors. The most prominent example of this were the anti-corruption programmes designed by the so-called Coalition 2000 organisation and the Centre for the Study of Democracy. With the help of significant foreign aid from USAID Coalition 2000 managed to raise public awareness of corruption and to make anti-corruption one of the top priorities of government. While the results of these efforts are subject to intense debate, it is beyond doubt that the problem itself, as well as the strategies to tackling it (measurements of corruption, design of action plans, creation of anti-corruption commissions and other bodies), were virtually imposed on political actors by NGOs and foreign donors.

## TOWARDS A "TRANSITION CONSENSUS"

The result of all these constraining factors was the creation of a broad *transition consensus* along the following lines:

- Euroatlantic integration – membership in EU and NATO;
- Serious respect for foreign commitments and accepted conditionalities;
- Economic policy based on gradualism, financial discipline, privatisation, and encouragement of foreign investment;
- Political pluralism and relative liberalism in relation to political freedoms;
- Deference to judicial policy-making in important areas;
- Anti-corruption initiatives based on comprehensive and far-reaching institutional reforms.

Towards the end of the 1990s and the beginning of the new century this "transition consensus" was shared by all mainstream parties, and especially the UDF and BSP. It became the focus of the attacks of all successive waves of populism in Bulgaria. While the first wave challenged mildly the economic policy elements (and this only in pre-election context), the second and the third wave challenged other elements as well: Ataka concentrated on political pluralism and freedoms, while Borissov seems keen to challenge some of the international commitments of Bulgaria, such as the closure of nuclear reactors, for instance.

## SATISFACTION WITH POLITICS

The establishment of the "transition consensus" thus helped to create the impression in the minds of people that politics cannot make a difference. For those who were satisfied with the results of the transition, politics did not matter anymore: they knew that the country was generally following the right direction; they had to interfere (through voting or otherwise) only when there was a threat of a radical departure from this direction. By contrast, for those who came out of the transition as losers – both real and imagined – the political process was hugely disappointing exactly because it could not make a big difference. In such circumstances, one could expect "radicalization" of the political process, and rising fortunes for populist players challenging the "transition consensus". This dynamic could explain why despite Bulgaria's achievement of its main goal – EU membership – discontent with the political process continues to rise.

## DISTRUST OF REPRESENTATIVE INSTITUTIONS

Bulgaria joined the European Union with one of the lowest levels of trust in its own representative institutions. There was not a single significant time period during the transition when the main state institutions enjoyed stable public support. Somewhat paradoxically, however, confidence in the representative institutions fell even further after the consolidation of the Bulgarian democracy. Especially since 2000, the surveys show a consistently-repeated pattern in public attitudes: a dramatic rise in expectations during the first months after the formation of new parliament and government followed by a collapse in terms of public confidence that persists until the end of the term of office. Needless to say, the sustained expression of distrust toward almost all state institutions is a condition for their low effectiveness and for the alienation of the citizens from politics in general.

The main trends in the trust to the institutions are:

- i) In Bulgaria, the public trust towards the institutions is considerably below the EU 25 average. Table 1 presents the data for 2006.

**Table 1**  
Trust in institutions (trust : distrust, in %)

	EU 25	Bulgaria
<b>Political parties</b>	22 : 72	10 : 84
<b>Parliament</b>	38 : 54	17 : 75
<b>Government</b>	35 : 59	24 : 66
<b>Judicial system</b>	48 : 47	20 : 73
<b>Trade unions</b>	38 : 48	13 : 64

Source: Eurobarometer 66.

- ii) Although still below the average in the EU 25, during the past five years the only dominant positive attitude is toward the law-enforcing institutions of the army and the police.<sup>8</sup> With the new cabinet (2005) however, the trust in the police shows a downward trend and in the summer of 2006 the proportion is already in favor of distrust. The trust enjoyed by this institution in the period 2001 – 2005 is due not so much to any satisfaction with the actual performance of the police than to the popularity of one of the senior representatives of its professional staff – the ministry's secretary general Boiko Borissov.

**Table 2**  
Attitudes towards the Army and Police (in %)

Army	2000	2001	2002	2003	2004		2005		2006		2007	
	III.	I.	III.	IV.	II.	XII.	I.	VIII.	I.	VI.	III.	IV.
<b>Positive</b>	65	52	73	63	61	72	77	71	66	61	62	59
<b>Negative</b>	21	26	21	30	21	24	20	23	30	33	32	36
<b>N/A</b>	14	22	6	7	18	4	3	6	4	6	6	5

Police	2000	2001	2002	2003	2004	2005			2006			2007	
	III.	I.	III.	IV.	II.	I.	IX.	XI.	I.	VI.	XII.	III.	IV.
<b>Positive</b>	47	40	57	59	57	62	53	52	52	51	52	49	45
<b>Negative</b>	41	50	39	39	32	33	40	43	44	46	43	47	51
<b>N/A</b>	12	10	4	2	11	5	7	5	4	3	5	4	4

Source: Alpha Research Ltd.

- iii) **The government** of the triple coalition (BSP, NMSII, MRF) enjoyed a degree of public support for the first three months of its term of office (2005), after which the positive evaluations of its work dropped abruptly. In 2006 there were several instances of stabilization of the cabinet in the eyes of the public, mostly as a result of the actual membership in the EU and the mobilization around the presidential campaign in the fall

of 2006 when the socialist president got re-elected. The steady trend in the trust in the government is negative, however. The first to withdraw their support were the traditionally leftist segments: the people with the lowest financial and social status who expected that campaign promises would be fulfilled and that their economic situation would improve tangibly. About the middle of the year another substantial

**Table 3**  
Attitudes towards the Government (in %)

	2005			2006									2007		
	VIII.	IX.	XII.	I.	II.	IV.	V.	VI.	VIII.	IX.	XI.	XII.	I.	III.	IV.
<b>Positive</b>	58	45	34	37	34	30	32	31	36	39	43	39	43	38	34
<b>Negative</b>	36	45	58	56	61	63	63	67	62	58	53	56	55	60	64
<b>N/A</b>	6	10	8	7	5	6	5	2	2	3	5	5	2	2	2

Source: Alpha Research Ltd.

<sup>8</sup> In relation to the police, this trend was reversed in the spring of 2008 due to a corruption scandal which led to the resignation of Interior Minister Rumén Petkov.

**Table 4**  
Attitudes towards the President (in %)

	2001	2002		2003		2004		2005		2006				2007		
	XII.	IX.	XII.	IV.	XII.	IV.	XII.	III.	XI.	I.	VI.	X.	XII.	I.	III.	IV.
Positive	59	75	71	67	77	77	78	81	74	78	65	68	74	78	75	76
Negative	32	19	23	23	19	17	14	11	21	16	28	28	22	20	22	21
N/A	9	6	6	10	5	6	8	3	5	6	7	4	4	2	3	3

Source: Alpha Research Ltd.

group of voters – the center-oriented citizens with a better economic status – also withdrew its support for the government due to the absence of consistent and effective governance policies in various sectors. In April 2007 trust in the government of Sergey Stanishev was 34% as against 64% distrust.

#### iv) President:

The current president, Georgi Parvanov of the BSP, is the first to be re-elected for a second term of office. From his inauguration in 2001 to the present he sustained trust levels around 70%. The president is the institution with the highest sustainable approval rate in the country. This is highly significant, because although the Bulgarian president is directly elected by the people the office has no real governing prerogatives. In such a context, the presidency becomes the institutional instrument for the fueling of public sentiments and expectations. Parvanov has made a spectacular use of his office, by engaging mainly into two types of campaigns:

- During his first term in office, he extensively used the concept “social” in his discourse, criticizing the government of not sufficiently developed welfare policies. It is interesting to note that the President has not offered an alternative programme in this area; he has seen his function largely as giving of an authoritative expression of the common sentiments of the voters;

- Since the end of his first term, he has engaged into a mild nationalistic discourse, making alliances with some of the most outspoken nationalist intellectuals. Again, the function of the President has been to vent popular sentiments and to give it an official expression.

#### v) Parliament and the institutions of the judiciary (courts, investigation office, prosecution office):

The attitude to these institutions is not just negative but persistently critical. The on-going negative attitudes toward the judiciary reflect the principal distrust of the citizens to the ability of the institutions to maintain law and order in society, to ensure its stability and to secure everyone’s equality before the law. In this sense the judiciary institutions do not play their role of correcting the errors of the political solutions in the public opinion but appear to be yet another means of providing privileges and impunity for the elite. In April 2007 the parliament enjoyed 76% distrust, while the courts received 75%, prosecutors received 69% and investigators received 71% distrust.

#### vi) Non-governmental organizations:

Distrust prevails in the attitude to the civic sector as well with distrust over 80%. During the past five years the share of positive attitudes toward them has

**Table 5**  
Attitudes towards the Parliament, Courts, Prosecution Office, and Investigation Office (in %)

Parliament	2005			2006								2007	
	VIII.	IX.	XI.	I.	IV.	V.	VI.	VIII.	X.	XII.	III.	IV.	
Positive	44	38	28	24	19	18	18	21	22	20	23	20	
Negative	46	53	68	73	78	78	81	77	75	78	75	76	
N/A	10	9	4	3	3	4	1	2	3	2	2	4	

Court	2002	2003	2004	2005	2006		2007	
	III.	IV.	II.	I.	I.	XII.	III.	IV.
Positive	22	16	17	26	23	21	22	20
Negative	69	79	61	68	71	71	73	75
No response	9	5	22	6	6	8	5	5

Continuation table 5

Prosecution Office	2002	2003	2004	2005	2006	2007	
	III.	IV.	II.	I.	I.	III.	IV.
Positive	18	15	16	23	22	27	23
Negative	70	79	59	69	71	66	69
N/A	12	6	25	8	7	7	8

Investigation Office	2002	2003	2004	2005	2006		2007	
	III.	IV.	II.	I.	I.	XII.	III.	IV.
Positive	25	18	19	27	22	23	25	21
Negative	63	75	55	65	70	66	68	71
N/A	12	7	26	8	8	11	7	8

Source: Alpha Research Ltd.

increased slightly from 4% to 8%, but trust remains at very low levels. The general perception of NGOs in Bulgaria is not as organizations representing the civil sector but as political and administrative creations established with the purpose of utilizing project money from donor programs to the benefit of limited circles (political, economic, etc.).

#### vii) The Church:

During the last year the trust in the church has hovered around 35%. Although scoring relatively well (compared with other institutions), the Bulgarian Orthodox church does not have the strong public influence the church usually has in other European countries. The religiosity level in Bulgaria is traditionally lower than in the catholic states of Central Europe, and considerably lower even compared with other orthodox countries like Russia, Romania and Greece.

#### viii) Political parties

From the beginning of the transition period survey respondents in Bulgaria have expressed consistently low levels of trust toward the traditional parties. It seems that these parties have now been discredited in the eyes of the public after the continuous fragmenting of the party system (especially in the centre-right part of the spectrum), and the emergence of new and increasingly populist political formations.

Nevertheless, in spite of the alienation of the voters, the shrinking influence of the traditional parties and the spread of anti-system messages with strong social reverberation, the majority of the Bulgarian voters (54%) are of the opinion that the political parties are an important element of the modern state. At the same time the criticism to the activities of the existing parties in Bulgaria remains high and therefore a large part of the population (38%) believes they "should be limited".

The large majority of 80% of the voters are convinced that the Bulgarian political parties are unable to handle the state governance. The opinion of low government efficiency is based on the understanding that the actions of the political players are driven by the interest of circles close to the party leaderships.

As a result at the end of 2006 only 33% of the electorate recognized a party that represents their interests. Alienated from the political parties are the representatives of all social and demographic groups. The only exception can be found in the Turkish ethnic community, whose members agree by a proportion of 58% to 38% that a party representing their interests does exist.

The higher the social and economic status of the voters, the stronger is the conviction of defective representation. This trend supports clearly the hypothesis that the "winners" of the transition grow more alienated toward politics than the real or imagined losers. This no doubt has to lead to a degree of radicalization of politics.

In addition to the governance deficiency, other reasons for the growing pessimism come from the perceptions that party leaders have complete control of their parties (50%), and that internal party rules and procedures are being neglected (32%).

In April 2007, GERB—the "newest" wave populist actor—was the only political party for which public trust exceeded distrust, but reflected highly polarized attitudes (46% trust against 44% distrust). The parties in the ruling coalition fell more on the distrust side: BSP at 56%, NMSII at 72%, and MRF at 81%.

The attitude to the centre-right opposition parties was also very negative: UDF at 77%, DSB at 84% and IMRO at 68%. The same trend has also emerged for the nationalist party Ataka, which since its appearance on the political stage until today has sustained steady distrust rates of 72% to 77%.



**Table 6**  
Attitudes towards political parties (in %)

BSP	2001	2002	2003	2004	2005			2006			2007	
	VIII.	III.	II.	IV.	I.	VIII.	IX.	I.	VIII.	XII.	III.	IV.
Positive	29	28	37	38	35	49	41	40	41	44	39	37
Negative	40	63	53	57	55	43	50	48	53	48	54	56
N/A	31	9	10	5	10	8	9	12	6	8	7	7

NMSII	2001	2002	2003	2004	2005		2006		2007	
	VIII.	III.	II.	IV.	I.	IX.	I.	VI.	III.	IV.
Positive	63	33	31	26	32	23	27	18	15	20
Negative	9	57	59	66	59	69	62	75	75	72
N/A	28	10	10	8	9	8	12	7	10	8

MRF	2001	2002	2003	2004	2005	2006		2007	
	VIII.	III.	II.	IV.	I.	I.	XII.	III.	IV.
Positive	37	13	16	18	18	15	13	15	12
Negative	35	76	72	74	72	74	79	77	81
N/A	28	11	12	8	10	11	8	8	7

UDF	2001	2002	2003	2004	2005	2006	2007	
	VIII.	III.	II.	IV.	I.	I.	III.	IV.
Positive	16	18	21	21	18	12	12	15
Negative	54	75	69	73	72	75	79	77
N/A	30	7	10	6	10	13	9	8

DSB	2004	2005	2006		2007	
	IV.	I.	I.	XII.	III.	IV.
Positive	6	9	9	7	5	8
Negative	82	81	80	83	86	84
N/A	12	10	11	10	9	8

Ataka	2005		2006					2007	
	VIII.	IX.	I.	II.	V.	VI.	VIII.	III.	IV.
Positive	21	20	17	19	14	13	16	16	15
Negative	72	73	73	72	80	81	79	77	77
N/A	7	7	10	9	6	6	5	7	8

GERB	2006					2007	
	V.	VI.	VIII.	XI.	XII.	III.	IV.
Positive	46	45	46	48	42	40	46
Negative	42	39	43	37	42	49	44
N/A	12	16	11	15	16	11	10

#### LOW LEVELS OF APPROVAL OF DEMOCRACY AND THE POLITICAL PROCESS

Compared with the initial years of the transition, Bulgarian society has experienced growing doubts regarding democracy as a form of governance. At the end of 2005 only 20% were satisfied with the way democracy worked in their country, while 67% were more or less disappointed.

Open-ended questions used in the “State of Society” survey research conducted in April 2006 (Alfa Research, Ltd.) reveal the common belief of respondents in Bulgaria that the winners in the transition were confined to a limited number of elite social groups:

- The parties, their leaders and their close circles (36%).
- Criminal forces and economic groups (29%).
- The establishment, the former communists (12%).

By contrast, respondents perceived the greatest losers as:

- The ordinary honest people (47%).
- The retired and elderly people, comprising almost one-third of the population– (23%).

Public opinion is generally distrustful, even hateful toward politicians (62%) – an attitude which leads to the criminalization of the political class in the eyes of the public. Bulgarian society thus appears to be caught in a vicious circle since at the same time that Bulgarians loathe their politicians, they also look to politicians for answers, with 60% of respondents agreeing that politicians will shape how they will live in the future.

In the short-term perspective the fears come from the problems of lack of security and due to crime (62% - 63%), natural disasters and epidemics (56%), as well as the difficulties in earning one’s living (54%).

Fear and growing uncertainty logically produces a favourable disposition to more authoritarian (tough hand) methods of governance. Although decreasing from 44% in 2002 to 40% in 2006, this disposition is not uncommon.

The share of the people who support the idea of a radical change in the present form of government is solid (30%), but in spite of the common disappointment democracy is still the preferred choice of the majority of the Bulgarian citizens (59%).<sup>9</sup> Thus, it is important to stress that the crisis of the representative structure of Bulgarian democracy happens after the consolidation of democracy in the country, after democracy has become “the only game in town”. In this sense, populism is part and parcel of the democratic game, although the democracy it leads to might be illiberal, non-pluralist, and ultimately unattractive.

#### LOW LEVEL OF PARTICIPATION IN POLITICS WITH GREATER (AD HOC, OPPORTUNISTIC) MOBILIZATION OF THE “LOSERS OF THE TRANSITION”

The current level of political participation in the country is low both in terms of electoral involvement and all other forms of participation in the political process: protests, public discussions, and party membership, professional and civic organizations.

The passive attitude has significantly increased in the past five years: in 2002 38% of the people said they would do nothing if they were dissatisfied with the government; in 2006 the share reached 52%. The Bulgarian citizens express their preferences for more passive and moderate forms of protests: signed appeals (23%), rallies or marches (21%), or strikes (11%). Only 4-5% of the population demonstrates inclination to more radical forms such as riots or attacks against the parliament or other institutions. Some 10% of the citizens prefer the mechanism of early elections as a form of protest against the government. All this shows, that the rise of populism cannot be interpreted as a popular longing for more participatory democracy: the degree of public apathy is quite high.

#### FALLING TURNOUT IN ELECTIONS

There is a clear tendency towards a decline in voter activity compared with the beginning of the transition,

from 90.6% in the first parliamentary elections of the post-totalitarian period in 1990 to 55.76% in the parliamentary elections of 2005. The first elections for Bulgarian representatives in the European parliament scored the lowest turnout in general elections in Bulgaria’s post-communist history: 28%.

**Table 7**  
**Voter turnout (in %)**

General Elections	Voter Turnout
1990	90.60
1991	83.95
1994	75.18
1997	61.83
2001	66.63
2005	55.76

Source: Central Electoral Commission.

This downward trend in the voter turnout in Bulgaria during the recent years is an indicator of two important social processes:

- Eroding trust in the political parties, as examined above.
- Increasing significance of the illegitimate mechanisms such as organized voting or even vote bribery on the electoral outcome. This process is especially visible in the local elections especially in the small municipalities and in the European parliament elections.. In the latter, the MRF – a party that has fully mastered the mechanisms of organized voting and allegedly vote bribery as well, increased its share of the vote from 12.8% to 20%. This provided MRF with power positions incommensurable with the public confidence in this party.

The majority of the voters who choose not to vote are not the radicals but rather those who are silently dissatisfied with the social status quo, those who are trying to manage their financial situation by doing more than one job, those disappointed with the transition and the politicians in general. These people prefer to have fun watching “reality shows,” which replace their interest in electoral campaign “debates”. This profile is characteristic of more than one-third of the Bulgarian voters and nearly 90% of the

<sup>9</sup> Public opinion is strongly polarized as regards the best road for the development of Bulgaria. The options generating the broadest public support seem to be in conflict:

- On the one hand respondents want to preserve the parliament but to limit its powers and increase the powers of the president (55%).
- On the other hand, respondents see the multi-party system and a democratic parliament as the best form of government (48%).

A good part of the public accepts experts as an alternative to politicians and shares the opinion that the important decisions should be taken by experts and not the cabinet or the parliament. This belief has however similarly eroded in the past few years (from 61% in 2002 to 46% in 2006), and one of the main reasons is the dissatisfaction with the government of Simeon Saxecoburg-Gotha, which incorporated a large number of young experts without any political background.

labor migrants. In Bulgaria these are people with low social status, most often in active working age and especially often young people. They are not interested in politics because they are convinced that politicians are not interested in them. They form a part of the so-called “volatile vote” – people that change their preferences from one election to another or choose to withdraw from the voting process when they cannot recognize a charismatic leader on whom to concentrate their hopes. In the occasions when certain political forces or leaders are charged with very high expectations (1997 the parliamentary vote after the Videnov government, 2001 the entry of Simeon Saxecoburg-Gotha in the political life of the country, etc.) they participate in elections and sharply boost the turnout rate. The volatile vote and the non-voters are like interconnected vessels. Currently the largest parts of them are potential supporters of GERB, partly of NMSII and a broader periphery of BSP. The line between these voters and the radical affiliates of Ataka is very thin. A significant reason for non-voting is the quality of the political life, the “health” of the party that the citizens identify with, and the disappointment with specific leaders or specific policies. As a rule this affects the active voters, those who observe the political process closely and are much more sensitive to the policy-making practices. The most frequent victims of this problem in the past few years have been the parties on the right but as the latest elections for European Parliament this trend has not spared even the relatively disciplined socialist voters.

#### MEMBERSHIP IN ORGANIZATIONS AND POLITICAL PARTIES

The large majority of the population (84%) has no membership in any political or civic organization. During the past few years the membership in political parties has been persistently low, approximately 5% to 6% of the adult population. The membership in other organizations is even lower than the membership in political parties, mostly as a remnant of intense civil society activity from the period immediately after 1989. This membership in modern type organizations is within the range of 1% - 2%:

- Trade unions – 5%
- Interest clubs – 3%
- Sports clubs (including hunting and fishing associations) – 2%
- Chitalishte (community centers) – 2%
- Professional/business organizations – 1%

#### CONCLUSIONS

The material analyzed in the preceding paragraphs suggests the following conclusions:

- Mainstream parties in Bulgaria have converged in substantive terms in their political agenda. They have all come to endorse the “consensus of the transition” period: financial discipline, currency board constraints, privatization and restitution, EU and NATO membership;
- All traditional representative institutions (the legislature, mainstream political parties, except for the presidency) suffer from very low levels of public trust;
- All intermediary institutions – NGOs, professional unions, etc – also exhibit low levels of trust;
- Better-off voters have become more alienated from the political process, while the radicalized have remained politically active;
- There is a sizeable group of “volatile voters”, who are generally passive, but could be activated in particular circumstance.

Against this background we find the rise of populist players who capitalize on the crisis of the mainstream parties and the other representative and intermediary structures.

### MOBILIZATION STRATEGIES AND RESOURCES OF THE POLITICAL PARTIES

This section aims to outline the strategies of successful political players against the background described in the previous section. There is one main hypothesis that we would like to test here: that the mobilization force of traditional left/right political ideologies is declining. The same is true of the other main source of political mobilisation for the parties: patronage (“clientelistic” awards). If both of these are true, what are the alternative resources for parties to encourage political mobilisation and secure loyalty? The hypothesis is that the parties are moving towards identity issues, personal integrity politics, and nationalism as tools for political mobilization.

#### THE DECLINING MOBILIZATION ROLE OF LEFT AND RIGHT IDEOLOGIES

Ideology was a main source of political mobilization until 1997-1999 in Bulgaria. Then, the country was divided along the left-right cleavage, although admittedly it was interpreted in a rather idiosyncratic way: the left was for more gradual market reforms, less privatization, loose financial discipline and the mild reproach to the communist past; the right was about more radi-

cal market reforms, and radical rejection of the communist past. Also, the ideological divide had a foreign policy dimension: the left insisted on the preservation of the ties with Russia, while the UDF insisted on integration in the Euroatlantic structures. The population was divided into two camps – political polarisation ran high. Commentators spoke of the population as divided into two “tribes” having radically different world views.

The tribal division of Bulgarian society along ideological lines found its expression in the sociological profile of the parties as well. The leftist BSP had its supporters among the less educated, less well-off, rural and small town population, while the rightists UDF claimed the votes of the more educated people from the large cities and the capital Sofia in particular.

In 2001 the advent of NMSII to power put an effective end to the mobilization force of ideology as interpreted in the 1990s. Since the BSP and the UDF had already converged on the “transition consensus”, the transition ideology could not distinguish between the two main rivals. This was the start of a protracted crisis among the centre-right political parties, whose agenda was seen by the population as largely fulfilled, or at least shared by all of the main players.

The contraction of the right-of-the-centre parties left ample room for populist players to look for political support. Below we consider the profiles of existing parties in 2007 in order to demonstrate the following points:

- The “left” and the “right” cannot any longer rely on the support of clearly identifiable large groups of the population, but are increasingly forced to compete for the same voters as other political formations;
- The populists are capable of competing with the mainstream parties not only for the votes of the losers from the transition, but also for members of active and well-to-do groups of the electorate;
- There are large groups of the electorate, who shift in their preferences among different political parties.

#### SOCIOLOGICAL VOTERS PROFILE IN 2007

At the moment the parties with the greatest public influence and electoral support nationally are BSP, GERB, MRF, Ataka, UDF, DSB and to some extent IMRO (VMRO).

Regionally there are areas where the social-democratic parties—Bulgarian Social Democracy, Political Movement Social Democrats and the agrarian parties—have measurable support. But their national influence is below 1%.

**Table 8**  
**Sociological profile of voters (in %)**

	Vote by Type of Location:			
	Sofia	Regional centre	Small town	Village
<b>DSB</b>	14.6	4.8	4.0	1.0
<b>BSP</b>	24.5	19.6	24.3	22.3
<b>UDF</b>	8.6	7.2	3.7	2.5
<b>GERB</b>	26.7	32.1	22.4	10.3
<b>NMSII</b>	7.4	8.9	5.5	3.6
<b>Ataka</b>	9.4	14.8	16.6	9.5
<b>MRF</b>	1.0	2.1	13.4	43.5
<b>Other</b>	7.8	10.5	10.1	7.3
<b>Total</b>	100.0	100.0	100.0	100.0

	Vote by Gender:	
	Male	Female
<b>DSB</b>	3.7	4.5
<b>BSP</b>	19.7	23.8
<b>UDF</b>	5.5	4.1
<b>GERB</b>	20.1	22.5
<b>NMSII</b>	5.4	7.1
<b>Ataka</b>	15.3	10.0
<b>MRF</b>	22.0	17.1
<b>Other</b>	8.3	10.9
<b>Total</b>	100.0	100.0

	Vote by Education:		
	Higher / University	High School	Primary and Lower
<b>DSB</b>	7.0	3.3	1.4
<b>BSP</b>	24.3	18.9	24.1
<b>UDF</b>	6.9	4.6	1.5
<b>GERB</b>	26.6	23.9	6.3
<b>NMSII</b>	8.5	6.2	2.4
<b>Ataka</b>	10.7	14.8	10.5
<b>MRF</b>	4.8	18.5	46.6
<b>Other</b>	11.2	9.8	7.2
<b>Total</b>	100.0	100.0	100.0

	Vote by Age Groups				
	18 - 30 yrs.	31 - 40 yrs.	41 - 50 yrs.	51 - 60 yrs.	Over 60 yrs.
<b>DSB</b>	3.5	4.1	4.4	4.4	4.2
<b>BSP</b>	9.5	10.0	14.6	21.7	39.9
<b>UDF</b>	4.7	5.3	5.2	4.8	4.2
<b>GERB</b>	27.9	28.9	25.9	21.9	10.8
<b>NMSII</b>	9.6	7.2	6.7	5.6	3.9
<b>Ataka</b>	10.5	10.9	9.8	15.1	14.2
<b>MRF</b>	27.1	25.6	22.8	15.7	12.1
<b>Other</b>	7.2	8.0	10.6	10.8	10.7
<b>Total</b>	100.0	100.0	100.0	100.0	100.0

Source: Alpha Research, Exit Poll, European Parliament Elections, 20<sup>th</sup> May, 2007.

### *Bulgarian Socialist Party (BSP)*

The BSP is one of the parties with a relatively clear-cut social profile. Traditionally leftists are found among the oldest generations, the residents of the smaller settlements and especially the rural areas, and the people with lower social and economic status.

The socialists' voter periphery is formed of residents of the district centers and better educated and economically more active persons. Significant penetration of the party was registered also in the highest income levels. This is mostly related to the BSP's positions as a ruling party and formed of economic and business circles close to the party representatives.

Socio-demographic profile:

- Villages and small towns. At the EP elections in 2007 the residents of the villages did not turn out at the polls and thus punished their party for the unfulfilled social promises of the government. The passive behavior of this substantial part of the leftist electorate penalized the socialists.
- Those older than 60
- Women
- People with basic and lower education and also with higher education
- Retired, agricultural workers, the unemployed, freelance professionals, private business (partly), mid-level management, administrative officers
- Low to average income groups

### *Citizens for European Development of Bulgaria (GERB)*

GERB identifies itself as a player on the right wing of Bulgaria's political spectrum. GERB is popular in the society as "Boiko Borisov's party", the former secretary general of the Ministry of Interior and mayor of Sofia since end-2005. The party generates support mostly thanks to the popularity of its leader and his acutely (and largely populist) messages against the traditional parties and their government. Borisov is perceived by the majority of the voters as the champion of coveted "stringent measures." In the elections to the European Parliament, the first ones in which the party participated in after its establishment, it won the largest number of votes, equal to 21.6% of those who actually voted.

Being a party without electoral history, the social profile of the voters is not yet established. Since its creation in 2006 it enjoys the affiliation of quite varied social layers, and of the disappointed right and left voters. In its first elections the party got above-average support mostly from the following groups:

- The urban population, especially the district centers and the capital city areas populated by lower-status voters.
- The 18 – 50 age group, particularly those between 18 and 40
- People with secondary and higher education
- Students, non-manual workers, freelance professionals, executive and medium level management
- Average and higher income groups
- Former voters of the parliamentary represented NSMII, UDF, PU and other non-parliamentary parties

### *Movement for Rights and Freedom (MRF)*

MRF appeared as the party of the Turkish minority but has recently claimed a broader social base that includes representatives of other ethnic groups. The surveys and voter analyses show that one of its greatest achievements was the vote of the Roma community in the 2005 parliamentary elections. The formal explanation of this was that MRF has spontaneously won the trust of the Roma community. A more careful analysis of the results from the polls and the vote in typically Roma polling stations however raises questions challenging the formal explanation. Unfortunately it is only possible to judge about the buying of Roma votes (not just by MRF, but especially by it at the last parliamentary elections) by indirect indicators.

A total of 6% of the voters in the country declare that at the 2005 elections they were offered money or gifts for their participation in the elections. This proportion is four times higher in the Roma community where 24% directly admit they received such offers. The financial arguments as the driver of the voting behavior weigh 10 times more in the Roma community, while the opinion of the community leaders weighs three times more.

The analysis of the 2005 parliamentary vote in several cities shows that MRF has increased its electoral weight in the Vidin region by thirteen times (from 1.01% to 13.29%) as a result of the vote at the Roma neighborhood polling stations. In Plovdiv MRF gained a regional seat for the first time, again thanks to the results from the Roma neighborhood of Stolipinovo.

MRF gets above average support from the following groups:

- Villages
- The 18 – 50 age group
- People with basic and lower education
- Representatives of the Turkish and Roma ethnic communities
- Low income groups



### Ataka

Ataka is the first party in Bulgaria to gain parliamentary representation on the basis of radical nationalist messages. Before Ataka achieved its success other political organizations have released messages with nationalist reverberation in the Bulgarian political space, but those were mostly anti-Turkish and anti-Roma orientations. Ataka's phrasing contains a strong ethnic element but it won its seats in parliament mostly in response to its messages for monolith national state of the Bulgarians, against the country's NATO integration, against the sale of land to foreigners etc, which go beyond simple than lack of ethnic tolerance.

In the first elections that it participated and won seats, Ataka scored higher than the average for the country in the districts of Burgas, Veliko Tarnovo, Pleven, Russe, Sliven, Stara Zagora, Sofia district, Shoumen. Those are all areas with concentration of military units where army people, whether active, sacked or retired, affected by the reform live with their families. Ataka's vote does not only boil down to the military but the active support for the party in these districts and the results from the polls show that the radical nationalistic messages reach mostly the social layers living with the feeling of lost social status and experiencing themselves as losers from the reforms, the political system, the country's integration in NATO and the EU, the competitive market environment.

At the elections for European parliament in 2007 Ataka reproduced its vote in the districts where it was strong back in 2005 and at the same time enlarged its influence in the direction of the smaller towns and the older generations.

Ataka gets above average support from the following groups:

- District centers and smaller towns
- The over-50 age group. At the 2005 elections the main electorate of Ataka was formed by the age group 41 – 50 who have now redirected their support to GERB. In the meantime Ataka broadened its support among the older generations that were not aware of it at the time of its first participation in elections.
- Men
- People with secondary education
- Low to average income groups

### National Movement Simeon II (NMSII)

The creation of NMSII in 2001 as a "national movement" and the winning of nearly two million votes (43% of the actual vote) just two months after its emergence determined the characteristics of the movement's elec-

toral profile in its early period – the profile of the "representative" Bulgarian with the respective typical social and demographic features. Like GERB at the moment, at the beginning NMSII did not have a specific social and demographic profile of its voters.

In the six years until 2007 the profile has gradually clarified thanks to two parallel changes. The first change was the shrinking of the party's electoral base. The second change was internal: from a party reproducing the social and demographic features of the Bulgarian society it developed into representation of two relatively well differentiated groups and possessing their own social, value and ideological specificity. The first of these is the nostalgic type for whom NMSII is equal to the king – Simeon Saxecoburg-Gotha – in his childhood, exile and return to the home land. The average age of this group is over 50, its members live mostly in the smaller towns and are politically relatively inactive. The second group consists of a pro-European, globalist and technocrat layer of experts, highly qualified specialists, private proprietors, middle-aged and younger, living in the urban centers. The affiliation with NMSII is neither emotional nor personal. These voters have medium or higher social status and income.

To date, the support for NMSII comes mostly from:

- Sofia and the large city centers
- The 18 – 50 age group
- Women
- People with higher education
- Administrative officers, non-manual workers, representatives of the intellectuals and freelance professionals, private business owners and those in higher management positions
- High income groups

### *The right parties Union of Democratic Forces (UDF) and Democrats for Strong Bulgaria (DSB)*

Since 2001 the leading right-wing party of the transition period – UDF – has suffered the negatives of two key processes. On the one side are the internal party conflicts, and on the other side the continuous loss of public trust.

In 2004 was the latest split when the former UDF leader and Prime Minister Ivan Kostov left and together with a part of his affiliates created the party DSB. The main feature of the centre-right political space in the last six years is its strong fragmentation. The direct result of this process was that the electoral support has considerably shrunk.

This shrinking of the capacity to the hard core affiliates of UDF does not by any means lead to a clear-cut profile. The support still comes mostly from representatives of the high status social layers that in Bulgaria are traditionally positioned in the centre-right political space: freelance professionals, private business owners, young voters, people with higher education. At the same time those are the social layers that have to the largest extent re-oriented their support lately to other parties of the center-right range – NMSII, DSB, and since 2007 GERB.

In 2005 DSB won the affiliations of the more elitist part of the right-wing electorate. At that time the party's voters were characterized by their belief in the classical conservative values.

At the moment UDF receives above-average support from:

- Sofia and the district centers
- The 31 – 50 age group
- People with higher education
- Administration officers, non-manual workers and those in private business
- Medium and higher income groups

DSB derives its electorate from:

- Sofia and the second-largest city in the country Plovdiv
- The over-50 age group
- People with higher education
- Intellectuals, and those in private business
- High income groups

**Table 9**  
**Trends in voting preferences**

	2005			2006								2007		
	VIII.	IX.	XII.	I.	II.	IV.	V.	VI.	VIII.	XI.	XII.	I.	III.	V.
<b>BSP</b>	23.0	25.5	24.3	22.9	23.5	19.4	21.4	21.1	23.3	27.5	25.5	25.3	21.5	18.7
<b>NMSII</b>	12.2	10.8	9.7	9.4	8.6	5.2	4.8	4.6	5.1	3.3	2.8	3.8	2.9	4.7
<b>Ataka</b>	10.3	8.7	7.2	7.9	9.1	6.0	6.0	5.7	4.6	8.9	7.4	7.8	9.1	6.8
<b>MRF</b>	9.3	8.3	6.0	6.5	7.0	7.5	6.7	6.7	6.4	7.1	6.9	7.6	9.3	7.1
<b>UDF</b>	5.2	6.5	5.0	4.5	3.5	4.2	4.0	4.2	4.5	4.1	3.3	3.5	2.1	2.9
<b>BNU</b>	2.8	2.5	1.5	1.5	1.5	1.1	1.1	1.1	0.9	0.6	0.7	0.6	0.2	–
<b>DSB</b>	2.7	3.0	2.9	2.5	2.8	2.4	3.2	3.3	2.3	1.8	1.0	1.1	1.3	2.3
<b>GERB</b>	–	–	–	–	–	14.4	12.4	15.6	14.2	7.8	14.2	13.6	17.4	17.3
<b>Other</b>	1.3	2.2	4.5	5.6	5.6	1.7	2.5	2.6	1.2	3.8	3.9	2.7	2.0	2.4
<b>Non-voters</b>	33.0	32.5	38.9	39.2	38.4	38.1	37.9	35.1	37.5	35.1	34.3	34.0	28.5	37.8

Source: Alpha Research Ltd.

## ELECTORAL DYNAMICS

The electoral dynamics clearly shows that the mainstream traditional parties, who insisted on some programmatic coherence, party loyalty and appeal to left or right ideology are steadily losing ground to ever new populist political players.

For the period between the 2005 parliamentary elections and the present BSP has maintained its electoral support in the range of 18% - 25% of the total number of voters. During the last month before the elections for European Parliament, however, the party's support dropped to 18% of the total number of voters. At these elections the party got just 414,000 votes, which means around 7% of the total number of voters.

The winner of the second largest number of votes in the 2005 parliamentary elections – NMSII – has suffered a steady decline in support ever since the autumn of the same year. From 12% of the total number of voters in the country in August 2005, in January 2006 its support shrank to 9%, and in January 2007 it stood at 4%.

The support for Ataka is influenced by situational factors, mostly related to the aggressive behavior of its leader. Nevertheless from 2005 until the present the nationalists have enjoyed the stable support of some 6% - 7% of the total number of voters. At times of mobilization (like for example before the presidential elections in 2006 when the leader of the nationalists Volen Siderov made it to the final round) its capacity increases to 9% - 10%, and in scandalous situations (again related to the leader) it falls to 4.5% - 5%.

MRF is perhaps the only party whose resource is not influenced by the social processes, trends, or events. The Movement's specific electorate (predominantly Turkish, already with a substantial Roma proportion), and its unique mobilization methods account for its invariable

minimum resource support of 5% - 7% of the total number of voters. Depending on the turnout of the rest of the population, this stable resource has a different relative weight in the final electoral result.

UDF, and the right-wing parties in general, have been progressively losing voters since the 2005 parliamentary elections. At the end of 2005 UDF's electoral capacity stood at 5% of the total number of voters. In 2006 was 4%, and in the first four months of 2007 it fell to 3%. The same erosion pervades the electoral support of DSB: the total share of the party's support was 3%, at the end of 2005 dropping to 2% - 2.5% in 2006 and 1% - 1.5% in 2007.

With its establishment in 2006 GERB made a flying start in Bulgaria's electoral competition. At the time of its creation in April 2006 the party already attracted 14% of the total number of voters, which remained unchanged through the European Parliament elections. The party's support fluctuated only in the period around the presidential elections in 2006 when many voters expected the GERB leader Boiko Borisov to join the race, but he did not.

### **PATRONAGE – ITS RELATIVELY FALLING INFLUENCE**

After ideology, patronage was the second most important resource of the Bulgarian parties in the 1990s. Here we use the term "patronage" broadly to include all practices through which party members and sympathisers gained access to public positions, services or some other form of privilege. In a giant process of transformation from state ownership to private property in the economy, partisan appointments to senior management positions, governing boards, etc. were practically inevitable. In the Bulgarian case (and in South-East Europe in general) opportunities for patronage were even more abundant, because privatisation was delayed, and most of the economy remained in state hands until the end of the 1990s.<sup>10</sup> Apart from the economy, political parties tried throughout the 1990s to gain control over areas such as the judiciary and the public electronic media, which should be free from partisan influence. Towards the end of the 1990s there were strong pressures for the elimination of wide-spread patronage from politics. This pressure came both from civil society actors involved in anti-corruption activities, and from foreign partners from EU, NATO, the Council of Europe, the World Bank, and other. Gradually, patronage came to be seen as an illegitimate and corrupt instrument of politics. This did not mean that political parties abandoned it immediately, but there was an increasing pres-

sure on them to limit it. Some of the Bulgarian political parties, like the MRF and the BSP were more successful in the preservation of patronage practices, partly because they had support in the small towns and villages whose environment is conducive to patron-client relationships. Yet, the persistence of these practices damages the image of these parties, and especially in the case of the MRF is one of the main reasons for the wide-spread public perceptions of corruption in this party. The conclusion is that although patronage practices are still being used, they have become problematic; from being unquestionably an asset in terms of public mobilisation and support, they are becoming a liability.

### **RISING INFLUENCE OF NATIONALISM AS A MOBILISATION SOURCE:**

The upsurge of nationalism in the country began in 2005 when *Ataka* achieved parliamentary representation. *Ataka* is the first party with significant electoral success that builds on nationalistic ideas and rhetoric. Another party that actively exploits the nationalistic rhetoric is IMRO. It has existed since the beginning of the transition as a successor of the IMRO formation, popular around the beginning of the 20<sup>th</sup> century, whose main cause was the fate of Macedonia and the Bulgarians living on its territory. After 1989 the party self-identified as right-wing but not explicitly nationalistic.

After the success of *Ataka* in 2005 a growing number of parties have started involving nationalistic rhetoric in their positions on public issues of importance, without however forgetting their original ideological orientation. This is most evident in the case of DSB and GERB.

There are several major factors that condition the emergence of the nationalistic agenda:

- Disappointment with the traditional parties (described above).
- The integration in EU and NATO (examined below).
- Ethnic intolerance, which is not focused on so much individual members of the ethnic minorities (Turkish, Roma), but rather on their political representation through MRF.

### **THE LINK BETWEEN NATIONALISM AND EUROSKEPTICISM**

The Euro-skepticism of the Bulgarian citizens has an expression in two key points:

<sup>10</sup> Daniel Smilov and Jurij Toplak (eds.), *Political Finance and Corruption in Eastern Europe: The Transition Period*, Ashgate, 2007, pp. 1-33. See also Daniel Smilov, "Structural Corruption of Party-Funding Models: Governmental Favoritism in Bulgaria and Russia", in Stephen Kotkin and Andras Sajo, *Political Corruption in Transition: A Sceptic's Handbook*, CEU Press, 2002.



- The feeling of inferiority among Bulgarians as members of the EU (51%).
- Distrust toward Bulgarian institutions and the belief that they do not defend the Bulgarian national interests in Brussels (52%).

During the entire pre-accession period there was widespread support for the integration of Bulgaria into the EU and NATO. Yet, up to 55% of the adult population (and 75% of the supporters of Ataka) think that the “large states” in the EU see “a rich and prospering Bulgaria” as a real threat. This attitude has its largest support in the capital city and is silently accepted even by the affiliates of the centre-right parties (the main advocates of the country’s Euro-Atlantic orientation).

The main concern of the Bulgarian citizens in the accession process was the feeling of “inferiority” vis-à-vis other members of the EU. Even the supporters of the parties that managed the negotiations with the EU and signed the Accession Treaty categorically defined the negotiations as unfavorable for the country. There is also some support for re-opening particular negotiation chapters. On one of the most painful topics for the Bulgarian society – the Kozloduy nuclear power plant– even supporters of the strongly EU-oriented center-right parties, NMSII (72%), DSB (68%), UDF (67%) were against the closing of the reactors.

The most fervent Euro-skeptics appeared to be the supporters of the nationalistic Ataka party, of whom 42% are against Bulgaria’s membership in the EU (as compared to the country average of 24%), and 31% are of the opinion that they will personally lose from EU membership (as compared to the country’s average of 17%).

#### IDEOLOGICAL PROFILE OF PARTIES MORE PRONE TO THE NATIONALISTIC RHETORIC

**Ataka:** Self-identifying and self-declaring as a nationalistic party, it formed a part of the ill-fated nationalists’ caucus in the European Parliament. Its ideological platform consists of a program document of 20 points whose goal is to achieve a “uni-national, monolithic state”.

**IMRO:** It expresses a more moderate form of nationalism, presented more as patriotism, primarily with regard to the neighboring Balkan countries, MRF’s influence and the Islamic fundamentalism. It identifies itself as belonging to the right wing of the political space and participates in elections in coalition with other right parties. On its own, its electoral influence is around 1%, but it manages parliamentary representation in coalitions with right parties. At the 2005 parliamentary elections it ran with the Bulgarian People’s Union, UFD and BANU. IMRO supports the integration in EU and NATO, and perceives integration as an opportunity for defending the national interests. The party insists how-

ever on equal participation and has declared opposition to the closing of the Kozloduy plant.

**DSB:** This party is part of the right wing of the political space and a member of the European People’s Party. The party platform and the speeches of its representatives combine strong Euro-Atlantic orientation with moderate nationalistic rhetoric, mostly as regards the matters of MRF’s position in the government.

**GERB.** This party self-identifies as belonging to the cente-right of the political spectrum and is a member of the European People’s Party. Yet, it uses nationalistic rhetoric in its criticism of the ruling triple coalition, especially criticizing government inability to defend effectively Bulgaria’s national interests in the European Union.

#### CONCLUSIONS

The parties, which could still mobilise electoral support in Bulgaria, seem to draw not so much on “left” or “right” political ideologies, but on two specific platforms: *nationalism* and *revision of the transition* (involving redistribution of the economic assets). Residual influence derives from other mobilizational resources, such as patronage, vote buying, etc.

The platform of nationalism could be sketched in the following way:

- Growing ethnic intolerance – minorities are responsible for the failures of the transition. This attitude is visible especially in regard to power positions of MRF.
- Inferiority complex – the Europeans are responsible for our failures. Respondents express feelings of inequality between Bulgaria and the rest of the EU member states (51%).
- Distrust toward the Bulgarian institutions and the belief that they do not defend the Bulgarian national interests in Brussels (52%).
- Fervent Euro-skepticism among the supporters of the most nationalist party, Ataka.

The platform of redistribution (transition revisionism) has the following elements:

- The outcome of the transition was unjust.
- It was beneficial disproportionately to the politicians.
- Ordinary people are the losers.
- Sacrifices on behalf of the people are no longer acceptable.
- EU membership should be beneficial to all.
- Some redistribution of the benefits should happen.

## CONSEQUENCES FOR DEMOCRACY AND THE RULE OF LAW

This section explores some of the more lasting consequences of the changes in political competition described above. Of particular interest are those consequences which might pose a threat to liberal-democracy and the rule of law.

The single most important danger in the case of Bulgaria from the rise of populism is the growing use of nationalism as a source of political mobilisation. As shown above, nationalism becomes one of the most important tools for electoral strategists. It has been used not only by radical players such as Ataka, but has been adopted by most of the mainstream parties as well, albeit in milder forms.

Most telling evidence in this regard is the mild nationalistic campaigns carried out under the patronage of the socialist president Parvanov at a time when the presidency remains one of the most trusted political institutions in Bulgaria. A recent example illustrates the point. In the spring of 2007, it surfaced in the media that a Bulgarian art-historian, together with partners from a German university, was organising a conference to discuss parts of the national mythology of Bulgaria – more concretely, the construction in the public mind of the atrocities against Bulgarian rebels in the 1876 uprising. Leaving aside the scientific merits of the whole project, the important for our purposes thing was that most of the political establishment in the country, led by President Parvanov, vehemently criticised the researchers for their “revisionism”, “lack of respect” for the victims of the Turkish oppression, etc. Even representatives of the mainstream UDF – former president Petar Stoyanov – spoke of attempts to “hijack” the “historical memory of Bulgarians – their most precious possession.” All this was a troubling example of the willingness of authorities, officials and party leaders to fan nationalistic feelings. After becoming sidelined due to external constraints on the political process, nationalism has again become the “mainstream,”

The “mainstreaming” of nationalism has direct implications for the protection of liberal rights and freedoms in Bulgaria. It is not the case that the most vulnerable minority – the Roma – has become a target of racists attacks

or that its interests are somehow being threatened. Fortunately, despite Ataka’s racist rhetoric, most of the other parties have resisted this more virulent type of populist nationalism. However, the erosion of the position and rights of other minorities has become evident.

Most importantly, it has become a political fashion in Bulgaria to single out the MRF – the Turkish minority party – as the source of very grave problems for the Bulgarian party system. The party is being accused of being corrupt and clientelistic, much more so than the other parties. Its leader – Ahmed Dogan – is being routinely portrayed as a most skilful politician, managing to manipulate all other parties for the promotion of his personal interests. The party is also regularly being accused of rigging elections, vote buying and discriminating against the Bulgarian population in the regions where it enjoys support.

In 2007, partly in order to punish the MRF, the rest of the parties (against partial opposition from the BSP) introduced in the electoral law a special residency requirement aiming to prevent Bulgarian Turks residing in Turkey from voting in the EU parliamentary elections. The measure ultimately did not achieve its goal, but it demonstrated the willingness of virtually all parties to introduce thinly concealed discriminatory measures against their opponents.

In general, the growth of nationalism has increased the use of appeals to “the people” in politics. Of course, in such a context it is important how the “people” are constructed. It is the primary task of many key politicians – starting from President Parvanov – to impose their construction of this concept on the rest of society. Not surprisingly, some groups are always bound to be excluded. The paragraphs below illustrate this exclusion with the case of a small minority: the Macedonians in Bulgaria.

Bulgaria’s Macedonian population is a case of official denial of their existence as a legitimate minority having rights of assembly and association. From the beginning of the transition Bulgarian authorities have continued to ban the annual meetings of the Macedonians at the monument of one of their revolutionary leaders. The European Court of Human Rights (ECHR) has several times ruled on these and related abuses – the main decision being the Stankov case of 2001<sup>11</sup>, but abuses have

<sup>11</sup> Stankov and the United Macedonian Organisation Ilinden v. Bulgaria (2001)

Boris Stankov is a Bulgarian citizen, born in 1926 and living in Petrich. At the relevant time he was the chairman of a branch of the applicant association. The United Macedonian Organisation Ilinden was founded on 14 April 1990. Its aims, according to its statute and program, were to “unite all Macedonians in Bulgaria on a regional and cultural basis” and to achieve “the recognition of the Macedonian minority in Bulgaria”. Sections 8 and 9 of the statute stated that the organization would not infringe the territorial integrity of Bulgaria and that it “would not use violent, brutal, inhuman or unlawful means”. Every year from 1990 UMO Ilinden tried to organize commemorative meetings, which were banned by the authorities. This case concerned the applicants’ complaints that the members and followers of UMO Ilinden were prevented from holding peaceful meetings on a number of occasions. The Court finds that the authorities overstepped their margin of appreciation and that the measures banning the applicants from holding commemorative meetings were not necessary in a democratic society, within the meaning of Article 11 of the Convention. The Court held by six votes to one that there has been a violation of Article 11 of the Convention.

not been stopped. The reason for this is a certain conception of the “Bulgarian people and nation” which excludes the possibility of ethnic minorities, especially the Macedonian ethnic minorities which the national doctrine considers as Bulgarians. Since most of the political actors in the country stick to this national doctrine, it is very difficult for such minorities to receive redress inside the country. The Constitutional Court in 2000, for instance, banned the political party of the Macedonians (OMO Ilinden PIRIN) on the ground that it presented a threat to the integrity of the state and the nation (in 2006 the ECHR passed a judgement against Bulgaria on this issue as well).<sup>12</sup>

This case illustrates the potential dangers of the sovereignist doctrine of the people. After all “the people” are an ideological construct, which can be exclusive and discriminatory. In all cases this construct could not be really as pluralistic and inclusive as to provide recognition for all minorities and discrete groups. Therefore, the very usage of this ideological construct always carries the danger of marginalising and oppressing particular groups.

Well-established infrastructures of competitive politics might not necessarily be the answer to this type of problem. Sometimes the groups (as in the OMO case) could be too small and insignificant for electoral purposes (the Macedonian party enjoyed the support of a couple of thousand people, which is negligible in electoral terms). Therefore, in such circumstances it is necessary to have oversight bodies and procedures: constitutional courts, ombudsmen, international courts as the ECHR, foreign conditionalities (EU monitoring), etc. The existence of such conditions might reduce the dangers related to the marginalisation and oppression of minorities. In the

Bulgarian case, domestic oversight bodies clearly failed to remedy the situation, and it is only through the pressure of international oversight bodies, that this problem is being gradually and grudgingly eliminated.

Finally, when we assess the dangers from the rising populism we must acknowledge that electoral populism might in certain cases be even beneficial for the party system, leading to certain invigoration. The advent of the NMSII to power, for instance, served such benign purposes, offering a means through which popular enthusiasm was ultimately channeled into the representative structures of Bulgarian politics. Therefore, it is important to examine the factors which facilitated this “channeling.”

The story of the ex-tsar is instructive, because it shows that under certain conditions the political system is capable of enduring successfully the rise of populist heroes who claim to be able to assemble the people through their charisma, historical legacy, etc. It could be argued that the conditions which determined the generally positive impact of people’s direct intervention in the political process in Bulgaria were largely institutional. In short, the infrastructure of competitive politics and the representative infrastructure of the political system was already in place and was functioning rather well in Bulgaria at the time of the return of the former king. This infrastructure gradually absorbed the outburst of popular feelings and affection and channeled these through elections and the formation of a new party.

Parliamentary government in Bulgaria follows the principle of strengthening the cabinet and the executive, popular in western Europe after WWII, and featuring in many post-war constitutions (primarily the German

<sup>12</sup> *Decision 1, 2000 of the Bulgarian Constitutional Court: The constitutionality of OMO Ilinden – PIRIN*

Eight years after the MRF decision, the judges faced a challenge against the constitutionality of a tiny Macedonian party. The challenge took place after the 1999 local elections, in which the party - OMO Ilinden-PIRIN - collected around 2000 votes and managed to win only one mayoral place in a small village. Understanding the issue of the Macedonian national identity may require a long and complex discussion, yet, it is probably not too controversial to say that the modern Macedonian nation appeared only in the 20<sup>th</sup> century on the basis of the Slavic population living between Bulgaria, Serbia, Greece, and Albania. As the local elections in 1999 showed, a small part of the population in southern Bulgaria was willing to identify as Macedonians both politically and nationally.

The challengers in this case argued that the establishment and operation of OMO Ilinden violated Art. 11,4 and Art. 44, 2 of the Constitution, as well as the constitutional principles of the Preamble declaring the duty to protect the Bulgarian statehood and national unity. It was alleged that the party had a “separatist character”, and that its goals ran against the unity of the Bulgarian nation. One argument invoked by the petitioners was that the party was the successor of another Macedonian association OMO Ilinden (formed in 1990), whose goal was the “founding of a Macedonian state through the secession of the Pirin region from Bulgaria”.

The decision was again quite complex, and here we focus only on the central line of reasoning espoused by the judges (Parts III and IV).

First, the judges considered the issue whether the registration of the party violated Art. 11,4 of the Constitution. They held that:

There is no separate Macedonian ethnos in the Republic of Bulgaria. Because of that, the Court does not find evidence that the registration of this organisation violates Article 11,4 of the Constitution and the prohibition to establish parties on ethnic ground.

It seems that at this point the Court had reached the right conclusion for the wrong reason. The logic of this argument advanced an interpretation of Art. 11,4, which is far less justifiable than the interpretation of this provision from the 1992 MRF decision. According to the new reading, Art. 11,4 prohibited *minority ethnic groups* from establishing political parties. However, since there was no Macedonian ethnic group in the country (in the view of the judges), the Court did not find a violation of Art. 11,4 in the OMO case. In contrast, the old interpretation did not enter into the issue of what an ethnic minority party was, or the issue of whether there was a particular minority in the country. Rather, it simply permitted the registration of parties, as long as they were inclusive and did not threaten the constitutional order.

Basic Law, but elements of the strategy can also be found in the Italian Constitution, and the Constitutions of the Fourth and Fifth French Republics)<sup>13</sup>. Sometimes these ideas are grouped together under the heading of ‘*rationalised parliamentarism*’, although there is no clear scholarly convention as to the constitutional techniques and arrangements falling into this category.<sup>14</sup> Most of the techniques are designed to create durable and stable legislative majorities which can form and support a government, through the introduction of rules in areas which have previously been discretionary.<sup>15</sup>

‘Rationalisation’ offers very strong institutional incentives for the creation of stable parliamentary majorities and parties in general, even in political contexts where there are no established, programmatic political parties and democratic traditions. In order to have control over the government, a political actor needs to rely on a strong (parliamentary) party, or a cohesive coalition of parties – an incentive which is largely absent in Eastern European semi- and super- presidential models. Thus, the institutional logic promotes the emergence of relatively strong parties even out of ideologically ambiguous groupings that have simply won a substantial number of votes.

Sometimes rationalised parliamentarism may create “empty shell” parties, waiting and searching for ideological substance. Sometimes the institutional pressure invents fake ideological differences, or amplifies increasingly irrelevant differences. Still, the institutional logic of the regime largely excludes extremist parties from the leverage of government, and creates a system of representation based not on single individuals or ad hoc electoral alliances, but rather on stable and durable parties.

The “rationalised” character of Bulgarian parliamentarism definitely had helped the new National Movement Simeon II to be transformed from a rather random

and haphazard assembly of people attracted by the former tsar into a “normal” political party. The constitutional framework in Bulgaria won its first major victory when Simeon II announced that he would become a Prime Minister, and would govern supported by a coalition controlling the majority in Parliament. In the beginning, he toyed with the idea of a “grand” coalition encompassing almost everybody, but finally settled for a rather commonsensical option: a coalition with the MRF as a junior partner, with two expert ministers from the Socialist party. Thus, the parliamentary logic reinforced itself and cut the ex-monarch’s populist ambitions down to size in order for him to fit the position of a PM in a strong parliamentary democracy. In the new parliament there were governing parties and opposition parties, and this division automatically shaped their different identities.<sup>16</sup>

The example of Simeon II’s coming to power may show that populism in certain cases and under certain conditions may invigorate the political system. The Bulgarian case study raises a more fundamental problem, however. What if such re-invigorations happen two often? After all, in six years Bulgaria has experienced three different populist waves. As it was shown above, one of the most troubling structural results of these waves was the disintegration of the party system and other channels of representation: they have virtually collapsed in something resembling what physics calls Brownian motion.

Thus, the long-term policy question which Bulgaria raises is to what extent liberal democracy could survive without a stable party system. The evidence is that the appearance of ad hoc political players relying on charisma and nationalist rhetoric could fill the vacuum left by the crisis of the mainstream parties. Whether this will be enough for the preservation of liberal democracy in the long run is not readily apparent.

<sup>13</sup> See Joseph Dunner, ‘Stabilisation of the Cabinet System in Western Europe’, *Constitutionalism and Constitutional Trends Since WW2*, ed. Zurcher, 1951.

<sup>14</sup> The coinage of the term is often attributed to Boris Mirkine-Guetzevitch, *Les nouvelles tendances du droit constitutionnel*, second edition, Paris, 1931. For an introduction to ‘rationalised parliamentarism’ in Eastern Europe see Evgeni Tanchev, *Parliamentarism Rationalised*, East European Constitutional Review, winter 1993.

<sup>15</sup> The paradigmatic example of such a technique is the German ‘constructive vote of no-confidence’, which is designed to prevent parliamentary crises by combining the voting of a chancellor out of office with the appointment of a successor. Rationalisation of parliamentarism concerns many areas of constitutional law, but mostly: a) the electoral procedures (introducing legislative thresholds for avoiding fragmentation of parliament, prohibiting dissolution of parliament and new elections in certain cases, limiting the discretion of presidents and executives to dissolve the parliament and call elections, etc.), b) the process of formation of cabinet (limiting presidential discretion in the appointment of the prime minister, speeding up and facilitating the procedure, etc.), c) the accountability process (limiting the possibilities of voting no confidence in the government), and d) the legislative process (ensuring the dominance of the parliamentary majority and the cabinet in the production of legislation, and limiting the influence of the president, the opposition, or individual members of parliament).

<sup>16</sup> This development has some implications for the theoretical argument in favour of parliamentary government v. presidentialism, super-presidentialism, or semi-presidentialism in Eastern Europe. The Bulgarian experience shows that the “logic” of parliamentarism stimulates the creation of big and relatively stable parties even in societies with no established democratic traditions, in which the ideological identification of the major political players is problematic. This was the situation in 1991, when the new Constitution created *ex nihilo* a party system with two sufficiently strong major parties which gradually established their identities along the left-right political axis. For the purposes of this paper, it is important to stress that the “rationalised” form of parliamentarism has the potential to channel popular energy, and has the potential to transform the direct interventions of the people in politics to invigorate representative democracy.



## RESPONSE

The Bulgarian case study suggests that there are forms of populism which are benign and quite common for the political process in democracy: these could be called “soft populism”. The major feature of this “soft populism” is that it is a challenge to the existing system of representation and mainly, to the existing party system. Definitely, the case study suggests that the Bulgarian representative democracy is under a severe pressure from ever new populist players.

Soft populism is a signal of a crisis of representation: it thrives on popular perceptions that the established parties are corrupt, that they form cartels and are alienated from the people, that they are too ideological, and so on and so forth. The “answer” presented by this type of populism is a new party which will improve the representation of the people, because this party, for instance, is less corrupt, or provides better leadership, either through a more sophisticated system of governing bodies, or through a charismatic leader. Sometimes the soft populist party could simply claim that it is more pragmatic than its opponents, and that because of this it better represents the interest of the people as a whole.

Policy responses to the “soft” variety of populism need to be focused on the rethinking of the role of the parties in representative democracy. Apparently, these are the “weakest link” in contemporary democracy, and they have suffered most of the loss of confidence in representative structures. In Bulgarian context, there are generally two alternative strategies to the problem of loss of trust in political parties:

The first strategy is to establishing institutional hurdles to new players and increase advantages for the established parties:

- i) Hurdles to new players could include the implementation of a majoritarian electoral system and tighter requirements for registration of a new political party and party lists in elections;
- ii) Advantages to existing players could include increased state funding for the parliamentary parties, introduction of state funded party foundations and institutes, party programmes of political education, more benefits in terms of recreation and education for party members, institutionalized relationships between parties and trade unions and employers’ organizations, etc.

The second strategy is more ambitious. It tries to imagine a new role for political parties in liberal democracy.

For instance, consider the possibilities of turning the parties into electoral instruments through a variety of means:

- i) Internal democracy procedures could include primaries, shorter mandates for the party leadership, etc.
- ii) E-democracy could secure a direct link between the voters and the government through the usage of new modes of communication (the internet).
- iii) Lotteries and other alternative methods for candidate selection could decrease the amount of leadership discretion in the choice of candidates.

Aside from “soft-populism,” however, there are more dangerous forms of the phenomenon. The so-called “hard populism” is characterized by more severe threats to the constitutional framework: not only the existing structure of representation is challenged, but also some of the fundamental principles of liberal democracy, such as the protection of individual and minority rights, etc. Again, there are two policy approaches to the fight of this type of more virulent populism. The first is the approach of *militant democracy*, which was pioneered in Germany. Karl Loewenstein in the 1930’s advocated the idea that democracy should not be neutral (in the sense that the Weimar Republic was neutral to different types of political parties and their ideology), but should defend its own principles.<sup>17</sup> The important for our purposes point of the militant democracy doctrine is that it is a *preventive* doctrine: it asks the state to act (long) before actually a crime has been committed or some danger has become imminent. The second approach, we could call the “American” approach of “clear and present danger” by reference to the standard, which is used by the US Supreme Court. This doctrine requires *imminence* of the danger: the state does not act long before the actual threat occurs (like in the case of militant democracy), but waits until the danger is imminent, and the threat is almost unavoidable.

Probably, even in the case of “hard populism” it is best whenever possible to avoid the employment of legal measures and restrictions. The first strategy of choice should be the strategy of incorporation of the populists in democratic politics. Of course, this incorporation could be accompanied by avoiding coalitions with such parties or other collaborative activities. In this sense, it is surprising how quickly Bulgarian political parties started forming coalitions with the “hard populist” Ataka: this trend was particularly visible after the local elections in 2007, when Ataka entered the local legislative councils in many big cities. Of particular concern is the coalition between “soft” (GERB) and

<sup>17</sup> Karl Loewenstein (1937), *Militant Democracy and Fundamental Rights*. 31 *American Political Science Review* 417, 638.

“hard” populists in the cities of Plovdiv, Burgas, and others.

If the political measures are not sufficient to alleviate the dangers of “hard” populism, then the more restrictive legal measures could be employed. Fortunately in the case of Bulgaria this remains a hypothetical since Ataka has thus far been effectively contained by political means. Yet, if it is necessary to impose legal measures against populists, it should be said that the “clear and present danger” approach is definitely more liberal, and provides less opportunities for abuse than the “militant democracy” doctrine.

Populism in Bulgaria has had already one already visible impact on Bulgarian politics: this is the “mainstreaming” of nationalism. This is a dangerous trend about which civil society and the liberal players in it should be alerted. For the present moment, close monitoring of the ongoing processes and public reactions to them is probably all that it is needed. From this perspective, however, a particularly worrisome development was the failure of liberal-minded intellectuals to publicly resist the nationalistic outbursts of Bulgarian politicians during recent scandals over symbolic issues and the interpretation of national history.

# HUNGARY

Renata Uitz<sup>1</sup>

It is a challenging task to assess traces of populism in Hungarian politics, especially for a comparative study which focuses on post-Communist democracies. Unlike in various other countries, currently there are no stricto sensu 'hard' populist parties in parliament or in the government in Hungary. The Hungarian constitutional system is a stable parliamentary regime, where the opposition has a strong position. The Hungarian party system is well known for its stability: all current parliamentary parties have been around since the time of the Round Table Talks. This party stability is accompanied by the stability of major constitutional institutions and a relatively low interest (and participation) in politics. Nonetheless, the political sphere is markedly polarized, the language of politics is often focused on the search for political enemies and consensus-seeking is low. The polarization of elite politics is also mirrored in social polarization, lack of trust in political institutions and in political parties, and political participation is moderate at best.<sup>2</sup>

The party system gravitates around two large players: MSzP – the Hungarian Socialist Party (*Magyar Szocialista Párt*) which is a successful offspring of the reform wing of the Hungarian Socialist Workers' Party, and Fidesz-MPSz – the Alliance of Young Democrats – Hungarian Civic Alliance (*Fiatal Demokraták Szövetsége – Magyar Polgári Szövetség*),<sup>3</sup> a conservative

party on the right side of the political spectrum. In addition, two smaller parties are present in parliament: on the liberal side SzDSz – the Alliance of Free Democrats (*Szabad Demokraták Szövetsége*) and on the moderate conservative side MDF – the Hungarian Democratic Forum (*Magyar Demokrata Fórum*). While the smaller parties remain identifiable by some classic substantive agenda items, the difference between the two larger parties is primarily due to historical and cultural factors and has little to do with their social or economic policy aspirations.<sup>4</sup>

Smaller political parties with strong populist inclinations have disappeared from the Hungarian scene. The true agrarian populist FKGP – the Independent Small Holders' Party (*Független Kisgazda Párt*) led by József Torgyán used to be the third largest political force in the mid 1990's. Yet, in the war for the strongest center-right position this party disintegrated during its participation as a coalition partner in the 1998-2002 parliamentary term, in the Fidesz-lead coalition government.<sup>5</sup> The right wing radical populism of MIÉP – the Hungarian Truth and Life Party (*Magyar Igazság és Élet Pártja*), a party which broke away from MDF in 1993 under the leadership of István Csurka (the 'Hungarian Le Pen') has never had voter support similar to FKGP, although the party made it to parliament in 1998. In the 2002 elections it could gain enough sup-

<sup>1</sup> The report greatly benefited from the impeccable research assistance and expertise of Gábor Kajtár and owes a lot to the insight of an anonymous reviewer to whom I remain grateful. I remain responsible for all mistakes and misunderstandings appearing in the report. Unless otherwise noted, all translations from the Hungarian are mine. All websites referred to in the paper were last visited on July 2, 2007.

<sup>2</sup> The stability of the Hungarian political system does not depend on the intensity of voter participation. András Körösiényi – Csaba Tóth – Gábor Török (eds.) *A magyar politikai rendszer* (The Hungarian political system) (Budapest: Osiris, 2005) at 51.

<sup>3</sup> The name "Fidesz-MPSz" was introduced in 2003. In 1995 Fidesz amended its name to Fidesz – MPP – the Alliance of Young Democrats – Hungarian Civic Party (*Fiatal Demokraták Szövetsége – Magyar Polgári Párt*), when giving up on its liberal orientation and seeking to establish a position on the right side of the political spectrum. On this development see András Körösiényi – Csaba Tóth – Gábor Török (eds.) *A magyar politikai rendszer* (The Hungarian political system) (Budapest: Osiris, 2005) at 172 et seq. An earlier edition of this book is available in English as András Körösiényi, *Government and Politics in Hungary*, trans. Alan Renwick (Budapest: CEU Press, 2000).

<sup>4</sup> Róbert Angelusz – Róbert Tardos, „A választói tömbök rejtett hálózata,” (The hidden network of electoral clusters), 65-160, in: Róbert Angelusz – Róbert Tardos (eds.) *Törések, hálók, hidak, Választói magatartás és politikai tagolódás Magyarországon* (Cleavages, Nets, Bridges, Voter behaviour and political process in Hungary) at 84. Gábor Tóka notes that party preferences had less to do with ideological factors already in the first democratic elections, and depended on the role various parties played in the early days of transition. See Gábor Tóka, „A törésvonalak, a pártok és az intézményrendszer” (Cleavages, parties and institutional arrangements), 243-322, in Angelusz – Tardos, *Törések, hálók, hidak*, at 252. Tóka also finds that the relationship between economic status and party preferences is weak in Hungary. In Gábor Tóka, „A magyarországi politikai tagoltság nemzetközi összehasonlításban” (Hungarian electoral alignments in international comparison), 17-64, in Angelusz – Tardos, *Törések, hálók, hidak*, at 59.

<sup>5</sup> FKGP was founded by Smallholder veterans who participated in the old Smallholders' Party before 1948. The modern FKGP was often described as a protest-party: the right-wing opposition of the center right government. For a brief history of the FKGP see Körösiényi – Tóth – Török: *A magyar politikai rendszer* at 192-194.

port to return to parliament and has been on the margins of politics ever since.<sup>6</sup>

The party which has consistently relied on populist rhetoric since its successes as a conservative catch-all party is Fidesz.<sup>7</sup> Becoming increasingly leader-centered and clearly capitalizing on the charisma of its leader, Viktor Orbán,<sup>8</sup> Fidesz succeeded in polarizing the political sphere in an ‘us against them’ fashion, constantly questioning the legitimacy of the transition elites and constitutional arrangements resulting from the transition compromises.<sup>9</sup> Already during its 1998–2002 term, Fidesz made attempts to conduct public affairs outside the confines of constitutional structures and institutions. The parliamentary elections followed an unusually divisive electoral campaign with thus far unprecedented political mobilization facilitated by FiDEsz. Following its narrow defeat in the most acrimonious parliamentary elections of 2006, Fidesz retained all opportunities to engage in politics outside the constitutional framework: as the senior opposition party it uses prominent occasions to refuse to participate in institutionalized political procedures (e.g. parliamentary work) and challenges government actions and policies by reaching directly to the people through symbolic acts and referendum initiatives.<sup>10</sup>

The emergence of populism as a style of political communication is one of the many ills the Hungarian democracy has to face and handle after five successful democratic elections, and is definitely not the greatest threat on the Hungarian political horizon. The low level of trust in fundamental constitutional institutions, economic problems (including high inflation, a sizeable budget deficit and a high unemployment rate), and a lagging, highly contentious, and unpopular health care reform are

among the most serious substantive problems to tackle. The reason why the Hungarian genre of populism is nonetheless worthy of attention is its indirect impact on the operation of constitutional (public) institutions. Such an inquiry reveals that even though Hungary presents the façade of a stable constitutional institutional framework accompanied by a party system which is not disrupted by new parties, Hungarian public discourse has been captured by issues and rhetorical methods produced by populist issue-manufacturers. As a result, serious deliberation on other matters of public concern is replaced by a rhetorical fireworks, display of symbols and empty slogans. The language of public discourse has been slowly impoverished as it has been replaced by designer messages tailored toward eligible voters tamed into consumers of post-modern infomercials. As a result, the transforming discourse space is increasingly incapable of functioning as a forum for deliberation on matters of public concern, and consequently, as a check on the operation of the political branches. It would certainly be unfair, and even inappropriate, to suggest that Hungarian political parties on the left do not engage in attempts with the aim of ‘pleasing the masses,’ which draw on the toolkit of populist rhetoric. Nonetheless, it is the populism of political parties and movements on the right side of the political spectrum which triggers alarm.<sup>11</sup>

## BACKGROUND CONDITIONS

There are a few factors in the history of transition to democracy, which are relevant for explaining the nature

<sup>6</sup> For a brief history of MIÉP see Körösnéyi – Tóth – Török, *A magyar politikai rendszer at 196–197*. MIÉP’s voter base is closely linked with a narrow subculture. MIÉP claimed to represent low-income, marginalized elements, although the sociological make up of its voters does not match this claim. On the relationship of MIÉP and the Fidesz-led governing coalition see András Bozóki (with Borbála Kriza) in András Bozóki, *Politikai pluralizmus Magyarországon (Political pluralism in Hungary)* (Budapest, Századvég, 2003) at 506–511. Bozóki and Kriza mention that polling outlets have not been able to obtain reliable data on MIÉP and its supporters ever since the party left parliament, as MIÉP supporters are instructed not to trust pollsters and refuse to cooperate with them. Id at 511.

<sup>7</sup> See e.g. Bozóki, *Politikai pluralizmus*, at 492 et seq. summarizing the main features of Orbán’s and Fidesz’s populist behaviour. Fidesz’s political career is described in English from a perspective which is highly relevant for the present paper in Zsolt Enyedi, „Cleavage Formation in Hungary: The Role of Agency,” paper for ECPR Joint Sessions 2003 (Edinburgh), Workshop 19 *Cleavage Development: Causes and Consequences*, at 13 et seq.. The paper later appeared as Enyedi, Zs. 2005. *The Role of Agency in Cleavage Formation*. *European Journal of Political Research*, 44: 697–720. References are to the earlier draft of the paper available at <http://www.essex.ac.uk/ecpr/events/jointsessions/paperarchive/edinburgh/ws19/Enyedi.pdf>. The repositioning of Fidesz is also reflected in its international relations: while in 1992 it was eager to join the Liberal International, it left in 2000, and joined the European People’s Party in 2001. Fidesz’s international connections are close with CSU and Berlusconi.

<sup>8</sup> On this see e.g. Körösnéyi – Tóth – Török: *A magyar politikai rendszer* at 617.

<sup>9</sup> The main slogan of Fidesz for the 1998 elections was „more than a change in government – less than a regime change” (több mint kormányváltás, kevesebb mint rendszerváltás).

<sup>10</sup> For an important analysis in English see László Kéri, “Hungary after the 2006 Elections: Still Waiting for a Solution,” in: Martin Bútor, Olga Gyárfášová, Grigorij Meseznikov and Thomas W. Skladony (eds.), *Democracy and Populism in Central Europe, The Visegrad Elections and Their Aftermath* (Institute for Public Affairs, 2007), 99–108.

<sup>11</sup> Note that when used in its ordinary sense in or about Hungarian public discourse, the adjective “populist” carries with it a rightist flair. This phenomenon is perfectly reflected in an interview with Fidesz’s László Kóvér, in *Magyar Hírlap*, January 23, 2007, at [http://www.magyarhirlap.hu/Archivum\\_cikk.php?cikk=119445&archiv=1&next=0](http://www.magyarhirlap.hu/Archivum_cikk.php?cikk=119445&archiv=1&next=0).



of reactions to politics, and participation in democratic politics and public affairs in present day Hungary. Transition was brought by predominantly via negotiations in a relatively peaceful manner in Hungary.<sup>12</sup> During the last years of the Communist regime, opposition and alternative voices appeared in print (*samizdat*) and became visible in the form of public demonstrations organized on symbolic days of commemoration. One of these symbolic days is March 15, the anniversary of the eruption of the 1848 revolution; another is October 23, the anniversary of the 1956 revolt. With the melting of the Communist regime on these symbolic days smaller groups of dissenters met at symbolic public places of commemoration.<sup>13</sup>

While police action was significant and at times bloody, by the end of 1988 one may describe the action between the protesters and police as a tense but not altogether brutal encounter. The task of the police was limited to dispersing the crowd, collecting the organizers and confining them for a few hours and ID-ing other participants on the scene of the events.<sup>14</sup> The growing number of participants at these illegal public demonstrations, however, was worrying for the Communist political elites in itself. It was against this background that the Communist parliament passed legislation on freedom of association (Act no. 2 of 1989) and freedom of assembly (Act no. 3 of 1898) in early January of 1989. With these short statutes the Communist parliament legalized dissenters' organizations and the operation of alternative movements.<sup>15</sup>

Several historic parties announced their intent to re-organize themselves under the association law, such as the

Independent Small-holders Party (*Független Kisgazdapárt* or FKGP), the Hungarian Social-democratic Party (*Magyar Szociáldemokrata Párt*) and the Hungarian Peoples' Party (*Magyar Néppárt*). New parties in formation included the Hungarian Democratic Forum (*Magyar Demokrata Fórum* or MDF), the Alliance of Free Democrats (*Szabad Demokraták Szövetsége* or SzDSz) or the Alliance of Young Democrats (*Fiatal Demokraták Szövetsége* or Fidesz).<sup>16</sup> The assembly law made holding an assembly in a public place subject to a prior notification requirement and did not foresee spontaneous public assemblies. (This is only worth noting since the shortcomings in these laws from early 1989 are still in force and perpetuate problems.)

In the Hungarian transition canon, the commencement of transition to democracy is fixed at the Round Table Talks of 1989. The Talks brought together three sides: the Hungarian Communist Workers Party (MSZMP – or Communist Party),<sup>17</sup> the Opposition Round Table and the so-called Third Side.<sup>18</sup> While there is no room here to give a detailed account on the workings of the national Round Table Talks, it is important to highlight some of its basic features which left their marks on the political culture of the new regime. At the national Round Table Talks the alternative or opposition forces were grouped together on the side of the Opposition Round Table, which was formed on March 22, 1989.<sup>19</sup> The Opposition Round Table was comprised of all major political parties – with the obvious exception of the Hungarian Socialist Party (*Magyar Szocialista Párt* or MSzP) – which have been influential in post-communist Hungarian poli-

<sup>12</sup> The Round Table Talks of Poland were a clear inspiration. The interaction between Polish and Hungarian opposition intellectuals is well documented.

<sup>13</sup> Note that it was already a sign of a change of times that the commemoration events moved from private apartments to the street.

<sup>14</sup> A useful source on these public demonstrations is the video journal of the Black Box Studio (*Fekete Doboz*) entitled *Magyar Változások* (Hungarian Changes) which is an edited documentary journal composed of footage recorded by concealed cameras at these events.

<sup>15</sup> Note, however, that criminal provisions penalizing the expression of political dissent were removed from the Criminal Code only as a result of the Round Table Talks.

<sup>16</sup> Political formations and parties which subsequently played a significant role in post-communist politics will be identified with their standard Hungarian abbreviation.

<sup>17</sup> MSZMP has never been formally outlawed in Hungary. The present day Hungarian Socialist Party [Magyar Szocialista Párt, commonly abbreviated as MSzP] referred to in the text is the offspring of the Communist Party, formed during the regime change. MSzP was elected to the first democratically elected parliament in 1990. It subsequently became a governing party in 1994 and also in 2002 and in 2006 (forming a coalition with a small liberal party, Free Democratic Alliance [*Szabad Demokraták Szövetsége*, or SzDSz]).

<sup>18</sup> The minutes of the Round Table Talks were edited and annotated in a major, multi-volume publication: *A rendszerváltás foratókönyve. Kerekasztal-tárgyalások 1989-ben* [The Script of Transition, Roundtable Talks in 1989]. Ed. András Bozóki et al. (Budapest: Új Mandátum Könyvkiadó, 2000).

<sup>19</sup> The founding members include the Friends of Endre Bajcsy Zsilinszky (Bajcsy-Zsilinszky Endre Baráti Társaság), the Alliance of Young Democrats (Fiatal Demokraták Szövetsége or Fidesz), the Independent Small-holders Party (Független Kisgazdapárt), the Democratic League of Independent Unions (Független Szakszervezetek Demokratikus Ligája), the Hungarian Democratic Forum (MDF), the Hungarian Peoples' Party, the Hungarian Social-democratic Party, and the Alliance of Free Democrats (SzDSz). Subsequently the Christian Democratic Peoples' Party (Kereszténydemokrata Néppárt or KDNP) joined the Opposition Round Table. Note also that the current Hungarian political system carries a deep-seated legitimacy problem: political parties which participated in the Opposition Round Table volunteered for this role and did not have democratic legitimacy.

<sup>20</sup> Fidesz was elected into the first parliament in 1990. In 1998 received the largest number of seats in parliamentary elections and was the senior member of a coalition government formed together with the Independent Small-Holders Party and the Hungarian Democratic Forum as junior members. Recast as Fidesz - Magyar Polgári Párt (Fidesz - Hungarian Civic Party), it is the major conservative force in Hungarian politics, serving in the 2002 and also in the current parliament as the largest opposition force.

tics, such as MDF, Fidesz,<sup>20</sup> SzDSz, FKGP and KDNP. Indeed, the surviving parties of democratic transition still dominate parliamentary politics. The stability of parliamentary parties and the scarcity of newcomers is due to the particularly complex election regulation which makes entry into parliamentary politics difficult and expensive.<sup>21</sup> The positioning of these parties on a left/right, conservative/liberal continuum and their comparative political weight did unquestionably change, and so did the parties' voting bases. Still, compared to other post-communist democracies, the Hungarian party system is unusually stable.

The results of the negotiations reached at the national Round Table were passed into legislation by the last Communist parliament. The most important piece of lawmaking from this procedure is a whole-scale amendment to Act no. 21 of 1949, a statute which has served as the constitution of Hungary ever since.<sup>22</sup> The introduction of the new constitutional system was announced on October 23, 1989 and the first democratic elections followed in the spring of 1990. Since then Hungary has witnessed regular democratic elections in 1994 (parliament with a MSzP majority), 1998 (Fidesz-led coalition government), 2002 and 2006 (MSzP – SzDSz coalition governments both times).

The charter on the new government reflects the fears and expectations of the participants. It granted strong participatory rights granted to the parliamentary opposition, and the consensus building mechanisms encoded in this constitution were inspired by the conviction that the emerging alternative forces would not win the first free elections but would get into parliament. Likewise, the final agreement on the powers of the president reflects reform Communist Imre Pozsgay's aspirations for this office. In addition, several other rules on institutions and

their membership were drafted with an eye on potential office holders.<sup>23</sup>

While laying the foundations of an operational constitutional democracy the Round Table Talks did not address a number of problems which any democratically elected government was to face.<sup>24</sup> For instance, the new constitution included a very generous set of social-welfare (socio-economic) rights, yet, the reconstruction of the social-welfare sector (including education, health care, pension and other welfare benefits) was not an issue at the Talks. Another issue which was not discussed in sufficient detail and in proper seriousness was the fate of the communist secret services, the management of their files and the fate of their personnel and associated networks.<sup>25</sup> The issue of access to former secret police files which allows meaningful access both for victims and for researchers was more or less resolved after many bills and laws in 2003 (Act no. 3 of 2003). Due to the weaknesses of the lustration law and the half-hearted reform of the secret services, agent scandals have continued to surface.<sup>26</sup> While freedom of expression was an issue at the Round Table talks, no comprehensive agreement was reached on the regulation of the electronic media space – an omission of great future significance.

## CONSTRAINTS ON DEMOCRATIC POLITICS

### CONSTRAINTS ON DOMESTIC POLITICS: EXTERNAL CONSTRAINTS

Since turning into a constitutional democracy, Hungary has become a member of the Council of Europe (1990),<sup>27</sup> OECD (1995), NATO (1999)<sup>28</sup> and the European Union

<sup>21</sup> The chances of small parties (parties with weaker voter support) for getting into parliament are severely curbed by the 5 cent threshold. It restricts mandates received from regional and national lists to those parties which received at least 5 per cent of all valid votes cast for regional lists. On the operation and constitutional justification of the threshold in Hungary see László Sólyom, *Pártok és érdekszervezetek az alkotmányban* (Parties and interest groups in the Constitution) (Budapest: Rejtjel, 2004), paras. 103-105 at 113-116.

In Hungary not only parliamentary parties receive funding from the central budget.

<sup>22</sup> Several major amendments were passed in the meantime, yet, a new constitution has not been passed.

<sup>23</sup> One example here is the newly established Constitutional Court.

<sup>24</sup> According to Rudolf Tőkés the main aims of the Round Table Talks were (1) to secure a peaceful institutional transition and (2) to empower citizens' political participation, while ensuring that non-elites will not take to the streets. In Rudolf L. Tokes, „Political Transition and Social Transformation,” 113-130, in: Antal Braun and Zoltan Barany (eds.) *Dilemmas of Transition, The Hungarian Transition* (Rowmann and Littlefield, 1999) at 177.

<sup>25</sup> It is now known that key figures of the fledgling political opposition had been under secret police surveillance during the last days of the communist regime, and it is suspected that some of them were under surveillance even during the Roundtable Talks. Still, while the rightful owners wanted their confiscated copies of samizdat literature back, along with the printing press that had also been seized by the authorities, extinguishing the state security services and opening their archives was not a key item on the agenda of the makers of democratic transition in 1989. The Opposition Roundtable pointed out the need for a reorganization of the communist secret services, a suggestion that was rejected both by the Communist Party and by the Third Side at the national Roundtable Talks. In the end, the shutting down of the communist secret services was not made into an opposition demand at the Roundtable Talks.

<sup>26</sup> The first scandal about the illegal operations of the communist secret services erupted as early as in December, 1989, after the declaration of the republic but before the first democratic elections.

(2004).<sup>29</sup> Membership applications, and EU accession negotiations in particular, imposed numerous constraints on domestic political players in terms of policy orientations. Nonetheless, domestic political players preserved considerable leeway in selecting or fashioning instruments for achieving these policy objectives. The present paper certainly cannot provide a comprehensive overview of all such external constraints and of the room for domestic maneuvering. The examples below were selected not only because of their domestic political significance, but also because they are believed to be illustrative of some of the trends and problems which are in the focus of the broader project.

NATO membership had great symbolic importance, as it entailed not only leaving the Warsaw Pact but also the end of Soviet military presence in Hungary, and a move towards the West. The withdrawal of Soviet troops temporarily stationed in Hungary since the end of WWII was a deeply emotional and symbolic matter with considerable practical significance. Initially, Soviet military presence was justified in Hungary by the need to ensure supply routes for Soviet troops stationed in Austria. This reason, however, became obsolete after 1955 when the Austrian State Treaty was signed. The creation of the Warsaw Pact in 1955 is largely seen as an attempt to legitimize the ongoing stationing of Soviet troops in Hungary. Key Soviet military bases were established in major cities, but not in Budapest). These troops then gained notoriety with their intervention in the 1956 revolt.<sup>30</sup>

The withdrawal of Soviet troops has been an important item on the agenda of dissenters and not surprisingly became a highly visible issue before the first democratic elections.<sup>31</sup> The agreement on the pullout was reached on

March 10, 1989 between foreign ministers Gyula Horn of the Hungarian Socialist Workers' Party<sup>32</sup> and Eduard Shevarnadze, only shortly before the first democratic elections and without settling the costs of the pullout. Soviet troops started leaving Hungary on March 21, 1990. Soviet military presence ended officially on June 30, 1991. One of the most canonical political posters in the iconography of Hungarian democratic transition shows the back of the neck of a Soviet official under the title "Tovarishchi – konyets. (Comrades – the end came)"<sup>33</sup>.

One important practical dimension of Soviet military presence at the time of transition was the riddle of what types of arms were stationed on the territory of Hungary at Soviet military bases, with special attention to whether the arsenal included nuclear weapons. The other, more lasting impact is directly and indirectly associated with the costs of the troop withdrawal. It was already a problem that the agreement on the withdrawal did not settle costs, and it did not help that very often troops left barracks and buildings in despicable shape. In addition, unimaginable heaps of often hazardous waste were scattered around the country causing tremendous environmental damage. Even today, Hungarian – Russian relations are easily strained by the mention of this period of common memories.<sup>34</sup>

As another dimension, military premises left by Soviet troops turned out to be perfect scenes for the most profitable illegal industry of the early 1990s, the so-called oil bleaching. The term oil bleaching stands for a relatively simple chemical intervention via which artificially colored heating oil (that was heavily subsidized by the state at the time) was turned into a suitable substitute for

<sup>27</sup> The official date of accession is November 6, 1990. See also Act no. 71 of 1991.

According to Bennett Kovrig a major reason of the outgoing Communist government for filing an early application for Council of Europe membership was the fear for the rights of Hungarians living abroad. In Bennett Kovrig, "European Integration," 253-271, in: Braun – Barany, *Dilemmas of Transition*, 255.

<sup>28</sup> Official relations were established on June 27, 1990. Accession negotiations started on July 8, 1997 (with the Czech Republic and Poland). Hungary was granted membership on March 12, 1999. Source: "The History of Hungarian-NATO Relations," at [http://www.kulugyminiszterium.hu/kum/en/bal/foreign\\_policy/security\\_policy/hungary\\_in\\_nato/history\\_hungarian\\_nato\\_relations/](http://www.kulugyminiszterium.hu/kum/en/bal/foreign_policy/security_policy/hungary_in_nato/history_hungarian_nato_relations/).

<sup>29</sup> Hungary applied for EU membership in 1994, in the same year as Poland. On this see 16/1994. (III. 31.) OGY decision. Hungary was invited for accession negotiations at the Luxemburg European Council in 1997 and accession negotiations began in 1998. Negotiations were concluded in 2002.

<sup>30</sup> On this in English see e.g. Jenő Györkei and Miklós Horváth, eds. *Soviet Military Intervention in Hungary, 1956*. Trans Emma Roper Evans. Budapest: Central European University Press, 1999.

<sup>31</sup> The phrase "Soviet troops temporarily stationed in Hungary" was becoming a standard line in political comedies in the second half of the 1980's.

<sup>32</sup> As Communist foreign minister Gyula Horn was also present at the opening of the Iron Curtain alongside Austrian foreign minister Alois Mock in 1989. Later he became a democratically elected prime minister of the Socialist-led government in 1994. He remains a controversial figure not so much because of his role in the Communist Party, but due to his suspected role in fighting against the revolutionaries in 1956. In 2007 president László Sólyom – after some domestic conundrums – refused to award him state honors on the occasion of his 75th birthday.

<sup>33</sup> "The MDF poster is reproduced as an illustration to "Tovarishi, konyec" ("Tovarishi, konyets"), Index, February 2, 2006 at <http://index.hu/politika/belfold/tavkony0202/>.

<sup>34</sup> See the fierce response opposition leader Viktor Orbán received from the Russian ambassador in an exchange over Hungarian energy policy dependent on Russia-supplied oil. "Russia says Hungarian right lying about gas policy," Reuters, March 29, 2007, at <http://uk.reuters.com/article/oilRpt/idUKL2940490520070329>

the much more expensive car fuel. Apart from being a criminal offense, this procedure was rather lucrative and caused considerable harm to the central budget in the early 1990s.<sup>35</sup> By now it is established that equipment and premises on the abandoned Soviet military bases were heavily used by the oil bleachers in their mafia-style operations the lasting success of which depended on the silent participation of the police force, the prosecution and the upper echelons of the political elite.

In purely constitutional terms, decisions on participation in NATO missions were likely to –and did– face obstacles in parliament as under the Constitution as a general rule, decisions on the use of military force require 2/3 majority of MPs present.<sup>36</sup> After many, mostly theatrical clashes, a constitutional amendment was passed in 2003 which authorizes the government to take decisions concerning military action in NATO operations, with an obligation to report such decisions to parliament and the president of the republic.<sup>37</sup> Although Hungarian participation in high profile NATO missions occasionally gets some public attention, for the purposes of the present inquiry, the fate of Hungary's NATO obligations to erect radio locators is much more interesting and will be discussed below, as it sheds light on the fine mechanics of political participation.

NATO membership poses obvious constraints on Hungarian defense policy and decisions concerning the military. In practical terms, NATO membership imposes significant financial burdens of the government of the day. Costs occur as a result of reorganization and necessary modernization of the military force. Modernization meant not only consolidation by shutting down numerous military bases and organizing a professional army, but also imposed the obligation of acquiring costly new equipment (such as fighter planes) while budgetary constraints intensified. The acquisition of Gripen fighter

planes continues to be surrounded by the thick air of suspected corruption which reaches across elections and governments. The scandal developed a truly uncomfortable international dimension, when in the autumn of 2007 *The New York Times* reported on a CIA briefing as a source mentioning how US officials “were told that BAE paid millions of dollars to the major political parties in Hungary to win the contracts there.”

Regarding EU accession, it is worth noting that application was submitted in 1994, not much after the second democratic elections by the Socialist government of Gyula Horn and the accession process and negotiations were carried out by the Fidesz-led government and the subsequent Socialist government until the accession in 2004. As the date of accession approached Fidesz intensified its Eurosceptic comments.<sup>38</sup>

At this point it is worth pointing out that the issue of Hungarian membership in NATO and in EU did not have a noteworthy mobilizing potential among the electorate. Sensing this lack of interest, in anticipation of the low turnout at the 1997 referendum of NATO membership, Parliament amended the Constitution to make referenda valid even if voter turnout falls below 50 per cent.<sup>39</sup> Under the new rules a national referendum is successful if more than half of the votes cast are valid and at least one quarter of eligible voters cast the same vote (Article 28/C (6), Hungarian Constitution). In 1997, the referendum on NATO membership had a 49 per cent turnout.<sup>40</sup> The referendum of 2003 on EU membership – which was widely regarded as a mere formality – had a 46 per cent turnout; in absolute terms 38 per cent of the electorate voted for Hungary's EU membership.<sup>41</sup>

The adoption of the *acquis* continued within the administration without making much noise in the press, though in the last moments largely symbolic issues

<sup>35</sup> Heating oil and fuel had the same chemical composition. Heating oil was subsidized as a welfare measure, while the state had to raise the price of fuel soon after transition. The sale and use of heating oil for car fuel was criminalised. Red coloring was added to heating oil, to make it unusable in cars. The process is called bleaching as it removes the red coloring. Bleaching is carried out by adding sulfuric acid to the heating oil in large containers (barrels), then waiting for the paint to be deposited as residue at the bottom of the barrel. Once the infrastructure is available (i.e. large containers) the process is relatively cheap and easy to perform. In the end the bleached heating oil can be sold at much higher prices at gas stations.

<sup>36</sup> According to Article 19.2.j of the Hungarian Constitution Parliament “with the exceptions laid down in the Constitution, (shall) rule on the use of the armed forces both abroad and within the country, the deployment of foreign armed forces in Hungary or in other countries from the territory of Hungary, the participation of the armed forces in peacekeeping missions, humanitarian operations in foreign theaters, and the stationing of the armed forces abroad or of foreign armed forces in Hungary;” For such a decision a 2/3 majority of the MPs present is required (Article 19.6).

<sup>37</sup> Article 40/C as amended to this effect by Act no. 109 of 2003. Another set of constitutional amendments concerning the use of the military were passed by Act no. 104 of 2004.

<sup>38</sup> One of Viktor Orbán's more famous speeches in the genre (his state of the nation address for 2003) is available in English translation at <http://www.fidesz.hu/index.php?CikkID=7611>. Note that Orbán made this speech after having become the leader of the opposition.

<sup>39</sup> Hungarian public opinion was not overly supportive of NATO membership. Before the referendum polls showed that the majority of eligible voters were against sending Hungarian troops to defend other countries and rejected foreign troops to be stationed in Hungary. Polling numbers refer to Kovrig, *European Integration* at 256.

<sup>40</sup> Source: Hungarian Election Office website, in Hungarian, at <http://www.valasztas.hu/nep97/index.htm>.

<sup>41</sup> Source: Hungarian Election Office website, in English at [http://www.valasztas.hu/nepszav03/outroot/en/10\\_0.html](http://www.valasztas.hu/nepszav03/outroot/en/10_0.html).



received noticeable coverage (such as the impact of accession on cakes with poppy seeds, considered a traditional delicacy in Hungary), while the reopening of certain chapters in the latest phase of negotiations was barely visible news.

In general, one may find in Hungary that policy constraints resulting from EU membership cause few problems which would trigger strong Eurosceptic views in public opinion.<sup>42</sup> Public trust in the European Commission ranks it on the same level as the most trusted Hungarian constitutional institutions.<sup>43</sup> Policy targets set by or in the light of EU expectations usually allow sufficient room for maneuvering for the national government. For instance the shortcomings of the new Hungarian legislative act on equal treatment and the promotion of equal opportunity<sup>44</sup> implementing numerous EU directives on equal treatment and equal opportunity<sup>45</sup> cannot easily be blamed on external forces. Similarly, a recent study reveals inconsistencies in Hungarian employment strategies contained in the convergence package and in the National Employment Action Plan,<sup>46</sup> noting that European policies and strategies are flexible enough that they cannot be followed in a mechanical fashion.<sup>47</sup> As another author in the study notes bitterly, a functional employment strategy would take long-term cooperation and coordination, which is simply inconceivable in Hungary due to the antagonism of MSZP and Fidesz, and also because of internal fights on a ministerial level.<sup>48</sup>

Currently there is one point where EU membership has had a particularly large impact on Hungary, though so far negative consequences seem to fall on the government and did not trigger a wave of Euroscepticism. Shortly after the 2006 elections, government spending restrictions became absolutely necessary due to serious governmental overspending in search of voter support. These restrictions were easier to justify with reference to Brussel's dissatisfaction concerning the Hungarian government's 'convergence program' in the midst of intensifying media attention and criticism.<sup>49</sup>

The preparation of the convergence program required the freshly elected second Gyurcsány government to provide reliable and plausible data on the shape of the Hungarian economy. This was politically inconvenient for the Gyurcsány government not only because it had to admit that the Hungarian economy was in a declining shape but also, because the outgoing government to blame for the state of affairs, especially since, in preparation for the elections of 2006, the outgoing Gyurcsány government made such decisions increasing its popularity, but also public spending which contributed to the rapid increase of the budgetary deficit. As a result the balance and price stability of the Hungarian economy was seriously endangered: in 2006 the budgetary deficit amounted to 10.1 per cent of the GDP.<sup>50</sup> (The corrected convergence program announced the intention of reducing the deficit to 3.2 per cent of the GDP by 2009.)

<sup>42</sup> In a CEORG survey taken in May 2002 support for EU membership in Hungary was 84 per cent, higher than in comparable surveys in Poland and the Czech Republic. Pro-EU views were expressed even by those who said that they would not participate in a referendum on EU membership. See TÁRKI gyorsjelentés, June 2002, at <http://www.tarki.hu/adatbank-h/kutjel/pdf/a102.pdf>.

<sup>43</sup> Median reported an average of 61 points for 2005-2006. See further details below at note 49:

<sup>44</sup> Act no. 125 of 2003.

<sup>45</sup> Art. 67 of the act lists in particular Council Directive 76/207/EEC of 9 February, 1976 on the implementation of the principle of equal treatment for men and women as regards to access to employment, vocational training and promotion, and working conditions, as amended by Council Directive 2002/73/EC; Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security; Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes; Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood; Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex, Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

<sup>46</sup> János Gács, "Az EU által inspirált foglalkoztatáspolitikai makrogazdasági feltételei," (Macroeconomic conditions of EU-inspired employment policies), 1-24, in János Köllő (ed.) *A magyar foglalkoztatáspolitikai átfogó értékelése az Európai Foglalkoztatási Stratégia kontextusában, az elmúlt öt év tapasztalatai alapján* (A comprehensive evaluation of Hungarian employment policy in the context of the European Employment Strategy, based upon the experiences of the last five years) (2005) at 9, available at [http://econ.core.hu/doc/felhiv/zarotanutmany\\_teljes\\_mtafinm.pdf](http://econ.core.hu/doc/felhiv/zarotanutmany_teljes_mtafinm.pdf). The study was commissioned by the Ministry of Employment.

<sup>47</sup> Gács, *Az EU által inspirált foglalkoztatáspolitikai makrogazdasági feltételei*, at 24.

<sup>48</sup> Teréz Laky, "Európai prioritások, nemzeti akciótervek és intézményi feltételek," (European priorities, national action plans and institutional preconditions) 25-33, in Köllő, *A magyar foglalkoztatáspolitikai átfogó értékelése*, at 31-32.

<sup>49</sup> Trust in the European Commission is quite high in Hungary. Its yearly average of 61 points it matches the most trusted Hungarian constitutional institutions, such as the Constitutional Court. Yet, when Brussels was considering the refusal of the convergence package, the Commission's trust index dropped by 8 points. At the time when restrictions resulting from the convergence package were introduced, trust level in political institutions saw a reduction (the yearly average is about 51 points). See Median's "Az intézmények iránti bizalom Magyarországon" (Trust in institutions in Hungary), October 27, 2006, available at <http://median.hu/object.0FE03EBF-774C-4A7A-8D80-232BDF5414A2.ivy>.

<sup>50</sup> In 2005 deficit was at 7.5 per cent of the GDP, which was already considered high.



While data in the convergence program created some ideas about the actual shape of the Hungarian economy, reactions from Brussels pointed to further misplacement of numbers in the Hungarian submission (like the tricks with the inclusion or exclusion of the costs of the freeway building projects in the national budget)<sup>51</sup> which further increased distrust of the government. In the end, however, the program was communicated in domestic politics as a great political achievement that the convergence program was finally accepted in Brussels.

When looking at factors which do appear to constrain Hungarian political actors Zsolt Enyedi and Gábor Tóka cite factors other than foreign policy constraints: they note that the Hungarian economy has a high trade openness, with Hungary registering an unusually high per capita foreign debt. Furthermore, the balance of payment depends of the wellbeing (i.e. profit forecast) of a relatively few foreign companies who are responsible for roughly 4/5 of Hungary's total exports.<sup>52</sup> These hard economic constraints leave relatively little room for creativity with economic policy, thus disciplining political parties.

Although policy areas dominated by EU bodies in cooperation of domestic executive agencies typically pertain to competition and state aid and some of the major decisions in this field are rather technical and remain beyond the scope of political controversy and public scrutiny at large, some of the characteristics of the Hungarian political scene are well illustrated in the case of the so-called 'lex MOL.' The law, officially entitled act no. 116 of 2007 on the amendment of certain statutes pertaining to companies especially significant for the security of public services, aims to make it possible for managers of companies to protect against uninvited foreign takeovers. The bill was introduced by the Gyurcsány government and was passed in October, 2007 with the overwhelming support of the parliamentary opposition, a condition rather uncharacteristic in Hungary's divided parliament. The bill is dubbed 'lex MOL' as it was clearly inspired by the takeover attempt of the Austrian energy giant ÖMV, a move which was much

opposed by MOL's. The bill was heavily criticized as an attempt to protect the current ownership and management of the Hungarian energy stronghold, MOL from a takeover by the Austrian corporation OMV. The European Commission clearly indicated its concerns about the law, which was passed despite the warnings.<sup>53</sup> Former finance minister Lajos Bokros attracted special attention when he said in the *Financial Times* that the law was meant to protect Hungarian oligarchs: "It is a brutal attempt by the state to protect private interests. It is not about the public interest."<sup>54</sup> The story of Lex MOL thus shows how particular local considerations prevail over constraints stemming from EU membership.

Furthermore, except for the occasional scandalous case, it remains true in the case of Hungary (such as in any EU member state) that when the government of the day is about to pass some unpopular measure it will seek to refer to the 'EU' or 'Brussels' as the major reason behind the decision – even when the matter does not fall exactly within EU competencies.

#### INTERNAL CONSTRAINTS: THE NATIONAL BANK

The role of the National Bank in constraining the government is better explained according to political affiliations of the participants of the day, than according to institutional constraints. The Bank's highest decision making body is the Monetary Council. Under the act on the National Bank<sup>55</sup> the Chair (Governor) of the National Bank is appointed by the president of the republic upon the proposal of the Prime Minister for a period of 6 years, for one term.<sup>56</sup> According to the act that task of the central bank is to achieve price stability, even at the expense of not supporting government policies (Article 3).

Zsigmond Járαι was the chair of the bank between 2001-2007. Before he served as the minister of finance for the Fidesz lead coalition government (1998-2001).<sup>57</sup> Járαι clashed several times with the Socialist governments (first with Péter Medgyessy and then with his successor,

<sup>51</sup> In the initial plan the government did not intend to include the costs of the freeway under construction in the central budget. The Commission strongly disagreed as this public expenditure runs up to 1.1 per cent of the GDP. Without the costs of the freeway the budgetary deficit of course would have been smaller.

<sup>52</sup> Enyedi – Tóka, *The Only Game in Town*, at 23

<sup>53</sup> "EU threatens Hungary over Mol takeover law," *The Financial Times*, October 4, 2007, at <http://search.ft.com/ftArticle?queryText=MOL&aje=false&id=071004000980&ct=0>.

<sup>54</sup> For an English language analysis see "Hungarian differences put aside to pass law," *The Financial Times*, October 10, 2007 at [http://search.ft.com/ftArticle?queryText=bokros+MOL&aje=false&id=071010000302&ct=0&nlick\\_check=1](http://search.ft.com/ftArticle?queryText=bokros+MOL&aje=false&id=071010000302&ct=0&nlick_check=1)

<sup>55</sup> The act is available in English translation with the website of the Hungarian National Bank. Under Járαι a new act on the National Bank was introduced which is credited for establishing the independence of the Central Bank in accordance with EU norms.

<sup>56</sup> The option for reelection was removed in 2005 from the Act on the National Bank. Act no. of 2001, Article 50.2

<sup>57</sup> As minister of finance under the Orbán government, Járαι was responsible for introducing a 2-year budget. (Note: budgets are typically made for 1 year in Hungary.) The introduction of the 2-year budget coincided with the time, when parliament had regular plenary sessions only once in every three weeks under the Orbán government.

Ferenc Gyurcsány who took over in 2004). In 2004 the tension between the Járαι and the government led to the eventual enlargement of the Monetary Council. With the enlarging of the membership of the Monetary Council, the Socialist government managed to pack the management of the Bank. The enlargement of the Monetary Council was a controversial decision both domestically, and international. When Járαι's term was over he commented that his chairmanship had involved 1 year worth of work, and 5 years of battles.<sup>58</sup>

#### INTERNAL CONSTRAINTS: THE CONSTITUTIONAL COURT AND THE CONSTITUTIONALIZATION OF POLICY AREAS

In the early years of transition, under László Sólyom, the Constitutional Court served as an important check on the government of the day. In an early decision the Constitutional Court stopped attempts to introduce retroactive criminal punishment (via lifting the statute of limitations) for crimes which were not prosecuted for political reasons under the previous regime.<sup>59</sup> The Constitutional Court most famously halted a comprehensive social-welfare reform in 1995.<sup>60</sup> Also called the 'Bokros package', after Minister of Finance Lajos Bokros who introduced it, the austerity or stabilizing package seriously cut back on social welfare benefits under the aegis of a large scale public finance reform, withdrawing welfare benefits which were previously conceived by the political forces as untouchable.<sup>61</sup>

The above mentioned cases are important because the Constitutional Court clashed therein with the political branches in an open confrontation over matters to which the political (parliamentary) majority of the day attributed

major symbolic significance. Despite the obvious readiness of the Constitutional Court to clash with the government, and in spite of the much praised activism of the 'Sólyom Court', the Hungarian Constitutional Court was not eager to reinforce principles of jurisprudence enshrined in its previous decisions. Constitutional justices showed much restraint in cases involving compensation of victims who suffered economic or moral harms resulting from illegal operations of the previous regime.<sup>62</sup> Similarly, the Constitutional Court deferred to the government in cases involving the reform of the social security system and other welfare rights. For instance, using a line of reasoning not deployed in welfare rights cases before, the Constitutional Court declared in 1998 that the Hungarian Constitution guarantees a minimum livelihood.<sup>63</sup> Two years later, however, when the Constitutional Court responded to the ombudsmen's request for abstract constitutional interpretation seeking to establish a constitutionally protected right to shelter, constitutional justices offered a markedly more modest reading on the demands of human dignity in the context of social security.<sup>64</sup>

More recently, the Hungarian Constitutional Court has lost some of the eminence. The Sólyom court is often said to have laid the foundations of constitutional jurisprudence with establishing the principles of constitutional jurisprudence on numerous fields. Yet, it does not follow that there is nothing left for future constitutional courts to develop. Still, in more recent years the Constitutional Court has decided fewer cases of major jurisprudential relevance. Also, the Constitutional Court has increasingly been criticized by political and academic commentators for handing down judgments in a politically (and not judicially) balanced manner, i.e. deciding once for the government and once for the opposition.

<sup>58</sup> In the same radio interview Járαι said that the greatest risk in the operation of the bank is the composition of the Monetary Council, as it has few internal members from the Bank and has too many additional outside members. Available at [http://www.gazdasagradio.hu/html/cikk/na\\_komm.php?kommentar=17380&hir=44195](http://www.gazdasagradio.hu/html/cikk/na_komm.php?kommentar=17380&hir=44195)

<sup>59</sup> 11/1992 (III. 5.) AB decision. Available in English in L. Sólyom - G. Brunner, *Constitutional Judiciary in a New Democracy*, Ann Arbor: University of Michigan Press, 2000

The full title of the Hungarian retroactive criminal justice bill was "On the Prosecutability of grave Crimes Committed between 21 December 1944 and 2 May 1990, which were Not Prosecuted for Political Reasons." On the making of the bill in English see G. Halmai - K.L. Scheppelle, 'Living Well is the Best Revenge: The Hungarian Approach to Judging the Past,' 155-184, in J.A. MacAdams, ed., *Transitional Justice and the Rule of Law in New Democracies*, Notre Dame: University of Notre Dame Press, 1997, at 158-160.

<sup>60</sup> 43/1995 (VI. 30.) AB decision. ABH 1995. 188, 192-193. In the following year the Constitutional Court decided to uphold a legal regulation on sick leave benefits which was essentially similar to the one invalidated with other parts of the Bokros package in its 56/1995 (IX. 15.) AB decision on the ground that it amounted to an unconstitutional deprivation of property and, also, as a violation of the right to social security. In its 54/1996 (XI. 30.) AB decision, the Constitutional Court also said that access to welfare services provided via the social security system fall within the right to social security [Article 70/E] and are covered by the scope constitutional property protection.

<sup>61</sup> For a description of legal and economic developments see J.-J. Dethier and T. Shapiro, 'Constitutional Rights and the Reform of Social Entitlements', in L. Bokros and J.-J. Dethier (eds.) *Public Finance Reform during the Transition, The Experience of Hungary* (Washington D.C.: The World Bank, 1998), 323-345; also available at <[www1.worldbank.org/wbiep/decentralization/library1/Dethier.pdf](http://www1.worldbank.org/wbiep/decentralization/library1/Dethier.pdf)> 330 et seq.

<sup>62</sup> See Renata Uitz, *Constitutions, Courts and History, Historical Narratives in Constitutional Adjudication* Budapest: CEU Press, 2005, p. 258 et seq.

<sup>63</sup> 32/1998 (VI. 25.) AB decision on minimum livelihood. The English translation of the decision is available with the website of the Constitutional Court via <http://mkab.hu/en/enpage3.htm>.

<sup>64</sup> 42/2000 (XI. 8.) AB decision.

Some examples from more recent jurisprudence are provided below where relevant.

#### INTERNAL CONSTRAINTS: INDEPENDENT JUDICIARY

As a general trend since transition to democracy, courts fared the highest in public trust surveys, preceded only by the president of the republic and the Constitutional Court.<sup>65</sup> Public trust in the ordinary judiciary remained relatively high until recent scandals in the spring of 2007 on account of two erroneous convictions in a brutal bank robbery in the city of Mór which resulted in a slight impairment of the public trust index.<sup>66</sup> Indeed, the quality of the performance of the judiciary has only slowly become subject to public discourse and systemic public criticism.<sup>67</sup> In response to criticism Chief Justice Zoltán Lomnici claimed that the emergence of such views in the press violate judicial independence and are therefore impermissible.<sup>68</sup>

During the years of the Fidesz government courts attracted much criticism with their unwillingness to rule against perpetrators of hate speech. The Criminal Code's group libel provision bans as a felony "provocation of

hatred before a large audience against the Hungarian nation or any national, ethnic, racial or religious group or other groups of society is punishable with up to three years of imprisonment."<sup>69</sup> On its face this provision seems to be capable of forbidding racial slurs and anti-Semitic insults which find their way into Hungary's public discourse. Important lessons follow, however, from a recent hate speech case which prompted considerable public attention. The case arose from a statement by Lóránt Hegedűs, a then-MP of the rightist Hungarian Truth and Life Party (who is also a Protestant minister) who called for the "exclusion of Galician vagrants" in a rightist newspaper. Overturning the lower court's assessment, the appellate court found that the defendant's statement urging to "exclude them, or they will exclude you" did not reflect a clear intent to call for violence.<sup>70</sup> In support of its position on the requirement of instant violence appellate court relied on the Supreme Court's decision of 1997 establishing the "active violence" criterion. The acquittal received highly critical responses in the mainstream press. In reaction, the Chief Justice of the Supreme Court issued a statement calling for the President, the Cabinet and Parliament to protect the independence of the judiciary from statements infringing the constitutional rights of the judiciary.<sup>71</sup>

<sup>65</sup> For recent data (12 months, ending in October 2006) see Median's institutional trust survey and its chart no. 2 at <http://www.median.hu/object.97C383AD-6207-4659-82B9-AE2DDE539174.ivy>.

In a comparative survey taken in the Czech Republic, Hungary and Poland (where data for Hungary were processed by TÁRKI), the trust index of Hungarian courts was also lower than that of churches. See TÁRKI's month CEORG report „A demokratikus intézményekbe vetett bizalom a visegrádi. országokban, Kelet-közép európai összehasonlítás” November 2000, available at [www.tarki.hu/adatbank-h/kutjel/pdf/a549.pdf](http://www.tarki.hu/adatbank-h/kutjel/pdf/a549.pdf). Both Czech and Polish courts fared significantly lower on the public trust index on this report. In Median's survey for 12 months ending in October 2006, churches scored significantly (an average of 10 points) lower than ordinary courts. See charts no. 2 and 3. in the Median survey at <http://www.median.hu/object.97C383AD-6207-4659-82B9-AE2DDE539174.ivy> and <http://www.median.hu/object.CE5DAF5D-5329-4733-86A7-24C9BD63E3BD.ivy>.

<sup>66</sup> The most famous case is that of the bank robbery at Mór. News on the wrongful convictions of two suspects seem to have impaired trust in the judiciary. According to Median's surveys of trust in public institutions (on a 1-100 scales) courts of the ordinary judiciary scored around 50-55 points in the first half of 2007, while the Constitutional Court's trust index was around 60 points. See Median survey: „Árthatott az igazságszolgáltatás megítélésének a fordulat a móri ügyben, Jogi intézmények, fegyveres testületek iránti bizalom,” (The twist in the Mor case could impair the perception of the judiciary, Trust in legal institutions and armed forces) June 18, 2007, available at <http://median.hu/object.3a432906-cde4-4e21-a838-5f320102ebc6.ivy>

<sup>67</sup> Important contributions by Mária Vásárhelyi are „Ítélt a tábla,” *Élet és Irodalom*, March 31, 2006 *Élet és Irodalom*, no. 13, available at <http://www.es.hu/pd/display.asp?channel=PUBLICISZTIKA0613&article=2006-0402-2038-14CYDS>, „Jogszolgáltatás vagy igazságszolgáltatás I,” *Élet és Irodalom*, August 25, 2006, *Élet és Irodalom*, vol. 50, no. 34, available at <http://www.es.hu/pd/display.asp?channel=PUBLICISZTIKA0634&article=2006-0828-0200-56MGWR> and „Jogszolgáltatás vagy igazságszolgáltatás II,” *Élet és Irodalom*, September 1, 2006, *Élet és Irodalom*, vol. 50, no. 37, available at <http://www.es.hu/pd/display.asp?channel=PUBLICISZTIKA0635&article=2006-0903-2048-42CSWO>.

<sup>68</sup> More recently see “Lomnici Zoltán kulturált kritikát kér a sajtótól” (Zoltán Lomnici requests cultured critique from the press), May 3, 2007, *Népszabadság*, at <http://nol.hu/cikk/444979/>.

Criticism of the work of the courts is not to be confused with calls for violence against particular judges, as happened in Hungary when a radical right wing web-portal posted such calls to this effect. On this see Zoltán Fleck, „Ki védi meg a bírakat?” (Who protects judges?), October 13, 2006, *Élet és Irodalom*, vol. 50, no. 41, available at <http://www.es.hu/pd/display.asp?channel=PUBLICISZTIKA0641&article=2006-1016-0847-35RITB>.

<sup>69</sup> Article 269 of the Criminal Code, as amended by Article 5 of Act No. 17 of 1996 and revised by 12/1999 (V. 21.) AB decision. The title of Article 269 (the name of the crime) itself stayed to be “incitement to hatred”, yet the activity prohibited was defined as “provocation to hatred”. Since the Constitutional Court's decision centered around contrasting “provocation” (*uszítás*) and “incitement” (*izgatas*) these terms were preserved throughout the discussion of the case.

<sup>70</sup> Judgment of November 6, 2003. Available in Hungarian at <http://www.itelotabla.hu/dok1.htm>.

<sup>71</sup> For a comprehensive summary of views and the full text the Chief Justice's statement see “Gyűlöletbeszéd: törvény és mozgalom” (Hate Speech: A Statute and a Movement), *Magyar Hírlap*, November 12, 2003 (in Hungarian).

The above decision of ordinary courts is best explained in the light of the Hungarian Constitutional Court's longstanding jurisprudence concerning the unconstitutionality of criminal prohibition of hate speech. Since 1992 it has been the Constitutional Court's firm position to limit the criminal prohibition of hate speech to those utterances that present a 'clear and present danger' of disrupting public peace.<sup>72</sup> The most recent round of Hungarian developments is marked by a unanimous Constitutional Court<sup>73</sup> invalidating the government's latest attempt expand the prohibition of hate speech in the Criminal Code.<sup>74</sup> The Constitutional Court reaffirmed the premises of its previous decisions on hate speech and group libel.<sup>75</sup> In reaching this conclusion the Constitutional Court did not contest the justice minister's submission on the inconsistency traceable in the hate speech jurisprudence of ordinary courts.<sup>76</sup>

When reports on the corruption and nepotism scandals surrounding the business operations of companies close to Fidesz started to appear in the press in 1999,<sup>77</sup> courts started to face criticism for ruling against the newspapers in these libel and defamation cases. These decisions attracted attention to cases where courts were unwilling to find against high profile defendants on corruption cases. More recently ordinary courts attracted intensifying criticism on account of criminal cases where defendants were sentenced due to grave judicial error.<sup>78</sup> As reported, the judicial mistakes in these cases were in part due to the lack of proper investigation done by the police. Therefore, these cases also cast rather unfavorable light on the police, as they

appear in the middle of an overall crisis of public trust in the police force.

Legal sociologist Zoltán Fleck, who is well known for being critical of the performance of ordinary courts, suggests that the courts' high trust index is explained in part by the lack of information on the judiciary and the unwillingness to change this positive opinion due to lack of information.<sup>79</sup> Referring to data from a 2006 survey on constitutional values and civil rights Fleck explains that when questions concerning courts were posed in this context the trust index of courts dropped considerably.<sup>80</sup> While there was insignificant correlation between interest in politics and trust in courts, dissatisfaction with the operation of democracy or democratic institutions signaled a higher likelihood of distrust in courts. Furthermore, among those who considered themselves the losers of transition, 21 percent did not trust courts at all, while among the winners of transition and those unaffected, 20-21 percent claimed to trust courts. These proportions are higher than average in all groups.<sup>81</sup>

#### THE ROLE OF CIVIL SOCIETY ACTORS IN POLITICS<sup>82</sup>

It is a great weakness of post-communist Hungary that while it manages to operate more or less smoothly along the rules of a constitutional democracy, civil society and civic initiatives in general are far from robust. Participation in civil organizations is low and not intense. Sports and hiking clubs attract the highest rates of participation.<sup>83</sup> Membership in trade unions is about 5 per

<sup>72</sup> 30/1992 (V. 26.) AB decision. The judgment does contain the phrase 'clear and present danger' in English at ABH 1992, 167, 178-179.

<sup>73</sup> 18/2004 (V. 25.) AB decision. Justice Kukorelli wrote for a unanimous Constitutional Court.

<sup>74</sup> Act No. 4 of 1978 on the Criminal Code

<sup>75</sup> See 30/1992 (V. 26.) AB decision; 36/1994 (VI. 24.) AB decision; 18/2000 (VI. 6.) AB decision.

<sup>76</sup> On this see also András Sajó in *Fundamentum* (in Hungarian) and Sajó -Rosenfeld in Chourdhy (ed.).

<sup>77</sup> The most famous cases involved the engagement of the Orbán family in acquiring stone mines and supplying them with orders in relation to state-run freeway building projects, and the vineyard acquisitions of the Orbán family in the Tokaj region. A selection of articles is available on the website of the weekly *Élet és Irodalom* which ran the articles at <http://www.es.hu/pd/display.asp?channel=KERESSES0722&article=2002-1213-1256-36OYUR>.

<sup>78</sup> For a comprehensive overview of such criticism and the suggestions to improve the self-correction mechanisms of the judiciary see Péter Hack: *Az igazságszolgáltatás kudarcai* (The defeats of the justice system) in *ÉS* vol. 5, no. 18 of May 4, 2007, available at <http://www.es.hu/pd/display.asp?channel=PUBLICISZTIKA0718&article=2007-0506-1959-52CQJJ>. For an overall, systemic criticism of the operations of the judiciary see Zoltán Fleck.

<sup>79</sup> Zoltán Fleck, „Bízunk-e a bíróságokban?” (Are we trusting the courts?), July 21, 2000, *Élet és Irodalom*, vol. 50., no. 29, available at <http://www.es.hu/pd/display.asp?channel=PUBLICISZTIKA0629&article=2006-0724-0003-56TDEC>.

<sup>80</sup> 18 per cent of respondent said that they did not trust courts at all, 26 said that they trusted courts a little and only 14 per cent claimed to trust courts completely. Data quoted from Fleck, „Bízunk-e a bíróságokban?”. The survey also found that trust in courts depended on age, education and, most dominantly, place of residence: 29 per cent of respondents from Budapest had a low level of trust in courts.

<sup>81</sup> 49 per cent considered themselves as losers, 17 per cent as winners, and 31 per cent claimed no impact. Data quoted from Fleck, „Bízunk-e a bíróságokban?”. Note that 45 per cent believed that life was worse in Hungary in 2006 than during Communism, while 47 per cent said that life was better after transition. Those who preferred Communism to constitutional democracy had a higher than average distrust in courts.

<sup>82</sup> Churches are not covered by the following section.

<sup>83</sup> László Laki – Andrea Szabó, „Részvétel a társadalom 'önkéntes' szervezetei életében,” 35-56, in László Füstös – László Guba (eds.) *Társadalmi regiszter 2002, A magyar társadalom demográfiai összetétele, etnikai, kulturális, politikai tagolódása, értékorientációi* (Social register 2002, The demographic composition of Hungarian society, its ethnic, cultural, political layers, (and) value orientations), at 50.



cent, with an unbalanced regional and age distribution: union membership is much higher in Eastern and Central Hungary than in other parts, and generally higher among older segments of the population.<sup>84</sup> Public trust toward unions is lower than toward constitutional institutions, but is still higher than toward political parties.<sup>85</sup> According Mária Vászárhelyi the low level of trust in unions is explained not by their role during the previous regime but by their inability to transform themselves into real institutions of interest representation which function independently of political parties.<sup>86</sup>

Lack of participation and low level of trust in civil organizations is an interesting development as many of the political parties which made an impact during transition to democracy came to life as illegal or semi-legal NGOs in the late 1980s. Andrew Arató goes as far as claiming that the success of Hungary's negotiated transition was due in large part to sufficient experience with civil organizations and getting used to the culture of formalized negotiations.<sup>87</sup> Starting in 1988, new social movements appeared –and while the peace movement was not significant- single issue NGOs dealing with environment protection gained considerable visibility.<sup>88</sup> With the success of the transition project, civic organizations, or at least their elites, were drawn to political parties.<sup>89</sup> Fidesz grew out of the independent expert college movement, while SzDSz came from the Network of Free Initiatives. In the period between 1992-1994 Hungary underwent an boom in the establishment of NGOs, but since 1997 the field had been considerably more silent. Speaking of the second wave of NGOs, Ferenc Mészáros noted that these organizations have little in common with so-called grassroots organizations. Instead, these are professional

institutions attracted by funding, which usually take on functions formerly performed by the state.<sup>90</sup>

The very concept of civic organizations seems to be associated in Hungary not so much with pressure groups, think tanks or NGOs engaging in policy formation but with charitable associations helping the poor, homeless and the Roma,<sup>91</sup> or providing shelter to abandoned animals (White Cross Animal Protection League<sup>92</sup>, Rex Foundation<sup>93</sup>). The popular image of the NGO as a provider for the poor is also reflected in data on 1 per cent donations. Under Hungarian tax rules, each taxpayer may divert 1 per cent of her taxes to a (registered) church or religious organization, and another 1 per cent to a civic cause. The list of civic organizations which are entitled to receive such 1 per cent donations is impressively long and is steadily growing.<sup>94</sup> While the thorough analysis of the data available is not possible here, the glance at the top-list of recipients for 2006 provides some impressions.<sup>95</sup> The highest amount (413 million) was received by the Child Cancer Foundation, while the second place (118 million) went to the Rex Dog Shelter. With the exception of the Child Feeding Foundation (91 million) and the Child Village (of orphans) (62 million), all other organizations receiving more than 30 million forints worth of donations were for some medical or charitable cause. The data may be explained in light of the rather successful advertising campaigns these recipients ran in the electronic and printed media and also, on billboards. At the same time, the list of recipients seems to correspond with impression that in the Hungarian public eye civic organizations worthy of support tend to have a medical or charitable, and not a political character.<sup>96</sup>

<sup>84</sup> Angelusz – Tardos, A választói tömbök rejtett hálózata, at 96-98.

<sup>85</sup> Between October 2005 and 2006 trust in unions was an average 34-35 points on a scale of 100. See chart no. 3 to the Median survey at <http://www.median.hu/object.CE5DAF5D-5329-4733-86A7-24C9BD63E3BD.ivy>. Note that trust in churches averaged at about 45 points in the same period.

<sup>86</sup> Mária Vászárhelyi, „A demokratikus intézmények tekintélyvesztése” (Decreasing authority of democratic institutions), *Mozgó Világ*, 2007/1, available online as <http://www.mozgovilag.hu/2007/01/06vasarhelyi.htm>.

<sup>87</sup> Andrew Arató, „Civil Society, Transition and Consolidation of Democracy,” 225-250, in Braun – Barany, *Dilemmas of Transition*, at 228. Arató's peice is an excellent English language source on the early developments in the Hungarian civil sector.

<sup>88</sup> Their success in part was due to the ensuing conflict between Hungary and then-Czechoslovakia an account of the Gabčíkovo-Nagymaros dam project on the river Danube.

<sup>89</sup> Laki- Szabó, *Részvétel a társadalom 'önkéntes' szervezeti életében* at 43. In English also Arató, *Civil Society*, at 237 et seq.

<sup>90</sup> On quote in Laki- Szabó, *Részvétel a társadalom 'önkéntes' szervezeti életében* at 38.

<sup>91</sup> A look at the awards granted by the World Bank's Small Grants program reveals that in 2004 and 2005 most of the Hungarian projects supported were self-help type local Roma initiatives from the country-side. <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/HUNGARYEXTN/0,,contentMDK:20215719~menuPK:544682~pagePK:1497618~piPK:217854~theSitePK:302081,00.html> and <http://siteresources.worldbank.org/INTHUNGARY/Resources/smgp05hu.htm>

<sup>92</sup> <http://www.feherkeresztliga.hu/>

<sup>93</sup> <http://www.rex.hu/>

<sup>94</sup> The list which is regularly updated is available with the website of the Hungarian Tax Authority (APEH) at [http://www.apeh.hu/data/cms27693/ervenyes\\_civil\\_kedvezmenyezett\\_20070522.pdf](http://www.apeh.hu/data/cms27693/ervenyes_civil_kedvezmenyezett_20070522.pdf).

<sup>95</sup> <http://www.nonprofit.hu/hirek/egyhir/591232.html>



There certainly are other organizations devoting their time to more NGO-like causes as protecting prisoners' rights and refugees (Hungarian Helsinki Committee<sup>97</sup>), suppressing domestic abuse, seeking drug liberalization (Hungarian Civil Liberties Union—or TASZ<sup>98</sup>), the protection of rights of homosexuals (TASZ and Háttér Support Society for LGBT People<sup>99</sup>) or environmental protection (Védegylet<sup>100</sup>). Indeed, most often one hears of NGOs not as shaping public policy but as representing victims of rights violations before courts or taking the government to court. The Helsinki Committee is famous for representing clients in criminal cases where they were wrongfully detained or convicted.<sup>101</sup> Háttér sued the 'Károli Gáspár' Reformed (Protestant) University for a statement clearly directed at and disadvantaging homosexuals as according to Háttér using such a language in public was unacceptable from an institution of higher education which receives government funding for its operation.<sup>102</sup> TASZ regularly sues the government seeking information on government policies and operations under legislation on data protection and freedom of information. In one of these cases they learned that the freedom of information act does not guarantee access to petitions filed with the Constitutional Court, as those submissions are part of the working materials of the Court.<sup>103</sup> In another case TASZ lost against the Ministry of Justice when it sought access to the draft of the new constitution in the making.<sup>104</sup>

As the above overview suggests, think tanks and policy centers are neither the largest nor the fastest growing

sector of the Hungarian NGO world. Independent think tanks are still rare and often unstable due to lack of sufficient funding. Probably the most lasting and visible think tank on the conservative side is Századvég lead by István Stumpf,<sup>105</sup> while on the left there is a relatively new initiative is called Demos (*Demos Magyarország Alapítvány*).<sup>106</sup> The lack enthusiasm for both NGOs and independent experts is a complex issue. On the one hand, it is not particularly easy to get access to policy papers and governmental projects in the making unless a particular ministry or agency releases the information itself. Also, while legislation on lawmaking makes public consultation about legislation possible, this legal option was recently called an outdated socialist remnant by the justice secretary in response to a request for information on planned legislation.<sup>107</sup>

Most authors agree that the relatively low willingness of Hungarians to participate in civic initiatives is easily explained in the light of the Communist heritage, wherein people learned to resort to individual interest representation instead of resorting to futile collective efforts. (Success in the Communist second economy was perceived as a result of individual tricks and not as the profit of joint efforts.) Thus, Hungarian society inherited a high level of individualization which is not conducive to participation in public causes.<sup>108</sup>

Another factor which makes the NGO sphere less active is certainly a relative shortage of available resources. Many NGOs, especially the ones devoted to non-charita-

<sup>96</sup> This finding also corresponds with the fact that one time donation campaigns (for buying a machine for a hospital or in order to support an organ transplant in a sick child abroad) draw a considerable share of donated funds. This form of social cooperation was preserved from Communist times.

<sup>97</sup> <http://www.helsinki.hu/>

<sup>98</sup> <http://tasz.hu/>

<sup>99</sup> <http://www.hatter.hu/>

<sup>100</sup> <http://www.vedegylet.hu/index.php?newlang=english>

<sup>101</sup> One of the emblematic victories is the Burka case, also discussed in Hack. Sources in the Helsinki Committee confirmed that while they have resources to represent clients, they cannot afford to devote time and money to run strategic rights-awareness campaigns.

<sup>102</sup> The complete file of the procedure brought by Háttér is available in Hungarian at <http://www.hatter.hu/karoli.htm> (Last visited: April 20, 2006)

<sup>103</sup> Reported in Béla Szalmás, „Akasztják a hóhért?” (The executioner at the gallows), *Élet és Irodalom*, vol. 49., no. 3., at <http://www.es.hu/pd/display.asp?channel=PUBLICISZTIKA0503&article=2005-0123-1947-32MAJA>.

<sup>104</sup> See Károly Lencsés, „Ma még láthatatlan alkotmány, Miért vesztett másodfokon a TASZ?,” (Today's invisible constitution, Why did the HCLU lose on appeal?), *Népszabadság*, Január 15, 2007, at <http://nol.hu/fesztivalia/cikk/431485/>.

<sup>105</sup> See <http://www.szazadveg.hu/> István Stumpf used to be the vice president of the Hazafias Népfront (Patriotic Popular Front), the political formation the candidates of which were offered as alternatives to the Communist Party's own at elections before transition. At the time of transition Stumpf managed to land on the side of the democratic opposition as a political scientist in the circle of the Bibó College. (The Bibó College was the physical and intellectual home ground of Fidesz from the earliest days of its existence.) He explains the how the Népfront was a multi-faceted institution prone to conflicting interpretations in an article entitled “Emberközélivé tenni a politikát - Stumpf István szerint a betartás demokráciája ül tort Magyarországon” (Bringing politics close to man), *Demokrata* 2005/12, at [http://heti.demokrata.hu/index.php?Itemid=36&id=327&option=com\\_content&task=view](http://heti.demokrata.hu/index.php?Itemid=36&id=327&option=com_content&task=view). In more recent politics Stumpf is responsible among many others things for turning the office of the prime minister into a major governmental force, as described below.

<sup>106</sup> <http://www.demos.hu/>

<sup>107</sup> The correspondance is posted at „Elavultnak tartja, ezért nem tartja be a törvényt az IM” (The Justice Ministry believes that the law is outdated therefore does not apply it), June 14, 2006, at <http://index.hu/politika/belfold/tasz0614p/>.

<sup>108</sup> Laki-Szabó, at 38–40. Also in Arató, *Civil Society*, at 230.

ble causes still depend to a large extent on funding from the central budget. While there are numerous forms of small grants available (distributed by ministries and other specialized funds), austerity measures of course mean restrictions on such resources as well. Domestic private donors are still rare on the market, and with the gradual pullout of the Soros Foundations NGOs have lost a major source of income. On the other hand, money with EU origins is slowly becoming available,<sup>109</sup> although it takes considerable expertise to apply for the grants and also to administer them properly.

Note also, that in Hungary there are numerous civil organizations which earn at least part of their income through contracts to provide expertise to the government or political parties. Civil organizations also regularly perform services for political parties, thus remaining in the parties' penumbras.<sup>110</sup> When describing Fidesz's strategy at expanding its reach and embeddedness among its voters Zsolt Enyedi notes that the Fidesz elite "has devoted tremendous energy for wooing the traditional right wing elites, the clergy and the 1956 veteran organizations. Next to making programmatic concessions and offering positions for the representatives of these circles within the party and in the civic organizations around the party, the Fidesz spear guarded and facilitated the establishment of new right wing umbrella organizations such as societies for conservative university professors, think tanks, and pressure groups."<sup>111</sup> Observers note that political parties did not only swallow NGOs, integrating them withing their broader organizational structures or turning them into party platforms, but also used these formations as models. Parties have been successful in mimicking the NGO sphere. and creating mock-organizations which could take the wind out of the sails of real NGOs, if an NGO project becomes uncomfortable for

the party establishment.<sup>112</sup> Note that Orbán's efforts to establish and maintain a network of mock-grassroots organizations—the so-called civic circles—served this purpose rather well.

An interesting case where an NGO cause got trapped in high politics is the case of the erection of a radio locator. Hungary agreed with NATO to build three radar locators in the late 1990s. The Orbán government decided to build one of the locators on the Zengő peak in the Mecsek mountains in a nature preserve zone enjoying heightened protection due to the presence of rare species. When preparations at the building site were put underway in early 2004, unexpected and intense pressure emerged from the civil sphere: the Hungarian Greenpeace joined forces with local citizens' groups (e.g. *Civilek a Zengőért* (*Civilians for Zengő*)) and the Budapest-based NGO *Védegyelet*, in the form of mass protests at the location and petitions that eventually forced the (by-then Socialist) government to back off.<sup>113</sup> In cooperation with civil organizations the Gyurcsány government found a new site for the NATO locator on the nearby Tubes peak, also obtaining the consent of by then-president Sólyom in the fall of 2005.<sup>114</sup>

In response, Attila Borhidi on behalf of Fidesz launched a protest campaign to prevent the erection of the locator on the Tubes peak in December 2005.<sup>115</sup> As Borhidi was an individual candidate for parliament, his efforts may be seen as an attempt to establish name recognition and visibility in the upcoming election campaign in the spring of 2006. This protest was not joined by Greenpeace, *Védegyelet* and the local NGO 'Civilek a Zengőért'. Other local NGOs, however, joined the protest campaign which eventually resulted in an local referendum in February, 2007, though turnout did not achieve the

<sup>109</sup> Many smaller associations benefited greatly from the PHARE program before.

<sup>110</sup> Enyedi – Tóka, *The Only Game in Town: Party Politics in Hungary*, at 7.

<sup>111</sup> Enyedi, *Cleavage Formation*, at 16.

<sup>112</sup> Laki-Szabó, at 43-44.

<sup>113</sup> Protests on the Zengő hill site (in the Mecsek mountains) started on February 10, 2004. The protesters claimed that the erection of the locator in a nature preserve zone was of questionable legality. At the symbolic and rhetorical center of protest the activists placed the rose-species vernacular to the Zengő site. See „Tüntetőik szállták meg a Zengőt” (Protesters invaded the Zengő), February 11, 2004 at <http://index.hu/politika/belfold/zengo0211/>, on subsequent development see also „A fákhöz láncolták magukat a zengői tüntetők” at <http://index.hu/politika/belfold/zengoo0213/> and also the interview with András Schiffer for the *Védegyelet* (“És jött néhány pacák mindenféle bazsarózsák miatt” (And some guys came because of some roses)) at <http://index.hu/politika/belfold/schiffer1001/>. *Védegyelet* issued a public protest letter with signatures from 250 intellectuals in support of their cause. László Sólyom, before being elected as president of the republic also joined the protesters first in a television interview (MTV1, February 12, 2004) and then via joining a protest on the Zengő. Later, already as candidate for the presidency in an interview he explained that the Zengő conflict showed that the Hungarian intelligentsia is able to unite its forces across deep cleavages in a matter of great public concern. See “Ez nekem már önmagában siker” (For me this is success on its own), June 3, 2005, at <http://index.hu/politika/belfold/solyom0603/>

*Védegyelet* also published a documentary history of the events as Márton Vay, ed., *Zengő - Ökológia, politika és társadalmi mozgalom a Zengő-konfliktusban* (*Zengő, Ecology, politics and social movement in the Zengő conflict*) (Budapest: *Védegyelet*, 2005).

<sup>114</sup> “Sólyom is támogatja a tubesi lokátort,” (Sólyom also supports the locator on the Tubes), November 23, 2005 at <http://index.hu/politika/belfold/tub1123o/>. The record at this point needs to be completed by adding that László Sólyom's ties with the environment protection movement date back to his early days of political participation, to the times when MDF was in the making, before the Round Table Talks. He was elected by parliament to become president. As president he has made several appearances in support of environmental causes. *Védegyelet*—in a move unusual in Hungarian politics— started in a publicity campaign in the spring of 2005 in support of László Sólyom for president of the republic.

legal threshold for validity.<sup>116</sup> When the government decided to move forward with building the locator on the Tubes, local politics in the region (city of Pécs) became ugly, and for a while local politicians refused to follow the party line suggested from Budapest. With the unity of the governing coalition coming into question, and internal divisions of the Socialist party becoming more visible than was desired, the vote in the Pécs city council concerning the fate of the locator attracted national attention. While local politicians on the coalition side were convinced into following the party line at the vote,<sup>117</sup> in a largely unexpected move, the MP for the city of Pécs, Katalin Szili who is also the speaker of parliament and a powerful Socialist politician, openly challenged the government's decision to build the locator on the Tubes. Szili gave an interview to this effect to a local television station at Pécs, saying that the opinion of those who voted against the locator at the local referendum cannot be discarded, irrespective of the fact that the referendum was unsuccessful. She also said that it was not elegant to erect a radar above the heads of 160 thousand people living at Pécs. She requested the opinion of the environment minister, Gábor Fodor of SzDSz.<sup>118</sup> It might be relevant that Szili's interest in the locator is relatively recent (she refused to participate in the referendum) and appears to be strategic: it comes at the moment when powerful Socialist challenge the terms of the coalition agreement which Prime Minister Gyurcsány negotiated with SzDSz right after reshuffling his cabinet.

Lessons from the still unresolved locator incident do not offer much hope as far as a potential revival for the civil sphere is concerned. After all it is easy to see that the issue of the locator first planned on the Zengő and then for the Tubes peaks would not have been too interesting on its own,<sup>119</sup> had its (re)emergence not coincided with events in high-level national politics. While NGOs were

instrumental in placing the item of the Zengő locator on the national political agenda, they did not remain in control. The replacement of NGOs with a local referendum, and then with references to the potential consequences of an unsuccessful local referendum is also telling, as it clearly shows how the environmental protection issue was captured by forces with little genuine interest in protecting endangered species. Another important lesson is the one concerning the force of constraints stemming from a NATO obligation: it is clear that in the all participants of this conflict view the NATO obligation to be more like an item of negotiation than a hard demand.

## SATISFACTION WITH POLITICS

Despite strong consensus-seeking mechanisms distributed throughout the Hungarian Constitution, the ways of professional politics and public discourse on political affairs in Hungary are marked by sharp polarization.<sup>120</sup> The highly antagonistic nature of public politics is cultivated by the two large political parties and a complete lack of consensus-seeking or the spirit of bipartisan politics. The polarization of the political elites was successfully transported to the deeper layers of Hungarian society during the Fidesz government and amplified to previously unknown intensity with the 2002 election campaign. By the elections of 2006 political parties managed to stabilize their positions in a polity with strong party identifications.<sup>121</sup> While the political elites present their positions in antagonistic language, with a tendency toward intensification over the years, the electorate has displayed the standard symptoms of apathy towards matters of public affairs (politics) and has expressed decreasing trust in democratic institutions.

<sup>115</sup> „Fideszes demonstráció a tubesi lokátor ellen” (Fidesz demonstration against the locator on the Tubes), December 17, 2005, at <http://index.hu/politika/belfold/tubes1217/>.

<sup>116</sup> Participation was at 32.51 per cent, while 94.3 per cent of the voters were against the locator. As reported at <http://index.hu/politika/belfold/lok349/>.

<sup>117</sup> „Botrányos ülés után épülhet a tubesi lokátor” (The Tubes locator may be built following a scandalous session), June 7, 2007 at <http://index.hu/politika/belhirek/?main:2007.06.07&315535>.

<sup>118</sup> “Szili Fodor Gábor álláspontjára kíváncsi Tubes-ügyben,” June 29, 2007, at <http://index.hu/politika/belfold/tubes0628/>.

<sup>119</sup> Note that one locator in the Bükk mountains (at the Bálvány peak) was built without much noise, although it is also in the middle of a natural preserve zone (Bükk Nemzeti Park). Lack of attention could be explained by the fact that this locator was placed on a piece of land already devoted to military purposes. “A parlamentben folytatódott a Zengő-konfliktus” (The Zengő conflict continues in parliament) April 6, 2004, Magyar Hírlap, available at <http://www.magyarhirlap.hu/cikk.php?cikk=81372->

<sup>120</sup> See Enyedi and Tóka arguing that the bi-polarization of the Hungarian party system is the result of the 2/3 requirements in the Constitution, in Zsolt Enyedi – Gábor Tóka, „The Only Game in Town: Party Politics in Hungary,” Draft chapter for Stephen White, David Stanfield – Paul Webb (eds.) Political Parties in Transitional Democracies, Oxford University Press, Final version of August 2006 as available at [http://www.personal.ceu.hu/departs/personal/Gabor\\_Toka/Papers/EnyediToka06.pdf](http://www.personal.ceu.hu/departs/personal/Gabor_Toka/Papers/EnyediToka06.pdf)

(manuscript page 5).

<sup>121</sup> Note that Zsolt Enyedi observed in 1998 that while political parties managed to stabilize the constitutional infrastructure they still did not achieve secure positions within the electorate, wherein situational voting was widespread. Zsolt Enyedi, „Pártrendszer és politikai konszolidáció” (Party system and political consolidation), *Politikatudomány Szemle*, vol 7, no. 3, 5-33.

## TRUST IN POLITICAL PARTIES AND REPRESENTATIVE INSTITUTIONS

### APPROVAL OF DEMOCRACY IN GENERAL

The general trends in trust in constitutional institutions has changed over the years rather little: among the most trusted institutions are the Constitutional Court and the president of the republic, each receiving around 60 points on a 100 point scale. Levels of trust in the president of the republic have changed little since the early days of the republic. Whenever the president gets involved in daily politics his ratings drop considerably.<sup>122</sup> The Constitutional Court and the president of the republic are usually followed by ordinary courts and the prosecution service in the trust ranking. The lower mid-section of the trust scale is inhabited by parliament and the government. Political parties are usually at the bottom of the ranking, scoring around the 30s on a scale of 100 (Actual trust ratings depend considerably on prominent issues or scandals of the day.)<sup>123</sup> According to László Kéri, loss of trust in democratic institutions is in part explained by the ambivalent relationship between citizens and institutions, and citizens' controversial expectations about the government: citizens expect the government to resolve a wide range of issues, while they remain inherently suspicious about government operations.<sup>124</sup> Nonetheless, it is important to note that while political parties rank very low on the trust ranking, Hungarians tend to trust 'their favorite party' more than other democratic institutions.<sup>125</sup>

Note that these data resonate with a TÁRKI's survey taken shortly after the elections of 2002.<sup>126</sup> Respondents were requested to indicate on a 1-7 scale the extent to which various constitutional institutions represented their interest. The president of the republic scored 4.59,

which is somewhat higher than the prime minister's score of 4.31 and considerably higher than 3.57 received by political parties and 3.52 received by MPs.<sup>127</sup> Note that Hungarians kept in higher esteem the indirectly elected president as a representative of their interest, than the freshly elected prime minister.<sup>128</sup>

A TÁRKI survey using data between March 1999 and July 2002<sup>129</sup> shows that between June 1999 and January 2001 the approval of the government was above the level of satisfaction with democracy, but below the level of satisfaction with the work of the opposition. Satisfaction with the operation of the government started to climb to the top in January 2001 and remained there, while on April 2002 satisfaction with the opposition dropped drastically. The increase of the approval of the government also coincided with an increase in satisfaction with democracy. Note that general elections were held in the summer of 2002. In 2001 Fidesz placed great emphasis on dominating public discourse and in defining the issues. MSzP's communication offensive peaked in August. MSzP, however, lost some of its wind when it did not manage to respond adequately to the altered conditions following the events of September 11 – to which Fidesz provided a response which increased trust in the government.<sup>130</sup>

In a TÁRKI survey taken in July 2002 (i.e. rights after the elections) 48.9 per cent of the respondent were satisfied with democracy, while 39.8 per cent were dissatisfied. On the extremes, great satisfaction was registered from 1.3 per cent, while great dissatisfaction was expressed by 10 per cent.<sup>131</sup> Reflecting on largely similar findings of the European Social Survey of 2002 conducted by Ferenc Gázsó found that dissatisfaction with democracy depends on respondents' socio-economic status, such as standard of living and education, and the

<sup>122</sup> This had been the case with the most popular Hungarian president, Árpád Göncz (his approval rating was 79 points at its highest) and most recently with president László Sólyom. President Göncz lost 23 points for several months during an open confrontation about the dismissing and appointing the chairmen of the Hungarian National Radio and Television (the "media war"). President Sólyom's ratings dropped 13 points due to controversial political moves previously unseen from a Hungarian president including refusing to shake hands with recipients of state awards and nominating high government officials without customary (although constitutionally not required) consultations. On these developments see Vásárhelyi, *A demokratikus intézmények tekintélyvesztése*.

<sup>123</sup> See e.g. Median's year-long survey of October 2006, quoted above.

<sup>124</sup> László Kéri, „Az elporladó tekintély nyomában” (In search of the vanishing authority) *Mozgó Világ*, 2007/1, available at <http://www.mozgovilag.hu/2007/01/05keri.htm>.

<sup>125</sup> Several surveys on quote in Enyedi – Tóka, *The Only Game in Town*, at 11.

<sup>126</sup> TÁRKI gyorsjelentés, July 2002, at <http://www.tarki.hu/adatbank-h/kutjel/pdf/a103.pdf>. The survey also has opinion polls on the first 100 days of the Medgyessy government. An opinion poll on the 4 years of the Orbán government is available in TÁRKI gyorsjelentés, June 2002, at <http://www.tarki.hu/adatbank-h/kutjel/pdf/a102.pdf>.

<sup>127</sup> See TÁRKI gyorsjelentés, July 2002, at <http://www.tarki.hu/adatbank-h/kutjel/pdf/a103.pdf>. Unions scored the lowest, at 2.88. Interestingly in October, 2001 all ratings were lower: the president received 4.46 points, the prime minister got 3.84 points, while political parties and MPs both stayed at 2.99, and unions stood at 3.10 (thus faring better than parties and MPs.)

<sup>128</sup> On the position of party leaders see the discussion below.

<sup>129</sup> TÁRKI gyorsjelentés, July 2002, at <http://www.tarki.hu/adatbank-h/kutjel/pdf/a103.pdf>. The report was prepared on a government commission.

<sup>130</sup> Körösnéyi – Tóth – Török, *A magyar politikai rendszer*, at 303-304.

<sup>131</sup> TÁRKI gyorsjelentés, July 2002, at <http://www.tarki.hu/adatbank-h/kutjel/pdf/a103.pdf>. The report was prepared on a government commission.



level of urbanization. Satisfaction with democracy mirrors the subjective assessment of the impact of transition on one's life: those who see themselves as losers of transition are likely to project their negative feelings and frustration as dissatisfaction with the democratic regime.<sup>132</sup> To this Zsolt Enyedi adds that "(s)atisfaction with the political system, but also with economic conditions and the country's future prospects appear to be directly and strongly linked to party preference. A comparison of 1994 and 1998 data suggested, for example, that voters adopt more pro-market, pro-NATO and pro-EU attitudes when their favorite party is in government."<sup>133</sup>

#### PARTICIPATION IN POLITICS AND PUBLIC AFFAIRS

The membership of Hungarian parliamentary parties has been projected about 2-3 per cent among eligible voters.<sup>134</sup> This number stands among the lowest in Europe.<sup>135</sup> As Róbert Angelusz and Róbert Tardos suggest the problem with this number is that in representative surveys party membership cannot be tested due to its low occurrence.<sup>136</sup>

Voter turnout in the 1998 general elections for parliament was just below 50 per cent in the first round, and just about 50 per cent at the second round of elections.<sup>137</sup> The parliamentary elections of 2002 had an unusually high turnout: 70.53 per cent at the first round and 73.50 per cent at the second round.<sup>138</sup> The high turn out can be explained in part as a response to the unusual tension surrounding the election and the atypical (at least in Hungary) campaign run by Fidesz. At the time the in-

cumbent, Fidesz badly needed to mobilize support as due to corruption and nepotism scandals, and the increasingly intolerant language of Hungarian public discourse, the popularity of the Socialist Party was on the rise. In response, Fidesz opted for mobilizing visible support, staging mass election rallies<sup>139</sup> and also calling for its voters to wear the cockade (a symbol of the 1848 revolution, usually worn on March 15, the anniversary of the day of the eruption of the revolution) in public at all times. The elections were won by the Socialist – liberal coalition by a small margin. The fate of the Socialists is believed to have hinged on the unusually high turnout: polls and commentators usually submit that left-wing voters are more difficult to mobilize than voters on the conservative side. Note that Fidesz's Viktor Orbán found it difficult to concede the defeat of Fidesz in the elections. For the first time in the history of Hungary's new democracy, violent protests were staged to challenge the election results: on July 4, 2002 a little known radical fringe formation called *Lelkiismeret '88* (Conscience '88) blocked the *Erzsébet* bridge in Budapest, and action which resulted in police dispersing the protest by water-cannons and other means of force.<sup>140</sup>

The 2006 election season was tense for reasons different from those of 2002. In 2004 the Socialist-lead governing coalition changed Prime Ministers (Péter Medgyessy left and Ferenc Gyurcsány took his place). This change resulted in a cabinet reshuffling and brought by early popularity measures ahead of the campaign, seriously increasing public spending and thus budget deficit and inflation. During the campaign voters could learn very little about the actual programs of the two big parties, while the small parties were de facto fishing for emotion-based voter support. The programs of the two

<sup>132</sup> Ferenc Gázsó, „A politika világa állampolgári nézőponttól” (The world of politics from the citizens' perspective), 15-34, in Füstös- Guba, *Társadalmi regiszter 2002*, at 21.

<sup>133</sup> Enyedi, *Cleavage Formation*, at 10.

<sup>134</sup> Note that with Fidesz having essentially become a movement, party membership data do not provide a reliable reference point for estimating active political participation. Enyedi – Tóka, *The Only Game in Town*, p. 10.

<sup>135</sup> Gábor Tóka, „Vezérek csodálói, A magyar választói magatartás nemzetközi összehasonlításban,” (Admirers of leaders, Hungarian voting behaviour in comparative perspective), 17-58, in Gergely Karácsony (ed.) *Parlamentari választás 2006, Elemzések és adatok* (Parliamentary elections 2006, Analysis and data) (Budapest: DKMKKA – Corvinus Egyetem Politika Tudományi Intézet, 2006) at 24.

<sup>136</sup> This is a consistently reported data. See Róbert Angelusz – Róbert Tardos, „A választói tömbök rejtett hálózata,” (The hidden network of electoral clusters), 65-160, in: Róbert Angelusz – Róbert Tardos (eds.) *Törések, hálók, hidak, Választói magatartás és politikai tagolódás Magyarországon* (Cleavages, Nets, Bridges, Voter behaviour and political process in Hungary) at 94-95.

<sup>137</sup> Source: Hungarian Election Office website, in English at <http://www.valasztas.hu/v98din1a/napind.htm> (first round) and <http://www.valasztas.hu/v98din2a/napind.htm> (second round).

<sup>138</sup> Source: Hungarian Election Office website, in English at <http://www.valasztas.hu/parval2002/so02/v02din1a/napind.htm> and <http://www.valasztas.hu/parval2002/so02/v02din2a/napind.htm>.

<sup>139</sup> Between the two election rounds one rally took place on the premises of the University of Physical Education, while the second one was organized the Kossuth square, right in front of the parliament building.

Famously, at an ecstatic moment the speaker of one of these rallies during the 2002 election campaign, Phillip (Kálmán) Rákay announced that „there are 2 million of us already” at Kossuth tér. Experts agree that the place is incapable of hosting such a large crowd. Nonetheless, this statement conveys properly to tone of the event

<sup>140</sup> Another group of protesters assembled on Kossuth square staging a hunger strike. These actions were not notified to the police and as such were not legal under Hungarian freedom of assembly regulation.



big parties differed more in rhetorical panels than in substance. In the meantime, the leader of the small conservative party, MDF Ibolya Dávid was promising “politics for adults,” while the central figure of the campaign of the small liberal party, SzDSz was Pisti Kovács – a mischievous six year old with messy red hair and cute freckles. Thus, the campaign was more about emotions and impressions than substantive political or economic and social programs. The campaign thus matched the mechanics of Hungarian voters’ party identification which is firmly based on pre-rational criteria.

In 2006, after a very balanced elections race the first round of election saw a 67.83 per cent turn out,<sup>141</sup> while the second round brought 64.39 per cent of eligible voters to the urns.<sup>142</sup> In the current 386-seat parliament the Socialist Party received 186 seats, while SzDSz the junior coalition party received 18 and the coalition controls 6 more seats due to joined mandates. Fidesz., the largest opposition party obtained 164 seats and the second largest opposition party, MDF obtained 11 seats. The remaining one seat went to the “For Somogy” movement.<sup>143</sup> The parliamentary scene thus remains rather polarized, with the governing coalition having a comfortable majority, although MSzP alone would not be able to run parliamentary business. Since the last elections the new parliament is even more polarized, with two large parties and two small parties in the house. It is discomfoting that the two smaller parties had serious worries about meeting the 5 per cent threshold: SzDSz made 6.5 per cent, while MDF reached 5.04 per cent.<sup>144</sup>

Thus, it is clear that in the shadow of the large parties it is becoming increasingly challenging for the smaller parties – even for the ones which had been around since the early days of transition – to retain their parliamentary positions. Yet, the elections of 2006 at least did not

result in a reduction of the Hungarian plural party space to a clearly two-party model.<sup>145</sup> According to a more recent poll by Median MDF is gaining strength and a new movement, Jobbik, has emerged on the right as a factor measurable in polls.<sup>146</sup> After liberal intellectuals and political figures dropped the idea of maybe forming a new political parties, a poll showed 27 per cent of the eligible voters preferring the idea of a new political force on the scene, although voters were divided the about segment of the political spectrum in which this hypothetical new party should appear.<sup>147</sup> By and large it is clear that Hungarian voters are disenchanted and do not trust their ruling political elite.

The ambivalence inherent in the opinions and inactivity of Hungarian voters is even more perplexing in the light of Gábor Tóka estimation that the last election campaign had a broad mobilization component, and political parties reached 61 per cent of the electorate with campaign messages. Although many of these contacts were in the form of impersonal pre-recorded telephone calls and short text messages, this is still unusually deep campaign penetration.<sup>148</sup> The turnout at the elections is considered low in the light of such an intensive campaign. Furthermore, Hungarian voters considered themselves represented by some political force with an intensity which exceeded the European average,<sup>149</sup> although more claimed in 2006 than in 2002 that it was difficult to find a proper match among the candidates.<sup>150</sup> Note also that Hungarian voters, despite their low willingness to participate actively in politics have a rather intensive party identification (by European standards).<sup>151</sup> Furthermore, between the 2002 and 2006 national election partisan support in Hungary ‘stabilized and crystallized’ with a volatility of 8.2 per cent, and with a reduction of those without party preferences.<sup>152</sup>

<sup>141</sup> Source: [http://www.valasztas.hu/parval2006/en/07/7\\_0.html](http://www.valasztas.hu/parval2006/en/07/7_0.html)

<sup>142</sup> Source: [http://www.valasztas.hu/parval2006/en/07/7\\_0.html](http://www.valasztas.hu/parval2006/en/07/7_0.html)

<sup>143</sup> Source: [http://www.valasztas.hu/parval2006/en/08/8\\_0.html](http://www.valasztas.hu/parval2006/en/08/8_0.html)

<sup>144</sup> Source: [http://www.valasztas.hu/parval2006/en/08/8\\_0.html](http://www.valasztas.hu/parval2006/en/08/8_0.html). The right-wing radical Hungarian Truth and Life Party (MIÉP) took 2 per cent of the votes.

<sup>145</sup> Some observers expected a continuation of the trend witnessed in previous election to this effect, as mentioned in Gergely Karácsony, „Árkok és légvárak, A választói viselkedés stabilizálódása Magyarországon” (Ditches and cloud-castles, Stabilization of voting behaviour in Hungary), 59-103, in: Karácsony, *Parlamentári választások 2006*, at 59.

<sup>146</sup> Median: “MSZP: Túl a mélyponton?” (MSZP: Past the worst?), September 12, 2007, at <http://median.hu/object.03c9d2d9-6b0c-41be-a984-3c758f3ae037.ivy>

<sup>147</sup> Median: “Nincs új a nap alatt?” (Nothing new under the sun?), November 26, 2007, at <http://median.hu/object.8f2412b7-c7fa-459a-a41d-8ae7e185e3c5.ivy>.

<sup>148</sup> Tóka, *Vezérek csodálói*, at 24.

<sup>149</sup> See chart 1.3 in Tóka, *Vezérek csodálói*, at 26-27.

<sup>150</sup> See chart 1.4 in Tóka, *Vezérek csodálói*, at 29.

<sup>151</sup> See e.g. Tóka, *A magyarországi politikai tagoltság nemzetközi összehasonlításban*, 50, noting that in Hungary party preferences and ideological self-identification are closely connected.

<sup>152</sup> Enyedi – Tóka, *The Only Game in Town*, at 9.

## MEDIA

The above analysis shows that while among Hungarian parties Fidesz is the one capable of capitalizing its mobilizing potential, Hungarian voters prefer to remain passive when it comes to participation in politics and in elections. Therefore it is all the more interesting that 16 per cent of the participants of the European Social Survey claimed in 2002 to have a conversation about politics daily, while another 35 per cent said that to have conversed about politics on a weekly basis.<sup>153</sup>

## POLITICAL CONTROL OVER PUBLIC MEDIA

Hungary is famous for its media wars, of which the present analysis cannot give a proper account.<sup>154</sup> Before the enactment of the media law regulating electronic broadcasting in late 1995, the main open confrontation was control over the appointment/dismissal of the president of the public (state-owned) television and radio. The source or cause of the conflict was that the MDF lead government was dissatisfied with its representation in television and radio.<sup>155</sup> The media law of 1996 allows for the liberalization of electronic media.<sup>156</sup> The act ended direct government control over media outlets, however, due to mutual distrust of all participants involved in its formulation, it reinforced political (party) control over all state owned media outlets (Hungarian Television, Hungarian Radio and 'Duna' Television) and also over the national media board (National Radio and Television Board – Országos Rádió és Televízió Testület, ORTT) instead of removing political control from the media space. Conflicts over the composition of these boards poisoned Hungarian public discourse under the Fidesz

government. A second media war erupted in 1998 over the issue of whether the operation of parity-based media boards was legal if they operated with only the participation of members from the government's side.<sup>157</sup> Balance on the media boards was not established until the general elections of 2002.<sup>158</sup>

Nonetheless, the fight for political control over state owned television and radio channels has much smaller practical relevance due to their potential in perpetuating constitutional crisis, while the state-owned channels slowly lost their market share and viewers to two commercial television channels founded in 1997.<sup>159</sup>

## POLITICAL ORIENTATION OF MEDIA MOST RESPONSIBLE FOR THE FORMATION OF PUBLIC OPINION AND THE ROLE OF PARTY AFFILIATED MEDIA

It has been a standard complaint of both the Antall (1990-1994), and later the Orbán (1998-2002) governments, that the Hungarian media space is dominated by leftist-liberal forces, and as a result conservative politicians are at a disadvantage.<sup>160</sup> The Orbán government's efforts to support the right/conservative outlets of the Hungarian media space are well documented.<sup>161</sup>

In 2000, after the daily *Magyar Nemzet* had a change in ownership, it became ideologically close to Fidesz and grew into being the largest conservative daily newspapers in the Hungarian market.<sup>162</sup> Still, its reach in 2002 was significantly smaller (reaching 3.1 per cent of the adult population above with 245.000 readers per issue) than that of *Népszabadság*, a left leaning paper with no

<sup>153</sup> Laki – Szabó, Részvétel a társadalom 'önkéntes' szervezetei életében, at 48.

<sup>154</sup> For a reliable English language summary see István Hegedűs, „Media, Politics and Ideology in Hungary,” conference paper (2001), posted at [http://www.kontextus.hu/europa/tagok/heg\\_ideology.html](http://www.kontextus.hu/europa/tagok/heg_ideology.html). A comprehensive monograph in Hungarian is Péter Bajomi-Lázár, *A magyarországi médiaháború* (The Hungarian media war), (Budapest: Új Mandátum, 2001).

<sup>155</sup> The market of the printed press was liberalized immediately upon transition, as it did not depend on the media law.

<sup>156</sup> Act no. 1 of 1996. The law was passed during the second democratically elected parliament, Although the Socialist-liberal coalition had the sufficient majority (2/3) to pass the law, disagreements within the coalition slowed down the process.

<sup>157</sup> An English language summary of the constitutional crisis (which cost an attorney general and was furthered by a much criticised decision from the Constitutional Court) is available in the East European Constitutional Review, vol. 9, nos. 1-2 (Winter/Spring 2000 ) at [http://www3.law.nyu.edu/eecr/vol9num\\_onehalf/constitutionwatch/hungary.html](http://www3.law.nyu.edu/eecr/vol9num_onehalf/constitutionwatch/hungary.html).

<sup>158</sup> For a short assessment of Viktor Orbán's strategy concerning media control in English see “Battle for Hungary's Media,” March 26, 2000, as available at [http://news.bbc.co.uk/1/hi/world/monitoring/media\\_reports/690851.stm.5](http://news.bbc.co.uk/1/hi/world/monitoring/media_reports/690851.stm.5)

<sup>159</sup> While competition for viewers is fierce among television channels, and the public television manages to keep up only with its news programs, it is interesting to add that the most widely viewed political program of the morning, 'Napkelte' has been attracting the largest number of viewers for a significant number of years now, irrespective of which channel airs it. Viewship data of Napkelte are posted weekly in *Élet és Irodalom* in an advertisement. Currently the show airs on MTV1 of the public television.

<sup>160</sup> The major provider of data on television viewers is AGB Nielsen. In addition, ORTT commenced a survey on political representation in the electronic news media. For the description of the project in English and access to data go to [http://ortt.hu/graf\\_bevezeto.php#](http://ortt.hu/graf_bevezeto.php#).

<sup>161</sup> See *Monitoring the EU Accession Process: Corruption and Anti Corruption Policy* (2002), at <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN013152.pdf> at 285 et seq.

<sup>162</sup> Data are quoted from Körösiényi – Tóth – Török, *A magyar politikai rendszer*, 280-281.

clear party orientation (reaching 8.3 percent of the adult population with 660.020 readers per issue).<sup>163</sup> With this, the paper was the 10th on the combined top-list of printed media circulation.<sup>164</sup> Note that by the last quarter, although it preserved its leading position among political dailies, the reach of *Népszabadság* dropped to 5.1 per cent, while *Magyar Nemzet*'s reach is at 2.1 per cent.<sup>165</sup> (This reflects the general trend also confirmed by a recent report of the National Office of Statistics, which reports an overall decrease in the circulation of daily (political) newspapers.<sup>166</sup>)

Note that while media analysts confirmed a left-leaning perspective in the Hungarian media, *Magyar Nemzet* was observed to be farther to the right than was *Népszabadság* to the left.<sup>167</sup> Regarding *Magyar Nemzet* as a conservative paper two comments are in order. Its stable audience is close to the committed supporters of Fidesz, while *Népszabadság* has a wider reach. Also, while *Magyar Nemzet* behaved as a true party propaganda paper during the Fidesz government, it has achievements similar to that of an opposition newspaper in bringing important issues to the forefront which contribute to serious public discourse.<sup>168</sup> The most problematic segment of the paper is its op-ed page, where there is room for opinion pieces with nationalistic and anti-Semitic voices sometimes openly inciting hatred. It is also worrisome that the paper often adopts a radically anti-Roma tone in its reporting on Roma criminality.<sup>169</sup>

At the end of 2002 businessmen close to Fidesz established a news channel called HírTV (or NewsTV).

HírTV was –literally- at the center of attention as it was supplying with images all TV channels on the attack at the Public Television Building, while HírTV's own coverage of the events attracted 25 per cent of all viewers at relevant period according to AGB Nielsen's survey.<sup>170</sup> Subsequently the national media board (ORTT) fined HírTV for qualifying the events a 'revolution' in its coverage, stressing that unique circumstances do not relieve media outlets from their statutory obligations.<sup>171</sup>

#### INVOLVEMENT OF MEDIA IN ELECTORAL AND POLITICAL CONTESTS: BUDGETS FOR POLITICAL ADS

In principle, or in sheer legal terms, campaign spending by political parties is limited to a maximum of 386 million forints per party under the law, which may be legally extended with additional state funding for a campaign (in 2006 it was 14.7 million forints). In 2006 both large parties reported spending exactly this amount on their campaigns, while the two smaller parties spent below the limit but above 300 million.<sup>172</sup> Analysts, however, estimate that at least the two largest parties have significantly overspent this limit.

Looking at the 2006 campaign Gábor Juhász estimates campaign spending in light of actual political advertisements and disclosed advertisement prices of providers. Juhász suggests that MSzP spent about 909 million forints, and Fidesz about 769 million forints on their campaigns, while the two small parties probably spent

<sup>163</sup> The third national daily newspaper, *Magyar Hírlap*, lost owners and readers several times and slowly became marginalized in recent years (its reach was estimated at 1.7 per cent). Another daily newspaper, *Népszava*, which is closely aligned with MSzP also has a small reach (1.4 per cent).

<sup>164</sup> The most read political newspaper in 2002 was preceded by three weekly women magazines (the reach of which was between 14 – 18.4 per cent) and two weekly television program magazines (with a reach of 8.9 and 12.5).

<sup>165</sup> Source: Media Iránytű (Media compass), data from a cooperation of Szonda Ipsos and MediaInfo, available at [http://www.mediainfo.hu/media\\_iranytu/](http://www.mediainfo.hu/media_iranytu/). According the latest MediaInfo data there is no political paper on the list of the 10 most-read weeklies, *Heti Világgazdaság* ('the Hungarian Economist') has the highest reach of 4.4 per cent in this genre.

<sup>166</sup> *Magyar Nemzet* had the highest circulation in 2002. See KSH Statisztikai Tükör, 2007/2.

<sup>167</sup> Studies of Péter Csígó are summarized in Körösenyi – Tóth – Török, *A magyar politikai rendszer*, at 285-286.

<sup>168</sup> For instance, *Magyar Nemzet* broke the news of Prime Minister Péter Medgyessy having been a state security officer, supporting the claim with documentary evidence.

<sup>169</sup> Consider the headline "Cigányok lincseltek Olaszliszkán, "Cigányliszka" "állati ösztönöktől vezérelt romák" (Romans were lynching at Olaszliszka, Romaliszka – Romas driven by animal instincts), October 17, 2006, available at <http://mn.mno.hu/portal/379092>. The headline refers to a brutal homicide in the village of Olaszliszka, where an angry Roma mob killed a driver who hit a Roma girl by her car. The Roma girl was grazed by the car and fell but was not injured beyond that. The driver was attacked by the mob when he was trying to get out of the car to see what happened. Headlines and reporting in similarly racist tone can be easily excerpted from any piece related to the incident.

<sup>170</sup> Survey data as reported a <http://www.fidesz.hu/index.php?CikkID=64405>.

<sup>171</sup> ORTT reviewed the operation of seven media outlets in the given period and imposed the highest possible fine, 1 million forints under the media law, only on HírTV. Reported in detail as „Hadtudósítás, A legsúlyosabb bírsággal sújtották a HírTv-t” (War coverage, HírTV was imposed the highest fine), October 11, 2006, HVG, at [http://hvg.hu/media/20061011\\_hirtv.aspx](http://hvg.hu/media/20061011_hirtv.aspx) For an analysis of media coverage of the events of September 2006 see Ágnes Lampé, „Hazai 'breaking news'” (Domestic breaking news), Médiakutató, Winter 2006, at [http://www.mediakutato.hu/cikk/2006\\_04\\_tel/02\\_hazai\\_breaking\\_news/01.html](http://www.mediakutato.hu/cikk/2006_04_tel/02_hazai_breaking_news/01.html).

<sup>172</sup> Data are available in Gábor Juhász, „Kétes kampányforintok, Kampányfinanszírozás 2006” (Duious campaign forints. Campaign finance 2006), 127-144, in Karácsony, *Parlamentári választás 2006*, at 128.

less than they reported.<sup>173</sup> Although it is possible that parties received rebates on their ads, or that media companies supported them with free services, such donations would need to have been reported in the campaign balance sheets. Recently the think tank Political Capital prepared a hypothetical campaign plan which would not exceed the magic 386 million forint limit.<sup>174</sup> Allocating the bulk of the spending to television advertisements (and calculating with openly posted advertisement prices) the plan allowed for a total of 41 minutes of television advertisements on one of the commercial channels, three weeks worth of advertisements in daily newspapers and a one-month long intensive bill-board campaign. This is a small fraction of paid political advertisements which aired in the 2006 campaign.

These estimates call into question not only campaign finance regulations but also Hungarian party finance rules. Under the Hungarian law on party financing<sup>175</sup> parties may rely on the following resources: membership-fees, funding from the central budget, state provided immovable property,<sup>176</sup> donations by private persons and legal persons, profit generated by the parties' economic activity and profits from the party owned corporations (Article 4(1)). In addition, parties benefit from such indirect forms of funding as tax benefits (parties are free from taxes), funding of the operation of parliamentary factions, free airtime in public media.<sup>177</sup> Membership fees have minimal significance in party budgets,<sup>178</sup> while most parties rely extensively on funding from the central budget and donations still having a moderate significance.<sup>179</sup> Since 2003 such funding from the central budget is provided not only to parties themselves, but also to political foundations operating alongside each party.<sup>180</sup> These party foundations are problematic to say the least since even the loose Hungarian rules of party

finance do not apply to them and they are also exempt from transparency criteria applicable to the parties themselves.<sup>181</sup>

Even such a short overview raises serious questions about the relationship between money and party politics in Hungary: party finance regulation is understood by many as a vehicle of state-sanctioned corruption which also assists in using parties as money laundering operations. The participation of the State Audit Office in signing off on parties' financial reports does not render credibility to party finances, but rather sheds a bad light on the audit office itself. Currently there is an NGO campaign for party finance reform<sup>182</sup> – a set of legal measures which needs to be passed by those who are the least interested in it. Drawing attention on the complex relationship of party finance and populism, Ervin Csizmadia argued recently that the tilt in the financial balance between political parties (a disparity which was facilitated by the weaknesses of Hungarian party finance regulation) contributed to Fidesz's choice to abandon the framework of parliamentary democracy and take politics directly to the street.<sup>183</sup>

## POLITICAL RESOURCES OF PARTIES AND PLAYERS

Willingness to participate in 'anything political' is moderate in Hungary. The appeal of participation in the operation of constitutional institutions is relatively low. In the European Social Survey of 2002 on a scale of 1-10 respondents ranked the importance of politics at 3.8 and

<sup>173</sup> Juhász, *Kétes kampányforintok*, at 128, chart 4.1. Juhász suggests that including all costs related to the campaign (including meals for activists), a realistic calculation of expenses would run to 2 billion forints in the case of the large parties. Id a 131.

<sup>174</sup> Political Capital: „Barkácsoljon kampányt 386 millióból!” (Assemble a campaign from 386 million), June 22, 2007, at [http://www.hirszerzo.hu/cikk.barkacsoljon\\_kampanyt\\_386\\_milliobol.38332.html](http://www.hirszerzo.hu/cikk.barkacsoljon_kampanyt_386_milliobol.38332.html)

<sup>175</sup> Act no. 33 of 1989

<sup>176</sup> Corruption scandals concerning the use and sale of state provided party property colored the news on the 1990s.

<sup>177</sup> Sólyom, *Pártok*, para 106 at 116-117.

<sup>178</sup> Their estimated volume is around 3 per cent. In Enyedi – Tóka, *The Only Game in Town*, at 31.

Although there is no legal regulation on it, from the press it is clear that most parties require contributions from their members or their MPs who entered profitable positions due to their party membership. The contribution has to be in proportion to the income earned.

<sup>179</sup> In English see in Enyedi – Tóka, *The Only Game in Town*, at 21.

<sup>180</sup> On this see Juhász, *Kétes kampányforintok* at 133, chart 4.3.

<sup>181</sup> For a strong criticism of party foundations from a constitutional perspective see Sólyom, *Pártok*, para 117 et seq.

<sup>182</sup> „Tekintélyes elemző központok 'pártfinanszírozási stafétája'”, May 14, 2007, *Népszabadság*, at <http://nol.hu/cikk/446407/>. One of the participants of the effort, the Eötvös Károly Közpolitikai Intézet published a major report „A pártfinanszírozás alapelvei” (Fundamental principles of party finance), at <http://ekint.org/dl/apartfinanszirozasalapelvei.pdf>, which includes policy advice for a new regulation.

<sup>183</sup> Ervin Csizmadia, „Pártfinanszírozási reformot minél előbb!” (Bring by the party finance reform as soon as you can!), April 9, 2007, *Népszabadság*, at <http://nol.hu/cikk/441757/>. Csizmadia is the chairman of Méltányosság Politikai Elemzőközpont, one of the institutions calling for party finance reform.



religion at 4.2, while work and friends received scores of 7.5 and family scored at 9.8.<sup>184</sup> According to the same survey when qualities of a “good citizen” are put on a 1-10 scale, observance of laws ranks at 9.1, casting votes as national elections is at 8.2, having an independent opinion scored 8, while active participation in politics was at a low 3.6.<sup>185</sup> The European Social Survey of 2002 also revealed that the predominant form of political participation was shopping with a political motivation, the next most frequent forms of political activity were participation in a politically-motivated boycott of goods, signing a political petition and participating in a legal demonstration. Among the least frequent activities were participation in political movements, and involvement in political parties and electoral campaigns.<sup>186</sup>

## IDEOLOGY

### THE TRADITIONAL LEFT/RIGHT DIVIDE

#### CLEAVAGES

#### SOCIOLOGICAL PROFILE OF SUPPORTERS / VOTERS OF MAIN PARTIES

András Körösiényi has devised a widely accepted explanatory model of cleavages in the Hungarian political space the validity of which was retained in numerous empirical surveys and elections.<sup>187</sup> For the purposes of the present analysis, I follow the major findings of this analysis without departing from its major premises and observations. The three cleavages identified in this model are the regime cleavage (or anti-communist), the religious-secular cleavage and the urban-rural cleavage. Although the volatility of votes had been considerably high in early elections, the core of voters was formed early and the elites of emerging parties mobilized voter support strategically along these lines. While some of these cleavages might not cut as deep as they did in earlier elections they still have a good predictive force.

As for the anti-communist cleavage, while on the ranks of MSzP voters the number of former Communist Party members is declining due to the passage of time, Communist Party membership of a (former) family member

remains a reliable indicator.<sup>188</sup> As for the religion divide, frequency of church attendance is factor, and while with the almost complete disappearance of KDNP the cleavage might be softening, it remains the case that in the 2002 national election 22 per cent of Fidesz voters claimed to be regular church-goers, while among MSzP voters only 11 per cent were regular church-goers and for SzDSz the share was even smaller. On the urban-rural line, it is clear that the Socialists are strong in Budapest and in former industrial centers. Fidesz's stronghold is the countryside which is not a big surprise considering that it essentially swallowed the historic agrarian Independent Small-holders' Party during the 1998-2002 parliamentary term. This is definitely a shift since the early days when Fidesz started as a radical liberal party appealing to educated, urban intellectuals. SzDSz remains an urban or metropolitan party.

Note that an economic cleavage is missing from the Hungarian matrix. As was mentioned, the economics decision-making sphere is rather restricted in Hungary, and the two large parties do not differ characteristically in their economic policy. When placing Hungarian parties along the left-right divide, economic programs are not helpful: in 1998 Fidesz ran on an economic program that would be on the intellectual left, while MSzP had a neoliberal program at the time. Also, the majority of Hungarian voters have economic preferences which position them towards the left of the spectrum. Zsolt Enyedi notes that surveys about one's subjective assessment of economic situation, and the search for winners and losers of transition does not predict votes well in Hungary.<sup>189</sup> Age is not a reliable predictor of votes either: the age gap –which was in part due to MSzP's inherited integration and Fidesz's initial orientation- is closing year by year between the two major parties.

Traditional left and right might not make much use anymore, but since voters willingly position themselves and parties along these lines, these are categories which might be of some use. After all, although mathematically at least it would have been possible to see coalition which cross this imaginary divide, such a coalition so far has not formed. In Hungary left and right are not socio-economic categories, but have an historic, ideological and cultural

<sup>184</sup> László Laki – Andrea Szabó, „Részvétel a társadalom 'önkéntes' szervezetei életében,” 35-56, in László Füstös – László Guba (eds.) *Társadalmi regiszter 2002, A magyar társadalom demográfiai összetétele, etnikai, kulturális, politikai tagolódása, értékorientációi* (Social register 2002, The demographic composition of Hungarian society, its ethnic, cultural, political layers, (and) value orientations), at 48.

<sup>185</sup> Laki – Szabó, *Részvétel a társadalom 'önkéntes' szervezetei életében*, at 48.

<sup>186</sup> Gázsó, *A politika világa*, at 20, chart 1.3.

<sup>187</sup> Here I follow Körösiényi – Tóth – Török, *A magyar politikai rendszer*, 124 et seq. A recent English language summary of this line of argument with some extensions in Enyedi, *Cleavage Formation*, at 12 et seq.

<sup>188</sup> “Among former members of the Communist party preference for MSzP has been significantly higher (by 13-28 percentage points) than among all voters. ... The likelihood of voting for MSzP rises with the level of integration of the voter, and of her family.” Körösiényi – Tóth – Török, *A magyar politikai rendszer*, 139 et seq., with further data.

<sup>189</sup> Enyedi, *Cleavage Formation*, at 12.



flavor. According to Körösenyi, the three cleavages define two basic dimensions in the Hungarian political space which outline the left/right divide. One dimension is a post-communist dimension, while the other is a cultural-ideological one, which is defined either along the religious cleavage or along the urban-rural divide (depending on which cleavage receives more emphasis).

One important observation about these cleavages is that they do not cut across each other, therefore the bipolarization of the Hungarian political space is best explained as a normal development.<sup>190</sup> ‘Development’ is an important word here, as the blocks emerged over time: MSzP surfaced as a large force on the left already in 1993, while the competition for the control of the right was not settled until after 1998.<sup>191</sup> As Zsolt Enyedi demonstrates convincingly, Fidesz managed to achieve more than take over the control over the core of the right side of the spectrum as a political movement: by transforming the party into a movement, Fidesz’s Viktor Orbán managed to build an organization which successfully crossed the lines of cleavages and exploited its political potential via mobilization.<sup>192</sup>

#### DYNAMICS OF SUPPORT SINCE THE LAST ELECTIONS: MAJOR CHANGES

The dynamics of support for major parties did change significantly since the last general elections. A few months after the general elections in September, 2006 a recording of a rather emotional speech made in a closed meeting in May 2006 by then-freshly-reelected Prime Minister Ferenc Gyurcsány was leaked to the press. In

it, which Gyurcsány said, “We have screwed up. Not a little but a lot. No country in Europe has screwed up as much as we have. It can be explained. We have obviously lied throughout the past 18 to 24 months. It was perfectly clear that what we were saying was not true. ... I almost perished because I had to pretend for 18 months that we were governing. Instead, we lied morning, noon and night.”<sup>193</sup>

In response to the leak, street violence erupted on September 17, 2006 and mob violence continued on the streets of Budapest for several days. The first reaction of the police was rather lame and unprofessional, and in this way a group of protesters (a united front of ultras of otherwise hostile football clubs joined by extreme right wing formations) managed to enter into the building of the public television, set fires and cause much damage to surrounding property. The next evening the police took harsher action resulting in rather unfortunate acts of police brutality. In the days that followed, the reactions of the police became tamer and more in accordance with the law. As days went by, groups of rioters were witnessed by more and more innocent bystanders.<sup>194</sup> Eventually the meetings were restricted to the square before the Parliament building, which was cordoned off by the police in order to prevent further violence at the upcoming October 23 commemorations. Prime Minister Gyurcsány survived a confidence vote in parliament in early October, 2006,<sup>195</sup> but his popularity fell to its lowest ebb. Fidesz took the lead in all popularity polls, leaving the governing coalition behind by a considerable margin.<sup>196</sup>

While street violence in the evenings was at its height in Budapest, Fidesz was calling for mass demonstrations in

<sup>190</sup> Enyedi – Tóka, *The Only Game in Town*, at 5.

<sup>191</sup> Körösenyi – Tóth – Török, *A magyar politikai rendszer*, 153-154. Until the disappearance of FKGP, the Hungarian political scene was often described as tri-polar. In 1998 FKGP entered parliament as the third largest party and became a coalition partner. The party started to crumble in 2000 largely due to Fidesz maneuvering: Torgyán’s weakened position became clear when he had to give up his aspirations for president of the republic and had to support Fidesz’s candidate, Ferenc Mád. During the internal crisis of FKGP Fidesz coopted Torgyán’s opposition. The wing of the FKGP still supporting Torgyán received less than 1 per cent of the vote in the 2002 general elections. On the relationship of Fidesz and FKGP see Bozóki, *Politikai pluralizmus* at 241, noting that both parties aimed at establishing a bi-polar domestic political space.

<sup>192</sup> Enyedi, *Cleavage Formation*.

<sup>193</sup> As available in English translation at “Excerpts: Hungarian ‘lies’ speech,” BBC News, September 19, 2006, at <http://news.bbc.co.uk/2/hi/europe/5359546.stm>. The speech was made at a closed meeting of the coalition parties where they were negotiating the basic terms of restructuring the government at Balatonöszöd. It is still unknown who is responsible for the leak. Suspicion is nonetheless directed on the participants of the meeting as media presence was prohibited, and even cell phones and other communication devices were banned.

For an English language press review of major Hungarian papers see e.g. „Press split over Hungary turmoil,” BBC News, September 19, 2006, at <http://news.bbc.co.uk/2/hi/europe/5359528.stm>.

<sup>194</sup> Two reports were prepared on the actions of the police: one by an inhouse commission of the Ministry of Justice and Law Enforcement headed by Katalin Gönczöl, and an independent review chaired by Krisztina Morvai.

<sup>195</sup> “Hungary PM wins confidence vote,” BBC News, October 6, 2006, at <http://news.bbc.co.uk/2/hi/europe/5411022.stm>.

<sup>196</sup> According to TÁRKI’s data, support for MSzP stood at 20-19 per cent in February – May 2007, while support for Fidesz increased from 26 to 31 per cent in the total population in the same period. Among those who would attend elections MSzP’s support was at 37-34 percent in this period, while Fidesz would have received 47-52 per cent of the vote. See „Változatlan erőviszonyok” (Unaltered power relations), May 24, 2007, at <http://www.tarki.hu/hu/news/2007/kitekint/20070524.html>. In April 2007 Median showed 58 per cent of the vote for FIDESZ, and only 30 per cent to MSzP. See „Állókép” (Frozen picture), April 19, 2007, at <http://www.median.hu/object.fcfc92c6-2277-4e9d-b369-889eb7e350af.ivy>.

Budapest during the afternoons. On October 6, 2006 Viktor Orbán announced that he would not ask for early elections, but that Fidesz would instead hold demonstrations before Parliament where Fidesz MPs would be giving speeches every day between 5 and 6. Orbán also said that “we have to abandon the illusion that all problems can be solved with voting every four years,” adding that the people have to defend themselves from the lies of politicians and start with a clean slate. He announced the start of the “Yes, Hungary Charter,” which is a means to say ‘yes for each Hungarian.’ The Charter is intended to establish the unity of Hungary.<sup>197</sup> Throughout these days the reluctance of Fidesz to distance itself from rioters or from street riots was prevalent, with a well-pronounced right – radical-right leaning.<sup>198</sup> The quotation above offers a fine illustration of the standard rhetoric and symbolic gestures which followed, such as silent marches and Fidesz sponsored anti-protests which had considerable attendance

Despite people’s demonstrated willingness to take the streets, Fidesz’s clear lead in the polls and the rise in Viktor Orbán’s popularity,<sup>199</sup> pollsters were consistent in reporting fairly low levels of participation in preterm elections: polls by Median consistently suggested levels of less than 60 percent three weeks after the leak in October 2006<sup>200</sup> which dropped to around 52 percent by April 2007.<sup>201</sup> Similarly, for the spring of 2007, TÁRKI forecast 54 per cent participation.<sup>202</sup> One important lesson, however, does emerge from these numbers: while the general overall level of projected voter participation at an upcoming election is low, Fidesz voters appeared much more willing to cast their votes than the MSzP

camp, to the effect that according to a fair reading of poll data, in a new parliamentary election Fidesz would receive twice as many votes as MSzP.<sup>203</sup>

#### IMPORTANT AREAS OF DISAGREEMENT AND MAIN ISSUES OF POLITICAL DISCOURSE

In the present paper it would simply be impossible to provide an extensive issue analysis of Hungarian politics.<sup>204</sup> Currently the political agenda is dominated by policy solutions necessary to implement the aforementioned convergence package. The technical-political issues concern details of the health care reform (e.g. the insurance system necessary to back the entire reform) and the introduction of further means to generate tax revenue. As usual or at least as expected, parties are undertaking positions on ideological lines.

Instead of recounting the issues, it is more useful for the purposes of the present project to focus on the manner in which a disagreement (most often a clash) between the two major parties is usually played. During its time in opposition after 2002, Fidesz’s main form of expressing dissatisfaction with the government has been a resort to extra-parliamentary means. Mild disagreement is expressed in the form of abstention from participation in parliamentary sessions. Stronger dissatisfaction prompts calls for referenda. To stick with the example of the implementation of the government’s convergence package: Fidesz initiated a series of referenda against all central measures of the package, such as the introduction of tuition at higher education<sup>205</sup> or the abolition of the ‘treat-

<sup>197</sup> Szonda Ipsos shows a clear drop in support for MSzP: between October 2006 to May 2007 from 24 to 17 per cent in the general population, and from 36 down to 29 per cent among likely voters. This trend is matched by support on Fidesz avergaing around 33 per cent in the general population in the same period, and a clear increase of support from 53 up to 58 per cent among those who would go to cast their votes in an election. Data may be generated using the following interface: <http://www.szondaiipos.hu/hu/polvelkut/partok>.

„Orbán ‘Igen Magyarország Chartát’ hirdett, A Fidesz szerint a miniszterelnök papíron van még hivatalban,” Népszabadság, October 6, 2006, at <http://nol.hu/cikk/419975/>.

<sup>198</sup> On this see in English Pál Tamás, “The Radical Right in Hungary before and after the 2006 Elections,” in in: Martin Butora, Olga Gyarmasiva, Grigorij Meseznikov and Thomas W. Skladony (eds.), *Democracy and Populism in Central Europe, The Visegrad Elections and Their Aftermath* (Institute for Public Affairs, 2007), 109-124.

<sup>199</sup> Between May to June in 2007 there was a 4 points increase in Orbán’s popularity measured by Median. „Nőtt Orbán és a Fidesz népszerűsége” (Growth in the popularity of Orbán and Fidesz), June 13, 2007, at <http://www.median.hu/object.f911a0b1-17a2-4319-8e9c-280ce8727167.ivy>. Apart from a 1 point increase in Prime Minister Gyurcsány popularity in the same poll no other politician managed to increase their popularity.

<sup>200</sup> „Menjenek vagy maradjanak?” (Should they stay or should they leave?), October 12, 2006 at <http://www.median.hu/object.e10f7cd7-fd63-4716-8708-de00c32b0631.ivy>. This is an average. Willingness to participate was higher between committed Fidesz and MSzP voters.

<sup>201</sup> „Állókép” (Frozen picture), April 19, 2007, at <http://www.median.hu/object.fcfc92c6-2277-4e9d-b369-889eb7e350af.ivy>.

<sup>202</sup> „Változatlan erőviszonyok” (Unaltered power relations), May 24, 2007, at <http://www.tarki.hu/hu/news/2007/kitekint/20070524.html>.

<sup>203</sup> See „Nőtt Orbán és a Fidesz népszerűsége” (Growth in the popularity of Orbán and Fidesz), June 13, 2007, at <http://www.median.hu/object.f911a0b1-17a2-4319-8e9c-280ce8727167.ivy>.

<sup>204</sup> A systematic issue-centered analysis of the Hungarian political discourses goes back to 1999, in Gábor Török, „Politikai napirend 1999” (Political issues 1999), 94-103, in Sándro Kurtán et al. *Magyarország politikai évkönyve 2000* (Hungarian Political Yearbook, 2000) (Budapest: DKMKaA, 2000)

<sup>205</sup> With its 465/H/2007 AB decision the Constitutional Court required the National Election Commission to reconsider its decision, refusing the referendum initiative.

This is the least surprising of the referendum initiatives: when entering government in 1998, Fidesz was quick in abolishing the tuition fee introduced by its predecessor.

ment (visit) fee' in public health care providers<sup>206</sup> and the 'per diem' to be paid for stays in public hospitals.<sup>207</sup>

These calls for referenda have a complex impact. The proposals resulted in an open clash between the National Election Commission and the Constitutional Court. The National Election Commission refused to allow public votes on these questions, saying essentially, that the questions affect the central budget and as such are precluded by law. The Constitutional Court, however, was of the opinion that they affect a future budget, and instructed the Election Commission to reconsider, which it eventually did. While in a recent interview with the news portal Index Viktor Orbán did not claim to know about any special arrangements in anticipation of the organization of the public vote (which received the go ahead finally from a divided National Election Commission),<sup>208</sup> other sources from Fidesz were reported to foresee mobilization of 100 activists for the purpose in the autumn of 2007.<sup>209</sup> In the meantime, using the momentum from Fidesz' initiatives, there are numerous other referenda initiatives awaiting to be assessed before the collection of the requisite number of signatures may start.

## PATRONAGE

### SCOPE OF PATRONAGE APPOINTMENTS

Patronage appointments are widespread in Hungary, and they are not restricted to high-level, politically-sensitive posts.<sup>210</sup> A recent reform of public administration consolidated the top administrative posts via reducing the number of secretaries of state, and turning all of them into political appointments (thus removing the top layer of career civil servants from the hierarchy of ministries. The positions of senior public officials are not insulated and recruiting and hiring practices carry patronage appointments to lower levels of public administration.<sup>211</sup>

Patronage appointments are clearly not restricted to sensitive high-level political posts.<sup>212</sup>

In addition, recent Hungarian governments under Orbán, Medgyessy and Gyurcsány alike were keen to take professionals from the private sphere, both into the cabinet, and also to head especially created portfolios, offices and agencies. Gyurcsány, a successful businessman himself, continued to surround himself with professionals at and around the Office of the Prime Minister, praising businessmen who were willing to undertake jobs in public administration for lower paychecks than they were used to receive.

The professionalization of the government makes travel between the government and the business sphere easier, which is not always beneficial to all. The newly appointed minister of health, Ágnes Horváth, the health secretary and the ministry's chief of staff all come from the same health care center. *Magyar Nemzet* reported that other colleagues and close affiliates of Minister Horváth's also received nice new appointments (e.g. the sister of the founder of the same health care center became the deputy director of the National Institute of Pharmacology). In addition, this same health care center has been a successful applicant for grants distributed by the Ministry of Health at a time when health care spending is subject to substantial cuts.<sup>213</sup>

## NATIONALISM

### NATIONALISM AS A RESOURCE FOR MOBILIZATION

### IDEOLOGICAL PROFILE OF PARTIES MORE PRONE TO NATIONALISTIC RHETORIC

Prototypical extreme right is still associated with nationalism in the common understanding of contemporary

<sup>206</sup> With its 505/H/2007 AB decision the Constitutional Court required the National Election Commission to reconsider its decision, refusing the referendum initiative.

<sup>207</sup> With its 504/H/2007 AB decision the Constitutional Court required the National Election Commission to reconsider its decision, refusing the referendum initiative.

<sup>208</sup> „Küzdeni akkor kell, ha van értelme” (You need to fight when it makes sense), June 29, 2007, at <http://index.hu/politika/belfold/ov070629/>. In the same interview Orbán said that political advertisements should be banned.

<sup>209</sup> „Száz ezer fideszes aktivista gyűjt aláírásokat” (A hundred thousand Fidesz activists to collect signatures), June 29, 2007, at <http://index.hu/politika/belfold/nepsz244/>.

<sup>210</sup> For a recent English language summary see Enyedi – Tóka, *The Only Game in Town*, at 33 et seq.

Political patronage does not seem to depend on party membership in Hungary (especially because party membership is pretty low). In order to fully grasp the extent of patronage, one has to take into account the affiliations between civic organizations, private foundations, etc. and parties. Here the relationship is complex: while these organizations are vehicles for parties to generate income (mainly via re-distributing funds from the central budget to their preferred clubs), they are also a source of loyal civil servants and expert opinion, may the need arise.

<sup>211</sup> Gallai – Láncki, at 301.

<sup>212</sup> See Mihály Bihari – Béla Pokol, *Politológia* (Political science) at 341-344 (1992 ed.)

<sup>213</sup> „Egynapos sebészet: mesés karrier várt Horváth kollégáira,” (One-day surgeries: tale-like career awaiting Horváth's colleagues) June 30, 2007, *Magyar Nemzet*, at <http://www.mno.hu/index.mno?cikk=418435&rvt=2>

Hungarian politics. This was a serious achievement as MIÉP relied primarily on rallies and its party paper to mobilize support, and represented mainstream media as representatives of 'foreign interests'.<sup>214</sup> MIÉP refused the Hungarian 'caste-democracy' and advocated an ethnically pure democracy free from 'foreign hearted' elements. It also adopted an anti-globalist and often anti-Semitic rhetoric. Ever since MIÉP failed to win seats in parliament, its voice has become marginalized in the public discourse. Similar, and sometimes even more intensive, radical right wing nationalism is advocated by other fringe movements, such as the 64 Counties Movement (*64 Vármegye Mozgalom*) which became visible during the anti-government protests of autumn 2006 and stayed on to celebrate March 15, 2007 in the limelight of public attention.

By 2007 another force had emerged on the extreme right, the Movement for a Better Hungary (Jobbik Magyarországért Mozgalom). Started as a youth movement in close cooperation with Fidesz in 1999, Jobbik had a major role in mobilizing support for Fidesz at universities before the 2002 and 2006 elections.<sup>215</sup> Leading figures of Jobbik criticize Fidesz from the right, suggesting for instance that it has not been willing to promote proper values in its media policy. Although it is not at present in parliament, Jobbik has emerged to become a significant political force.<sup>216</sup> By now analysts speculate on the viability of a Jobbik – MIÉP election compact which could bring extreme right wing parties past the 5 per cent threshold and back into parliament in the upcoming 2010 elections.<sup>217</sup> Although such speculations might not have serious predictive force at the moment, the mobilizing potential of Jobbik is beyond doubt. Nonetheless, in general it is not unlikely that Fidesz will lose votes to parties farther to the right. It remains to be seen whether Fidesz is willing to give up on these voters and bring its rhetoric to the center, or will decide to go after the ones favoring a party farther to the right even at the expense of losing voters from the center.

As another worrisome development, in 2007 an off-spring of Jobbik emerged called the Hungarian Guard (Magyar Gárda), an association of civilian self-defense

parading in a makeshift black uniform decorated with nationalistic insignia.<sup>218</sup> Although this militant group is currently more of a nuisance than a meaningful paramilitary force, its emergence indicates the organizing and mobilizing potential on the right in the face of concerned voices from international commentators and political forces.

Nonetheless, the only significant political party with a noteworthy mobilization potential using a nationalist rhetoric is Fidesz, with Jobbik emerging in its shadow. Fidesz's nationalism is a unique mixture of strong patriotism, with strongly romanticized and often slightly archaic rhetoric, fused with ethnic nationalism and reminders about the need to retain unity with ethnic Hungarians living abroad. This milder line is every now and then intensified with stronger opposition against anything non-Hungarian and dark visions of the death of the Hungarian nation. Nationalism of this kind is a rhetorical genre without much substance, which has been used frequently and consistently enough to become normalized. Substantive measures associated with Fidesz's nationalism such as legal measures to protect Hungarians living abroad are an addition.

Nationalistic rhetoric applied in this manner has an anti-communist flare, with the consequence that some issues (and definitely, some phrases) are off-limits for politicians on the left-liberal side of the political spectrum.

## INTEGRITY POLITICS

### INTEGRITY ISSUES IN PUBLIC DEBATE

#### ANTICORRUPTION AS AN ITEM IN POLITICAL PARTY PROGRAMS

In recent Hungarian politics the two main integrity issues were corruption and cooperation with the Communist secret services. The fight against corruption was a major issue in the EU accession negotiations,<sup>219</sup> and the development of Hungarian anti-corruption measures is well documented in the European Commission's yearly reports. Transparency International ranked Hungary on

<sup>214</sup> Although it was never formally part of the Fidesz-led coalition government of 1998-2002, the party behaved as a political ally and gained considerable political positions in the days when FKGP was crumbling.

<sup>215</sup> On the emergence of Jobbik see e.g. "A Jobbik Magyarországért Mozgalom párttá alakulása: Támadás a szélen" (On the transformation of the Movement for a Better Hungary into a Political Party, An Offensive on the Right Wing), Magyar Narancs, at <http://www.manco.hu/index.php?gcPage=/public/hirek/hir.php&id=9572>. The name "Jobbik" is literally translated as "Better" into English, although "Righter" would convey more appropriately the reference to the political right

<sup>216</sup> Median poll, quoted above, at <http://median.hu/object.03c9d2d9-6b0c-41be-a984-3c758f3ae037.ivy>, showing Jobbik at 1 per cent.

<sup>217</sup> "Third way" platform, hvg.hu, at <http://hvg.hu/english/20051017nationalistright.aspx>.

<sup>218</sup> "The Changing of the Garda," The Economist, September 20, 2007, [http://www.economist.com/world/europe/displaystory.cfm?story\\_id=9833313](http://www.economist.com/world/europe/displaystory.cfm?story_id=9833313)

<sup>219</sup> Another important resource is a monitoring report prepared by Open Society Institute in 2002. The full text of the report is available at <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN013152.pdf>.



the 41st place in its corruption perception index for 2006.<sup>220</sup> Although according to public perception the most corrupt sectors of public life are police, health care and public administration, corruption scandals at least indirectly affecting politicians would be too numerous even to list. It is not an exaggeration that by now, a point was reached where the same corruption scandals keep resurfacing: such as the story of the Gripen fighter planes, or the oil bleaching cases dating back to 1992.<sup>221</sup> The re-emergence of these cases at least suggests that previous investigations –irrespective of who was in charge- did not go to their fullest extent. Also, in these matters (simply due to the fact that they stretch over a considerable time period) political figures from all sides of the spectrum are believed or suspected to be involved.

Another interesting feature of the corruption scandals is that protagonists who were already outed in these affairs and had to deal with media attention do not seem to be deterred: time and again there are news of repeat offenders. It might be worth adding that even such corruption cases which receive broad media coverage do not seem to effect the popularity of political actors in the long run. Viktor Orbán's popularity recovered easily after it was revealed in the mainstream press that companies in his family benefited from the state-funded freeway building projects.

The lesson is that while the fight against corruption is very much on the political agenda, even the most insistent investigations do not seem to yield serious convictions (and especially not for the central figures of the scheme),<sup>222</sup> nor do convicted public figures resign from public positions after found guilty.<sup>223</sup> While there are a

few journalists and newspapers which are willing to investigate corruption cases seriously even in the Hungarian environment which is not conducive to this genre of journalism, disclosure of information on prominent political figures lands newspapers too easily in court with rather slim chances of winning.<sup>224</sup> Furthermore, the noise generated by a corruption scandal has no deterrent effect on former or future offenders: corruption scandals are so normal in daily news that disclosure and greater transparency are unlikely to bring by much change.

Another persistent tool in Hungarian integrity games are questions about cooperation with the Communist secret services. Lustration was heavy burden on the shoulders of the new elites, and they did not carry it elegantly. The first lustration law, which sought to exclude from public and elected office (among others) the officers of the internal security division of the Communist secret police (Subdivision III/III)<sup>225</sup> was passed in the last days of the first democratically elected parliament<sup>226</sup> – despite serious attempts to expose the agents and officers of the Communist secret police from the start.<sup>227</sup> Central provisions of the 1994 lustration act did not pass constitutional scrutiny.<sup>228</sup> In its decision the Constitutional Court made clear that by 1994 the point has passed where lustration could possibly serve as a means to protect peaceful transition from the interference by the security services of the former regime.<sup>229</sup> Rather, the lustration law is meant to ensure the transparency of public affairs and public offices, and as such it should be subject to constitutional scrutiny under the ordinary terms of constitutionality (i.e. there is no room for transitional justice-like considerations).<sup>230</sup>

<sup>220</sup> See [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2006](http://www.transparency.org/policy_research/surveys_indices/cpi/2006). Among the countries covered by the present project, this is the highest score.

<sup>221</sup> While there was a parliamentary investigation and numerous criminal prosecutions in connection with trade in bleached oil, the masterminds were never prosecuted, nor was the 'oil mafia' fully uncovered. It is widely believed that the mafia could not have been this successful without support from higher, even political, circles. The oil-cases reemerged in the summer of 2007 following the brutal beating up of a journalist who was working on the case.

<sup>222</sup> The emblematic case is probably that of Maria Tocsik, an attorney who agreed for a contingency fee of 800 million forints from the National Privatisation Agency to assist with certain land claims of local self-governments. Details are summarized in English in *Monitoring EU Accession*, at 270. also with attention to the party finance aspects of the case. After she was cleared of criminal charges and over 10 years after the beginning of the case, a civil court found on the first instance that Dr. Tocsik's contract violated good morals and ordered her to return her contingency fee with interest.

<sup>223</sup> *Monitoring EU Accession*, at 241.

<sup>224</sup> Several cases are summarized in English in *Monitoring EU Accession*.

<sup>225</sup> As is now known, in its latest composition before the fall of the Communist regime in 1989, the State Security Service (*Állambiztonsági Szolgálat*), i.e. Division III of the Ministry of Interior, comprised of Subdivision III/I for external intelligence, Subdivision III/II for counter-intelligence, Subdivision III/III for domestic intelligence (or "internal reaction") and Subdivision III/IV for military intelligence.

<sup>226</sup> The full title of the law is "Act on Background Checks to be Conducted on Individuals Holding Certain Important Positions", Act No. 23 of 1994. Available in English in *Transitional Justice, How Emerging Democracies Reckon with Former Regimes*, ed., Neil Kritz, Vol. 3, Washington, D.C., United States Institute of Peace Press, 1995, 418 et al.

<sup>227</sup> Gábor Demszky and Péter Hack, MPs for SZDSz presented their bill on September 3, 1990 (Bill no. 482).

<sup>228</sup> 60/1994 (XII. 24.) AB decision

<sup>229</sup> 60/1994 (XII. 24.) AB decision; ABH 1994, 350.

<sup>230</sup> 60/1994 (XII. 24.) AB decision; ABH 1994, 350-1.



While exposures of top elected officials and public figures did not cease during the first decade of the fledgling Hungarian democracy, the summer of 2002 brought a major uncomfortable surprise when the leading conservative daily [*Magyar Nemzet*] published a set of documents asserting that Péter Medgyessy, the newly elected Prime Minister of the Hungarian Socialist Party, served as a counterintelligence secret agent between 1977 and 1982. While the Hungarian polity was getting used to a political context where “Communist” and “agent” are standard denigrating expressions without real content, the revelation following the elections of 2002, that fresh Prime Minister Péter Medgyessy used to be a counterintelligence agent in the Communist secret services was a real shock. Still, Medgyessy did not resign. All the scandal achieved was to confirm the already well-known weaknesses of the existing legal regulation on lustration, and to force the reconsideration of lustration and informational reparations.

Furthermore, on the initiative of MDF, the smaller of the two opposition parties, a parliamentary commission was established to investigate the Prime Minister’s former career as a secret agent. At the same time, MDF called for another parliamentary commission was called to life to investigate the ties of all post-communist senior cabinet officials (prime ministers, ministers and secretaries of state, approximately 200 persons) with all divisions of the former secret services between January 1, 1945, and February 11, 1990. Thus, the second committee’s mandate extends beyond the scope of statutory lustration. The operation of the committees of investigation was surrounded by constant political noise. The opposition parties kept refusing to cooperate with the investigation commissions; the constitutionality of the establishment and mandate of the commissions was also questioned in the public discourse. The committee investigating the Prime Minister’s past concluded its work without producing a report. The committee screening former post-communist cabinets found ten previous high cabinet officials who had cooperated with the communist secret services, five of whom had participated in the previous government of the Fidesz.

The autumn of 2004 turned up more former Communist state security officers among elected officials and public figures, while various agent-lists of doubtful credibility started to emerge on the internet and in newspapers even during the spring of 2005. The approaching end to the period of mandatory lustration and the emergence of agent-lists prompted new interest in parliamentary circles to amend legislation on exposing the agents of the

former Communist secret services and on opening access to their files. Completely unexpectedly, Prime Minister Gyurcsány took the lead in advocating full disclosure of state security service collaborators. While his vague initial policy statements met the liking of all four political parties, the more concrete the Socialist proposal became, the more rapidly it fell short of 4-party consensus. The most important components of the major amendment to the law on access to files passed in 2005 upon the initiative of the Socialist government was found unconstitutional in the Hungarian Constitutional Court in October, 2005 upon the petition of the outgoing president of the republic (acting at least in part upon the request of faction leaders of parties in the governing coalition).<sup>231</sup>

The lustration saga, and the Medgyessy scandal assisted in permitting more meaningful access to information deposited in the archived material left behind by the Communist secret services. It also fostered a better understanding of the operation of the Communist secret police, at least among those who had the patience to follow the sometimes far-too-technical discussions. In the aftermath of the Medgyessy scandal it became clear that Fidesz is not completely free from ties with the Communist secret police. Still, it is more clear than ever that exposing someone as a former agent or collaborator will not force this person to abandon a public position<sup>232</sup> and will instead produce a flimsy explanation of how past deeds were or are irrelevant, or, alternatively, how cooperation with the Communist secret police helped build today’s democracy.

## PERSONALITY FACTORS

### PARTIES FORMED AROUND PERSONALITIES OF POLITICIANS

### ROLE OF PARTY LEADERS IN THE POLITICAL PROCESS

### ROLE OF LEADERS IN COMMUNICATION WITH CONSTITUENCIES

It must be clear from the above analysis that Hungarian parties, and especially Fidesz, are leader driven. The charismatic leadership of Viktor Orbán is key to the political and electoral success of Fidesz, and to its mobilizing potential. As Zsolt Enyedi has adequately pointed out, to transform a party with weak electoral support on the liberal side of the political spectrum into a large catch-all party on the right is an achievement

<sup>231</sup> See Ügynöktörvénystart [Agentlaw-start], June 1, 2005 at <http://hvg.hu/hvgfriss/2005.22/200522HVGFriss19.aspx> (in Hungarian).

<sup>232</sup> In this respect the only notable exception is Zoltán Pokorni, who resigned from being a Fidesz party president and faction leader after it was revealed that his father used to be an internal security agent.

<sup>233</sup> Enyedi, Cleavage formation, at 18.

which takes a strong, autonomous leader.<sup>233</sup> The significance of Orbán's persona in explaining the success of Fidesz is only magnified by the fact that he did not lose popular support once he resigned from formal party functions.<sup>234</sup>

At this point there are two significant consequences. The first of these is that the success of a political party in Hungary largely depends on the persona of its leader. This is true for small and large parties alike. András Bozóki described neatly the problem of MSzP before the 2002 general elections as the "Search for Tony Blair!", i.e. the search for the party leader who will not only be able to galvanize the party, with its numerous competing factions, but more importantly, to attract electoral support. Péter Medgyessy was definitely not a charismatic leader in the genre and his election can be seen as the reaction of an electorate scared by major party rallies and the force of a charismatic leader.<sup>235</sup> The figure of Ferenc Gyurcsány is much closer to the charismatic model, yet it was undeniably tarnished with the leak of his otherwise really strong speech of May, 2006.

The second consequence to account for is detailed in the following section and can be summarized simply: outsized charismatic personae do not seem to fit well in the straightjacket of parliamentary politics.

## CONSEQUENCES FOR DEMOCRACY AND THE RULE OF LAW

### MAJORITARIANISM AND CONSTITUTIONALISM

After losing parliamentary elections by a small margin in 2002, Viktor Orbán refused to take the role as leader of the opposition in parliament and continued to act as 'leader of the people',<sup>236</sup> investing considerable energy in building a broad social movement around the party structure and, also, mobilizing visible popular support outside parliamentary and party structures.<sup>237</sup> He explained his unwillingness to become a dutiful leader of the opposition in the following terms in his State of the Nation address in 2003:

The opportunities available to the opposition in Parliament are few. It may form an opinion if it deems that the government is heading in the wrong direction, it may put forward alternative solutions, it may help its country on the international scene. Although the tools are scarce, the opposition, with the help of the people, has managed to score some results.... First of all, let us forget the idea that the exclusive terrain of public life is the Hungarian parliament. In fact, public life is present everywhere in all communities. It is now our and your responsibility to save those values which we collectively represent in Hungarian public life: human dignity, family, work, learning, order, national solidarity. And these values are only present if we are also present everywhere. Centre-right forces cannot therefore aim lower than being present at every town, village and settlement throughout the country. Let us consider that ever since the civic circles have come into being, the values we cherish are ever more present, more and more people are talking about them, more and more people are standing by them in debates, which has contributed to a change in the country's spiritual make-up.

Extra-parliamentary politics seems to take endless forms. The 'state of the nation address' is one example: it is a speech which Orbán delivers in a decidedly non-political space to an audience of his own party and movement even while in opposition. The organization of the civic circles and calls for signatures and awareness campaign as are also among the means to perpetuate permanent presence and media attention without having to engage in parliamentary business. Many of these initiatives mimic what would be recognized as a genuine operation of civil society. Famous among these initiatives the so-called 'civic circles' which are local citizens' groups formed to discuss public affairs, to brainstorm for the party and to allow for Orbán to meet 'the people.' The launch of such initiatives is always accompanied by considerable media coverage in the mainstream printed and electronic press. This strategy of taking politics to the people also heavily relies on moves which are considered to be antithetical to parliamentary decision-making, such as referenda, and more recently, on acts that amount to civil disobedience.<sup>238</sup>

<sup>234</sup> Enyedi – Tóka, *The Only Game in Town*, at 16.

<sup>235</sup> This indeed is a plausible explanation for the uncharacteristically high turnout at the 2002 elections. The surfacing of passive voters supporting MSzP is the standard explanation of the Socialist victory in that year.

<sup>236</sup> Orbán believed that the 'nation' (represented by him) cannot be in opposition, instead, currently they are in minority. Bozóki notes that Orbán remained captured in the rhetoric of the election campaign. Bozóki, *Politikai pluralizmus* at 494.

<sup>237</sup> On the significance of the civic circles see also Enyedi, *Cleavage Formation*, at 17.

<sup>238</sup> Police authorities 'forgot' the cordon around Kossuth square, forgetfulness which in that very fashion was illegal. The cordon was removed only in the spring of 2007, when the parliamentary faction of Fidesz took it off in an action what they termed as an act of civil disobedience.

With Fidesz's populist rhetoric becoming a fixture in the Hungarian political space, fundamental constitutional institutions underwent important changes, although their constitutional powers remained unaffected. The most important among these is probably the strengthening of the prime minister's position within the government through an unspectacular vehicle: the Prime Minister's Office (Miniszterelnöki Hivatal, 'MEH').<sup>239</sup> It is not an exaggeration to say that over the years the MEH has become a clearinghouse off all major governmental policy and legislative projects.<sup>240</sup> With an overall staff of about 2,000, an internal structure mirroring ministries and also incorporating entire portfolios, MEH is responsible for the overall coordination of governmental business. This power concentration – the presidentialization of the prime ministerial position – was commenced by Viktor Orbán during his time in government, but it was carried into perfection by the second Gyurcsány government after the elections of 2006. MEH is staffed with personnel arriving from outside the party structure, with professionals who are trusted by the prime minister of the day.<sup>241</sup> As a result, the emergence of the prime minister's office has resulted in the slow chipping away of the de facto power of government ministers.<sup>242</sup> Due to its mediation and coordination functions the practical significance of cabinet meetings is also reduced.<sup>243</sup> These appointments enhance the informal power of the prime minister within the coalition government, and also against the opposition of his own party: non-politicians have a loyalty to the cabinet without partisan ties.<sup>244</sup>

Note also that the emergence of MEH as a power center is accompanied by a decrease in transparency in policy and decision-making and in vanishing opportunities to assert (political or professional) responsibility for the operations of the highest level of the executive branch.<sup>245</sup> Opportunities for parliamentary oversight are reduced further when the government – as if to prevent a parliamentary investigation – moves ahead to establish an independent investigation carried out by experts, hand-picked on a meritocratic basis. The Gönczöl-committee established by the government as an independent expert body to investigate the police's response to the anti-government protests of the autumn of 2006 is a prime example.<sup>246</sup> The majority of the members of the Gönczöl committee had some formal affiliation with one of the MSzP lead governments or with Communist organizations. The fact that the Gönczöl committee's balanced final report had serious findings which were not positive on the government of the day does not make up for its legitimacy deficit. In response, a counter-committee emerged on the scene chaired by Krisztina Morvai (Civil Jogász Bizottság, Civic Lawyers' Committee).<sup>247</sup> Although the clash in the findings of the two committees was integral to the situation, the government nonetheless decided to resort to yet another independent expert investigation to address allegations of corruption in the acquisition of the Gripen fighter planes.<sup>248</sup>

The concentration of the prime minister's power in a manner which is beyond the scope traditionally checked by the executive or the legislature, and the government's

<sup>239</sup> The Prime Minister's Office was called the fastest developing administrative unit in Hungary in Sándor Gallai – Tamás Láncki, „Személyre szabott kormányzás. A második Gyurcsány kormány anatómiája” (Personalized government, The anatomy of the second Gyurcsány government), 293-334, in Karácsony, *Parlamenti választás 2006*, at 303.

<sup>240</sup> The most recent version of the founding instrument of the Prime Minister's Office is available in English at [http://www.meh.hu/english/office/deed/20040526\\_e.html](http://www.meh.hu/english/office/deed/20040526_e.html).

<sup>241</sup> Gallai – Láncki, at 322.

<sup>242</sup> Gallai – Láncki, at 324.

<sup>243</sup> Gallai – Láncki, at 325.

<sup>244</sup> Enyedi – Tóka, *The Only Game in Town*, at 34.

<sup>245</sup> This development is sensed by some political scientists, as see in Körösiényi – Tóth – Török, *A magyar politikai rendszer* at 608-609 and 611-613.

<sup>246</sup> Established by 1105/2006. (XI. 6) Korm. decision, the committee itself was formed on November 8, 2006. See at (<http://www.gonczolbizottsag.gov.hu/>).

<sup>247</sup> The daily, *Magyar Nemzet* reported the formation of an 'alternative committee of investigation' on November 15, 2006 at "Alternatív vizsgálóbizottság alakult, (An alternative investigation committee was formed)," as available on-line at <http://www.mno.hu/portal/383225>.

An English translation of the report of the Morvai committee is available on its website, via <http://www.oktober23bizottsag.hu/english.html>. According to the report (at page 8) of the Civilian Lawyers' Committee: "Not much after the establishment of the committee by the Government's decision we decided on November 20, 2006 to create an 'alternative committee' composed of seven lawyers independent of the government and political parties, in order to investigate the events in an objective and independent manner, with a strong human rights perspective."

Although there are two dates for the formation of the Morvai committee, it is clear that it was established in reaction to the creation of the government's independent investigation commission headed by Katalin Gönczöl.

<sup>248</sup> See „Gripen-botrány: vannak magyarországi érintettek?” (Gripen scandal: are there Hungarian ties?), July 3, 2007, at [http://www.hirszerzo.hu/cikk/gripen-botrany\\_vannak\\_magyarorszagi\\_erintettek.39128.html](http://www.hirszerzo.hu/cikk/gripen-botrany_vannak_magyarorszagi_erintettek.39128.html).

venture into the normally opposition-driven domain of parliamentary investigation comes at a time when parliamentary deliberative processes have suffered great harm from internalizing an automated *acquis* adoption routine in preparation of EU accession.<sup>249</sup> Were this not a enough reason for concern, consider Enyedi and Tóka's argument that the "concentration of the executive power favored the parties that could present a clear and self sufficient alternative to the government of the day, and strengthen the prevailing winner-takes-all logic of the party competition."<sup>250</sup>

## VIOLENCE AND MAINSTREAM POLITICS

### SPONTANEOUS POLITICAL ACTIONS

Under Hungary's current assembly law there is no room for spontaneous demonstrations with the narrow and technical exception of rallies falling under the election law.<sup>251</sup> This has been a source of conflict ever since the early days of transition. (The first major spontaneous demonstration having was the taxi blockade of 1990.) While Fidesz likes to call mass demonstrations, they like them to be planned and staged. It is well understood that without media coverage these demonstrations are worth less. Planned demonstrations can be expected at national days of commemoration (March 15, June 4 and October 23).

Radical right wing groups prefer other symbolic days for their meetings (Adolf Hitler's birthday, the day of the signing of the Trianon treaty). Such gatherings receive attention in the press mostly because critiques tend to complain about lack of taste in choosing the date of the event, and not because of the violence of the meeting. Violence is not a regular means and is from being a mainstream part of the arsenal of Hungarian political participation or mobilization (most of the skill in the violent protest wave of late 2006 came from established football hooligans), although, its incidence was higher than usual during the past few months.

## CONCLUSION

The emergence of such populist rhetoric is disturbing for supporters of constitutional democracy who believe in resolving matters of public concern in institutionalized decision-making processes where opinions are shaped in the course of rational deliberation. What makes the Hungarian case interesting is that populist devices are not used by newcomers or fringe parties to mobilize support in order to gain entry into mainstream politics. Rather, in present day Hungary populist rhetoric is a means of communication for a large parliamentary party which resorts to this instrument not simply as a campaign device but also as a technique replacing—at least on one level of communication—the usual arsenal of the opposition in everyday parliamentary politics. Symbols and slogans are difficult to counter with rational arguments about matters of public concern. Competing political players have so far not managed to produce a leader figure who would be a match for Viktor Orbán's charisma and public persona. While talking about the impact of external or internal (constitutional or institutional) constraints on Hungarian public affairs, it is crucial to see that such constraints might not go beyond their conventional range and extend to the field where populist rhetoric makes its impact.

The Hungarian case, although free from more extreme forms of populism is perplexing, as populist rhetoric and basic political tactics delivering it to willing voters flourish in a stable constitutional framework and a largely consolidated party system. Hungary's constitutional and legal framework contributed strongly to the emergence of party blocks and, ultimately, to the polarization of the party system. At this point it is crucial to recall, that according to Enyedi and Tóka, the much condemned polarization comes with at least two benefits: first, it forces political players to articulate their programs in clear terms, and thus contributes to crystallizing political identities; second, it is a vehicle which generates support for political parties.<sup>252</sup>

<sup>249</sup> See Wojciech Sadurski, "Accession's Democracy Dividend: The Impact of the EU Enlargement upon Democracy in the New Member States of Central and Eastern Europe", *European Law Journal* 10 (2004): 371-401.

<sup>250</sup> Enyedi – Tóka, *The Only Game in Town*, at 5.

<sup>251</sup> This rule of the assembly law was found to violate the European Convention in *Bukta v. Hungary*, [2007] ECHR 25691/04 (17 July 2007). The decision of the European Court of Human Rights was subsequently used to claim that government attempts to control mass violence on the streets violates human rights.

<sup>252</sup> Enyedi – Tóka, *The Only Game in Town*, at 40.





# POLAND

Jacek Kucharczyk and Olga Wysocka

## INTRODUCTION: POPULISM AFTER ENLARGEMENT

The spectre of populism has been hanging over Central Europe since the enlargement of 2004. A number of new member states which had successfully completed the process of the adjustment to the requirements of EU membership, have been affected by abrupt and largely unexpected deterioration of the quality of their liberal-democratic regimes. The quality of democracy is particularly affected by the growth of populism.

The core element of populism lies in its concept of “the people”. “The People” in the context of populism can mean the citizens, the majority, the common people, the “victims”, the poor or the nation.<sup>1</sup> The glorification of the people goes further because it “is tinged with the belief that the people are not just the equal of their rules; they are actually better than their rules”.<sup>2</sup> Populism also means “the belief that politicians are synonymous with corruption, while true wisdom and purity resides squarely with the people”.<sup>3</sup> In other words, populism says something about the relation between the people versus those in power. As defined by Mudde, today’s populism regards society as being divided into two antagonistic groups: the people v. the establishment. Populists proclaim the will of the people against elites and institutions, which they portray as corrupted and immoral and claim to express that general will.<sup>4</sup> It is often the case that political elites are accused of abusing their position of power instead of acting in conformity with the interests of the people as a whole,<sup>5</sup> but populists go further to argue that there is a conspiracy of elites against the people.

Populism appeals to simple rules derived from the ‘common wisdom of the people’ and its rhetoric is often embellished with references to local tradition and culture (as opposed to elites’ alleged ‘cosmopolitanism’), hence it is usually tinged with nationalism. Another significant aspect of populism is that it appeals to fear and promises to adequately protect the ‘people’ from threats (sometimes real, but more often artificial).

One of the important reasons why populist parties and movements are so visible is the position of their leaders. Populists need a charismatic leader, most often one with an authoritarian, dictatorial and paternalistic predisposition, who claims to communicate directly with the people, using demagogic slogans, stirring up various resentments, anxieties and hopes, proposing simple (‘quick fix’) solutions to difficult social and political problems.

Today, populists are often difficult to identify because the political rhetoric used by mainstream politicians also frequently includes populist elements, though this does not necessarily make them populists. By the same token, not every charismatic leader is a populist.

The concept of populism has been defined in a different ways, namely as a discourse, strategy, doctrine or ideology. This paper attempts to examine various types of this phenomenon on the example of the Polish case, including its “soft” to “hard” forms.<sup>6</sup> In Poland populist tendencies have appeared on all sides of political scene – from the right to the left. Populism is not restricted to populist parties as such, but is also associated with leaders (*e.g.*: Andrzej Lepper, Jarosław Kaczyński) and movements (*Radio Maryja*).

<sup>1</sup> See: Jerzy Szacki, *Pytania o populizm*, in: Krytyka polityczna *Jeszcze nie jesteś populistą?*, 2003, No 4, pp. 28-35. Paul Taggart made an effort to clarify the use of the term “the people” by introducing an alternative term “the heartland”. The heartland represents an idealized conception of the community and is a construction of an ideal world and “a shared belief in the virtues of the heartland unites populists”. Paul Taggart, *Populism and the Pathology of Representative Politics*, in: Yves Mény and Yves Surel, (ed), *Democracies and the Populist Challenge*, New York: Palgrave 2002, pp.62-80.

<sup>2</sup> Edward Shils, *The Torment Of Secrecy: The Background And Consequences Of American Security Policies*, London, Heinemann 1956, p. 101.

<sup>3</sup> Taggart op.cit. p. 76.

<sup>4</sup> See Cas Mudde, *The Populist Zeitgeist*, in: *Government & Opposition* 3, 2004, pp.541-563 and compare also Cas Mudde, *Populist Radical Right Parties in Europe*, Cambridge University Press 2007.

<sup>5</sup> Yves Mény and Yves Surel, (ed), *Democracies and the Populist Challenge*, New York: Palgrave 2002, p. 13.

<sup>6</sup> In the literature the phenomenon is divided into “soft” and “hard” form. The first one means a challenge to the existing system of representation. The “hard” type is characterized by more serious threats to the constitutional framework, to the fundamental principles of liberal democracy.

The 2005 election campaign in Poland led to the domination of the political scene by parties questioning the transition consensus of 1989-2004 and speaking in the name of the people. Those parties, the conservative Law and Justice Party (*Prawo i Sprawiedliwość*, PiS), the agrarian-based Self-Defence (*Samoobrona*, SO) and the radical-right League of Polish Families (*Liga Polskich Rodzin*, LPR), set up a government coalition (2006-2007). They embraced the project of building a new “Fourth Republic of Poland”<sup>7</sup>, in which “everybody will be equal” (J. Kaczyński, 2005), from out of the ruins of the “post-communist arrangement”, which allegedly dominated the transition process. As a result, in the eyes of its European and transatlantic partners, in just few years Poland evolved from a “transition success story” of 2004 to the “sick man of Europe” of 2007. After two years this populist regime collapsed in the midst of a deep political crisis, early elections were held and the voters removed the populists from power.

Similarly to other populists, the 2005-2007 Polish populist politicians claimed to speak in the name of the “people”. Their electorate comprised representatives of different social groups such as workers, farmers, Catholic integralists, but also small-scale entrepreneurs. Their common denominator was the disappointment with the transformation process (meaning democratisation, market reforms, Europeanization, globalisation, etc.), for which they blamed the establishment.

The nature of Polish populist parties and movements can be summarized in three key points:

- **Anti-establishment.** The unifying principle behind the three parties which formed Poland’s ruling coalition was their assertion of non-participation in the successive governments of the Third Republic. Self-Defence electoral slogan *Oni już byli* (“They have had their chance”) could thus be seen as the ideological common denominator of the coalition. The same anti-establishment thrust has been expressed in the concept of *układ* (“the network”).<sup>8</sup> Generally speaking, this vague term connotes secret connections between institutions, politics, business and other informal groups, which dominated the transition (“post-communist”

period. The stated aim of the 2005-2007 coalition was to “end post-communism” by removing from the position of power and influence the entire “old” political class and replace it with a new one. They extended this “class struggle” to other elites – the business and managerial elites, doctors, lawyers and the intelligentsia in general – whom they saw as colluding with the corrupt practices of “post-communism”.

- **Against constitutionalism and procedural democracy.** The Polish populists practiced the idea of the primacy of political will over the rule of law. During the coalition period, as well as later when the Law and Justice was governing alone, this was expressed by their frequent questioning of the role of the Constitution (allegedly “post-communist”) and the Constitutional Court together with their notorious bending of parliamentary procedures and their attempts to marginalize the role of the opposition in the legislative process. In short, their understanding of democracy could be summarized as “dictatorship of parliamentary majority”.
- **Against minorities.** Populism usually adopts the idea of unity and purity of the nation in contrast to corrupt elite. This leaves little room for respecting minority values and lifestyles. In the Polish context, the idea of “moral revolution”, introduced by Law and Justice, and expressing their stated aim to end with corruption, has also resulted in embracing the ideal of ethnically and religiously uniform Polish nation, with a strong strain of xenophobia, anti-semitism and homophobia. One of the most characteristic features of post 2005 public life was the mainstreaming hate speech and xenophobia, from low circulation and fringe media to public media and officialdom.

The purpose of this paper is to review the background conditions of the populist backlash, assess its political context as well as describe its consequences for the state of the Polish democracy.<sup>9</sup> The paper also addresses the questions regarding the meaning of the 2007 elections for the future of the Polish populism. Finally, the authors will attempt to consider the relative strength of Polish populists *vis-à-vis* their opponents as well as the lessons that can be learnt from the Polish case.

<sup>7</sup> According to the Constitution of 1997, Poland is the Third Republic. The concept of the “Fourth Republic” as the project of political changes was introduced by Rafał Matyja. The concept was later repeated by Professor Paweł Spiewak, as an appeal for necessary changes to protect the state from the corruption. In Poland’s 2005 election, the “IV RP” was presented as a project of moral revolution and political changes and used by both Law and Justice and more moderate Civic Platform.

See: Rafał Matyja, *Obóz IV Rzeczypospolitej*, Debata 3/1998, *Nowe Państwo* 1997; Paweł Spiewak, *Koniec złudzeń*, *Rzeczypospolita*, 23.01.2003. [http://www.rzeczypospolita.pl/gazeta/wydzianie\\_030123/publicystyka/publicystyka\\_a\\_7.html](http://www.rzeczypospolita.pl/gazeta/wydzianie_030123/publicystyka/publicystyka_a_7.html)

<sup>8</sup> The Polish term “układ” has been also translated as “the agreement”, “the nexus” or “the arrangement”.

<sup>9</sup> Since the aim of this paper is to stress the main features of the Polish populism, some problems have been only mentioned by the authors without lengthy elaboration.

## BACKGROUND CONDITIONS AND SOURCES OF THE POPULIST BACKLASH IN POLAND

A number of persistent problems that successive Polish governments after 1989 failed to address effectively lie at the core of the analysis of the 2005 election outcome and the populist takeover that followed.

After 1989 a considerable part of the society either saw themselves as victims of the post-communist transition, or believed that the direction in which Poland was headed after the collapse of communism was somehow fundamentally wrong. This discontent with the post-communist transition has several faces. On one hand, rapid economic and political transformation produced a sense of loss of economic security for some groups of people, especially pensioners, low-skilled workers, and families with many children. These groups are often nostalgic about the former times of the paternalistic welfare state, despite often being anti-communist at the same time. Such people often shared the conviction that the Round Table agreement helped the secret services agents and communist nomenclature of People's Republic of Poland (PRL) not only to escape their just punishment, but also to translate their political influence into economic clout. This was the core argument about the existence of the "układ".

Moreover, the opening to Western social, political and cultural influences has posed perceived threats to the traditional notion of "Polishness", including religious and other "fundamental" cultural values that can be summed up as the "fears of modernity." The hard-won independence, in its turn, has resulted in special attention to Poland's sovereignty as well as the scepticism towards the idea of membership in any international organisation that might limit the country's control over its own affairs.

## HIGH LEVEL OF UNEMPLOYMENT AND DISCONTENT WITH MARKET REFORMS

The end of the communist system paved the way for economic reforms. The first democratic government of Tadeusz Mazowiecki initiated a reform program to transform the centrally planned economy into a free market economy. The plan also aimed at restructuring and privatising most medium-size and large state-owned enterprises. The Polish reforms were initially greeted with enthusiasm, but they quickly encountered a number of obstacles that prevented the speedy implementation of the reform plans. One of such barriers was the poor economic situation of the most state-owned enterprises.<sup>10</sup> The Polish workforce saw itself threatened by mass layoffs. Facing strong opposition from the trade unions, the successive Polish governments encountered difficulties in formulating and implementing a coherent privatisation policy.<sup>11</sup> Legal and administrative preparations for privatization of state-owned enterprises took much longer than expected.<sup>12</sup>

Privatisation was an uncomfortable topic of all governments. It is notable that positive opinions about the privatisation decreased steadily over time. Initially, privatisation was supported by 43-42% of Poles,<sup>13</sup> while only 8% of respondents perceived privatisation as bad. During the following years the negative opinions grew to 35% by 2000, though the figure dropped to 30% in 2005. When analyzed according to party preference, the figures show that 53% of Self-Defence supporters thought negatively about privatisation, and those levels were almost equally as high among supporters of the League of Polish Families.<sup>14</sup>

Unemployment, one of the effects of privatisation, has become a prevailing problem of the Polish transition since the inception of market reforms in early 1990s. Unemployment rate reached its high between 2002 and 2004 and the fight against unemployment has been a

<sup>10</sup> Years of bad management had left a large number of enterprises virtually bankrupt. It was clear that even after far-reaching restructuring most of the 8,500 registered Polish state-owned enterprises would not survive the competition of the free market. Comp.: Barbara Błaszczuk and Marek Dąbrowski, *The privatization process in 1989-1992. Expectations, Results and Remaining Dilemmas*, Centre for Research into Communist Economies (CRCE), 1993.

<sup>11</sup> By effectively lobbying the parties in the Sejm, the unions managed to postpone the start of the privatisation process. Only by offering concessions was the Mazowiecki government able to put in place the legal framework needed for the start of the privatisation process. Polish privatisation policy was characterized by a multitude of strategies. The goal of the governments between 1989-1993 was to sell companies and thus to reduce the public domain in the economy. After 1993 the aim of the post-communist establishment was to create governmental agencies to control, not to sell.

<sup>12</sup> Economists stress the negative effects of such a slowdown. See: Ibidem but also an interview with Janusz Lewandowski. Mark J. Bonamo, *Poland's Privatization Process: A view from the Inside*, in: *Journal of International Affairs*, Vol. 50, No.2, 1997, pp. 573-580.

<sup>13</sup> See more: Włodzimierz Derczyński, *Opinie o prywatyzacji*, in: CBOS, February 2005, BS/26/2005.

<sup>14</sup> Ibidem.

political theme for all parties. Despite radical improvement following EU enlargement, Poland's unemployment rate is still the highest in the EU, currently running at 12% and reaching up to 22% in some regions.<sup>15</sup> The growing unemployment mobilised populists. From the early 90s opposition to privatisation was the distinctive feature of Self-Defence's rhetoric. The League of Polish Families also prominently emphasized privatisation as an anti-national act.

At the same time another problem emerged. Small businesses formerly owned by local government agencies were sold to private investors, often former members of PZPR, in the initial rush to privatization.<sup>16</sup> In many cases the sales were also linked to corruption. Ordinary Poles began to subscribe to the belief that in order to establish one's own business, 'the first million has to be stolen'. One of the most controversial privatisation in the Polish history concerned the privatization of PZU, the oldest and the biggest insurance company in Poland.<sup>17</sup> The alleged corruption connected with privatisation was presented in the 2005 electoral programmes of Law and Justice and the League of Polish Families as a consequence of lack of effective de-communization and lustration.

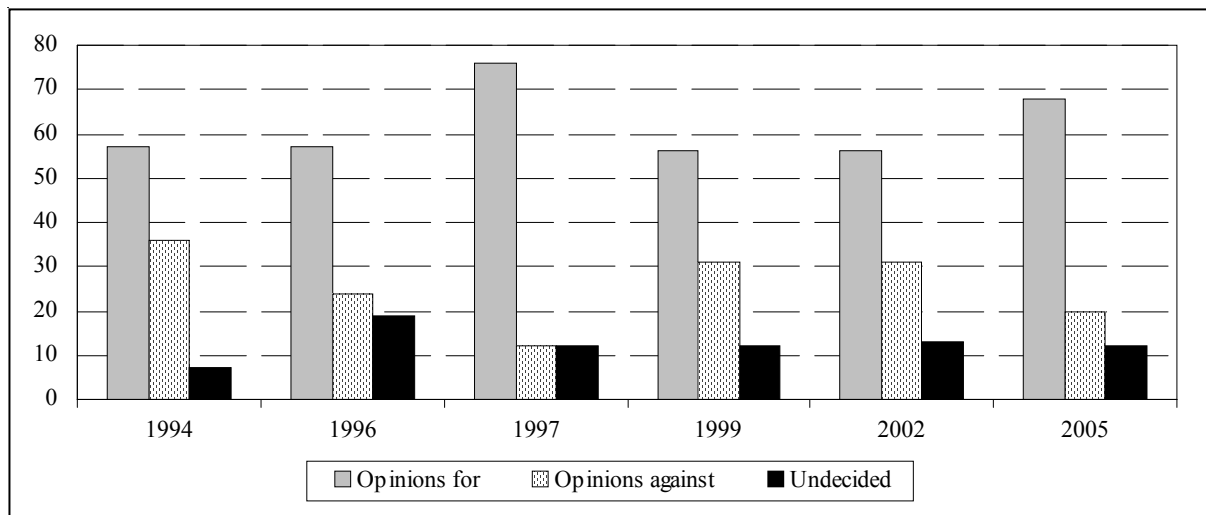
## DISCONTENT WITH DEMOCRACY

A number of key democratic institutions were been established in the first post-communist decade. In some cases, they were reformed structures inherited from the communist period. In others they were created anew. These institutions, well designed in the theory, did not function always perfectly in practice and their defects became tools of the populist rhetoric.

## AMBIGUOUS ASSESSMENT OF "NEGOTIATED TRANSITION"

In result of the so-called the Round Table agreement of 1989, Poland's initial approach to the communist past came to be symbolized by "a thick line" between the communist past and the democratic present<sup>18</sup>. For the opponents of the philosophy of "negotiated transition", this amounted to a blanket forgiveness of the past communist misdeeds. In consequence, attitudes towards the communist past became a major source of division among Poles. This was particularly visible in the discussion on the lustration and de-communisation and influenced the political atmosphere in 90s. The discussion about the need for lustration returned in 2005-2007.

**Graph 1**  
**Public opinion about lustration in Poland from 1994 to 2005**



Source: CBOS.

<sup>15</sup> Comp: Unemployment rate in 1990-2007 in: Central Statistical Office (*Główny Urząd Statystyczny*, GUS): [http://www.stat.gov.pl/gus/45\\_677\\_ENG\\_HTML.htm](http://www.stat.gov.pl/gus/45_677_ENG_HTML.htm)

<sup>16</sup> Overall, in 1990 and 1991 about 80 percent of Polish shops went into private hands, and over 40 percent of imports went through private traders.

<sup>17</sup> The privatisation of PZU started in 1998. In January 2005 the Sejm established a special commission to investigate the privatisation controversies.

<sup>18</sup> The expression „thick line” was used by the first non-communist Prime Minister Tadeusz Mazowiecki to dissociate his government from the responsibility for the state of the economy it inherited from the communists. It was later adopted by anti-communist populists as a symbol of lack of “settlement of accounts” with the communist past.

As Table 1 shows, throughout the transition period more than half of Poles believed that lustration was necessary.<sup>19</sup> The highest support was reached in 1997 when – following the electoral victory of the right, the first lustration law was passed.<sup>20</sup> The discussion on tightening the law became a part of the political campaign in 2005, particularly for Law and Justice and the League of Polish Families, and once again influenced public opinion. As a result, support for the lustration process reached the level comparable to 1997.

## CORRUPTION

According to the Corruption Perception Index of Transparency International, in 2005 Poland was the most corrupt country among the EU members. According to systematic surveys of public opinion, most Poles seem to have subscribed to this view (see Table 2 below).

As indicated above, by 2006 more than 90% of Poles believed that corruption was a large problem for the country. However, opinions differed as to the methods of anticorruption activities. Half of the Poles considered that the corruption should be dealt with through already

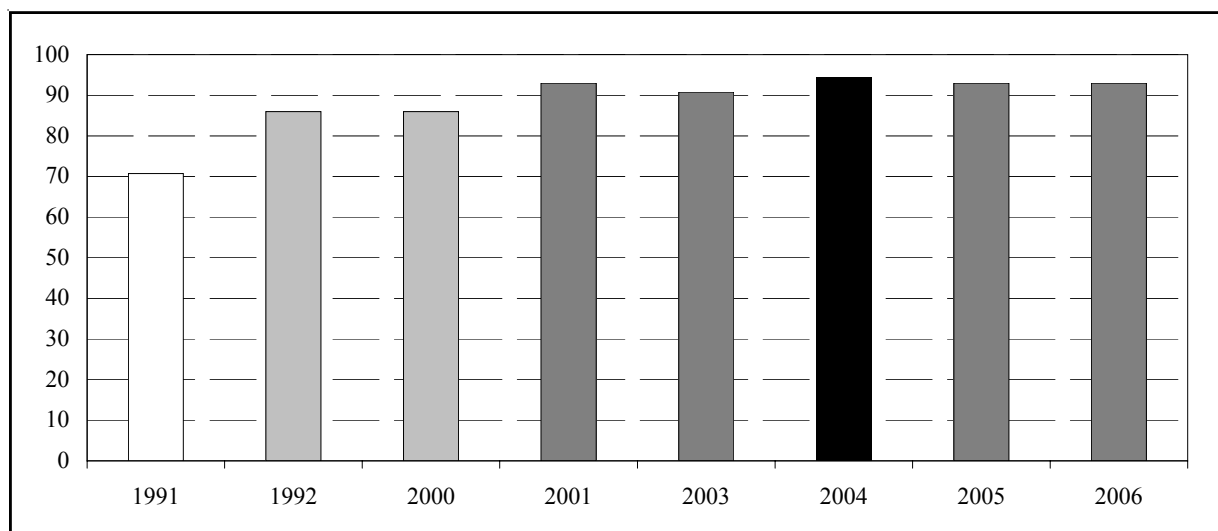
established institutions, such as police, public prosecutor's office and the Central Bureau of Investigation (*Centralne Biuro Śledcze*). By contrast, 42% believed that a new anti-corruption institution should be established.<sup>21</sup> It is notable that during 2005 and 2006, Law and Justice conducted the anticorruption campaign, in which one of proposals concerned the necessity for establishment of new institutions.

## LOW LEVEL OF CIVIC ACTIVITY AND ENGAGEMENT

The collapse of communism also meant the beginning of a new era for the Polish civic society. Democratic change has opened way to new civic initiatives. Poland's civil society was based on the traditions of the Solidarity trade union and other anti-Communist opposition movements of the 1970s and 1980s, as well as social activities of the Catholic Church. The growth of new organisations was highest in the beginning of the 1990s and stabilized in 1993 and 1994. Today the Polish NGO sector consists of over 55,000 registered organisations<sup>22</sup> Based on official NGO data from 2007, around 8 mil-

### Graph 2

#### The percentage of respondents believing that the corruption is an urgent problem in Poland



Source: CBOS.

<sup>19</sup> Rafał Boguszewski, *Powracające dylematy lustracji i dekomunizacji w Polsce*, in: CBOS, March 2005, BS/43/2005.

<sup>20</sup> See details: *Ustawa z 11 kwietnia 1997r. o ujawnieniu pracy lub służby w organach bezpieczeństwa państwa lub współpracy z nimi w latach 1944-1990 osób pełniących funkcje publiczne*, in O.J. 1997, No 70, Item. 443. However, the political and public discussion started already in 1992 with the publication of the famous "Macierewicz List" in the time of Olszewski's government, which was also supported by the Centre Agreement Party (PC), the party of Jarosław Kaczyński. The list of alleged agents included the names of prominent opposition activists, including Lech Wałęsa. After the long debate in the parliament during the night between 4 and 5 June 1992, the Sejm passed a vote of non-confidence in Olszewski's government. From that time the lustration has been an important tool of the political campaign represented by Kaczyński and the supporters of the Macierewicz' List.

<sup>21</sup> See: Anna Grudniewicz, *Centralne Biuro Antykorupcyjne*, in: CBOS, April 2006, BS/39/2006.

<sup>22</sup> Marta Gumkowska & Jan Herbst, *Podstawowe fakty o organizacjach pozarządowych. Raport z badania 2006*, Warszawa 2006. In: [http://badania.ngo.pl/files/badania.ngo.pl/public/podstawowefakty2006/faktyNGO2006\\_last.pdf](http://badania.ngo.pl/files/badania.ngo.pl/public/podstawowefakty2006/faktyNGO2006_last.pdf) (in Polish).



lion Poles are members of organisations and 18% of Poles are involved in voluntary activities. NGOs struggle with many problems. The most frequently reported one is a poor financial situation and difficulty in obtaining funds.<sup>23</sup> Other problems relate to small number of people willing to work altruistically for organisations, often hostile and bureaucratic public administration as well as complicated formalities of applying for subsidies. The state undertook some actions to support non-governmental sector. The 2004 Law on Public Benefit Activities and Volunteering gave non-governmental organisations the option to register as “public benefit organisations”, which entailed the possibility for tax breaks and 1 percent personal income tax donations. However, in 2006 only 6.7 % of taxpayer used this opportunity to support the NGO sector.

### AMBIGUOUS ATTITUDES TOWARDS DEMOCRACY

In the beginning of the transition process, Poles were convinced that democracy had advantages over other political systems. In the following years, the support for democracy grown further and has stabilized at the level of 60% to 70%.

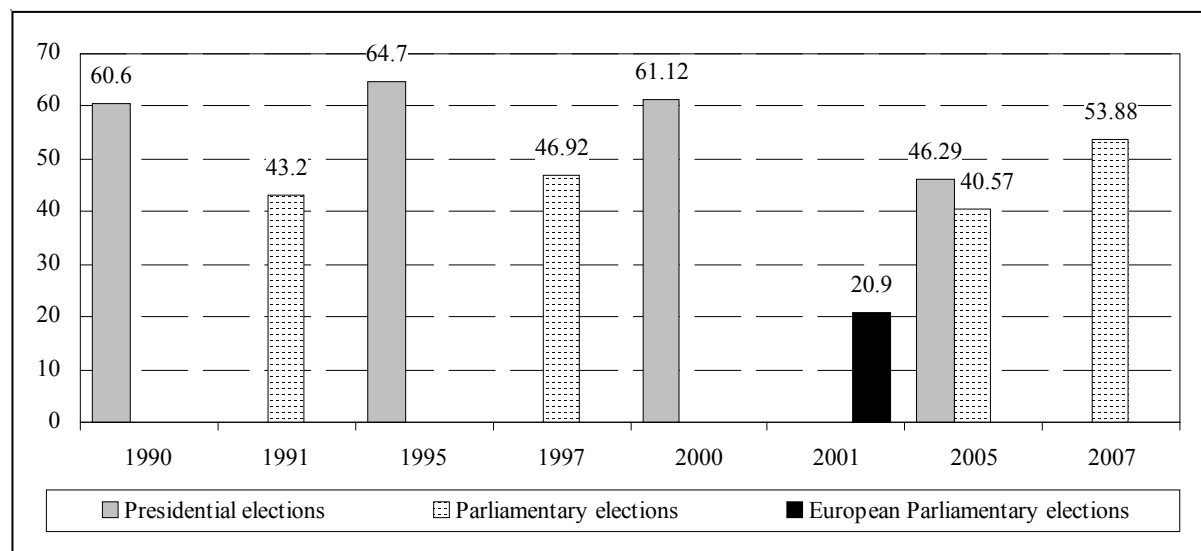
On the other hand, the research conducted by the CBOS indicates lingering substantial support for authoritarian forms of government in Poland.<sup>24</sup> Throughout 1990s and 2000s, about two-fifth perceived non-democratic system as acceptable under some circumstances, and the figure surged to more than 50 percent following 2005 elections. In similar vein, in November 2005, almost 40% of respondents, agreed that the strong leadership was better from the democratic system (the highest number since the beginning of the transition).

Moreover, Poles were not satisfied with the way democracy works in their country. The lowest figures could be observed in 2002-2004 with around 20% of respondents being satisfied<sup>25</sup>. On average, between 1989 and 2005, two-thirds of Poles were not satisfied with the state of democracy in Poland.

The dissatisfaction with the Polish democracy has come hand in hand with low trust in public institutions, including the parliament. In general, Poles were more trustful of non-democratic institutions such as the army, the police, the Catholic church, than democratic ones.

The low evaluation of the functioning of Poland's democracy seems to be a sum total of all of the above-

**Graph 3**  
**Turnout in the Presidential and Parliamentary elections 1990-2007**



**Source:** The Polish State Electoral Commission.

<sup>23</sup> It is noteworthy that most of the Polish non-governmental organisations did not have experience in applying for the pre-accession funds. From 2000-2004 only 4% of the organisations applied for them. In 2004, the year of accession, over 70% of them declared that they planned to apply for support of the European funds. During the next two years the number grew only about 5%, while only 3% of the whole sector received support.

<sup>24</sup> Cf Beata Roguska, „Public opinion od democracy” in: L. Kolarska-Bobinska, J. Kucharczyk, J. Zbieranek, *Democracy in Poland 2005-2007*, Institute of Public Affairs, Warsaw 2008

<sup>25</sup> Ibidem.

mentioned types of discontent. In 2006, when asked about weakness of the Polish democracy, the respondents indicated three main areas.<sup>26</sup> The first area of discontent relates to the low quality of the political life and functioning of the political institutions. They particularly criticized the number of political disputes, incompetence and unethical behaviour of politicians, including acts of breaking the law. The second area of discontent is related to the socio-economical system of the state. The respondents associated democracy with unemployment, poverty and economic stratification. The last area of discontent concerns the perceived abuse of freedom by Poles. That includes corruption in general but also anarchy and abuse of freedom of speech. Low levels of civic activity and engagement, loss of interest in politics and weak support for democracy have resulted in the lowest electoral turnout in Europe, weak party allegiances and weak and unstable party system.. On average more than half of the potential voters do not take part in elections.

Table 3 shows that in the 1990s Poles were more interested in presidential than parliamentary elections. The turnout in parliamentary elections was never higher than 50% (except for the 2007 election). The lowest levels participation was observed in the European parliament elections in which only 20.9% of registered voters actually voted. Even the 2005 presidential elections showed a decline in turnout. The 2007 parliamentary elections brought the highest turnout in the history of the Polish democratic elections. This is still not an impressive number comparing to other countries, yet a promising one in the Polish context. As subsequent parts of this paper show, this relatively high level of participation was related to the society dissatisfaction with the quality of the governance in 2005-2007.

## POPULISM: PARTIES AND PLAYERS.

The main strands of Polish populist rhetoric have been shaped by the fears and discontents with the transition. One can distinguish four main strands:

- economic populism;
- radical anti-communism;

- anti-modern “identity” populism;
- anti-corruption populism.

Prior to 2005, these four strands of populism were mainly embodied in non-mainstream (marginalised) political movements and parties. These movements and parties questioned the process of the economic transformation, presented reforms as unfair and leading to the social inequality, rejected the outcomes of the Round Table agreement, and challenged the domination of major parties and their policies as being corrupt and connected with the communism.

Undeniably, some populism was present in the rhetoric of all post-1989 parties. The unique character of the situation after the 2005 elections consists in the fact that all the four strands came together in one government coalition formed after elections. The subsequent analysis will explore and elaborate the features of Polish populists in more detail.

## SELF-DEFENCE

Self-Defence (*Samoobrona*, SO) is the party best-known as populist. It is an association combining, in its activities, the features of a trade union, a political party and an informal social movement.<sup>27</sup> The movement, and later the party, appeared in 90s lead by Andrzej Lepper who became notorious for radical protests against the establishment. The main activities of the Self-Defence consisted of roadblocks and protests organised in front of governmental buildings. Self-Defence expressed such antiestablishment statements as “all of them have already ruled and robbed this country, so now it is only us who can guarantee that this robbery will come to an end” (Lepper 2005). Over time, the party became highly successful, gaining 10.2% of votes cast in the 2001 parliamentary election.<sup>28</sup> The 2005 elections brought a similar result, making Self-Defence the third largest party in Parliament. Due to the allocation of seats in the Parliament, the party thus became a potential coalition partner.

The populist nature of the party can be seen in the party programme, which states that the party is “the only one in Poland, which speaks in the name of all people”.<sup>29</sup> The party’s aim is to “defend pure and unemployed people, honest and enterprising, but disadvantaged by the economical system”.<sup>30</sup>

<sup>26</sup> Beata Rogulska, *Krytyczni demokraci: akceptacja demokracji a ocena jej funkcjonowania w Polsce*, in: CBOS, January 2006, BS/7/2006.

<sup>27</sup> <http://www.samoobrona.org.pl/pages/00.Start/>

<sup>28</sup> Note that before 2001 the party never reached more than 2% of the support.

<sup>29</sup> Social and Economic Program of Self-Defence (*Program Społeczno-Gospodarczy Samoobrony*), 2003.

<sup>30</sup> The direct appeal to the people is mainly recognized in the public speeches of the party’s leader.

Another populist feature is a charismatic leadership. Lepper started his political career in 90s, leading social protests. Ironically, he was one of the first who understood that democracy is based on representation and on civil society. He used these mechanisms in order to introduce populist democracy. Committing spectacular acts of civil disobedience and using strongly populist messages, he managed to gain nationwide publicity and strong support in rural areas. As party members admit, the party would not exist without him. When Lepper entered the political salons, he became “civilized” in his actions but he did not change his controversial rhetoric and questionable political concepts.

The party was also the most vocal exponent of economic populism. For Lepper and his followers, the evils of the transition are epitomized by the figure of Leszek Balcerowicz, who initiated the market economy reforms in Poland, served as finance minister in two center-right governments and later served as the President of the National Bank of Poland. “Balcerowicz must go!” was a standard slogan of this strand of populism. It entertained such ideas as using half the Polish National Bank’s reserves to subsidise cheap loans for farmers and homebuyers. Before the rise of Self-Defence, the post-communist Democratic Left Alliance was also not free from such attacks and empty promises of taking care of the poor and the abandoned.<sup>31</sup>

Yet, another characteristic that justifies a description of the Self-Defence as the purely Populist Party is the difficulty of locating it on the traditional political spectrum.<sup>32</sup> It has been described as a national left-wing agrarian party. It declares the quest for “the third way” which lies between capitalism and socialism, referring to classical social solutions. During the 2005 campaign, Self-Defence also appealed to the right wing electorate. Later the party entered the coalition with other right-wing parties who declared anti-liberalism. Nearby after elections of 2005, the leader described the party as a modern socio-liberal party. While after the unsuccessful coalition with the right, in 2007 the party returned to the left electorate and stresses its modern patriotic and leftist character.

## THE LEAGUE OF POLISH FAMILIES

After 1989, a number of Catholic and nationalistic right-wing parties actively contested feminism, gay rights, the right to abortion, and legalisation of euthanasia, which they perceived as a mortal threat to the traditional Polish family, and thus, the nation. These groups presented the “Western” values and the so-called “civilisation of death” as alien to the Polish model of the “civilisation of life” based on Christian values. The League of Polish Families (LPR) represents a continuation of these efforts.<sup>33</sup> The party emerged in May 2001 from the nationalistic Catholic groups, including the All-Polish Youth (*Młodzież Wszechpolska*, MW), an organisation frequently accused of a fascination with fascism.<sup>34</sup> In the 2001 election the LPR received 7.87% of the votes and entered the Parliament. The party owes much of its initial success to *Radio Maryja*.

Despite the fact that the party consisted of different organisations and had number of leaders, over time, young Roman Giertych began to achieve recognition as the League’s most charismatic leader. He owed the growing popularity to his famous membership in the Orlen Commission<sup>35</sup>, which was widely publicized in media. He established his position as the party leader and his populist rhetoric became famous in the public discourse.

The League presents a Catholic-nationalist vision of Poland. Its program can be characterized as anti-establishment to the extent that “the establishment” is defined as the “układ” created during the Round Table talks and designed to take control over the nation’s wealth. The core elements of the League’s political activity consist in its objection to the European Union and a strong accent on Catholicism in its most traditional form. The party flatly rejects liberal values. The major political idea of the League is that Poland’s political system must be based on Christian morality, in order to achieve the spiritual revival of the society and reduce forms of social pathology including not only crime, corruption, and bureaucracy but also abortion, homosexuality, etc. In other words, the strength of the League’s electoral offer consisted in:

- exploitation of old prejudices and social resentments, around Catholic values and national character;

<sup>31</sup> During the 2001 election campaign, Leszek Miller, the SLD leader, described Poland as a country where “old-age pensioners have to seek for food in the dust heaps.”

<sup>32</sup> In the literature on the subject this is described as the “chameleonic nature” of such parties. See: Paul Taggart (2000), *Populism*, Buckingham, Open University Press.

<sup>33</sup> <http://www.lpr.pl/>

<sup>34</sup> As LPR joined the government in 2006, its leader dissociated officially the party from the organisation. However, almost all prominent politicians of the party originate from All-Polish Youth.

<sup>35</sup> The Orlen Commission was a parliamentary commission of investigation concerning ORLEN S.A. (Polish-state owned petroleum company). In July 2005 Giertych served as a member and vice-chairman of the Commission. The aim was to examine the “corruption networks of politics and economy” and this also became a key element of the League’s program during the elections.

- game of emotions around Poland's accession to the EU (denouncing EU as a "centralised, socialist super-state");
- anti-communist policy (the party originally developed the concept of "network,") and
- corruption of the political elite.

## THE LAW AND JUSTICE PARTY

De-communisation, the leitmotiv of the Round Table's critics, has figured in the rhetoric of a number of right-wing parties.<sup>36</sup> Law and Justice (*Prawo i Sprawiedliwość*, PiS) was established in 2001 by the twin brothers Lech and Jarosław Kaczyński, as the successor to the Centre Agreement Party (*Porozumienie Centrum*, PC), also established by the Kaczyński brothers.<sup>37</sup> Despite the fact that the popularity of the party was largely based on the fame of Lech Kaczyński<sup>38</sup>, in reality "the mastermind" of the party, as party members say, is his brother – Jarosław. Many commentators described him as Poland's most influential politician.

Law and Justice has coupled anti-communism with anti-corruption by proclaiming the need to fight the collusion between the ex-communist elites, big business and the media, described as a "układ":

The system of interests that have emerged from the previous communist system and in that have attracted some people from *Solidarność* camp. (...) This is mostly the system of economic interests, which has an influence on what has happened in Poland, also in the political sense. And those interests are often inconsistent with the general interests of the development of Poland (L. Kaczyński 2004)

As the key instrument of this fight, Law and Justice offered deeper and comprehensive lustration, i.e. the vetting of communist secret police collaborators. Law and Justice also included a strong current of religious fundamentalism, represented by former members of the Christian-National Alliance, who joined the Kaczyński's political project at a later stage.

Another important characteristic of Law and Justice is the evolution of the party from relatively unknown, elitist party to the mass party and populist one.<sup>39</sup> It was also the evolution from "soft" to "hard" populism. Together with the changes in the party structure, the party broadened its public discourse and began to speak in the name of "the people". This was most visible during the local elections in 2006 which were organised under the banner "Close to the people" (*Blżej ludzi*). The election program contained promises "a closer engagement in things common to everyday people. The party's aim is to create a social order in Poland, in which good is good, and bad is bad".<sup>40</sup> It was also Law and Justice that declared "a construction of a citizens' society" and introduced the concept of the ideal world the Fourth Republic of Poland in which "there will be law and order (...) because this is in the interest of ordinary Polish citizens. And Law and Justice is a party of ordinary Polish citizens".<sup>41</sup> The PiS government thus posed a serious threat to Poland's constitutional framework and to the principles of the liberal democracy.

Law and Justice describes itself as conservative/ republican party. However, the party includes strong nationalistic, egalitarian and populist currents. It supports a centralised state, a state-guaranteed minimum social safety net and state intervention in the economy. The very name of the party taps into people's fears that the country is crime ridden as well as anxiety about economic stability. It supports more substantial punishment of crimes against life, health and property and proposes capital punishment for the most serious crimes.

## MEDIA AND POPULISM

The media sector also underwent transformation after 1989. Media have become increasingly internationalised at different levels, particularly at the level of audience, content, funding, regulation and organisation (foreign ownership). The process of European integra-

<sup>36</sup> In the run up to 2005 elections, anti-communist populism could be also identified in the rhetoric and the electoral platform of Law and Justice's main competitor, Civic Platform (PO).

<sup>37</sup> <http://www.pis.org.pl/main.php>

<sup>38</sup> Lech Kaczyński was a head of the Ministry of Justice (from June 2000 to July 2001) in the AWS-led government. During this time, he became popular due to his fight against corruption. In 2001 he was elected the Mayor of Warsaw and continued his anti-corruption crusade on the local level.

<sup>39</sup> Such important organizational changes that open the party for wider parts of the society have to be seen in the broader context. The organizational style can be interpreted as a feature of the populism, however, it does not have to be. In the case of Law and Justice, its populism developed together with party organisational changes and the emergence of the concept to create the large centre-right party.

<sup>40</sup> [www.blizejludzi.pl](http://www.blizejludzi.pl)

<sup>41</sup> Jarosław Kaczyński (2006).



tion (the EU common internal media market) resulted in the amendments to the national media law. However, the whole course of change in Polish media must be also seen as a part of global trends in media development.<sup>42</sup> The process of liberalisation of the media market, now opened for foreign investments, has provoked the discussion on the national identity of media and its protection. Predictably enough, questions of national identity of the media have been raised most often by radical right parties. However, the most important qualitative change after 1989 was the emergence of the media as the generator of social information and education as well as a channel of communication between politics and society.

Two different levels of the relationship between media and politics can be identified. The first one relates to the exploitation of media by politicians. The second concerns the media control over politics and politicians. The most important features of this dual relationship are: the politicisation of the public media and conflict with the independent media as well as the ‘populisation’ of election campaigns.

### THE ‘POPULISATION’ OF ELECTION CAMPAIGNS

The process already began in the early 1990s with Stanisław Tymiński, a “man from nowhere”<sup>43</sup> who proved the importance of the media – which provided him with a possibility of direct communication with the voters.<sup>44</sup> He based his strategy on populism, criticizing the establishment, both Communists and *Solidarność*, and constructed his image around being an outsider to the system, both as a politician and businessman. Exploiting societal fears, he appealed to common people and drew legitimacy from claiming to be “one of them”. This was the first time after 1989, that populism was used as a strategy for electoral success. Later, radical politicians have adopted the same strategy, with Andrzej Lepper being particularly successful in this regard.

### THE POLITICISATION OF THE PUBLIC MEDIA AND THE POSITION OF INDEPENDENT MEDIA

From the beginning of the transition process, politicians have tried to influence and control public media. That tendency was translated into strong politicisation of the regulatory bodies. The activities of state-owned broadcasters (television and radio) are supervised by their respective boards, whose members are nominated by the National Council of Radio and Television (*Krajowa Rada Radiofonii i Telewizji*, KRRiT). Prior to changes introduced by Law and Justice following its electoral victory in 2005<sup>45</sup>, the Council was elected by the lower house of parliament (which chose 4 members), the upper house (which chose 2 members) and the president (who chose 3 members). The direct effect of this system has been politicisation of public media, as the management of state-owned broadcasters is nominated by the respective supervisory board. In other words, the media law reflects the relations of power between the parliament, the government and the president. This legal structure practically subordinates the public media to the dominance of political parties. In consequence, it seems that public media do not reflect, at least on the level of legal regulation, the cleavages in the society and the development of civil society.<sup>46</sup> After 2005, the Law and Justice led coalition followed the pattern of its predecessors and even mastered the process of politicization of the public media to an extent not observable before. That included controversial amendments to the Media Law, *de facto* subordination of KRRiT to the government and domination of the public media.

The Polish television broadcasters can be divided into two broad categories - the public and private. The public television (*Telewizja Publiczna*) consists of two national channels (TVP1 and TVP2) and the group of regional stations (TVP3). The public television is generally perceived as strongly politicized. That is not a recent phenomenon as similar situation existed under the Left government.<sup>47</sup> The policy of the populist coalition

<sup>42</sup> See also: Beata Ociepka (2002): *The Use and Misuse of Public Media in Central Europe – Another Form of Internationalisation of Media and Political Communication*.

<sup>43</sup> Stanisław Tymiński is a Canadian businessman of Polish origin. He was completely unknown in Poland until shortly before the 1990 presidential election. Initially Tymiński was not taken seriously during the campaign, however, he won 23% of the votes in the first round and became a serious competitor against Lech Wałęsa in the second round. After he was defeated by Lech Wałęsa, Tymiński became the leader of Party X (1990-1995). In 2005, he surprised observers by announcing his intent to seek election as president. He received 0.16% of the support.

<sup>44</sup> See: Marek Cichosz (2003): *(Auto)kreacja wizerunku polityka na przykładzie wyborów prezydenckich w III RP*, Toruń.

<sup>45</sup> We will discuss changes in KRRiT introduced by PiS in the later section of this paper.

<sup>46</sup> That lack of impartiality of the system is also visible in the provisions of the Media Law, which require public media to adhere to the Christian values (Art. 21 section 2 point 6). See: *Ustawa o radiofonii i telewizji*, O.J. 1993, No 7, Item 34.

<sup>47</sup> For example, Robert Kwiatkowski, during the left-wing government the president of the public television, was accused of promotion of left-wing politicians (SLD and PSL) at the expense of the opposition. During his presidency the infamous the “Rywin affair” took place (see further footnote), in which Kwiatkowski and other top officials of KRRiT was allegedly involved.



in 2005-2007 seems to be an extension of the previous practices, however this time under the banner of “purging the media of post-communists”. Commercial television includes the major private stations TV Polsat and TVN. These stations have been also attacked by the coalition of Law and Justice, the League and Self-Defense for its “connections” with the “układ”. Such hostility by the government coalition can be partially explained by the fact that both stations were very critical toward the coalition and its government. At the same time, the politicians of all options (including Law and Justice) are frequent guests on TVN programmes.<sup>48</sup>

Similar political accusations and attempts to gain control also affected print media critical of the government. Adam Michnik, editor of *Gazeta Wyborcza* (one of the largest and most influential opinion-forming newspapers, with an average circulation of 672.000 copies)<sup>49</sup> was attacked by Law and Justice and the League of Polish Families for being one of ‘father figures’ of the ‘układ’. On the other side of the political struggle was *Rzeczpospolita*. While this conservative daily newspaper in theory did not favour any particular party on the Polish political landscape, it expressed clear support for the government, due in part to the pressure of partial state ownership<sup>50</sup>, and an editor-in-chief with close links to the Law and Justice.

During the Law and Justice government, independent media and institutions raised questions about the growing intervention of the government into the content of the news of the public television and print media. Simultaneously, the Kaczyński’s government accused all those media who criticised the government as being involved in the ‘układ’.

## RADIO MARYJA – VOICE OF CATHOLIC FUNDAMENTALISM

An important phenomenon in the Polish media sector is the *Radio Maryja*. It requires a separate presentation since this ultra catholic media group has played an important role on the political scene from 2001. *Radio Maryja* enjoys the status of a “social broadcaster”. This concept was introduced to the Polish legal system by the

amendment of 2001 to the Media Law. The law defines it as a broadcaster which “popularises the educational activities, charitable work, respects the Christian system of values, and is based on the universal ethical principles and aims at strengthening of the national identity”<sup>51</sup> *Radio Maryja*’s TV station “Trwam” (“I endure”) was the first to receive this status.

The radio is part of the bigger media group created by controversial Father Tadeusz Rydzyk and consisting not only of *Radio Maryja and Trwam* but also the newspaper *Nasz Dziennik* (“Our Daily”). Radio Maryja was founded in December 1991 and it is known for its ultra-catholic profile. Its audience consists primarily of elderly, religious Poles with traditionalist values, often right-wing political views and an almost blind adherence to the beliefs of the radio’s charismatic leader Rydzyk. There is no precise information on the size of audience of the radio: the data varies from 0.5 to 4.5 million; according to a KRRiT report in 2002, about 1.5 million Poles (3.9% of the population) listened to Radio Maryja, though of these only 1% of were young people, while around 70% were 60 years old or more.

Radio Maryja frequently takes political stances criticizing privatization, economic reform, the market economy, Jews and liberals. Father Rydzyk has publicly expressed his desire “to drive liberalism out of the country”. The radio station is often criticised for its ultra-catholic line by liberal and left-wing media and, before 2005 election, also official authorities. For example in 2003, KRRiT accused the station of violation of the law through promotion of the illegal activities (farmers’ roadblocks) and inspiring national hatred. That situation changed after the 2005 election, when the KRRiT was dominated by the Law and Justice, the League of Polish Families and Self-Defence, and became increasingly tolerant towards Radio Maryja.

*Radio Maryja* is the most significant example, of direct involvement of the media in the political activities. The radio supported the successful emergence of the League of Polish Families in 2001. However, the growing independence of the party leader Roman Giertych did not correspond well to the political aspirations of Father

<sup>48</sup> The statistical data shows that the public television is still the most popular one. According to the June 2007 survey, TVP1 has the audience of 23.2%, while in case of Polsat and TVN this number is 17.4% and 17.1% respectively (in both case with a positive trend). See: Report of AGB Nielsen Media Research, available at:

[http://wirtualnemedial.pl/article/154130\\_Raport\\_Wiosna\\_nalezala\\_do\\_TVP1\\_i\\_Polsatu.htm](http://wirtualnemedial.pl/article/154130_Raport_Wiosna_nalezala_do_TVP1_i_Polsatu.htm)

<sup>49</sup> GW was one of the outcomes of the Round Table Agreement. *Gazeta Wyborcza* was supposed to serve as the voice of *Solidarność* movement during the first elections in 1989 (from which derives the name of the newspaper: “Electoral Gazette”). As such, it was the first legal newspaper published outside the communist government’s control. In consequence of the conflicts in *Solidarność* camp, Lech Wałęsa declared in September 1990 that Gazeta had no right to use the *Solidarność* logo. *Gazeta Wyborcza* generally supports the values of the new liberal left.

<sup>50</sup> The newspaper is owned by the State Treasury (49%) and international media group ORKLA MEDIA (the owner of 10 other regional newspapers in Poland).

<sup>51</sup> Art. 1 amending Art. 4 section 1a. In: *Ustawa o zmianie ustawy o radiofonii i telewizji*, O.J. 2001, No 42, Item 469.

Rydzyk and during the 2005 presidential and parliamentary campaign the Radio Maryja supported Law and Justice. That was compatible with Law and Justice's 2005 strategy of a "campaign in the background": while the party's main media campaign took place in the major TV channels and national press, the party also organised a separate campaign for the excluded parts of society that was focused around Radio Maryja. It was noticeable that after elections many government politicians were invited to radio broadcasts, during which they stressed the impartiality and professionalism of the radio as compared to other media (TVN, *Gazeta Wyborcza* and other independent media).

### **MEDIA AS THE FOURTH POWER IN POLISH DEMOCRACY?**

Indisputably media plays an important role as a watchdog of governmental actions actively investigating and disclosing the corruption and political scandals. One of the most famous cases in Poland was "the Rywin affair"<sup>52</sup> which led to the complete change on the Polish political scene, damaging the reputation of the Left and exposing corruption in public life.

Another example is publication of an article in *Gazeta Wyborcza* in 2006, which exposed immoral practices in Self-Defence and became to be referred to as the "sex-scandal" in which a number of party members were accused of spending nights with the prostitutes in party's offices (including party leader Lepper), engaging in blackmail, and promoting individuals within the party's structure in exchange for sexual services, etc. Simultaneously, TVN broadcasted recordings of the informal talks, in which members of Law and Justice offered to political rewards to some members of Self-Defence in return of their support for the Kaczyński government.<sup>53</sup> Such behaviour was described by opponents as a political corruption, while by Law and Justice officials characterized it as simply part of normal political negotiations.

This same feature of the media, however, can be also used by the populist politicians through leakage of information on the political opponents to the friendly media, manipulation of public attention and creation of "media-events." That strategy was particularly mastered by the Law and Justice-led government.

### **THE VICTORY OF POPULISM IN 2005: CONSEQUENCES FOR DEMOCRACY AND THE RULE OF LAW**

The victory of the populist forces in Poland in 2005 has to be seen in the light of a number of factors: the electorate's discontent and frustration with the previous incumbents; the skilful and aggressive election campaign and unexpected redefinition of the political cleavages by Law and Justice; the breakdown of the pro-EU consensus among the main political parties after EU-membership had been achieved; and the failure to build a centre-right government coalition between Civic Platform and Law and Justice. All these factors require a more detailed analysis.

### **THE DECLINE OF THE POST-COMMUNIST LEFT**

The 2001 parliamentary elections saw a landslide victory of the post-communist left (SLD). A year before, the left wing candidate Aleksander Kwaśniewski was elected the president of Poland for the second term of office in the first round of elections. Such strong position of the left was crucial during the most difficult final stages of the EU accession negotiations. Yet, the strong position of the ruling party also created an atmosphere of omnipotence of the incumbents and resulted in cronyism, corruption and the capture of the state. All these developments came to public attention with aforementioned "Rywin affair", which was an attempt to build a post-communist media empire. The scandal, exposed by *Gazeta Wyborcza*, resulted in the creation of a special parliamentary investigation committee, which interrogated many prominent politicians of the left, including the prime minister, Leszek Miller. The hearings were broadcast live on television and had a huge following. This affair, just one in the string of scandals involving the SLD politicians, strongly contributed to the left's image as extremely corrupt and resulted in the dramatic decrease in support for the left. The attempts to regain voters' confidence by the removal of the most compromised politicians and even the change of prime minister were "too little too late" for the voters and the divided left lost the 2005 parliamentary elections.

<sup>52</sup> In 2002, Lew Rywin called Adam Michnik, the editor *Gazeta Wyborcza* and - in exchange for a bribe of 17.5 million dollars - he offered to arrange for a change in a draft law aimed at limiting the print media's influence on radio and television. The original draft would have prevented the paper's publishing house, Agora S.A from taking over the private TV station *Polsat* or the second channel of Poland's public TV broadcaster TVP. Rywin said he was acting on behalf of what he called as a "group in power" which wanted to remain anonymous but possibly included then Prime Minister Leszek Miller. *Gazeta Wyborcza* published a transcript of the conversation.

<sup>53</sup> This happened after Kaczyński dismissed Lepper from his post of the vice-prime minister at the end of 2006.

## "THE GOOD WEATHER FOR THE RIGHT"

The support for the SLD dropped from 41% in 2001 parliamentary elections to just 11% in the elections of 2005. The decline of the left created space for an upsurge of support for the parties with strong anti-corruption (and anti-communist) agendas. The two parties that gained most support in the run-up to the 2005 parliamentary elections were the Civic Platform and Law and Justice.

The Civic Platform<sup>54</sup> campaigned as an economically liberal party that subscribes to Christian Democratic values. The party supported reduced government intervention in economic matters. It promoted flat tax rates, privatisation and de-regulation. Its political reform agenda involved single-seat parliamentary elections, liquidation of the Senate (the upper house of Parliament), and direct elections of mayors and governors.<sup>55</sup> In the European Parliament it is part of the European People's Party coalition. In spite of its broadly pro-European stance, the party rejected the EU constitutional Treaty, determined to defend the Nice Treaty provisions with the slogan "Nice or death".<sup>56</sup>

During the campaign both parties the Civic Platform and Law and Justice took a strong anti-corruption stance. Both were vociferously anti-communist, promised a radical break with the past, declared that they would cleanse the public life, and endorsed making public all the files of the communist secret police. Close Poland-US relations had also been an element of both parties' foreign policy agenda. Both parties pledged allegiance to Christian values, and opposed euthanasia, gay marriages or partnerships, liberalisation of the abortion law, and legalisation of soft drugs.

Since neither of the two parties was likely to form the government on their own, and thanks to the perceived programmatic closeness, the idea of the future "grand coalition" was conceived.<sup>57</sup> Such a coalition enjoyed a

strong support among right-wing opinion-makers and large sections of the electorate.<sup>58</sup>

During 2004 and early in 2005 Civic Platform led in opinion polls, with Law and Justice some 10 percentage points behind. The change came in March 2005, with the national mourning after the death of the Pope John Paul II. Sociologists detected an upsurge in conservative and religious attitudes during those weeks which cut across the society, and prompted some to talk about the birth of "John Paul II Generation".<sup>59</sup> Law and Justice became the main beneficiary of the changing moods of the public, closed the gap in opinion polls,<sup>60</sup> and began to compete with Civic Platform on equal terms in opinion polls.

The parliamentary and presidential elections were less than two months apart. Consequently, both election campaigns overlapped. One of the important events that shaped further developments was the withdrawal of the independent centre-left presidential candidate Włodzisław Cimoszewicz after related to scandal concerning his assets declaration.<sup>61</sup> The scandal strongly undermined his image as a politician with high ethical standards and subsequently made him withdraw from the presidential race, thus burying the last chance of the left to regaining its political clout.

## THE FAILURE OF THE "GRAND COALITION"

Contrary to expectations, Cimoszewicz's withdrawal did not benefit the centrist Civic Platform candidate Donald Tusk, but the conservative Law and Justice candidate Lech Kaczyński and his party, thanks to its implementation of a new campaign strategy.

Since initially the main dividing line of the campaign was the post-Solidarity camp vs. post-communists, the withdrawal of the post-communist candidate left two

<sup>54</sup> The Civic Platform was founded in 2001 by Andrzej Olechowski, Maciej Płażyński and Donald Tusk. The first two left the party during the period between 2001 and 2005. Donald Tusk is the current party leader. In the 2001 parliamentary election the party received 12,6% of the votes making it the largest party in opposition to the government led by SLD.

<sup>55</sup> See more: <http://www.platforma.org/program/>

<sup>56</sup> The slogan was introduced by Jan Maria Rokita, a prominent Civic Platform politician when the negotiations for the future European constitution started at the end of 2003. However, it was also adopted by other parties including Law and Justice and the League of Polish Families. The slogan did not only refer to the European treaty but was related to the question about the Polish interests in the European structures.

<sup>57</sup> Both parties already cooperated on the local level.

<sup>58</sup> 51% respondents believed in the coalition PiS-PO; 79% being PiS supporters and 75% of PO. Compare: Beata Rogucka, *Opinie o koalicji PiS i PO*, in: CBOS, October 2005, BS/166/2005.

<sup>59</sup> Janusz Czaplinski and Tomasz Panek (ed.), *Diagnoza Społeczna 2007. Warunki jakości i życia Polaków*, www.diagnoza.com (in Polish).

<sup>60</sup> According to CBOS in April 2005, PiS increased its support from 16% to 24% and simultaneously the support for Civic Platform declined from 22 to 20%. A similar change of leadership was observed by another leading research agency TNS OBOP.

<sup>61</sup> When it turned out that Cimoszewicz failed to include the Orlen company shares in his property declaration, he insisted that this was just an oversight. Yet, one of his assistants, Anna Jarucka declared that she had been instructed by Cimoszewicz to remove that information from his declaration. Charges were never levelled against him, and the document produced by Jarucka in support of her version of the events proved to be a forgery.

post-Solidarity parties competing against each other. Yet, Law and Justice managed to redefine the central political cleavage from post-communist vs. “post-Solidarity” to liberal vs. solidaristic.<sup>62</sup> This allowed the party to effectively attack the Civic Platform for its assumed lack of concern with the less wealthy and more economically vulnerable part of the society. Both the party and its presidential candidate Lech Kaczyński thus managed to attract a large part of the by-now-disenfranchised electorate of the post-communist left.

At the same time, Law and Justice’ election campaign promises to look after the poor and anxious, the victims of the transition disregarded by the elites, made possible the rapprochement with the populists and ultra-right. Law and Justice ran a well-managed and targeted election campaign based on promises of cleansing the country from the corruption of the post-communist *nomenclatura* and secret police agents, its developed welfare agenda, and its virulent attacks on the Civic Platform. Together these efforts shaped the election results, giving Law and Justice 27% of the vote while the Civic Platform scored only 24%. See Table 1 below.

Although the Civic Platform candidate Donald Tusk won the first round of the presidential elections, in the second

round Lech Kaczynski received the support of the leader of the populist Self-Defence, whose electorate eventually decided the election results. See Table 2 below.

Taking into account the close election scores of both parties as well as the pre-election coalition declarations, the Civic Platform did not accept the coalition conditions proposed by Law and Justice for the coalition, regarding them as humiliating. Since, Civic Platform did not want to become a coalition partner in which it would bear responsibility for government policy without possessing any real power, the grand coalition thus collapsed before it could materialise.<sup>63</sup>

The collapse of the expected grand coalition created a political crisis and talk of new elections. Jarosław Kaczyński proposed so-called “Stability Pact”, the idea to unite all non post-communist parties. The offer was directed not only to Civic Platform, the agrarian party Polish People’s Party but also to Self-Defence and the League of Polish Families. The first two refused, officially rejecting any cooperation with populists and radicals. By contrast, Self-Defence and the League accepted the proposition. Kaczyński introduced the pact as the only possibility for political stabilisation, presenting cooperation with both parties as a necessity.

**Table 1**  
**Parliamentary election results 2005**

Party	% of voters
Law and Justice (Prawo i Sprawiedliwość, PiS)	27.0
Civic Platform (Platforma Obywatelska, PO)	24.1
Self-Defence (Samoobrona)	11.4
Democratic Left Alliance (Sojusz Lewicy Demokratycznej, SLD)	11.3
League of Polish Families (Liga Polskich Rodzin, LPR)	8.0
Polish Peasant Party (Polskie Stronnictwo Ludowe, PSL)	7.0

Source: The Polish State Electoral Commission.

**Table 2**  
**Presidential election results 2005**

Candidate	% of Votes, 1st round	% of Votes, 2nd round
Lech Kaczyński (Law and Justice)	33.10	54.04
Donald Tusk (Civic Platform)	36.33	45.96
Andrzej Lepper (Self-Defence)	15.11	
Marek Borowski (Social Democracy of Poland)	10.33	
Jarosław Kalinowski (Peasant Party)	1.8	
Janusz Korwin-Mikke (Independent)	1.43	
Henryka Bochniarz (Democrats)	1.26	

Source: The Polish State Electoral Commission.

<sup>62</sup> Note that the new cleavage was introduced by Lech Kaczyński just two days after Cimoszewcz withdrawal. In such a short time he was able to gain popularity (predominantly due to media attention).



The signature of the pact was accompanied by a scandal. The only media invited to the broadcast of the ceremony were those run by Father Rydzyk. That approach was strongly criticized by other media as well as independent institutions. The pact resulted in a formation of government coalition three months later. Jarosław Kaczyński built a new coalition with the nationalist right League of Polish Families and populist Self-Defence, the coalition in which Roman Giertych was nominated to the post of the Vice Prime Minister and the Minister of Education. The nomination of Andrzej Lepper, the leader of Self-Defence, was even more controversial. In a government which announced its intention to preserve law and order in Poland, Andrzej Lepper, who had previously been charged with numerous criminal offences and implicated in many scandals, became the Vice Prime Minister and Minister of Agriculture and Rural Development.

The results of 2005 elections created an opportunity for earlier marginalised social groups. Many Self-Defence activists are medium to large scale farmers, who attempted to profit from the transition, but failed and defaulted on loans. They are strongly anti-elitist, anti-institutionalist, anti-procedural and in consequence, anti-democratic. The party itself is supported by small town inhabitants, people with low education, with overrepresentation of males.

On the other hand, the League of Polish Families was mostly supported by people in provincial areas, rather poorly educated and less affluent. It is disproportionately strongly supported by elderly devote Catholic women, listeners of the radical Catholic Radio Maryja, headed by controversial Father Rydzyk.

Yet, for many supporters of both the Law and Justice Party and Civic Platform the collapse of the grand coalition was very difficult to accept and some unsuccessful attempts to reactivate that coalition were made by Civic Platform politicians. This did not prevent the Law and Justice politicians from accusing the Civic Platform of being treacherous and over-ambitious and letting down the public expectations of the coalition at every possible opportunity. At the same time, the Law and Justice leaders justified the alliance with populists and nationalists by their determination to introduce the political reforms necessary for the Fourth Republic to be-

come a reality. The failure of the grand coalition was now presented as logical and inevitable as Civic Platform was accused of complicity in building the corrupt “post-communist” Third Republic. On the other hand, the controversial coalition partners remained relatively immune because they had not been in the government in the previous era.

### “MORAL REVOLUTION”

Jarosław Kaczyński announced “the end of the post-communism”<sup>64</sup>. Once firmly in power, Law and Justice started its crusade against the Third Republic, the post-1989 Poland, which it depicted as “the układ” between the former secret services, communists, big business, media and some members of the opposition. The ideology of the end of post-communism served as a justification for controversial policies of the new government, such as capturing the public media and the media regulatory agency, firing experienced managers in state-owned companies to make room for political cronies, dissolving the civil service and revoking the regulations limiting political appointments in public administration and engaging in a number of other practices which it strongly condemned when they were used by previous governments. Law and Justice justified its capture of democratic institutions and procedures by pointing out that since all the people who contributed to building the Third Republic belong by definition to “the układ”, the party could not be too careful and must choose its most trusted and loyal people to chair and serve in key public institutions.<sup>65</sup> The same theory was used to pre-empt all criticism: they argued that media who expose incompetence and corruption of Law and Justice protégés, were simply defending the “układ”. This makes the ideology of “the end of post-communism” irrefutable in the Popperian sense, thus precluding any possibility of rational discussion.

As it was explained by Law and Justice, the effective fight against the ‘układ’ required the majority in the Parliament, thus the cooperation with LPR and Self-Defence was indispensable. The main objects of populist attack were the judiciary system, especially the constitutional tribunal, civil service and other public institutions, and the media.<sup>66</sup>

<sup>63</sup> Civic Platform attempted to achieve some balance between the two coalition partners. Since both the prime minister and president were connected to Law and Justice, such argumentation could be understandable. Yet, both parties could not agree with regard to the division of ministries, with Law and Justice trying to limit Civic Platform’s influence over the shaping of the future government policies. Moreover, the Law and Justice also declined to support Civic Platform candidate Bronisław Komorowski for the Speaker of the Parliament.

<sup>64</sup> The expression was used by Jarosław Kaczyński in his lecture given in September 2006 to the conservative Heritage Foundation.

<sup>65</sup> “All competent people are part of the arrangement” was a famous remark of Jarosław Kaczyński justifying the appointment of an economically inexperienced person as CEO of a major state-owned company.

<sup>66</sup> Much more detailed analysis of the activities of Law and Justice led coalition can be found in L. Kolarska-Bobinska, J. Kucharczyk, J. Zbieranek, *Democracy in Poland 2005-2007*, Institute of Public Affairs, Warsaw 2008.



## JUDICIARY SYSTEM AND PROSECUTION

After 1989, one of the most important structural reforms in Poland was the consolidation of the judiciary, as a fully independent branch of government.<sup>67</sup> The right to a fair trial was recognised as one of the fundamental rights of individual (even though no explicit constitutional guarantees existed until the 1997 Constitution was passed). The courts were equipped by the law with guarantees of independence of the judges. Compared to the period before 1989, the scope of the matters put before the courts was extended enormously. This had two-edged effect, however. The higher number of cases led to a crisis of the judiciary, especially with regard to civil law cases including commercial disputes. As the ineffectiveness of the judiciary increased it restrained economic growth due, for example, to the difficulties involved in the registration of companies, prolonged proceedings in commercial disputes and inefficient court enforcement procedures. Another problem that emerged was connected with the slow and often ineffective procedures for eliminating corrupt members of the judiciary community.<sup>68</sup>

It is not surprising, therefore, that the public confidence in the judiciary has been very low. In 2001, 64% respondents considered the judiciaries negatively, and only 21% positively.<sup>69</sup> Building the public's confidence in these institutions became a key issue of right-wing parties and a perfect populist rhetoric. In consequence, the elections 2005 were partially based on the propositions of deep changes in the judiciary. The elected government implemented the changes in civil law procedures which were supposed to simplify and speed up the procedures in commercial cases. However, those positive attempts were accompanied by a dangerous trend to undermine the independence of the judges by the politicians.

The Law and Justice-led government's official justification for the reform of the judicial system was the improvement of its quality and elimination of corrupt members of the judiciary community, members who, according to the government, were also often connected to the "układ." The government set a most dangerous example in its attempts to undermine the independence of the judges. A highly meaningful example in this regard is provided by a rise in the cases of direct interference with the independence of judgement by court. A part of the judiciary community argued that such interference had become significant for the first time since 1989.<sup>70</sup>

The controversial aspect of the Polish judicial system is the fact that the minister of justice is at the same time the general prosecutor, the chief of the Polish prosecution service.<sup>71</sup> Obviously he is obligated to act with particular diligence in the observance of constitutionally guaranteed standards of legal proceedings. During the Law and Justice government Zbigniew Ziobro<sup>72</sup> was nominated to that office. Disregarding the obligation of diligence, Ziobro on several occasions made definitive statements about the guilt of persons who had not been formally sentenced, even before the decision on their detainment by court.<sup>73</sup> Moreover, the minister used the resources of his ministry for Law and Justice political campaigns. For example, he threatened the opposition with some undisclosed operational materials against the leaders of the four parties: the Civic Platform, the Democratic Left Alliance, the League of Polish Families and Self-Defence.<sup>74</sup> Although this behaviour cast the shadow on the impartiality of the office of the general public prosecutor, it was consistent with the Law and Justice's populist approach.

<sup>67</sup> The paper points out some general problems. For the more detail analyses of the judiciary system, as well the Constitutional Tribunal under the Law and Justice government see DiP report: *Uwagi o stanie demokracji w Polsce*, raport nr 1/2007, in: <http://www.dip.org.pl/raport01-2007.html> (in Polish).

<sup>68</sup> The judges are subject to very lenient disciplinary proceedings. It concerns also a very slow process of eliminating from the community those who disobeyed the rules of independence of the judges under the previous regime. See: *Ustawa o odpowiedzialności dyscyplinarnej sędziów, którzy w latach 1944-1989 sprzeniewierzyli się niezawisłości sędziowskiej* in: O.J. 1999, No.1, Item.1

<sup>69</sup> Michał Strzeszewski, *Oceny organów porządku i wymiaru sprawiedliwości*, in: CBOS, February 2001, BS/22/2001.

<sup>70</sup> For example, in connection with the disaster caused by the collapsed roof of an exhibition hall in Katowice 2006, the Minister of Justice ordered the institution of disciplinary proceedings against the judge who had previously reviewed a related civil law case involving the insurer's indemnity.

<sup>71</sup> The double function of the Minister of Justice was introduced in 1990.

<sup>72</sup> Zbigniew Ziobro is a young, prominent Law and Justice politician (born in 1970). He became one of the most popular politicians in Poland, due to his proclaimed "battle against corruption". His uncompromising approach and publicized prosecutions earned him the title of *Man of the Year 2006*, awarded by Wprost magazine.

<sup>73</sup> The most famous case was a case of doctor M. accused for the corruption and murder. Ziobro announced that at the press conference and said „he will not kill the people any more”. This statement met with the broad criticism by judiciary as well as by a significant segment of the public.

<sup>74</sup> During one of the press conference, Minister Ziobro said: “there will come a time for revealing further facts and pieces of evidence (...). They will chiefly speak not so much about Mr. Kaczmarek and his accomplices in crime [he was accused for providing false testimony - O.W.] as about Mr. Tusk, Mr. Olejniczak, Mr. Giertych and Mr. Lepper” [in order: the leaders of Civic Platform, Democratic Left Alliance, League of Polish Families and Self-Defence –authors].

## CONSTITUTIONAL TRIBUNAL

The main tasks of the Constitutional Tribunal consist in reviewing the conformity of Polish and international law with the Polish Constitution and deciding disputes of between central authorities over the competences. Since 1989 the institution has played a visible role in Poland and proved capable of building its prestige. This is particularly true with respect to the years preceding the adoption of the new Polish Constitution of 1997, when the Tribunal rulings fostered the development of a constitutional culture in the democratic system. The rulings preserved a system in which the branches of government were separated, through determination of the limits of the legislative powers, the prerogatives of the executive authorities and their mutual relationship, the reinforcement of the principle of independence of the judiciary, the constitutional status of other bodies (e.g. the National Broadcasting Council). In consequence, the necessary elements of a democratic legal system became better defined.

The Constitutional Tribunal is an independent and constitutionally recognized body that enjoys the status of judiciary authority (Art. 10 section 2 of the 1997 Constitution). Like the Tribunal of the State, it is located outside the court system, allowing it to function as a second, discrete segment of judicial authority. The Tribunal is composed of 15 judges. They are nominated and appointed individually by the Sejm for a 9 year term of office.<sup>75</sup> An absolute majority of votes in the presence of at least half of the total number of deputies is required for the election of a judge. In practice, it enables the parliamentary majority to control nominations to the Tribunal.<sup>76</sup> However, as Marek Safjan, the ex-President of the Constitutional Tribunal, rightly notes „The judges are placed in the system in such a way, that they do not have anything to lose except their decency and their professional prestige“.<sup>77</sup>

The Constitutional Tribunal rulings have provoked various discussions, debates and criticisms from its beginning. Complaints have also been made by politicians with respect to rulings that did not satisfy their expectations.<sup>78</sup>

The most visible attacks on the Tribunal came together with the political changes of 2005 when the prime minister, Jarosław Kaczyński, unsuccessfully attempted to introduce some legal changes with respect to the process of nomination of judges and the general role of the Tribunal.

The Law and Justice-led coalition attacked the Constitutional Tribunal several times. In majority of the cases those attacks did not refer to any specific defects of the tribunal's judgments. The major goal of these attacks was to undermine the reputation of the Tribunal and thereby to justify its law-making indolence.. The notion of such “partiality” of the Tribunal was to demonstrate the negative impact of the constitutional court on the ability of the government and Sejm to reform the state. In order to challenge the value of the tribunal's verdicts, the coalition challenged the judges' moral and professional qualifications. Judges were described as “the members of the układ” or as “disgusting, opportunistic cowards” and as engaging in “legal circus-tricks”.<sup>79</sup> In other words, the executive authorities (the prime minister, the minister of justice and the others) sought to build a system in which the power of the majority would be restrained neither by the Constitution nor by the Constitutional Tribunal. The coalition also made an attempt to threaten the Constitutional Tribunal by announcing a new draft law on the appointment of the Tribunal judges.

Despite those attacks, in 2007 the public opinion continued in its positive assessment of the Constitutional Tribunal's work.<sup>80</sup> Most of the people value the role of the Tribunal in the democratic political system. Most of respondents, irrespectively of their parties' preferences, consider the Tribunal's rulings to be politically impartial. Respondents believe that the institution fulfils its role - protecting the Polish constitution. It is noteworthy that during the last three years the number of Poles that trust the Constitutional Tribunal has actually increased.<sup>81</sup> In fact, to large extent, the rulings of the Tribunal in 2005-2007 ameliorated the populist designs and influenced the political standards and were crucial for the condition of the Polish democracy.<sup>82</sup>

<sup>75</sup> See: Art. 194 section 1 of the Polish Constitution (available at <http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>)

In consequence, the second chamber of the Parliament (Senate), the President, and even other judiciary bodies are unable to participate in selection process. The right to present a candidature is limited to a group of at least 50 deputies or the Presidium of the Sejm.

<sup>76</sup> Note, that also in other European countries, the members of the Constitutional Tribunal are elected politically.

<sup>77</sup> Marek Safjan, *Wyzwania dla państwa prawa*, Wolters Kluwer, Warszawa 2007, p. 75.

<sup>78</sup> E.g. the discussions about the tax amnesty in 2002, or in the case of the National Healthcare Fund (NFZ).

<sup>79</sup> The later was said by Jarosław Kaczyński in his statement made before the announcement of the one of the rulings of the Tribunal. Compare: Polskie Radio. Program I. *Sygnaly dnia*: 13.III. 2007 and also an interview with Jarosław Kaczyński in: *Gazeta Polska*, 1.05.2007.

<sup>80</sup> Krzysztof Pankowski, *Opinie Polaków o Trybunale Konstytucyjnym*, in: CBOS, May 2007, BS/76/2007.

<sup>81</sup> In 2007 81% of respondents expressed trust in the tribunal, up from 77% in 2004..

<sup>82</sup> It is enough to mention the media law (2006), the electoral law for the local elections (2006) or the lustration law (2007). They are discussed below.

## CENTRAL BANK

The Central Bank (NBP) is one of the institutions whose independence and autonomy are guaranteed under the basic laws in Poland. One of the efforts aimed at the limiting of the autonomy of the Central Bank made by the coalition, was the Investigating Committee on the Privatization of the Bank Sector established in 2006.<sup>83</sup> One of the political goals of the committee was to undermine the authority of Leszek Balcerowicz at that time the President of NBP. The Constitutional Tribunal found, however, the mandate for this committee to be unconstitutional.

The coalition achieved a success at the end of Balcerowicz's term of office, however. According to the constitution, the President presents a candidate for NBP president, which must subsequently be approved by the parliament. In spite of a previous promise to propose an independent candidate, the candidate ultimately submitted by President Kaczyński was known to be close to his political circles, or in other words, close to Law and Justice. This nomination was accompanied by political bargaining in the parliament and trading in offices between Law and Justice and Self-Defence and the League of Polish Families.

## MEDIA

In its first days in office the Law and Justice-led government introduced new media legislation, the so-called the Act of December 2005<sup>84</sup>. The proposal reflected changes, re-assigning of the powers and responsibilities of the public authorities responsible for the communications, radio and television broadcasting, and reflected an attempt to gain political control over KRRiT.

First, the Act shortened the term of office of the then members of the Council, providing for the lapse of their term upon the effective date of the Act,<sup>85</sup> As a consequence, the parliamentary decision stipulated in the Act, curtailed the activities of the constitutional-established KRRiT. Second, the Act provided for chairper-

son of KRRiT to be appointed by the President.<sup>86</sup> Additionally, under the Act, the council was equipped with the power to determine standards of professional ethics for journalists.

The Constitutional Tribunal considered the above Act as contrary to the Constitution.<sup>87</sup> The ruling of the Constitutional Tribunal demonstrated the fundamental mistakes and even the abuse of power by the legislators.<sup>88</sup> In developed democracy this should have resulted in the political consequence for responsible. However, nothing happened. Instead, the Tribunal became the target of the new attacks from PiS, LPR and Self-Defence.

The nomination of new members of the Council became personally subordinate to the ruling government coalition. As mentioned before, it was already a tradition in Poland that KRRiT represented the parties' interests. However, the act made it possible for the first time in the relatively short history of this constitutional body that representatives of the opposition could be swept completely from the Council by a parliamentary majority. The consequence of this has been an absurd policy of appointments to the corporate authorities of the public media and public media management. In other words, politicians and the president, who in practice is also a politician, changed KRRiT into a body made up of representatives of the ruling political parties.

## MILITARY INTELLIGENCE

Poland's Military Information Services (WSI)<sup>89</sup> was strongly criticized by most right parties as non-transparent and unreformed. The accusations of illegal activities of WSI such as corruption, espionage in the governmental institutions, disclosure of secrets, whitewashing of crimes, illegal international financial operations, etc. were very frequent. Law and Justice promised in its program to dissolve WSI and create new intelligence services. The widely publicized February 2007 report on the dissolution of WSI—which had been meant to demonstrate the scale of the manipulation of the public life in Poland by secret services—stigmatised many innocent

<sup>83</sup> The committee was to examine the decisions concerning ownership and shareholding reforms in the banking sector, and the activities of the banking supervisory authorities during the period from June 1989 until March 2006.

<sup>84</sup> See: Ustawa o przekształceniach i zmianach w podziale zadań i kompetencji organów państwowych właściwych w sprawach łączności, radiofonii i telewizji, in: O.J. 2005, No. 267, Item 2258.

<sup>85</sup> Note that such act is published in the official journal (abbreviated O.J.). The actual date of publication was December 30, 2005, the day immediately following the date on which the bill was passed by the parliament and the very same day on which the President signed the bill into law.

<sup>86</sup> According to the regulation previously in place, the chairperson was elected by the members of the Council, whereby the Council's independence was guaranteed in relation to other authorities, both the legislative and the executive.

<sup>87</sup> See: Sentence of the Constitutional Tribunal in: O.J. 2006, No. 51, Item 377 (ruling from 23.03.2006).

<sup>88</sup> See more: [http://www.trybunal.gov.pl/omowienia/documents/K\\_4\\_06\\_PL.pdf](http://www.trybunal.gov.pl/omowienia/documents/K_4_06_PL.pdf)

<sup>89</sup> Military Information Service (Wojskowe Służby Informacyjne, WSI) was a common name for Polish military intelligence and counter intelligence agencies.

people for secret service cooperation but failed to reveal any prominent “agents of influence” in the media and political world. Moreover, because the report revealed considerable information about how the Polish intelligence services work, it thereby revealed secret information and provoked the criticism from some other NATO countries.

#### CENTRAL ANTICORRUPTION BUREAU

The other new force is the Central Anticorruption Bureau (*Centralne Biuro Antykorupcyjne*, CBA), a new investigating bureau established during the coalition time. The aim of the CBA is to fight against the corruption in the public life. The bureau, being without any previous police experience, was equipped with the powers that should have been granted to the police alone.

The CBA became a flagship project of the Fourth Republic. It managed to arrest one allegedly corrupt cardio-surgeon<sup>90</sup> and was also involved in the provocation in the Ministry of Agriculture and others. According to CBA, the action was directed against the practice of bribery in the ministry and suggested that the Minister himself was involved. Lepper denied the allegations and demanded a parliamentary investigation committee to be set up. It is still unclear whether the actions of the CBA operation against Lepper were politically motivated or not. Again, the political impartiality of the institution has been questioned.

#### LUSTRATION

The first Polish lustration law was adopted in 1997. However, the Kaczyński's government proposed the new regulations, claiming that the previous version was insufficient and ineffective. According to the new law, the institution responsible for the lustrations was to be the Institute of National Remembrance (*Instytut Pamięci Narodowej*, IPN).<sup>91</sup> The lustration was obligatory for 53 categories of people born before August 1<sup>st</sup>, 1972 and holding positions of significant public responsibility, including lawyers, public notaries, attorneys, journalists and academic workers.<sup>92</sup> However, key articles of the law were judged unconstitutional by the Constitutional Tri-

bunal, making the role of IPN unclear and putting the whole process into question.<sup>93</sup> Of course that provoked new attacks against the Tribunal. Top officials of Law and Justice accused all opponents and the Constitutional Tribunal alone, of the lack of impartiality and connections with the communist secret service. The role of IPN in the lustration process is at present unclear. Adam Michnik along with other politicians declared that, since the whole lustration process in the old format is essentially over, the secret police archives should simply be thrown open.<sup>94</sup> Prime Minister Kaczyński's response was characteristic of government discourse: he argued that Michnik was simply promoted the goal of the left idea to abolish the IPN and delay the whole process of lustration.<sup>95</sup> Again, the government's argument emphasized opponents' membership in the “układ”.

Summarising, after the elections in 2005, one could observe attempts to question the mechanisms of checks and balances for the sake of building a “strong government” which would fight out the corruption, bring to an end to the “układ” and would guarantee the better life for the common people. In practical terms, such government aimed at construction of the primacy of the executive and the parliamentary majority. One could observe that the democratic rule of law was put at risk by the Law and Justice-led government which neglected or even failed to respect the right of independent control bodies (mainly the Constitutional Court and the KRRiT). Moreover, strong levels of patronage dominated the political life. This included the major state institutions (KRRiT, the Central Bank, the Constitutional Court, etc.) as well other institutions such as ministries, social security office etc.

### POPULISM AND THE ROLE OF EXTERNAL FACTORS

Since 1989 Polish politics has been dominated by the idea of the European integration and the membership in NATO. As a consequence, Polish major parties undertook the process of adjustment and implementation of the international requirements. The country joined

<sup>90</sup> The case of cardio-surgeon was widely presented in the public media as a successful action of the CBA. However, the accusations were later rejected by the court, putting into question the quality of CBA work.

<sup>91</sup> The law was introduced in December 2006 and came into force in March 2007.

<sup>92</sup> See: Nowelizacja ustawy z dnia 18 grudnia 1989r. o Instytucji Pamięci Narodowej – Komisji Ścigania Zbrodni przeciwko Narodowi Polskiemu oraz ustawy z dnia 18 października 2006 r. o ujawnieniu informacji o dokumentach organów bezpieczeństwa państwa z lat 1959-1990 oraz treści tych dokumentów, available at (in Polish only): <http://www.ipn.gov.pl/portal/pl/305/4792/> (last accessed on 23 September 2007)

<sup>93</sup> The part of the law that would have required about 700,000 people in the above 53 categories to submit declarations on whether they had collaborated with the secret services has been thrown out.

<sup>94</sup> Adam Michnik: Otwórzmy teczki. In: <http://www.gazetawyborcza.pl/1,79328,4127958.html>. (last accessed on 23 September 2007).

<sup>95</sup> Jarosław Kaczyński in an interview with Jacek Karnowski. In: *Sygnaly Dnia*, 14.05.2007.



**Table 3**  
**European Parliament election results 2004**

Party	% of votes cast
Civic Platform (PO)	24,1
League of Polish Families (LPR)	15,22
Law and Justice Party (PiS)	12,67
Self-Defence (Samoobrona)	10,78
Democratic Left Alliance - Union of Labour (SLD-UP)	9,35
Freedom Union (UW)	7,33
Polish Peasant Party (PSL)	6,34
Social Democracy of Poland (SdRP)	5,33

**Source:** The Polish State Electoral Commission.

NATO in March 1999. The agreement for the Polish accession to the European Union was expressed by 77.45% of Poles participating in the referendum (with a turnout of 58.85%). Poland became a member of the EU in May 2004.

EU integration was supported in Poland by all mainstream parties in Poland and served as an overriding objective, marginalizing the role of anti-EU parties in the political scene. In the circumstance when EU membership was achieved and the economic situation did not change for the electorate disappointed with the transition, parties that appealed to the common people came to the forefront of the political scene. Although populist parties had already played a significant role before 2004, a populist coalition would not previously have been possible.

Both the League of Polish Families and Self-Defence first entered the Parliament following the 2001 parliamentary elections at the time of the peak pessimism about the consequences of EU integration. The League of Polish Families has been profoundly anti-European, associating Poland's membership in the EU with moral corruption, political and economic vassalism, and yet another partitioning of Poland and loss of national identity. Self-Defence, during the referendum on the EU membership, presented itself as a "Euro-realist" party, declaring itself in favour of the EU integration, but on different conditions than provided in the Accession Treaty, and according to a different timetable. Law and Justice supported Poland's membership in the EU, while it claimed to "defend the national interest" first of all.

Table 6 presents the results of election to the European Parliament in 2004. It is noteworthy that only 20% of registered voters participated in the European elections. With such low turnout, the most successful were anti-European parties, including the League of Polish Families,

which reached the most impressive result in its parliamentary career during this election. The results of the European elections could lead some to the conclusion that Polish populism was successful because it was based on the opposition to the EU. However, the later events showed that this hypothesis was wrong.

In the European Parliament, both Law and Justice and Self-Defence are affiliated with the Union for a Europe of Nations (UEN), the group consisting of conservative and/or nationalist parties; the LPR is affiliated with the Independence/Democracy Group (IND/DEM) incorporating "euroskeptics" and "eurorealists".

### FOREIGN AND EUROPEAN POLICY OF THE PIS-LED GOVERNMENT

The Law and Justice-led government concentrated mainly on domestic policy. Even though foreign policy played a rather secondary role, however, it was nevertheless controversial enough to provoke alarming comments from foreign countries. Law and Justice announced in 2005 that the foreign policy needed to be "reclaimed" from a post-1989 establishment that had been over conciliatory and insufficiently robust in defending Poland's interests abroad, especially in the EU.<sup>96</sup> Law and Justice's party leader warned "our partners have to get used that Poland begins to practice the hard line foreign policy". These words were translated into actions: deterioration of relationships with Germany, Russia and other post-soviet countries. At every turn the Law and Justice government underlined the role of the Polish sovereignty and the national interests. The government also understood the political reality in the categories of the national state. Consequently, the role of the historical policy was an important feature. In practice, national power was presented through the arrogance toward other countries or institutions, rejecting international projects

<sup>96</sup> See e.g. Jarosław Kaczyński expose 2006.



without proposing new initiatives. Such policy, explained by the governmental officials as the protection of the Polish national interests, was understood by opponents (both in Poland and abroad) as ignorance and often was referred to as 'Polish nationalism'. Law and Justice rejected all criticism was rejected as groundless attacks.

The quality of the Polish-German relationships during Kaczyński's government is most significant. It is obvious that the turbulent history of the German – Polish relations resulted in some anti-German sentiments. Kaczynski twins frequently used them for the purpose of internal policy - increase the popularity of their party in 2005 elections<sup>97</sup> and to secure the survival of their government later.<sup>98</sup> Among the others, Kaczynski demanded a special agreement barring any World War II reparations.<sup>99</sup> They also complained about the proposed Russian-German pipeline on the bed of the Baltic Sea. Despite some merits, the whole campaign was rather emotional (accusations of "a new Molotov-Ribbentrop pact") and probably served the internal political purposes. After elections, the relations were even worsened due to so-called "Potato war." This refers to a satirical article published by the German left-wing newspaper *Die Tageszeitung* entitled "Poland's new potato". It presented Kaczyński brother's perceived xenophobic, homophobic and authoritarian stance.

The hard line governmental rhetoric led to some isolation of the Poland on the international arena. The Polish government EU policy can be illustrated by two examples. The first one is the anniversary of the Rome Treaty, which was perceived as a prelude to the June European Summit (2007) and placed in the broader context of the expectations related to the Summit. Although, Law and Justice announced the future Declaration of Europe as the document "that can be significant" and outlined the

Union's success and values, the party also emphasized the lack of referral to Christian roots of Europe in the proposed text of the declaration.<sup>100</sup> Even more critical was the opinion of the League of Polish Families. The leader of LPR referred to the document as one without much meaning, full of banal phrases. According to him, it was merely a roadmap for Germany paving the way to adoption of the Constitutional Treaty.<sup>101</sup> The government's negotiations at the June EU summit were presented as new type of 'hard line' foreign policy. The Polish government threatened to veto the negotiating mandate for the EU reform treaty, in order to block the project of the 'double majority' system in the draft constitution,<sup>102</sup> and the summit in Brussels almost failed because of this issue. The Polish side proposed the 'square root system' (*system pierwiastkowy*).<sup>103</sup> In Poland those negotiations were expressed as "square root or death"<sup>104</sup> and the government saw only such solution as the basis for negotiations. Finally, the Polish proposal was replaced by a favourable deal for Poland allowing a ten-year extension of the EU voting provisions contained in the 2001 Nice treaty. "We got everything what we intended" said Jarosław Kaczyński "(...) the square root system was not possible to achieve and from the Polish perspective it was even worst solution than the one which has been gained."<sup>105</sup> The public opinion, in majority, reacted positively to the outcome of the Summit.<sup>106</sup> The Polish strategy was widely seen as anti-European, unprofessional and subordinated to the domestic political goals.

One month before the parliamentary elections in 2007, the Law and Justice government vetoed a symbolic day against the death penalty (European Day against the Death Penalty, October 10, 2007). The governmental objections were related to the lack in the EU proposal of broader principle of the „right to life“. An alternative governmental proposal was establishment of the „Day of Life De-

<sup>97</sup> Already during the 2005 campaign, Lech Kaczyński frequently criticized Germany and warned his voters that the Germans wanted to dominate the European Union. Furthermore, he warned that Germany wanted to reinterpret its Nazi past. Law and Justice used the very strong anti-German resentments. For example Law and Justice claimed that Tusk's grandfather served as a volunteer in the German Army during the World War II.

<sup>98</sup> Note that surveys have showed that Germans have a surprisingly positive image in Poland. The vast majority of Poles still believe that Germany is Poland's most important partner.

<sup>99</sup> The problem of property ownership potentially concerns 12-13 million Poles who live on the territories taken from Germany in 1945. The German citizens' claim for compensation for the property lost in the territories acquired by Poland after the World War II. Even if the German government does not support such claims, it refuses to accept material responsibility for compensation.

<sup>100</sup> Konrad Szymanski, MEP, *Najwyższy czas newspaper*, 5 April 2007, quoted after the website of the Law and Justice party, available at: [www.pis.org.pl](http://www.pis.org.pl) (24 March 2007 PAP).

<sup>101</sup> Roman Giertych, PAP 23 March 2007.

<sup>102</sup> The system was based on the number of countries and their population size and thereby favoured larger countries such as France and Germany.

<sup>103</sup> Initially the idea was also supported by the Czech government.

<sup>104</sup> The analogy of already mentioned the famous "Nice or death" introduced before the treaty in Nice by PO member Jan Maria Rokita.

<sup>105</sup> An interview with Jarosław Kaczyński; Michał Karnowski, *Uzyskaliśmy wszystko, co zamierzaliśmy*, in: *Dziennik*, 25.06.2007.

<sup>106</sup> Note that before the summit, with respect to the question on the square root proposal, 34% of respondents supported the tough line, however 53% thought it was not the right strategy to follow. See for more details "PBS DGA report (21.06.2007), *Unia Europejska: Szczyt pierwiastkowy*, <http://www.pbsdga.pl/x.php?x=541/UE-Szczyt-pierwiastkowy.html>.

fence.<sup>107</sup> That veto was perceived by commentators as a part of the pre-electoral attempt to win domestic support.

The Polish foreign policy was also shaped by the position of coalition partners. Both the League of Polish Families—with its reliance on the ideology of the pre-war nationalistic and anti-Semitic *Endecja*<sup>108</sup> - as well as Self-Defence often questioned Poland's pro-Western orientation and supported closer cooperation with Russia, whereas Law and Justice remained decisively anti-Russian and pro-American.

Although the coalition agreement firmly forbidden the junior partners from becoming involved in anything related to foreign policy, they frequently put the prohibition to a test, embarrassing the government by proposing referenda on socially unpopular decisions, such as sending Polish troops to Afghanistan or the US missile shield.

## THE IMPACT OF EU MEMBERSHIP

The correlation between the fate of radical parties and attitudes towards the EU integration becomes apparent

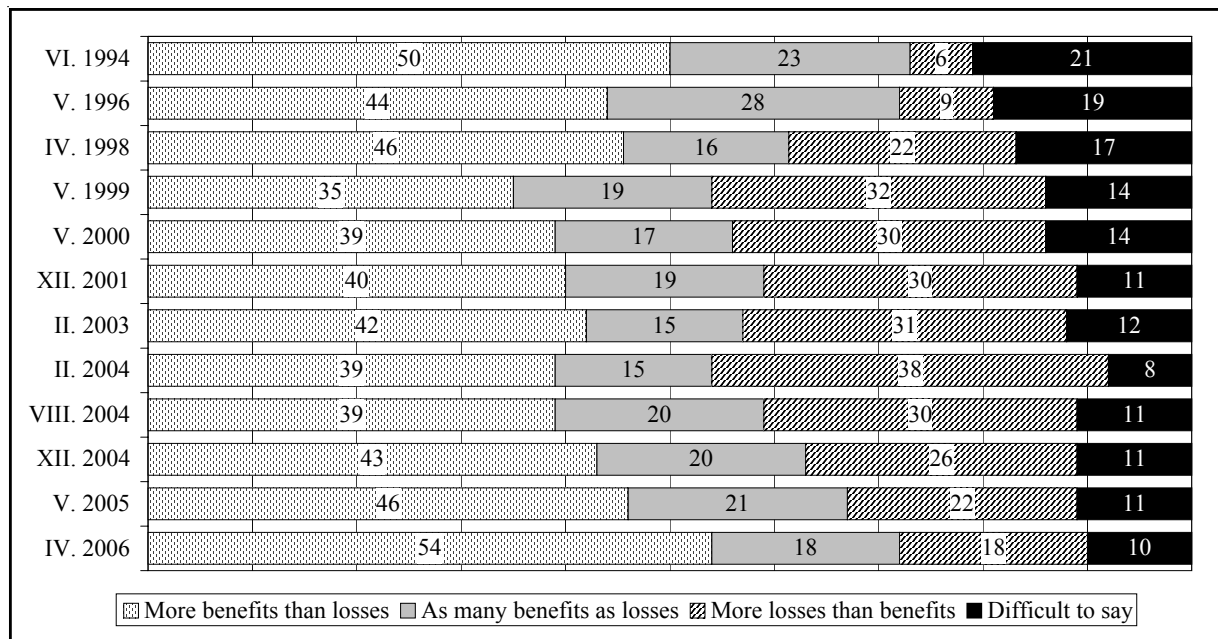
given the way in which Poles anticipated (and later assessed) the consequences of EU membership. In 2003, about 30% of the general public thought that the EU integration would bring more losses than benefits. This percentage peaked in February 2004, on the eve of the accession, with some 38% pessimists, after which it began a gradual descent to just about 18% in April 2006. At the same time, the percentage of respondents who believed the overall consequences of membership to be positive increased from around 40% in the period between 2001 and 2004 to more than 50% in 2006.

In other words, at least in the case of Poland, a closer reading of the opinion data seems to indicate the growing satisfaction of the general public with the EU accession.

What is also significant is that the number of EU pessimists has diminished within the socio-demographic groups that are traditional supporters of populists. Thus, the number of pessimists among people above 55 years, those with only basic education and with low living standards has decreased from around 50% in 2004 to around 20% - now only marginally higher than among the public at large.

Graph 4

Perceived losses and benefits resulting from Poland's EU membership (in %)



Source: CBOS.

<sup>107</sup> The Council of Europe, where voting does not require unanimity, reacted swiftly to the Polish veto and the following week adopted the previous proposal. It also expressed the hope the EU would join in "as soon as possible". The Italian foreign minister Massimo D'Alema said that the Polish veto was "reactionary and nationalistic". See: Populism behind death penalty talk in Poland, Human Rights Tribune, Geneva: <http://www.humanrights-geneva.info/spip.php?article2316> According to a March poll, 63 % of Poles supported the death penalty, compared to 31% who opposed it.

<sup>108</sup> "Endecja" – short name for Narodowa Demokracja (National Democracy), Polish right-wing nationalist political movement most active from the latter 19th century to the end of the Second Polish Republic in 1939.

Whereas farmers, who used to be the only social group opposed to membership, have gradually changed their attitudes, from more than 50% of pessimists in 2004 to a clear majority of optimists in 2006. This could help to explain why opponents and critics of integration have lost almost 60% of their electorate since 2002. This is not the only answer, however.

According to CBOS opinion surveys, support for Self-Defence among farmers has declined from almost 50% just before the parliamentary elections in 2005 to less than 19% in November 2006. While some farmers have switched their support to the Law and Justice, the largest gains have been made by the Polish Peasants' Party, which did surprisingly well in local elections that month. The Peasants' Party was a member of the centre-left coalition in 2001–03 and in this capacity shared responsibility for the outcome of the accession negotiations. Initially, it paid the political price for this, gradually losing support among rural voters until its fortunes revived in the 2006 local and regional elections, when it received more than twice the number of votes of its key competitor, the Self-Defence. What is more, the Peasant's Party formed an electoral bloc with the economically-liberal and pro-European Civic Platform without discouraging its rural voters.

A parallel decline of support for populists can be observed in relation to the nationalist and ultra-Catholic League of Polish Families. This was the only Polish political party to campaign against joining the EU during the accession referendum in 2003 (the Self-Defence asked its supporters to make their own minds how to vote, while criticizing the terms and conditions of the accession). The League scored its biggest electoral victory during the European Parliament elections, but since then, it has consistently lost voters, gaining just 8.0% in the 2005 elections and 4.7% in 2006.

Although fears and negative expectations prior to enlargement originally strengthened the anti-European populists, in the long run, it may be assumed that this strength of populism has been systematically eroded by Poles' growing appreciation of the results of EU membership: opportunities to seek legal jobs abroad, farm-

ers' subsidies, structural funds, jobs created by foreign investment and so on.

## DECLINE AND FALL OF THE FOURTH REPUBLIC OF POLAND

Law and Justice was in power for two years. In 2005 elections, the party promised three million new apartments, thousands of kilometres of motorways, public finance reform and tax cuts. Ambitious promises were also offered by the former coalition partners, the League of Polish Families and Self-Defence. The leitmotiv of the governmental policy was the fight against the mythical 'uklad'.

One of the weaknesses of the Law and Justice promises has been seen in the purge of administration and political positions at all levels of government. Moreover, a decisive battle against the "post-communist mafia" did not happen. Instead, corruption was discovered in the heart of the Law and Justice-led government and within the parties forming the coalition. The government's war on corruption turned out to be a war against doctors, the "uklad," the Left, etc. In the field of foreign policy, international arrogance and incompetence, made Poland an object of ridicule and reduced it to marginal role in Europe.

Although the coalition colonized most public institutions, both private media and non-governmental organizations continued to perform their role as watchdogs of government policies. The Constitutional Tribunal and the courts frequently ruled against the controversial pieces of legislation and government policies.

Ultimately, taming of populism and restoring the "European standards" in Polish politics depended on the performance of the political opposition. The Left that allied itself with liberal democrats under the auspices of the popular former president Aleksander Kwasniewski made only partially successful attempts to regain voter's confidence.<sup>109</sup> In this situation, the key beneficiary of the

**Table 4**

**Votes cast for the League of Polish Families and Self-Defence (in thousands of votes, in brackets the percentage of all votes cast)**

Party	Parliamentary 2001	Regional 2002	European Parliamentary 2004	Parliamentary 2005	Regional 2006
Self-Defence	1,327 (10%)	1,786 (16%)	657 (11%)	1,347 (11%)	755 (6%)
League of Polish Families	1,025 (8%)	1,563 (14%)	970 (15%)	941 (8%)	635 (5%)

Source: Polish Electoral Commission.

<sup>109</sup> The departure of the former Left Prime Minister Leszek Miller from the Democratic Left Alliance was seen as a part of this process.

declining support for the Law and Justice coalition was the economically liberal, but otherwise conservative Civic Platform, which seemed divided between those who cherish the project of the Fourth Republic and sought a grand coalition with Law and Justice and those for whom the most urgent task was to remove the radicals from power, even if it required cooperation with the new centre-left.

### MORAL REVOLUTION LOSING STEAM

The two years of Law and Justice government was a period of constant accusations, fight with mythical “układ” and a highly publicized but not successful campaign against the corruption. The public opinion sources show that the ratings of both the President and the government of Jarosław Kaczyński declined during their terms offices. Table 9 shows that the popularity of Lech Kaczyński as the President was around 35% (on average):

The first serious warning for the government coalition came with the results of November 2006 local elections. The three coalition parties together received almost 735,000 fewer votes than a year earlier. Had parliamentary elections been held together with the local elections, the ruling coalition would have secured a little more than one-third of the seats in the parliament, where they enjoyed a secure majority at that time.

This change occurred over just one year, during which the Polish economy was growing by about 6% per year and unemployment was falling. The opinion survey showed that Poles had never felt so good about them-

selves and their prospects for the future. The fact that this growing sense of well-being failed to translate itself into support for the government seems to be related to the general disapproval of the coalition. For example, in October 2006, the decision of Prime Minister Jarosław Kaczyński to readmit Lepper to the government and thus renew Law and Justice’s and the League of Polish Families’ coalition with Self-Defence met with the disapproval of almost 50% of respondents, while only 20% approved.

### PIS GOVERNMENT AND CIVIL MOBILIZATION

An important role in resisting populism was played by civic organizations and ad hoc civic initiatives. The growing number of protests and demonstrations as an activation of some social groups (noticeable in the period from 2005 to 2007) has to be understood together with the moral revolution introduced by Law and Justice. Rejecting the Third Republic of Poland, Law and Justice also rejected “the ruling social class” or “the winners of transformation”. For the first time since 1989, the government used ‘anti-elite’ rhetoric. As Lena Kolarska-Bobińska pointed out, the rejected group could be described as the middle and upper classes<sup>110</sup>. In consequence, for the first time since 1989, a great part of the middle class was threatened with respect to its social status and interests. This also included ‘old’ Polish intelligentsia, which was divided by PiS politicians into “good” and “bad” part. According to them, the ‘good’ intelligentsia was traditional, patriotic and conservative, while its ‘bad’ counterpart was represented by left-lib-

**Table 5**  
The ratings of President Lech Kaczyński (in %)

Month/Year	January 2006	March 2006	June 2006	September 2006	December 2006	August 2007
Good	39	41	33	31	35	31
Bad	16	37	50	53	49	56

Source: CBOS.

**Table 6**  
The support for the government of Jarosław Kaczyński

Month/Year	January 2006	June 2006	August 2006	October 2006	January 2007	February 2007	April 2007	September 2007
Support	50	42	28	25	31	28	27	29
Oppose	10	20	36	48	38	42	44	46

Source: CBOS.

<sup>110</sup> This part of the text is based on analysis of civic activity and social protests in 2005-2007. Cf Lena Kolarska-Bobińska, “Citizens’ activity and social protests”, in: *Democracy in Poland 2005-2007*, op. cit.



eral circles. This ‘divide and rule’ politics backfired and led to open and intense conflict between Law and Justice and the intelligentsia.

The major Fourth Republic “cleanup project”, the lustration of public officials to vet communist secret police agents triggered a popular movement of civil disobedience. The definition of the “public officers” to undergo lustration included journalists and university teachers as well as company managers - in total between 700,000 and 2,000,000 people. The law, which imposed a 10 year employment ban for those who failed to submit signed lustration declarations or lied about their past, was referred to the Constitutional Tribunal. Awaiting the ruling on the constitutionality of this law, a number of prominent journalists announced that they did not submit their lustration declarations in an act of civil disobedience. The Senate of the University of Warsaw and other prestigious higher education institutions declared that the Lustration Law in the present form was a threat to the autonomy of higher education institutions as well as democracy. The authorities of the University suspended the lustration of the staff until the decision of the Constitutional Tribunal which, as it was mentioned above, found the numbers of Lustration Law provisions to be unconstitutional. The protests against the Lustration Law were but one example of the resistance of the organized groups of the society against the Kaczyński government policies.

Generally the social protests were organized on two levels: economic interests and social values. Since 1989 many social groups organized collective actions in defence of their economic interests. In this sense, protests organized during 2005-2007 were not new. Such protests often had a political dimension. This was a case of the protest of nurses in front of the Prime Minister office. The action was labelled by Law and Justice as an attempt of the “układ” to remove the government.

On the other hand, one can notice intensification of public appeals, protests, and manifestations which were related to the general problems and based on values and ideology.<sup>111</sup> They can be divided into:

- Struggles for human rights, tolerance, and common goods (ecology, foreign policy, education, culture, etc.), and against discrimination (about 45 instances). The most famous were the Parade of Equality, in support of gay rights; abortion rights demonstrations, ecologists’ protests against construction of a speedway in the Rospuda valley.

- Controversies over historical memory (about 20 instances), which concerned discussions on the lustration law, communist past and the role of the Institute of National Memory (the last one was initiated in the context of accusations of the collaboration with the secret service of prominent and respected anti-communist opposition figures such as Jacek Kuroń and Zbigniew Herbert).

- Protests against acting politicians. Examples include students’ demonstrations against the right-wing Minister of Education Giertych and his attempts to make schools an instrument of nationalistic indoctrination.

- The protection of public standards. During this period different social groups such as teachers, doctors, judges, journalists, academics organised protests (about 70 instances) not only against the government policy but more importantly as a means of protecting standards in public life.

An important feature was the mobilisation of young people, who attempt to protect liberal and democratic values, which were strongly questioned by Law and Justice-led government. There are also other remarkable forms of social mobilisation. In addition to traditional forms like strikes (nurses, doctors, miners, teachers and others) as well as manifestations, open letters and petitions became very popular in that period. (ca. 80 official letters against the policy of the Law and Justice government, and counter-letters by supporters of the government were written). The most spectacular was the action of collecting signatures under the appeal to dismiss Education Minister Giertych (138.000 persons).<sup>112</sup> At the same time, internet became an important medium to express criticism and discontent with the Law and Justice government. Satirical websites and other initiatives proliferated.<sup>113</sup>

Social mobilisation played also important role during the 2007 election campaign, particularly by young people. A coalition of media, NGOs, employers associations, social researchers, PR and advertising firms developed a comprehensive ‘get out the vote campaign’ which was launched in major electronic and printing media as well as internet and even text messages under the slogan “Go to vote. Change your country”. The campaign proved particularly successful in reaching young urban voters, who – unlike in 2005 – turned out in large numbers on voting day.

<sup>111</sup> In the period of 2005-2007 around 30 of major protests could be noticed.

<sup>112</sup> See: [www.bezgiertycha.rp4.pl](http://www.bezgiertycha.rp4.pl)

<sup>113</sup> See for example: [www.spieprzajdziadu.com](http://www.spieprzajdziadu.com), [www.czwartarp.org](http://www.czwartarp.org), [www.lepper.blogspot.com](http://www.lepper.blogspot.com), [www.giertychtja.pl](http://www.giertychtja.pl), [www.giertych.blogspot.com](http://www.giertych.blogspot.com), [www.giertych.70.pl](http://www.giertych.70.pl) and others.

## THE DECOMPOSITION OF THE POPULIST COALITION

The Law and Justice-led coalition was also ridden by internal contradictions. On the one hand, the moral revolution proclaimed by Law and Justice was increasingly seen as applying double standards. One set of rules was used to condemn the corruption of the “post-communist” Third Republic, and another to explain the practices of the ruling party and the misbehaviour of its coalition partners: sex scandals, corruption, and problems with the justice of many members of the Self-Defence. Most voters also remembered that before 2005 Kaczyński used to remark that Self-Defence was a creation of the post-communist secret services.<sup>114</sup> Since the inception of the coalition, the party was a constant source of embarrassment for the Law and Justice politicians.

On the other hand, the League of Polish Families was also a difficult partner for Law and Justice as both parties were competing for the favours of the Catholic church as well as the influential Catholic “Radio Maryja” and its director, Father Rydzyk. League of Polish Families leader, Roman Giertych, at that time was at the forefront of policy initiatives aimed to please the most conservative Catholics such as total ban on abortion or campaign against homosexuals in schools.

This was a difficult act to follow for Law and Justice politicians who wanted to maintain support of the ultra-conservative electorate without losing the centrist voters.

These internal contradictions, as well as the fighting for similar electorates resulted in many tensions and conflicts between the governing parties. On several occasions the coalition came to the brink of dissolution.<sup>115</sup> Eventually, Andrzej Lepper was dismissed from the government on July 9, 2007. The official reason was suspicions that Lepper was involved in a corruption scandal. However, Lepper claimed that he was a victim of a political provocation initiated by Law and Justice. The coalition collapsed.<sup>116</sup> Jarosław Kaczyński explained his political decision in an address to the nation:

Actually we are the first government, which controls the situation, which has a strong will to fight the evil, also in its own ranks, and has possibilities

and predispositions to continue this fight. (...) We will not allow that Poles will be robbed, that they will be robbed by their own or foreign politicians or bigger or smaller oligarchs (J. Kaczyński 13.08.2007).

In response, the League of Polish Families and Self-Defence announced a merger. They formed an electoral coalition called “The League and Self-Defence” (LiS) and began a strong campaign against Law and Justice. The parties seemed to be become more confident since in the opinion polls LiS exceeded the 5% threshold for the parliamentary representation, but this turned out to be only an episodic alliance.

During the summer 2007 the political scene was dominated by accusations and arrests of prominent politicians.<sup>117</sup> The existing situation was explained by the Prime Minister Jarosław Kaczyński:

Corruption is a sort of a tax. The illegal tax (...) The tax is taken directly, or indirectly, when is hidden in the price or when we lose something, what is common and is sold for nothing.

My government has steadfast wish to fight against corruption, to abolish such taxes. That is why the Central Anticorruption Bureau was created. That is why we are ready to turn against those who were with us, who worked together with us, pretending to be somebody else then they were in reality.

We are ready also to pay the price. The price of attacks and slanders. We are ready also to pay the price of losing political power, because the power only has sense, when it serves the society. When it is meaningful, when it is restoring the rules to the Polish political life (J. Kaczyński 1.09.2007).

In consequence of the collapse of the coalition, the PM dismissed all the remaining ministers from LPR and Self-Defence. Kaczyński decided to gamble on an early election, hoping to win an outright majority which would allow him to rule without coalition partners, and encouraged by the fact that his party was the leader in opinion polls. The vote dissolving the parliament was passed on 6 September 2007 by the deputies of Law and Justice, Civic Platform and Left and Democracy, the

<sup>114</sup> See Interview with Jarosław Kaczyński, *Głos Wybrzeża*, 18 - 22 June 2003.

<sup>115</sup> The coalition first collapsed at the end of 2006, when Andrzej Lepper repeatedly announced that he and his party would not support the budget proposition approved by the Council of Ministers. This led Kaczyński to dismiss Lepper from his post of deputy prime minister. At the same time, Law and Justice needed the parliamentary majority to support the government. None of the remaining party present in Sejm would replace Self-Defence, PiS attempted to convince individual Self-Defence representatives to leave the party. This led to the accusations of unethical behaviour. After this crisis Lepper's party returned to the coalition. (See also the previous part of this paper on media as the fourth power.)

<sup>116</sup> There were some attempts to rebuild the coalition. As a replacement for Lepper as Minister of Agriculture, the prime minister nominated a former member of Self-Defence who had resigned from the party after a conflict with Lepper.

<sup>117</sup> Jarosław Kaczyński, in an interview for *Rzeczpospolita*, 13.09.2007.

successor to the left alliance. A very short but intensive election campaign followed.

In spite of all the scandals, Law and Justice in September 2007 – one month before the parliamentary elections – maintained 30% support, a result comparable to its performance in 2005. That was surprising as its two former coalition partners were balancing on the election threshold (5%). This phenomenon could be partially explained by the good condition of the Polish economy—which part of the electorate attributed to the policy of the government—as well as to a skilful and professional electoral campaign, the government's dominance in the public media and its use of compromising materials against the opposition.

### THE SHOWDOWN: 2007 ELECTIONS

The period for the campaign was very short. Parties had only 6 weeks to convince the voters. Initially, there was an impression that the Civic Platform was not ready for the campaign, in contrast to Law and Justice.

The main point of the Law and Justice campaign was the fight against the corruption, this time as continuation of governmental policy. The campaign aimed to present Law and Justice as the only party committed to the fight against the "układ" Moreover, the infighting of the Law and Justice government was explained as a part of activities of the influential "układ" and domination of public sphere by "oligarchy." The party explained the scandals that had taken place at the Ministry of Agriculture and the Ministry of the Interior and Administration Affairs as cases of elimination of the "układ" and corruption from political structures. Although, the evidence presented to the public opinion during special conferences organized by the Minister of Justice and the CBA was unclear, the political marketing point of view the operation seemed successful.

The media critical of the government were again described during this campaign as a part of the "układ" and Law and Justice was presented as a victim of the press. In one of the interviews for *Rzeczpospolita* Jarosław Kaczyński said that *Gazeta Wyborcza* was controlled by an oligarchy, though he "cannot illustrate this with any examples".<sup>118</sup> He also added that the press was (meaning last two years) like a wall separating Law and Justice from the public, and "if we manage to break this wall – we will win".<sup>119</sup>

It is worth to note that the party campaign started even before the Parliament called for the new elections. The

billboards with the Prime Minister Jarosław Kaczyński and the slogan "principles oblige", frequent visits of the prime minister in small Polish towns and villages, meetings, interviews, and other activities of the prime minister (frequently acting as a chairman of Law and Justice) provoked independent commentators to express concerns about mixing the roles of prime minister and chairman of the governing party. The activities of the President Lech Kaczyński also raised serious questions about impartiality of the head of the state. The public discussion intensified when the Ministry of Foreign Affairs Anna Fotyga refused the OCSE request for the agreement to observe the parliamentary elections in Poland. The Minister argued that the note was sent in appropriate form and underlined that Poland was a country of stable democracy. After a hot public debate, the government finally decided to admit the OCSE representatives during the parliamentary elections.<sup>120</sup>

The campaign of Law and Justice was successful in consolidating and mobilizing the government's supporters. In result, Law and Justice absorbed most of its former coalition partners' votes. At the same time, the populist message was clearly present. For example, one of their electoral TV commercials showed sushi-eating oligarchs with the voice over stating that Law and Justice is the only party which listens to the people, and not the 'salon'. Moreover, Law and Justice also claimed a credit for the strong economic growth and reduction of unemployment.

The successful campaign of the Civic Platform began only two weeks before the elections. The turning point was a television debate of the Civic Platform leader Donald Tusk with Jarosław Kaczyński and the next one with ex-President Aleksander Kwaśniewski (the face of the Left and Democracy campaign). During the first debate Tusk presented himself as a dynamic and effective leader, and pointed out that the government, in its pursuit of 'moral revolution' was out of touch with the concerns and lives of ordinary people. Surprisingly, the PiS leader was bland. Three days later, during the debate with Alexander Kwaśniewski, Tusk made a powerful appeal to all anti-Law and Justice voters to support his party as the most effective way of defeating the government. This appeal was directed precisely to the voters from the centre-left. It was successful appeal. The immediate public opinion polls showed the leading position of PO (around 40-45%). Those debates coincided with a change of the campaign strategy. The party declared, through reference to the Irish model of economy and abandoning the excessive regulations, to

<sup>118</sup> Ibidem.

<sup>119</sup> The government explained its changed position by noting that the new request presented by the OCSE was more polite ([www.pap.pl](http://www.pap.pl)).

<sup>120</sup> This was already stressed during the scandal in the Ministry of Agriculture.

bring an “economic miracle” and create possibilities for citizens. One of the issues of the new campaign was the labour migration from Poland to UK and Ireland. Tusk suggested that some of the migrants leave because of Law and Justice, and promised to ‘bring Europe to Poland’ so that Poles will no longer have to leave Poland to find themselves in Europe. Rejecting some comments about party populism, Tusk labelled this discourse as a “responsible populism”.

As an effect of this unexpected growth of the support for Civic Platform, Law and Justice shifted the campaign back to its strongest arguments: corruption. The circumstances seemed to be very helpful. Earlier in the campaign, CBA had arrested a little known deputy of the Civic Platform in a sting operation against bribery. The deputy was almost immediately removed from the party. Meanwhile, in the last week of the campaign, CBA held a sensational press conference, broadcasted in major TV stations that showed hidden camera footage from the act of taking the bribe. Although the head of CBA claimed that the press conference was unrelated to the election campaign, the whole affair appeared to confirm the opposition’s claims that Law and Justice was using the anti-corruption drive to intimidate its political opponents.<sup>121</sup> The accused MP said she had been seduced by a secret agent of the Anti-Corruption Office and seemed to have won the sympathy of the public. To some voters at least it started to look as if Law and Justice was only able to detect corruption which it first created.

At the beginning of 2007 the support for Self-Defence fell below 6%. That was one of the reasons that the party did not want new elections. Also its party campaign was based on already-tested strategy. Self-Defence accused the whole anti-establishment and appealed to the common people. Lepper presented the party and himself as the victim of the PiS establishment and appealed to farmers, left electorate, social groups and those who were disappointed with the Law and Justice government. The party also attempted to attract well known names to its lists. The most spectacular was the declaration of the former prime minister Leszek Miller (a former member of Left and Democracy) to stand for election on Self-Defence’s electoral list. The candidate himself underlined that he was not a member of the party. The party’s other strategy consisted in accusations that the public media favoured the bigger parties (mainly Law and Justice). Self-Defence even organized some protests in front of the building of the public broadcast network.

All these attempts were not enough to rebuild the trust and Self-Defence received only 1.53% of votes, falling far short of the threshold or entry into Parliament. What does this mean for the party? For the party leader, who does not enjoy immunity, this means having to face approximately 70 court proceedings. Without a strong charismatic leader, the party will have a difficult time surviving. Moreover, the party has substantial financial problems and is currently facing a danger of bankruptcy. Party leader Lepper, meanwhile declared his intention to build a new party, but many argue that it is the end of the biggest Polish populist party.

Another loser of the 2007 elections was the League of Polish Families. Like Self-Defence, the League had begun to lose support ever since entering the coalition with Law and Justice. To remedy this, the party decided, together with the conservative Real Politics Union (Unia Polityki Realnej, UPR) and the Right of Poland (Prawica Rzeczpospolitej), describing itself as a Christian conservative party,<sup>122</sup> to established in September 2007 an election committee, named the League of the Right of Poland (Liga Prawicy Rzeczpospolitej, whose abbreviation is also LPR). Also this party, as the main features of the campaign included the strong criticism of Law and Justice and the whole establishment. The party also returned to the strong anti-European rhetoric and stressed its anti-war politics (appealing for the withdrawal of the Polish soldiers from Iraq). Like Self-Defence, the League failed to gain the 5% of votes required to enter the Parliament and also fell below the 3% threshold requirement for eligibility to receive government funding. As a result of the poor performance in the election, Roman Giertych resigned from his post as the party’s leader, though he remained a party member.

Comparing the results of the elections in 2005 and 2007 there are significant changes as far as the winners and losers are concerned (see Table 10 below):

The result of 2007 elections was that only four parties entered the Parliament: Civic Platform, Law and Justice, Left and Democrats and the Polish Peasant Party. The unquestionable winner of the 2007 elections is the Civic Platform, gaining 41.5% of the support, 17.4% more than two years before. Two major populist parties (Self-Defence and the League) were wiped out of the Parliament. Law and Justice did not suffer the same fate. Even though it lost the elections, the party won added 5.1% to its 2005 totals. Moreover, today Law and Justice is in the opposition and as the political experiences and the

<sup>121</sup> The party was established by former members of the ultra-conservative part of the Law and Justice (i.e. Marek Jurek), who left the party after the conflict about the policy on abortion.

<sup>122</sup> The Peasants’ Party had been already in coalition with the Democratic Left Alliance in 1993-97 and 2001-3 and almost failed to pass the threshold in 2005 election. Already in 2006, the Peasants’ Party initiated a coalition with Civic Platform on regional level and both parties govern together in a number of regional assemblies.



**Table 7**  
**Parliamentary election results 2005 and 2007**

Party	% of votes cast		number of votes cast (in thousands)	
	2007	2005	2007	2005
Civic Platform (PO)	41.5	24.1	6,701	2,849
Law and Justice (PiS)	32.1	27.0	5,183	3,185
The Left & Democrats (LiD)	13.1	17.6	2,123	2,083
Polish Peasant Party (PSL)	8.9	7.0	1,438	821
Self-Defence (SO)	1.5	11.4	247	1,347
League of Polish Families (LPR)	1.3	8.0	209	941

Source: The Polish State Electoral Commission.

literature confirm, the best place for the populist activity is to be in the opposition.

According to the research conducted after the 2007 elections on changes in political preferences, the Self-Defence electorate was divided as following: 28% previous party supporters voted for Self-Defence again while 25.5% voted for Law and Justice, 18.2% voted for the Peasants' Party and smaller numbers voted for Civic Platform and Left and Democracy (8.5%). In the case of League's electorate, 44% of the previous supporters voted for Law and Justice and 29.5% remained loyal to the League. This shows that Law and Justice attracted a large part of the previous supporters of two other populist parties through application of a similar populist strategy.

The elections witnessed the highest turnout (53.9%) of all six parliamentary elections held since 1989 and saw a relatively high degree of mobilization among young, urban voters. The turnout was significantly higher in the record low 2005, when only 40.5% of Poles bothered to vote.

The victorious Civic Platform, having rejected during the campaign the possibility of the coalition with Left and Democrats, decided to create a government coalition with the Polish Peasant Party (PSL).<sup>123</sup> By presenting itself as a pragmatic and calm actor on the political scene, this small party won back the support of many of the rural voters that was lost to Self-Defence in the two previous elections.

## CONCLUSIONS: POLAND'S SECOND RETURN TO EUROPE?

The results of the 2005 elections in the CEE raised the concerns about the state of democracy in the new EU Member States and posed the question whether these countries are experiencing a backlash against the EU enlargement. An influential account of the reasons for the populist backlash in the Central Europe attributes it to the public's discontent with EU enlargement.<sup>124</sup> However, in the case of Poland, which is the largest and perhaps the most troubled of the new members, it seems that the establishment of a populist-radical coalition had more to do with the internal dynamics of Polish politics rather than the discontent with the accession. However, two years of populist rule had a detrimental effect on both the quality of Polish democracy and on Poland's foreign and European policy. The developments of the last two years seem to indicate that the EU integration continues to be a part of a solution of the Polish political transformation and not part of the problem. The high level of satisfaction with the outcome of the accession has gradually undermined the populists' appeal.

Moreover, the Polish experiment with "illiberal democracy" has been effectively resisted by political opposition, independent media and civil society, as well as other democratic institutions, most notably the Constitutional Tribunal and the judiciary. The systematically growing number of opponents of the populist government led to

<sup>123</sup> See: Ivan Krastev, Rebellion of the Masses, *The Wall Street Journal*, September 27, 2006.

<sup>124</sup> Compare Donald Tusk's speech during the Civic Platform convention in Gniezno at the beginning of the election campaign.. When referring to Polish labour migrants, Tusk claimed that instead of immigrating to Europe most Poles want to have Europe at home, while the policies of the Law and Justice government have pushed Poland away from Europe. This was the beginning of a new electoral strategy of the Civic Platform, which clearly defined Law and Justice as its key opponent and clearly rejected a possibility of post-election coalition with the Kaczynski brothers.

the electoral tsunami of 2007 when voters turned out en masse to vote against the government, which – in their view – had made Poland a laughing stock of Europe and brought the state of Polish politics closer to countries of the former Soviet Union rather than to modern European democracy. The tactics of the opposition to redefine the main dividing line of the election as a civilisational choice<sup>125</sup> was reminiscent to some degree of the 1990s idea of ‘return to Europe’ which during the difficult years of transition helped to maintain the broad political support for European integration and the reforms it necessitated. In this sense, the 2007 elections mark Poland’s second return to Europe.

The 2007 elections seem to have brought the Polish political scene a step closer to ‘European standards’, where the political scene is divided between strong left and right parties (or coalition of the parties) and in which populists play a relatively marginal role. The fact that both parties of the new coalition – the Civic Platform and the Peasants’ Party – have long been members of European People’s Party – seems to have both symbolic and practical meaning in this respect. In the new parliament the coalition will face the opposition not so much from the left but from populist Law and Justice Party supported by President Kaczynski. The opposition already made a first demonstration of their continuing influence by effectively blocking Poland’s opt in to the Charter of Fundamental Rights by threatening to block the ratification of the Lisbon Treaty.

One may suppose that a condition of further “Europeanisation” of Polish politics is the rebuilding of the credible left-wing opposition to the centre-right government of Civic Platform-Peasants’ Party. Such opposition could attract part of the economically egalitarian electorate of Law and Justice and thus de-couple the mix of egalitarianism and conservatism that produced the 2005-2007 populist coalition. A credible European left

still seems to be a work-in-progress as it still has to tackle with its post-communist legacy.

At the same time, many of the problems of the Polish transformation, that were the slogans of the ‘moral revolution’ in 2005, including the poor quality of the political life, weak public administration, high corruption and the public’s mistrust of the politicians, are unlikely to disappear any time soon. Neither will the public’s concern with these issues, as evidenced by the relatively strong support for Law and Justice in the 2007 elections. These issues will have to be effectively addressed by Donald Tusk’s government. A number of political reforms strengthening democratic institutions, division of powers and checks and balances within the government should also be put on the agenda if Poland wants to avoid a repetition of the abuses of power characteristic of the 2005-2007 government. Designing and implementing such reforms remains a challenge for politicians as well as for think-tanks and other civil society organizations.

The same is true about the economic divisions in the country, which (as the results of the last elections clearly demonstrated) continue to play a role in determining Polish political landscape. Although statistical data seem to indicate that Poland’s fast economic growth has produced benefits for the poorer segments of the society, policies aimed at increasing social cohesion, and effective use of EU funds, should supplement the ‘invisible hand of the market’.

Above all, Poles need to start to trust each other as well as their democratic institutions. It is no coincidence that the word ‘trust’ was the one most often used by PM Tusk in his parliamentary exposé speech. It remains to be seen whether he and his government can make good on the promise to base its policies on trust in citizens and whether the citizens will reciprocate.

# SLOVAKIA

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## BACKGROUND CONDITIONS

Two approaches to populism lend themselves to an exploration of populist politics in Slovakia. First, populism may be examined in the broader (universal) context of transition toward democracy that was typical for Central and Eastern European countries following the collapse of communist regimes. Second, populism may be analyzed in the context of specific (national) conditions that at certain development stage temporarily diverted Slovakia from the path of transition that leads to forming a liberal-democratic regime; these specific conditions include ethnic heterogeneity, emergence and development of independent statehood, the socio-cultural legacy of authoritarian politics from the period before communism, the struggle over historic interpretation of the national and statehood identity or the central conflict over preserving a democratic regime that polarized the entire society in the 1990s.

Populism as a political style bears the following characteristic:

- Appeals to ‘ordinary’ people and promises to defend their interests against those who ‘do not care’ about them, in hopes of collecting the votes of ‘protest’ voters;
- Criticism of the political establishment, the incumbent government and established ‘mainstream’ parties for their ‘corrupt’ practices;
- An unclear or ambiguous political program, emphasizing declarations regarding ‘popular’ character of own political line rather than specific policy proposals;
- Efforts to appeal to broadest possible masses, combined with declaratory description of certain population groups as separate from “the people” (e.g. the rich, capitalists, sophisticated intellectuals, etc.);
- Egalitarian undertones of appeals to potential voters;
- Anti-elitist rhetoric;

- Proclaimed ‘know-how’ to tackle existing problems in society;
- Promises of swift changes to the better;
- Advertising of ‘popular’ solutions and meticulous efforts to put given promises in line with prevailing trends in public opinion.

In terms of ideological orientation, the following types of populism may currently be defined in Central Europe:

- Far-right, nationalistic populism;
- Agrarian populism;
- Anti-capitalist, leftist-egalitarian populism;
- Moderate social populism;
- Nationalist-conservative populism;
- Centrist populism.<sup>1</sup>

Although the process of political transformation after the collapse of the communist regime in Slovakia offers ample opportunities to analyze various patterns of populist politics, the present study’s basic criterion for typology of populist political parties was primarily their access to power on the practical level (i.e. execution of power), as this aspect is of key importance in terms of populist policies’ impact on the transition process. The point is that populist parties have ruled longer in Slovakia than in other Central European countries.

Slovakia is the only country in Central and Eastern Europe that fits the following description:

There are two generations or types of populist formations that continue to operate in the country side by side – so-called ‘hard’ or authoritarian populists (i.e. parties that were established at the beginning of the transformation period and so-called ‘soft’ or moderate populists (i.e. parties that emerged during the pivotal conflict over preserving a democratic regime and continuing in the process of European integration).

<sup>1</sup> See more: Kai-Olaf Lang: *Populism in “Old” and “New” Europe: Trends and Implications* in: Bútorá Martin, Gyárfášová Oľga, Mesežnikov Grigorij, Skladony W. Thomas (eds.): *Democracy and Populism in Central Europe: The Visegrad Elections and Their Aftermath*. Institute for Public Affairs, Bratislava 2007.

Populist parties of either type already enjoyed the position of a dominant player within the country's party system, i.e. the Movement for a Democratic Slovakia (HZDS) in the mid-1990s and recently restored their dominant position, i.e. party Smer (Direction) since the middle of the current decade.

For a certain period (between 1994 and 1998), the country was governed by a ruling coalition comprising exclusively hard populists of the first generation, the HZDS, the Association of Slovakia's Workers (ZRS) and the Slovak National Party (SNS). Their rule coincided with the beginning of the period that was decisive for future integration of post-communist countries into Euro-Atlantic structures – but Slovakia's elites, unlike those of neighboring countries did not adopt a more pragmatic approach in order to satisfy their integration ambitions;

The hard populist parties that ruled the country between 1994 and 1998 were not integrated into European or international party structures and therefore did not cooperate with democratic parties in established democracies. Two of those parties, the SNS and the HZDS, are in power again (since July 2006), but even a decade later they are still unable to find partners abroad and get incorporated into European groupings, while the third ruling party, Smer, saw its affiliated membership in the Party of European Socialists suspended in 2006 due to coalition cooperation with the SNS (in February 2008 PES returned the status of affiliated membership to Smer, continuing to monitor the situation).

## CONSTRAINTS AND CONDITIONALITY FOR DEMOCRATIC POLITICS

In Slovakia, the EU accession process as well as subsequent EU full-fledged membership created a situation that may be described as dominance of European standards in the process of elaborating and pursuing policies in a number of areas. Here we refer mostly to the overall modus operandi of the country's constitutional system, respect for human and minority rights, social policy, select sectors of macroeconomic policy, and foreign and security policy. This factor affects actions of political parties and determines their attitudes to tackling social problems. Yet, the EU factor should not be automatically understood as a "constraint"; in specific Slovak conditions, it rather worked as an "incentive."

When evaluating the EU factor's importance to democratic politics in Slovakia, one should bear in mind the

following fact: populist parties in the 1990s seized power as a result of democratic and fair political competition but their subsequent execution of power was inconsistent with principles of liberal democracy. In this situation, the EU factor in the form of EU-conditionality during the stage of Slovakia's EU accession was not restrictive but rather was encouraging with respect to democratic politics, as it helped create more favorable conditions for non-populist political forces in the country.

The dominant party of the hard populists in power between 1994 and 1998, the Vladimír Mečiar's HZDS, declared its interest to join the EU and NATO, and the goal of Slovakia's full-fledged membership in both groupings was spelled out as the foreign policy priority in the government program. However, due to a discrepancy between this government's declared intention to join these institutions and its heavy-handed use of power in the domestic environment, the country was soon suspended from both integration processes. Several times the European Union warned the Slovak government that the country demonstrated serious violations of the rule of law and signs of institutional instability as a result of practical steps undertaken by the cabinet and the ruling majority. These steps included an undemocratic method of creating the parliamentary organs, the abduction of president's son and the failed investigation of the state organs' involvement in the crime, the expulsion of deputies from parliament, the obstruction of a referendum on direct presidential elections, the failure to implement rulings of the Constitutional Court, and the award of amnesty for perpetrators of criminal acts to those with political connections to the government). The EU reserved its harshest criticism for the political style of the ruling forces; however, when assessing Slovakia's readiness to start negotiations on full-fledged membership, the EU expressed its objections concerning particular steps taken by the legislature too.

Although government officials dismissed both the EU and NATO critiques of Slovakia as biased, non-objective and unjust, the government did not successfully mobilize populist party voters behind its anti-EU and anti-NATO agenda and its argument that EU-conditionality represented undue interference in domestic democratic competition. To the contrary, non-populist, democratic parties used this factor to mobilize their supporters. For pro-integration, democratic political forces, efforts to join the EU and the EU's critical attitude of numerous aspects of Slovakia's domestic political developments became a strong motivating factor in the process of preparation and implementation of important steps toward democratization.

After 1998, the new democratically-oriented government's determination to comply with EU conditions during the resumed accession process led to implementation of a number of reform measures, including



changes made to the country's institutional system. These measures broadened the space for efficient operation of democratic mechanisms and limited the space for authoritarian practices of populist parties that acted in opposition between 1998 and 2006.

This situation has not essentially changed since the country joined the EU and NATO. The framework provided by the country's full-fledged membership in both groupings restricts neither democratic competition nor democratic execution of power while creating obstacles to non-democratic practices. Since Slovakia's EU accession, however, the intensity of EU-conditionality has decreased, particularly at the level of party politics, including parties' coalition strategies. In other words, 'mainstream' political players ignore the factor of international (or European) acceptance (or non-acceptance) of their coalition alliances with radical and populist parties, which was one of the basic reasons why a ruling coalition comprising soft and hard populists was formed in Slovakia after the 2006 parliamentary elections.

Since Slovakia's EU accession, there have been no relevant attempts by populist parties to portray European standards applied in Slovakia as restrictions to democracy. This situation has not changed even after the most recent parliamentary elections (2006), which may be explained by two basic factors.

First, public endorsement of the country's EU membership sustains at relatively high levels and a majority of the population positively views initial experiences with country's EU membership. A very important factor in this respect is that Slovakia benefits from European solidarity. Drawing extensive financial aid from EU funds often helps even most remote rural areas where local leaders appreciate investments into infrastructure development and many buildings of local authorities are marked by EU flags as well as Slovak ones. In this situation, presenting Slovakia's EU membership in the negative light would mean contradicting a majority opinion, which would in turn go against the nature of populist parties.

Secondly, populist parties are currently in government and executive responsibility forces them to take into consideration the EU accession factor. Representatives of Smer in the cabinet insist that the country complies with conditions necessary to adopt euro, particularly on maintaining budgetary discipline; so far, there have been no attempts to accuse the EU of excessively curbing the country's sovereignty and interfering with domestic policy-making processes. For the time being, the main factor that keeps the populists from adopting such a stance is a solid economic growth inherited from the previous administration. That is also the main reason why there have been no problems with fulfilling Maastricht convergence criteria.

On the other hand, due to development in previous years when the center-right administration introduced several important structural reforms, the public discourse in Slovakia often portrayed the EU as a factor that limited the implementation of even more radical socio-economic reforms, particularly in the field of taxation, labor law, social policy, etc. Since the main proponents of these radical ('neo-liberal') reforms between 1998 and 2006 were non-populist ruling parties and their main opponents were populist opposition parties, the populists that form the incumbent administration were unable to play the anti-reform and the anti-EU card at the same time. This is most likely another specific feature of Slovakia, which in this form cannot be found in any other post-communist country.

Indeed reservations regarding certain trends originating in the EU have been raised by non-populist political forces whose representatives present them as defending "Slovakia's national interests". Here, we can identify two basic approaches to argumentation: traditionalist and modernist.

The 'traditionalists' emphasize inevitability of preserving traditional (i.e. national and religious) social values that are they see as threatened by boundless European secularism and liberalism. In the cultural-ethical area, their reservations focus mostly the EU's liberal positions on reproductive rights, the role of religion and church in society; here, the most radical objections have been presented by the conservative Christian Democratic Movement (KDH).

The 'modernists' reproach the EU for inflexibility in dealing with globalization challenges, inadequate reactions to signals about the need for the Union's internal reform and insufficient emphasis on market mechanisms. In the field of economy, their reservations are aimed against basic elements of the European social model that are criticized for excessive etatism, planning and redistribution, but also against planned harmonization of taxation rules. This criticism is most frequently presented by some prominent liberally-oriented economists and representatives of center-right parties, e.g. the Slovak Democratic and Christian Union (SDKÚ-DS), extra-parliamentary minor Civic Conservative Party (OKS) but also the KDH that otherwise stands primarily on the traditionalistic platform.

So far, neither traditionalist nor modernist criticism of the EU presented by non-populist parties has gained intensity that might be used as a tool of open voter mobilization. Likewise, it has not yet taken on the form of anti-European resentment and has not gone beyond the limit of rational formulations. A serious limitation factor is that non-populist parties' voters are too EU-oriented, which is why excessive criticism of the EU might easily turn counterproductive in terms of maintaining or even increasing voters support.

## PARTY SYSTEM DEVELOPMENT, PROFILE OF POLITICAL PARTIES

For better understanding of the role of populist parties in the country's socio-political development it is worth noting the historical background of the democratic regime formation and genesis of Slovakia's party system after the collapse of communist regime.

The establishment of a democratic political system in Slovakia was indispensably connected with the November 1989 "Velvet Revolution" in Czechoslovakia that removed the 40-year-rule of the Communist party and marked the beginning of the society's democratic transformation. The democratic regime emerged as the result of a non-violent political revolution that combined mass public rallying for principal societal changes with the negotiations of representatives of civic movements with officials of the old regime on the transfer of power and transition to democracy.

The Communist regime in the ČSSR was one of the most repressive in Central Europe. It stifled any alternative political activity and preserved its own totalitarian character during the period of Soviet "perestroika," when other communist regimes partially liberalized. There were no reformist wings that could introduce alternatives to the politics of the official party leadership within the Communist party of Czechoslovakia (KSC). Legalized opposition political structures did not exist in either the Czech Republic or Slovakia.

The main engine of the November 1989 anticommunist revolution in Slovakia was Public against Violence (VPN), a civic movement that emerged from the wave of civic resistance that arose after the police brutally intervened in a mass student protest in Prague. The leadership of VPN partially originated from a small community of active opponents of the communist regime who espoused different ideological and political orientations, mainly it was recruited from the circles of representatives of non-conformist and opposition intellectual elite who surfaced during the communist period of the "islands of positive deviation" within the existent structures in society. In Slovakia the dissident and civic movements against the communist regime in the 1970s and 1980s

were not as active or large as they were in the Czech Republic.

The leading, driving force within the VPN movement was a group of liberally oriented intellectuals (prevalingly scholars in social and human sciences) and civic activists. Few months later this group succeeded to become a dominant political force in the country for the period of two years, playing the role of the main actor of systemic changes in society. In 1990 – 1992 VPN acted as a liberally oriented, non-populist governing political formation.<sup>2</sup>

VPN as well as its Czech partner, the Civic Forum, chose in 1989 a non-violent way to encourage regime change, because it respected the principles of legality and constitutionality in the transition to democracy. In these circumstances, the main condition of respecting the constitution of the ČSSR, adopted in 1960, was removing the provisions that anchored the Communist party's monopoly of power and its ideological doctrine.

During the initial period after toppling the communist regime, a concept of 'non-political politics' prevailed within the VPN movement; it was based on the idea that its primary role would be control of power. This concept directly ensued from the movement's inadequate preparedness to fill the power vacuum created after the fall of communist regime. According to many protagonists of the Velvet Revolution, an important role at this stage was played by "specific Slovak phenomenon – intellectuals' reluctance to become professional politicians and people's distrust in "masters", i.e. high government officials, regardless of their origin or moral and professional background".<sup>3</sup> In the words of Soňa Szomolányi, "part of revolution, which was also called a 'revolution based on negotiation', was that VPN leaders were not ready to take over power following the collapse of the communist system. Liberal intellectuals who opposed the communist regime on the level of reflection rather than that of action were not practically prepared to take over power. Most legitimate activists of the revolutionary civic movement lacked the ambition to become political leaders and did not want – or hesitated too long – to fill executive or legislative posts".<sup>4</sup> As it quickly turned out, the oversimplified concept of the political party's role as a mere control-

<sup>2</sup> However, position of a relatively small group of liberal intellectuals within the VPN, which emerged as a broad civic movement, grew weaker after the first free elections in 1990. A group of politicians within the VPN, possessing critical attitude to many aspects of the launched liberal reforms in society (number of these politicians were former "reform" communists or hidden nationalists), succeeded to get substantial support from the population, surfing on the wave of public disagreement with the reform policies. As a result of internal conflict and the subsequent split within the VPN the above-mentioned group of politicians left the movement and established their own political party, a new dominant political formation – Movement for a Democratic Slovakia (HZDS) with Vladimír Mečiar at the head. This party served as a symbol of populism and populist politics in Slovakia and in Central Europe during the years. The biggest paradox of Slovakia's party system development was the fact that the main populist and illiberal formation emerged as a splinter from the initially dominant liberalizing non-populist political force.

<sup>3</sup> Gál, Fedor: *Z prvej ruky*. Archa Bratislava 1991, p. 27.

<sup>4</sup> Szomolányi, Soňa: *Formovanie politických elit*. In: *Slovensko. Kroky k Európskemu spoločenstvu. Scenár sociálno-politických súvislostí do r. 2005*. Bratislava 1993, p. 73.

ler of power was not enough to provide a foothold to pro-reform policies that were strongly opposed by the 'old structures'. Subsequently, this concept indirectly allowed populist forces that had emerged on the political scene to take initiative and drum up commanding public support over the next two years.

In the early stage of the transformation process (1990 – 1992), the two relevant political parties whose internal character and preferred political patterns showed clear traces of 'hard' populism emerged on Slovakia's political landscape; both of them ruled the country between 1994 and 1998 and both of them have participated in power in a subordinated position since the 2006 elections. One – the Slovak National Party (SNS) – drew its voter support mostly among ethnic nationalists, while the other – the Movement for a Democratic Slovakia (HZDS) – based its strategy on resistance against the launched liberal reforms and on power ambitions of its leader who systematically built his image of an unfaltering defender of ordinary citizens' interests.

The SNS became the chief representative of nationalistic political forces. Founded in March 1990, the party's first public act was staging a demonstration before the building of the Slovak National Council, the country's parliament, in protest against an attempt to remove a Communist Party representative Rudolf Schuster from the post of parliament speaker. The slogans presented at this demonstration clearly indicated that the new party would draw its ideological and political support from separatist anti-Czechoslovak (i.e. anti-Czech) tendencies and anti-Hungarian resentment shared by some part of the Slovak population. Shortly after its founding, the SNS openly began to advocate the concept of Slovakia's full independence.

The efforts to advertise the idea of Slovakia as a full-fledged independent country in the social and political discourse intensified after the first free parliamentary elections in 1990, in which the SNS became a parliamentary party. Apart from the SNS, these efforts were fuelled by non-parliamentary but exceptionally assertive extreme nationalist formations as well as 'nationally-oriented' cultural societies led by *Matica slovenská*, a state-financed cultural and educational organization. These groupings openly began to tie the notion of independent Slovakia to the legacy of the wartime Slovak State, a vassal to Nazi Germany between 1939 and 1945. To present their ideas, nationalist and separatist forces used various social events of symbolic nature, for instance unveiling a plaque in *Bánov-ce nad Bebravou* in memory of Jozef Tiso, president of the wartime Slovak State who was sentenced to death for collaboration with the Nazis, or a commemorative rally in *Ružomberok* dedicated to Andrej Hlinka, leader of the national-conservative and clerical Slovak People's Party that was a relevant political force in interwar Czechoslovakia.

The flames of nationalism and separatism were fanned further by mass demonstrations that took place while parliament discussed a new bill on state language in October 1990. *Matica slovenská* organized in Bratislava a "nationwide rally" in support of enacting Slovak language as the sole official and state language on the entire territory of Slovakia; its motto was "Slovak Language without Exception". Backed by the SNS and other nationalist groupings, *Matica slovenská* submitted its own draft of the language act that sought to curtail substantially the right of ethnic minorities to use their mother tongues in official contact. Supporters of the so-called 'Matica' bill organized petition drives across the country as dozens of enterprises, organizations and schools sent resolutions to the assembly, urging deputies to make Slovak the only official language in Slovakia. During the debate on the bill at the end of October, nationalist forces staged a rally in front of parliament that was attended by several thousand people. In protest against the assembly approving the cabinet bill, some of its participants launched a petition drive that demanded dissolution of parliament and demise of the government formed after the first free elections in decades. Opponents of the cabinet's bill backed by *Matica slovenská* leaders also launched a hunger strike in front of parliament building. The strikers demanded that the passed bill be referred back to the assembly and that a referendum on the language act be held. Although the ruling coalition comprising the VPN, the Christian Democratic Movement (KDH) and the Democratic Party (DS) withstood the nationalists' pressure at the time, the turmoil that accompanied the debate over the language act adumbrated a confrontation that would affect Slovakia's overall development for many years to come.

Unlike in Poland, Hungary and the Czech Republic where people's dissatisfaction with the course and results of early stages of the transformation process benefited primarily leftist parties (i.e. the communists, post-communists and social democrats), the greatest beneficiary of voters' disenchantment in Slovakia became the HZDS of Vladimír Mečiar.

Immediately after its founding in 1991, the populist HZDS became a dominant political force in terms of voter support. The movement emerged as a direct result of disintegration processes within the VPN, which won the first free elections in June 1990. But the VPN's election victory was only in part a result of citizens' support for its attractive and comprehensible election program called "A Chance for Slovakia" and its imaginative and effective election campaign; an equally important factor was the decision to accept on its candidates' list politicians who could not be considered true supporters of liberal and democratic reforms, particularly reforme communists from the 'Prague Spring' of 1968 and some 'newcomers' that entered politics during initial months

after November 1989, but possessed relatively high level of popularity.

Liberally-oriented anti-communist leaders of the Velvet Revolution gathered in the VPN Coordination Center (KC VPN) soon became concerned with practices used by Prime Minister Vladimír Mečiar, whom they reproached for authoritarian leanings, lack of cooperativeness and application of political methods incompatible with democratic system of governance (e.g. manipulation with files of ŠtB, a communist-era secret police, which he used to blackmail his political opponents and personal foes.

In early 1991, Mečiar's supporters formed within the VPN a platform called "For Democratic Slovakia", which was soon joined by the so-called Trnava 'national' initiative established in fall 1990 that actively backed Mečiar in his conflict with KC VPN. As it quickly turned out, this group offered an alternative model of Slovakia's 'national' opposition politics that laid the groundwork for future performance of the dominant populist political force.

The conflict within the VPN came to a head in spring 1991 when displays of nationalism in the country's political life grew stronger. In April 1991, parliament removed Mečiar from the post of prime minister. During the removal procedure, tens of thousands of Mečiar's sympathizers demonstrated their support for him in front of the parliament building. Leaders of the platform "For Democratic Slovakia" publicly called on citizens to organize further protest actions, sparking a flurry of demonstrations around the country that demanded parliament's presidium to revise its decision, make changes to its make-up and even call early parliamentary elections in Slovakia.

The removal of Vladimír Mečiar from the post of prime minister became an event that strongly affected Slovakia's domestic politics for years to come. To some extent, politics was brought back to the streets, which allowed charismatic Mečiar to capitalize on populist methods and gestures as well as direct contact with people and highly emotional appeals to the masses that soon became specific features of Slovak populism of the Mečiar type.

At its congress held in Košice in April 1991, the VPN definitively split into the VPN and the HZDS. Subsequently, Mečiar was elected HZDS chairman. The movement was immediately joined by the already mentioned Trnava initiative, some representatives of the left-wing VPN platform (i.e. reformed communists), as well as leaders of the so-called centrist platform who initially adopted a neutral position on the conflict between the liberals and Mečiar and hard nationalists. Mečiar consciously strove to maintain this broadness of the newly-established movement in order to appeal to the broadest possible segment of the electorate.

Between April 1991 and June 1992, the HZDS focused on mobilization activities aimed at achieving the best possible result in the 1992 parliamentary elections. It was during this period that the foundations of the following election mobilization strategies was laid in Slovakia:

- Licentious anti-establishment rhetoric, accusing the government of various misdemeanors, disrespect for the rule of law, corruption, privileging the rich and neglecting the poor;
- Verbal criminalization of political opponents;
- Portraying the government as an agent of external forces (between 1990 and 1992 it was the Czechoslovak federal government, during the period of 1998–2006 it was Western groupings such as the EU or NATO, foreign monopolies, etc);
- Calls to restore order that has allegedly been disrupted during the incumbent administration's rule, as well as illiberal elements in understanding of law and order;
- 'Pro-social' promises of distributive nature that are anti-capitalist in essence
- Encouraging nostalgia about life before the communist regime's collapse;
- Appeals to ordinary people, blue-collar workers, residents of rural areas and smaller municipalities, 'producers of material goods' that view the life through common sense, as opposed to sophisticated and over-elaborate urban intellectuals who deal in activities that bear no immediate material benefits for the society;
- Nationalism and defense of 'national and state' interests of the state established by the ethnic majority, which endorses more or less overt anti-minority resentment;
- Elements of isolationism in foreign and security policy.

The HZDS perfectly capitalized on its opposition status. As the public support for so-called 'federal' reforms began to decline and debates over the future fate of the common Czechoslovak state seemed endless, the movement recorded a resounding victory in the 1992 parliamentary elections. After the elections, Vladimír Mečiar led the new government that comprised representatives of the HZDS and the SNS chairman.

In September 1992, parliament adopted the Constitution of the Slovak Republic. Preparatory works on the constitutional text took a quite hectic pace, which provoked doubts about the quality of drafted text among legal experts as well as political parties' leaders. The assembly turned down a KDH proposal that a temporary constitutional law be passed instead of a constitution. Be-



sides, HZDS and the SNS deputies passed a decision that voting on the Constitution be declaratory, which was an overt duress on those deputies who opposed the submitted draft of the constitution. In protest of rejecting their amendments, deputies for a coalition of ethnic Hungarian parties left the plenum while KDH deputies openly voted against the submitted draft. The act of adopting the constitution thus fell quite short of uniting the country's political elite and its inhabitants and amounted to a rather controversial event that polarized the Slovak society even further.

In December 1992, in the wake of dismantling the former Czechoslovak federation and emergence of independent Slovakia, Mečiar invited all parliamentary parties' leaders to a meeting in Trenčianske Teplice. According to Mečiar, the purpose of the meeting was to seek ways to stabilize the country's internal political situation. Acting accordingly, he offered all parliamentary parties to be represented in the cabinet's legislative and economic council. This unusually conciliatory proposal indicated that the HZDS, which had initiated a break-up of the Czechoslovak state without adequate preparation, was aware of the complexity of the situation at hand and the need to preserve at least a minimum political consensus within the society. But things took quite a different turn at the beginning of 1993.

The conflict over the very nature of the political regime affected the country's development since emergence of independent Slovakia in January 1993. The course of this struggle made numerous scholars describe Slovakia's transition model as a deviation from the Central European transformation path. The hallmarks of this deviation included major power and institutional confrontations accompanied by frequent violations of the rule of law; changes to the constitutional framework of the state; limitations of free and democratic competition of political forces; and the development of a partocratic and clientelist system that connected the political and economic power. These characteristics led to Slovakia's elimination from the first wave of NATO enlargement and the first round of negotiations on EU membership while its Central European neighbors continued to move smoothly toward integration into both Euro-Atlantic groupings. The primary cause of the deviation was the power doctrine of the HZDS.

Between 1993 and 1994, the HZDS struggled to overcome its internal divisions. Some respected HZDS leaders left the movement citing conflicts with chairman

Mečiar and disapproval of his political style; simultaneously, they shed more light on internal situation of the HZDS, particularly Mečiar's autocratic style and his tendency to suppress his opponents.

In late November 1993, Mečiar met behind close doors with HZDS regional leaders from East Slovakia in the village of Zlatá Idka. At the meeting, Mečiar gave a speech that was secretly tape-recorded and subsequently leaked to the press. In the speech, Mečiar scolded leaders of the opposition and outlined a program of HZDS taking a complete control over the country upon its victory in the next parliamentary elections. The program envisaged "steam-rolling" of political opponents, fundamental personnel changes in state administration organs, appointment of higher civil servants loyal to the HZDS, strengthening clientelist ties between the HZDS and its "satellite" political, social, cultural and professional organizations etc. The published speech caused a furor and, as it later turned out, catalyzed differentiation processes within the HZDS that became fully perceptible at the beginning of 1994.

As a direct result, the government led by Mečiar lost majority in parliament in spring 1994. Mečiar was again removed from the post of prime minister and his administration was replaced by an interim government comprising the KDH, the Democratic Union (DU) and the Party of Democratic Left (SDL) that was silently supported by ethnic Hungarian parties. The new administration tried to continue in basic reform trends set during period of 1990 – 1992. It helped calm the country's domestic politics and stabilize the situation in parliament. During its rule, Slovakia showed some positive macroeconomic trends, equally importantly, the interim government improved Slovakia's image abroad. But it turned out that six months in office was too short for the broad center-right-left coalition to stabilize positive development trends, particularly in terms of communicating them to the general public. Consumed by tackling problems accumulated during the previous two years, ruling parties could not compete with permanent election campaigning by the HZDS leader. To make matters worse, the strategies of forming election coalitions chosen by most ruling parties (except ethnic Hungarian parties) proved futile. The HZDS freed of government responsibility fully capitalized on its opposition status and posted another stellar election performance.

The early elections of 1994 paved the way to power for a ruling coalition of HZDS – SNS – ZRS<sup>5</sup> that

<sup>5</sup> The Association of Slovak Workers (ZRS) emerged shortly before early parliamentary elections in 1994. It was founded by Ján Lupták, former MP for the post-communist Party of Democratic Left (SDL) who reproached his own party leaders for inadequately defending interests of workers and eventually seceded from it. The ZRS characteristics included openly anti-capitalist rhetoric, disapproval of privatization and most other changes the country had adopted since the fall of the communist regime, anti-elitism, anti-intellectualism and anti-Western foreign policy orientation. Some SDE representatives put emergence of the ZRS in the context with Mečiar's attempts to divide the SDE from within.

began to pursue methods of overt political confrontation. These methods showed during the process of constituting the new assembly when the HZDS strove to change the power ratio in parliament by questioning deputy mandates the opposition DU legitimately obtained in elections; the HZDS also tried to prevent substitutes for members of the interim administration from exercising their mandates during the assembly's constituent session; last but not least, it demanded then President Michal Kováč, political opponent of Mečiar, to resign immediately. This policy of revenge may also be illustrated by the way of constituting parliamentary committees, statutory organs of the National Property Fund and broadcast media councils, establishing the commission to investigate the so-called "crisis of the constitutional system in 1994" (i.e. the circumstances of removing Mečiar from the post of prime minister in March 1994), removing the attorney general and statutory representatives of the Supreme Bureau of Supervision, or passing an amendment to the law on the so-called large-scale privatization and the law to abolish privatization decisions adopted by the interim administration.

The struggle for the basic nature of the political regime climaxed during 1994-1998, when the policy of the ruling coalition, HZDS-ZRS-SNS, moved towards the gradual formation of a semi-authoritarian regime with elements of illiberal democracy. Slovakia in those days showed numerous "democratic deficits" that manifested themselves in the lack of stability of democratic institutions, strong societal polarization fuelled by the confrontational political style of ruling elites, and frequent attempts to bend the valid constitutional rules for the sake of accumulating power.

Between 1995 and 1996, basic hallmarks of Slovakia's internal political development included an almost complete absence of dialogue, non-existence of procedural consensus between the government and the opposition, political confrontation and efforts of the dominant ruling party – namely the HZDS – to control the p-olitical landscape. One of the most perceptible displays of these efforts was a campaign to oust legitimately elected president Michal Kováč. The pressure on the president took place on several levels that included clipping his constitutional powers, proclaiming no-confidence in him by the cabinet and parliament, waging a discrediting campaign against him in pro-government media, fabricating accusations of high treason by the intelligence service and finally staging an abduction of the president's son to Austria by members of the secret service. The main purpose of the abduction was to render Kováč Jr. available for criminal prosecution in Germany where law enforcement organs at the time investigated a fraud case he might be involved in; eventually, the investigation did not produce any evidence that could implicate him in the said crime.

## IDEOLOGY

Applying a classic right-left ideological dichotomy that would correspond to differences between political parties over issues related to society transformation and introduction of market mechanisms was complicated by factors that made the importance of ideological elements rather relative. First, it was tackling the so-called constitutional issue (i.e. the problem of future existence of the Czechoslovak state) and subsequent emergence of an independent Slovakia; later, it was a struggle over preserving a democratic regime in the newly independent country in the context of efforts to join the EU and NATO. These broader societal factors were dominant in Slovakia since the early 1990s until 2004.

Some political parties portrayed themselves from the very beginning as parties with a clear ideological orientation, incorporated fundamental postulates of established ideological concepts into their political programs, defined their positions on the left-right continuum and advertised their ideological character. Other parties including the dominant HZDS refused to define their ideological profile more clearly, passed off their ideological eclecticism as their greatest asset and emphasized that "pragmatic" tackling of society's existing problems was much more important than ideological constructions and left-right self-identification. The unclear ideological character allowed the HZDS to appeal to a broader spectrum of voters.

Also, one should not forget that Slovakia has never experienced the interesting paradox that happened in Hungary, to some degree in Poland and partly, in a modified version, in the Czech Republic, i.e. that dominant ruling parties would actually pursue (or would be forced to pursue) policies that largely contradicted their basic ideological concepts or at least their election rhetoric. In its modern history, Slovakia has never been ruled by post-communists that would prepare and introduce something akin to Lajos Bokros's 'reform packages' (Hungary) or smoothly embrace their country's NATO accession and pro-Western, pro-Atlantic political and security orientation under the aegis of the United States (Poland); neither has it been ruled by the kind of rightist government as Václav Klaus administrations in the Czech Republic that were significantly 'social' and careful when it came to extensive reforms.

Forcing populist parties out of power in 1998 generally strengthened the position of parties with clearer socio-economic ideological orientation on both ends of the left-right spectrum; however, since these parties formed a joint coalition government together (1998 – 2002), their respective self-definition on the left-right continuum did not have the character of a typical political competition.

A more favorable environment for 'ideological competition' did not emerge until elections in 2002 that

brought to power a center-right, liberal-conservative ruling coalition. All parties that formed it clearly defined their positions on the left-right continuum and openly declared their ideological orientations. The ruling coalition's clear character allowed its principal opponent and political rival – namely party Smer – to define its position by subscribing to a certain ideological construction.

Originally, Smer led by Robert Fico emerged as a single-handed initiative of one politician whose personal ambitions were not satisfied in a party of which he was one of leading representatives (SDL) but did not receive correspondingly prominent positions. Immediately after its emergence, Smer portrayed itself as a “non-ideological” party avoiding ideological self-definition, which made it a populist subject of the second generation and a perfect example of soft populism. Gradually, though, Smer began to accentuate its leftist character, first by subscribing to the “Third Way” concept in 2002 and to “Social Democracy” before the 2006 elections. The example of Smer that became a dominant political force in the country while evolving from a non-ideological party to a party with clearer ideological orientation illustrates that the role of ideological factor is far from negligible in Slovakia's party politics.

The effort to capitalize on the ideological factor was apparent also in 2001 when media self-made man Pavol Rusko established the Alliance of a New Citizen (ANO). A centrist party that appealed to voters by populist anti-establishment rhetoric, the ANO from the beginning portrayed itself as a liberal party and incorporated into its program a number of concepts based on ideology of liberalism (ANO was a member of the center-right ruling coalition in 2002 – 2006; it failed to qualify into the parliament in elections 2006).

After the second free elections in 1992, Slovakia's party system was marked by polarization that defined the character of interactions between parties, particularly among the composition of the ruling coalitions and the type of opposition politics. However, the system was not polarized from the ideological point of view. This polarization was primarily connected with the different ways parties exercised power, not with the ideological distance between them in terms of socio-economic program. Within the party system two main groupings of parties formed that differed in their ideological orientation but that held a similar understanding of the execution of power.

The first grouping included parties that espouse the principles and values of liberal democracy (free and fair elections, the rule of law, division of power, protection of human rights and civil liberties, religious freedom, and property rights). These parties had a clear ideological profile: an unambiguously pro-European and pro-Atlantic orientation and a desire to solve societal conflict

through negotiations within a legal framework. These parties were members of existent international party organizations (conservative, liberal, social-democratic, green). While these parties were in opposition in 1994–1998, they formed ruling coalitions after the 1998 and 2002 elections.

The second grouping included the political parties that governed the country from 1994 to 1998. They exercised power in ways that were incompatible with liberal democratic principles, which ultimately caused the country's temporary disqualification from integration with the Euro-Atlantic organizations in the second half of the 1990s. These parties preferred an authoritarian style of governing that was marked by populism, nationalism, and isolationism. Their understanding of politics was confrontational and power-driven and they underestimated the value of negotiation and compromise. The policies of these parties led to the emergence of a political regime in Slovakia that included elements of illiberal democracy, such as ignoring the constitutional framework and the practice of democracy without constitutional liberalism. These parties tried to solve societal conflicts in a way that increased their own power at the expense of the agreed rules of the game.

Divisions within Slovakia's party system were closely related to urban–rural cleavage of Slovak society, regional and socio-demographic discrepancies, and differences in socio-cultural orientations of particular groups of the population. Analysis of Slovak's voting behavior confirms that non-authoritarian political formations are supported more by dwellers of bigger cities, the better educated, the younger citizens, and people with liberal, civic, and pro-Western views. An exemption lies within the electorate of the SMK, in which all the segments of the Hungarian ethnic minority are represented equally. On the contrary, authoritarian and populist parties are backed by inhabitants of rural areas and smaller cities and older and less educated citizens with clear inclinations to nationalism, paternalism, and isolationism.

At the edge of centuries, Slovakia's party system witnessed some changes including the establishment of new parliamentary parties. However, these changes did not lead to principal shifts in prevailing types of interactions between parties (for instance, it did not lead to coalition cooperation between parties belonging to two different party groupings). Polarization within the party system still persists. A good illustration of this polarization is the alternating pattern of ruling coalitions. Since 1992 the ruling parties either continued to govern after elections or commonly went into opposition, while the opposition parties either continued to act in opposition or took power. There has never been a case where a coalition comprised of parties that did not serve – either in government or opposition – in the previous electoral term was formed.



Since 2002 the differences in the socio-economic policies of parties began to shape more sharply the main division line within the party system. This phenomenon can be explained by the fact that the struggle for sustaining the democratic development of the political regime was definitely over when Slovakia unconditionally fulfilled the political criteria for membership in EU and NATO. Issues of social and economic development, such as reforms of the tax system, public finances, the welfare, pension, and health care systems, and education, became dominant. It needs to be said that after Slovakia's accession to EU and following the first elections to the European parliament, those parties that are members of European party organizations started to emphasize their ties with European party families as well as their ideological background.

From the very beginning of the 1990s, Slovakia lacked the 'transition consensus', mostly due to political leaders' different notions about the type of society that should emerge as a result of transformation. While political forces carrying the legacy of the Velvet Revolution from November 1989 (i.e. civil and Christian democrats, conservatives, liberals and the political representation of the Hungarian minority) and post-communist left agreed that the transformation should lead to establishing a liberal-democratic regime, hard populists (particularly the HZDS and the SNS) led society's development in direction of creating the hybrid regime based on elements of non-liberal democracy, authoritarian practices and curtailed protection of human and minority rights. Although hard populists never openly presented an intention to build a regime of non-liberal democracy in the country, their inability to muster broader public support for the course they preferred as well as confrontational methods of tackling problems gradually led them to use against their political and ideological opponents (i.e. the opposition, civil society players and the media) methods and means that coarsely contradicted principles of liberal democracy.

For hard populists, the economic transformation amounted to a process of transferring parts of state property into the hands of groups or individuals who would provide economic background for ruling parties and a semi-authoritarian political regime. At the same time, they calculated that part of state property (especially so-called natural monopolies) would never be privatized but would remain in government's hands and allow the establishment to strengthen its power position through its nominees in these enterprises' statutory organs. The Mečiar administration tried to justify the privatization process's clientelistic nature by the need to "create a national capital-generating stratum" (i.e. "honest privatizers – Mečiarists"). At the same time, hard populists combined practical measures aimed at letting their cronies privatize state property with anti-privatization and anti-capitalist rhetoric in order to appeal

to voters with etatist, egalitarian and paternalistic views; some of these voters were mobilized by this anti-privatization rhetoric.

Another factor that had a mobilization effect on many voters was the rhetoric aimed against "selling out national property" abroad that would justify the ongoing transfer of state property into the hands of "national privatizers" i.e. persons close to the populists in power.

But the issue that clearly had the greatest mobilization effect between 1994 and 1998 was the issue of Slovakia's integration into Euro-Atlantic groupings. For non-populist democratic parties, the country's elimination from the integration process provided a strong argument to appeal to voters. Slovakia's membership in the EU and NATO as a result of a positive change at the helm turned out to be one of the most effective election slogans used by non-populist democratic parties in 1998. Four years later, this slogan was transformed into a slogan about the necessity to complete the country's EU and NATO integration, which was often juxtaposed to populist parties' possible return to power.

In 2006, the election campaign was focused primarily on issues related to reforms. Most of the public discourse revolved around possible future reform scenarios (i.e. completing, abolishing or adjusting them), government policies in crucial sectors of society's life (i.e. economy, social affairs, health service, education system, public administration, regional development), post-election coalition strategies, identity issues (i.e. ethnic nationalism vs. civic principle and minority rights) and to some degree also the cultural and ethical dispute (i.e. religious conservatism vs. secular liberalism). The election campaign in 2006 was virtually free of issues related to Slovakia's EU membership and the Union's internal developments.

## ACTORS OF THE POPULIST POLITICS

In line with the already defined approach to examining populism primarily through considering the performance of populist parties within the power system, we shall analyze actors of populist politics in the order that corresponds to their present power position.

### PARTY SMER (DIRECTION)

Smer is the strongest party of the ruling coalition that was formed after the 2006 elections. It is a party of 'soft', non-authoritarian populism. Party emerged as a political project of Robert Fico, one of the most popular lead-



ers of the post-communist SDL who was dissatisfied with fulfillment of his personal political ambitions within his own party. While a member of the SDL, Fico tended to sympathize with those party leaders who opposed modernization and transformation trends within the party, advocated 'pro-national' views and adopted a critical position on its cooperation with center-right forces. Immediately after founding Smer, Fico advertised its "non-ideological" character; however, he gradually began to mould it into a leftist subject. This trend grew stronger after a de facto election defeat of 2002 when Smer failed to become part of the government contrary to its leader's expectations.

As an opposition party between 2002 and 2006, Smer adopted a radical stance to the social-economic policies pursued by the center-right administration led by Prime Minister Mikuláš Dzurinda. The party was unequivocal in its rejection of the reforms pushed through by this government and has declared if it would come to power after the elections 2006 it would „change the reforms”. Declaring its own “social”, “pro-ordinary-people” orientation, Smer intended to introduce differential VAT rates, revoke flat income tax rate and introduce lowering of income tax for lower and middle-income groups, reduce excise duty on fuel oils, cancel manipulation fees in health sector, stop the privatization of public health system, cancel payment of tuition fees for regular students at universities, bring minimum wage to the level of 60 percent of average salary, amend Labor Code to strengthen the rights of employees', introduce no compulsory participation in private pension system etc.). Smer applied high-intensity-criticism of the Dzurinda center-right administration's policies, as it tried to use every opportunity to reproach the government for “antisocial” policies that play into the hand of the rich while neglecting the poor. Fico argued that government reforms were virtually bogus; he said that their single purpose was to allow the government to boast with positive macroeconomic indicators while in fact they brought no positive effects to ordinary citizens but further increased their social burden. According to Fico, the Dzurinda administration was responsible for proliferation of poverty on Slovakia and encouraged phenomena such as “social criminality”, thus throwing Slovakia “back to the 1930s”.

A permanent inventory of Smer's political agenda during his stay in opposition was the demand to freeze privatization of large corporations with government funds. Fico claimed that “privatization business” was the “principal glue” of the liberal-conservative ruling coalition. Smer aimed its criticism at economic monopolies too. The party explained the increase in gas prices as “ruthless pricing policy of monopolies” and charged that the SPP (Slovak Gas Company) owned by Gaz de France and Ruhrgas was raking in exorbitant profits. Party representatives indicated that once Smer comes to power, it will find the means to remedy the current situation.

Another focus of Smer's criticism was commercial banks that according to Fico collected exorbitant service fees from their clients. Fico announced that if Smer becomes a government party, it will find a way to ban or limit bank's service fees. When addressing the service fee issue, Fico's rhetoric at times featured elements of economic xenophobia. “The banks operating in Slovakia must realize that they operate on the territory of a sovereign state, which must use all available means to bring a pressure to bear on the banking sector,” he said. After SDKÚ leaders Miluláš Dzurinda and Ivan Mikloš criticized one of the Smer's program documents, Fico interpreted their criticism as “con-veying the fears of international corporations and financial groups that literally govern this country and now they have understood that once our program is implemented, the gold rush in Slovakia will be over”.

The intents to “change the reforms” has enabled Smer to maintain high ratings in opinion polls, especially by attracting the support of people with negative views on the policies pursued by Dzurinda's government. Personal popularity of the Smer chairman Fico was another serious reason of the high poll rating scored by the party.

The parliamentary elections in June 2006 brought a fundamental change in the position of Smer. Party got the highest number of votes by an extremely large margin and invited HZDS and SNS to form a ruling coalition. The circumstances and factors catalyzing Smer's decision to form a new government with the HZDS and the SNS included the following:

- conviction that these two formerly opposition parties that along with Smer criticized various policies pursued by the Dzurinda administration would help Smer implement its declared “social-democratic” program with strong statist elements;
- nationalist orientation of Smer leaders who tended to define ethnicity as the foundation of political cooperation between political parties;
- a history of coalition and broader political cooperation with the SNS on various levels, for instance forming regional coalitions with the SNS in five out of eight regions in the 2005 regional elections and jointly endorsing Ivan Gašparovič's presidential candidacy in 2004;
- aversion to the Party of Hungarian Coalition (SMK) as a political party whose performance should allegedly be ‘outweighed’ by more radical ‘pro-national’ policies; some people in Smer's party structures simply considered the SMK more dangerous to Slovakia than the SNS;
- poor self-identification of Smer leaders with the European family of social-democratic parties that do not form coalitions with radically nationalist parties as a

matter of principle; this insufficient self-identification was just one display of superficiality of the “social-democratization” process Smer underwent in recent years since it applied to become a full-fledged member of the Party of European Socialists and Socialist International.<sup>6</sup>

Soon after elections, Smer embarked on swift fulfillment of pre-election promises, starting with issues that were likely to earn public praise, for instance abolishing fees for seeing a doctor or staying in a hospital, introducing a Christmas allowance for pensioners, bringing pressure to bear on energy companies in an attempt to reduce prices of fuels, gas and electricity. Although Smer leaders have toned down their popular rhetoric after elections, the party has remained on the position of strengthening the government’s role at the expense of free market mechanisms. Party representatives repeatedly and strongly criticized natural monopolies for allegedly trying to “dictate to the government” and accused their foreign owners of waging a campaign against the government. In an effort to force them to accept the government’s conditions, they even threatened to introduce selective taxation of monopolies.

Fico called 2006, the year of power change, a “break-through” year during which a left party succeeded in breaking down the “rightist myth” that “modern social state and prosperous economy are mutually exclusive”. He declared that during the first five months in office, his administration did more for people than the Dzurinda administration had done in eight years; he later amended that slogan by saying that his administration had done in six months what “the Dzurinda administration could

not do in 100 years”. When evaluating his administration’s first year in office, Fico claimed that the ruling coalition was succeeding to “transform Slovakia into a welfare state according to the example set by Western European countries”. He said that the objective of his administration’s policies was a “welfare state that [exists] in Europe”, as opposed to “capitalism made in USA”. Fico admitted the government had made some mistakes (without elaborating further) but added that the positives outweigh the negatives, which may be documented especially by the high voter support for Smer in public opinion polls. When elaborating on the positives, Fico pointed out “the lowest inflation in the history of Slovakia, the lowest public finance deficit, a secret service with the highest credibility abroad, the highest rate of social peace and the highest rate of support for the cabinet among citizens”.

The prime minister strove to demonstrate his administration’s pro-social orientation by constantly highlighting the issue of energy prices and emphasizing the government’s role in the process of leashing them. First, he announced an agreement with the SPP on introducing special prices for gas for customers over 65 although per capita annual savings should be rather symbolic – about 600 Sk (approx. 25 USD). Later, he declared that fuel prices in Slovakia must be the lowest in Europe and called the gasoline-producing-company Slovnaft’s recent decision to increase fuel prices inappropriate. Subsequently, government leaders met with Slovnaft officials in an attempt to demonstrate that the cabinet was serious about keeping its promises. Fico even theoretically admitted that the government might establish new

<sup>6</sup> It is possible that Fico expected PES reservations to his party’s cooperation with the SNS – if they occur at all – to be presented on a backstage level. He believed he would be able to persuade his European partners that it is in a coalition with the HZDS and the SNS that Smer will best be able to put through its social-democratic program. Smer leaders wanted to apply some sort of ‘trade-off’ tactics with respect to the PES, i.e. demanding acceptance of government cooperation with the SNS in return for offering implementation of a social-democratic program in Slovakia. In contradiction to Smer leaders’ expectations, the PES did not react behind the stage but openly, critically and devastatingly. The PES addressed Fico a letter in which it expressed deep concerns over the make-up of Slovakia’s new government and the way in which Smer chairman reacted to reservations presented by the PES. “We are appalled by your indifference to our anxiety,” it read. PES representatives called the SNS a “racist, nationalistic, intolerant and obviously extremist rightist party” and labelled Smer’s alliance with it as “unacceptable”. PES faction in EP condemned Smer’s alliance with the SNS and proposed to suspend Smer’s membership.

Fico’s reaction to the criticism aggravated tensions in mutual relations between Smer and the PES. According to Fico, the PES reaction to Slovakia’s new administration had been “ordered” by representatives of Slovak center-right parties in the EP, was related to fears of supranational monopolies and financial groups of additional taxation of their Slovak acquisitions’ profits and triggered by activities of Hungarian socialist MEPs. Fico also accused the European Parliament of indifference to social problems of ordinary Slovaks.

At the beginning of October 2006, the Presidium of the Party of European Socialists (PES) decided to suspend its membership until June 2007. It was the first such decision in the history of the PES and came as the sanction for Smer’s coexistence in government with the SNS, which the PES views as a party that “ignites racial and ethnic prejudices and racial intolerance”. In October 2007 PES prolonged the status of Smer’s suspended membership, arguing that party “should have more time to expel the extremism from the government”. Fico’s reaction to the PES decision was symptomatically aggressive. He said PES decision was unqualified as it was made without sufficient knowledge of the situation in Slovakia, without any consultations with Smer and under apparent duress from the third party. Fico declared that his administration did not do anything that would justify accusations of extremism, adding that “it is a serious accusation of the EU member state’s government without any proof whatsoever”. He also claimed that the PES chairman Poul Nyrup Rasmussen “made his statement immediately after meeting with Hungarian prime minister and chairman of the Hungarian Socialist Party and did not deem it necessary to inquire about the position of Smer”.

Later, Smer leaders made it clear that whatever the PES decision on the party’s future status, it would not practically affect party policies, including its position on coalition partners. For instance, Smer Vice-Chairman Marek Maďarič declared that the PES decision would not have any effect on the government’s ability to “defend Slovakia’s interests abroad” and confirmed that there were no discussions within his party about possibilities of replacing its coalition partners.

state-run energy enterprises in order to bring pressure to bear on private energy producers. He said the following about owners of energy corporations: “They cannot feel all the time ‘we bought it, we privatized it and we will do anything we want’. They will not do anything they want as long as there is the government and as long as they operate on the territory of a sovereign state.”

Fico used his time-tested tactics of interweaving defense of socially weaker population groups’ interests with criticism of (or even attacks on) those business entities that allegedly threatened these interests. One of the main targets of his criticism became department store chains that according to Fico were primarily responsible for the recent increase in foodstuff prices. That is why his administration introduced a bill that seeks to regulate the price-fixing process in retail trade. In order to encourage negative perception of department store chains among the population, Fico compared their business strategies to activities of criminals who traffic in arms and so-called white slaves (i.e. prostitutes). Fico accused foodstuff retailers of creating exorbitant profits by charging margins of up to 40%, which according to him eventually harmed ordinary consumers. Although representatives of department store chains pointed out that the prime minister presented his information on price-fixing in retail trade in a selective manner and often in a distorted context, Fico refused to abandon the mentioned arguments. His clampdown on retail chains was most probably a result of analyzing the recent public opinion polls that revealed a high rate of Slovak citizens’ dissatisfaction with increasing prices of foodstuffs, consumer goods and services. Apparently, the prime minister hoped that publicly indicating the alleged ‘culprit’ would help eliminate or at least mitigate citizens’ criticism aimed at his administration.

The party tried to appeal to voters of paternalistic orientation that nostalgically remember social security before 1989 by using certain retro-symbols. For instance, the party celebrated the International Women’s Day on March 8 as a folk fair, which was a typical way of celebrating it before 1989, and announced pompous May Day celebrations, which Fico explained by the need to “stick to traditions”. On the other hand, the party largely ignored modernization trends typical for European social democratic parties; during celebrations of the International Women’s Day, Fico narrowed down the issue of gender equality to “caring about women” by a “socially oriented” political party while refusing the adoption of specific measures aimed at improving the status of women.

Smer representatives led by Fico used ‘social rhetoric’ in a way that sought to portray their party as the principal protector of popular masses and the opposition as a representative of rich people’s interests. Top representatives of Smer publicly demonstrate their conviction that

a social security system in which the government plays a dominant role is socially more just. In August 2007, Social Affairs Minister Viera Tomanová, member of Smer, justified her efforts to change the state of affairs in the field of social policy inherited from the Mikuláš Dzurinda center-right administration in the following way: “Since 1954, the Slovak Republic had ranked among states where the pension security system covered most social risks. The first twenty to thirty post-war years brought an enormous development [in terms of] guaranteeing citizens’ social rights. The past eight years brought deterioration of social rights, transfer of burdens and responsibilities onto the citizen and the pension reform [carried out by the Dzurinda administration] amounted to privatization of poverty”.

Smer’s representatives incline to disparage the importance of changes that have taken place in the country since the fall of the communist regime. On the symbolic level, these efforts showed through highlighting the intellectual and ideological legacy of persons who had been actively involved in executive and/or ideological structures of the communist regime; some of these persons after 1989 did not hide their contempt of fundamental societal changes, often under the cloak of nationalistic rhetoric. This approach stemmed mostly from the fact that the dominant ruling party is neither politically nor ideologically a successor to forces that triggered the 1989 change of regime and that Fico is rather known for his negative position on November 1989.

Perhaps the most important case illustrating the said trend was unveiling a plaque on the historical building of the Slovak National Council that carried a rather trivial quotation concerning the Slovak Constitution by well-known Slovak author Vladimír Mináč, member of the KSS (Communist Party of Slovakia) Central Committee, chairman of the cultural and educational organization Matica slovenská before November 1989 and MP for KSS and post-communist SDL after November 1989 (he died in 1996). Typical hallmarks of Mináč’s post-November works included harsh criticism of the new regime, assaults on protagonists of the Velvet Revolution, nationalistic attitudes to domestic policy and anti-American ones to foreign policy. When commenting on the decision to unveil the plaque, Parliament Chairman Pavol Paška (Smer) said: “Mináč’s quote captures the spirit of the times”.

Another case confirming this trend was unveiling a sculpture of Vladimír Clementis, the first foreign affairs minister of the communist Czechoslovakia who was born in Slovakia, in the building of the Ministry of Foreign Affairs. As a leading member of the Communist Party of Czechoslovakia, Clementis actively participated in the unconstitutional communist coup d’état in February 1948; in early 1950s, he fell a victim to political persecution and was sentenced and executed.

The most striking display of government officials' tendency to question the fundamental changes that took place after November 1989, particularly their social and economic context, was a speech given by Premier Fico in the town of Dubnica in September 2007. In the speech, Fico clearly advertised his positive views of the process of Slovakia's industrialization during the period of communism, pointing out especially development of armaments industry that helped improve people's standard of living in some Slovak regions and municipalities. "The so-called reforms that came after [the November revolution of 1989] benefited a narrow group of people", Fico said, adding that these reforms "paralyzed Slovak economy and particularly its pride and joy – namely mechanical engineering, including Dubnica-based – due to [Václav] Havel's libertine and quasi-human [idea to change] Slovakia's economy from a prosperous industry into conversion groping".

The very fact that Fico put the decline of Slovakia's armaments industry in the early 1990s in the context of the performance of the last non-communist Czechoslovak president Václav Havel instead of the industry's general non-sustainability due to the collapse of the Eastern bloc and the subsequent loss of clients in rogue states in the Middle East once again revealed that Slovakia's incumbent prime minister fully identifies himself with a historical interpretation that has been often used by sworn enemies of societal changes in Slovakia after November 1989, particularly communists and nationalists.

It was also symptomatic that Smer – either as an opposition or as a ruling party – did not organize any public events to commemorate the anniversary of the Velvet Revolution, the official state holiday in Slovakia. None of Smer leaders attended any public events to celebrate this holiday in 2007. For many years, Fico has been known for his loathing of the societal change of November 1989; several years ago, he said in one of his media interviews that he did not even notice the Velvet Revolution because he was focused on his professional work. On the occasion, the cabinet did issue a declaration signed by Fico in which it appreciated "movement toward democratization and establishment of true freedom" in November 1989; however, it put the events in a direct context of Slovakia's endeavor to achieve state independence. In glaring contradiction to reality, the declaration reads that "in November 1989, dozens of thousands of Slovaks loudly manifested their desire for state independence before Europe and the world".

As a ruling party Smer started to express the revisionist views while evaluating the period of anti-democratic deformations in 1994 – 1998. When opposition parties staged in parliament a vote of no confidence to remove Fico from his post at the end of 2007, he accused their leaders of attempts to destabilize the country. "All they want is destabilization, as we could see it before 1998,"

he said. "It is exactly the same cast, the same crew and the same scenario." This diction was identical to the one used by the Mečiar administration in attempts to discredit democratic forces that mobilized citizens to rise against its authoritarian practices before the 1998 elections and betrays apparently revisionist elements in Smer chairman's perception of the period of anti-democratic deformations between 1994 and 1998. In doing so, Fico who was a vice-chairman of the opposition SDL before 1998, virtually identified himself ex post with the Mečiar administration that had disqualified Slovakia from EU and NATO integration processes.

High voting preferences of Smer after elections were cemented by the way Prime Minister Robert Fico advertised his administration's priorities, as he pointed out the emphasis of his cabinet on tackling Slovakia's domestic problems instead of pursuing "irrelevant" foreign policy activities, providing for ordinary citizens, bringing pressure to bear on energy producers in order to reduce gas and fuel prices, defending citizens against foreign monopolies, etc. Many voters who sympathize with authoritarian and egalitarian approaches may be attracted to the prime minister's charisma; still others may positively perceive nationalist rhetoric that is quite often used by a number of Smer leaders.

A number of Smer representatives repeatedly express satisfaction that their party is in government just with the SNS and the HZDS. Smer Vice-Chairman and Culture Minister Maďarič claimed that "the coalition is proving to be the best of possible [variants]". According to him, the party preferred its "domestic program and political goals over its foreign partners' interests" and it "reserves the right to form a government at home in line with its own will and not according to wishes of its foreign partners or even Hungarian MEPs".

In the field of foreign policy, the new government's position was generally weakened due to suspending membership of Smer in the Party of European Socialists (PES) and practical non-existence of the remaining two ruling parties' international ties. As a result, the government intensified its concentration on the so-called 'domestic' agenda at the expense of a pro-active approach to foreign policy issues. During the EU Brussels summit at the end of 2006, Fico declared he did not understand "why they drag in prime ministers to discuss issues that can be resolved by ministers", adding that discussions at the summit did not have much practical effect. Fico called European institutions "ineffective". Moreover, he did not stop at that, as he also criticized Slovak citizens working in EU institutions by saying that people who work in "institutions isolated from the real life" live in "their own cloistered world". These words were meant to make the domestic audience appreciate the importance of the government's endeavor to tackle domestic problems against the background of less impor-



tant (or totally unimportant) performance of European institutions that are “isolated from the real life”.

Fico’s moves, statements and signals in the field of foreign policy included a variety of similar actions: attending a reception at the Cuban embassy on the occasion of a public holiday; flatly rejecting a hypothetical possibility to locate a missile base and radar station on Slovakia’s territory although no one officially asked for Slovakia’s position; continuously criticizing the United States for its military operations in Iraq; visiting China without addressing the human rights issue in any way; reiterating the country’s independence in the field of foreign policy (symbolized by the statements such as “I won’t be anybody’s poodle”).

The official justification of these activities was an endeavor to strengthen economic aspects of Slovakia’s foreign policy. “The role of a politician is not yelling from behind a fence but hopping on a plane and going wherever a business opportunity opens up,” Fico said. In this context, though, one can ill ignore Fico’s ideological inclination and personal sympathies to ‘revolutionary’ politicians who he views as symbols of efforts to establish a just world order. Other catalysts may have included Fico’s negative personal relation to the United States as well as his populist communication with the domestic audience by which Fico wants to make an impression that such behavior on the international scene is the most adequate way of defending interests of the country and its citizens.

Being a ruling party Smer significantly strengthened the ethnic element in its rhetoric and political line. Speaking on the occasion of celebrating the 62<sup>nd</sup> anniversary of liberation and the end of World War II in Europe in May 2007, Fico advocated Slavic mutuality and cooperation between particular countries. “Let us not be afraid and freely nourish Slavic mutuality,” he said. Although Fico did not mention any concrete country in this respect, the context of his statement (i.e. laying wreaths to the memorial of fallen Red Army soldiers) indicated he was referring particularly to Slovakia’s relations with Russia. The rhetoric of party leaders betrayed clear efforts to interpret social developments along categories of ‘Slovak’ and ‘national’, which is different from ‘non-national’, ‘strange’ or ‘foreign’. In September, at a meeting with students of Comenius University Bratislava, Fico declared that he was proud of “ancient Slovak, not Slavic, history”. Fico announced that his administration would walk a “patriotic line” in 2008. According to him, “patriotism and esteem for state symbols is much lower [in Slovakia] than one would expect from an advanced nation in the centre of Europe”.

The party endorsed the idea to pass a special law on merits of Andrej Hlinka, an interwar clerical national-conservative figure and leader of the Slovak People’s Party, which during his life grew increasingly radical and

after his death it openly subscribed to the fascist ideology and became the main proponent of the totalitarian pro-Nazi regime in Slovakia during World War II. Along with SNS and the KDH top leaders, one of the most vocal advocates of passing the Hlinka bill was Smer Vice-Chairman Maďarič. In October 2007, Fico attended a rally commemorating the 100<sup>th</sup> anniversary of the Černová massacre where policemen in 1907 opened fire into a crowd of believers, adherents of Hlinka (15 people died). In his address, Fico emphasized especially the ethnic aspect of the tragedy, suggesting that the natives of Černová died “as members of the oppressed nation, as our brethren, as our compatriots, as Slovaks”.

Smer rejected a proposal to adopt a reciprocal declaration by Slovak and Hungarian parliaments to apologize for past wrongs, claiming there was nothing the Slovaks should apologize for to the Hungarians. When presenting their party’s views on some aspects of Slovak-Hungarian relations, Smer representatives used language that resembled statements by SNS representatives.

On November 16, 2007, when Slovakia’s citizens around the country organized various social gatherings to commemorate the 18<sup>th</sup> anniversary of the Velvet Revolution, Fico attended a general assembly of Matica slovenská (MS) in Martin. MS leaders have become notorious for their overtly nationalistic attitudes and revisionist approach to Slovakia’s modern history, particularly the World War II period. In his address to congress delegates, Fico declared that his administration “shall not let anybody degrade Matica slovenská as it was possible in previous years”.

Another noteworthy aspect of Smer leader’s ideological frame of mind has become leaning toward isolationist concepts of world developments. During celebrations of the anniversary of the Slovak National Uprising, Fico declared that the modern world was “no better than [it was during World War II]”, adding that like then, people “still fight over raw materials, power and influence, they only use different weapons [such as] globalization, liberalization and privatization”. Fico concluded by calling on people to “keep the courage to stand up against these processes so that we do not find ourselves in a country where we are still citizens but where everything around us – water, land, energy – belongs to somebody else. This is the main message: the courage must exist also in 2007, not only in 1944”.

Fico also expresses critical views of the USA and its policies in the world. He advertised them on every more or less appropriate occasion, including the anniversary of Czechoslovakia’s occupation by armed forces of the Soviet Union and other Warsaw Pact countries on August 21, 1968. Having compared the intervention to the U.S. invasion to Iraq, Fico concluded: “It is simply impossible to defeat democracy and freedom by tanks”. Here, Fico’s negative position on the war in Iraq and the

U.S. foreign policy obviously prevented him from adequately perceiving the context of both invasions: while in the case of Warsaw Pact's invasion to Czechoslovakia it was a foreign intervention against the process of democratic reforms, the Iraq invasion was an intervention against a brutal dictatorship.

## SNS

The second strongest party of the ruling coalition, formed after parliamentary elections 2006 is the SNS. In June 2006, this party achieved its best election result in 12 years. It is viewed as one of true election winners, not only in terms of the total number of votes received but especially in terms of capitalizing its election result into a position in the power system. After eight years in the opposition, the past four of which it spent outside parliament, the SNS became a ruling party.

The impressive comeback of the SNS was brought by two key factors. First, it was restoring the party's unity as a result of overcoming the conflict between its leaders Ján Slota and Anna Malíková-Belousovová, which before 2002 elections led to splitting the SNS into two independent parties that subsequently suffered an election defeat and elimination from parliament. Second, it was effectiveness in appealing to voters professing nationalistic values, including some nationally-oriented voters of the HZDS.

On the political scene, the SNS constantly made itself known for its nationalist orientation and the anti-Hungarian and anti-Roma attitudes of its representatives. The SNS frequently aims its verbal attacks particularly at the SMK and its leaders, but also at individual Hungarian politicians and Hungary in general.

Before the 2006 elections, SNS Chairman Ján Slota strove to enhance his image of a decisive politician who would do anything to defend the Slovaks against their historical enemies and crush all "immoralities with an iron fist". In doing so, Slota did not hesitate to make aggressive and defamatory anti-Hungarian and homophobic statements. He repeatedly called for outlawing the SMK, which he described as a "super-nationalistic, extremist and jingoistic Great Hungarian" party whose principal objective is liquidation of Slovak statehood.

Since the SNS was widely viewed as a typical populist and radically nationalistic party that stained its reputation by participating in the ruling coalition of HZDS-ZRS-SNS between 1994 and 1998, its coalition potential was considered extremely low; however, this potential dramatically increased as a result of power calculations by Smer that contrary to its proclaimed social-democratic orientation approached the SNS with a proposal to form an alliance after the most recent elections.

The party's entry to government provoked critical reactions in Slovakia as well as abroad. The fears appeared that the nationalistic agenda of the SNS might negatively affect the new administration's policies with respect to ethnic minorities, particularly the Hungarian minority, increase tensions in interethnic relations and cause deterioration in bilateral relations between Slovakia and Hungary.

The SNS remained the main exponent of ethnic nationalism and anti-Atlanticism in Slovakia. These features of its political profile were particularly perceptible when its leaders commented on the status of ethnic Hungarians, Slovak-Hungarian relations, the issue of the future status of Kosovo or the issue of installing U.S. anti-missile system in Central Europe. An integral and traditional part of its political style was hostile comments on political opponents or certain population groups presented by SNS Chairman Slota. In May 2007, he declared he possessed documents proving that Slovak general Milan Rastislav Štefánik, one of co-founders of Czechoslovakia who tragically died in 1919 in a plane crash near Bratislava, was in fact murdered by the order of Czech politician Edvard Beneš who later became Czechoslovak president. Slota's statements about "Štefánik's murder" prove that the SNS still harbors anti-Czech sentiments that became most perceptible between 1990 and 1992. SNS leaders continued to speak highly of Jozef Tiso, president of the wartime Slovak State whose regime openly collaborated with Nazi Germany between 1939 and 1945; for instance, chairman of SNS parliamentary caucus Rafael Rafaj placed Tiso among three "greatest" Slovaks along with M. R. Štefánik and Andrej Hlinka, MP for SNS Jozef Rydlo stated in a media interview that March 14, 1939, (i.e. the day of proclaiming an independent Slovak State) was an important moment in Slovakia's history, according to him, Tiso is "the greatest personality of Slovakia's 20<sup>th</sup> century history".

During the debate on the future status of Kosovo, the SNS adopted a radically pro-Serbian Slavophilic attitude and harshly criticized independence of this province envisaged in Martti Ahtisaari's plan. SNS chairman Slota called Kosovo's leaders "drug smugglers and white slave traders". SNS Vice-Chairwoman Belousovová called on all Slovak parties to "close ranks" on the Kosovo issue, adding that "Slovakia is one of the issues at stake in Kosovo" and that by its position on Kosovo's eventual independence, the SMK "disqualified itself" from the company of other political forces.

The greatest political achievement of the SNS during its participation in power was that it managed to introduce to the country's political scene many issues from its nationalist agenda. This would not have been possible without a strong alliance between the SNS and Smer. In many power-related issues, the SNS unambiguously

sided with Smer, further strengthening its dominant position in government.

The SNS submitted to parliament a bill on the “credit of Andrej Hlinka for the Slovak nation’s statehood and the Slovak Republic”. After other ruling parties promised to support the bill, the party used parliamentary debate on the bill to create an atmosphere in which voting against it would imply insufficient loyalty to Slovakia. The bill on Hlinka illustrates that participation of the SNS in government significantly affects the overall atmosphere as well as the public discourse in the country, mostly by strengthening nationalism as an opinion stream and moves less relevant issues of ‘national’ (i.e. nationalistic) importance from the margin to the centre of the public discourse.

The SNS used debates on the bill on Andrej Hlinka as well as on declaration on the 100<sup>th</sup> anniversary of the Černová tragedy as an opportunity to present aggressive anti-Hungarian statements. Šlota declared that the primary cause of the Černová tragedy was “Great Hungarian chauvinism”. In its draft of the Černová tragedy declaration, the SNS demanded Hungarian parliament to apologize to the Slovaks for the “Černová massacre”. It also requested an apology for the “occupation of Southern Slovakia by Horthy’s fascist Hungary and forcible expulsion of the Slovaks from this territory”. At the commemorative gathering in Ružomberok in late October 2007, Šlota presented a speech that could be viewed as extremely xenophobic. “Perhaps the Slovaks made a mistake sheltering Hungarians who had fled in cowardly fashion from the Turks to the Slovak mountains,” he said. “They should have let [the Ottomans] to devour them there and drag them to Istanbul”.

The SNS adopted a very active approach to defending the so called Beneš decrees. During a debate on unalterability of these post-war documents in parliament, SNS representatives openly apologized for application of the principle of collective guilt against ethnic Hungarians after World War II. Šlota charged that “Hungarian fascists” during the war committed worse “atrocities” in southern Slovakia than German Nazis did in the Protectorate of Bohemia and Moravia.

The SNS used every opportunity to complicate practical implementation of ethnic Hungarians’ minority rights in education system and public administration or use of their mother tongue in official contact. It presented a demand to update the list of municipalities where members of ethnic minorities are allowed to use their mother tongues in official contact; the purpose of such a proposal was to diminish the number of municipalities where use of Hungarian language is allowed. Financial problems of János Selye University in Komárno where Hungarian is the teaching language have increased ever since SNS nominee Ján Mikolaj took over the Ministry of Education; many experts believe that as part of the

process of higher education institutions’ categorization, the university might be re-graded to the category of vocational schools and thus lose the status of university. Mikolaj drafted a new education strategy for ethnic minorities and proposed to alter textbooks designed for ethnic Hungarian pupils; he proposed to replace historical Hungarian names of geographic entities in Slovakia with current Slovak names. SNS representatives demanded publishing new “nationally oriented” history, geography and Slovak language textbooks, arguing that existing textbooks were written “in the spirit of Czechoslovak history that was not objective in describing many facts from the history of the Slovaks”.

The SNS fully endorsed the partocratic model of dividing state administration posts reintroduced by the ruling coalition. The party demonstrated its ability to combine partocracy and clientelism with overt nepotism when it nominated its representatives to the executive organs. In various areas of public life, SNS representatives showed appreciation for almost limitless etatism. During the debate on preserving vs. abolishing the mechanism of assigning percentage of income tax to non-governmental organizations (NGOs), the SNS charged that “three quarters of funds assigned to NGOs have vanished in unidentifiable hands. They were abused for political propaganda, maybe for the pink revolution in Ukraine or in Belarus”.

Nationalist policies of the SNS often thrive on nationalism coming from Hungary, be it its moderate version, populist radical nationalism or far-right extremist and even fascist version embodied by the so-called Hungarian Guard. While pursuing its program objectives, the SNS also capitalizes on the fact that after it left for opposition and made certain personnel changes in its leadership, political representation of Slovakia’s ethnic Hungarians openly began to discuss certain issues that have a potential to divide Slovaks and Hungarians, particularly the issue of historical wrongs. This has provided a great opportunity for the SNS to portray itself as an upright protector of Slovaks’ national interests against the alleged threat of Hungarian autonomism and irredentism.

## HZDS

As a result of its election defeats in 1998 and 2002, the HZDS spent almost eight years in opposition. Its performance in government between 1994 and 1998 was the main reason for Slovakia’s integration delays. The party’s coalition potential neared zero and its voter support showed a constant decline. Although the HZDS toned down its hard populist rhetoric, it continued to be led by the same political figure whose nature did not show any signs of change.

In June 2006, the HZDS recorded the worst result in parliamentary elections since its founding in 1991, re-



ceiving only 8.8% of the popular vote. Compared to 1992 (37.3%), 1994 (35.0%), 1998 (27.0%) and 2002 (19.5%), the party's performance in the most recent elections was a true debacle. Despite that, the HZDS became part of the new ruling coalition and after eight years in opposition it rose to power again. Participation of HZDS in the government was enabled by the power calculations of Smer which offered coalition cooperation to HZDS (in spite of the fact that in 2002 – 2006 the mutual relations between the HZDS and Smer were extremely hostile). Before the recent elections the HZDS accused Smer of two-faced politics, charging that contrary to its advertised anti-government stance, Smer was silently preparing the ground for its future co-operation with the SDKÚ. According to the HZDS, "Fico's true objective was not cooperation of the opposition to benefit citizens but satisfaction of his own power ambitions". Mečiar pointed out that Smer's proclaimed leftist orientation was nothing but a pose as the party had "a billionaire background".

Mutual relations between HZDS and its second partner in the current coalition government, the SNS, were also bad before the 2006 elections SNS Chairman Slota frequently attacked the HZDS and Mečiar who responded by labeling Slota as an "extremist politician who represents only vulgarity, hatred and intolerance". With SNS clearly in mind the HZDS stated that extremist parties should not be part of the government.

During the election campaign, Mečiar and other party leaders harshly criticized Smer, accusing it of making unworkable promises, using populist demagoguery and defending the interests of billionaires under the veil of "social-democratic rhetoric"; however, that did not prevent the HZDS from reacting promptly and positively to Smer's proposal to form a new ruling coalition. Power interests, desire to come out of opposition and yearning for political and social rehabilitation were the main reasons for putting aside all declared program dissimilarities from Smer and the SNS as well as personal animosities between Mečiar and both parties' chairmen.

The HZDS raised few programmatic demands during negotiations with Smer. It agreed to control two seats in the new cabinet, which was obviously disadvantageous given the ratio of parliamentary seats. It did not even insist on the so-called cross-control principle that grants ruling parties the right to appoint state secretaries at ministries where they have not filled the minister's post. One of the most important reasons behind the party's swift acceptance of Smer's invitation to become part of the new government was yearning of Mečiar and his party for social and political rehabilitation. While a member of the incumbent ruling coalition, the HZDS has repeatedly portrayed itself as a "balancing" player, avoided use of radical rhetoric and striven to make an impression that the rate of its acceptance abroad is increasing.

## PERSONALITY FACTOR

The personality factor plays an important role in Slovak politics. Since November 1989, the country's political landscape has been shaped to a great extent by two large parties led by charismatic leaders. In the 1990s it was the HZDS led by Vladimír Mečiar, in the second half of this decade it has been Smer led by Robert Fico. Both for HZDS voters in the 1990s and Smer voters nowadays, trustworthiness of party leaders was more important than parties' ideological profile. Furthermore, both parties could be described as one-man parties, not only in terms of the basis for voter support but also in terms of leaders' position within the party; both chairmen enjoy indisputable authority within their parties, which allows them to determine their party's internal situation as well as its outside appearance and to authoritatively eliminate any internal opposition or its indication.

Over the past 15 years, popularity of Vladimír Mečiar has declined significantly; in recent years, the post of a dominant political figure was seized by Smer Chairman Robert Fico. In terms of trustworthiness, Fico is an uncontested leader as his credibility hovers between 35 and 40% well above the leaders of other parliamentary parties who hover around 5 – 15%).

Also, one should not forget that Slovakia currently has a president who succeeded in 2004 with a campaign based on a slogan of "Think Nationally, Feel Socially" that was also endorsed by the SNS. Two years later, Ivan Gašparovič he welcomed participation of the SNS in government, in line with his declared notion of "cultivating domestic nationalists". It is true that he occasionally criticizes public statements made by SNS Chairman Ján Slota and that along with his Hungarian counterpart he played a positive role in subduing Slovak-Hungarian ethnic tension in summer and fall 2006. But that does not alter the fact that he was brought to power in part thanks to accentuating nationalist feelings.

It is important to view credibility of politicians also through the prism of their supporters. For so-called 'one-man parties' it is characteristic that their credibility largely overlaps with their leaders' credibility while other party representatives are neither as visible nor as popular.

After a period of very high general popularity at the beginning of the 1990s, public credibility of Vladimír Mečiar became strongly polarized in the second half of the decade: while HZDS supporters continued to view him as trustworthy, most other parties' sympathizers began to view him increasingly negatively.

From the beginning of his political career, Smer leader Robert Fico showed an ability to drum up support in different voter environments, even among supporters of other parties, both from the coalition and the opposition camp,



which is in line with phenomenon of “centrist” (soft) populism Fico has been able to maintain his broad base of credibility even after the 2006 elections. In this case, his credibility is almost identical with that of his party.

## NATIONALISM

Even after it joined the EU, nationalism remains an important factor in Slovakia, both in terms of shaping voting behavior and coalition formation. Between 1998 and 2006, when a party representing the Hungarian minority (i.e. Party of Hungarian Coalition - SMK) was a part of government, the rate of ethnic tension in Slovakia declined. On the other hand, participation of the SMK in the center-right administration allowed some leaders of Smer that portrayed itself as a leftist party to play the ethnic (i.e. anti-Hungarian) card when criticizing government policies and ruling parties.

Ethnocentrism is an important binding agent of the ruling coalition formed after the 2006 parliamentary elections. In 2007, the tendency of strengthening the ethnocentric element in Slovakia's political development gained a new impetus when the issue of Kosovo's future status was made part of domestic political agenda. All parliamentary parties except the SMK adopted a position that in the context of the situation could be described as pro-Serbian (or “pro-Slavic” in radical nationalists' rhetoric). In the background of this position one could clearly identify efforts to play the so-called ethnic card and perceive the Kosovo issue from the viewpoint of Slovak-Hungarian interethnic relations.

Another sign of the strengthening nationalism in public discourse was the efforts of the ‘nationally’ oriented part of the ruling coalition (i.e. the SNS and the nationalist wing of Smer) to indoctrinate the mainstream of the Slovak society with concepts that not too long ago were viewed as marginal on the socio-political spectrum. Good examples of the said trend include passing various nationally oriented legislatively-declaratory documents by parliament or promulgating new (‘alternative’) interpretations of Slovakia's history by highest government officials.

Slovakia has one relevant radically nationalist party and a handful of other parties that use nationalist rhetoric. The SNS describes itself as a right-wing conservative party built on Christian values. At the beginning of the 1990s, it was the strongest force in the separatist bloc that advocated splitting up the former Czechoslovak Federation and establishing independent Slovakia (although this block with a transparent call for independence was relatively weak – less than 20 % of public support in the polls, and even less in the parliamentary vote in June

1992). Its leaders like to portray the party as defender of national interests of Slovakia and the Slovaks. Except the period of 2002 – 2006, the SNS has been a parliamentary party since the first free elections in the country's modern history in 1990; between 1993 and 1994, between 1994 and 1998 and since the 2006 elections it was part of government. It is an example of a party built on ethnic nationalism whose representatives attack ethnic minorities (particularly ethnic Hungarians and the Roma) while accentuating “Slavic mutuality”. Another program feature of the SNS is anti-Americanism; the party has opposed Slovakia's accession to NATO although it toned down its anti-NATO rhetoric and formally subscribed to the country's NATO membership after it became part of the incumbent ruling coalition. Last but not least, a distinctive feature of the party is historic revisionism that shows through prevalently positive evaluation of the wartime Slovak State with a pro-Nazi collaborationist totalitarian regime that existed between 1939 and 1945.

Another party whose representatives use the nationalist rhetoric is the HZDS that describes itself as a people's party. The intensity of accentuating its nationalistic agenda declined after 1998 when the party was departed by persons who were widely considered radical nationalists and whose opinions practically did not differ from those of SNS leaders, especially when it came to issues such as Slovak-Hungarian relations, the wartime Slovak State, the country's foreign policy priorities, etc. Despite toning down its nationalist agenda, the HZDS continues to emphasize that its program is based on the national, social and Christian pillars. HZDS leaders demonstrate their “national” orientation by criticizing political representatives of the Hungarian minority, openly advertising their ethnic preference especially in disputes or conflicts with ethnic background.

These behavioral patterns are not alien to Smer, which proclaimed itself as a “social-democratic” party shortly before the 2006 elections. Although its program lacks a national pillar, certain nationalist elements are plain to see not only in its strategies of appealing to voters but also in its strategies of forming political alliances with other parties. The most frequent political and coalition ally of Smer on the central, regional and local level is the radically nationalist SNS. Periodicals close to Smer publish openly nationalistic texts by authors who in the period of 1994 – 1998 created the ideological substratum for the ruling coalition of HZDS – ZRS – SNS. When justifying some of its measures or proposals, Smer leaders used the so-called ‘Hungarian card’ by trying to encourage the feeling of danger posed by ethnic Hungarians, the SMK and Hungary among Slovaks inhabiting southern regions of the country.

Representatives of Smer frequently speak of the necessity to encourage people's patriotism and pride of their

own country, referring to the Slovaks' historical national. Robert Fico introduced a notion of "loyal minorities" to the public discourse, which could imply that some minority in the future might be labeled as insufficiently loyal to the national state. Smer's firm 'national' stance may also be documented by its leaders' flat refusal of the idea of Slovak and Hungarian parliaments passing reciprocal resolutions to apologize for mutual wrongs from the past.

Strengthening the ethnic element in the ruling coalition's modus operandi in 2007 was particularly perceptible its approach to the issue of Hungarian ethnic minority, attitude to the SMK, evaluation of Slovak-Hungarian bilateral relations and interpretation of historical issues. When identifying the reasons for deteriorating mutual relations between Slovakia and Hungary, most coalition leaders including cabinet members argued that responsibility for existing problems rests exclusively with SMK Chairman Pál Csáky and other party leaders who repeatedly open the issue of indemnifying victims of so-called Beneš decrees and team up with "extreme" political forces in Hungary.

A favorite argument presented by government officials was accusing the SMK of "slandering Slovakia abroad". Some of them attributed worsened mutual relations between both countries to the fact that the government and the opposition in Hungary compete over who is more nationally oriented. On the other hand, they failed to see any share of responsibility for ethnic tensions on their end. For instance, ruling parties in parliament initiated a controversial resolution on "unalterability" of Beneš decrees, which is unacceptable to Slovakia's ethnic Hungarians. When justifying the need to adopt the document, many government officials presented overtly nationalistic arguments that provoked disagreement and outrage among ethnic Hungarians; a good example was a statement by Culture Minister Maďarič who said that resettlement of inhabitants from Southern Slovakia after World War II was not ethnically motivated.

The SMK whose core electorate consists almost exclusively of ethnic Hungarians is a moderate ethnic party of Christian democratic orientation. Participation of the SNS in government, which many ethnic Hungarians view as a direct threat to interests of the Hungarian minority, has not only changed the general atmosphere within society but may have also catalyzed a power change within the SMK. In other words, strengthening the ethnocentric element in Slovakia's domestic politics may have been one of driving forces behind the recent change in SMK leadership that brought to important party posts persons that are considered advocates of radical views and more energetic methods of furthering ethnic Hungarians' demands, including territorial. A direct result of this change may be a revision of the party's

approach to achieving its goals but also a new character of relations between the SMK and other parties, especially those currently in opposition, which could subsequently have grave effects on the overall configuration of Slovakia's party system.

## PATRONAGE

Denationalization of economy and carrying out a public administration reform in recent years curbed space for active interventions of the government and its institutions and extended space for free market and self-governance mechanisms. This trend objectively limits thriving of clientelistic ties. On the other hand, Slovakia still remains a country with relatively deeply rooted partocratic elements, which shows through political parties parceling out the public domain. This state of affairs is further cemented by the fact that practically all governments Slovakia has had since the collapse of the communist regime were coalition governments. On the one hand, the tradition of coalition governments has helped form a culture of political negotiation that is based on seeking consensus and preferring moderate solutions; on the other hand, it has provided a breeding ground for various deals of clientelist-partocratic nature. Some legislative measures parliament adopted after 1998 (e.g. the law on civil and public service) introduced more precise criteria for filling important state administration posts and encouraged a competitive element in the process of applying for these posts. However, practical implementation of these principles often encountered with various obstacles, the greatest of them being ruling political parties' reluctance to restrict their influence over the country's public life.

Between 1994 and 1998, clientelism formed an organic part of modus operandi of the ruling coalition comprising three populist parties of the first generation. On the lowest level of the country's administrative-territorial organization (i.e. in all districts) the populist government created so-called action committees that consisted of representatives of all three coalition parties. Without exception, all nominations to senior positions in state administration organs, government institutions and state-run enterprises required approval issued by these action committees. Membership in a ruling party was a precondition to obtaining any important post in state administration. As a result of this practice, the degree of state administration's politicization significantly increased.

Due to legislative and executive measures aimed at decentralization passed between 1998 and 2006, the degree of state administration's politicization was reduced

again; simultaneously, transparency and competitiveness of the process of filling senior state administration positions increased and importance of applicants' professional qualifications was strengthened.

The ruling coalition of Smer – SNS – HZDS in 2006 swung the pendulum in the opposite direction again. The incumbent administration revived the practice of open party nominations to executive organs not only on the central but also on the regional level and substantially weakened the competitive element by abolishing public tenders when filling senior state administration posts. The extent of these changes justifies a conclusion that Slovakia is currently experiencing a recurrence of clientelist practices that thrived in mid-1990s, although the existing institutional framework is unfriendly to their long-term existence in advanced forms.

Smer, furthermore, receives significant support from business groups which arose during the period when Slovakia was making the transition from Mečiar's [1994-1998] semi-authoritarian regime to a more normal liberal democratic system. Society was polarized, and a certain part of the business community that had profited from its closeness to the Mečiar administration needed insurance, sought by supporting Smer to firmly establish the assets and position they had gained in order to survive in the new conditions. As the basic conflict between Mečiar's authoritarianism and liberal democracy was playing out, Robert Fico came forward with the offer of an alternative form of politics. Some of those entrepreneurs who had profited from their relationship with the HZDS realized that Mečiarism was gone, while on the other hand it was impossible to form any kind of link with the liberal democratic forces. This alternative political project offered these entrepreneurs room to gain social support. It took them longer than expected, however, because they counted on having at least a share in power after the 2002 elections. Although Smer (unexpectedly) did not become part of the government in 2002 it was apparently worth it to them to continue to support the party, and to a certain extent they even benefited from the 2002 to 2006 period, because they gained even more support. Now, this group is again profiting from its proximity to power. This proximity has helped these people increase their economic profits and solidify their social standing.

Although current ruling coalition announced an intention to fill all posts by skilled professionals, ruling parties applied an exclusively partisan approach when appointing people to management posts in particular regions. The process of nominating and appointing candidates often showed clear signs of nepotism; many appointees had become known to be politically loyal to those who nominated them or maintained personal connections with business groups close to ruling parties, particularly Smer. A number of nominations within the

Economy Ministry's jurisdiction, for instance, were carried out without any public competition and individual candidates were approached personally by Economy Minister.

Before the 2006 parliamentary elections, as an opposition leader Fico relentlessly criticized the previous administration for clientelism and corruption; however, during its first year in office, the incumbent administration helped clientelist practices take even deeper roots in Slovakia, be it in the process of appointing representatives to leading posts in enterprises with government investment, allotting state budget subsidies to self-governments and non-profit organizations or awarding lucrative government orders to private companies where the incumbent administration clearly tends to prefer firms with demonstrable connections to ruling parties. Last but not least, it showed in the process of filling lucrative posts in government organs where decisive factors included candidates' party affiliation, political loyalty and sometimes even family and personal ties to ruling parties' leaders.

The most infamous examples of these practices that were brought by the media include: appointing a former classmate of Interior Minister Robert Kaliňák to the post of director of VOP Nováky, a state-run enterprise that repairs military equipment; allotting a crushing majority of subsidies for developing sports and leisure facilities to self-governments led by nominees of ruling parties, particularly Smer; allotting a subsidy by the Ministry of Education led by Ján Mikolaj (SNS) to a SNS youth organization for a self-governance project in Banská Bystrica that the local self-government had no knowledge about; awarding government orders (sometimes without a public tender) to private firms with demonstrable ties to ruling parties and even their official sponsors (e.g. an order from the National Property Fund awarded to the firm Avocat, an order from the Ministry of Construction and Regional Development awarded to the firm Zamedia or huge orders from defense, finance and transportation ministries awarded to the firm Ikores).

The change in government in 2006 created more favorable conditions for applying clientelist practices in the process of drawing financial aid from EU structural funds. It cannot be ruled out a risk that the system of patronage will become so massively applied in public procurement that in some areas (e.g. construction) it will become dominant and will serve to satisfy interests of business groups in the background of ruling parties.

Political parties in Slovakia do not have specific programs aimed at providing direct material or other similar (particularly social) benefits to their members. Yet, some people treat party membership as a 'pass' to important posts in state and public administration, particu-

larly in regions where government remains an important employers. This may of course become a strong motivational factor for those who seek employment in state administration. In some smaller towns there have been recorded cases of persons who were originally members of HZDS but as new parties with realistic chances to qualify to parliament and even to government emerged, they gradually became members of new ruling parties (SOP in 1998, some of them then of the ANO in 2002 and finally they ended up in Smer in 2006). Their principal motivation was preserving and/or restoring their chances to obtain preferential social status; some of these people even got actively involved in the process of establishing new parties and became their local leaders.

A vast majority of funds designed to finance political parties in Slovakia comes from the state budget. Virtually all legislative changes in the field of political parties' financing parliament approved in recent years were aimed at increasing the state contribution.

## GOVERNMENT VS. OPPOSITION

During the period of post-communist transition, Slovakia experienced two basic models of interaction between government and opposition: non-consensual (between 1994 and 1998 when the country was ruled by hard populists) and consensual (between 1998 and 2006 when it was ruled by administrations comprising non-populist parties). The former model was based on disrespecting some fundamental principles of liberal democracy, which led to paralyzing of parliament's control function, generally applying the principle of the majority's tyranny, completely marginalizing the opposition, criminalizing its leaders, creating obstacles to opposition parties' participation in elections, etc. In the latter model, mutual relations between government and opposition were based on observance of the constitutional framework in which the opposition enjoyed possibilities corresponding to its election results.

Immediately after its inauguration in 1994, the ruling coalition of HZDS – SNS – ZRS launched extensive personnel changes in state administration organs. These sweeping changes were coordinated by coalition partners' representatives on the level of districts (so-called "action fives"; in doing so, ruling parties completely eliminated the opposition from the process of filling key state administration posts, nominating exclusively their own members and/or stalwarts to these posts. In December 1994, the personnel changes turned into purges that did not fit a description of routine executive changes in a normally functioning

democracy but rather resembled methods used after political coup or a fundamental change in the country's political regime.

Since the 2006 elections, Slovakia has been experiencing a hybrid model that combines certain elements of both described models. The ruling coalition's inclination to the so-called 'majority' understanding of democracy is obvious. Opposition representatives were elected chairpersons of seven parliamentary committees (including committees to control the Slovak Intelligence Service and the Military Defense Intelligence), while ruling coalition representatives were put in charge of the remaining twelve, including five committees (foreign affairs, European affairs, defense and security, finance and currency and public administration) in which their chairmanship is absolute, i.e. they hold the posts of chairperson and both vice-chairpersons. Such division of power was not applied in parliament since 1998; before that, the 'winner takes all' principle was thoroughly applied by the ruling coalition of HZDS-ZRS-SNS. The total amount of power concentrated in the hands of the dominant ruling party, namely Smer, reached a level unseen in Slovakia since the collapse of the communist regime in 1989.

The comfortable majority in parliament allows the ruling coalition to put through its legislative initiatives without regards to opposition parties' views or positions. Parliament rejected a vast majority of legislative proposals submitted by opposition deputies (including minor amendments proposed during the debates). Of all laws and amendments parliament passed since the 2006 elections, only the bill seeking to introduce an obligation for drivers to keep headlights on all day was initiated by the opposition.

## CREDIBILITY OF POLITICAL INSTITUTIONS

Low level of trust to government and parliament prevailed during the 2002-2006 tenure.

After parliamentary elections in June 2006, the credibility of the two top political institutions – parliament and cabinet – saw a fundamental change. While only one in five citizens trusted the previous Mikuláš Dzurinda administration, the credibility of the Robert Fico administration was 45% in August 2006 and 54% in November 2006, which was similar to the trustworthiness of the broad anti-Mečiar ruling coalition shortly after the 1998 elections. People's confidence in the National Council (parliament) marked similar development in 2006, increasing from 24% in November 2005 to 50% a year later (Table 1)



**Table 1**  
Credibility of the state institutions (% who trust : % who do not)

	September 2003	November 2004	November 2005	August 2006	November 2006	August 2007	November 2007
<b>President</b>	44 : 53	69 : 27	73 : 25	67 : 24	76 : 22	68 : 28	75 : 22
<b>Government</b>	18 : 80	29 : 69	21 : 77	45 : 43	54 : 42	42 : 54	45 : 51
<b>Parliament</b>	25 : 72	32 : 66	24 : 73	43 : 45	50 : 45	40 : 57	44 : 52
<b>Constitutional court</b>	40 : 47	45 : 46	46 : 48	NA	51 : 46	48 : 45	45 : 47

**Note:** For the sake of simplicity, we merged the answers “I definitely trust + I somewhat trust” and “I definitely distrust + I somewhat distrust”. The remainder of the 100% figure comprises the answer “I don’t know”.

NA – Comparable data are not available.

**Source:** Institute for Public Affairs, 2003 – 2007.

**Table 2**  
Credibility of select institutions (% who trust : % who do not)

	September 2003	November 2004	April 2005	November 2005	November 2006	November 2007
<b>Municipal governments</b>	54 : 38	56 : 39	49 : 49	54 : 41	58 : 27	NA
<b>Non-governmental organizations</b>	42 : 40*	NA	NA	49 : 39	47 : 38	40 : 43
<b>Trade unions</b>	38 : 49	NA	30 : 59	NA	34 : 54	30 : 52
<b>Political parties</b>	11 : 83*	16 : 80	NA	11 : 84	24 : 69	22 : 72

**Note:** For the sake of simplicity, we merged the answers “I definitely trust + I somewhat trust” and “I definitely distrust + I somewhat distrust”. The remainder of the 100% figure comprises the answer “I don’t know”.

NA – Comparable data are not available.

\* Figure from November 2003.

**Source:** Institute for Public Affairs, 2003 – 2007; Statistical Office of the Slovak Republic, April 2005.

As for other political and social institutions, the approval ratings and credibility is at lowest level for the political parties. This was true in 1990s and this perception of political parties continues. The increase marked by the survey in November 2006 reflected reaction of the public to the post-election changes and is due to a moderate improvement in approval ratings among the supporters of the current ruling parties (Table 2)

## SATISFACTION WITH DEMOCRACY

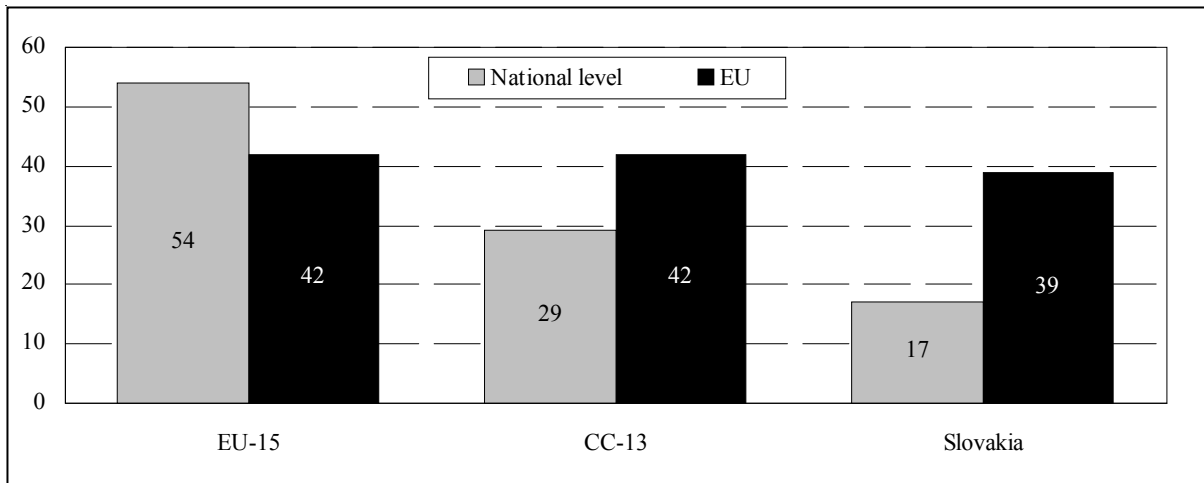
At general level, Slovak public does not perceive quality of democracy as problem. Hierarchy of urgent social problems is dominated by socio-economic problems like unemployment, standard of living, the health care system. When asking explicitly about satisfaction with de-

mocracy – only 22 %<sup>7</sup> are satisfied (in fall 2003 it was even less – 17%, Graph 1). The source of such dissatisfaction are quite obvious – corruption, clientelism, politicians do not care (about people like me), feelings of civic helplessness etc.

Like other new democracies – and unlike ‘old’ EU member states the ratio of satisfaction/dissatisfaction with democracy is higher at the European level than at the national one. In the “old” Member Countries satisfaction with the national democracy prevails but there is considerable dissatisfaction with democracy in the EU. The situation with the “newcomers” is exactly the opposite. We may assume that the reason is limited experience with the practical execution of politics and democracy in the EU. On the other hand, the new democracies face the consolidation of the national political situation. This is understandable. Since consolidating democracies are confronted with many problems, and the perception of the political situation is overshadow-

<sup>7</sup> European Election Study, the survey was conducted in June 2004, shortly after the EP election. For more details see: Gyárfášová, Olga – Veľšic, Marián, 2004. *Volebné správanie slovenských voličov v prvých eurovoľbách a širšie súvislosti vnímania členstva v EÚ. Správa zo sociologického výskumu* [Electoral Behavior of the Slovak Citizens in the First EP Election and Broader Context of EU Membership Perception. Report from a Sociological Survey]. Inštitút pre verejnú otázku. [http://www.ivo.sk/ftp\\_folder/produkt\\_4152.pdf](http://www.ivo.sk/ftp_folder/produkt_4152.pdf).

2. [www.europeanelectionstudy.net](http://www.europeanelectionstudy.net).

**Graph 1****Satisfaction with democracy** (% of very + fairly satisfied)

**Note:** CC-13 = average for 10 new member countries since 2004 + three candidate countries (Bulgaria, Romania, Turkey).

**Source:** Eurobarometer, autumn 2003

owed by social and economic frustration, the trust in political institutions at the national level is often close to zero.

## VOTER PARTICIPATION

In recent years, citizens' political participation expressed by voter turnouts in all types of elections showed a declining trend. Generally, the highest turnout is recorded in parliamentary elections, (84.4 percent in 1992, 75.6 percent in 1994, 84.2 percent in 1998, 70.1 percent in 2002 and 54.7 percent in 2006). The voter turnout in 2006 was the lowest voter participation in parliamentary elections since 1990 (unlike in the period of 1998–2002, non-governmental organizations in 2006 did not pursue any mobilization activities aimed at stimulating voter participation). Turnout was relatively high in the first direct presidential elections in May 1999 (73.9 percent in the first round and 75.5 percent in the second), however in 2004, the presidential elections recorded voter participation of 47.9 percent (first round) and 43.5 percent (second round). Municipal and regional elections typically show lower voter turnouts than do national elections. Voter participation in municipal elections was 63.8 percent in 1990, 52.2 percent in 1994, 54.0 percent in 1998, 49.5 percent in 2002, and 47.7 percent in 2006. In regional elections, voter turnout was 26.0 percent and 22.6 percent (first and second round, respectively)

in 2001 and 18.0 percent and 11.0 percent (first and second round, respectively) in 2005, the lowest turnout in Slovakia's modern history. Turnout of only 17 percent was recorded in the first elections to the European Parliament in 2004.

There are several general as well as specific reasons for the gradually declining voter participation. The former include the changed character of conflicts polarizing the Slovak society compared to the 1990s, social pessimism of a significant share of the population that leads to electoral absenteeism, disenchantment over the direction of society's development, certain 'election fatigue' caused by frequent elections, citizens' underrating the importance of their participation in administering public affairs and declining intensity of political parties' campaigning activities. The latter include mostly voters' insufficient awareness of the role and activities of institutions to which they are supposed to elect their representatives (i.e. regional parliaments or the European Parliament).

As for the 2006 general election the main reasons why 45% of eligible voters refused to take part included frustration and disillusionment stemming from cognitive disorientation and alienation from politics; the common denominator was disenchantment of politics<sup>8</sup>. Unlike in the period of 1998 – 2002, non-governmental organizations in 2006 did not pursue any mobilization activities aimed at stimulating voter participation. The final voter turnout of 54.7% was the lowest voter participation in parliamentary elections since 1990.

<sup>8</sup> Based on representative surveys Slovakia before Election, IVO, April 2006 and post-election survey IVO, July 2006.

**Table 3**  
**Voter turnout in parliamentary, presidential, municipal, regional and European elections**

Date	Parliamentary elections	Municipal elections	Presidential elections		Regional elections		European Parliament elections
			1 <sup>st</sup> round	2 <sup>nd</sup> round	1 <sup>st</sup> round	2 <sup>nd</sup> round	
June 1990	95.4						
November 1990		63.8					
June 1992	84.2						
September 1994	75.7						
November 1994		52.4					
September 1998	84.3						
December 1998		54.0					
May 1999			73.9	75.5			
December 2001					26.0	22.6	
September 2002	70.1						
December 2002		49.5					
April 2004			38.5	43.5			
June 2004							17.0
December 2005					18.0	11.1	
June 2006	54.7						
December 2006		47.7					

Source: Statistical Office of the Slovak Republic.

Equally important as how many voters come to polling stations is what socio-demographic environments they come from. In the 1990s, a typical feature of parliamentary elections in Slovakia was that voter participation in large towns and cities was lower than in small towns and villages. Needless to say, both environments differed in terms of political preferences; reforms and Slovakia's integration ambitions were supported especially in the urban environment. In 1998 and 2002, the differences in voter participation of urban and rural population became more leveled out.

## MEMBERSHIP IN POLITICAL PARTIES

Nationwide, there is a relatively low level of public participation and membership in political parties, about 5 percent according to estimates. The party with the largest membership is the HZDS (approx. 36,000 members), followed by the KDĽ (approx. 18,000), Smer (approx. 15,500), SMK (approx. 12,000), SDKÚ (approx. 8,500) and SNS (approx. 1200). Extra-parliamentary Communist Party of Slovakia (KSS) has approx. 8,7000 members.

Citizens' relatively low rate of organization in political parties reflects mostly the anti-party resentment that was partly inherited from the communist past when party membership was widely viewed as a forced obligation. In Slovakia, public opinion does not view political parties as

authentic actors of democratic and fair vying for political power in a pluralist regime but rather as politicians' vehicles to pursue their egoistic interests and as the primary source of corruption, clientelism and power abuse.

Populist politicians have been unable to capitalize on the lingering lack of trust with respect to established political parties in order to increase their parties' membership, mostly because they did not represent any real alternative to these parties and were viewed by voters as part of the establishment. Even newly established parties that could be described as soft populist (e.g. the SOP or the ANO) were unable to increase their membership during their short existence.

Party members' personal participation in financing political parties is almost negligible in Slovakia as membership fees form only a splinter of their total budgets. Relevant parties cover a vast majority of their financial needs from the state budget in the form of remuneration for election expenditures and contributions for votes received in parliamentary elections; the second most substantial source of funding are sponsorship gifts, mostly from businesspersons.

## TRADE UNIONS

The membership base of trade unions is on a constant decline in Slovakia. Of the total number of 2.3 million

employed people, only 390,000 are members of the Confederation of Trade Unions (KOZ), the largest trade union organization in Slovakia; in 1989, practically all employed people (2.4 million) were members of trade unions. The main reasons behind the declining number of trade unionists in Slovakia include the following: a dramatic decline in public credibility of the leading trade union organization; people's relatively deeply rooted conviction that trade union leaders pursue their own interests at the expense of defending those of employees; finally, strong politicization of trade unions that in recent years showed through the KOZ's open inclination to Smer.. Before the 2006 parliamentary elections the KOZ and Smer formed an alliance, which on the one hand improved election result of Smer and on the other hand affected the incumbent administration's program manifesto, because Smer had promised trade unionists to carry out certain socio-economic measures in case it becomes a ruling party. The leading trade union organization thus became an actual ally of the leading ruling party and a supporter of its populist anti-reform policies, particularly in the field of social affairs.

## NON-GOVERNMENTAL (THIRD) SECTOR

One of the most perceptible displays of 'hard' populists' authoritarianism between 1994 and 1998 was a pressure brought to bear on civil society players, particularly non-governmental organizations and foundations. The third Mečiar administration and the entire ruling coalition of HZDS – SNS – ZRS viewed independent civic initiative as jeopardy to its power ambitions. In 1996, the government drafted a bill on foundations that sparked protests from various segments of the general public. For several months, the intention to adopt the law was criticized by leaders of the third sector. The Gremium of the Third Sector that associated the most relevant civic associations and foundations launched a nationwide campaign called *SOS Tretí sektor* [S.O.S. for the Third Sector]. It was symptomatic that the ruling coalition first announced its intention to pass the law in summer 1995, shortly after George Soros at the economic forum in Crans Montana, Switzerland, criticized certain tendencies in political development of some post-communist countries including Slovakia and openly spoke of the danger of interweaving nationalism, authoritarianism and economic power. Slovak government officials immediately accused Soros of interfering with Slovakia's internal affairs. SNS representatives even charged that through his foundation in Slovakia, Soros was preparing a change in power and that his money would be used to finance a coup d'état in parliament. Leaders of the ruling coalition generally considered performance of

many foundations and civic initiatives as activities aimed against Slovakia's state interests.

In 1995 and 1996, policies pursued by the ruling coalition provoked perceptible discontent among citizens. A concrete display of civic unrest was mass demonstrations and rallies organized by opposition political parties as well as social organizations and civic associations. In 1996, a series of mass demonstrations took place on *Námestie SNP* (Slovak National Uprising Square) and *Námestie Slobody* (Freedom Square) in Bratislava at which tens of thousands of citizens protested against various aspects of government policies (e.g. passing the law on foundations, amending the Criminal Statutes, passing the University Act, so-called 'transformation' of culture, etc.). In November 1996, 17 largest towns in Slovakia staged mass demonstrations commemorating the Velvet Revolution of 1989. Participants of these rallies pointed out that government policies flew right in the face of ideals from November 1989. Leaders of ruling parties, including the HZDS, portrayed the mass protests as attempts of the opposition to destabilize the country's domestic development and a result of manipulation by political groups hostile to Slovakia. Although HZDS leaders advertised intentions to organize mass demonstrations in support of the government, ruling parties in 1995 and 1996 did not manage to organize a single rally that would begin to compare to demonstrations organized by government opponents in terms of public response or number of participants.

The struggle of democratic forces against authoritarianism in the middle of the 1990s was accompanied by general mobilization of most segments of civil society, which peaked by the OK 98 civic campaign before parliamentary elections in 1998. This mobilization addressing especially the younger, urban and more educated electorate resulted in 84 % turnout and helped to deprive the HZDS-SNS-ZRS coalition of its parliamentary majority.

Since then, NGOs have remained active and visible in public life, aiming at building a responsible citizenry, providing services, preserving diversity, testing social innovations, controlling those in power, promoting democratic governance and critically reflecting the country's social, political and economic problems. In so doing, civil society organizations have regularly concluded broader alliances and joint campaigns, such as, for example, the nationwide campaign launched in 2000 to ensure the enactment of a better Freedom of Information Act (supported by over 120 NGOs associating over 100,000 members).

Slovakia has thus developed a culture of civic participation whose central leitmotif is preserving values that stand at the heart of liberal-democratic regimes, despite all diversity in individual civil society players' views on concrete issues. From this perspective, the non-governmental sector, also known as the third, non-profit or civic



**Table 4**  
**Number of NGOs between 2002 and 2006, breakdown by legal status**

Legal status	2002	2003	2004	2005	2006
<b>Civic associations</b>	20,803	20,575	23,789	23,622	27,906
<b>Non-investment funds</b>	345	440	513	493	555
<b>Non-profit organizations providing public benefit services</b>	215	397	831	845	1,365
<b>Foundations</b>	553	249	305	325	475
<b>International NGOs represented in Slovakia</b>			122	115	152
<b>Associations of legal entities</b>					952
<b>Municipal associations</b>					293
<b>Total</b>	<b>21,916</b>	<b>21,661</b>	<b>25,560</b>	<b>25,400</b>	<b>31,698</b>

**Source:** Figures for 2002 as of September 30, 2002, according to Slovakia 2002: A Global Report on the State of Society, with a reference to the Interior Ministry; figures for 2003 as of September 1, 2003, according to Slovakia 2003: A Global Report on the State of Society, with a reference to the Interior Ministry; figures for 2004 as of February 28, 2005, Slovakia 2004: A Global Report on the State of Society according to the Interior Ministry; figures for 2005 as of December 31, 2005, according to the Interior Ministry, www.civil.gov.sk; figures for 2006 as of December 31, 2006 according to the Interior Ministry.

sector, has acted and continues to act as a barrier to populist politics. In the election year 2006, the work of thousands of NGOs and many thousand volunteers serving the social needs of hundreds of thousands of citizens continued. The growth in the total number of NGOs that benefited from the tax assignation mechanism testified to the recent rapid expansion of the third sector. Another trend that illustrates people's increasing interest in free associating and public benefit service and other civic activities was the emergence of new organizations. Although ordinary citizens are mostly aware of large organizations that are effective in commanding public attention and presenting their activities (often specializing in charity, social and medical assistance or humanitarian aid), many recently registered NGOs are small organizations that often operate outside urban centers. Also, public opinion polls carried out in 2006 confirmed that Slovak NGOs enjoy solid prestige in society, and that their public credibility is significantly higher than, for instance, that of political parties.

Since parliamentary elections in 1998, Slovak NGOs have been a traditional 'election player' through various projects to increase voters' awareness, to mobilize them or to monitor the election process. The number, scope and intensity of pre-election activities by non-governmental organizations depended largely on the importance of the elections – but, in spite of certain disenchantment with politics, part of the civic sector was active also prior to the 2002 elections, critical for Slovakia's Euro-Atlantic integration aspirations. Also, many NGOs took an active part in the information campaign before the 2003 referendum on Slovakia's EU accession. The 2006 elections were in fact a reversal of this trend, as after eight years, the third sector did not organize an extensive mobilization campaign before the 2006 parliamentary elections, though some NGOs and civic activists were more visible in municipal elections.

However, there were also some disturbing developments resulting from the Fico's government attempts to introduce legislation that would significantly worsen conditions for non-governmental organizations. The legislation was originally proposed without reaching any agreement beforehand with third sector representatives on a new model or the degree to which NGOs should be supported from public funds. Its implementation would have deprived many NGOs, especially smaller ones, of an important and relatively stable source of income. After several years, a substantial part of the third sector found itself in a state of distress. It was only natural that NGOs protested the proposal and began to mobilize their forces and seek allies in their efforts to force the government to find a different and more acceptable solution. A civic campaign to preserve the tax assignation mechanism, called *People to People*, helped to increase the public profile of civic activists and their organizations. The issue was subsequently picked up by the media, leading to a lively public debate, not only on the future of the third sector and on an appropriate model of supporting it from public funds, but also on the importance of civil society.

At the end, the civic campaign was successful in reaching its goals and the ruling coalition under the pressure of broad alliance of societal actors, especially NGOs and independent media, has been forced to return into the law on income tax the initial provisions about eligibility of all types of NGOs for tax assignation mechanism.

The third sector in Slovakia is entering a new era. While some NGOs (e.g. those specializing in social work) do relatively well, many civil society organizations that have played an important role in society's transformation are forced to redefine their mission; this is true mostly for advocacy and watchdog groups, human rights and environmental organizations but also policy institutes. Also, a certain exhaustion factor has surfaced among individu-

als as well as organizations that has several reasons: firstly, it is not easy to mobilize the public to defend the benefits of democracy as ‘democratization appeals’ seem less effective than before (a good example is implementation of the law on free access to information); secondly, the Slovak society is not yet headed toward greater appreciation of ‘post-materialistic values’, which is why the growing standard of living and consumerism does not – at least at this point – work in favor of strengthening the third sector; finally, activities of other interest groups, for instance business circles, apparently detract from the third sector’s prestige in terms of its ability to change society.

It is almost a part of a conventional wisdom that reasonable governments in democratic countries grant the third sector access to public funds and support its development through legislation. Usually they cooperate with it, but they treat it as a partner even when some NGOs are critical of the government performance. However, it is almost an “iron rule” that the capture of political power by populists leads to clashes of the new power-holders with at least a part of civil society.

## MEDIA

At this point, Slovak media directly participate in political competition only during election campaigns. However, it was not until the 2006 parliamentary elections the valid law allowed participation of private broadcast media whose public credibility and influence on voters’ decision-making is considerable according to public opinion polls. Participation of private broadcast media in election campaign has been an asset to voters’ awareness. Even though the quality of discussion formats broadcast by particular broadcasters varies, viewers find direct confrontation of political rivals attractive. The ambition of print media to bring relevant analysis and comparison of running parties’ political agenda expressed in their election programs is useful for informed voters’ decisions, however they reach a much smaller part of the electorate than television stations.

One can positively evaluate the fact that no broadcaster made a conscious effort to manipulate the public opinion in favor of a concrete subject before the 2006 parliamentary elections, unlike 2002 when TV Markíza providing preferential treatment to political subjects close to its former director Pavol Rusko<sup>9</sup> or 1998 when Slovak State Television strongly favored the incumbent HZDS-SNS-ZRS coalition.

A certain problem is marginalization of smaller political subjects in public Slovak Television (STV). Parties’ long-term voting preferences are a logical criterion for decisions about whether to cover political subjects’ activities in news and journalistic programs. On the one hand, this approach may be perceived positively as the media do not help increase importance of various marginal parties that become alive only shortly before elections and their leaders seek cheap publicity. On the other hand, this approach may in the long term help large parties ‘cement’ their media and political position in terms of election results. While this may be viewed positively in terms of crystallizing the country’s political landscape (the number of parties represented in parliament declined after the 2006 elections), in the long term it may lead to the marginalization of small parties with expert background that are capable of generating progressive ideas and program priorities outside real politics.

In the second half of the 1990s, most relevant media – like the entire society – were divided along political lines. Ever since the country returned to the path of democratic consolidation and political stabilization in 1998, political orientation of most media and particularly the most influential broadcast media has grown less obvious. The media in general are striving for professionalism. Private media are purely business-oriented and openly advertised political orientation might jeopardize their economic success. As for public service media, political parties’ direct influence over them has gradually declined since 1998, thanks in part to newly adopted legislation.

Still, one cannot say that Slovak media operate the same conditions as their Western European counterparts as politicians do continue to attempt to influence broadcasting of public service media. Before 2006 these efforts were relatively subtle as they could not be as directly perceived in these media’s broadcasting, whereas the most recent parliamentary elections brought a strategic turnaround in this respect. A change in this state of affairs was presaged several months after the 2006 elections when a vice-chairman of one ruling party openly announced staking out of political influence in public service media, particularly with respect to news and journalistic programs. This was confirmed by phone calls by the prime minister or culture minister made to the editor-in-chief of STV news desk in which they complained about the content of news programs.

If one looks at Slovak media from the perspective of their value orientation (e.g. their position on the conservative-liberal-social-democratic continuum), their position on socio-economic reforms implemented in recent years or on the completion of the country’s integration to the EU

<sup>9</sup> While still a co-owner of TV Markíza, Pavol Rusko established the Alliance of a New Citizen (ANO), a political party that clinched parliamentary seats mostly on the back of extensive media coverage provided by TV Markíza; after the ANO became part of government, Rusko took the post of parliament vice-chairman and later economy minister.

and NATO, most domestic actors may be described as pro-reform media that more or less successfully adhere to professional standards.

Most influential media retained their pro-reform attitude even after the most recent parliamentary elections and they evaluate the incumbent administration's measures accordingly. Perhaps that, along with the cabinet's poor communication with the media, made Prime Minister Robert Fico feel that the media do not treat the incumbent administration correctly and inform on its activities untruthfully, inaccurately and/or insufficiently. According to Fico, the media "coarsely ignore requests for corrections and if one wants to exercise this right, one must turn to a court of law". The cabinet already discussed this problem and aims to remedy this state of affairs by drafting a new Press Act.

The role of party-affiliated media in terms of their ability to influence public opinion has grown completely marginal over the past decade. This type of media was typical for the country's media market in the first half of the 1990s; in the second half of the decade, as the public interest in these media began to decline, they began to vanish from the market. The Slovak media market grew standardized as particular market segments were purified of media projects that had not been conceived or designed primarily for business purposes. This effectively put an end to party-affiliated or government-affiliated daily newspapers and only people directly involved in politics managed to preserve perceptible influence over media on the nationwide or trans-regional level. This was the case of TV Markíza whose co-owner Pavol Rusko was chairman of a ruling party, vice-chairman of parliament and economic minister, and Rádio Hviezda FM that has been linked to HZDS Vice-Chairman Ján Kovarčík. Due to their declining influence, "sponsors" abandoned party-affiliated media as they proved unsustainable in the long term.

A problem is that practically since their emergence in 1991, Slovak public service media are financially undernourished, which makes them depend on organs of executive power that must tackle their financial problems at regular intervals. This subsequently affects the extent and quality of public service provided by the Slovak Television and the Slovak Radio as well as the degree of independence of news and journalistic programs broadcast by these media.

A different perspective of political control or political influence over the media is offered by journalists themselves. A survey examining various aspects of the jour-

nalistic profession carried out by the Slovak Syndicate of Journalists<sup>10</sup> in 2005 indicated that independence of journalists was one of the most controversial issues. Only one in 20 professional journalists (5%) believes that journalists are independent while almost one in four (23%) believes the opposite; the remaining 57.7% of respondents believed that only some journalists are independent.

However, a comparison to a similar survey carried out in 1997 suggests that journalists perceive external political pressure less frequently. More than half of surveyed journalists said they did not perceive it at all, 38.5% said they perceived it occasionally and 11.1% said such pressure was frequent. The situation is much more serious with regard to economic pressure.<sup>11</sup> Here, more than one in four respondents (28.8%) said they perceived it frequently, two in five respondents (40.2%) said they perceived it occasionally and only one in three respondents (31.1%) claimed not to feel such pressure.

## POPULISTS IN POWER: STATUS QUO AND IMPLICATIONS

The analysis of the initial year of the rule of administration comprising 'soft' and 'hard' populist parties in Slovakia justifies a general conclusion that the institutional framework of consolidated democracy of EU and NATO member states provides sufficient safeguards against such excesses that could jeopardize functionality and stability of key constitutional elements. All three ruling parties had to comply with the liberal democratic model of governance and although some of their measures designed to cement their power position contradicted the spirit of liberal democracy, the foundations of the liberal democratic regime in Slovakia were not directly undermined – unlike the period of Meciar's rule between 1994 and 1998. Besides guarantees of democratic development ensuing from the country's EU membership, an important factor preventing a possible relapse of authoritarianism was the ratio of non-authoritarian (i.e. 'soft') and authoritarian (i.e. 'hard') populists in the government, which was in favor of the former.

The most important changes since inauguration of the populist administration could be perceived in general social atmosphere and the public discourse. The fact that the ruling coalition comprises a dominant left party that de-

<sup>10</sup> Associating over 2,000 journalists operating in Slovakia, the Slovak Syndicate of Journalists (SSN) is the largest professional organization of journalists in the country. The survey was carried out in the form of questionnaire published in May 2005 in the SSN newsletter *Fórum* and sent via e-mail to select SSN members. The questionnaires were collected until the end of July 2005; overall, 374 filled out questionnaires were processed.

<sup>11</sup> Under economic pressure, we refer to influencing journalists' activities or their outputs through economic 'arguments'. This does not include only primitive forms of bribing journalists but all new and sophisticated methods of exerting economic influence over people who operate in the media sector.

fines itself as etatist (Smer) as well as a radical nationalist party (SNS) has led to strengthening the government's etatist, egalitarian, anti-capitalist, nationalist and xenophobic rhetoric that was used to justify some of its measures in the field of practical policies; this rhetoric was the most perceptible during the campaign against natural monopolies, where the government's particular ideological pillars worked in synergy with each other. Another apparent trend was strengthening isolationist trends in the public discourse. The dominant ruling party demonstratively shifted the focus on so-called domestic agenda while doing everything to disparage the importance of foreign policy activities. This approach was in glaring contradiction to the needs of a country that recently gained full-fledged EU and NATO membership that gave it a leverage to influence developments in Europe and in the world, including issues that immediately concern it.

Vis-à-vis civil society, many government officials take an approach that reveals technocratic disdain, bureaucratic incomprehension and political distrust. The incumbent administration's attempt to restrict resources that guarantee long-term sustainability of the non-governmental sector has created an atmosphere of mistrust between the government and many civil society players, which contradicts the declared necessity to develop mutual partnership and cooperation. While the government has so far avoided systematic efforts to create a 'parallel' third sector that would be close to the government or ruling parties (as was the case between 1994 and 1998), suspicions of clientelism surrounding some decisions to support certain non-profit organizations coupled with verbal attacks on NGOs with 'unsuitable' orientation indicate that (apart from certain exceptions) the ruling coalition does not consider the third sector in its present condition a real partner that could contribute to tackling the existing social problems.

Frequent attacks on the media on the part of prime minister Fico and some of his closest associates went beyond the framework of standard tensions between politicians and journalists as they questioned the very mission of independent media in a free democratic society. Many government officials refuse to take part in the public debate in the form of an open dialogue; instead, they seem to prefer a monologue in which they 'convey the truth' to their supporters while consciously taking advantage of inadequate public knowledge about some intricate phenomena and problems. Hand in hand with this approach came efforts to restrict access of citizens and the media to information that is essential in the process of preparing and implementing practical political measures. In their communication with citizens, top government officials – particularly Smer representatives – placed excessive emphasis on material needs and even tried to degrade social needs not clear what you mean by "social needs" to satisfaction of primary material needs. Values of non-material nature as well as issues

related to development of the Slovak society in the horizon of several decades were virtually absent from messages the government conveyed to the voters.

During the previous period, dominant political forces strove to come up with certain concepts of reform measures in the form of more or less coherent strategies that were based mostly on the necessity to extend the space for free market mechanisms. By contrast, the political forces that rose to power after the 2006 elections have not presented any integral vision of a society they intend to build nor the strategy of achieving that objective. So far, their performance in government has been a combination of a pragmatic approach aimed at sustaining positive economic development trends inherited from the previous administration, haphazard improvisation in tackling lingering problems and selective fulfillment of some election promises in order to maintain sufficient voter support.

## CONCLUSIONS

During almost 18 years of Slovakia's societal transformation, populist political forces in various modifications proved they can rely on sufficient public support and are able to gain a dominant position in government. After they obtain political power, they strive to cement their power position and create favorable conditions for its permanent reproduction. Before Slovakia joined the EU and NATO, their efforts clashed with constraints created by the liberal-democratic regime. Eventually, uprooting of the liberal democratic regime was prevented by active resistance on the part of civil society and especially pro-democratic forces that established broader alliances aimed at ousting the populists from power by lawful means. Under less favorable circumstances (e.g. stronger public support for populists at the expense of democratic forces in 1998), authoritarian political forces might have broken these constraints and established an undemocratic regime that would have slowed or stopped Slovakia's integration into Euro-Atlantic community of democratic states.

Thanks to Slovakia's full-fledged EU membership, the system of democratic institutions is now much more consolidated; the populists do not openly question democratic rules and their immediate participation in government does not threaten to undermine the liberal democratic regime. Not a single ruling party currently in power in Slovakia is an anti-system party with ambitions to dismantle the liberal democratic regime. Still, the values preferred by populist parties currently in power (i.e. etatism, clientelism and ethnic nationalism) may erode the foundations of the liberal democratic regime, particularly in the field of public administration, self-governance, free market mechanisms, ethnic minorities and foreign policy.



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**POPULISM AND LIBERAL DEMOCRACY IN CENTRAL AND EASTERN EUROPE**

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