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## The shadows of the past?

What explains the unsteady progress in some certain areas of the reform process in post communist Central Europe? – A comparison of the Czech Republic, Slovakia, Poland and Hungary

Master's thesis in Political Science  
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## Introduction

How are the countries in Central Europe doing two decades since the fall of communism? Poland, Czech Republic, Slovakia and Hungary are four countries that immediately after 1989 began processes of democratization and the development of a market economy. The countries had a difficult and long way to go - big changes had to be made in their societies.

Membership in both NATO and EU was definitely a milestone, a long process since the beginning of the 1990s that lasted until 2004, was finally over. Today it is definitely interesting to compare them. After all, they did not entirely follow each other along the same path. And although the transformation in many ways has been completed, there are still some critical issues left that will have to be worked out, which means that they are still far away from the end of their “journey”. For instance, improvements when it comes to governance, and to make up for the economic growth, are just some of those critical things which have been on the agenda since 1989.

I have considered the studies made by *Nations in Transit*, which is a comprehensive, comparative and multidimensional study of reform, in former communist countries, in Europe and Eurasia. This study tracks the reform record among these countries. By this study, we are capable of taking a closer look on how these countries, and their societies, are functioning, and how they have developed ever since the first years after communism, until today. While studying, and comparing the countries in the northern tier of Central Europe, we can see that some areas are improving, while some others are going quite unsteadily and have gotten somewhat worse. To be more specific, we can see that the scores for the independent media have gotten worse in Poland, Hungary, Czech Republic and Slovakia since 2002, while scores for national democratic governance have gotten worse in all the countries since 2002, while in Hungary, it first improved, before it got worse in the last few years. Judicial framework and independence have become worse in Poland and Slovakia, but have somewhat improved in the Czech Republic. In Hungary, scores in this area have become worse since 2010, after improving from 2002. Last but not least, the level of corruption has gotten worse since in Poland, Hungary, and Slovakia since 2002, while in the Czech Republic it had a small improvement since 2002, but it has basically the same score as the others.

Based on these results, it seems that corruption, judicial independence, media independence and national governance remain issues in the countries in the northern tier of Central Europe. Why is that? And couldn't we expect that these issues would have become better before and even after they became EU-members? What is going on in these societies



that can explain their possible unsteady progress in these areas – what can be said to be holding them back? Can we find common or different explanations for it? With this in mind, I want to highlight the following question or puzzle: *What explains the unsteady progress in some certain areas of the reform process in Czech Republic, Slovakia, Poland and Hungary?*

This puzzle is both interesting and important to ask. Firstly: it might give us an impression of how well these post communist countries are doing and functioning today. Second: it can give us an answer of how successful their earlier choices, and shaping of society after communism have been, ever since these choices were made. Thirdly: if their progress, unsteady, steady or worse, can be explained by the same or different factors. One basic point, as that we can be able to track down post communist difficulties, which might be general issues that countries with their former background and history, must be dealing with for a long time to come. Especially the recent development in Hungary since the 2010 election is particularly interesting, and rather dramatic.

The *Nation in Transit* data will not be given a strong weight in my thesis, apart from the fact that the data generated by Freedom House, with the pattern I have found among four of their annually measured variables, constitute the starting point for my analysis: unsteady process. The background for these variables' ratings will also be used in the theory- and analyze section, to contribute explaining their possible unsteady process, or the risk for it, or even the risk for democratic backslide. The thesis focuses primarily on the post-communist era (i.e., post-1989), although there will be some reference also to pre-communist and communist times. This thesis is a most-similar cases design, in which I will compare rather similar cases, which only differs on the dependent variable(s), and differences on the dependent variables are expected.

**1.0 Justifying and explaining the measures in *Nations in Transit***

My thesis focuses on unsteady *process* (or *progress*). Insofar as *Nations in Transit* tracks the reform record in former communist countries, I have considered their scores in *Nations in Transit* even further back - since 1997, and I find a pattern (though not a very strong one, because of some lack of data) that their process was going rather steady, and improved in most areas between 1989 and the late 1990s. I will not focus on *Nations in Transit* from this period however, but the point is: this was perhaps something one could expect, based on the fact that one of their biggest goals after transition was to join the EU, while building up their societies after 40 years of communism. But a short time after the millennium, according to *Nations in Transit*, some certain areas have gotten worse, which we might consider as rather surprising. In other areas which *Nations in Transit* also measures, like electoral process, and civil society on the other hand, the process has been steady in all these countries (except for in Hungary). Those areas will not be discussed here, I will focus on those four areas all of these countries seem to struggle with.

**Table 1.0** Their scores in Nations in Transit 2002-2011

Independent Media											National Democratic Governance										
Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Czech R.	2.50	2.25	2.25	2.00	2.00	2.25	2.25	2.25	2.50	2.50	Czech R.	2.25	2.25	2.25	2.50	2.50	3.00	2.75	2.75	2.75	2.75
Poland	1.50	1.75	1.75	1.50	1.75	2.25	2.25	2.00	2.25	2.25	Poland	2.00	2.00	2.00	2.50	2.75	3.25	3.50	3.25	3.25	2.75
Slovakia	2.00	2.00	2.25	2.25	2.25	2.25	2.50	2.75	3.00	3.00	Slovakia	2.25	2.25	2.25	2.00	2.00	2.25	2.50	2.75	3.00	2.75
Hungary	2.25	2.25	2.25	2.50	2.50	2.50	2.50	2.50	2.75	3.25	Hungary	n/a	n/a	n/a	2.00	2.00	2.25	2.25	2.50	2.50	3.00

Judicial Framework and Independence											Corruption										
Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Czech R.	2.50	2.50	2.50	2.50	2.25	2.00	2.00	2.25	2.00	2.00	Czech R.	3.75	3.50	3.50	3.50	3.50	3.50	3.25	3.25	3.25	3.25
Poland	1.50	1.50	1.50	2.00	2.25	2.25	2.50	2.25	2.50	2.50	Poland	2.25	2.50	2.50	3.00	3.25	3.00	3.00	2.75	3.25	3.25
Slovakia	2.00	2.00	2.00	2.00	2.00	2.25	2.50	2.75	3.00	2.75	Slovakia	3.25	3.25	3.25	3.00	3.00	3.25	3.25	3.25	3.75	3.50
Hungary	2.00	1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.25	Hungary	3.00	2.75	2.75	2.75	3.00	3.00	3.00	3.25	3.50	3.50

(These scores are measured by certain criteria's set by Nations in Transit, each year, and reflects the consensus of Freedom House, it's academic advisers and the author(s) of the reports, with ratings based on a scale from 1-7m where 1 is the highest level of democratic progress). (Freedom House 2011 1: Democracy Scores).

Above, I have listed up the scores for the 4 different areas of the reform process. How *Nations in Transit* rate and measure these sides of the reform process can be viewed in Appendix 1.

## Why be bothered?

Why should we be bothered about these sides of their democratic process? Let's start with corruption; here I have chosen first to use a quotation which I believe hit the spot pretty well:

**"Not only does corruption point society in the wrong direction, but it also exhausts Governmental legitimacy, supports the wrong kind of public leadership, and sets the wrong kind of example for future generations. It contaminates.(...) Corruption undermines political decisions, leads to inefficient use of resources and benefits the unscrupulous.(...) Corruption involves the loss of moral authority, weakens the efficiency of government operations, increases opportunities for organized crime, adds to taxpayers 'burdens. (...) It is something everybody pays for at huge cost. (...) And it allows immunity for criminal acts."**(UNDP 2002:29).

All these issues endanger the foundations of emerging democracies, governance practices and economies, in transition. EU's Strategy Paper (2002) describes corruption as a serious concern in Czech Republic, Slovakia and Poland, and remains a concern in Hungary. Although a comprehensive strategy has been adopted to deal with the problem, the concrete results have been so far limited – and in particular to build a political, administrative and business culture which can resist it. The EU asserted then, that corruption “threatens to undermine the functioning of many public spheres (McManus Czubinska et al 2004: 107). I would argue that the extent of corruption shows a deficit in democratic governance. We can see from the measures according to *Nations in Transit* that this problem has gotten worse in Hungary, Slovakia and Poland since 2002, and remained a major problem in the Czech Republic. Why corruption is still such a major issue in all these countries, even though they have gone through the preparations (acquis communautaire) for EU-membership, and eventually became full members, demands an explanation. We can definitely claim that this is holding their societies more backwards, and it is important to consider the causes of it, and look at what that has been done so far.

The rating for national governance has become worse since 2002 in all the countries. It is well known that state capacity and its institutional effectiveness in the regions are rather weak, if we compare them with their Western counterparts. I believe the reasons for weak national governance will be very important to analyze deeply, because I believe strongly that it has an important connection to the problems in the three other areas - why corruption still is

a problem, and independence of media and judicial framework. Weak governance has been explained as the main obstacle to both economic development, and the legitimacy of democratic government, where corruption has been indicated as its worst consequence (Surdej 2005:5). In Hungary, with the new Fidesz government that came to power in 2010, a series of steps have been taken, which have resulted in a serious backslide in its democratic development (Kovács & Hevesi 2011:237).

Juridical framework and independence have developed somewhat better in the Czech Republic, while in Hungary, Poland and Slovakia they have gotten worse since 2002. The juridical framework and its independence are important. According to Christopher Walker's book, *The Perpetual Battle – Corruption in the Former Soviet Union and the New EU Members*, corruption has persisted at a high level in the new EU-states, and in Central Europe, despite the improved environments for the media and civil society, in large part to stubborn problems with the judiciary. Some EU states have made progress on judicial reforms over the past decade, but cases of alleged corruption by senior officials, once exposed, rarely end with guilty verdicts and meaningful punishments (Walker 2011:13). In Hungary, several steps have been taken recently to weaken the courts, while the Hungarian government has struggled earlier with lack of transparency and accountability (Kovács & Hevesi 2011:238).

The media play an important role to inform the citizens of a state, and in that way, they are important to monitor how democracy is working (even though they can be viewed as a profit generating business). Throughout the 1990s and early 2000s, the independent media were repeatedly challenged in all countries in Central Europe. Practically all of the new political elites have exerted pressure on the media, and have sought to impose their line, and suppress critical voices (Hume 2011:13). The development of the free and independent media in Central Europe is definitely important, and has contributed to growing awareness of for instance the pervasiveness of corruption. Without independence, the media will be more influenced by political considerations of who supports whom, rather than solid facts and arguments. Political control of the independent media constitutes an enormous potential for corruption and rent seeking (Lizal & Kočenda: 20). Recently in Hungary, the government has drastically reduced the independence of the media, which can be considered highly problematic. The new media legislation which presented fundamental reforms has raised serious concern. It drastically reduced the independence of public-service television and radio broadcasting, and even established a new regulatory system with stronger authority over broadcast media, printed publications, even the internet (Kovacs & Hevesi 2011:238). For instance, in December 2011, this Hungarian Media Council shut down one of the few

remaining independent radio stations (KlubRadio) (Freedom House 2011 2). These all involved changes, reflected in the new Constitution which came into force from 1 January 2012.

So keeping in mind my thesis, what is holding these countries back? And what is the reason for Hungary's recently backsliding, to a situation that seems similar to pre 1989, and where the situation is perhaps even more dramatic than in the other countries? To manage to find explanations for this puzzle, we first need some theories that can lead us on the way, and to be able to find patterns. When I have gone through these theories, I will continue explain the choice of method, and why I have chosen to compare these four countries in the first place. Then I'll go into the analysis part – where I will test and compare each of the countries on my theories, to find explanatory patterns, and similarities and differences. The EU's role upon these countries will also, in the end, be discussed, before I will reach a conclusion based on my findings.

## **2.0 Theories- what might explain their unsteady progress in these certain areas?**

In this section, I will go through possible theories explaining the dependent variable. In the end I should have at least 4 theories with which to work, and test upon the four countries. I will also make a hypothesis for each theory that can be confirmed or rejected after my analysis.

### **History and communist legacy**

From to Jeffrey Kopstein's article, "Post Communist Democracy – Legacies and Outcomes", I find one possible explanation – and that is history and culture: "The region's sham democracies and outright dictatorships, widespread rural poverty, and comically corrupt bureaucracies all lent credence to the well-established belief that there was something different about the lands east of the Elbe river and in the Danubian basin that made them pale imitations of real democracies and advanced economies. They were simply not "European"" (2003:246). Communism in itself also did a great deal of developmental damage in these countries, and several institutions have been difficult to reform. Most civil societies (which is my next theory) in the region can also be characterized by a lack of respect for the law which has been inherited from centuries of foreign occupation or domination. Previous and current economic complexities, with traditional clan structures can have contributed to the perception that "corruption is a daily fact of life from which everybody benefits, and in that case, it is not a crime, as there are no victims" (UNDP 2002:7) Furthermore, according to UNDP (2002), the main reason for the lack of success in anti corruption work, are the lack of political will, lack of knowledge and experience, weak institutions, lack of coordination and cooperation with civil society. Karl Kaser describes the state capacity and its institutional effectiveness in the region as weak, compared to those in Western Europe. This is also described to have historical roots. The emerging Western type of state has been able to set rules and execute them, but the Eastern states lack the power in the form of institutional penetration to fully execute its laws (Kaser 2010:95). I would suggest that this is also strongly explained by legacies.

Michael Minkenberg is among those who have written about the pre-1989 legacies and the radical right in post-1989 Central and Eastern Europe. His thoughts go into the theory that the radical right in the region is a phenomenon inherently shaped by the historical forces of state socialism, the transformation process, and in contrast to those parties in Western Europe, most extreme ideologically and anti-democratic (Minkenberg 2009:445). I would suggest that

it might even be described as a pre-communist phenomenon also. Some of these parties' leaders are atavistic and highly nationalistic; that is especially the recent case with Jobbik in Hungary. Lenka Bustikova and Herbert Kitschfelt also find that highly polarized patrimonial regimes are the most fertile ground for the radical right, due to high level of inequality and dissatisfaction resulting from a dismantling of the welfare state (Bustikova et al 2009:459). Legacy, they say, is static, and changes slowly, if at all. It even casts a shadow over dynamic processes; such as democratization and the transition to market economies (Bustikova et al. 2009:481). How have right-wing parties affected these countries and what might that affection be an indication of? The radical right party in Poland, the LPR (League of Polish Families), was founded in 2001 as a merger of several small right-parties - several of them were radical nationalists. The LPR was also the only Polish party to be against EU-membership, and was in government with the two parties PiS (Law and Justice) and Samoobrona in 2006-2007 (Holm-Hansen 2008:322). This party has since that election not been relevant, however (World Election 2011). The Republican Party of Czechoslovakia was a radical right populist party in Czech Republic that was represented in government in 1992 and 1998, before it declined and lost support, and eventually fragmented. Since then, radical right forces have not been capable of uniting, and despite proactive burst and high profile, they have remained electorally and politically marginal (Hanley 2010: 2). In Slovakia, on the other hand, we find the Slovak National party. This party has won seats in every election since 1990 (except for 2002), and is described as ultra-nationalist, right-wing (Harris 2010:186-7). In Hungary, it is perhaps even more interesting, considering the recent influence of the right wing nationalist Jobbik, which is known for its marches, nazi-like symbols and its hatred of Jews and gypsies, as well as its support for Hungarian minorities in the region. According to Jobbik's member in Parliament, Gábor Staud, the Hungarian society never accepted the consequences of the Trianon Treaty of 1920, where Hungary was left with 37 percent of its prewar population, and 28 percent of its prewar territory, and a third of all the Margyars were turned over to foreign rule (hungarianambiance 2011, Pauley 1972:88). Right-wing parties tend to be nationalistic and anti-democratic- and are challenging the state of affairs.

Populist parties have also influenced all of these countries. One theory is that they also manage to attract voters in difficult times, or in the intoxication of disappointment of the transition, and that doesn't seem to make these countries' progress any steadier. The influence all such parties have had in the four countries is something that should not be overlooked; they do seem to be partly explained by historical legacies, which might be capable of affecting politics inside consolidated democracies. In several countries of Central and East

Europe, populist parties have scored surprisingly significant successes in the last couple of years (Mareš 2011:283). It is important to emphasize that not all such populist parties are anti-democratic, but the most extreme (and therefore as well as problematic) populist parties often tend to press for radical reforms, challenging the state of affairs, and pose a threat to constitutionalism, in the sense that they put pressure on constitutional checks and balances (Akkerman 2003:150).

The reason for the problem with media's "lack" of independence remains rather confusing. I also believe that it can have a connection to their common communist past and to something that hides behind the scenes. Ellen Hume believes that the economic crisis in 2008, revealed fragility in democratic institutions, and gave a political setback against democratic reforms in 1990 (Hume 2011:14). In that case, it is the same theory as I mentioned above – communist legacy. The new media law in Hungary for instance, has been described as a phenomenon not seen in Central Europe since the collapse of communist rule, and the new government has established a strong one-party control over public and private media (Hume 2011:37). According to Péter Molnár, a liberal member of the first post-communist Hungarian Parliament, cultural factors might have stunted necessary changes after 1989. There was a less turnover in people and policies, he says, compared to for instance the Czech Republic. More people collaborated with communism, because it was "softer" in Hungary (Molnár, as cited in Hume 2011:42).

So the first theory is legacy. Developmental damage, lack of institutional effectiveness, and weak state capacity may also be explained this legacy, and I would assume that this is a factor which is holding certain reform process areas unsteady, or weaker. I also consider the lack of political will to be a part of it this theory, because of the unresponsiveness the political rulers had during the communist phase, and it might continue to have influence at the political arena today. Economy and economic development are also an important part of legacies, I will argue. I will try to avoid going further back into history than necessary - then it might become more complicated than it should be, and even though Czechoslovakia has a longer and wider democratic history than Poland and Hungary, we can see that the Czech Republic (and Slovakia), seem to be basically struggling with the same issues. That might be a proof that the longer democratic tradition in Czechoslovakia isn't *necessarily* an important factor.

In the end, I support my first theory by referring to Vachudova's study of trajectories in post-communist states, which is a part of a literature in comparative politics; that study argues that the most important factor shaping the political and economic trajectories of former East European post communist states, is the legacies of the past (Vachudova 2005:21), and I



consider this to be a very strong theory. These are all legacies which might affect the countries progress today. Vachudova (2005:21) claims that important legacies include political traditions and economic development before communism, as well as during communism. If we compare possible relevant historical tendencies, Czechoslovakia is, for instance, not a striking example of native fascism in interwar Eastern Europe. The Sudeten fascism, which emerged in the country, appears not to be more than a “replica” and an agent, of the Nazi movement across the frontier, according to Joseph Zacek. The Slovak autonomists and separatists inside Czechoslovakia were often called “clerico-fascist”, at least after 1939. In other words, the country was not entirely immune to the Fascist appeal, however, the appeal of fascism was rather weak (Zacek 1971: 56-7). Hungary, historically, has been affected by anti-democratic movements, such as fascism and Nazism. For instance, the influence of the nazi movement reached its highest in the end of the 1930s, and the movement did not continue to grow, partly because of the fascistic tendencies in the government, which divided social support of this fascist faction (Ranki 1971:71). In the interwar period, fascism was not particularly important in Poland. At least numerically, it could not compare with even lesser political parties in the country, and it had no mass following. However, there were more traces of anti-Semitism (Wandycz 1971:97).

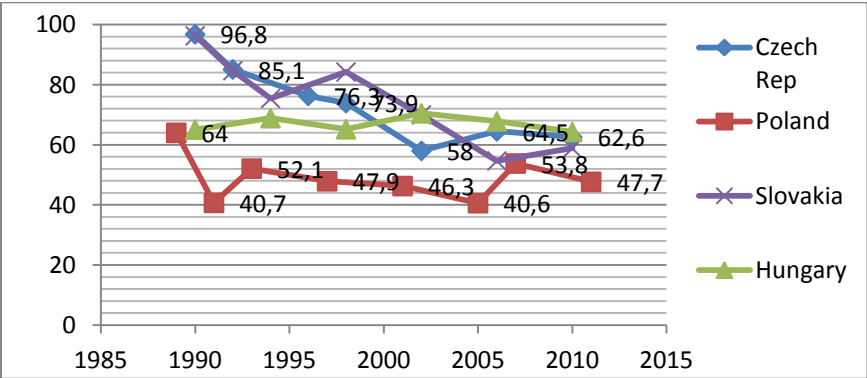
H<sup>1</sup> The shadows of the past (historical and communist legacies) is a strong indicator, explaining their potential risk for unsteady democratic progress, or backslide.

### **Strength of civil society**

Some of the challenges after Communism were to develop liberal democratic institutions, market economy, and not least a civil society. "Uncivil society" and weak government commitment are generally viewed as key causes of the limited success in anti-corruption efforts to date (UNDP 2002:4, 7). Civil society has a role to play in holding the governments accountable, and what may be said of most civil societies in the region, is that they have a weaker tradition of self-organization and participation in governance processes. Government officials understand well the opportunities to use their positions for private gain, particularly in the context of transition, with all the constant changes, unclear divisions of responsibilities, and gaps in the legal system (UNDP 2002:7) After 1989 a strong civil society was, at least in the literature, meant as the ideal way to dislodge corrupt and incompetent governments, to fortify civil liberties, and human rights, to promote good governance and economic

prosperity. That could ensure the stability of democracy (Mungiu-Pippidi 2010:5). Just as social accountability is defined in the World Bank as an approach that relies much on civic engagements, which means a broad range of actions and mechanisms, that can be used by citizens, independent media, communities and civil society organizations, to hold officials and servants accountable. I expect this to be an important explanation regarding my thesis, because during communism, the growth of the civil society was stunted, people were taught to mistrust each other and to put their trust in the communist party. On the table below we can see the voting turnout in all four countries since the first election after communism. The turnout has been especially low in Poland, as we can see, while it has been declining quite a lot in the other two countries. In Hungary, on the other hand, the voting turnout has been remarkably stable. However, civil society there is also described as rather weak, judging by West European standards. It suffers from the same problem as other countries in the region, which means lack of broad membership base and funding limitations. At the turn of the century, for instance, as many as 75 percent of Hungarians did not belong to any civil society group and 86 percent did no voluntary work (Fazekas 2010:5).

**Figure 2.0** Voting turnout



Poland is also an interesting puzzle, when discussing the communist era. Many Poles were engaged in building the elaborate organizational structures of the Solidarity movement in the 1980s. As a matter of fact, 1/4 of the population were members of this movement, there was a large civic activity in the country at that time. There was also a strong activity in Hungary and Czechoslovakia as well, but not as powerful as in Poland (Ramet 2009:88). After the fall of communism, and the time after the first election, this situation has seemed to have changed in the countries, with declining voter turnout, and lack of engagement by the civil society. As Tworzecki points out, the forces behind civic engagement in the four rather new democracies, however complex, in the end turn out to be quite familiar. Although the northern tier states are regarded as cases of rapid and successful democratic consolidation, the same cannot be told

about their institutions of political representation (Tworzecki 2008:47, 58). But all post communistic societies will have special problems with the task of representation (Linz & Stepan 1996:269).

**Table 2.0** Strong v.s. weak civil society

	Strong civil society	Weak civil society
Strong state	Basis for responsive effective democracy	Strong state autonomy, dangers of unresponsiveness, and potential for prerogative state power
Weak state	Overburdening strain on state capacities, ineffectiveness in responding to the demands of constituencies.	Formless polity, ineffective and unresponsive state, high probability of regime breakdown

Michael Bernhard (1996:19) has this table that can help us understanding the relationship between a weak/strong state and the strength of civil society.

It can be explained by people's expectations for the future, after the democratic transformation, that they became disappointed by the day-to-day reality (Sieminska 2006:203). The main theory is that the lack of engagement by the civil society explains the possible lack of political will, and unresponsiveness, among the rulers.

H<sup>2</sup> The strength of their civil societies, is a strong indicator explaining their potential risk for unsteady democratic progress, or backslide.

### **Patterns of transition**

After the end of communism, the countries went through a transition towards democracy and market economy, so that they could be capable of Europeanize themselves. One of the tasks was to deal with their communist past. And the dealing with the past, and the transition to democracy might be a very important variable, to explain their recent progress. Many critical choices were made during the transition and these choices are following them. If we compare Czechoslovakia, Hungary, and Poland, there is a difference, in the sense that in Poland and Hungary, there were negotiations in 1989, between the communists and the opposition. In Poland, one of the several claims the communists had, was the first election was to be "partly open", which meant that many seats in the parliament would have to be reserved for the communists. In Hungary the transition was characterized by non-violence and round table talks between the communist in power, and the organizations of the emerging oppositions. There was also a genuine desire to reach consensus through negotiations. For Hungary, it was more about building democracy for the first time, opposition strategies were based on experience from historical processes and events (Bozóki & Simon 2010:209-10). The negotiations could take place, after learning from the similar situation in Poland. In

Czechoslovakia on the other hand, there was no strong reformist group in the communist party that might have eased the transition, by opening negotiations with the opposition before November 1989. At the same time, people in Czechoslovakia refused to forgive the communists, and wanted instead to seek punishment. Such punishment did not happen in Poland or Hungary (Moran 1994: 102-3). The now deceased president, Lech Kaczyński, argued that this lack of a more fundamental punishment for former communists, and the fact that many of them managed to keep their positions is the reason for Poland's struggle with corruption and social difficulties, today (Holm-Hansen 2008:319). But this is false, since even the Czechs are struggling with corruption today. Besides, this theory assumes that only former communists have been corrupt, which is most unlikely. However, the post communist countries in Central Europe have dealt with their past in different ways.

The main point is this: Munck and Leff (1997:343) claim that transition, as a period of regime change is both formative and founding moments, because it sets a society on a path that shapes subsequent political developments. They define the mode of transition in terms of the identity of the actors who drive the transition process, and also the strategies they employ. They argue that these strategies and the modalities shape the new regime and politics, and this by affecting the elite competition, institutional rules, and disposition of key actors to accept or reject the new rules of the game. So not just by looking at the transition, but also by examining the institutional choices that were made and find the reasons for these choices can indeed be interesting, and this is my next theory.

As I mentioned in the first theory, history and legacy, the rise of radical-right parties in the countries can also be explained by this process, following the dismantling of the Warsaw Pact, and the difficulties it created for these new-established societies, which gave an opportunity for a rise of right-wing tendencies. This might be even more relevant for Hungary and the rise of Jobbik, and support for populist Fidesz. Shocks from the transformation are mentioned as one factor that can explain the worsened conditions for the media's independence. The peaceful transition from the communists looked to be an advantage at the time, but now, it might seem that not enough has changed. Some liberal intellectuals, like the communists before them, expected favorable coverage from the media when they took power (Hume 2011: 14), which one can assume is rather normal, but attempts to take control over the free press, do not signal a break with the past.

Judicial framework and independence can be a result of the transition also, but according to Michal Bobek, it has more to do with the judicial mentality and self image. He points out that the Czech judiciary, with other Central European countries, still has a number of

transition problems (Bobek 2008:1). Since 1990, regulations since 1990 have allowed the old communist academic community to elect deans, who have largely protected the status quo, their own jobs, and incompetence, within the law faculty. This has had devastating effects on recruitment, and old unqualified professors remain on the job (Bobek 2008:6). It is surely also important if the countries have made the necessary reforms in the judiciary, since the transition began.

Media ownership has a connection to the transition process too, like legacies. According to article 11, paragraph 2, of the Charter of Fundamental Rights of the European Union, “The freedom and pluralism of the media shall be respected”. Council of Europe Recommendation No. R (99) recommends that “member states should consider the introduction of legislation designed to prevent or counteract concentration that might endanger media pluralism at the national, regional or local levels” (quoted in Hrvatin & Petković 2004:10-11). Media owners may in fact influence media content. Sandra B. Hrvatin and Brankica Petković have analyzed the media in different countries, including the Czech Republic, Poland, Hungary, and Slovakia. They point out that media systems in the countries differ from one another; however, some trends are common to all; so media concentration and its impact on media pluralism, and independence need special attention, they claim (Hrvatin & Petković 2004:35). The same authors mention the possibility that there might be a lack of political will to transform the former-state run media into service media for the public. And when having in mind ownership, it might be that media firms are owned by people who are deeply involved with political power (Hume 2011:40). Konstanty Gerbert writes that even though the party/state media monopoly was broken up in the end of communism in Poland, the government to this day keeps 49 percent of shares of a major daily newspaper, and state broadcast media, especially TV, are totally subservient to whatever government is in power, making a mockery of their stated mission as public servants (Gerbert 2010:147).

Also important under this theory, is the privatization process. One of the many tasks the countries had, after the fall of the iron curtain, was to go into such process. Aleksander Surdej shows how opportunities for corruption and corrupt practices in Poland, have been facilitated by political choices, regarding the privatization of state-owned companies, and the political climate for acceptance (or tolerance of) for enrichment at the cost of the state. He says one of the biggest dilemmas reformers had in all post-communist countries, can be summarized like this: how to privatize state-owned enterprises in the absence of sufficient capital (Surdej 2005:13). Privatization was done in some different ways in these countries, and they all had

their negative and positive results. The private sector is generally among the most corrupt sectors in these countries.

H<sup>3</sup> Pattern of transition, as founding moment shaping their societies, is a strong indicator explaining their potential risk for unsteady democratic progress, or democratic backslide.

### **Constitutions and institutions**

My next theory is constitutions and institutions. New constitutions (and institutions) were adopted by all the countries a short time after the end of communism, and their impact on ordinary politics has many aspects; a constitution defines the ground rules to day-to-day legislation and government is to be conducted (Elster et al. 1998:64). Institutional making is therefore also relevant, as a result of the constitution. Do their constitutions and institutions have any important weaknesses that can make them vulnerable?

The argument is that constitutions and institutions are said to define the rules of the “game” and if we consider variations in the details of constitutional design to have important effects on public policies, and even welfare within a country, clear weaknesses in institutions and constitutions inside these four countries, can turn out to be important. One can ask if their institutions were changed enough, during the transition - in absence of proper institutional mechanisms, where there is a higher possibility for manipulations and backdoors. Their constitutions have been amended several times since the transition, and such processes are obviously also important, since it can contribute to stability and durability of the constitutional regime, which may have effect on welfare, prosperity, health, and trust promoted by stable public policies (Congleton & Rasch 2005:537). Kunicová & Rose-Ackerman (2005: 598-9) argue that the essential determinant, which explains post-communist institutional outcomes, is the self-interest of politicians, who control the process of institutional choice, and politicians are more or less concerned with their ability to extract rents from the state itself. Electoral rules have been shown to affect the incentives the political actors has, to organize political parties, how parties and politicians compete for votes, and party discipline (Kunivocá & Rose-Ackerman 2005:574). This theory can have a connection to the transition theory, but both institutions and constitutions have been changed along the way in most of the countries, therefore I regard it as an own theory. Programs in fighting for instance corruption have been adopted by the various governments, and those in power can,

theoretically, create rent-seeking opportunities with a small oversight inside government (Kunicová & Rose-Ackerman 2005:585)

H<sup>4</sup> Weaknesses in their constitutions and institutions, is a strong indicator explaining their potential risk for unsteady democratic progress, or backslide.

## **2.1 Method**

A sensible way to compare two or more countries is a combination of comparative case study, historical study and statistical study, in other words, combining different types of methods, to get causal explanations that are convincing, both empirically, and theoretically. The analyses will be based on secondary literature and existing data. When comparing the countries, I will keep in mind the methods of comparing; one is the method of difference/most similar systems, where I compare rather similar cases, which only differs on the dependent variable(s). The logic of the method of difference is as following; it compares political or social systems that share some common features, as a way of neutralizing some differences, while others get highlighted. Case selection is used in a way to control for causal effect. All cases share basic characteristics, but vary to some key explanatory factors (Knutsen & Moses 2007:98). The method of difference requires variation on the dependent variable(s).

According to Lijphart, we can also distinguish between six types of case study, and the one probably most suitable for my thesis, is theory-confirming case study. Such studies aim to test an existing hypothesis or theory (Knutsen & Moses 2007:132-3). And that is what I will do - test certain theories upon the four countries. A theory-confirming case study tries to figure out the degree to which a given case fits a general proposition, and the explanatory power to the theories. It focuses on a particular case within a case study, which is singled out among other cases, and is analyzed within theoretical and empirical context of this set of cases. The deviant case may be likened to the “experimental” group (Lijphart 1971:693).

However, the basic point is that the choice of the aforementioned three different methods should make my results and evidence, stronger. The comparative case study can produce limited generalizations, concerning causes, the historical method generate a trustworthy knowledge of what actually happened, and is used as building block for comparative research, while statistics, can prove possible causal relations, and makes the results even more convincing. Statistical method contains data analysis of events already occurred, and can bring better generalizations of the results.

## **2.2 Why compare these four countries?**

First of all, all these countries are situated in the northern tier of Central Europe, and are adjacent to each other. This is a very common reason to compare countries; comparability is more likely within an area than a randomly selected set of countries (Lijphart 1971:689). Second, they share common legacies, such as being parts of the Habsburg Empire for several centuries or, in the case of Galicia, from 1772 to 1918, and they were behind the iron curtain for over 40 years. At the end of communism, Poland, Hungary and Czechoslovakia were among the first countries that became free in 1989 (Slovakia of course separated from the Czech Republic on 1 January 1993), and later, they had to go through making important choices - which we might call common challenges. Since the end of communism, and until today, they have developed in a rather positive way – today they are generally considered to be consolidated and stable democracies, they have a functioning market economy, they have been NATO-members since 1999 and EU-members since 2004. Business and economic growth generally had a boost, for the last 10 years. However, they have not followed each other on the very same path in achieving their goals, even though these goals have been rather similar. For these reasons, I believe it is quite interesting and useful to compare them. The big questions are if their progress is unsteady, or if there is a high risk of it, and the same can be considered towards democratic backslide. If so, what are the reasons for it?

With this being said, I believe I have been capable of justifying the choice of countries, and why I should compare them.

## **2.3 Their risk of unsteady progress, or backsliding – a consideration**

One subject that has seemed to bother political scientists recently is whether or not the new democracies in Central Europe have finished their transformation and democratic consolidation, or not. For the full transition at least, one can definitely argue that this goal is accomplished, in the sense that if their goals after over 40 years of communism and planned economy, was to achieve a transitional change towards becoming a stable democracy with market economy, together with membership in NATO and in the EU. If this was their highest goals, it can, according to Sabrina P. Ramet (with whom I agree), represent one symbolic completion of a transition from communist rule to a Western type of rule. That would mean a fully transformation, which includes an Europeanization of their countries. So the next



consideration is democratic consolidation. A democratic consolidation depends on a number of factors, such as international environment, economic stabilization, and marginalization and delegitimation of extremist political views (Ramet 2011: 3-4). So when can we fully suggest that democracy been consolidated? Ramet (2011:18-9) suggests these following criteria:

- When corruption is down to a level where the country obtains a score of 4.0 or better on Transparency International's corruption perception index
- When there are two or three political parties dominant in the parliament, and when the number of parties that are able to elect deputies to the parliament has been stabilized at eight, or fewer.
- When the educational system promotes liberal values.
- And finally, when the electoral laws become stabilized

These are all good criteria, which can be very useful to explain democratic consolidation. Perhaps we can even add an active civil society as well, which I suggest fosters democracy.

The region has gone through a massive economic, political, and social transformation, with all the insecurities and upsets that involves (Mudde 2007: 221). However, one important point here is that new democracies tend to be vulnerable. If we for instance find signs of backslide on such criteria's, there is a sign of instability. What could be their vulnerabilities towards unsteady process or democratic backslide in the first place?

Ramet wrote in her book *Social Currents in Eastern Europe* (Revised edition, 1995), about possible propositions for the future. Especially her second and fourth propositions are important here. "In the short run", Ramet wrote in her second proposition, "the greatest threat to the political consensus comes from the right. This is true for Germany, Poland, Slovakia, Hungary, and probably Romania (although Romania in a rather different way)" (Ramet 1995:456). Democracies' best chances seemed to be in the Czech Republic, Poland and Hungary (and Slovenia), while (in my opinion), Slovakia seemed at that time to have the worst conditions. However, she also considered Hungary's political system not to be as solid as it seemed first, and the developments in the country during the last two years, might suggest that her prediction was right about Hungary. Her fourth proposition concerned people's demand for social justice, which for four decades were pushed by the communists. After the transition, and after the large scale privatization, it increased the number of poor people, including unemployment. Discontent would grow, she predicted, when people would discover that the numbers of poor increased and that capitalism won't make everyone rich (Ramet 1995:457-8). I believe these two points will be especially important in this matter.

According to older surveys from during the 1990s, showed in “Democracy and Political Culture in Eastern Europe” from 2006, some scientists asked themselves whether representative democracy can persist in the Czech Republic, considering the extremely low confidence in political parties, the parliament and the legal system (Mansfeldova 2006:116), which is a common phenomenon in the other three countries as well. Confidence in institutions is one relevant factor that can stabilize a democratic system in the first place. In Slovakia, the crisis and conflicts of the 1990s did luckily not lead to an end to their democratic process, but more worrying were the results regarding the democratic attitudes among its citizens. The support for the past political system has been higher than for the current political system, according to a survey from 1999 (Mihalikova 2006:199). I’m aware that this is an old survey to which to refer, but the main point is to argue that could also show signs of vulnerabilities inside the countries, and that it’s easy to experience backslides, keeping in mind all the challenges these countries had, and still experience, to a different extent from the one to the other.

Other authors than myself have also noticed the trends recorded by *Nations in Transit* (Freedom House). Many of these authors and scientists, often then consider the average democracy score the countries have received, in a period of time (the final average of all the sides of the reform record, including those four measures I’m focusing on), and this average democracy score has also generally gone downwards the last 10 years. Jacques Rupnik for instance, noticed back in 2007, that these countries average democracy score had gotten worse, which we can see in Table 2.1 (except for Czech Republic, that has improved somewhat).

**Table 2.1** Democracy score 2002-2011

Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Poland Dem. Score	1.63	1.75	1.75	2.00	2.14	2.36	2.39	2.25	2.32	2.21
Czech Rep. Dem. Score	2.46	2.33	2.33	2.29	2.25	2.25	2.14	2.18	2.21	2.18
Hungary Dem. Score	2.13	1.96	1.96	1.96	2.00	2.14	2.14	2.29	2.39	2.61
Slovakia Dem. Score	2.17	2.08	2.08	2.00	1.96	2.14	2.29	2.46	2.68	2.54

(Freedom House 2011: Democracy Score in Nation in Transit reports: Poland, Czech Republic, Hungary and Slovakia).

One of the problems after communism were the problems surrounding the transition and the results it has given afterwards, and how it lived up to people’s expectations, and this has given influence, and remains a threat to stabilization as far as I consider it. In the long run, it can lead to democratic backslide, because of the clear weaknesses, and then give rise to something that can develop into even further backslide: the rise of extreme populist and right-wing parties. As shown in theory 1, there has been influence of populist parties and right-wing

parties in all of the four countries: Jobbik and Fidesz in Hungary, LPR, Samoobrona, and PiS (with the familiar Kaczynski-brothers) in Poland, Smer and the National Slovak Party in Slovakia, and ODS and VV (Public Affairs) in the Czech Republic. This tendency however, is smaller in the Czech Republic than in the three other countries, but the Czechs share some of the common problems experienced in the other societies (Rupnik 2007:18).

Right-wing and extreme populist parties tend to be revanchist, and blame the opposition parties for problems, and tend to start so-called “clean the house” processes, which some authors claim that the Kaczynski brothers in Poland tried to do, while they were in government from 2005-2007. These parties can be willing to go into authoritarian methods, to capture the state, and use nationalistic rhetoric. They can express skepticism towards democracy, capitalism, and the European Union, including suspicion of and intolerance against minorities (the last point especially relates mostly to Slovakia and Hungary). We can easily see what these tendencies can lead to.

Let’s for instance go back to PiS and the Kaczynski-brothers. Adam Michnik (director of *Gazeta Wyborcza*), describes Poland ruled by the Kaczynskis as a “peculiar mix of the conservative rhetoric of George W. Bush and the authoritarian political practice of Vladimir Putin”. His argument is that their attack on the independent press, curtailment of civil society, power centralization, and their known exaggeration of external dangers, bore as a similarity to similar processes in Russia (Rupnik 2007:18). And this is even comparable to the situation in Hungary at the moment, where the more authoritarian style of the new government and president, to similar processes in lowering the media independence, judicial independence, the central bank, and changing of the constitution, which Hungarian authorities claim is their answer towards the corruption and the former mistakes made by previous governments - including lack of lustration. This is a threat to the liberal paradigm that had prevailed since 1989, and is dramatic. According to a CBOS poll from 2006, three quarters of Poles consider democracy incapable of maintaining law and order (Rupnik 2007:19). This eventual backlash is “giving rise to unscrupulous uses of executive power as well as worrisome and potentially dangerous outbursts against basic principles of liberal-democratic constitutionalism” (Rupnik 2007:20). The populists can use an anti-corruption rhetoric, to delegitimize the existing political and economic elites. In Poland and Hungary, we have seen that in order to “clean the house”; those power holders would need more power. “Clean the house” is related to the transition theory, however, one can ask if this (and I doubt it) is solving the problems with corruption, and the transitional problems they have all experienced, and perhaps it is just a bad excuse, or even a proof of inability. Will worsening of democracy, with even less

transparency be capable of solving such issues? Charles Gati points out that after PiS had been two years in power, no major arrests or convictions for corruption had taken place in the country (Gati 2007:109). If society is felt to be in disorder and fragmented, the authoritarian impulse – which I later will show is rooted in many of the Central European political cultures, can prove to be irresistible (Elster et al 1998:34).

However, why exactly does it seem that there was even a change a short time after the millennium, a change in the countries rather positive direction of democratic progress? They became EU-members in 2004, and after that, their willingness to make reforms, and continue this steady progress, might have led them into hibernation, it might seem. But obviously, they have little experience with democracy, and perhaps even a lack of comprehension of consensus and compromise. Habits from the communist period can still lie in the shadows, as a “psychological leftover” (di Somona Guerra 2011), and can perhaps start to show once again, when EU loosen up their influence.



### **3.0 Testing and comparison of theories – finding explanatory patterns**

In this section, I will test my 4 theories upon my 4 countries, to find similarities and differences. Hopefully, I will be able to find strong enough evidence to support my theories, in order to reject or confirm the hypotheses, for each country.

#### **3.1 Historical background**

A short history review is important to establish, to get to know these countries a little bit better, before we move on into finding answers and patterns. Firstly, in my theory part, I have mentioned history as one of the variables that might explain their unsteady progress in some particular areas. The history of state socialism does account for at least some of the features, which decided the breakdown, and shaped the period of transition. Secondly, one must remember that there were (perhaps important) differences among the countries of Central-Europe. For instance, not all countries in the region were a part of the alliance system dominated by the Soviets, and their closeness or distance to the “Moscow Center” varied – these are among those facts, that helps to explain how these countries developed over time (Ramet & Wagner 2010:15). Besides communism, they have a common history, with the lands which today comprise the Czech Republic, Slovakia, and Hungary having been ruled by the Habsburg dynasty for several centuries, and with Polish Galicia, as already mentioned, having been part of the Habsburg Empire from 1772 to 1918. When it comes to democratic history on the other hand, Poland’s and Hungary’s democratic history, for example, is rather different compared to Czechoslovakia, even though a country like Poland, is considered to have been the second country in the world to have an written constitution, back in 1791 (Gebert 2010:141). The country also had a rather impressing democratic model for its time from 1550 until the end of the 1700s (Holm-Hansen 2008:314), but then Poland disappeared from the map in 1795, until the end of World War One. Hungary had some short-lived attempts to achieve democracy (even though “Golden Bull” in 1222 can be mentioned, which granted rights to the nobility), but the country has generally only enjoyed some form of democracy from the 1990s (Boziki and Simon 2010:204). Czechoslovakia remained democratic during the whole interwar period, although Prague’s policies in the interwar period discriminated against non-Czechs in employment, land reform, and language use, among other things, and especially against Germans and Hungarians.

### **3.1.1. From communism until today – short history review**

From 1948 and on, all the countries that were under the Soviets' iron hand had to go through a process that involved destroying old institutions, and establishing new, communistic ones. The communist party was the only effective political party in these countries. People who were loyal to the party were chosen to fill up government positions. The new leaders established a system of censorship, to control information, to ensure that only views that were compatible with the communist leadership's program were to be disseminated. They also adopted a central planning economy that allowed the central authorities to control all economic decisions, from production to distribution, and pursued the goal to industrialize the country rapidly. All private ownership of economic assets was generally eliminated, even though there were some exceptions in some of the communist countries. For instance, in Poland, farms were left in private hands. The structures in the society were also attempted to be changed, as well as people's values and attitudes. There were for example several campaigns against religion, but in a Catholic country like Poland, the Church proved to be strong. Communist leaders forced people to turn culturally eastwards, such as in literature and music (Wolchik 1998:38-9, Bielasiak 1998:129). Western music and culture were not allowed, and to put the Soviets in a good light - history was rather manipulated. The communist system had its more "positive sides" though: basic needs such as free medication and medical supplies were basic rights for everybody. However, this may be said to have contributed to a culture which still exists today, with a more accepting attitude toward corruption, also among the ruling elite. This centrally planned healthcare for instance, spurred the tradition of giving "gifts" for a service already received, or that was to be received. Salaries were low, and it was usual to make small gifts in order to receive "better service". These were all general matters that were typical for each of the countries behind the "iron curtain". However, there were particular differences inside the countries: In Poland, it proved more difficult to destroy the influence of the influential Catholic Church, in the society. Another thing that characterized Poland was the raising voices that combined demands and strikes, as a reaction to the upcoming economic and social difficulties during the period. This had a continuing influence in the regime, and it forced the regime eventually to loosen up their "iron hand" (Bielasiak 1998:129, 135-6). Ramet explains a concept of parallel society in Poland, as an independent or alternative society. In this sense it's a living part of any society, and its breath varies with the breadth of allowable open activity. Solidarity advocated democratic change, and after being banned in December 1981, its members had to go

underground. People in opposition to the regime, realized that to be capable of having political groups, freedom, peace, and to build a democratic society in the future, they had to lay foundations, in the form of an underground society. And the opposition managed to achieve this goal by 1985 (Ramet 1995:86,119). Since then, Poland has gone through a democratic and economic transformation, which meant a rebuilding of their economies and societies - a common procedure for all post communist countries in Central Europe. Poland has also been struggling with economic chaos; combined with the economic “shock therapy” the country had to go through. It has eventually given results, but it had a big cost: unemployment grew high, and incomes started to differentiate the society. The level of unemployment has been as high as 20 percent, and the country has been affected by several corruption scandals and accusations against former, and still active, politicians from both the regime and opposition.

The Czechoslovak situation was somewhat different: independent activists in the country were not capable of mobilizing large number of people, in the same way that Solidarity managed to do (Ramet 1995:120-1). Independent activism was surely less developed, Charter 77 (a human rights group) activists focused on organizing informal discussion meetings for citizens, to discuss political and social issues, in a way laying the groundwork for a free-thinking civil society. Compared to Poland, there was a lack of pressure from outside for reform; economic decline mobilized large parts of the population in Poland for a change, while Czechoslovakia had a higher level of economic development, which provided a buffer against the impact of Stalinist economic patterns of organization and politics (Wolchik 1998:40-1). There was no strong opposition to the system, and there was a higher priority towards basic human rights, and equality of treatment, that tended to be issue-oriented. Small dissident groups occurred, but the most important one was Charter 77. Influenced by the situation in Poland, the so-called “Velvet Revolution” influenced the country in 1989, and the communist system collapsed suddenly (Wolchik 1998:50). After 1 January 1993, the two countries separated, and the Czech Republic was regarded as a country that was re-democratized. The Czechs had a stronger, if blemished, democratic tradition than the others. Many institutions were replicated from the First Republic (Leff 2010:162-3). They had a troubling start, but have been successfully democratized, marketized, and integrated into European institutions. However, fragile governments have influenced the country, with some negative results (Leff 2010:174).

The Slovak road to democracy has been much more tortuous. The Slovaks had to start from scratch, and some would say that the country had a semi-authoritarian regime, while



ruled by Prime Minister Vladimir Mečiar (1990-1998). However, the 1998 election was a step in the right direction, and the country eventually became democratized, marketized and integrated, in the same way as the others (Bakke 2006:138). However, it remains unclear whether the country has become fully stabilized, compared to the three other countries (Harris 2010:192).

In Hungary, even though the country was influenced by the Hungarian Revolution in 1956 during communism, with strikes and demonstrations, Hungary eventually went into a period of more liberalism, culturally and economically, to maintain a minimal level of contentment. However, workers in the country were increasingly fed up by the issues that followed with communism, with political and economic difficulties, and this ensured the emergence of an opposition towards the regime. The transformation went rather easily; however, institutional choices were made before the first election, and there was a high level of consensus between the parties on the biggest goals (Kürti 1998:82, Sitter 2006:159). The political system became rather stable, and politically, the country was among the most stable post communist countries in Europe. Political parties and the political system were stable since 1990, until the earthquake election in 2010, when new parties came along, and the rather undemocratic changes made by the new Fidesz government, have been described as a democratic backslide (Bozoki & Simon 2010:217).

### **3.2 Theory 1: Legacies**

My first theory is legacies. This is a common theoretical explanation for post-communist trajectories, in the sense that this region is one perfect example, of how it had to be dealing with their past, in sociopolitical and economic developmental settings, and how it can continue to influence their progress. That also includes their vulnerabilities for backslide. I have decided to focus most on legacies from the communist era (which I believe is most important), even though I will mention and highlight important historical tendencies even before that, which have often been mentioned by social scientists as relevant explanations. I expect these different historical periods to have a different influence in these countries, even though the legacy of communism should be a strong indicator for all of them. I'm aware that there is a challenge to prove historical relevance for the issue I'm trying to explain, and how to decide how long back we should go into history, before the theory just loses its explanatory strength, and gets irrelevant. But for real evidence, suggests Ivan Volgyes, we must look at the physical layout of the land, the prevailing economic structures, the social system, and

political patterns (Volgyes 1995:2). By identifying structures, layouts and patterns, common to both the pre-communist and communist eras, I should be able to track down important legacies.

Therefore, I have decided to focus on these three types of legacies: political, economic and societal. There is a broad literature on historical legacies for these countries, but they generally provide few very clear answers. I believe there are two reasons for that; one is that it's hard to separate between pre-communist and communist legacies, because of their rather complex history. Then you have the influence of the EU after communism, which has contributed pushing reforms ahead more quickly, and perhaps was able to make many of these legacies less relevant, during the accession process for new member-states. But I would suggest that now that they have become full members, however, some of these legacies can become more visible once again. The argument is that communism suppressed some legacies, while it created new ones. Nationalism was considered to be rather suppressed during communism also, and now that people enjoy freedom and democracy in these countries, it can grow once again.

I define legacies in line with Pop-Eleches (2007:910), who defines the communist legacy as “the structural, cultural and institutional starting points of ex-communist countries at the outset of the transition”, with its survival from the past. And the continuing presence of these starting points, if they continue to influence a country's progress, can therefore be described as a legacy. When defined like this, it will matter in some way; however, I expect that these legacies matter in a different extent in the four countries, as already mentioned.

The Treaty of Versailles in 1919 gave birth to new states and changed frontiers that changed the map of Eastern Europe for generations to come. Countries such as Czechoslovakia, Hungary and Poland were created in the ruins of three historical empires, and experienced only partly successful nation and state building after having been included for centuries in larger empires. In 1946 István Bibó wrote the book *The Distress of East European Small States*, where he can be said to have foreseen what would happen, and have been going on, in most post communist states in Central Europe. Nationalism, for instance, was rather undermined during communism, while it has been able to grow after the transition to a higher extent. Bibó discuss the nation-state and the creation of the nation state as we know it, as a characteristic unit of Europe, with the fact that it is a product of nearly 1500 years of development. The existing nation-states were made monolingual, by three factors: 1) political 2) cultural and 3) numerical hegemony of certain people. The borders of European nations have hardly changed a lot since the Middle Ages. There is one factor that is important

in this development: that political consciousness has not suffered from disturbance or pathological deformities – which didn't occur in Western and Northern Europe (Bibó 1946:14, 16-17). The situation was different in the Central and Eastern Europe. For instance, the formations of the Roman Empire made a mess of the countries' political development, and the Ottoman Empire took over existing national frameworks, without providing any replacement for them. These factors confused the development of states and nations in the region - the region was not consolidated. However, the French Revolution eventually stirred modern democratic nationalism. The national feelings of Poles, Hungarians and Czechs (and Germans and Italians) caught fire, but creating nation states was still not an easy task, a task which was already accomplished throughout other parts of Europe, already in the 17th and 18th century. The creation of populism occurred, however, together with a phenomenon that was specific particular in Central and Eastern Europe: *linguistic nationalism* (Bibó 1946:20-1). When these nations became involved with border disputes with their neighbors, this caused a series of wars and catastrophes, and their security of national existence and territorial status got a kink. His point is that this was a source for the political hysteria in these Central and East European nations. Their troubles started at the end of 18th century, and can be traced back to developments and stabilization of the nations in the region (Bibó 1946:23-4). The breakup Austria-Hungary permitted the unification of a multi-lingual historical Bohemia, with Slovak-inhabited areas as well as with some lands with Hungarian and Ruthenian majorities. However, there were inconsistencies: the Czech areas were tied to the new state by historical and ethnic continuity, the Slovak areas arguably by ethnic, but not historic ties, while the Hungarians and Germans were added against their will (Bibó 1946:29). After World War Two, Czechoslovakia expelled the Germans and Hungarians. A limited exception was made, for these minorities, if they were able to demonstrate that they had remained loyal to the Czechoslovak Republic and never harmed the Czech or Slovak nation, or if they had been active in the fight for its liberation (Pogany 2010:417). This suggests that calling Czechoslovakia “democratic” in the interwar period, was not entirely unproblematic.

Bibó describes a backward and anti-democratic nationalistic nature in the region, based on these historical factors (Bibó 1946:36). The crisis of becoming nations, created a fear for one's community. “A fear for the existence of community was the crucial factor which in these countries made the positions of democracy and democratic progress uncertain”. They experienced historical period's thoroughgoing acceptance of democracy in itself, will expose national community to risks and catastrophes. This leads to the creation of “anti-democratic

nationalism (Bibó 1946:39, 41-2). This was described especially to be problematic in Hungary.

I believe that this is an important contribution, understanding how historical legacies do and might potentially affect countries in the region – such historical factors have the power to influence their political culture, and trajectories. The support for and rise of extreme populist and right-wing parties can also be explained by these factors - stronger in some countries than others. Jobbik in Hungary is perhaps the clearest recent example - this party has achieved a surprisingly high level of support in the recent election, with 16.7 percent of the votes, and 12 seats in parliament (Sitter 2011:254). With their anti-minority slogans and nazi-like uniforms, they make a good example. The Fidesz government's recent actions in Hungary, changing the constitution, introducing more centralization of power, and restricting the registration of religious groups, PiS's politics and support in Poland, including LPR and Samoobrona, and the same with Fico and Smer and the Slovak National Party in Slovakia, all serve as signposts of increasing right-wing tendencies. These parties have generally a lack of tolerance, express religious (mostly Catholic) values, suppress national minorities to a high extent, and are nationalistic, but to different extents in the countries, to which I will return. This point can even explain the higher skepticism towards the EU, which is a current fact in Hungary and the Czech Republic. The EU is after all a rather supranational institution.

If we take a closer look at Poland's history, and how it might affect that country's progress today, it's a fact that Poland was carved up by Austria, Prussia/Germany, and Russia for most of 123 years, and that resulted in divergent institutional experiences in the three partition zones. In the interwar period, the country started with three legal systems in place, six competing currencies, and three unintegrated railway systems (Ramet 1997:21, 23-24) and the country had to start from scratch creating a constitution, organizing the parliament and public administration, and organize political elections. Even though there was a developed political class, and a developed multiparty system, this advantage did not create a political stabilization and institutional building in the country. Poland was weak and halting after the World War Two – the communist institutional transformation was accomplished after a short time. And at the end of communism, the new political elite had a hard time transforming the country. The communist institutional structure was highly developed and complex, after 40 years of communist rule. The first election in the country was “partly free”, and important institutional restructuring was made while the communists were (formally) still in power (Korbonski 1995:140-1). Then one can even ask if the new rulers in Poland have managed to refresh their old institutions, and impede a solid break with the communist institutions.

Obviously, they generally seem to have accomplished that, as Poland, (including the other countries, perhaps with the exception of Slovakia), is regarded as a consolidated democracy, with a functioning market economy. However, that doesn't mean that older traditions and legacies do not hide behind the curtains.

A common feature among these countries is the fact that the new leaders that took control had little experience. The new political elites were in many cases former political dissidents – thus outsiders, and governance seems to have remained poor when it comes to governance, and there you have one pattern which is described by a legacy. The four decades with communism, and lack of democratic history even before that, are good examples, except for Czechoslovakia's interwar period, which has already been mentioned. It is important to emphasize, however, that the country's democratic ideal was not entirely fulfilled; keeping in mind some communist and fascist influence, but at least the country has the longest democratic history among these four countries. In Poland, we remember that Solidarity was led by shipyard workers, and the new political elites were in fact mostly shipyard workers, journalists, and history professors and this was also common to the other countries (Korbonski 1995:150-1). This makes sense; Václav Havel in the Czech Republic *became* a politician, before that he was a playwright, essayist, and activist during communism. And given their lack of experience, the new elites had to rely on officials from the communist regime for the institutional transformation. It was a potential problem considering the huge task of transforming these countries into democracy and market economies; the old institutional elements could hardly be trusted. Almost everything had to be replaced by something new, to make a strong difference, and make a stable and lasting progress. This is also the point by Jon Elster, Claus Offe and Ulrich Preuss, who point out; that almost everything would be affected by the past and the habits that the old regime left (Elster et al 1998:18-19). In that case, even though replacing institutions and trying to impede a solid brake with the past is important, it might not help much either. Old habits can still influence the country's progress.

Sharon Wolchik illustrates a good point, which is that Czechoslovakia also had an enduring legacy, evident in both economic and political institutions, and from what people expect from their government (societal). This is also something all the countries share in common: people's expectations towards the new elite that they had to fulfill, and communism has created both winners and losers. This has also led to smaller levels of trust towards politicians, and less optimism towards democracy and market economy. However, for Czechoslovakia's sake, she claims that its interwar democratic experiences made people in the

Czech lands more willing to favor compromise than was the case in the three other countries, and are less likely to favor anti-Semitic views (Wolchik 1995:169). In that case, we would expect the Czechs' democratic experience in the interwar period, to have a more positive effect. However, this is not entirely certain either; as István Pogány points out, the indiscriminate character and undisguised racism that were a part of the anti-German policies in post-War Czechoslovakia (and generally in the CEE area), as well as outbursts of murderous violence against German civilians, should not be overlooked (2010:427-8).

Hungary's background history, as I showed by introducing some of Bibó's work, should also have its relevant influence: the disintegration of the Habsburg Empire, a short lived dictatorship by the communists in 1919, and of course four decades of communist rule (Barany 1995:177), have left several heritages, that can have significant influence on Hungary's development, including the risk of democratic backslide, or unsteady progress. The attitudinal political legacies have been harder to overcome.

Nationalism seems more powerful today in Hungary and Slovakia, than in the Czech Republic and Poland, and considering that nationalism has the potential to contort and subvert national politics, makes it a clear challenge.

## Institutions

At the end of communism, all the countries had to start from scratch (except for Czechoslovakia which could draw upon some of its interwar experience), creating an appropriate institutional framework, to tackle new social, and society programs. I would argue that their institutions and its functioning are also part of legacies. My argument is that during the communist era, constitutionalism and legality were not taken too seriously, in order to allow more elbow room for the rulers. This could help to explain the inefficiency of public institutions, and perhaps even the shortcoming of legal office, regulating political institutions. The selection of state officials, and the presence of a state bureaucracy connected to the communist era, had (and still obviously has) its influence. These members and rulers could not be easily replaced, because of the lack of expertise, including their personal networks - well qualified decision makers have been lacking, also in administrative and economic spheres (Barany 1995:181). And it will take time to make the necessary reforms, to deal with the present challenges. These points are shown by Rose-Ackerman (2005:28), who find that there are three institutional legacies important to keep in mind for the present situation in Hungary and Poland. First: under socialism these countries were governed largely by

government decrees and resolutions, and not the rule of law. Second: the planning process involved internal controls. Third, the socialist regimes did in fact institute some reforms, before the end of communism itself. In the first legacy, take for instance law making. Two similarities were that in Hungary, the Council of Ministers had broad discretion to enact decrees with legal force when the parliament was not in session. The government did not often bother to obtain legislative support for its actions. In Poland, the situation was similar, and this fact made reformers in both countries quite skeptical of granting legal force to unilateral government decrees or resolutions. Reformers wanted to constrain the scope of government unilateralism, and strengthen the parliament. The problem was that reformers did not mind holding government accountable for its remaining acts of discretion. Second: another communist legacy is the planning process that includes extensive paperwork and structure of control. This planning was internal to the state itself, it was never meant to generate participation and challenge from the citizenry. In this sense, bureaucratic rules work as a guidebook for officials. One can still find traces of this in their existing system of administrative law, and limit the external force of some provisions, of the administrative codes (Rose-Ackerman 2005: 29-30). Reforms are needed in these areas and others, which I will return later. The last legacy is from the end of communism, where the leaders wanted to deal with growing negativity, by introducing new institutions to increase governmental accountability, perhaps to make the regimes appear more progressive in Western eyes. And given this legacy, efforts to make a clear genuine accountability outside the electoral process, have not been a major focus of democratic reformers (Rose-Ackerman 2005 30-31). However, some would say that the continuation of old institutional forms and policy patterns, alongside the emerging ones, have helped to stabilize the post-communist countries during the 1990s. But when the old structures fade away, it can also make them more vulnerable to crisis (Inglot 2003:243). In that case, this will certainly depend on how the country's situation will change, and how the system will perform.

## Media

The issue with the independence of the media after communism can seem like a puzzle. In the theory section, I mentioned that I consider the issue with media independence to be a legacy, even though I believe it has a connection to the transition process also. The media were liberalized after the transition, however; so the level of independence should be much stronger connected to legacy.

Since the transition, the media have generally played an important role in the process of constitutionalization - and media must be free, in order to have a free and liberal democracy, with freedom of speech, and the ability to be critical about society matters - in order to inform their population, without being attacked by any one. One important point is that the media may reflect how their process is going, and contribute to expose issues such as corruption. So why must the media still have to struggle for their independence after communism, even against the group of political elites that were fighting for freedom against the communist regime, in the first place?

First: let's consider censorship during communism. Newspapers and media only presented news that was pro-regime, and particular negativities did not occur. The purpose of the communist media was to manipulate the public's understanding of both events and institutions, but also to be capable of controlling the population (Ramet 1995:390). When the new leaders came to power, some of their goals were to free the press from state control. However, this obviously was easier said than done. In Poland, even earlier freedom fighters, such as Lech Wałęsa, basically warned journalists about not defaming the parliament, government, and himself, the president. Moral values and professional ethics also had to be respected. I agree with Jane L. Curry, who describes this as a sense of irony - the demanding freedom to the press, and then discomfort with the free press. A general pattern up to the middle of the 1990s was that the print media were speedily privatized, and holding on to a state monopoly on broadcast media. However, among the four countries', the Czech Republic was then the country which had enjoyed the highest degree of freedom, compared to the three others. Slovakia was ruled by Prime Minister Mečiar since the split up, and their media independence was affected by this fact. Ramet described Czech Republic as the best example of positive demonopolizing of the media, while the results were more mixed in Poland and Hungary, and even less propitious in Slovakia (Ramet 1995:399). One must remember that negativism in itself is a quite new phenomenon in post communist Eastern and Central Europe. This is a good reason for why the media from time to time have been a more controlled part; they prove that things can be out of control, or bring up negativities, that will make the leaders, their parties, or the country, look bad. It was rather expected that these countries' transitions were not going to become easy, and even though they have been capable of reaching most of the important points of transition, the negative sides of transition, and legacies, still influence their societies, and will continue doing so. Writing negative articles about the ruling elite, will obviously put the ruling elite in a negative light – which they will try to avoid. “Tolerance”, and the lack of it, is a word I would suggest to be used in this



matter, and to show what I mean by tolerance's context to media independence, I want to use examples from "Reporters without Borders".

In 2001, editor of the Polish newspaper *Wiesci Polickie*, Andrzej Marek, was sentenced to jail for three months, for libeling an official in the city of Police (Reporters without Borders 2007 1). In 2007 a Catalan feminist, who was writing for a Spanish daily, faced trial for "defaming" Poland. Her article said Polish democracy was suffering from several ailments, which included the political influence of the Catholic Church official homophobia and widespread racism. Then president Lech Kaczyński was outraged by this article (Reporters without Borders 2007 2). This suggests that the press may still experience problems when it comes to such "sensitive issues", which is confirmed by Reporters without Borders, who claim that the problem in Poland is that a section of the political class still refuses to break with older practices that are left over from the Soviet era (Reporters without Borders Poland). According to Jacek Brzuszkiewicz from *Gazeta Wyborcza*, press freedom in Poland is held back by the country's laws (he was sentenced to prison when he was convicted of libel). Article 212.2 in the Polish legislation provides prison sentences for journalists (Reporters without Borders 2007 3).

Hungarian journalists have experienced similar issues. Andras Bencsik was the first journalist to be sentenced to jail after the end of communism, for press offences, and libeling a politician. Reporters without Borders stated at the time, that they did not consider it wrong that a journalist could be punished for writing defamatory articles. However, for international standards, prison should never be imposed for press offences (Reporters without Borders 2004). In 2010, when the new government led by Victor Orbán took charge, the Hungarian situation became even worse. The Hungarian parliament adopted a law that overhauls the state-owned media, and even created a supervisory Media Council. The law was passed on 21 December 2010, and became effective from 1 January 2012. The Media Council (that consists of 5 members) has the right of oversight, and can also impose heavy fines, for content that is not "politically balanced or violates human dignity" (Reporters without Borders 2010).<sup>1</sup>

Slovakia began a major reform of its media law, in order to liberalize its provisions, and to meet the European Union's democratic standards. But the vote on the so-called Press Act did give a rise to national controversy. The law was condemned by Reporters without Borders and OSCE, because of Article 6, which gives the executive and the Ministry of Culture direct

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<sup>1</sup> Reporters without Borders expressed the view in February 2011 that the European Commission's response to the Hungarian media law was inadequate (Reporters without Borders 2011 1).

control of the media, on sensitive issues. Also, anyone believing he or she has been defamed or insulted may demand the imposition of fines and a right to reply – which limits journalistic

<b>Table 3.0</b>	<b>Ranking Reports without Borders Press Freedom Index</b>			
	<b>Poland</b>	<b>Slovakia</b>	<b>Czech Republic</b>	<b>Hungary</b>
	Ranking	Ranking	Raking	Ranking
<b>2005</b>	55th	8th	12th	9th
<b>2006</b>	60th	8th	5th	10th
<b>2007</b>	57th	4th	14th	17th
<b>2008</b>	48th	10th	16th	23th
<b>2009</b>	37th	45th	24th	26th
<b>2010</b>	32th	35th	23th	24th
<b>2011/12</b>	24th	27th	14th	40th
(Press Freedom Index 2005-2011/12)				

freedom. However, the press in Slovakia enjoys genuine freedom (Reporters without Borders Slovakia), and the aforementioned law has currently been amended (The Daily 2011).

The Czech Republic is struggling with lack of transparency and openness, in order to throw off secrecy in society and in the

administration, and to ensure that the press has the possibility to work for the public interest. In February 2009, a reform of the criminal code and procedures against journalist and media went ahead in the Czech Republican National Assembly. This reform contained new laws which ban the publication of the content of phone tapping, by the police, and ban publication of information from the police services. Reporters without Borders argue that this is a directly attack on journalists’ sources (Reporters without Borders Czech Republic). It is also problematic, in the sense that a journalist’s job and right is to inform the public. In 2011, military police raided a public TV station in the country, and searched an investigative journalist’s office. Reports without Borders were shocked that this could happen in an EU member country. The journalist was known for having investigated corruption cases, and the military police searched for a report, which he had prepared making several television programs of (Reporters without Borders 2011 2).

These examples from Reporters without Borders illustrate my point, that investigative reports about society’s problems or sensitive issues, and real information about politicians, have made the media almost into a battleground. Many of the new leaders in these countries, have struggled against the press’s freedom, by “attacks” on them and their articles. Parties fight to own their “own” newspapers that can put them in the best light, and try to avoid negative articles, which, the readers might say, is normal. However, in this case, it reflects old traditions. If we look at the developments, according to Reporters without Borders Press Freedom Index (Table 3.0) we find an interesting pattern. Press freedom in Poland was more

restricted while PiS and the Kaczynskis were in power, and since then, Poland's ranking has improved drastically. In Slovakia, the media press freedom seems to have worsened quite a bit under Prime Minister Fico. In the Czech Republic, the situation has remained somewhat rather steadier, even though it worsened somewhat from 2008-2010. In Hungary, it has drastically worsened since 2010.

The fall of communism was rather sudden. The new elite had to consider if they would allow complete freedom, or impose controls. In the post communist times, one can claim that the authorities could not meet (all) popular demands, and negative information from the press, could reduce their already weak standing (Curry 1995:72, Ramet 1995:391). We already know that governance is not considered to be the best in the region in the first place, and that takes us to the next point.

### Economy and governance

The economy and its progress are a strong indicator of communist legacies, with ineffective planned economy, and ineffective industries, with lack of competition, with which the countries will have to continue struggling for decades. I would suggest that this legacy has a strong connection to governance, in combination with other sides, such as the psychological aspects – communism did change and eradicate many of people's values and beliefs – such as honesty, and that decades with communist policies created a demoralizing effect on people (Korbonski 1995:147).

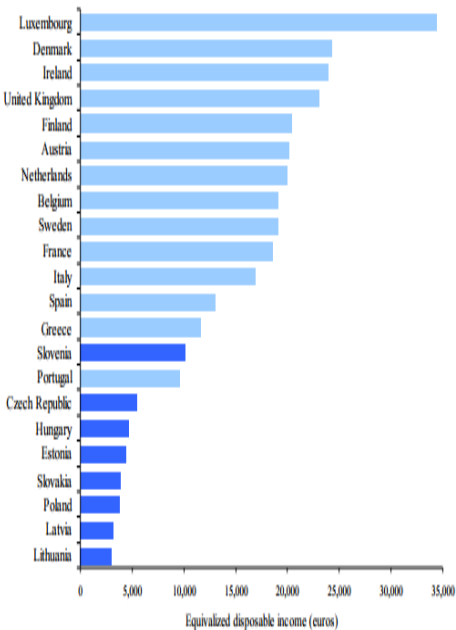
We have seen the level of commitment, turnout and trust in politicians and social institutions declined. One important fact is that people's expectations, against the ruling elite, are also a part of a communist legacy. Large parts of the population still expect the (new) governments, to provide many goods and services for free, or at low costs. This very same group of people had welcomed both democracy, and market economy, which they hoped would benefit them, with generous amounts of consumer goods. Many Poles, for instance, did not see this as a clear contradiction – the new leaders will have to solve this contradiction – which will take time, and it's difficult. Czechoslovakia, however, did not experience an acute economic crisis that occurred in Poland in the same period, but despite a better starting point, its economy suffered from many of the same ills that usually beset countries that were former planned economies. However, it was more felt in the Slovak part of the country, than in the Czech Republic. Dissatisfaction with political developments and leaders as a result of the reduced living standards was higher in Slovakia than in the Czech Republic. People's

expectations of the state, to provide security and welfare to the citizens, were similar in Poland, but particularly higher in Slovakia (Wolchik 1995:158-9, 170). The communist practices did influence Hungary's potential in a particular way, and made their developments difficult; living standards decline as a result of the planned economies' flaws, working morale and lack of modernization and creativity is also a legacy, which continues to influence all the four countries (Wolchik 1995:186-7, Slovak Spectator 2012, Meyer 2011).

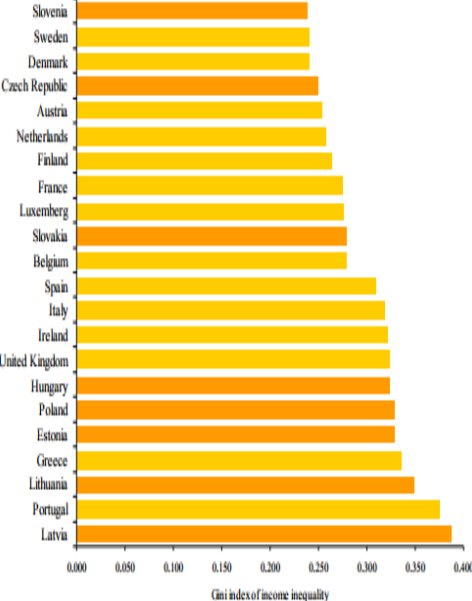
I believe this has relevance for explaining national governance, and according to *Nations in Transit's* measures, this is still an issue, and according to “*Innovation Union Scoreboard*”, Poland, Hungary, the Czech Republic and Slovakia are below average in accessing innovation performance. The region lags behind Western Europe, and it's explained by the fact, it is a lot of catching up to do. The level of foreign debt is especially high in Hungary, according to Eurostat's statistics from between 2009-2010, where it's above the EU27 average. Also in the other three countries, the level of debts has risen, but they are at least below the average (Eurostat 2011). The level of public debt in Hungary (2010) was as high as 80 percent of GDP, Poland had 55 percent of GDP, and Slovakia and the Czech Republic, had both around 40 percent (Transition Report 2011:30). Their negative economic legacies will be there for decades, and the ruling elites will have to struggle with them. How they manage to solve them will depend on their governance, experience, and efficiency. The same when it comes to dealing with corruption, including making the necessary reforms. The problem with these economic difficulties and legacies is that it can in the mean time create greater negativity against democracy and market economy together with contributing to further rise of populist and right-wing parties, when keeping in mind other legacies from communism and people's expectations. Governance has had an unsteady progress according to *Nations in Transit*. Governance have been marked by many shifts from one victorious party to another, and strangely enough, it seems to have changed, according to *Nations in Transit*, around 2004, where their scores became worse. Many authors seem to agree with the fact, that governance was especially weak after the transition. And those who know their political development, including the development of party systems in these countries, noticed that there was a personalization of politics: past splits and more personal conflicts has been the result of politics, rather than of political options. At least through the 1990s, most parties in the countries did not have distinct platforms, but distinct leaders, who had (and still have) a campaign against “them” (those involved in the communist regime). Shortly after the transition, the heroes of the revolution lost their heroic stature once they became rulers; they became a new “them”, according to Jane L. Curry (1995:68). Two examples are Lech Wałęsa

and Václav Havel. The main point is that politics have often not been marked by compromise and coalition building, but by increasingly sharp and radicalized ideological statements. The normal day to day issues of economic and social characters, a concern for the population, have often been rather ignored by the elite. The public has not been first priority for these policy makers (1995:68, 75), and I strongly believe that this is still the case. I have several times mentioned the rise of populist and right-wing parties in all of these countries, and Jane Curry confirms that a “populist democracy” is one of the forms of government that may result from historical legacies, such as communism, the transformation process and the imposition

**Figure 3.0** Average income level (Zaidi 2009:9)



**Figure 3.1** Income inequality (Zaidi 2009:9)



of democratic institutions (Curry 1995:81). Along the same lines Lizal & Kočenda (2000) wrote in their article about the political elite in the Czech Republic, claiming that the political administration does not attract particular skilled people: Wolchik confirms this theory, saying that the communist period left its imprint of the country’s new political elite. One had to replace large number of officials, but especially in the beginning, it was difficult both to find enough appropriate candidates who were willing to serve as government officials. Changing personnel in other areas, such as the judiciary, also went rather slowly. And the problem is that these officials continued on to the same attitudes they had in communist times, where citizens’ participation is concerned (Wolchik 1995:171).

A potential problem is obviously the social issues that communism has left unresolved: the levels of inequality have risen to a high level since the transition, and are an indicator for their social development. As already mentioned, this is a new situation for people in these countries, keeping in mind that people were more equal in the communist period. Hungary has had the highest increase in inequality, and according to the World Bank Report, Poland and Hungary are among the worst countries in Europe, when it comes to general

income inequality (Zaidi 2009:9), which we can see in Figure 3.1. The situation is far better in the Czech Republic, and better in Slovakia. According to Figure 3.0, income levels are low in all of the countries, on the other hand. The proportion of poor people in Poland is also on the rise, and the centre-right government has so far had a stronger focus on other areas: such as pensions and healthcare (The Guardian 2011).

So there you have an explanation, for the quality of national governance - its stability, effectiveness, and accountability, and why progress seems to have been unsteady.

Some authors, like Vachudova, claim that the end of communism created a vacuum, in the sense that it necessitated rewriting the rules of the economy and the state. Those in power could early on benefit themselves, even if adequate rules had already been written; these politicians and actors could rely on their connections, dysfunctional state institutions and corrupt judiciaries (2009:44). The new democracies have tried quite cautiously to keep much of the existing social welfare state in place. Therefore, the quality of some services has deteriorated, while others, for instance health care, have experienced privatization through pervasive corruption. A safety net (in a different way from earlier), still exists – through public programs and ties of family and friendship (Rose-Ackerman 2005:28). But Hungary for instance, struggled with huge social issues even before communism, issues such as unemployment, and was for a long time leading in statistics of suicide and alcoholism. At the end of communism, there were moreover few social problems that did not affect the country, such as the educational and the health care systems. At the same time, the Hungarian society became more intolerant of both national and ethnic diversity (Volgyes 1995:192). Anti-Semitism and harassment of gypsies were examples. And today, the recent high support of Jobbik, illustrates that this is still an issue.

So far I have found that legacies contribute strongly to explain the unsteady progress, or even risk of backsliding in these systems, with continuation of old negative habits, and negative influence from the past, which seems to be following these countries like a “ghost”. Communism inculcated many bad habits in people living in these societies, relevant to issues such as governance, inefficiency, lack of political will, and distrust among people as well as in institutions, and people’s expectations towards the ruling elite, that would be difficult for the ruling elite to be able to fully satisfy (Elster et al 1998:60-1). The past can and does seem to shape the values, habits and thinking of people. Even a politician’s political discourse or rhetoric as well is important – because the past matters. And we can’t expect that these values and patterns change all at once. I will return to governance under theory 3, patterns of

transition, because I believe these two (legacies and transition) are connected when it comes to governance.

### **3.3 Theory 2: Strength of civil society**

Strength of civil society is the second theory I will examine in my thesis. I believe the strength of civil society in this region is far too weak to be able to strongly influence the political rulers, in order to achieve better governance, and to fully deal with some of the legacies from communism. Civil society can be defined in the following way: “a web of autonomous associations, independent of the state, which bind citizens together in matters of common concern” (Korbonski 1995:142). Some such as Andrzej Korbonski, even identify civil society as an opposition, or a second society, with domestic and political societies, that can contribute making a difference in the countries, and to be a second voice upon the ruling elite. That is exactly the reason for why I consider civil society to be important.

Civil society is also highly considered to be influenced by the legacy of the past, and public mobilization rather disappeared after the transition. Patterns of voter turnout have been different across the countries; however, public activity is very low in these societies. Public space and its institutions were regarded as adversaries; so they were distrusted, and civil society and the idea behind it, never got off the ground. Considering the fact that civil society was generally undermined in the communist period, this seem to be another factor that contributes to the weakness of civil society today - people know their right to vote and be a part of public life, but people in these countries don't feel particularly represented by the politicians in the first place, and political behavior in large parts of the population in Poland, Hungary, the Czech Republic and Slovakia, can be described as passive. It is worth mentioning that organizational membership is much lower in Central and Eastern Europe, if you compare it with that in older democracies and other post authoritarian states. Surveys and interviews conducted in East Germany and Russia in the communist era reveal that distrust, and their “voluntary” organizations had a negative impact, including disappointment with the transition process (Rose-Ackerman 2005:35).

In my opinion, there are basically two words that I would suggest explain this phenomenon well. The first one is *disappointment* of people's expectations after the transition. The next word I will use (again) is *tolerance* - and the lack of it. I'll start with the latter word: Its place was taken by an uncivil society, that combined rudeness, mistrust and lack of respect for other people's values, behavior, national or ethnic origin, which can contribute to making people less willing to participate. Even at the height of Solidarity, the

idea of respecting individual rights and freedom was not fully developed or broadly accepted, by either the masses or the elites. The same is true when it comes to the notion of compromising, even though authors, such as Wolchik, have remarked that compromising has been regarded as easier in the Czech Republic than in the other three countries. Even the Catholic Church has had its role, even in the Czech Republic which is nonetheless very secular; however, the Catholic Church cannot exactly be regarded as an example of tolerance. But the lack of tolerance in the Catholic Church is not the basic point here, because all organizations outside the state can be said to be a part of civil society. The point is this: in Poland, the beginning of the democratization process seemed to have released a new wave of chauvinism, with the surfacing of reports, that contained traces of anti-Semitism, the rise of Belorussian nationalism, and even taunting of children who were Protestants or agnostics, for not going voluntary in Catholic religious instructions (Ramet 1995:360). Similar things occurred in the other countries as well, but again to a lesser extent in the Czech Republic. No one can claim that these are facts that would lead to a (more) active civil society. It also became more visible with the fall of the iron curtain, with more openness and the abolition of censorship in the society, with freedom – and intolerance and chauvinism are not very compatible with liberal democracy. Even since the transition, it was actually foreseen that all these countries would have to struggle with the shaping and stability of their new democratic standards, and issues such as intolerance were a serious challenge that the countries would have to confront in the future: in such a society, the individual is unfree in the society itself, and without this freedom no constitutional provision can make much difference (Ramet 1995:454).

Petr Kopecký describes an uncivil society, with civil society in this region. What he means by “uncivil” is defined by organizations with non-democratic (or right-wing) extremist ideas. We can consider religious freedom a natural part of democracy, with basic values and human rights, and which provides a register of official toleration in their societies. One way to consider it, is by looking at which groups are banned, which ones have more privileges than others (subsidies and property transfers), including the provisions in the laws that regulate religious freedom. Groups of citizens on the political extremes have had their influence in all of these countries, as already mentioned, and have done so without regard for the rules of procedural democracy. Far-right extremists have somewhat increased their influence even in the Czech Republic in recent years, forming alliances with established political parties.

In Hungary, there is no state religion; every registered group is entitled to the same rights. To register, the group must have at least 100 individuals and have a charter and elected bodies



for both administration and representation (US Department of State: Religious Freedom Report 2010 Hungary).<sup>2</sup> The rise of anti-Semitism in Hungary prompted concerns though, especially with the rise of Jobbik, which concerns not only the Jewish community but also Romany (US Department of State: Religious Freedom Report 2010 Hungary).

The parliament recently adopted the “Law on the Right to Freedom of Conscience and Religion, and on Churches, Religions, and Religious Community. In this law, only 14 of 362 Hungarian religious organization that were registered under the previous law (from 1990), will be officially recognized. Among the discriminated groups in Hungary, were the Methodists, Pentecostals, Adventists and reformed Jewish communities, the Salvation Army and Jehovah’s Witnesses, as well as all the Islamic, Buddhist and Hinduist congregations. Those which were not included on the list of recognized groups, had to demonstrate their presence in the country for the last 20 years, including going through several procedures to eventually get approved (Bandow 2011). Some religious communities have regained their status, however, after protests, and in February 2012, the Hungarian parliament amended this church law, to expand the list of officially recognized churches from 14, to 32. Among the 18 groups which were now added to the list of recognized religious communities, were the Methodist Church, the Pentecostal Church and the Coptic Orthodox Church, and the Hungarian Islamic Council (Krause 2012). However, one cannot deny that decisions and attitudes that occurred before the law was amended, in a more positive direction, reflected negatively on Hungary’s democracy, and I believe it has a connection with the level of tolerance. According to “Religious Freedom Report” from 2010, religious freedom was said to be protected by the constitution, and the government generally enforced these protections, which is common with the other three countries, according to the same reports. However, up to 2010, the government’s level of respect for religious freedom improved during their reporting period, which shows that the new Fidesz government has effected in a step backwards for democracy, and tolerance in this area. There was also an increase in anti-Semitic rhetoric during times of political friction, and economic uncertainty, where also extremist groups have grown in both size and numbers.

The Slovak constitution and other laws protect religious freedom, and the government has generally enforced these protections. Registration of religious groups is not required; however, they must register in order to receive government benefits, including subsidies. The

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<sup>2</sup> The government did continue to work to facilitate the restitution of religious properties that were confiscated during the communist era, and gave equal opportunities for all religious organizations to receive back control over their former properties. Between 1991 and the end of their reporting period, 3,688 properties were returned to religious organizations, by the methods prescribed in the law (US Department of State: Religious Freedom Report 2010 Hungary).

Roman Catholic Church as the largest group receives the largest subsidies. However, an amendment to the religious registration law puts smaller religious groups at a disadvantage. In order to register as a religious organization, 20,000 adult members who are citizens, or permanent residents, must submit to an “honest declaration” to attest their membership, knowledge of the articles of faith, and basic tenets. This is why there is a potential disadvantage for smaller religious groups. Smaller groups are able to function, but have complained that they have been in legal limbo with authorities (US Department of State: Religious Freedom Report Slovakia).<sup>3</sup>

In Poland, the constitution and other laws protect religious freedom, and the government has generally enforced these protections. All groups that are registered enjoy equal protection under the law. Religious communities may register; however, they are not required to. In order to register, they must submit the names of at least 100 members, and other information, and those that are registered, receive the same privileges, such as reduced taxes. Even though the constitution gives parents the right to raise their children in accordance with their own religion, there have been reports that accommodating the needs of religious minorities are a problem. Even though the constitution, as in the other three countries, separates religion and state, crucifixes hang in the parliament, as well as in other public buildings, including public school classrooms (US Department of State: Religious Freedom Report 2010 Poland).<sup>4</sup>

In the Czech Republic, the constitution and other laws also protect religious freedom, and these rules and law have generally been enforced. About 32 percent of the Czech population claim to believe in God, and only 38 percent view themselves as atheists. Only 25 percent of citizens under the age of 29 profess to believe in God (2009 numbers). All groups that are registered receive tax benefits, and subsidies in the country. There is a two-tier system of registration, where the first (lower) tier must have at least 300 adult members permanently

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<sup>3</sup> Some property restitution cases have remained unresolved. Many properties taken during communism were returned in existing condition. However, there were many churches, synagogues and cemeteries that were in generally poor condition. The law of restitution from 1993 did not provide compensation for damage done during communism, and religious groups often lacked funds (US Department of State: Religious Freedom Report Slovakia).

<sup>4</sup> The government has continued to work with both local and international religious groups, for property claims and similar sensitive matters from both the Nazi and communist era. Even though the government is cooperating with a variety of organizations, problems as regards property restitution and preservation remain only partly settled. There was a concern for the slow pace of Jewish property restitution. Of 3,063 claims from the Catholic Church, 2,842 were partially or entirely concluded by December 2010. The Jewish community submitted 5,504 claims, and by December 2010, 1,908 claims had been partially or entirely concluded. The Lutheran had 1200 claims, and 929 cases had been partially or entirely settled by November 2010, and 212 of 472 claims by the Orthodox Church had been partially or entirely concluded (US Department of State: Religious Freedom Report 2010 Poland).

residing in the country. They receive limited tax benefits, and impose annual reporting requirement, and a 10 year waiting period before it can apply to the full second-tier registration. To register at the second tier, the organization must also have a membership equal to at least 0.1 percent of the country's population, and they are entitled to a share of state funding. There are also 32 state-recognized religious organizations. Of these 32 registered, 10 of them have the permission to teach religion in state schools <sup>5</sup> (US Department of State: Religious Freedom Report 2010 Czech Republic).

Let's go into the importance of a strong civil society; to do that, I will use Robert Putnam's findings, from local elections in Italy: Robert Putnam published his book, *Making Democracy Work – Civic Traditions in Modern Italy*, in 1993. Here he analyzed institutional development, performance, and its connection to civic community, or society. His book explains pretty well why it is important and necessary to have an active and well functioning civil society, based on an experiment of establishing a regional government in Italy. Based on their experience, more civic regions in the country were characterized by an active engagement in community affairs, by egalitarian patterns of politics, law following, and trust. In less civic regions on the other hand, different kinds of participation were organized vertically, and not horizontally. Corruption and mutual suspicion were regarded as a "normal", because lawlessness was expected, and people even felt rather powerless and exploited. His basic finding was that the more civic engagement and context, the better the government, and the less corruption there would be. Effective and responsive institutions depend on republican virtues and practices, and its expected better governance in these active civic regions. Without norms of reciprocity and engagement networks, according to Putnam, amoral familism, clientilism, lawlessness, ineffective governments and economic stagnation, would develop (Putnam 1993:182-3). Civil society may even play a role in shaping people's social attitudes for involvement, self-organization, cooperation, trust, and respect for moral and legal standards. Civic education can be regarded as a socializing process, taking form through several instances in people's life. The state can also in an active way support this process, by establishing suitable institutional and legal environment (Makowski 2009:123).I will return to this point.

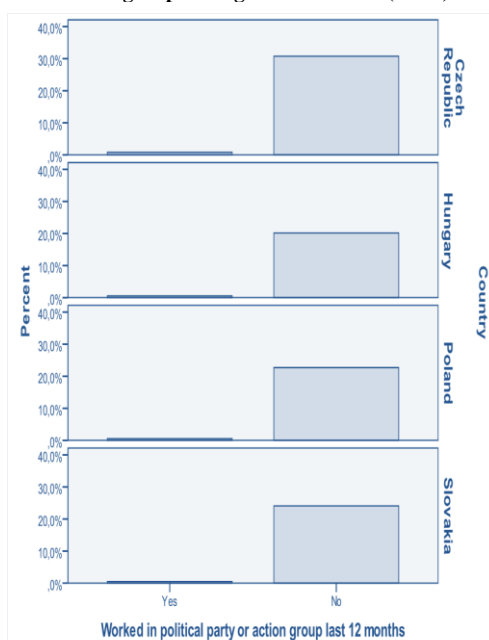
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<sup>5</sup> The government, similar to the governments in the other countries, has continued to resolve religious communal property restitution problems. Most Catholic churches were returned during the 1990s, but land and forests remain in the state possession. Since 1989, most of the state owned properties claimed, has been returned to the Federation of Jewish Communities, by decree (US Department of State: Religious Freedom Report 2010 Czech Republic).

The general consensus has been that poor development of civil society in post-communist Europe is one of the important causes of the assumed lack of democratic consolidation (Mudde 2007:213). Cas Mudde also shows, however, that the relationship between political parties and civil society has been problematic, and political parties (in Western Europe) have historically mainly been part of civil society (Robert Putnam also considers political parties to be part of civil society(1993:149)), and this also contains for Central Europe, where Mudde give example of the Slovak National Movement (which functioned partly inside the state, and included political parties and movements), and Samoobrona in Poland, as a civil society organization and political party (Mudde 2003:159). There also seem to be regional pattern of interaction between political parties and civil society in the transition period.

Interestingly, Slovakia has seen a series of small local protests, and this sort of thing dates back to the pre-communist period of state and nation-building. Thus, civil society after the transition isn't necessarily non-existent, but it's largely local and small-scale. This is also a legacy, considering the fact that friendship and neighborhood networks represented more meaningful forms of associations, rather than the more controlled and politicized organizations, during the communist era (Mudde 2003:166). The basic forms of contentious politics were resistance rather than protest.

**Figure 3.2 Worked in political party or action group during last 12 months (ESS5)**

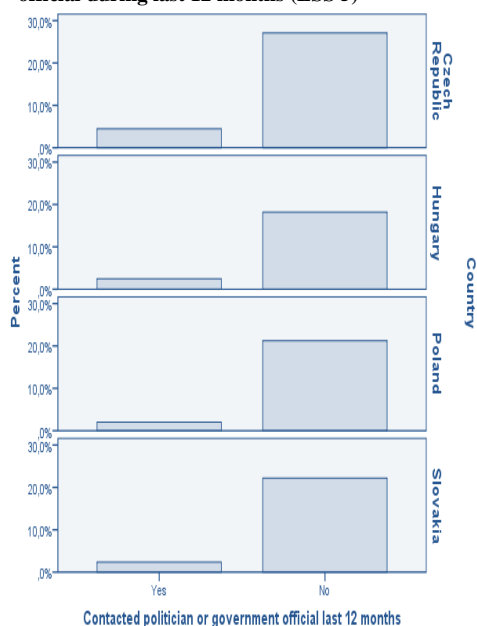


The data shown in Figure 3.2 and 3.3 are the latest results from European Social Survey round 5 (2010), and gives us a hint of their level of commitment in society. More examples are placed in Appendix 2. These two figures shows the numbers of persons who “Worked in political party or action group during last 12 months” (Yes v.s. No), and the one below shows the number who “Contacted politicians or government during the last 12 months (Yes v.s. No). Based on the results shown in the figures, with the ones in the appendix, it seems that the Czechs (based on those who have answered yes) are somewhat more active politically among these four peoples, while the Slovaks are not far behind. Poles and

Hungarians are somewhat less active.<sup>6</sup>

<sup>6</sup> All variables used to make these figures, are chi-square tested, as the reader can see in Appendix 6. I have tested significance upon two and two countries (those that seem somewhat more active, versus those less – Czech Rep. and Slovakia, and Poland and Hungary), all variables, except for “Worked in Political Action Group during last 12 months, and Worked in another association last 12 months are significant. “Taken part of lawful demonstration” was only significant for the Czech Republic and Slovakia.

**Figure 3.3 Contacted politicians or gov. official during last 12 months (ESS 5)**



Democracy *can* exist without a strong civil society.

However, I would argue, following Mudde, that democracy can profit from a civil society that is functioning, critical, and even supportive, and then it also would need a supportive and critical democratic state (Mudde 2003:162). Unemployment, poverty, youth crimes and anti-minority attitudes are some of the rather unwanted consequences, of the transition. Many studies confirm that youth violence and aggression tend to swing to extreme levels, in times of social, economic and political crises (Kürti 2003:52). That is one indication that a civil society exists, but in a different (and often a more difficult circumstance), when undemocratic

conditions and the lack of rule persist. A general pattern in the countries is that NGOs can easily be registered. People’s views on NGOs in each of the countries are generally positive, and they provide learning and mobilizing upon civic participation, and it seems that there are increases in the number of people in voluntary organizations. People in Poland even feel more empowered than earlier (from 7 percent in 1992 to 36 percent in 2010 according to a survey) and feel that they can have more influence on national matters than earlier (Wolszczak 2010). The NGOs’ I’m discussing here include groups such as Transparency International and Reporters without Borders, both prominent organizations.<sup>7</sup>

Michael Bernhard wrote in 1996 that many factors which contributed to weakening civil society after the transition, proved to be of ephemeral (Bernhard 1996:327-8).

I find some indications that reveal that civil society since the transition is actually “more” active when it’s completely “necessary”. One example is from Slovakia, at the time when Mečiar lost power in 1998; it is described to be partly because of stronger activity from civil society, with a successful mobilization of voters (84.2 percent turnout in 1998 compared to 75 percent in 1994), and NGOs were also said to have an important role in this mobilization

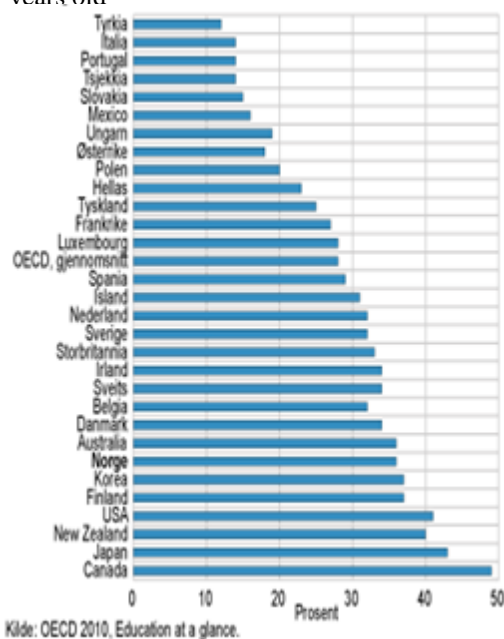
<sup>7</sup> In Hungary, NGOs’ economic support (public funds) was cut or frozen, by the new Fidesz government, (partly as a result from the economic crisis), which makes them financially vulnerable; and that is similar to NGOs’ situation in Slovakia and the Czech Republic. Economic support from the EU has been very important for NGOs’ in all the countries, in order to survive. In Slovakia, Prime Minister Robert Fico even tried to minimize their influence before the Radicova government took over, but Fico recently returned to the leading position. In the Czech Republic, President Klaus had earlier expressed the view that NGOs’ should not attempt to interfere in public policy, and government work, which is problematic, as they work as watchdog organizations, upon legislative, governmental and judicial procedures. In Slovakia, civil society is in fact considered by experts to be among the most dynamic in Central Europe, and was earlier able to exert strong influence upon the government’s agenda. Slovak NGOs have had an increasingly important role in supporting democratic activities in Central Europe. In Poland, social capital is among the lowest in the EU, but the country has, like the three others, lively and influential NGOs’. More recently, there was a strong civil society revival in 2005-2007, when disappointment with the rule of the Kaczynski-brothers, mobilized various organizations in protest. The turnout in 2007 was the highest since the 1989 election (54 percent), which led to the replacement of the PiS-administration, by an early parliamentary election (Wolszczak 2010).

(Harris 2010:190, Potocki 1998). One more recent example is from Poland, where the PiS-government lost power in 2007 after an early election, with among the highest voting turnout since the transition. This was also the case in Hungary, when Fidesz came to power in 2010, after the social democratic government was said to have led the country into “economic disaster”. One must also keep in mind that governments in this region have rarely continued after four years of governance. Public protests have of course also occurred in difficult times, with people protesting against what they consider to be “bad rule”, as happened most recently in Hungary against the Fidesz-government’s actions, and even more recently in the Czech Republic. My point here is that civil society has become stronger than it was in 1989. But of course people participate to a lesser extent, than in Western Europe. This is (again) explained by legacies, and their expectations after the transition, and it is still under development. I would suggest that this will continue to improve through the upcoming decades. Kopecký claims that organizational density, or membership, does not provide enough indication about the actual involvement of existing members in their organizations. He suggests that membership can obscure other forms of participation and engagement, such as mobilization that is temporary, on single issues (2003:7), which again illustrates my point.

## Education

Ever since the end of communism, educational levels in the countries under study have been rising. However, the percentage level of people with higher education is generally lower than

**Figure 3.4** Level of higher education 25-64 years old



the average among OECD-countries, if we take a look at the results in Figure 3.4. In Poland, the level of percentage level of people with higher education has risen from 9.9 percent (2002), to around 20 percent (2008). In Czech Republic and Slovakia, the numbers are respectively around 12.5 percent (2008) and 14 percent (2008). In Hungary the number was as low as 9.4 percent in 2001, and now it’s around 18 percent. If we compare that with other countries in Europe, the average is 28 percent, and for instance in Norway, 36 percent of the population has completed higher

education (Statistisk Sentralbyrå 2010).<sup>8</sup> I would argue that this is a potential problem. I'm aware that using education as an indicator for the strength of civil society can be problematic; however, my point and argument here is first of all, that higher education makes society more sustainable. Second of all, educated people often tend to be more active in society, are more often members of organizations, and even tend to have higher support for democracy (OECD Better Life Index-Education). Many studies tend to show that support and vote for right-wing parties is explained by level of education, and I suggest that it can have a connection to the educational system as well, based on values and the teaching people receive from school, and school books. One must keep in mind that civil society may refer to groups of people that have organized themselves to advance their own objectives, and these are not, as we have seen, always gentle movements. Voting and support for right-wing parties are often explained by dissatisfaction with the current system, and how it's working. Considering the fact that extreme right-wing movements tend to grow in difficult times (in this case, the difficulties that came along with the transition, and not least the economic crisis), civic and citizenship education can have a positive effect in society. Siemienska (2006:209, 215) finds that level of formal education and interest (and age) in politics, are predictors of tolerance and social trust in Poland, based on results from World Value Survey from the late 1990s. And I want to use Richard Taylor's arguments, from the book *Higher Education and Civic Engagement* from 2007: I believe that the concept of citizenship education is central for the development of healthy politics and democracy. It can develop a "good society", for imaging, discussing – and even tolerance. It is even more important than ever, keeping in mind migration and multiculturalism, as a result of globalization (2007:3). That is why it's important that governments, and NGOs, will continue working with getting people more involved in society, and even continue to promote, and support higher education, and manage to deal with the fact that the educational system can still be influenced by its past. In chapter 7 in the book *Democratic Transition in Croatia*, Wolfgang Höpken has written about civic identify and nationalism in

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<sup>8</sup> If we take a look at high school degrees on the other hand, the situation is somewhat more positive. I find that in Poland, 87 percent of adults aged 25-64 have earned the equivalent of a high-school degree, which is much higher than the OECD average of 73 percent. Among younger people, 93 percent of 25-34 year-old has earned the equivalent of a high-school degree, again higher than the average of 80 percent in OECD. In Hungary 80 percent of adults aged 25 to 64 have earned the equivalent of a high-school diploma, and 86 percent of 25-34 year-olds have earned the equivalent of a high-school degree.. In Slovakia, 90 percent of adults aged 25-64 have earned the equivalent of a high-school degree, again, much higher than the OECD average of 73 percent. Among younger people, a better indicator of the Slovak Republic's future: 94 percent of 25-34 year olds. That is also higher than the average of 80 percent. In Czech Republic, 94 percent of adults aged 25-64 have earned the equivalent of a high-school degree, and 94 percent of 25-34 year olds have earned the same (OECD Better Life Index - Education). The average of people that has earned the equivalent of a high-school degree is above average among OECD in each country, for people between 25-34 years old, which are a bright indicator for their future. Level of education is also the most important socio-demographic factor that differentiates between the categories of the democracy-autocracy index, according to the survey, referred to by Siemienska in "Democracy and Political Culture in Eastern Europe" (2006: 231). Strong democrats usually belong to those groups with the highest level of formal education, and in that case, education is both relevant and important for democratic progress in these four countries, and generally makes their societies more sustainable. Supporters of right-wing parties also tend to be low-educated.

East-Central and Southeastern Europe, where he claims that textbook reform was faced with a number of challenges in East-European post communist countries, and there were also country-specific challenges that set the frame for each country's performance in this field (2007:165).<sup>9</sup> One example is the treatment of minorities in these particular four countries. The Copenhagen criteria for minority rights have increased pressure on these governments to pay more respect to minority rights education, but the way minorities are presented in history teaching, however, is often inadequate. One example is the Roma in Hungary, who are largely ignored in textbooks. Another tendency that can undermine support for democratic values, tolerance, and education for peace, is the tendency for historical books to present a nation's own history in terms of suffering and struggle. Höpken also emphasizes that Polish textbooks are sometimes characterized by such stereotypes (Höpken 2007:179, 180, 184). The Helsinki Foundation also claims that Poles exhibit either "aggression or excessive curiosity" toward ethnic minorities, and that education is the key to tolerance, for cultures and minorities, and that Poland does not have any multicultural education (The News 2011). Civic education has been forgotten, Grzegorz Makowski says about the issue with the weak civil society in Poland (Visegrad). Civic education have a new place on the agendas in many European countries, considering globalization, and increasingly political and economical issues. Especially in post communist Central Europe, issues related to civic education have become more urgent; with educators concerned to prepare their citizens for political practices, and attitudes, including participation. This has also required reforms of the educational system and preparations (Torney-Purta 2002:129). Keeping in mind what I have written about tolerance and nationalism in the other countries earlier, this suggests that education is relevant for the strength of civil society.

It's worth mentioning that according to a survey conducted by British Demos and Political Capital institute, it does not seem that Jobbik-supporters come from low-educated and unemployed groups. Instead the pollsters find that these supporters tend to have strong cultural and ideological bindings, and economic incentives are secondary considerations. Many of Jobbik's supporters are also young men, and 1/5 of its supporters in the study, had University education (and most of them are EU-skeptic) (Hungarianambiance 2012). This example suggests that it is not only level of education that is important, but also how the

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<sup>9</sup> "Deideologization and an almost total shift in the educational objectives and the didactic principles of history teaching and history textbooks therefore became the main task with which all former communist countries were challenged in their textbook policy once communism had been terminated"(Höpken 2007:165).



educational system promotes citizenship. Education and citizenship have a connection with tolerance, political interests, and civic activity, so how these countries have dealt with their educational legacies, and how well their educational systems are working, is relevant. That is why education is an indicator, showing their strength of civil society, and keeping in mind the lower level of tolerance, and nationalism that lives in these countries.

### **3.4 Theory 3: Patterns of transition**

Patterns of transition are the next theory I shall examine. Choices made at this stage would and could follow these countries, and influence their progress, for decades to come. The transition included a “demonopolization” of power: economically that means privatization; politically it means dismantling the political structures that underpinned communist rule, and introducing new institutions and procedures (Ramet 1995:385). The transition to a market economy required the institutionalization of the new economic rules of the game: regulation of competition, bankruptcy, private property, banking etc (Bakke & Peters 2011:15). By looking at how these countries have developed since 1989, politically, socially, and economically, one can try to figure out how these early choices have worked out, and identify weaknesses. These states needed to construct their political systems from scratch, and the leaders did in fact make heavy use of foreign and especially American expertise to draft new laws, and to construct new institutions (Elster et al 1998:17). There was of course a question of institutional design, and power distribution. CEELI (The Central and East European Law Initiative) can also be mentioned in this sense; it developed rule of law strategies, and provided technical legal assistance in each the countries studied here (American Bar Association).

Each of the four countries examined here embarked on the post-communist transition in a different way. In Hungary and Poland, it was a peaceful transition, with Round Table negotiations. Key leaders in the two countries supported a gradual and peaceful transition, and one of the reasons why they did so, was that a large proportion of the population was in fact associated with the old regime. Many had been Communist Party members, and many had worked for state institutions. Also, the old elite gained power by obtaining some of the privatized state property, which in fact gave them a stake in the system, and they were generally not any longer interested in returning to state ownership. Essentially, they were bought off. Many of the former communists also transformed themselves into social democrats. According to Grzymała-Busse (2002) (as cited in Rose-Ackerman 2005:27), this tendency was not general; this occurred only (immediately) in Poland and Hungary, after the

regime change. For instance, teachers were not fired on basis of membership in the Communist Party. Some say that these communist dignitaries were the first to benefit from the privatization process, which was launched at the beginning of 1990s, and former communists easily became capitalists, while many Solidarity members slid into poverty, after the fall of communism (Maksymiuk 2009). I will return to privatization later.

Early after the transition, problems were starting to surface. In Hungary, inflation reached 30 percent in the early 1990s, it was short of energy-supplies, and thousands of Hungarians became homeless (Ramet 1995:357-8). Unemployment rose tangibly in all the countries, and remains an issue in all of the countries, but to a less extent in the Czech Republic. In the middle of the 1990s, Sabrina Ramet placed the Czech Republic and Hungary in “first category countries”, which had seemingly laid a sturdy basis for a functioning pluralist system, with constitutional safeguards for democratic procedure, and a degree of trust in public institutions. In the second category, she placed Poland and Slovakia. In this category, political personalities have loomed larger than political institutions, and peoples’ trust in the institutions are weak and where dangers of destabilization were high (Ramet 1995:386). When it comes to press freedom, in the middle of the 1990s, freedom was best assured in the Czech Republic and Hungary, while only partially achieved in Poland, and more shaky in Slovakia (Ramet 1995:395).

Legitimation is one important word, for a successful accomplishment of their tasks. One of the challenges here relates to holdovers from the communist past. However, no matter how much politicians appealed to democratic values and nationalism – the ruling elites often use a different way to achieve legitimation, and that was by manipulating memories of the past (Ramet 1995:398). The rules of the political transition were negotiated between leaders of the opposition and the leaders of the communist party. While in office, post-opposition governments in the four countries did put in place a quite comprehensive economic and political reform (Vachudova 2005:26). However, as Vachudova points out, Poland, Hungary and the Czech Republic went into shaping a liberal democracy, while Slovakia went temporarily in the direction of illiberal democracy. The lack of competition allowed Slovak opportunists to take power, and control the new institutions - illiberal democracy took hold. Elections were mostly free and fair, but there was little interest in creating institutions that were shaped in a liberal democratic way. The second government, headed by Mečiar (Prime Minister between 1993 and 1998), stopped privatization, and transformed it into a rather corrupt system. The opposition in the country was too weak to make a particular influence,

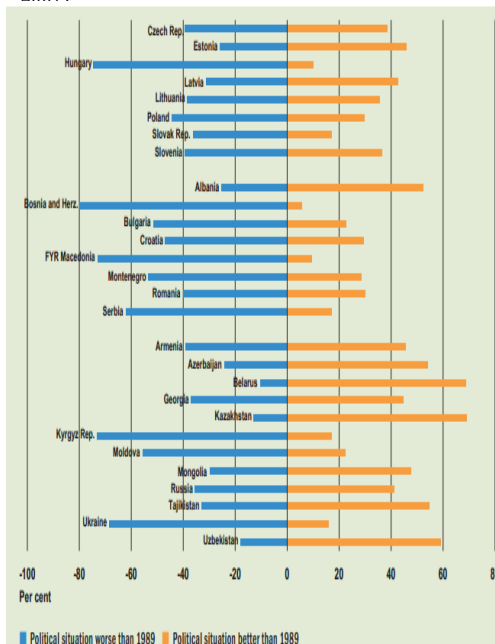
until 1998 (Vachudova 2005:38, 44). So the Czech Republic and Hungary had the best progress during the 1990s, Poland somewhat less, and Slovakia was doing worst.

Speaking of the challenges the new elite had, however, some of them was to deal with legacies from the past, and the (negative) consequences of transformation, facing all the changes that had to be made for the transformation to be successful post-communist political - the new elite could be regarded as rather weak (Elster et al 1998:18). The legitimation of the new system has perhaps been one of the most difficult issues in each of these countries.

Without strong legitimation of the new system, the countries are vulnerable to backslides or unsteadiness. Old democracies have a deeply rooted consensus on values and procedures,

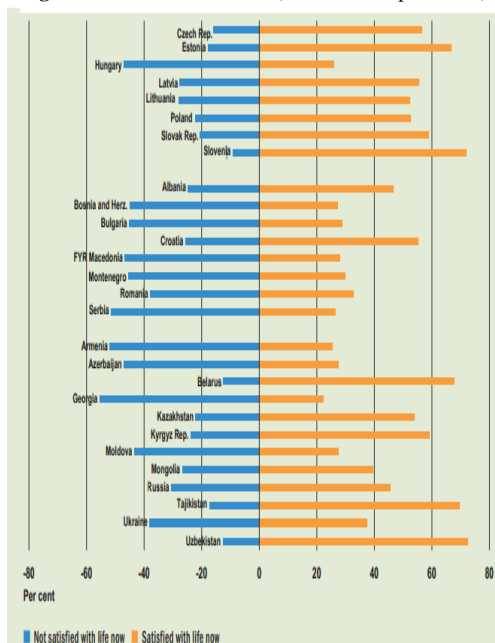
while new ones don't. A new democracy must, like older

**Figure 3.5** Political situation (Transition Report 2007)



democracies, also be capable of meeting the challenges with right-wing and populist parties, nationalism, neo-fascism, and religious bigotry, and manage to deal with corruption, chaos, crime and social violence (Ramet 1995:455). The greatest threat to a stable democracy, as I have been trying to show, will probably come from the right. Democratic governance will and would also have to struggle with the more negative sides of the transition – such as higher unemployment, lack of trust, higher differences among people etc. If they won't be capable of resolving those issues in a satisfactory way, a vicious circle can occur.

**Figure 3.6** Satisfied with life (Transition Report 2007)



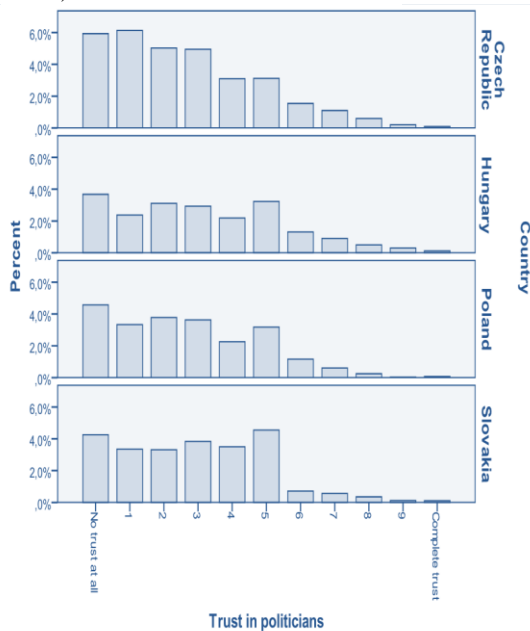
More than two decades have gone since the transition. The European Bank publishes each year a Transition Report, which tries to track down post-communist countries' developments since the transition and people's vision on their current development. How do people consider the political situation pre and post transition? According to Figure 3.5 and 3.6 from Transition Report 2007, there is one country that stands out, and that is Hungary; almost 80 percent of the Hungarians included in the survey considered the political situation to be worse (2007),

than it had been in 1989. Only 10 percent consider it to be the opposite. In the Czech Republic, the numbers are more split; there is almost a 50/50 distribution between worse and better than in 1989, with about 40 percent for each category. In Slovakia, almost 40 percent think the situation is worse, while about 20 percent think it is better. In Poland, about 30 percent thinks the political situation is better than in 1989, while more than 40 percent thinks the opposite. This gives us an indication how people regard the transition process, but in Hungary, the result was most dramatic. In the same report, there is a much higher dissatisfaction with “life now” in Hungary, compared to the three other countries. In Poland, the Czech Republic and Slovakia, people are generally much more satisfied with life now. People’s view about living standards, before and after 1989, is also much more negative in Hungary, compared to the other three, where higher proportion of respondents gave positive assessments (around 50 percent versus a bit above 20 percent in Hungary). However, at least on the more positive side, there was an agreement in 2007 among the four countries that democracy is better than authoritarianism, and there is a much higher pro market attitude vs. planned economy (Transition Report 2007:49-52). However, those who support Fidesz and (especially) Jobbik today can probably not be said to consider democracy to be better than authoritarianism. I have also viewed the Transition Report from 2011, to find effects on people’s visions, before and after the economic crisis, which influenced the countries largely: the current economic crisis reduced people’s material well-being and consumption of households. Did it change people’s views about democracy and the economic system also? According to Transition Report from 2011, it did. Results from this survey (the European Bank) in 2010, compared to another survey from 2006, shows clearly that the number of preferring democracy has gone downwards. People’s support for markets has also gone downwards. The reader can see these tables in Appendix 3. When it comes to the blame for the economic crisis, many people tend to blame the West: more than 70 percent in Slovakia, above 60 percent in the Czech Republic and Hungary, and around 50 percent in Poland, of those surveyed (Transition Report 2011:66).

Let’s now at the end take a look at how people in these countries trust their parliament, politicians, political parties, over 20 years since the transition. From Figure 3.7 and 3.8 on the left (from European Social Survey 5 2010), we see that trust in politicians and parliament is dramatically low (the figures are based on a 0-10 scale where 10 is the highest). It seems as if the trust, when this measure was taken, is the highest (but not very clearly) in the Czech Republic and Hungary. It could be that the Hungarian results are different now, keeping in mind people’s expectations of the new Fidesz-government, which promised to handle

corruption and economic difficulties. Trusts in politicians seem generally lower than trust in parliament. This definitely tells us something about how people's expectations have been

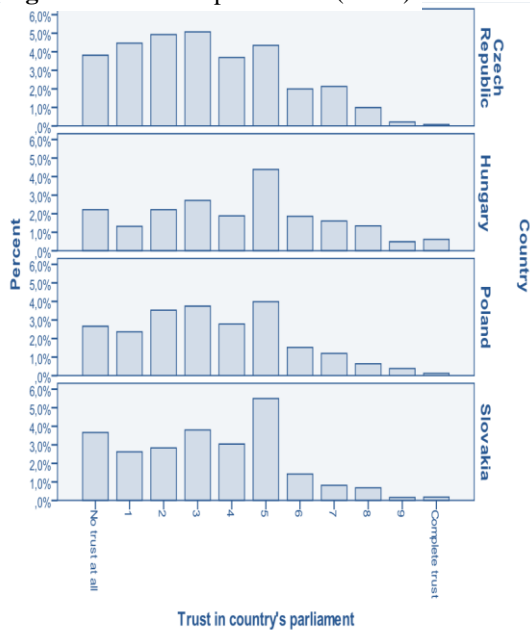
**Figure 3.7** Level of trust politicians meet through the years, and can tell us something how people (ESS5)



view their governance.

In Poland, for instance, all governments since 1989 have wanted to work against (unwieldy) bureaucracy and make the public administration truly professional; however, the country is struggling with old habits and political interests. The first comprehensive law on civil service operations was not adopted until 7 years after the transition, and since then, it has been frequently and hastily changed. Public administration does not seem to be ready to face challenges in the modern world, according to Krzysztof Burnetko (2009:51, 53).

**Figure 3.8** Trust in parliament (ESS5)



One highly problematic issue, says Burnetko, is the fact that no government since 1989 has breached principles that are seen as rather mandatory in any modern European states – a law on civil administration that would reform the state administration, to speed up their effectiveness.<sup>10</sup>

Growing public negativity toward democracy and markets can combine to stall a transition, or lead to an anti-democratic backlash in society, and more authoritarian parties, that need someone to blame. The Hungarian situation seems to be most problematic, and I suggest that it can help us to explain the recent developments in the country. Jobbik, a far right nationalist party, has presented itself as a type of “anti

<sup>10</sup> Even when this act went into effect in Poland, the Polish state still remained ineffective bureaucratic (Burnetko 2009:53). PiS lost power in 2007, and eventually, the PO and PSL-parties forced through an administration reform in 2008. The turbulence, writes Burnetko, is affected by the political unfettered ambitions of politicians that try to appropriate it according to their own party interests. This is shown by the disputes around the civil service act, and the practice for implementing it, and it has been influenced by parties at all the different specters in Poland. This has not been the case in for instance the Czech Republic, the authors say – where civil services is working without much disturbances (2009:59).

party”, according to Nick Sitter, because of the way it has eschewed the term “party”, and because it has criticized the other established parties for corruption, and presented itself as a pure clean alternative (2011:260). Jobbik even scored a breakthrough in the European Parliament election, back in 2009, where Jobbik’s leader cast himself as “real” Hungarian fighting against traitors, with the slogan “Hungary for Hungarians”. The reason for the rise of such parties has already been discussed; however, it seems that it can be explained by factors that are typical for such parties (Sitter 2011:260-1). Fidesz has denounced cooperation with Jobbik, but some would say that there is a possible line between the right-wing in the Fidesz party, and Jobbik. However, recent polls show that people’s support for these parties is declining, but the opposition is rather fragmented, and support for Fidesz and Jobbik is still high (Norwegian Helsinki Committee 2012:9,13).

Let’s take a closer look at the countries’ governance - there are several indexes that measure governance in former communist countries. Among them is the World Bank, and BTI (Bertelsmann Stiftung’s Transformation Index). The World Bank measures every second year six aggregate governance indicators, based on publicly-available disaggregated data. The Bank’s data show the country’s performance every second year, from 1996 until 2010, in six governance dimensions. It includes the following: 1) Voice and Accountability 2) Political stability and lack of violence terrorism 3) Government effectiveness 4) Regulatory quality 5) Rule of law and 6) Control of corruption. Higher values indicate better governance ratings. The four tables can be found in Appendix 4. Governance in the Czech Republic, Poland and Slovakia is usually appraised more positively than governance in Hungary. To be more precise, in the Czech Republic, all areas go rather steadily, compared to the results from 1996. The exception is corruption, which had a decline, compared to the results from 1996. In Poland, all areas experienced a decline in particular periods, or backslide since the transformation, except for regulatory quality. However, all the areas seem to be on the right track again, including where corruption is concerned. Slovakia had a steady progress in these areas, except for voice and accountability (possibility to participate in elections, freedom of expression and association, and free media), and corruption, where there has been some erosion in the last recent years. Back steps in some areas occurred, such as political stability though. Hungary, on the other hand, experienced more of a backlash in most of these areas in the recent years, after having a rather steady progress. Voice and accountability still score well, but have gone backwards, political stability has declined, government effectiveness the same, regulatory quality remains steady, rule of law has somewhat worsened, and the same can be said where corruption is concerned. The governance of the new controversial

<b>Table 3.1</b> World Bank Worldwide Gov. indicators		<b>2006</b>		<b>2012</b>	
	Scale	Score	Place	Score	Place
<b>Hungary</b>	Scale	Score	Place	Score	Place
Status Index	1-10	9.2	5 of 128	8.48	12 of 128
Political trans.	1-10	9.4	4 of 128	8.35	17 of 128
Economic trans.	1-10	8.9	7 of 128	8.61	11 of 128
Management in.	1-10	6.8	15 of 128	5.47	48 of 128
		2006		2012	
<b>Poland</b>	Scale	Score	Place	Score	Place
Status Index	1-10	8.9	9 of 128	9.05	6 of 128
Political trans.	1-10	9.2	9 of 128	9.2	8 of 128
Economic trans.	1-10	8.6	10 of 128	8.89	6 of 128
Management in.	1-10	6.4	23 of 128	6.79	13 of 128
		2006		2012	
<b>Czech Republic</b>	Scale	Score	Place	Score	Place
Status Index	1-10	9.2	3 of 128	9.61	1 of 128
Political trans.	1-10	9.5	3 of 128	9.65	2 of 128
Economic tran.	1-10	9.0	5 of 128	9.57	1 of 128
Management in.	1-10	7.0	10 of 128	6.57	18 of 128
		2006		2012	
<b>Slovakia</b>	Scale	Score	Place	Score	Place
Status Index	1-10	9.1	6 of 128	8.88	8 of 128
Political trans.	1-10	9.2	9 of 128	9.0	10 of 128
Economic trans.	1-10	8.9	7 of 128	8.75	7 of 128
Management in.	1-10	7.3	6 of 128	6.80	12 of 128

government, led by Fidesz, has not been tracked quite yet, but as the country is being said to move into a more authoritarian ruling, one shouldn't expect it to improve a lot (World Bank: Worldwide Governance Indicators).

BTI (Bertelsmann Stiftung) on the other hand, measures the state of democracy, the market economy, and the general quality of political management in 128 transition and developing countries. Here I have chosen to compare 2006 and 2012,

to be able to find a tendency, or pattern, in the developments, two years after these states became EU-members, and how their process looks today. The results can be seen in Table 3.1. The Czech Republic has continued to improve, since 2006. Slovakia has worsened somewhat since 2006, but not dramatically, and the process can be called unsteady rather than backsliding. Poland has improved since 2006 on the other hand, and seems to have been improving more with the rule of the PO (Civic Platform), compared to the years with governance by the populist parties PiS (Law and Justice), Samoobrona, and the right-wing party LPR (League of Polish Families). Hungary on the other hand, has recently been backsliding, rather than having an unsteady progress. At the different indices, the country has been falling drastically, especially at the point with management index. However, the two countries that are doing the best overall seem to be the Czech Republic and Poland, with Slovakia close behind, and Hungary last (BTI 2012 & 2006 Country Reports: Czech Republic, Hungary, Poland and Slovakia). This is what I will call an important pattern that demonstrates the negative effects from extreme populist and right-wing parties.

The Czech Republic has experienced weak governments though. In early 2012, ten thousands of people protested in the streets of Prague, calling for an early election, and protesting corruption, tax rises, and spending cuts (The Guardian 2012). The country was also without a government for seven months, back in 2007.

## Privatization (and media ownership)

One of the tasks of restoring economic stability was the privatization process. However, as Ramet points out, it was a component of economic revival, but also highly controversial. One good reason was the method used to privatize, which turned out to have weaknesses (1995: 381). One of my theories (connected to the patterns of transition) relates to how this privatization was done in the transition period, and the weaknesses occurred in this process, that has continued to follow them. One of the biggest areas of corruption in each of the countries today, is for instance in the private sector.

After the transition, the countries did not entirely follow each other in the same privatization path: Hungary started to embark on its privatization program quite early (from 1988), and there ensued a “spontaneous privatization”, by communist appointed managers. These often received favorable terms, when purchasing the firms, and many of these firms were sold at discounted prices to foreign investors – but at a profit to the sellers. A second law was passed in 1989, that established procedures for further privatization, and in 1990 a State Property Agency was created, to oversee the process. One important fact that made Hungary different from the others was that the government initially restricted the purchase of shares to citizens, and they agreed to finance sales of enterprises (Ramet 1995:382, 384).

In the Czech Republic and Poland a voucher system was used, where citizens could buy shares in the enterprises. The Poles were somewhat more cautious and moved more slowly than the Czechs, however. The privatization process in Poland was anyhow not without controversy either - recriminations over alleged corruption, and also how it neglected people’s interests, were early debated. The Czechs followed a somewhat different path, and were less cautious. Vouchers were distributed to all adult citizens for a smaller fee, and by the end of 1991, 16.4 percent of the economy was turned into private hands. Slovakia provided a contrast to the other states. There privatization started more rapidly somewhat later, and locals feared unemployment and layoffs (Ramet 1995:383-385).

Privatization became remarkably corrupt in for instance Slovakia, in the sense that the governing elite giving out state property to just a fraction for what it was worth, to their own political supporters, family and friends. The problem was obviously the lack of overview, and that the potential higher revenue could have been used in variety of ways, from tax cuts and paying off debts, and even infrastructures. Comprehensive and transparent economic reforms proved way too costly at the time, and besides, as Stephen Holmes points out: “successful office holders throughout the post-communist world have no immediate interest in the



creation of political transparency or a rule governed polity and economy” (as cited in Vachudova 2005:48). And Vachudova concludes that the level of competition was important, with the presence or absence of an opposition to communism (2005:59). Many of the new owners of enterprises did not try to resell them either to more competent entrepreneurs. Bureaucracy is currently the problem nowadays, and hinders the easy resale of shares, with the result that people resort to bribes (Tupy 2006:17), which again can be connected to governance, and lack of necessary reforms.

In Slovakia, large-scale privatization occurred much later. The Czechs on the other hand, created new wealth through capitalism early, while Slovakia maintained much of the old socialist traditions. However, they all had huge baggage from previous times, and many of the effects of privatization were not foreseeable at all. Therefore, both privatization and foreign investment efforts did revolve around communist legacies (Tuma 2010:13). As already mentioned, these privatization processes involved much scandal, and we can take the example of the Czech Republic. There privatization went through investments in vouchers by ordinary people. Only 500,000 of 16 million citizens bought vouchers in the first period, and these were mostly former communists who twisted the system into their own advantage, even though the Klaus-government (Prime Minister 1992-1997) actually wanted to return firms to their previous owners. However, no clean up was done in this system that was inherently illegal and it didn't create equal opportunities for people. Another privatization method was later adopted, in order to speed up the process. This, however, hurt several Czech firms, because it did not invest the collected funds in the corresponding firms, but more to people who tried to benefit from the struggling economy at that time. Firms were plundered, and bribery and scandals often occurred. However, the process in the Czech Republic did push the country into becoming one of the leading countries in the region at this point, even at a huge cost. Corruption was not cleaned out of the former system, and the privatization process even collapsed in 1997, because of corruption (Tuma 2010:15-16).

Even though Slovakia had much slower progress at this point, it had the same “bad start”. Vladimír Mečiar had a stronger focus on Eastern Europe, and the GDP fell dramatically, in combination with rising unemployment. Mečiar cancelled privatization plans, and later put many of his friends and former communists in key positions, and maintained tight state control, even of privatization agencies. In a privatization campaign in 1994, he put his close allies in control of several firms. These allies quickly plundered these enterprises for their own profit, and let the firms default. A planned voucher process was postponed several times, and Slovakia's economic transition did really not begin until 1998 (Tuma 2010:17-8). The

rapid privatization did benefit the Czechs more, however, which again proves how important governance and leadership is, in making good decisions.

The most visible forms of corruption in private businesses, involves the selection of pre-specified partners in public tenders. Bribes are also not marginal, and hiding parts of their activities are also common, to reduce taxes. Given the absence of a more proper institutional mechanism and robust protection of ownership rights, the free market can create more opportunities for both economic contest and manipulation (Lizal & Kočenda 2000:13,20).

The privatization process obviously created huge possibilities for personal gain and corruption, which have continued. Today, those who took part in this process continue to benefit from the wealth they obtained (Tupy 2006:17). One must keep in mind that the fight against corruption during the transition was expensive, and knowledge was lacking, which explains the lack of proper framework and institutions, with clear laws and regulations. Given the reasons provided, we have a pattern that the privatization process, with the government's early choices, did create some of the weaknesses in their societies that continue to influence their progress, even though this process was necessary.<sup>11</sup>

## Media

Since I have mentioned privatization, I will also emphasize the relevance of media ownership in these countries, because of its possible influence on media independence, and ownership is also considered to be an issue in these post communist countries. Legislation is important, and to be capable of having a free media to flourish, it is important to have a proper regulatory framework (Nyman-Metcalf 2011:236). It is necessary to regulate media ownership, because owners are in a position to influence media content. The independence of journalists and the media rests in the hands of media owners (Hrvatín & Petković 2004:12). It is hard to imagine

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<sup>11</sup> However, one can in the end consider how the different privatization methods benefited these countries in the end. Károly Attila Soós published a book in 2011 about primary and secondary privatization in Central Europe. In his survey, he observed that the character of political transition had a big impact on secondary privatization, and weaker impact on the methods, and speed of primary privatization. Primary privatization did create a highly dispersed structure of ownership in 5 of the 6 countries in his study, but a less dispersed in Hungary. This was because of the outcome of the voucher mass privatization, or insider privatization, and small owners were disproportionately represented (2011:149) He also compared three of my four countries (Hungary, Poland, the Czech Republic), with Slovenia, on privatization and the character of political transition. He showed that the development of manufacturing and foreign trade was stronger in the Czech Republic and Poland, than in Slovenia. GDP growth was faster in Hungary than in the Czech Republic, but slower compared to Poland. Income inequalities were the highest in Poland, however. In population's level of economic activity, Hungary was behind Poland and the Czech Republic. His conclusion in the end is that the Slovenian slow, cautious, consensus-seeking pattern of transition was more successful in at least social developments, but less successful in economic development than the model chosen by Poland, one of the more rapidly and courageously reforming countries. The differences between Slovenia and the two other countries are smaller (Soós 2011:157-8).

a free and pluralistic society where all media are controlled by the state, or if one, or few person(s), or one or few firm(s) controls all the media in a country. Owners of media should ensure editorial independence, and not be a certain mouthpiece of authorities. With the fact that we can look at the media as a watchdog for society, I will stress this importance.

In 2004, there was published a book about ownership patterns and their effects on media pluralism and independence, that included the new member states of Central Europe. This book finds the following in each country:

In Slovakia, media ownership was dealt with very vaguely during the first seven years of their independence. In 2000, the Slovak parliament adopted a new Law on Broadcasting, which included anti-concentration clauses, and ownership transparency rules. There were concerns about how these clauses would be enforced. There are no anti-concentration or ownership transparency rules for the press though, and no provisions shielding editorial independence from owners or publishers (Šípoš 2004:448-9). Only one nationwide TV channel was privatized in Slovakia by 2004, and only one of the top three newspapers are without a foreign owner. Media ownership in the country, however, is in several pairs of hands. The dominant media group revolved around Pavol Rusko, and he was the Minister of the Economy back in 2004. This group has been criticized for reporting in a manner favorable to Rusko's interests, and his political party (ANO). Ivan Kmotrik is the second most important media owner, holding a 50 percent ownership share in TV Joj, the largest newspaper distributor, four big printing houses, a book publisher and the largest advertising agency in the country (Šípoš 2004:451, 453-4). State-owned media also remain significant; however, after 1998, the country has achieved a respectable level of pluralism, even though the code of ethics from 1990 remains little respected in the local media scene (Šípoš 2004:458). There has been little public pressure on publishers and broadcasters towards transparency and disclosure of conflicts of interest also.

Hungary is dominated by market forces. There is a strong foreign ownership in the country, a declining political press, and growing numbers of tabloids, commercial radio and TV channels, a weak public service broadcasting sector, and deeply divided journalistic community (Gálik 2004:192). The Broadcasting Act of 1996 has many anti-concentration provisions, on market share and ownership, and has been changed several times since then. It is also important to mention that leading state officials, members of the judiciary, party officials, and so on, are excluded by law from being broadcasters (Gálik 2004:194-5). Public service broadcasting seems to bare a wasteland, according to Gálik; the first half of the 1990s did not bring much change to the legal status of the former state radio and television. The

(then) newly chosen democratic government did interfere with the daily operation of the two broadcasters and the excuse was that the country was facing a long transition process, and that democratization had been not completely accomplished. Hungarian public service media have been regarded as politically biased, weak economically, dependent on subsidies from the state, and internally divided (Gálik 2004:209). More interestingly, big media outlets try to avoid becoming involved in political matters, as a business policy. They are powerful enough not to bow to politicians, and even the political press has lost ground to tabloids as well (Gálik 2004:212). However, in the report, Gálik finds no sign that foreign owners of political dailies want to interfere with the daily media practice in the country (Gálik 2004:215).

In Poland, the current media ownership landscape is a result of two divergent strategies, originating at the time of the transition in 1989, with state run privatization and deregulatory policies that concern the print press, and helped to establish a system of press, which was dominated by private ownership and a model of market supply and demand. Both media pluralism and ownership issues are regulated by laws. However, editorial independence from both owners and publishers is not explicitly regulated by the current media law in the country. Journalistic independence is protected by a clause of freedom of speech, however. Anti-concentration rules are described as rather soft; they tackle only come certain points of the problem (Klimkiewicz 2004:364). Preventive censorship of social communication and the licensing of the press are also forbidden, under the constitution. However, one legacy, in line with my evidence above, is that the censorship and media control associated with the communist era, remain a visible legacy in Poland (Klimkiewicz 2004:372). As in Hungary, the media are dominated by foreign owners, mostly German, and small media companies also continue to merge with powerful owners. The Polish press has become pluralistic, but not really independent. There is an imprecise and non-agreed definition of this term though. According to a Polish journalist, reporters are censored or quietly corrupted by local authorities. Threats against publishers have also occurred, if they fail to publish favorable articles (Klimkiewicz 2004:389, 393). A study made from the 1990s, revealed that 42 percent of the journalists considered their freedom to be restricted, through pressure from owners, editors, stations and supervisors. Attempts to reform media regulation have failed for several reasons, such as political and economic interests, and the inconsistency of policy objectives (Klimkiewicz 2004:395).

In the Czech Republic, most of the media are in private hands, and the country has no limit on foreign participation, or minimum ownership restrictions in general. The only limit on cross-ownership was enacted by the Broadcasting Act of 2001. However, concentration in

the media has not reached an extent that could potentially endanger media freedom or pluralism. It was during the transition, when there was a focus on far-reaching rejection of the former communist political system, which led to the unfolding of free market forces, and mass privatization, which included the media (Šmid 2004:142-3). Six national daily newspapers are under control of five owners, published in the country. No publisher occupies any monopoly or dominant position in their national daily press. However, the regional press is fully controlled by the VGP publisher, Vltava-Labe-Press, which published 45 daily newspapers in Bohemia, and 9 in the Moravia district, including one evening paper in Prague, and 17 weekly papers, and 2 independent regional weeklies (Šmid 2004:152-3). This has been criticized from several standpoints. But in general, the daily press is independent of political parties and any obvious particular interest group. The country got a full-fledged mixed public-privatization system in radio and television broadcasting early in the transition. However, a menace for the media may result from economic, rather than political pressure. Not only because of the concentration of ownership, but also on the size of their media market, and there are smaller chances to survive in a smaller market in general (Šmid 2004:154, 161).

Based on this comparison, we see that the general pattern in each country, however with differences, is unclear or inconsistent regulations, together with some issues of ownership, and their possible influence on journalists and the press. This can both be explained by legacies, and the transition process.

## Corruption

Anna Grzymala-Busse has a very good comparative chapter about privatizing the state, and party funding strategies. She finds that political parties often took advantage of the opportunities they got, inherent in privatization. If it was less regulated, this gave a higher possibility for state exploitation. However, if the countries had a more robust competition, and more state funding was regulated, access to privatization resources limited, and its benefits dispersed across several parties (2007:221). The financing of the parties is one dark side of the post-transformation democratic politics. Several scandals contributed to this issue, which is also one of those factors which have lowered the trust towards political parties in the region.

Corruption in itself has had a big influence in all of these countries though. I mentioned that I regard this also as a legacy. But I will now show that it has a strong connection to the

transition as well, related to how the countries have approached this issue. Its biggest roots and scoop, I would claim, came largely from the communist period itself, because typical actions that we relate to corruption today were considered to be a normal way of daily life, and with the fact that communism did influence people's opinions and way of thinking in a negative way.

In the transition, opposition movements positioned themselves as less corrupt than the regime. They were outsiders in the first place, but their explicit moral orientation is worth mentioning: consider Solidarity's ties to the Catholic Church in Poland or Václav Havel's moralism during the Velvet Revolution in Czechoslovakia, for instance. There is the fact that people's focus on and clarity about corruption increased at the beginning of the 1990s, but we shouldn't forget the increasing openness in the society, compared to earlier times. Kubicek claims that this was arguably because of the ambiguity of the political and economic environment, often exploited by former communists with insider connections and economic resources. One could not point the finger at the new political elite, and blame it for the corruption problems in these countries; even though it would be wrong to believe that the new elites have been totally clean (Kubicek 2009:330). It turns out that there has been a different level of political will inside these countries, for dealing with corruption in the first place, and even the new elites, and the "anti-corruption elite" aren't always clean either.

Several institutions that measure corruption levels in these countries, state that law provides criminal penalties for official corruption. For further comparison and trying to measure this variable, I have used information from Freedom House, Civil Society against Corruption reports, and Transparency International.<sup>12</sup> T.I. develops tools to work against corruption, in cooperation with other NGOs and civil society. T.I. also makes an index based on people's perception of corruption in society, among businessmen and analysts. One potential problem with using T.I.'s index, however, is that it *can* be problematic to use its measures, for comparison over time, as it is based on public perception of corruption. However, a country's score might at least give us an indication of how corruption is an issue in these societies, and how their institutions manage to handle it. Freedom House has measures and ratings over time based on experts' analysis. These experts look at public perceptions of corruption, the business interests of policy makers, laws concerning financial disclosure, conflict of interest, and the efficiency of anticorruption initiatives. The reports

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<sup>12</sup> T.I.'s definition of corruption is as follows, and hits the spot pretty well: "Corruption is abuse of power in trusted positions for personal gains." TI also distinguishes between corruption in "accordance with the rule", and corruption "in spite of the rule". The first one includes bribes to achieve a beneficial treatment which the receiver is committed by the law to perform. The latter includes on the other hand bribery to achieve a treatment which the receiver of the bribe isn't allowed to perform (Transparency International).

made by Civil Society against Corruption, and its work, is dedicated to civil society activists against corruption, journalists and scholars, and they search for anti-corruption initiatives that have been made. They have tried to track down trend analysis of corruption in the countries; of what kind of corruption we are talking about, and the countries government's strategies to deal with these issues.

Transparency International's ranking from its corruption perception index in 2011, on how corrupt their public sector is perceived to be, puts Poland in 41<sup>th</sup> place with a score of 5.5, Hungary on 54<sup>th</sup> with a score of 4.6, the Czech Republic in 57<sup>th</sup> with a score of 4.4, and Slovakia in 66<sup>th</sup> with score of 4. The score is based on a 0-10 scale, where 0 is most corrupt. Even though their positions cannot be recognized as particularly good, they are at least placed higher than West-European countries such as Italy and Greece, and they are doing rather well, if compared with other countries in Eastern Europe. If we compare numbers from 2008-2010, Poland has improved since 2008, while corruption in Hungary, the Czech Republic and Slovakia has worsened. Now, let's go deeper into each country:

According to Freedom House, corruption in Slovakia is long-standing and widespread. The Fico administration has been blamed, for not continuing to build on the anticorruption legislation passed by the preceding government, when corruption actually was said to improve, and instead opened new opportunities for further corruption in the country. In May 2010, the Group of States against Corruption (GRECO) found out that the Slovak parliament had introduced only one of its sixteen recommendations that were related to transparency of party financing and penalties for corruption into their criminal code. They even believe that the Fico government showed a lack of will to bring perpetrators to justice, and reports on rampant abuse of power in the distribution of public funds were later discovered, when the new administration was in place. Fico also attacked the media in the country – keep in mind the media's desired role to be independent to inform their citizens. The previous government that was in power from 2010, until it collapsed in October 2011, made a clear plan to combat corruption as a top priority, by releasing a program of increasing transparency, and strengthening public control over the administration of public funds. One example is that this government started to publish information online, on all contracts which had been completed by state administration under the previous government (Mesežnikov, Kollár, Vasecka 2011).<sup>13</sup> However, in March 2012, Fico and his party Smer took the leading role once again. The new election was influenced by a major corruption scandal, which involved most of the centre-

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<sup>13</sup> This was also done with business contracts between the government and private companies which therefore could not go into effect until they had been released on the internet for at least ten days

right parties in the government coalition. This was revealed in a secret intelligence report, which showed how higher politicians from several parties had accepted bribes from private persons and companies, that managed to receive lucrative contracts in exchange (Dagbladet 2012). So even though the now replaced government had ambitious ideas for dealing with corruption, this corruption scandal just proves that corruption continued to be present in Slovakia, and that even politicians who swear to deal with it, may also be affected by “skeletons in their own closets”. In Civil Society against Corruption’s report from 2010 (Pawelke 2010), the author offers evidence which reinforces my theories, that Slovakia’s background, including the changes that came along in the end of communist rule, and the transition period, can explain the prevalence and extent of corruption.

According to a corruption perception survey from 1999, corruption was considered to be much worse during the period 1994 to 1998, than even during communism. I would suggest that an increasing level of openness is one good reason for that; however, Slovakia was as we have seen rather backward in that period. Lack of transparency, both in privatization and with the use of state funds, weak civil society and public service, absence or weak legal norms to hinder corrupt practices, low risk, and broader public tolerance for corruption, were considered to be the reasons for their high level of corruption during the 1990s. Experts gave Mečiar a large part of the blame. Even press freedom was reduced, with a high level of passivity - there was almost no attempt to tackle corruption. The “Clean Hands” program in 1995 was proposed to enact new laws, and amend those that already existed, but it was ineffective, and never fully implemented. The new government from 1998 brought about a big change however, and corruption levels declined during its term in office. The Mikuláš Dzurinda led government was not entirely clean, but at least it managed to pass important reforms against corruption, with a mix of EU pressure and lobbying from civil society.<sup>14</sup> Under Dzurinda’s second government from 2002-2006, the Slovaks also established the Anticorruption Department. The Parliament also passed a new law to combat corruption and organized crime, with stronger punishment for crimes connected to corruption. The EU and the World Bank also played a role in these efforts, however, more in policy transfer and assistance than forcing through reforms (Pawelke 2010).

When Robert Fico took over as Prime Minister from 2006, on the other hand, the country was considered to be sliding backwards in this area once again. Fico and Smer lost the

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<sup>14</sup> A national anti-corruption program was developed, that included a higher level of transparency, which was intended to improve the functioning of the judiciary and prosecution. A Freedom of Access to Information Act was also passed, that changed the relations between the public administration and citizens. The levels of corruption actually decreased in those areas that had implemented these reforms, while levels of corruption increased or remained the same where the reforms were postponed.



election in 2010, but are now back in governance. This certainly suggests that the effort to fight against corruption is very much influenced by the specific government. There is corruption in all the political parties, and there seem to be only small differences in the number of scandals in each of them. However, some parties are obviously more willing than others to fight corruption.<sup>15</sup>

In the Czech Republic, Freedom House believes that improvement has occurred together with the country's maturation through the years. Most people live their daily lives without engaging in corrupt behavior, but there have been complaints that there is still a need to bribe, or "give gifts" to expedite services from the public administration. Also, anticorruption measures are considered to be insufficient to fully tackle the problem, and lack of transparency over cases, such as major business deals, remains a huge problem. While the country's highest control body, NKU, discovers irregularities, politicians tend to ignore its findings, and tend to call the agency incompetent. One of the problems is not just the political elite, but also poor performance of the anticorruption police, and the state attorney's office (Druker 2011).

The Civil Society against Corruption report from 2010 shows that despite minor improvements, corruption and lack of transparency remains a longstanding problem in the country. Corruption remains a big issue, and is something most Czechs want to deal with. That is also why basically every political party running in the election wants to be seen as a corruption fighter. However, many of those systematic improvements necessary are still lacking; such as depolarization and professionalization of the public administration.<sup>16</sup> In 2005 GRECO published a report, which revealed that the Czech government took measures, but corruption still remained a large problem, especially in the public administration. A better legal provision, establishing a liability of legal persons for offences, and having appropriate sanctions, was necessary. The ODS government has taken steps in the right direction, by introducing a grand strategy and fighting corruption, which involved the establishment of a national anticorruption hotline, operated by T.I. Czech Republic, with new penal codes and

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<sup>15</sup> More recently, a Transparency group evaluated anti-corruption efforts by parties and MPs in Slovakia. It brags of the efforts made by the now (former) government, and T.I. expected Slovakia's score on rankings to improve because of these changes. However, Smer and SNS were ranked worst, as they had supported few legislative proposals positively (Bagin 2012). Transparency International Slovakia, before it ended its cooperation with the government in 2008, had a strategy of "constructive criticism", of the government. The government was criticized for not implementing programs, but before that, its proposals formed the basis for anti-corruption programs at the beginning of 2000s (Pawelke 2010)

<sup>16</sup> T.I. argues that the biggest problems in the country are still political corruption, uncontrolled lobbying, and lack of independence in the judicial system and tamed public service. The areas that are perceived to be most corrupt are the construction industry, health care, police and civil servants.

new restrictions. However, it has been criticized for being much too vague, and for lacking concrete objectives and measurable benchmarks. As in Slovakia, the Czech government in 1998 implemented a program called “action clean hands”. Minor changes were carried out, however, and few cases were taken to court (Rihackova 2010). Lack of political will and weak implementation seem to explain that.

Freedom House considers Poland to have well-developed institutions to deal with corruption, such as the Central Anticorruption Bureau (CAB) which was established back in 2006. The recent ruling parties, PO-PSL also created a separate office that was responsible for developing strategies, dealing with corruption in the public institutions as well.<sup>17</sup> The problem, however, is that more recent developments make one believe that the anticorruption institutions are not free of corruption themselves, with some leaders having partisan political interests. The ruling elite does not always seem to take investigation and “cleanup” very seriously either.<sup>18</sup> However, according to a CBOS survey, 56 percent of Poles believe that there is a political will to fight corruption in general, but only 38 percent believe the government has made satisfactory efforts so far (Jasiewicz 2011).

The report from Civil Society against Corruption shows that according to a trend analysis from the late 1990s and early 2000, the perception of corruption has gradually deepened. This trend did bottom out in 2005 and 2006, and since then, it has started to decrease, or at least the perception of it. Poland has ratified a number of anti-corruption conventions, such as OECD, UN and Council of Europe conventions, but the country has not ratified the Additional Protocol to the Criminal Law Convention, and it is not a party to the European Convention on Transfer of Proceedings (Wolszczak 2010). CPI notes an improvement in the late 2000s, as a result of institutional reform and civil support for fighting corruption (Wolszczak 2010).

In 2005, PiS used anticorruption as one of its prominent slogans. Many scandals were in fact uncovered during its term from 2005-2007, and the party even got into an open conflict with the health care sector employees, and doctors, accused of taking or extorting bribes. But during its electoral campaign, one of the Samoobrona deputy ministers in the coalition government was sentenced by the court for corruption. The current PO administration claims that its implementation of anticorruption strategy goes well, despite some delays.<sup>19</sup> Corruption

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<sup>17</sup> Even the Internal Security Agency (ABW) and the Central Bureau of Investigations (CBS), and police units and state prosecutors, also participate in this combat.

<sup>18</sup> Three politicians from the PO were either dismissed or resigned from their own posts, accused of corruption in the so-called Gambling Affair. The investigation that followed was described as rather confusing and murky, with a lack of transparency. The seriousness of the incident was downplayed, and two of the politicians were cleared for any criminal wrongdoing eventually. In a case from 2007, with the hearings, revealed many questions of the work of state prosecutors, the ABW and CBS.

<sup>19</sup> There are some contrary views in this claim though - specifically that the PO has been way too slow to tackle the roots of corruption (Wolszczak 2010).

perception seems to be highest where politicians, health care professionals and courts and prosecutors are concerned. Health care is also the area where most respondents have reported that they had handed in a bribe (2000-2006), and statistics from GRECO, show that during 2005-2007, there were 7,390 cases of active bribery of public officials detected. 6288 of them led to an indictment. The role of anti-corruption NGOs has a big impact, especially at the local level. However, lack of transparency, regarding obtaining public information, remains an issue (Wolszczak 2010).

According to the report from Civil Society against Corruption, in the recent decade, governmental campaigns and projects consisted of a “program for fighting corruption”, were adopted in 2002. It was intended to regulate laws and regulations, and cooperation between government and civil society. It was implemented in 2004, while in 2005, CAB was established as well. Within this framework and the Anti-corruption strategy, trainings on ethical public service and anti-corruption were carried out. The EU and OECD were among those actors sponsoring them. An anti-corruption hotline has also been set up. In 2009, the so-called “Anti-corruption shield” was also set up too, to fight corruption. It was surrounded by secrecy though, and the results of it remain unclear. One important point is that since 1989, Poland has struggled to create a professional, protected and depoliticized civil service that can provide corruption-free, high quality service to its citizens. PO-PSL government has recently managed to deal with one important anti-corruption step, and that was making the general attorney office more independent. However, corruption has in recent years seemed to decline slightly. This has also been noted by Poles: a CBOS survey showed that there were fewer numbers of Poles admitting that in the recent 3-4 years, they had faced a situation where they had to pay a bribe – it had declined from 20 percent in 1997, to 9 percent in 2006-09. This is also a possible indication that the frequency of paying bribes has declined (Wolszczak 2010).<sup>20</sup>

Hungary has recently fallen behind the region’s average score in T.I. The new Fidesz-government has promised to tackle the issue, but no significant actions have taken place in recent years. It has also created a higher level of public disillusionment with the democratic process as a whole. The most affected sector, in common with the three other countries, is the health care sector. Party financing and public procurement are other issue areas. Recent

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<sup>20</sup> The end statistics in the report also proves that corruption is slowly declining in Poland, which is a bright indicator for the country’s future. However, the country is still far from being effective enough in this matter. T.I. said in March 2012, that the Polish anti-corruption framework indeed had considerable gaps, and that both citizens and leaders were doing too little to prevent it. The regulations developed often do not work in reality (Transparency International 2012 Poland).

estimates show that graft actually occurs in 65 to 75 percent of all public procurement processes, and a serious overhaul has, according to *Nations in Transit*, never been seriously considered. The reason is considered to be lack of public pressure, and the largest parties have little incentive to change a system that serves their own interests. More importantly, I would suggest that centralization, which seems to be one of Fidesz's tactics, may even give rise to further corruption. Transparency is a basic rule, dealing with corruption in the first place. Hungarians openly condemn corruption when asked, but according to survey, quite a few would actually report it (Kovács and Hevesi 2011), which seems to be a common legacy with the other three countries. People consider corruption as negative, but people are less bothered to be reporting it, because many of them consider it to be a normal part of daily life. So including lack of political will and implementation, people's attitudes in that case also need to be changed.

According to the Civil Society against Corruption report, Hungary received a suitable legal framework that would match European standards in the accession process. However, the period after accession has given rise to a slower development in regulation. The country has legal regulations, but investigation and enforcement are lacking. Surveys show that corruption has been growing during the last 10 years, and until 2007, there was no single body created for investigation or prosecution of corruption. Corruption is also getting harder to track down, because more simple corrupt relationships have evolved into more elaborated and institutionalized ones.<sup>21</sup> In 2009, a GCB survey showed that 70 percent of the population considers the government's efforts to fight the issue with corruption, to be ineffective (Fazekas 2010). So let's take a look at anti-corruption programs that the Hungarian governments have adopted during the last decade:

In 2001, the Fidesz government introduced the Comprehensive Strategy against Corruption that contained regulations regarding declaring income, assets and interests by the MPs. Anti-corruption slogans were common in this period, among the different parties, to win support. In 2003 the Parliament passed a "Glass Pocket" law, for increasing transparency of public spending, conflicts of interests, income and assets of politicians, and some public servants. In 2006, a law on lobbying was passed, which spelled out regulations about contacts between representatives of interest and politicians/civil servants. However, multiple reports show that Hungary lacks a clear legal framework for regulations, which thus can open possibilities for corruption. In 2007, several other programs were launched, such as "New

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<sup>21</sup> However, corruption in business to business happens lesser than in business to government relations, often as a result of high taxes and complicated procedures. Bribes for more favorable conditions will then obviously be an optimal solution. At least money spent on the central level is in fact often more transparent in Hungary, especially those regarding EU-funds.

Order and Freedom”, to coordinate and amend the law on party financing (which has been a big issue in the country). Anti Corruption Coordination Board was established to draft an anti-corruption strategy. However, the government did not implement it entirely. An Anti Money Laundering Action Plan was also accepted. But the country lacks a law for protecting so-called “whistleblowers”, which could help to find and handle corruption, so unclear and weak implementation, and lack of practice rules, still allows corrupt activities in the country (Fazekas 2010), common to the other three countries.

T.I. still considers Hungary to be very vulnerable to corruption; the organization has even criticized the government for failing to deliver on its promises (Eder 2012).<sup>22</sup> In that case, Fidesz ministers have so far not changed their rather “irresponsive attitude”, common to governments before them. After all, Transparency International found in a report, that Fidesz, the party that fought against corruption verbally in the latest election, and found culprits in the camp of the opposition, turned out to be characterized by corruption itself. More interesting is the fact that many of the voters seem to have forgotten the fact that government corruption in the first Orbán government, was considered worse than at any other time in Hungary’s recent history (Scheppele 2012).

Various studies imply that corruption inhibits both productive investments, and can lower GDP growth – indirectly by having impact on the number of firms, or to individuals who choose to operate informally in the shadow economy (Virta 2007:1). The black economy’s or underground economy’s share compared to GDP is interesting here as well; Friedrich Schneider shows that the new European Union members, such as Poland and the Czech Republic, have a larger shadow economy, compared to “old” members of the EU. However, on average, South European countries have a higher shadow economy than in the Central and Western Europe. According Schneider’s data, however, which shows the size of the shadow economy of 31 European countries in 2010 (in % of GDP, based on calculation on the size and development of shadow economy, with Multiple Indicators and Multiple Courses estimation procedure), one can find that Poland has the highest percentage among the four countries, with 26.1 percent, Hungary 23.8 percent, the Czech Republic 17.2 percent, and Slovakia also have 17.2 percent (2010:1-2).<sup>23</sup>

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<sup>22</sup> It reports that overall corruption level have remained unchanged since 2007. It is also concerned for the higher level of centralization made by the government, considering the fact, that strengthening independent institutions is a basic trust inside a democratic society. Promised changes have yet to be adopted

<sup>23</sup> Schneider and Dominik H. Enste wrote in an earlier article that shadow economy is caused by several different factors. The most important ones are: the rise of the burden of taxes, and social security contributions, more regulation in the official economy, forced reduction in (weekly) working time, earlier retirement, unemployment, decline of civic virtue, people’s loyalty to public institutions, with declining tax morale (Schneider & Enste 2000:82).

## Comparison of these societies today two decades after transition

At the end at this point, we can take a closer general look at these societies today, two decades since the transition, to see their current situation. Poland is the biggest country among these three, with 38.5 million inhabitants (2007 estimate), and its unemployment rate is 11.8 percent (2010)(CIA Factbook). According to 2003 numbers, 17 percent of the population is below the poverty line (more updated numbers are not available). Hungary has almost 10 million inhabitants (2011 estimate), and an unemployment level of 10 percent (2011 estimate). People below poverty line comprise 15.9 percent of the population (2007 estimate). The Czech Republic has 10.2 million inhabitants (2009 estimate), and an unemployment rate of 7.9 percent (2009 estimate), and below poverty line around 10 percent (among the lowest in the EU). Slovakia has 5.4 million inhabitants (2009 estimate), an unemployment rate of 10.92 percent (2009 estimate), and 20 percent are below poverty line (2005 estimate) (more updated numbers is not available). Membership in voluntary organizations is, as we have seen, rather low in all the countries.

Since the end of communism, Poland has been characterized by unstable party formations. Parties have vanished, been dissolved, regrouped and resurfaced - its party system was not fully consolidated until as late as 2005. The Czech Republic and Hungary on the other hand, were politically the countries in the region that had the clearest similarities with West-European countries (Bakke 2008:298, Sitter 2008:330). Already early in the 1990s, both Hungary and the Czech Republic had typical right-left systems, and their party systems have been two of the most stable in Central and Eastern Europe. In Poland, however, during the 1990s, there were two blocs in Polish politics: one involving parties with a background from the communist regime (transformed into social democratic parties), and one based on the background of opposition. But since 2005, there have been two right-of-center parties that are struggling against each other to create government, and to win the presidential election (Holm-Hansen 2008:314).

Before the division of Czechoslovakia, the Slovak parties and movements had representation in the Slovak National Council, and in the federal assembly from 1990-1992. From 1994 on, Slovakia had its own parliamentary elections. The Slovak road to democracy has been rather tortuous, as previously mentioned. The changes in the country after 1998, led to a higher consolidation, and because the nationalistic party of Mečiar was weakened, the right-left dimension became stronger and more visible in Slovakia, especially after 2002 (Bakke 2006:138), which occurred earlier in the three other countries. There is a sense of

instability in Slovak politics, with inter-party fragmentations, where new parties come and go for each election (similar to Poland, during the 1990s). In 2006, it was still, according to Elisabeth Bakke, an open question of when the party system would finally stabilize (2006:147), in rather the same way as Erika Harris asks if Slovakia is a consolidated democracy or not (Harris 2010:197). The reason is that democracy has been slow in coming, and remains slow in consolidation, because of lack of consensus of its substance that isn't fully developed.

Slovakia is described as more economically developed, than politically developed (27 percent of the population works in the industry, and compared to the other states in the region; Czech Republic: 38.6%, Hungary: 30.9 % and Poland: 29.2 %) (Harris 2010:197, CIA Factbook). Especially the post-2006 government managed to achieve a good economy, with 8-9 percent growth (Harris 2010:192). Earlier the country struggled with high unemployment, and economic decline, but the economy has recently moved in a more positive direction. The country had an economic downturn during the crisis in 2009, but is currently on the right foot again, according to available data. However, according to some recent articles in the *Slovak Spectator*, unemployment has been rising, and is higher than it has been for the last 7 years (Bagin 2012). Also, the Slovak Economy Ministry has reported, that in June 2011, Slovakia is one of the “catching-up” countries compared to other EU-members, when it comes to innovation performance, which is well below the EU27 average (*The Slovak Spectator* 2012). Innovation is important for further economic growth, and for improving living standards. The GDP per capita (2010) is \$22,000, and GDP purchasing parity (2010) is \$120, 2 billion (CIA Factbook Slovakia).

The Czech Republic is described by the CIA Factbook as a stable and prosperous market economy. The country has currently had a positive economic growth (real GDP), however, the Czechs will might be struggling with an aging population, unstable social care and funding, and concerns about corruption. GDP purchasing parity (2010) is \$261,3 billion, GDP per capita \$25,600 (2010)(CIA Factbook Czech Republic). The country also had an economic decline during the crisis, but has also gone into a more positive direction currently.

Since the liberalization of the economy Poland has been a success story. During the economic crisis, it was the only country, among these four, with a positive GDP growth. Its GDP per capita still remains clearly below the average of the EU countries, but the Poles are on the same level as people in the Baltic States and Hungary. Since becoming EU-members, the economy has been boosted, and has been expected to improve even further. Low level corruption is one of the issues that hold back the private sector from performing full potential

though. The GDP purchasing parity is \$721, 3 billion, GDP per capita is \$18,800 (2010 estimate) (CIA Factbook Poland).

Hungary has also successfully made the transition from a centrally planned to a market economy. The private sector accounts for more than 80 percent of GDP, and both foreign ownership of and investments in Hungarian enterprises, are widespread. However, the country has had problems to service its short term debts – brought on by the global economic crisis in 2008, together with declining exports, which resulted in an economic contradiction of 6.3 percent in 2009. The new government from 2010 has made a number of changes that include cutting taxes, and imposing “crisis taxes” on several companies and institutions. In 2010 the country experienced a big boost from exports, and is expected to have further growth. Hungary’s GDP per capita is \$19,000 (2007 estimate), and a GDP purchasing parity is \$186,7 billion (Bozoki & Simon 2010:228, CIA Factbook Hungary). A table that shows the four countries economic development since 1991 until 2010 can be found in Appendix 5.

### **3.5 Theory 4: Constitution and institutions**

My last theory is constitutions and institutions; do they contain any clear weaknesses that can contribute to risk of unsteady progress or backsliding – democratic instability, or perhaps inability to act when necessary? Between 1989 and 1992, all four of the countries adopted new constitutions. The impact of constitutional change on ordinary politics is huge, because a constitution defines ground rules within which legislation and government are to be conducted. The legitimacy of the process will affect the extent to which those rules are in fact obeyed. Constitutions did not play an important role during communism. They were not meant to constrain or obligate the power elites (Elster et al 1998:63-4, de Raadt 2009:325). Some constitutional changes took place immediately after the collapse of communism, to delete references to communism, and the leading role of the party (Elster et al 1998: 70). However, as we have seen, the past has been dealt with in different ways in these countries.

For instance, Hungary, Poland, the Czech Republic and Slovakia are all countries with parliamentary governance, but in contrast with Hungary and Slovakia which have only one chamber each with 386 representatives, and 150 representatives respectively, the Czechs and Poles have bicameral legislatures, and in the Czech Republic the upper house has 81 members, and the parliament has 200 members, while in Poland the Sejm has 460 members with 100 in the Senate. The legacy from between the two world wars has been less important in Slovakia – the reason might be the fact that Czechoslovakia was dominated by the Czechs



- its centralized institutions and economy disadvantaged the less numerous Slovaks (Harris 2010:183). A senate was never under discussion.<sup>24</sup>

Poland adopted a temporary Constitution in 1992, as a result of disagreement among the new political elite, because the country was rather fragmented at the political scene in this period. A final constitution was eventually adopted as late as in 1997. In Poland (and Hungary), the communist constitution was amended. Constitutional ambiguities were visible in Poland, especially regarding the distribution of executive authority, and the 1992 “small constitution” was a case in point (de Raadt 2009:330). The Constitution from 1997 has been proposed to be changed, especially by voices inside PiS and by its leader Jaroslaw Kaczynski. The reason is that the constitution is said to have too much connection with the communist regime, and its developments after communism. The law making process is also being criticized, because of the relatively low level of legal culture and knowledge in Polish society, with the deficiency of legal services for the general public. The new law often does not satisfy the needs of the society, but only reflects the current expectations of the political parties and different kinds of pressure groups (Winczorek 2009:21). It is proposed to change this law making process, however, because it is heavily criticized by civil society organizations, journalists, academics, and even politicians. The current constitution was already as a draft criticized by the national-Catholic and Euro skeptical perspectives, for being “too liberal” in

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<sup>24</sup> The president is elected by the government in Hungary and the Czech Republic, while it's elected by the people in both Slovakia and Poland, each fifth year, while each parliamentary election in each of the four countries is held every four years (Bakke 2006:141, Sitter 2008:333). In Poland the president has greater power; he chooses the new prime minister, he can suggest new laws, exercise a veto, is the chief of the armed forces and plays a higher role in the Foreign Policy of the state (Holm-Hansen 2008:318). The electoral systems have been changed somewhat underway in all of the four countries. Slovakia uses the Hagenbach-Bischoff method (a variant of the d'Hondt method – first Hagenbach to delegate seats, and then uses d'Hondt for the remaining sets. d'Hondt tends to favor larger parties and coalitions, and the bloc boundary is set to 5 percent (Bakke 2006:142). Since 2002, the Czech Republic has used a moderate PR electoral system, with d'Hondt calculation method, just like in Poland (Bakke 2008:301-2, Holm-Hansen 2008:318). Hungary has a complex mixed electoral system, as a compromise from the Round Table talks that contains characteristics from the consensus model and the majority model. 386 representatives are chosen from single circuits, and half are distributed proportionally, with a 5 percent bloc (Sitter 2008:333). Recently, the Fidesz-government changed the election law, and the shape and size of electoral districts have been altered. The number of parliamentarians was reduced from 386 to 200, and the new law makes it more difficult for new parties to gain influence. Even ethnic Hungarians outside the country have the right to vote. Now, for some reason, winning parties will even receive extra votes, with the element of compensation, that earlier used to compensate the losers. Participation will make participation by smaller parties almost impossible. The new election law is called “undemocratic” (Norwegian Helsinki Committee 2012:7-8, Hungarian Spectrum 2011). D'Hondt: This method allocates seats in party-list proportional representation. It slightly favors larger parties, compared to Sainte-League. When all the votes have been tallied, successive quotients are then calculated for each of the lists. The formula used, is  $V/(s+1)$ , where V is total number of votes one list received, and s is the number of seats that party has been allocated so far (0 for all parties initially). Whichever list with the highest quotient gets the next seat allocated, and their quotient is recalculated given their new seat total. This process is then repeated, until all the seats have been allocated (Electorama).

the area of civil rights and freedoms. Allegedly, the constitution does not provide sufficient protection for the traditional religious values, and protection of Polish sovereignty. There have even been suggestions to replace the proportional representation system in elections to the Sejm, with plurality voting in single-member districts. The thinking behind this, is that it could strengthen the connection between voters and their electorate, which would make them more accountable and limit political parties' influence on the composition of representative bodies, which is actually described as rather harmful (Winczorek 2009:22, 24). Increasing efficiency has also been proposed; this would be achieved by reducing the number of members in the Sejm and Senate. However, another weakness is that there is no possibility to shorten the term of the parliament by legal procedure in a way to punish the Sejm for insubordination. Moreover, as in Hungary, the constitution has a long list of freedoms and rights for its citizens - economically, culturally and socially. Even though it can only be regarded as a direction for state policies, for instance, Art. 65 p. 5, indicates that public authorities aim at having full productive employment, and implement programs to avoid unemployment, as well as organizing support for occupational training and advice. This may create huge expectations among citizens which the state cannot fully satisfy. It can be argued that this diminishes the whole importance of the constitution (Winczorek 2009:29).

Hungary adopted a new constitution in 1989-90, by series of patchwork amendments that eventually created a new document. Basically all of the fundamental constitutional provisions were in fact amended. Elster et al found Hungary to be the only country where an enduring democratic constitution was in fact created by a non-democratically elected parliament. New rules for the political game were created, such as a multi-party system, free elections, a constitutional court, and a strong presidency. Some remnants of communist ideology remained, however, but not any particular important ones (Elster et al 1998:64, 70). The Hungarian constitution has been in focus recently, with the changes made and adopted in January 2012. In an article in *Hungarian Spectrum* from November 2009, one can read that Viktor Orbán was dissatisfied with the constitution of that time, and he was not alone. What Hungary had then, as already mentioned, was a reworking of the Stalinist constitution of 1949. The changes made during the transition were indeed extensive, but many people argued that the text was a haphazard document, and not coherent. One of the reasons for that is that there are number of promises that could not be guaranteed as rights. For instance, that "the Hungarian Republic recognizes and ensures everybody's right to a healthy environment", and the right to work, and is guaranteed free choice of trade and profession. This can perhaps not be guaranteed in a capitalist system, and is perhaps unnecessary to mention in a democratic

state's constitution. This constitution was often referred to as the "communist constitution", and Orbán, among others, admitted that he didn't have any respect for it. According to analysts, this is no more than a gesture of the far right, that also does not have any respect for the constitution, and that they want to create a new world order based on its own ideas, which have nothing to do with parliamentary democracy. Orbán's objections were not directed entirely against those examples above, but he was "missing the soul of the nation" (Hungarian Spectrum 2009). The new Fidesz-government changed the Hungarian constitution effective on 1 January 2012. With a qualified majority, the government has pushed through a wide range of new laws that have the potential for wide implications on society, and institutions. The new constitution has raised concern, and it was said to be very speedily done, with lack of deliberation, or consultation with the opposition. Media and judicial independence have been weakened – checks and balances are weakened, the law on the central bank has limited that institution's independence, and the electoral law has been changed to the ruling party's advantage (Norwegian Helsinki Report 2012:5-6).

Czechoslovakia was dissolved on 1 January 1993, and one of the reasons was disagreements about the constitution. However, the constitution was eventually a result of compromise, even by the former communists, by referring to the Czechoslovak bill of rights. References to the First Republic's constitution were also used to justify several provisions (such as having a Senate, PR, 3/5 majority for amending the constitution and so on) (Elster et al 1998:73, 75).

In Slovakia, a new constitution was adopted in September 1992, as a last document of several drafts. For Elster et al it seems that the constitution was put together in a hurry. They claim that it is rather vague, and clumsily formulated. For instance, the parliament is allowed to recall the president, with a 3/5 majority, and the parliament have the power to elect and remove executives, the prime minister and the president (1998:74-5). de Raadt confirms that it resulted in a strong legislature, where a majority could dominate both cabinet composition and legislation, and even a weak system, upon checks and balances, and unclear distinction in the president's responsibilities (2009:329). Such weaknesses were also visible in Poland.

In the book published by Elster et al in 1998, the constitutions of Hungary, Slovakia, the Czech Republic (and Bulgaria) were compared. There the authors conclude, after their comparison, that the constitutions all reveal a strong commitment of their drafters to the binding force of the constitutions. This does reveal a break with the past, in that case. A characteristic is the less important role of the judicial branch, which shows a higher trust in the parliament than in the courts, as defenders of rights and interests. Hungary was different

from the others, in the sense that it has a rare combination of numerous institutional guarantees, and positive rights. This has been criticized for leading to distortion of rule of law, and the welfare state. However, these rather new constitutions were then, according to the authors, weakened by internal inconsistencies. Elster et al further claim that the Hungarian constitution is prone to cause strife among the government's main organs, over their powers, which are not well demarcated. The Czech Republic is less affected by this, however. The Czechs' citizenship conception is different: the Czech concept is liberal rights based, while the Hungarian concept has elements divisive of the Republic, and the Slovak concept is based on two principles, rights and duties. Such inconsistencies can make these countries more vulnerable to political instability. The Czech constitution is least vulnerable, because the scheme of powers is well balanced, and is the only one that excludes all forms of direct democracy. But it can be vulnerable under major social and economic crises, with its concern for institutional stability and individualistic conception of civil society (Elster et al 1998: 93,107-8). Some experts disagree somewhat, and believe the Czech constitution also has clear weaknesses. One problem is that it was also drafted in a hurry, with the collapse of Czechoslovakia, and one of the weaknesses, is the inability of the president to call early elections. In various democracies, presidents with bigger power can dissolve parliament under some circumstances, and call for early elections – similar to what is possible in Poland, but this was not possible in the Czech Republic until recently, when the constitution was amended (2009) (Lazarová 2009).

Finally, I can mention that all of the countries have eventually gotten an ombudsman, which has the task of protecting civilian's and group's interests or rights: Poland at the end of 1980s, Hungary in 1990, while Slovakia and the Czech Republic established ombudsman offices as late as 2001 and 1999 respectively.

## Judicial

By the middle of the 1990s, Hungary was considered to be the most successful among the four northern tier states, in establishing judicial independence, although Poland also gradually had retired judges who had been hired during the communist era (Ramet 1995:389).

In Poland, during the Round Table Talks, the judiciary was one of the most important topics during these negotiations. It resulted in serious institutional reforms, as well as passing of laws derogating various legal institutions, which were used for political control over judiciary. And since 1989, the judiciary has remained the least transformed branch of

government, both structurally and politically. In 1989, there was no attempt to change all the personnel in the judiciary. The argument was that it was important to keep stability in the system. The idea was that the system itself would eventually clean itself up, and that it was impossible to do anything else. A smooth transformation was done, and according to Adam Bodnar, history shows that this was a rather good move.<sup>25</sup> The increase in the number of cases after communism has been problematic for the judiciary in Poland, however, up to now (Bodnar 2009: 32-33, 38-39). According to an analysis of daily practice of the judiciary shows that it is at least highly independent from political pressure. But a potential problem is the level of salaries of the judiciary. They were for many years underpaid, which caused huge frustration among judges, and the problem is still not completely solved. There has also been tension between the judiciary and the executive branch. Freedom House does not deny that Poland has an independent judiciary; however, the biggest issues are lack of efficiency, and delays in administering cases. State prosecutors have proceeded slowly on investigations towards corruption, which gives rise to concern that they are in fact subject to political pressure (Jasiewicz 2011:427-8). Another conflicting area is the system of judicial appointments. In the current practice, it is actually people affiliated with the judiciary who have the biggest chance to win. The NCJ (National Council of Judiciary) has been in conflict with the former president in appointing judges upon their recommendation. The years 2005-2007 were difficult years for the courts, which showed that they are still vulnerable to political threats. Kaczynski's party PiS claimed that it was the court that should be blamed for the high level of criminality in the country. However, the courts did show independence, by not reacting to attacks by PiS. They ruled according to laws, even in political sensitive cases (Bodnar 2009:35-6). Political attacks on the judiciary, together with the low level of efficiency, undermine the trust in the judiciary, and it's a democratic problem. However, the Polish judiciary basically needs serious reforms which cost money, but also strategies and persistence to be able to reach them.<sup>26</sup> The Polish court can be regarded as independent, but it has certain difficulties. There have been many attempts to reform the judiciary, but the reforms so far have been rather superficial, and not regarded as a priority (Bodnar 2009:46, 49). However, its shortcomings improved drastically since the PiS-led government lost power

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<sup>25</sup> All vetting of judges was made in accordance with the Vetting Law of 1993, to spell out if people in public functions had collaborated with the security police. New judges were also elected shortly after the transition, working with those from the regime. It took a long time however, before the renewing of personnel had taken place.

<sup>26</sup> The accession to the European Union opened a new chapter for the judiciary, and it has been a success in how judges have learnt to interpret EU laws and operate in a multi-dimensional legal system. However, lack of competence is the reason why the judges can't fully enjoy the possibilities of cooperation with ECJ (Budnar 2009:47).

to the PO-led government. Their violations of civil rights were rather obvious (BTI Poland 2012:7, 8).

The judiciary in the Czech Republic faces basically the same challenges as in Poland. According to a 2010 Human Rights Report by the US Department of State, Czech laws do provide for an independent judiciary, and governments in the Czech Republic have generally respected its independence. However, some political pressure has occurred in some instances, and judicial effectiveness remains an issue, because of complicated procedural rules, that have delayed judgments for years. Structural deficiencies and lack of specialized judicial training also contribute to that result (Human Right Report 2010 Czech Republic). BTI (Bertelsman Transformation Index) 2012 writes that the judiciary is free from unconstitutional interventions by other state institutions, and Freedom House (2011) confirms that the judiciary has proven to be strong against political intervention. However, the long hearing of court cases is a huge problem, but at least choosing of judges is transparent, and covered by the media. However, some sources would disagree, and claim that the judicial system is not completely free from political intervention, and corruption. According to a counter-intelligence service report, organized criminals have many contacts inside the judiciary. An act to introduce sanctions against power abuse came into force from 2006, but there are several loopholes in this legislation and according to media, corruption appears to be rather pervasive. When it comes to protection of national minorities, the government from 2006-2009 (the Mirek Topolánek government) created an Office for Human Rights and National Minorities. However, the current government from 2010 abolished this agency (BTI Czech Republic 2012:9-11, Druker 2011).

In Slovakia, checks and balances are regarded as rather effective within the parliamentary framework. However, relations between the executive and judiciary drastically worsened under the previous Fico government, with its attempt to control the judiciary and limit its independence. The deteriorating state of these relations is described as worrying. The Slovak judiciary's weaknesses are rather similar to those of the Polish and Czech judiciary, which is related to overload, growing abuse of proceedings against judges, and corruption. The current situation is described as rather complicated, and politicized. The country does have laws and institutions, to deal with power abuse. However, the political culture and loopholes often allow people in public office to avoid any prosecution. This weakens the rule of law, and was said to have been even more visible under the Fico-government, and even civil rights protection became weakened under this government. The government even got blamed for weakening participation, by both public and NGOs. The Slovak ombudsman has also asked

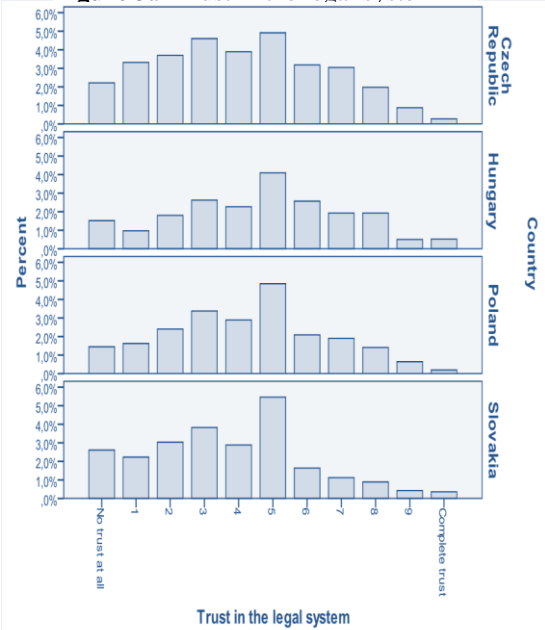
for a broadening of his competency, to cover more rights and freedoms of individuals (BTI Slovakia 2012: 9, 11-12).

Finally, it seems that the Hungarian situation is the worst case at the moment. As I mentioned earlier, Hungary and the Czech Republic did best in the middle of the 1990s, even in this area. Now, however, the executive has a monopoly of power; checks and balances have been weakened drastically by the new Fidesz government. Fidesz used its 2/3 majority, and made rather drastic changes. One was that the government installed loyal supporters in

important state institutions that most likely will damage

these institutions' independence and constitutional functions. The National Bank's supervisory board has also been replaced by Fidesz supporters. Peter Holt, who was among the new prosecutors, actually refused to initiate legal procedures in several cases regarded as scandalous, under his earlier term during the first Orbán government. No cases have been initiated involving companies that are Fidesz-related, however; the media have reported several such cases. The new government even tried to influence the judiciary. Office abuse in Hungary has become widespread, and was one of the reasons for

**Figure 3.9** Trust in the legal system



Fidesz's slogans against corruption during the election. Civil organizations have also been weakened, because both democratic and civil rights have obviously gone backwards (BTI Hungary 2012:8-9). The lack of transparency and accountability has not been solved, and Fidesz has, as we see, weakened the courts' power (Kovács & Hevesi 2011). The Fidesz government has filled new positions in the constitutional court with its own political allies, undermining the authority of the court on several matters, like giving limitations in the management of the state budget. The retirement age has been lowered from 72 to 60; so around 200 judges have been forced to retire (Norwegian Helsinki Committee 2012:7).

We can at the end look at Figure 3.9, with a comparison of people's trust in the legal system, in each country (based on a 0-10 scale, where 10 are the highest). This result is not very positive, and shows clearly that people's trust seems to be generally low, which amounts to a huge democratic deficit. Legal systems work according to law, and have a huge impact on people's everyday life; therefore trust in the legal system is extremely important. We see that many have responded in the middle category, which I believe is a sign of insecurity and

skepticism of the legal system's work, but in the general picture, people are somewhat more positive in the Czech Republic and Hungary, while the least positive in Slovakia. The ESS5 dataset is from 2010, and the Fidesz government was rather new then. People had high expectations of Fidesz, since its leaders promised to take care of corruption and make up for the failures the government before them did. Therefore, trust could be higher than it is actually now.





#### 4.0 EU

The interesting question now is how the governments in each of the countries handled the goal of becoming members of the European Union, and how the EU affected them in that sense, especially in the four issue areas examined here, and the risk of unsteady progress or democratic backslide. Becoming EU (and NATO)-members was one of the highest goals at the end of communism. This was very clear, despite the supranational tendency, with less national sovereignty, and perhaps increased economic vulnerability. It had large benefits, and it was a clear indication of finally becoming an integrated part of the West. The benefits, says Vachudova, created an asymmetric interdependence that would shape these governments' dealings with the EU – until they became full members, and perhaps even thereafter (2005:63). All of the countries started early to negotiate on becoming EU-members, but the transition was easier for Poland, Hungary and Czech Republic, than for Slovakia, even though Slovakia eventually managed to get on the right track, and became ready for membership at the same time as the three other countries.<sup>27</sup> All the most important parties in Slovakia have been pro EU, while Poland is an interesting case in this matter, because despite the eurosceptic administration of the PiS (currently one of the two biggest parties in the country), and even with anti-EU, and radical right party LPR, a poll from 2007 showed that 89 percent of the Poles were supporting EU membership, and only 5 percent were against. This compared to a poll in 2004, where 70 percent were positive and 21 percent were against (Bakke 2006:151, Bobiński 2007:2-3). I would assume that the growing support for the EU is probably the result of the EU's remittance which is starting to show results, in the cities, but also among farmers and in the backward regions. When Poland was led by the PiS and the late president Lech Kaczyński, however, he was often a source of tension inside the EU. The Czechs on the other hand, seem to be generally less positive about EU-membership. President Klaus has indicted the EU, first as prime minister, and later during his presidency, for being a bureaucratically overregulated leviathan, with a federalist agenda, which also threatened Czech economic autonomy. Public trust towards EU spiked upwards to nearly 2/3 in support in 2004, but by 2007, the support went down to 50 percent (Leff 2010:175). The Czechs seem to be more suspicious about EU-membership in general. The Slovaks, on the other hand, are among the most pro-EU members (Harris 2010:192). In Hungary, the European question was agreed among the parties at one time. However, critical stances were hidden behind this fact.

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<sup>27</sup> In the Czech Republic in 2003, 77.3 percent of the population voted yes to EU-membership (with 55.2 percent turnout), while in Poland the numbers ended up quite similar (77.45 percent voted yes, and the turnout was 58.85 percent), while in Slovakia the numbers were as high as 93.71 percent of 52.15 percent turnout, and in Hungary, 83.7 percent of 45.6 percent voted yes towards EU-membership (Holm-Hansen 2008:324, Bakke 2008:307, Sitter 2008:339, European Election Database Slovakia)

Many parties have eventually got softer eurosceptic stances, and the euro-barometer shows that Hungary is among those EU-countries that has the lowest support towards membership. The turnout in the EU membership election was only 45 percent, and the debate in Hungary was rather limited (Sitter 2008:328). However, it is the right-conservative parties that are considered as the most EU-critical. Nick Sitter explains this by reference to historical considerations, with a focus on national independence, identity and self rule, which seems familiar with what already mentioned István Bibó wrote in his book, right after World War Two. Recent changes in economic policy and the independence of the Central Bank have drawn threats of legal action from the EU (Sitter 2011:249). The EU Parliamentary elections in each of the countries, however, do not seem to interest people very much, when considering the turnout in these elections. However, the willingness they all seemed to have, to fulfill the *acquis communautaire*, shows that entry into the EU was a clear goal in itself (Ramet 2011:16).

What role has the EU played, and what role does it still play, where these Central-European countries are concerned? Is the EU in a position where it can influence the countries, if they experience a democratic backslide, which is currently the issue in Hungary? Since the mid-1990s, institutional changes in Central and Southeastern Europe have continued in tandem, with the processes of international organization enlargement. Changes were frequent and visible on both the months and years proceeding May 2004. The 80,000-page *acquis communautaire*, which contains the whole body of EU-laws, decisions and regulations, had been reached.<sup>28</sup>

For the first five years after 1989, the EU's influence was rather limited in each of the countries. Adopting Western institutions and rule was a goal in itself. Often, as I have already mentioned, the case with Slovakia gets mentioned, as an example that demonstrates the EU's conditionality. Tim Haughton acknowledges that the EU ensured specific changes, but its "transformative power" was rather limited (Haughton 2007:233). Vachudova (2005) explains the EU's transformative power upon "active" and "passive" leverage. Passive refers to the attraction of membership in the first place, for instance the economic benefits. The active refers to the criteria for membership, starting with the Copenhagen Council in 1993. This contains requirements, for the states to be democratic, function in accordance with the rule of

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<sup>28</sup> The accession process goes as following: according to article 49 of the Treaty on European Union, which constitutes the legal basis for any accession, the EU is open to all countries in Europe. However, every member must adhere to Article 6(1), which contains a claim on which the EU is based: freedom, democracy, and respect for human rights, fundamental freedom and rule of law. All countries that want to join must be able to qualify upon a number of criteria's or the Copenhagen criteria. When these are satisfied, negotiations can begin. The accession negotiations are the cornerstone of the process, and cover adoption, implementation, and application of the *acquis*. They are intended to help the candidate countries to be able to fully meet their obligations when they join the EU (Europa.eu).

law, respect for minorities, having a functioning market economy etc. States that want to become members, must meet the Copenhagen criteria, and transpose the EU's own body of law (acquis) into their own laws (Haughton 2007:235). There is no doubt that active and passive leverage is a suitable way of describing EU's power. Becoming stable democracies and developing functioning market economies were goals valued for their own sake. Would these reforms have occurred, if the EU had not existed?

First of all, there was a key motivation in these countries, in the transition period, to replicate Western economic models. Secondly, keeping in mind the fact that the EU's transformative power may have had a bigger influence in Slovakia, keeping in mind the more difficult accession process the country had compared to the other countries, and had to catch up, while in for example Poland and Hungary, the countries went into reform paths, thanks to the former communists who re-established themselves in social democratic parties. In that case, Poland and Hungary might be said to have drawn more inspiration from Western Europe, not from the EU itself. Accession negotiations started in 1997, when Slovakia was left out. So the three other countries had already achieved having an approved progress in the first place.

When the accession process started, however, there was a need to both direct and manage the accession process that needed institutional change and innovation. The Czechs, for instance, created a big raft of new institutions. However, the administrative reform was often slow and reluctant, and threats from the EU of exclusion were actually considered to be low. At some stages, the EU's policy was decisive, especially just before the opening of the accession process. Criticism of the Czechs' judicial system provoked the adoption of reforms in the country. However, in other areas such as minority protection, the EU had little or no impact (Haughton 2007:239-40). Many argue that the case with Slovakia did show the impact of conditionality, but some, like Haughton, disagree that this was the case though. He argues that there was minimal interference during Mečiar's rule. Besides, after the Mečiar government was replaced in 1998, the Dzirunda government was far more enthusiastic about the EU. The new leaders were desperate to catch up with their neighbors. The EU (with other institutions) reinforced, rather than changed policy in the country. Because of criticism, the Slovak parliament in 2001 adopted broad amendments to their constitution, which paved the way for a reform of the judiciary, provided an ombudsman, and reform of the administration and so forth, as a response. However, Haughton reminds us that the Dzirunda government wanted to open accession negotiations as fast as possible (Haughton 2007:242). His argument is that the EU had a stronger impact in the middle of 1990s, when these countries introduced

policies which accorded with the EU's demands, and that the EU was most powerful, when deciding whether or not to start the accession process.

An instrument EU has used to support countries in this region, in their transformation to liberal democracy, was financial and technical assistance. The PHARE program stimulated the massive reforms that had to be made, but several political conditions also had to be met of democratic kind, and it included issues such as fighting corruption. The EU has provided financial help to fight corruption. But despite a number of tools to support the countries' fight against corruption, the level of corruption has failed to decline. Why is that?

Considering the level of corruption that was the case even during the accession, it seems that corruption was not an important point among the criteria's, of becoming members in the first place. During the accession process, negotiations between the commission and the countries governments seems to be focused more on transposition of the *acquis communautaire*, and less on purely democratic issues. Administrative and bureaucratic considerations were more important than democratization. Fighting corruption is laid down in the *acquis* though, and candidates are obliged to accede to international anti-corruption conventions. But there was a limited legal framework on corruption, and the EU's influence also had its limits. Eline De Ridder explains it, by the fact that the EU has struggled with inconsistency: one example is that it was not able to force the Czech Republic earlier to ratify a UN convention against organized crime, but it had not even been ratified by countries which were already EU members (De Ridder 2009:72-73).

The influence of the EU has generally been described as rather unclear and vague, upon issues such as media independence, judicial reform, the promotion of civil society, local government and other areas as well: in other words, on typical democratic issues. It seems that these Central-European countries mostly followed their own paths in these areas. The EU did of course call for improvements, or strengthening of policies and institutions – but without any particular specification for it. In fact, the EU has never reached any clarity on what constitutes a consolidated democracy in the first place, and the EU doesn't even have any clear and enforceable anti-corruption framework of its own. A number of instruments have been created, such as the EU money-laundering directive, but without clear common rules or standards for the countries (De Ridder 2009:74). Another point is that the EU has more recently let in new states which are plagued with even higher levels of corruption: Romania and Bulgaria. This is another example that the normal framework before, upon, and after the accession doesn't seem to work well enough, and has limited institutional power. If it works,

it's before the accession to fulfill specific criteria. The European Union is built on the assumption that its members are in fact democratic states, and ruling according to law.

Vachudova (2009) looks at corruption and compliance in the post-communist members in EU. She confirms that most of the requirements have been accomplished, despite some areas, like the reform of the public administration, which leave room for improvement (2009:43). The fight against corruption is not a part of the *acquis*, but perhaps should have been. During the accession process, the fight against corruption played a small role (Vachudova 2009:50-1). If we follow Vachudova's arguments, then this EU leverage should be applied well before the accession. A combination of EU leverage, together with domestic pressure towards the same goal (media and civic groups) should be a good formula for fighting corruption, according to scholars who have studied post-communist Europe. State administration and judiciary have been the main laggards on the other hand (Vachudova 2009:60). However, even though a post-communist country, with weak and new institutions can rely on multinational institutions, external pressure may prove to be difficult, as they challenge its sovereignty, and its own popular control (Rose-Ackerman 2005:37). Euro skepticism has been rising in most of the countries, and further rise might be expected. A good reason for that is perhaps what the EU stands for; it stands for rule of law, a single market, shared legal norms, and the adoption of European policies. Some of the new members believe strongly in the nation-state, in the sense that it is the prime framework of democratic politics, but its influence on EU policies is too limited (Rupnik 2007:23). The economic crisis has, as I have shown, created an even higher increase in skepticism about democracy and the market system, and people in these countries tend to blame the West. Up to the accession, incoming members cannot be said to have any particular choice, but to comply with EU criteria. After the accession, EU's leverage and accountability remain important – for continuation of complying with their criteria, and for further improvements and stability of their progress. That will also depend on EU's capacity, and power, to continue influencing new member states (Rose-Ackerman 2005:49).

Membership was achieved in 2004, and after membership was accomplished, as I have shown, their democratic progress (according to *Nations in Transit*) has in certain areas seemed to be going downwards. I also asked in the introduction if we couldn't expect that with EU-membership in place, their progress would continue further, and remain steady. Perhaps not - these were all big goals, and some have been accomplished. Now it can be more difficult to make and aim towards higher ambitious goals, and high-minded plans, according to Charles Gati (2007:111). If that is correct, maybe the lack of skills and will among the

ruling elite is even more visible now, than previously. They no longer have the same incentives to implement reforms. The result could be unsteady progress, or even backsliding. This is exactly what Philip Levitz and Grigore Pop-Eleches find, that the new post communist EU-countries (up to 2007) are generally not back sliding, but that they have experienced more of a slowdown in the reform progress, of governance reforms, since the EU-transition. There has been a change in political stability, government effectiveness, judicial framework and control of corruption – their statistics show significant slowdown in these areas (2009:464). The European Bank confirms Pop-Eleches' finding, that the transition countries in general has made further progress in both structural, and institutional reforms over the past years (2007), but at a slower pace than previous years (Transition Report 2007). This is also the finding by Ulrich Sedelmeier, who finds that the EU's influence in candidates on the context of enlargement in Eastern Europe, was indeed greater than on member states (Sedelmeier 2011:17). He admits that there is still a scarcity of studies that analyze if the new members of EU continue to comply with the EU's political conditions (2011:27). Cross-national studies show a mixed picture, rather than backsliding.

Hungary's backslide is not the first democratic issue with which the EU has been concerned. Back in 2000 when Jörg Haider's party came to power in Austria, some EU members suddenly got worried. He was the leader of a right-wing party, and then, the EU reacted in a way that has been described as rather symbolic, imposing "childish sanctions". But later, some asked if there was anything wrong with the democracy in Austria in the first place. However, also other leaders, such as Jacques Chirac, had difficulties in handling the National Front back home in France, and Berlusconi in Italy was a man "nobody dared to touch", or oppose (Mueller 2011). Many seem to be clear that there are limits to what the EU can do about a country like Hungary. It might be that the EU had some influence upon Slovakia at the start of its accession process, but it was local politicians who dumped nationalist Prime Minister Mečiar. According to Jacques Rupnik, the EU sets certain limits to populism, and mentions Austria in 2000 as an example. That case showed the EU's influence - and its limits. But one must remember that these Central European countries are rather dependent on the EU, not the least economically. Especially Hungary will feel the power of a sanction of this kind, keeping in mind its recent economic difficulties, and its needs for funds. On the other hand, imposing sanctions is a very dramatic thing to do, because it will affect many more than just the politicians in the Fidesz-government, in Hungary, which is Central Europe's biggest debtor. But Orbán's changes threaten Hungary's economic stability in the first place, since investors are rather worried by the recent developments. However, at least

the EU could do more than it does now, some would say, perhaps even his colleagues inside the EU. But criticizing colleagues does not seem to very common either: few ever complained about Berlusconi and his grip on the Italian media (The Economist 2012). So what eventual EU-pressure manages to do is also unclear at the moment.

A Hungarian official has said that he is willing to negotiate the new central-bank laws, so the story has not ended quite yet. Civil society has begun to protest against the Fidesz government. In January 2012, there were ten thousands protesting in the streets of Budapest against the constitution (BBC News 2012). However, Fidesz still has a broad support in Hungary, and the opposition remains currently weak.





## 5.0 Conclusion

In my thesis I have tried to address the following issue: The shadows of the past? What explains the unsteady progress at some certain areas of the reform process in post communist Central Europe? I decided to compare four countries in the northern tier, to check if there were similar or different explanations, including the risk of their backsliding in the first place. The EU's role upon this has also been discussed. Principles of liberal democracy include respect for human rights, tolerance, and peaceful and regulated transfer of power and legitimacy, even independent and professional media that can criticize and "control" power abuse – these are basic in a liberal democracy. I find that these four countries, with Slovakia as a partial exception, had a rather steady democratic progress after transition; however, Hungary and the Czech Republic, before EU accession, were among the best examples, while Poland was close behind. After becoming EU-members, their progress seemed to have been going more unsteadily. That is, however, less the case in the Czech Republic, and the Czechs have less risk of democratic backslide, even though the country has been struggling with rather weak governments that have collapsed in the recent years, and the Czechs are perhaps going to experience that again in 2012. The support of and influence by right-wing and extreme populist parties is lower, and Czech society has a higher level of tolerance, and less influence of nationalism, and I believe Czechoslovakia's interwar experience with democracy (in spite of systematic discrimination against Germans, Hungarians, and Ruthenes, and even in some ways against Slovaks), and early industrialization, benefit the country today. The Czechs also have fewer unresolved social issues in their society, with lower level of inequality and unemployment. This situation can change however; they are vulnerable to economic crisis like everyone else – and people's trust in politicians, parties and institutions etc. is already very low, just like in the other three countries. In Poland, the country currently seems to be heading in the right direction. After a troubling decade through the 1990s, with unstable governments and political parties, and with a tendency of negative influence from populist and right-wing parties in the last decade, the country seems to be on the right track – Poland's progress is again steadier. However, low trust in institutions, high unemployment and inequality, low income, low level of tolerance, and earlier and still somewhat high support of extreme populist and (but currently in a lesser extent) right-wing parties, are among factors which can explain their possibility for unsteady progress, and their risk for falling into such a situation.

In Slovakia, the country has basically the same problems, with low social trust, high unemployment, low level of tolerance, nationalism, and economic difficulties, and with stronger support than in the Czech Republic and Poland for populist and right-wing parties that get vote for getting someone to blame for their current situation. But currently, the Hungarian situation is the worst. Hungary was among the most successful countries after 1989, together with the Czech Republic, but especially with the social democratic government of MsZP, and the financial crisis, this positive direction seemed to have changed. Debts and social tension have been growing, which has resulted in large support for the right-wing party Jobbik, and populists and government led Fidesz, gained large support, and still continue to have so. Because of the 2/3 majority the Fidesz-government received, the new government pushed through a full range of reforms, in the constitution, the media, the justice sector and electoral system. The independence of institutions and of the media has worsened dramatically. All these changes provoked high criticism and concern that the country is sliding in an authoritarian direction, with a focus on “centralization”. Nationalism and lack of tolerance seem to be the biggest issue in Hungary also, and the country seems to be very vulnerable to continuing social difficulties, which have plagued the country for over a century. The new government has lost some support since the election, however; the opposition is weak, and therefore Fidesz will still remain easily in power at least for the time being. The high support for Jobbik is a great concern, and some would say that there exists a possible connection between Jobbik, and the most extreme-right grouping in Fidesz.

The four theories I have examined, which might explain possible unsteady progress or the risk for it, and backsliding, were historical and communist legacies, patterns of transition, strength of civil society, and constitution and institutions. I find that legacies are a strong theory, relevant for all of these countries, for unsteady progress, or even risk of backsliding, in the four issue areas on which I’ve been focusing. The past is not dead; it will take much more time to assess the consequences and appeal of both communism, and pre-communism to escape its influence. However, based on my findings, it seems that legacies have somewhat less negative influence in the Czech Republic, than in the other three countries. Perhaps because of the way they have dealt with their past, the Czechs have been more successful in this regard. I have in my research also found that populists and right-wing parties have had strong influence in most of these countries, recently in Hungary, but the least in the Czech Republic. And I find evidence that their democratic progress goes more unsteadily and backwards when right-wing and “extreme” populists are in power. The problem with these parties, as far as I see it, is that they play on people’s disappointment with the effects of

transition, with social issues, economic difficulties, unemployment etc, and manage to catch voters. However, even though they promise to handle these difficulties, and blame the opposition, they don't seem capable of actually turning their respective countries in a better direction, but rather pull the countries democratically backwards. This is especially the case now in Hungary. Patterns of transition also explain the level of corruption, and some of the problems related to media independence (concerning the privatization process, but it doesn't seem to be highly problematic – political interference, rather than ownership seems to be a bigger problem), judicial framework (lack of necessary reforms, low salaries, and lack of efficiency, but they prove generally strong enough not to let politicians interfere in their work (– except for Hungary, and perhaps less in Slovakia), and even governance (here necessary reforms are also often lacking, for issues such as efficiency). The privatization process, lack of political will (also a legacy), and lack of implementation of reform, the results of the transition – with rise of disappointments and the consequences that may lead to , are also related to the transition. Strength of civil society I find to be a somewhat less useful explanation for any of the countries examined here. There is fact that the social commitment is very low, and weaker, compared to Western standards and culture; however, I find that civil society interacts more in society, and upon elections and demonstration's when it's "strictly necessary", of which I have given examples, in order to get rid of for instance bad governance. NGOs have become stronger in all of these countries, and have the power to influence further. I find some evidence that civil society is somewhat stronger in the Czech Republic, compared to the three other countries though. People generally also feel more represented now than earlier, and this give a hope that civil society will grow even stronger in the future. However, some economic issues in NGOs have occurred, and some government leaders even refuse to work with them, and cooperate, which is rather worrying. Education I find to be a relevant indicator, explaining the strength of civil society, and how it can develop citizen education, which has often been lacking in these countries, is relevant. We can speak of a fascistic civil society, and citizenship education, together with the role of the educational system, which I would argue is important. This is also my suggestion for further research, since I have not fully prioritized education in my theory. Constitution and institutions I find somewhat less to be important as explanations in the Czech Republic, Poland, and Slovakia, even despite some weaknesses in their constitutions. However, for Hungary's sake, the constitution has huge weaknesses where liberal democratic principles are concerned, and the new election law obviously benefits bigger parties – like the Fidesz-party.

I have also finally looked at the EU's role in all of this, and it seems that its influence is rather limited after the accession process. After that, it is more up to the national leaders themselves to do the rest, which has resulted in a slowdown in reforms, and some would say that the EU could do much more, especially regarding the situation in Hungary.

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### Section 2: Reference materials

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# Appendix 1

How Nations in Transit measures their four variables:

**Judicial Framework and Independence:** Highlights constitutional reform, human rights protections, criminal code reform, judicial independence, the status of ethnic minority rights, and guarantees of equality before the law, treatment of suspects and prisoners, and compliance with judicial decisions.

**Corruption:** Looks at public perceptions of corruption, the business interests of top policymakers, laws on financial disclosure and conflict of interest, and the efficiency of anticorruption initiatives.

**Independent Media:** Addresses the current state of press freedom, including libel laws, harassment of journalists, and editorial independence; the emergence of a financially viable private press; and internet access for private citizens.

**National Democratic Governance:** Considers the democratic character and stability of the governmental system; the independence, effectiveness, and accountability of legislative and executive branches; and the democratic oversight of military and security service (Freedom House 2011 3 “Methodology”).

# Appendix 2 Civil Society activity (ESS5 results)

Figure 1 Signed petition last 12 months (yes or no)

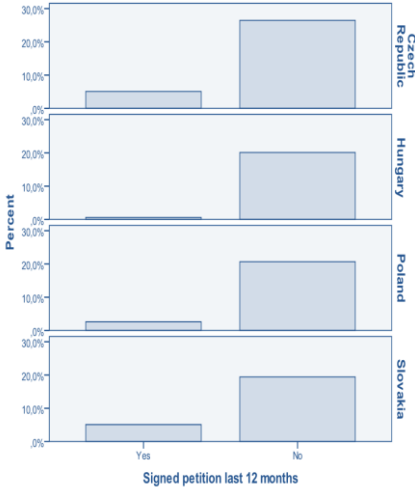


Figure 2 Taken part in lawful demo last 12 months (yes or no)

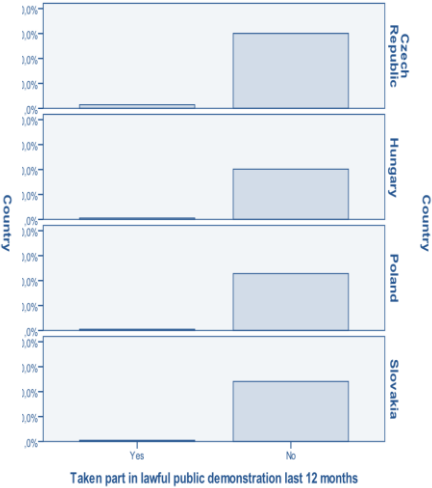
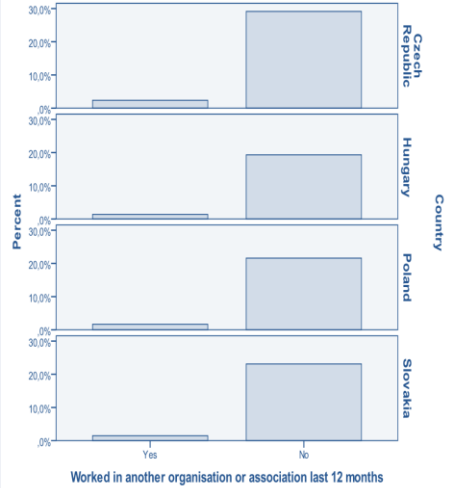


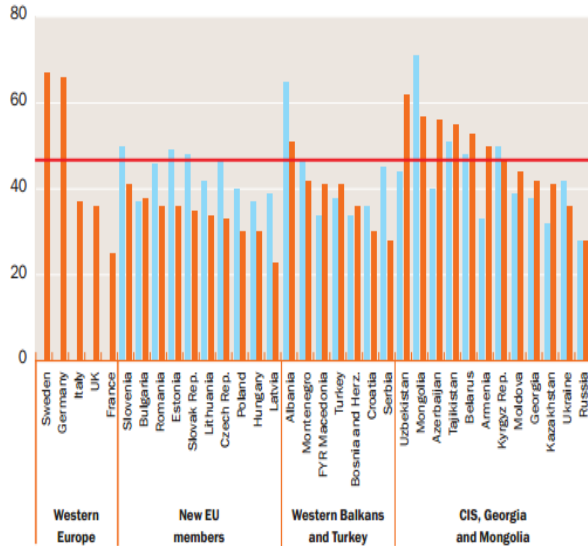
Figure 3 Worked in another org. or association last 12 months (yes or no)



# Appendix 3

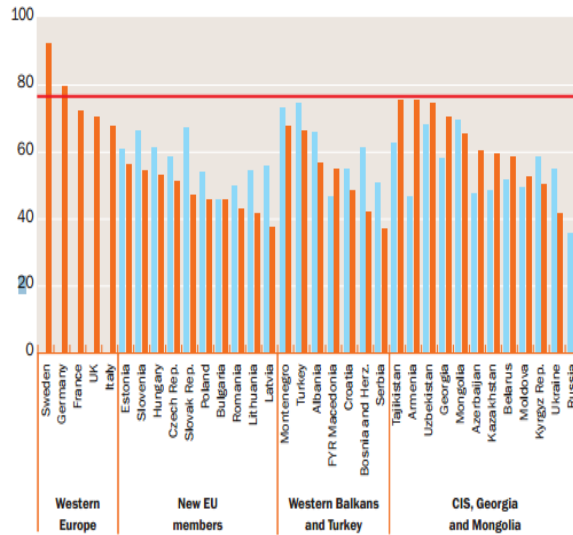
Tables: Pre and post-economic crisis (Source: Transition Report 2010)

% of respondents favouring markets



■ 2006 ■ 2010 — Western average

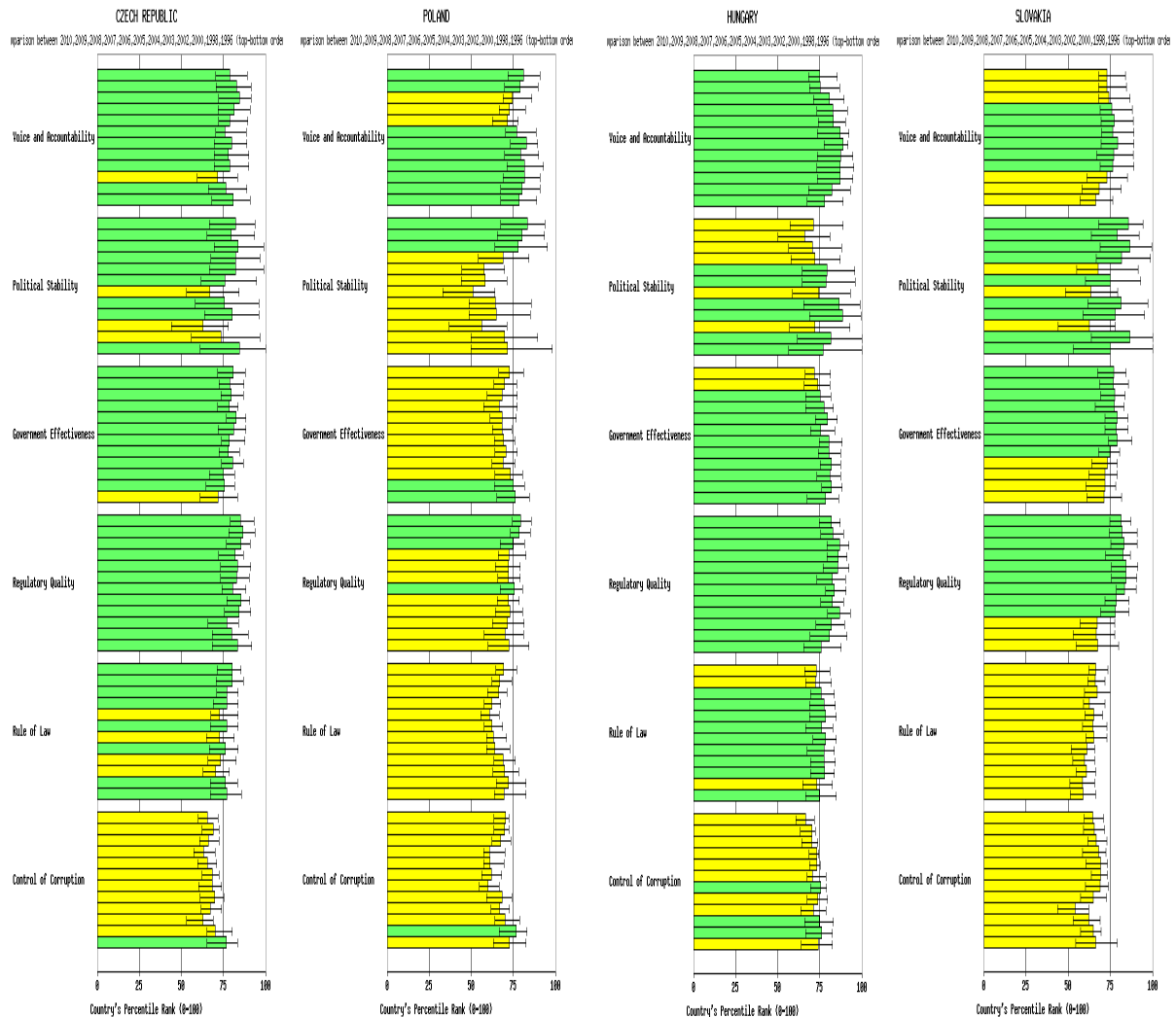
% of respondents favouring democracy



■ 2006 ■ 2010 — Western average

# Appendix 4

## World Bank Governance Indicators of each four countries



Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues

Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The IGI do not reflect the official view of the World Bank, its Executive Directors, or the countries they represent. The IGI are not used by the World Bank Group to allocate resources.

Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues

Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. These data are gathered from a number of survey institutes, think tanks, non-governmental organizations, and international organizations. The IGI do not reflect the official view of the World Bank, its Executive Directors, or the countries they represent. The IGI are not used by the World Bank Group to allocate resources.

Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues

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Source: Kaufmann D., A. Kraay, and M. Mastruzzi (2010), The Worldwide Governance Indicators: Methodology and Analytical Issues

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## Appendix 5

Economic development 1991-2010 in Poland, Slovakia, Hungary and the Czech Republic (Source: World Bank GDP Growth (%) annual).

Country	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Poland	-7,02	2,51	3,74	5,29	6,95	6,24	7,09	4,98	4,52	4,26
Slovak Republic	-14,57	-6,72	-3,70	6,21	5,84	6,94	4,44	4,36	0,04	1,37
Hungary	-11,89	-3,06	-0,58	2,95	1,49	0,16	3,13	4,07	3,20	4,23
Czech Republic	-11,61	-0,52	0,06	2,22	5,95	4,03	-0,73	-0,76	1,34	3,65
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Poland	1,21	1,44	3,87	5,34	3,62	6,23	6,79	5,13	1,61	3,94
Slovak Rep.	3,48	4,58	4,78	5,06	6,66	8,35	10,49	5,89	-4,91	4,24
Hungary	3,71	4,51	3,85	4,80	3,96	3,90	0,11	0,89	-6,80	1,26
Czech Republic	2,46	1,90	3,60	4,48	6,32	6,81	6,13	2,46	-4,15	2,35

## Appendix 6 Chi-Square tests

### Trust in country's parliament

Czech Republic and Slovakia

#### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	100,329 <sup>a</sup>	10	,000

Poland and Hungary

#### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	115,134 <sup>a</sup>	10	,000

### Trust in politicians

Czech Republic and Slovakia

#### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	115,404 <sup>a</sup>	10	,000

## Poland and Hungary

### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	50,768 <sup>a</sup>	10	,000

## Trust in legal system

### Czech Republic and Slovakia

#### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	113,829 <sup>a</sup>	10	,000

### Poland and Hungary

#### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	50,104 <sup>a</sup>	10	,000

## Contacted politician or gov. off. Last 12 months

### Czech Republic and Slovakia:

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	19,855 <sup>a</sup>	1	,000

### Poland and Hungary

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9,898 <sup>a</sup>	1	,002

## Worked in political party or action group last 12 months

### Czech Republic and Slovakia:

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	,923 <sup>a</sup>	1	,337



Poland and Hungary

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	,272 <sup>a</sup>	1	,602

**Worked in another org. or ass. last 12 months**

Czech Republic and Slovakia

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	3,712 <sup>a</sup>	1	,054

Poland and Hungary

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	,279 <sup>a</sup>	1	,597

**Signed petition last 12 months**

Czech Republic and Slovakia

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	15,287 <sup>a</sup>	1	,000

Poland and Hungary

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	84,913 <sup>a</sup>	1	,000

**Taken part of lawful demonstration last 12 months**

Czech Republic and Slovakia:

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	22,979 <sup>a</sup>	1	,000

Poland and Hungary

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	1,473 <sup>a</sup>	1	,225