

ILLIBERAL DEMOCRACY AND DEMOCRATIC BACKSLIDING IN CENTRAL AND EASTERN EUROPE: TOWARDS A “RULE OF LAW” EXPLANATION

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DRAFT WORKING PAPER

Abstract: The conceptual notions of “illiberal democracy” and “democratic backsliding” have experienced a renaissance in recent years, prompted by attempts in new member states /NMS/ of the European Union /EU/ in Central and Eastern Europe /CEE/ to reverse the direction of democratic reforms after the attainment of full membership. Illiberal developments in Poland (2006/2007) and Hungary (post-2010) have sent shocks to the very heart of the EU system, as both countries had been at the helm of democratic progress in the pre-accession period. A little to the East, Bulgaria and Romania have made their own headway in reform reversal. Meanwhile, numerous efforts have attempted to explain what went wrong, focusing predominantly on socio-economic dynamics and mass-elite linkages. The current work offers a different perspective, linking the successes (and failures) of democratic consolidation to rule-of-law modelling. The main hypothesis and causation proposed by the study are given in the introductory chapter. The first chapter looks at existing conceptualizations of the terms in the broad literatures on democratic consolidation and democratic quality, striving to come up with a useful operationalization. The second chapter introduces the three main variables and proceeds to test them through a mixture of actor-centered and institutional approaches, adding up empirical evidence where available.

Keywords: democracy, backsliding, consolidation, Central and Eastern Europe, rule of law, state capture

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I. INTRODUCTION

Answering a journalistic query at a 2015 joint press conference in Budapest about her opinion on Victor Orbán's newly-promulgated rendition of democracy, the federal chancellor of EU's core power Angela Merkel exclaimed "Honestly, I cannot understand what is meant by illiberal when it comes to democracy" (Halasz, Euobserver, February 2015). Few could blame Mrs. Merkel of not grasping entirely the essence of "illiberal democracy" – a term that has excited and puzzled students of democracy ever since its use was re-kindled by Fareed Zakaria in the second half of the 90s (Zakaria 1997). In more recent times "illiberal democracy" has made a major comeback, along with other newly-coined conceptual conundrums (i.e. "democratic backsliding"), underpinning attempts at explaining some of the troubling developments in new member states /NMS/ in Central and Eastern Europe /CEE/. Particularly those happening after the double wave of EU accessions in 2004/2007, when as much as 11 countries from the region joined the European community in a bid to achieve the status of consolidated democracies. However, the road to democracy, as bumpy as it had been in the preceding decade and a half of political and economic transition, does not seem to have ended there and then.

In recent years, signals about potential derailments off the democratization track have been coming in from all over the region, affecting both the "usual suspects" (Bulgaria, Romania) and, perhaps more tellingly, the early "forerunners" of democratic reform (Hungary, Poland). In the former cases, post-accession "hooliganism" has threatened to eat away the success of advances in state formation and rule implementation, made in previous years largely under the terms of EU conditionality (Ganev 2013, 2014). In an even more perplexing development, Poland and, lately, Hungary have come close to making a "sharp U-turn" in their democratic progress, with clear autocratic leanings transpiring in the agendas of major actors within the countries' ruling elites (see Kornai 2015).

In this context, a great deal of recent analysis has focused on assessing the state of democracy in the region, looking at flaws in existing political or institutional arrangements, studying socio-economic conditions or classifying elite configurations along liberal/non-liberal lines. 2007 saw an unprecedented peak in scholarly debate on "illiberal democracy". Two special issues by the *Journal of Democracy* and by *Eurozine*, addressed various facets of the rise of new populism and illiberalism in Central and Eastern Europe. Commentators announced the

“death of the liberal consensus”, expressing their concerns over the ebbing of liberal gravitational forces after EU accession, mass disillusionment with democracy, growing societal polarization and an observed spike in populist politics across the region. The key culprit in focus was the Polish government of the time (2006/2007), consisting of the populist PiS, the even more populist SRP and the nationalist-leaning LPR. Nevertheless the “rogue” Polish government imploded, Czech Republic managed to form a government and the whole campaign seemed more like an incidental “democratic backlash”, than a steady backsliding tendency.

Nowadays, long after the death of the liberal consensus, “illiberal democracy” and “democratic backsliding” are even more popular than a few years ago. This time around, however, the major culprit is the post-2010 Hungarian administration – a tacit conglomerate of the ultra-conservative FIDESZ and the radical nationalist JOBBIK – challenging democratic institutions in an environment of slowing economy, growing inequalities and social disintegration. More importantly, its leader, a political opportunist and a former conservative mainstay, has openly expressed his resolution to start “anew” and reorganize society along the lines of an “illiberal state” (Traynor, theGuardian 2014), an ambition that his Polish colleague did not even consider in 2007. And he has delivered: a bold legislative agenda has been pushed through immediately after taking office in 2010, touching practically every key aspect of liberal democracy – from competition (reform of the electoral system) to access to information (a new media law) and the rule of law (a new country Constitution and major judicial reform) (Bugarič 2014).

How to make sense of such drastic changes, apparently made urgently and in open conflict with both universal liberal democratic principles and the set of rules advanced by the EU? Most scholarly efforts on the subject have turned to positional analysis, tapping elite dynamics and mass-elite linkages to explain the spillover effect of socio-economic trends on the political and polity levels. According to a more or less established narrative of “democratic backsliding”, CEE publics’ weakening commitment to democracy, mediated by disillusionment with transition politics, economic woes and, in some cases, anti-modern and identity considerations (Mudde and Kaltwasser 2011), has resulted in a wave of neopopulist movements capitalizing on popular discontent (Krastev 2007; Rupnik 2007). Backsliding is therefore a type of radicalization taking root at the mass level and projecting upwards through party proxies at the level of policy-making. What societies want is real “rule by the people”,

which they believe has been subverted by an incompetent, non-responsive and corrupt political establishment. Subsequently, new contenders have come up pledging to demolish the establishment and initiate a new type of society. In the same time in the post-accession period incumbent elites themselves have felt less and less obliged to pay tribute to democratic concessions they made as an outcome of a transition-era liberal consensus, aggravating existing mass antagonisms and limiting the scope of EU influence.

Several problems seem to undermine the explanatory potential of this narrative. First, the role on *EU integration as a pull to democratic consolidation* seems rather exaggerated. In regard to the accession process one thing is certain – CEE states conducted a large-scale institution-building experiment in order to consolidate their liberal orders within the confines of EU democratic agenda. However, authors disagree on whether democratization and EU accession have been mutually supportive, conflicting or, above all, concurrent developments (Pridham 2000). To be sure, an overreaching “liberal consensus” urged CEE governments to pursue reforms that could have, under other circumstances, been unattainable, but the beneficial nature of accession should not be overestimated. It remains unclear how the largely top-down process of rule transposition interfered with policy choices at the domestic level and whether harmonization outcomes reflect existing bottom-up dynamics. If the EU has been less than a crucial factor in CEE democratic-building, what potential it has to constrain backsliding into a post-accession environment? The ambition of the work at hand is to analyze this issue in more detail, which is done in Chapter II.

Second, interpretations accentuating *decreasing popular support for democracy* seem to waver a bit on the value aspect. Did CEE citizens really step down on democratic preferences, seeking new agents willing to tear down the system for them? And what type of system would they like to see in its place? Does low democratic satisfaction reveal a genuine lack of democrats or lack of understanding regarding the principles guiding democracy? Is radicalization targeted towards paradigmatic shifts or democracy can be rearranged in a way that meets mass expectations without dramatic reconfigurations? Most authors claim a direct link between dissatisfaction with current government performance and decreasing popular support for democracy (Mingiu-Pippidi, 2007). However, that would imply low levels of internalization of democratic values among CEE publics, making it impossible to distinguish between policy and polity levels, as well as liberal and democratic aspects of democratization.

It is a matter of testing this hypothesis to check if it holds true (see Chapter II of the current study).

Third, the focus on *ideological competition* also appears a tad problematic. Democratic backsliding is consistently interpreted through the rise of new radical and anti-systemic forces coming from both ends of the spectrum, either left-wing economic populists or extreme nationalists. However, this widespread reading suffers from both methodological and contextual issues. Methodologically, it is not clear how much an instrumental conceptualization of political actors in the CEE region reflects domestic realities. It is a widely accepted fact, for instance, that parties in the region lack the extensive social-economic bases typical for similar actors in established democracies (Kopecký 2006). Also, the peculiar context of post-communist elite formation should be taken into account when studying the nexus between domestic power games and populism in CEE contexts. It may be that mainstream political competition is just a “smokescreen” for illiberal practices, where the dichotomy of establishment vs. populist parties simply does not hold. Paradoxically, illiberal forces may be in part conducive to liberal practices because they *de facto* stand against other illiberal forces (Krašev 2007 reaches a similar conclusion). Those specifics will be given more attention in Chapter II.

Fourth, and most important, the question of *informality* is completely disregarded within the prevalent backsliding discourse. Given the widely cited gaps between formal and informal dynamics in the CEE region, taking democratic backsliding at face value appears problematic. A major issue stems from the perceived congruence between formal power positions and the actual hierarchy of power standing at the heart of most definitions of liberal democracy (Bozóki 2003). As the degree of congruence defines the potential of political contexts to initiate and implement reform efforts it should be taken into account when studying the pace of democratic reform. If democratic institutions are just façades to undemocratic practices it makes little sense to study backsliding by looking solely at formal institutional arrangement. Chapter II aspires to elaborate on that aspect.

The identified **critical issues, aspects and omissions** in the debate can be summarized as follows

❖ *Linear logic of post-communist democratic development* from gradual liberalization to democratic transition to democratic consolidation (Rupnik 2007), after which Central and

Eastern European economies, political and societal settings are expected to approximate those of advanced Western democracies, integrating in relevant international organizations along the way. The Hungarian case completely shatters that presumed linearity – Hungary was amongst the forerunners of post-socialist reforms and has been considered a success story of both democratic transition and integration in Euro-Atlantic structures, only to make an almost complete U-turn less than 10 years after the crowning achievement of its EU accession (Kornai 2015). If linearity is not a usable theoretical tool what other non-linear constructions of historical trajectories can be taken into consideration?

❖ The bulk of attention paid to *defining and understanding “populism”* – the advent of “populist” (and more broadly radical and anti-establishment) political projects in Central and Eastern Europe as a major threat to liberal democracy (Krastev, 2007; Rupnik 2007; Mudde, 2000, 2004; Greskovits 2007). Focus on the key characteristics and ideational traits of present-day populist parties and policies across the region, with current “rogue” actors and sectors put under scrutiny in a somewhat perfunctory fashion.

❖ Major emphasis on *the impact of socio-economic conditions and historical continuities in the CEE region*, underlining mass dissatisfaction with democracy and the ascendance of illiberal trends – focus on specific post-socialist features of the civil space (lack of well-developed civil society actors, efficient accountability mechanisms etc.), political culture, the effects of post-communist economic restructuring, resource distribution and the concurrence of different types of reforms – economic, political, institutional.

❖ A clear focus on electoral dynamics of party-voter interaction, but *the dynamics of elite struggles and actor behavior* have not been analyzed in a comprehensive manner. The presence of populist parties in power is often perceived as the sole indicator of democratic backsliding, with considerably less attention paid to the ways in which the ascendance to, presence or activity of such parties within the political establishment actually challenges or undermines previously consolidated democratic practices, institutions or procedures (with the exception of Ganev’s post-accession “hooliganism”). What those parties do once they get in power that could or should be classified as illiberal practices?

❖ *Misinterpreting the exogenous characteristics and programmatic outlook of political parties, policies and societal actors in the CEE region* is a common trend, underpinned by imposing actor identities and ideological features, derived from the Western academic debate.

Are NMS and OMS populist parties really similar and how are any potential differences reflected in the types of populist/illiberal trends emerging in those countries?

❖ No adequate consideration given to the *link between post-communist state-building, institutional consolidation and current state capacity* of NMS in Central and Eastern Europe. Also the interplay between institutional capacity and the behavior of political actors has been marginalized.

❖ No clear indications as to *the role of state capture/informality/rent-seeking as restraining/conducive factors to illiberal behavior* – in what way capturing or hollowing out state institutions and/or sectors correspond with notions of il/liberal democracy?

Taking the identified aspects into account the current work aspires to provide an alternative dynamic approach to illiberal democracy and democratic backsliding. The major goal of the study is to construe illiberal democracy in the process of continuous re-interpretation of democratic practices, institutions and beliefs. It strives to identify relevant mechanisms for replication and perpetuation of illiberal practices across the CEE region.

For this purpose the work eschews an end-point conceptualization of completed democratic consolidation as concurrent with achieving EU accession by CEE countries. Instead democratic consolidation is seen as an actor-driven process, dependent on actor choices and decisions regarding the types of institutions and rules they would like to enable, incapacitate or render obsolete. Thus, it becomes easier to conceptualise post-accession backsliding as an episode in a continuous process of democracy-building, taking into account the specifics of post-communist and pre-accession dynamics. Also, such a conception allows looking at flaws in established democratic arrangements, particularly under what circumstances such flaws spiral out of control, leading to the undoing or eventual demise of previously monolithic democratic structures. Similarly, in studying EU influences the work counts on a bottom-up approach, presupposing the purposeful accommodation of external demands to domestic realities by concrete actor constellations.

Two domestic explanatory variables are given particular attention: 1) *mass-elite interaction*, taken to imply a framework linking supply and demand of democracy in a dynamic bilateral socialization, mediated by degrees of popular democratic satisfaction, factionalism and elite circulation and 2) *state-elite interaction*, referring to the role of elites in state formation,

measured through proxies, such as robust competition, levels of informality, patterns of state capture and modes of extraction.

The critical gauge of democratic consolidation used by the current work is the *rule of law*. As it is used here it implies a pattern of power balance, where all actors follow the rules they have collectively agreed on and no single actor opts for subverting the rules to one's own advantage.

The main hypothesis is that **two distinctive patterns of post-accession democratic backsliding** can be observed in the CEE region on the basis of the given variables. Keeping at bay popular aversion to transition politics and current political actors, which is high in all CEE states, what explains potential backsliding is the interplay between polarization and state capture. In historically *weak rule-of-law* contexts (high state capture), informal transactions take a precedence over formal democratic competition. Polarization is unlikely to bring about radical change as powerful informal networks have an interest in keeping the status quo, paradoxically preventing both genuine democratic reform and illiberal developments. Democratic institutions are hollowed out from below and state are a priori weak. Also, as new competitors would like to tap the same benefit structures they are more likely to negotiate with the existing political monopoly, in sharp contrast to surface antagonisms. Here, democratic institutions serve as a façade to a strong undercurrent of informal behavior and EU impacts are expected to be minimal if they do not involve rule-of-law modelling. Political players adapt EU rules to domestic conditions and make democratic concessions entirely according to their own calculations. Path dependencies play a critical role and the major dividing line is between the anti-liberal entrenched network and a pro-liberal citizenry. Bulgaria is exemplary of this type of backsliding.

On the contrary, in hitherto *strong rule-of-law* contexts (lower state capture), genuine political competition enables a more balanced pattern of power struggle, with no single dominant conglomerate blocking democratic reform. A number of equally empowered actors have access to privilege distribution and are willing to enact regulation that constrains the discretion of their opponents. Polarization comes to the fore as a key mechanism channeling access to power, and paradigmatic shifts can be expected if one of the major players loses their position permanently. Informal transactions are less frequent since no single actor has full access to distribution, the battle for resources being fought in the public domain in a

highly adversarial style. Diminishing resources increase antagonisms. Threats to democratic institutions can be expected from actors making efforts to entrench their position once in power, capturing all relevant levers. Democracy is attacked frontally, with structures being hollowed out from above, dismantling previously robust state structures. Citizens are torn between the existing power blocks and see their causes as liberal in contrast to those of opponent blocks. EU impacts are pronounced but cannot contain backsliding once it happens. Here, backsliding is a new development, largely unrelated to historical trends. An illustrative case for this type of backsliding is Hungary.

II. CONCEPTUAL ISSUES

A. The theoretical sturdiness of “illiberal democracy”

Attempted definitions reflect a centuries-old debate on the nature of “democracy” itself. In current public discourse the latter is customarily associated with “liberal democracy”: an ambiguous concept, splicing together two disparate elements, which, according to the bulk of literature on the issue, are “theoretically different” and “historically distinct” (Zakaria 1997). Thus, “democracy” is associated with the process through which the “will of the people” (or the majority in modern Schumpeterian terms), intermediated by relevant institutional mechanisms (i.e. elections) and competitive struggle, is transposed in selective decisions on who will govern (Schumpeter 1942). As long as free, fair and regular elections are held and competition is guaranteed, thereafter, a governance system can be classified as a democracy (the dimension of “contestation”). Dahl adds a second dimension (“participation”), implying a set of contingent conditions that need to be satisfied, so that voters (all adult population included) are able to make an informed decision: civil and political rights, such as existing freedoms of expression, assembly, publication etc., necessary for campaigning and conducting political debate (Dahl 1971). Putting forward this minimal “procedural” interpretation of democracy helped define the process of “democratization” as “the replacement of a government that was not chosen this way by one that is selected in a free, open, and fair election” (Huntington 1991). In this vein, the soaring number of democracies, i.e. states that conduct such elections, between the 1970 and 1990s prompted Huntington to classify the on-going democratization effort as a “the third wave” of democratic transitions. It also made possible the categorization of practically every form of government along un/democratic lines, generating notions such as “hybrid regimes” (Diamond 2002) and

“competitive authoritarianism” (Levitsky 2002) to account for regimes, where regular elections exist, but are not particularly free and/or fair.

However, classifying a form of government as „democratic” is just one side of the coin. If “democracy” is simply about political leadership reflecting existing voter preferences, the “liberal” component involves a deeper layer or content, referring to the substantive qualities of everyday democratic practice, or “how the rule is executed” (Plattner 1998). It serves to provide an account of what happens between elections - how a particular democratic system is structured, how specific rights are guaranteed and what kind of leadership is selected. Fareed Zakaria defines this dimension as “constitutional liberalism” and lists among its qualifiers “the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property” (Zakaria 1997). Historically, Zakaria argues, liberalism predates democracy, pointing out Western Europe and Great Britain in particular, where individual rights were guaranteed by separation of powers, rule of law and various checks and balances long before universal suffrage was introduced in early 20th century. In this context, conducting democratization in political systems having no previous experience with constitutional liberalism may give rise to majoritarian elite practices that veer considerably from the common use of “democracy”. “When the political system is opened up, diverse groups with incompatible interests gain access to power and press their demands”, comments Zakaria. In former autocratic regimes, where in retrospect small powerful groups had access to most resources and were not held accountable by liberal constraints, democratization could favor such groups: democracy often follows liberalization, but may not necessarily lead to liberalism. Consequently, possessing an electoral mechanism for constituting political representation, but not a working liberal order is what is deemed “illiberal democracy”: a consequence of the conflict between democratization and constitutional liberalism that has been won unequivocally by the former.

Huntington’s and Zakaria’s arguments have been questioned by scholars and practitioners alike. Mark Plattner contends that while unpacking democracy and liberalism has its practical merits, there are “powerful intrinsic links between electoral democracy and a liberal order” that should not be underestimated (Plattner 1998). The author is also swift to remind that democracy, with its emphasis on minimizing “the direct political role of the people” and handing rule to a limited circle of elected representatives (historically mostly members of society’s upper echelon), constitutes in itself a majoritarian deviation from *égalité politique*.

Counting on constitutional liberalism to establish a level playing field prior to introducing a representative government is also debatable as a practical approach in contemporary autocratic regimes, based for the most on ideology, rather than on traditional rule. In the same time, elections are unlikely to provide a credible solution in governance systems where none of the political contenders are proponents of liberal democracy. Alternatively, Zakaria's conceptualization seems not to be in a particularly good spot to explain some forms of façade democracy, an example being Russia's "managed democracy" (Krastev 2008). Rather than exemplifying "a victory of electoral majoritarianism over liberal constitutionalism" (Ibid, pg. 54), Krastev argues, "democracy's doubles" are conscious efforts on the part of ruling elites to supplant democratic elements (political, parties, elections, media etc.) and monopolize competition in order to perpetuate their position in power. Such pseudodemocracies function within the institutional framework of democracy, but outside the logic of genuine representation. Consequently, in such an environment "elections are held regularly, but they do not provide an opportunity to transfer power, only to legitimize it" (Ibid, 53).

Others have attacked the concept of "illiberal democracy" on operational grounds, claiming that it represents a case of conceptual "stretching" (Sartori 1970). In this view, illiberal democracy is an empty concept in search of real-life cases, since the empirical referents used by Zakaria to classify political systems along a democratization continuum (i.e. Freedom House's "political rights" and "civil liberties") do not seem to reflect a stable pattern of illiberalism (Møller 2008). Half of "democratizing" countries scoring high on the electoral component ("political rights") and low on the liberal one ("civil liberties") are considered illiberal states; however, many of those are not posited as having free and fair elections by Freedom House, which contradicts Zakaria's own electoral definition of "democracy" (Ibid, pg. 557).

In this vein, many authors have given voice to skepticism over the use of a purely "procedural" notion of democracy, fuelling a vivid discussion on whether democracy can and/or should be reduced to its electoral component. At its core is the conviction (idealistic and misleading according to Huntington) that limiting democracy to a simple exercise in numbers serving to determine the will of the majority, takes away from its intrinsic value and potential. If voting is used to perpetuate an unjust status quo maintained by all major parties (both establishment and fringe ones) it is not really democratic (Mondon 2013). Concurrently, there have been calls to redefine democracy by returning to the source: the original Greek

meaning of democracy as “power” or “capacity to do things”, as none of the up-to-date concepts seem “descriptively accurate” or “normatively choiceworthy” (Ober 2008). Along those lines, within the limits of so-called “democratic quality” debate, analysts have taken the task to deconstruct the substantive dimension of democracy and gauge liberal democratic performance, generating a formidable amount of conceptual interpretations (*what* is measured) and measurement indicators (*how* it is measured) (Munck and Verkuilen 2002; Munck 2003; O’Donnell 2004; Diamond and Morlino 2004; Andreev 2005; Bühlmann et al. 2007/2008 and 2011; Beetham et al. 2008; Campbell 2008; Roberts 2010).

B. Can “illiberal democracy” be measured and how: a critique of major democratic quality indexes?

A cursory look at *what* is measured yields a long checklist of quality descriptors whose conception reflects the ambitions of the respective authors to provide a consistent map of liberal democracy. A common denominator is the shared understanding that democratic quality rests upon a stable set of principles and the ways those principles are put into effect are indicative of democratic performance. Hence, minimalist conceptual renditions revolve around the procedures through which governments and the “rules of the game” are set, dealing with notions, such as democratic regime types (Munck 2003), electoral responsiveness (Roberts 2010) and the rule of law (O’Donnell 2004) (corresponding to the principles of “contestation” and “participation”, discussed by Dahl). Alternatively, broader conceptualizations, concentrating on performance, tend to mix in good governance (policy responsiveness and accountability), citizen participation and satisfaction, with maximalist interpretation attempts going so far as to stipulate desired outcomes of democracy – quality of life and society, gradual reduction of socio-economic inequalities (Munck 2003; Andreev 2005) – as essential determinants of democratic quality (Bühlmann et al. 2007/2008). Notwithstanding subtle differences in definitions, most conceptualization efforts combine procedural elements with some sort of performance indicator/s, adding weight to the distinction between “democracy” as a political arrangement based on a certain set of constitutional principles and rules (*polity*) and “democracy” as a continuous interaction between governments and citizens, intermediated by the existing rules (*process*). As will be discussed below, most measurement issues in democratic performance stem from applying linear interpretations to dynamic political processes.

As to *how* democratic quality is measured: rather than dispelling ambiguity the majority of proposed operationalizations seem to further muddy the waters of what is meant by liberal democracy. In this regard, a persistent matter that appears to pest most rankings of democratic quality deals with the inconsequential conceptual layout of such efforts. More specifically, visible issues relate to the amount of attributes deemed constitutive of basic categories (maximalist vs. minimalist interpretations) (see above), as well as the logical construction of linkages between different components (conflation vs. redundancy of attributes) (Munck and Verkuilen 2002). Some of the existing indexes (e.g. Polity IV, developed by Gurr) (Marshall and Jaggers 2001a, 2001b) make efforts to stipulate explicitly the structuring of their attributes along a vertical “ladder of abstraction” (Sartori 1970), but by adhering to minimalist definitions allow critical omissions (i.e. not accounting for “contestation” and/or its key aspects) (Munck and Verkuilen 2002, p. 11-12). Conceptual logic aside, the quest for viable quantification approaches has proven even more problematic. The widespread use of ordinal/interval scoring scales to gradate the complex, deeply interwoven phenomena filed under liberal constitutionalism is underlined by a consistent necessity to bypass subjective methodological choices. Apart from the intentions of the respective expert practitioner/s, how much a 7-point ordinal scale can reveal about the genuine state of a democratic system? Except, for instance, that according to a particular conceptualization countries scoring above a seemingly arbitrary cut-off point of 3.3 are rated as less democratic than those ranking above 6.5 (or vice versa)? Particularly if the methods of attaching scores to specific phenomena in the analyzed cases have not been stated explicitly. Likewise, what does an interval difference of 3 points conveys regarding the rate of liberal change in a post-socialist democracy? Thirdly, there is of course the question of aggregation, where the gathered data has to be put together in order to produce a single rating of the state of democracy in a country. Ironically, some of the most widely cited indices (i.e. Freedom House) seem to register for fallacies in all three dimensions mentioned. The lack of logic in organizing a long list of theoretically disconnected sets of components has deemed such rankings as little more than “checklists” (Ryan 1995). Although a more varied 7-point scaling method has been introduced by Freedom House, choices regarding the award of points, data aggregation and score thresholds for basic categories (liberal, semi-liberal, illiberal democracy) have not been justified theoretically (Merkel 2004, p. 34), nor information about those is publicly available. This is even truer for indices such as the recent Global Democracy Ranking (Campbell 2008), aggregating data on as much as 43 indicators in 5 disparate areas, ranging from political rights

to socio-economic conditions, health and knowledge. Alternatively, the Democracy Barometer developed by Bühlmann et al. (2011) provides a logically coherent framework stipulating the contextual embeddedness of democracy in a set of mutually inclusive “partial regimes” (aka basic conceptual categories), while also kind of solves the aggregation issue by using a radar graph chart to illustrate the democratic profiles of different countries. However, it still suffers from a particularly maximalist interpretation of democracy, including components, such as “effective power to govern”. Considering the above-discussed issues, the question arises as to what exactly is measured by such indices and whether democratic quality can be approached through sometimes randomly assembled bits of expert opinion regarding particular countries/regions. As Hadenius and Teorell have empirically proven “we may... discover, when studying gradual changes in level of democracy, that the results to a substantial degree reflect which index is used” (Hadenius and Teorell 2005, p.5). All in all, the more ambitious the outset, the less the final result seems to capture the nature of liberal democracy – minimalist approaches seem to work better in this regard.

The challenge of reliability has been addressed more successfully by the Democracy Index, developed by The Economist Intelligence Unit (Laza 2007), which uses a categorical dichotomous scoring system (1 for a yes and 0 for a no answer) to answer a total of 60 questions, spread across 5 categories and covering both procedural (electoral process and pluralism) and processual aspects of democracy (functioning of government, political culture etc.), largely referring to Freedom House’s classification (Campbell 2008). Although such a methodological approach tends to limit the impact of subjective interpretations, a significant flaw here relates to the necessity to weight the importance of different indicators. Another recent research framework proposed by IDEA (Beetham et al. 2008) has striven to avoid the pitfalls of quantifying democratic quality by putting forward a thoroughly qualitative, constructivist assessment design (based on analyzing legal orders, practice and negative phenomena). The basic claim advanced by the IDEA team is that subjectivity should be encouraged, as expert knowledge is inevitably embedded in the cultural and historical specifics of the country in focus (Ibid, p.19). Thus, democratic quality should be measured on a country-by-country and category-by-category basis by experts who are aware of a “country’s culture, traditions and aspirations” (i.e. local actors) (Ibid, p.20).

With the above review in mind, three questions need to be addressed in light of the purpose of the current study. First, in the context of the discussed conceptual framework, what type of

phenomenon/ phenomena fall within the scope of constructs, such as “illiberal democracy” and “democratic backsliding”? Second, are those constructs empirically sound and to what extent are they suited to account for observable trends in the new EU member states in Central and Eastern Europe? Third, are there specific characteristics of illiberal democratic backsliding in the region that differentiate it from recent pan-European/global trends, referred to as “democratic recession” in the literature (Diamond 2015; Levitsky and Way 2015)? A tentative answer to the first question comes from the conception of “illiberal democracy” coined by Zakaria. According to the author illiberal democracy is a type of government arrangement where the democratic “electoral” component takes precedence over a working “liberal” order. It follows that “illiberal democracy” as a form of government exhibits discernible flaws in its constitutional design and functioning, rather than its electoral basis, which is considered set and stable (Munck 2012). “Illiberal democracy”, therefore, reaches beyond a baseline definition of electoral democracy by default. On the one hand, that would establish the dividing line between an illiberal democracy and an autocratic system somewhere along conducting periodic elections, the existence of free competition and uncertainty of electoral outcomes: illiberal democracy is still a democracy, albeit a defective one. On the other hand, illiberal democracy needs to be conceptually distinguished from so-called competitive authoritarian, or “hybrid”, regimes – political systems where democratic institutions do exist but are so thoroughly compromised that such regimes practically fail to meet the conventional minimal requirements of a democracy (Levitsky 2002; Morlino 2008). In other words, whereas illiberal democracy still functions within the ambit of a democratically structured rule of law, democracy being both the milieu and the focus of the political process, in hybrid regimes democracy rather appears as an intentionally applied extra layer, glossing over an otherwise authoritarian regime.

C. Operationalization of “illiberal democracy”: rule of law and policy accountability

In terms of operationalization, having in mind that a “perfect” democratic order is yet to be observed and requires “constant vigilance” (Diamond 2002, p.28), illiberal democracy appears to be first and foremost a question of scale – how grave and how persistent should be the identified setbacks to be qualified as statistically significant? A complementary issue concerns the nature of the observed flaws: in what areas the persistence of significant setbacks is considered critical and how many components of a liberal constitutional order should be underperforming so as to provide sufficient ground for a state to be deemed an “illiberal

democracy? As discussed, depending on the aspect of liberal constitutionalism in focus, the undulation between minimalist and maximalist interpretations can get into full swing in the literature. In this respect, the core ideational underpinning of the current study is that the employment of a limited set of categories is sufficient to test a democracy for systematic flaws. Such an approach assumes the mutual embeddedness of the different elements of liberal democracy and the weighted importance of critical fallacies in particular areas. As a network of “densely interactive and overlapping” linkages (Diamond and Morlino 2004, p. 29), a liberal democratic system is built upon an array of overreaching phenomena that inform each other’s performance. This corresponds to the conceptualization of “embedded democracy”, developed by Merkel, where “the specific interdependence/independence of the different partial regimes of a democracy secures its normative and functional existence” (Merkel 2004, p. 36). On this basis it becomes possible to assess the state of the system as a whole by checking the consistency of a few cross-cutting components.

The study at hand posits two key elements as suitable for conducting a litmus test of illiberal democracy, borrowed from the literature – the *rule of law* (O’Donnell 2004) and *policy accountability* (Roberts 2010). The rule of law conveys information regarding the basic structure of a democratic system: the state of the legal order and the specifics of the institutional framework, guiding the day-to-day application of rules. It also gives cues to the distribution of power within the system, including the willingness of the most powerful to restrain themselves and endorse law as a meaningful medium, as well as, concurrently, the extent to which “all relevant forces find it useful to channel their public actions through political institutions, and conflicts are processed on the terrain of institutions” (Maravall and Przeworski 2003, p. 4). If properly administered by a competent set of authorities and officials (particularly judicial ones), rule-based law ensures that publicly promulgated rights and liberties are extended to all citizens and are consistently applied. The latter guarantees political equality and fairness: it is a precondition against the selective use of laws and/or arbitrary exemptions favoring certain privileged sectors of society (O’Donnell 2004). In this context, taken in its “thinnest” form (Douglass North’s “institutions as constraints”, 1991), the rule of law is a fairly good measure of existing illiberal imbalances within a democratic state of affairs – a weak rule of law implies a type of societal equilibrium characterized by lack of equality between competing interests before the law, uneven distribution of power to the advantage of the most well-organized group/s and the proclivity of major forces to seek

extralegal means to promote their interests. Since establishing a rule-based law is time-consuming and requires the political will and self-restraint of political actors (Diamond and Morlino 2004), setting up and sustaining a working liberal model is problematic, particularly in newly-fledged democracies. And external support does not always seem to produce the best possible outcomes: practice shows that pouring in large amounts of external aid has in many cases led to questionable results, paradoxically, due to definitional issues and context-insensitive rule-of-law modelling (Kleinfeld 2005). In this context, the component of policy accountability appears crucial, as it gives cues to the degree to which everyday policy is answerable to and determined by the preferences of citizens. It is indicative of the presence of an organized civil society able to assess when institutional behavior represents a deviation from established rules, as well as the capacity of citizens to sanction or remove government officials. If no such counterbalancing mechanism is in store to reign back in an imbalanced equilibrium within a democratic system, the latter can hardly be classified as a liberal democracy. It makes little sense to look for traces of liberalism in democratic settings, where elected political representatives are unbridled by a systematically observed legal framework or where policy is not particularly responsive to the citizenry.

D. “Democratic backsliding” as the dynamic aspect of “illiberal democracy”?

Turning to the dynamic aspect of imperfect democracies, it is often captured in the literature by catchphrases, such as “democratic rollback” or illiberal backsliding”. For all intents and purposes, adding a temporal perspective to the phenomenon makes sense: apart from deconstructing the specific aberrations of an illiberal regime, the most important nut to crack in regard to illiberalism concerns the mechanisms through which a political system ends an illiberal democracy. Theoretically however, “backsliding”, its core assumption postulating the gradual erosion of a hitherto working liberal order (approximating “liberalization” with a minus sign), is not without its flaws in regard to conceptual logic and empirical sturdiness. As suggested by Krastev some defective regimes are not a product of a thinning liberal component and an eventual victory of “unbridled majoritarianism” (Zakaria’s argument), but rather are such by design: conceived and put together by political technologists under the façade of liberal institutions and, paradoxically, using those institutions to serve illiberal ends (Chávez’s *democradura* and Russia’s managed democracy) (Krastev 2006, p. 54). Such “institutional mimicry” makes difficult the delineation and tracing back illiberal developments within a procedural democracy, especially one formally adhering to a pro-liberal agenda. It

also renders unconvincing deterministic interpretations of backsliding conflating democracy by design and purpose. On the surface any government arrangement relies on a set of institutions to carry out its everyday functions and produces distinctive outcomes: defining particular trends as “backsliding” by looking at quantitative performance indicators can provide the wrong cues in terms of specific undergoing processes and interactive effects that may remain “under the radar”. Mapping individual success or deficiencies in a static fashion risks missing the bigger picture at hand. As noted by Ulfelder and Lustik, “patterns of political authority that are conventionally considered dysfunctional may, under certain circumstances, represent an adequate and therefore stable institutional solution to local problems of effective governance—at least in the eyes of the actors with the ability to effect or block regime change” (Ulfelder and Lustik, 2005, p.15).

Democratic consolidation usually has a starting point: a break-off sequence of events leading to profound socio-economic, political and/or institutional changes. Following a gradual opening of an autocratic regime, such breakthroughs in many cases lead to a period of targeted efforts to re-design a governance system along liberal democratic lines (although that is just one of the possible outcomes) (Carothers 2002). Illiberal developments on the other hand can be much tougher to pin down to a dynamic map of political developments, particularly in complex institutional settings or environments in flux, where liberal reforms have been underway for a limited period. While democratization and liberalization tend to proceed as parallel processes in newly established democracies (i.e. building a stable electoral basis and a rule of law went hand in hand in post-communist Central and Eastern Europe), that is not always true in respect to “backsliding”. The emergence of deficits within a liberal order may not happen at the same time or with the same intensity as outright cracking down on pluralism and participation (O’Donnell 2004), making it possible for certain trends to escape detection. Nevertheless, if liberal deficits do emerge democracies are generally able to channel and accommodate those tendencies that can crystallize in potential threats (Roberts 2010). Illiberal backsliding, therefore, posits first and foremost a challenge to *sequencing and scale*: at what point in time illiberal trends become a pathology, representing a serious threat to a functioning liberal democracy and getting impossible or improbable to reverse?

Employing a *linear logic of “backsliding”*, from emerging “cracks in the façade” to systematic violations to a constitutional order and the eventual erosion of an optimal set of liberal conditions within a democracy, is at least as troublesome as the heavily discussed

linearity underpinning democratization (Carothers 2002; Rupnik 2007). A linear chain of events suggests a clearly identifiable final outcome of backsliding, while there is little empirical evidence to support the plausibility of such an “end-point” perspective (Morlino 2009). If liberalization represents the partial opening of an authoritarian regime short of selecting government officials through competitive elections (Huntington 1991, p. 9), by extension illiberal backsliding should stand for the gradual atrophy of a fully-functioning liberal democracy short of dismantling its electoral basis. Therefore, while backsliding does imply a certain state of law-quality democracy and may lead to a form of an illiberal system it rarely represents a development towards a regime change. As liberalization does not necessarily leads to the establishment of a democratic system (even less so a consolidated one) (Huntington 1991), backsliding does not appear to lead in a linear fashion to autocracy either. According to Morlino, even if “cases of a return to more ambiguous situations have by no means been exceptional in recent years”, the number of democracies “going ‘all’ the way back to stable authoritarian regimes have been much less frequent” (Morlino 2009, p. 274). A key factor checking the slide to authoritarianism, cited by Morlino among other scholars, concerns the social processes triggered by liberalization, i.e. the mobilization of a politically active civil society, preventing a system from returning to the coercive conditions of full-on autocracy. In other words, even in small doses democracy is able to take root and initiate building the immune system of a governance system. However, such a conception of democracy again excludes cases where liberal concessions are not the result of a natural process of democratization, but rather represent intentional efforts carefully guided by political ideologues. Arguably, in such cases no real “democratization” process occurs in the first place – rather the emergence of pseudodemocratic institutions takes place within the remit of an authoritarian system to meet specific demands. Identifying backsliding tendencies, therefore, requires figuring out an alternative analytical framework taking into account the interplay between democratic system design and performance outcomes in a dynamic fashion.

III. EXPLANATORY VARIABLES

A. The EU variable: impacts of conditionality on democratization and rule-of-law mainstreaming in Central and Eastern Europe

A second pool of issues concerns the conceptualization of EU accession as a watershed event in the context of CEE's democratization process. The established backsliding narrative seems to favor a narrow interpretation of democratic reforms in NMS, putting a disproportional focus on the role of exogenous factors, such as integration dynamics and EU leverage. Thus, it was only a matter of removing the pool of incentives and pressures that mediated CEE candidates' fast-paced "convergence" with EU-demanded democratic standards to see them sliding back, equally promptly, on the democratization agenda. In part this bias stems from the ways in which the process of EU accession is conceptualized in the extensive Europeanization literature (Börzel 1999; Knill 2001; Knill and Lehmkuhl 2002; Featherstone and Radaelli 2003; Grabbe 2005; Schimmelfennig and Sedelmeier 2005; Jacoby 2006; Bulmer 2007; Renner and Trauner 2009). Although different authors accentuate disparate aspects of EU influence, ranging from effects on politics (Ladrech 1994) and policy areas (Börzel 1999) to impacts on administrative and institutional structures (Héritier 2001) and even "ways of doing things" (Radaelli 2003), EU enlargement is often taken to mean a single coherent process of domestic adjustment to Europe (Moravcsik and Vachudova 2003). This obfuscates its ambivalent meaning in regard to democratic consolidation, where in fact two distinct, but interrelated developments can be observed, proceeding according to different logics and bearing different expectations in respect to the projected outcomes. One enlargement avenue emphasizes convergence with the democratic standards incorporated in the EU's Copenhagen criteria, which in turn embody the pool of democratic advances made during the long run of Western democratic development. Here, contagion and convergence through socialization, as well as conditionality are juxtaposed as plausible mechanisms driving democratic change in transition countries. Socialization-wise, factors, such as the gravitational pull of the EU, norm resonance, cultural match, lack of alternative models and diffusion, may explain a great deal of the background rationale behind the "return to Europe" (Kubicek 2003). On the other hand, conditionality is conceptualized as a stick-and-carrot game, where progress is likely where perceived integration benefits offset adaptation costs, costs are seen as relatively low or the cost of inaction is perceived as high.

Nevertheless, empirical evidence from the CEE region tends to undermine the credibility of EU democratic conditionality as an effective democratization tool. The major issue is that countries that scored high on the political criteria were also those that made the greatest leaps in terms of more substantive democratic arrangements in the first place (Estonia, Slovenia, the

Visegrád Four). It is an analytical conundrum whether the EU did not in fact “underwrite” democracy in cases where democratic progress has already been considerable (Kubicek 2003). This makes causality difficult to infer, since it is unclear whether successful cases embarked on an integration course because they had accomplished more in respect to democracy-building, or their democracies were consolidated as a result of the integration process. In other words, did EU conditionality, with its emphasis on cost-benefit rationales, play more than a superficial role in cases where the perceived costs of democratization were low anyway? In this regard, looking at cases of “reluctant democratizers” appears to reveal more about the impacts of EU democratic agenda, but even its celebrated success in Slovakia is a subject of dispute (Vachudova 2010; Krause 2003). Since fundamental differences between CEE states were observed prior to accession negotiations, the initial starting conditions in transition states seem to have played a decisive role in accommodating EU democratic demands (Schimmelfennig and Sedelmeier 2004). Moreover, because of the issue of causal circularity, diffusion and geographic proximity to Europe, rather than the process of EU enlargement *per se*, appear to be better suited to explaining successful transitions (Kopstein and Reilly 2000). As a bottom line, transformation, focusing on the process of “*building states*”, should be clearly distinguished from Europeanization, viewed as a process of “*integrating* already functioning systems... and rendering them compatible with the European model /Italics in original/” (Mingiu-Pippidi 2010, p. 60). The question arises if the EU has been more of an enabler of democratic reforms than an enforcer of concrete measures (i.e. altogether missing incentives for radical change in the area of rule of law, Ibid., p. 75), what capacity it has to adequately contain potential reversals due, for instance, to democratic norms losing their salience or new ideological challengers emerging on the scene? Particularly in countries that barely managed to pass the barrier because they could plausibly claim some elements of a consolidated democracy (i.e. a functioning market economy), but not others (i.e. minority rights)?

A somewhat different process ensues once the prospect of EU membership starts looming strongly on the horizon, with the signing of an association agreement: the so-called “report to Europe” (Mingiu-Pippidi 2010). Here, a targeted harmonization campaign is set in motion to ensure structural compatibility with EU institutions and the underlying system of legislation (Pridham and Ágh 2001, p. 31). A tailor-made program is set up covering practically every major sector of the socio-economic and institutional continuum of accession countries – from

agriculture to information society, consumer protection and gender equity. Although socialization is also important in highlighting incentives or offsetting costs, the major convergence-inducing mechanism here is conditionality, functioning according to a strict top-down chain-of-command logic (Börzel 1999). Unlike political conditionality, where changes address core areas of democratic functioning, policy conditionality aims at sorting out the details, with outcomes ranging from transposition of specific rules/building institutions, following explicit prescriptions (compliance) to abolishing regulatory obstacles to the free market, at full discretion in institutional design (competition) (Bauer et al. 2007).

As far as CEE states are concerned in the mainstream Europeanization literature they are often referred to in their role as policy contexts on the receiving end of vertical rule transposition (Radaelli 2004). The emphasis is on the “transformative power” of the EU as agenda-setter and a provider of policy content (Grabbe 2005; Börzel 2010). Consequently, a myriad of volumes have proceeded to dissect the effects of downloading policy content in various institutional settings/policy areas, striving to explain adjustment outcomes through a wide range of intervening variables constraining the choices of domestic actors. For the most part such efforts rest on conceptual underpinnings positing a negative correlation between the degree of change and the degree of “misfit” between European and domestic levels – the wider the gap, the greater the pressure and the larger the scope of necessary reform (Börzel and Risse 2009). Thus, mirroring political conditionality, the process of domestic adaptation appears to run more smoothly in CEE countries which had already covered considerable ground in harmonizing local structures to prescribed standards (Sedelmeier 2010). In such cases EU conditionality served as a reinforcing mechanism to domestic trends. Slow reformers, on the other hand, faced considerable difficulties in maintaining a “credible commitment to reform” (Vachudova 2005; 2006), particularly where EU requirements met considerable path dependencies or entrenched policy elites. However, it was mainly the “early reformers” such as Poland and Hungary that produced some of the biggest “surprises” in terms of post-accession rollback.

In a bid to substantiate a more varied picture of Europe’s impacts, a number of “second generation” Europeanization researchers have made efforts to relax the straightjacket of the “goodness of fit” approach. This stream of authors has aspired to reposition CEE accession countries as more than passive parties to a procedural transfer, paying greater attention to the incremental nature of adaptation and putting a focus on the upward projection of domestic

orientations and preferences, and, hence, the possibility of diverging outcomes (Dyson and Goetz 2002, Olsen 2002, Bache 2002/2004). As such they seem to be better suited to account for critical bottom-up dynamics, which may have remained undetected as a result of streamlining European influences through instrumental harmonization (Stolfi 2008). Nevertheless, it remains largely unclear how deep beyond the surface Europe actually went or to what extent major policy changes came from EU-level variables. The problem is partly methodological. Content with taking snapshots of time-limited developments, most contributions on the issue appear to handle poorly conceptualizing adaptation into a broader context. Also, few studies utilize approaches such as process-tracing or backward mapping to assess the weight of European and domestic factors at critical junctures in time (Exadaktylos and Radaelli 2009, Elmore 1979) Thus, the majority of Europeanisation literature is arguably ill-positioned to explain what happens *after* a particular rule/model has been transferred in national regulatory arrangements. If accession led to compliance with EU requirements within a particular sector what warrants are there that the underlying constellation of factors that allowed the change will be sustained, ensuring reform continuity? What is the actual role of the EU as part of a domestic policy environment conducive to sustaining a reform effort?

None of the discussed logics provide sufficient ground to assess in a dynamic perspective the extent to which EU integration, out of a varied set of factors, has been beneficial to democratization in Central and Eastern European states. In the same time, both logics make a strong case for the consistency of domestic variables as important predictors of both the degree and stability of reform. Most importantly, due to the large number of polity/policy dimensions affected by conditionality analyzing the congruence of the two incentive systems in producing long-term effects appears a problematic task. To take just one example, an altogether (and predictably) vague condition that has been explicitly stipulated in the 1993 Copenhagen criteria is adherence of the candidate countries to the “rule of law”. As complex as the conceptual framework surrounding the concept is, it boils down to a few palpable dimensions, including equal treatment within an agreed and universally applied system of rules, buttressing a balanced distribution of power and privilege (O’Donnell 2004). It refers to the willingness of ruling elites to accept limits to their power once they get hold of it, by which elites signal their readiness to endorse the rules they sit on (Holmes 2003). Essentially, this means that rules serve as a major conflict-resolution mechanism mediating societal pressures within a stable equilibrium, which matches the definition of “consolidated

democracy”, advanced by Linz and Stepan (1996). Nevertheless, systems based on unjust distributions of power are also not uncommon and may be fairly stable, with limited incentives for elites to reestablish agreements on a more equal footing (Holmes 2003, p. 38-39). In this context, in some sectors of the *acquis communautaire* EU policy conditionality worked exclusively through changing the underlying opportunity structures, while in others the desired outcome has been changing the “rules of the game” (Knill and Lehmkuhl 2002). The aim has been precisely to ensure a redistribution of power and resources between domestic actors, altering their strategic position and challenging existing equilibria. Such governance mechanisms function mostly in market-making policies, targeted towards removing obstacles to free competition. However, it remains unclear how such policy dynamics have transpired to the political level, given the highly politicized nature of key industries, their high capture potential and the evolution of post-communist state-corporate relations in Central and Eastern Europe. It may be the case that, rather than re-balancing the existing winner/loser gains, EU twin conditionality might have actually provided more ground to the winners, working against the “rule of law”. Particularly in cases where dominant actors managed to accommodate EU rules to the existing power structures. This uneasy match between polity and policy conditionality has been almost completely disregarded in mainstream Europeanisation literature.

It also does not help that the EU’s role in “rule of law” modelling in CEE countries is shunned by studies analyzing empirical cases of post-accession democratic backsliding. Scarcity of research is particularly visible in regard to issues, such as replication of pre-accession power im/balances, informal elite arrangements and their repercussions on consistent rule application. “Rule of law” is mostly observed in its institutional aspect of judicial capacity and impartiality (see Mendelski 2011 on Romania, Spetzharova and Vachudova 2011 on Romania and Bulgaria), with corruption and minority protection (see Sasse 2008 on Latvia, Pridham 2008a/b, 2009 on Slovakia and Latvia) also making research outlines. Keeping with the institutionalist tradition, most such efforts focus on identifying the motors and breaks conditioning the efficiency of (this time) EU post-accession conditionality, again mostly accentuating material incentives (Article 7, CVM) and domestic factors (partisan politics, electoral gains, issue salience, socialization, public perceptions). A single study by Vachudova (2000) tracks post-accession corruption resilience back to patterns of state capture and lack of political competition pre and post-regime change.

Nevertheless, at least two key domestic dimensions of backsliding should be taken into account, which may have remained hidden under the lid of instrumental Europeanization. One refers to the *potential of the top-down elite-driven integration process to seal important underlying socio-political dynamics*, happening largely outside the EU integration framework. Such concerns are expressed in numerous studies on EU influence (Innes 2002; Cameron 2003; Pridham 2005, 2008b). The argument is that while putting a lid on potential illiberal regressions during CEE accession negotiations, integration also locked in important societal discontents and elite antagonisms that eventually came through in the post-accession period, paving the way for an influx of newcomer populist/anti-systemic formations and the potential reversal of liberal reforms (what Pridham calls “pressure for reversal”). CEE public were effectively shut off of discourse on policy options, while integration wedged in deepening mass-elite distrust and ineffective accountability. After a period of “holding their breath” publics finally signaled their presence.

Another issue concerns the much disputed *gap between formal institutions/rules and informal practices in the region* (Grzymala-Busse 2006), attributed to factors, such as socialist legacies, transition developments or cultural traits (Grødeland and Aasland 2007). Such a disparity casts a shadow over the practical implementation of transposed rules and the viability of reforms that do not reflect domestic realities. It puts in a different light both active violations and involuntary failure to implement policy measures, outlining the scope of incongruity between paper adoption and actual level of norm internalization. The emphasis again is on domestic elite behavior, escaping the scrutiny of Europe. If EU integration was in part informed by mutual learning who learned what? Did the EU learn that sometimes it takes more than “scratching the surface” to instill democratic values, or did CEE countries learn that with little more effort you could shot two rabbits with a single bullet – being considered a consolidated democracy while pressing your own agenda?

Those two aspects of backsliding will be given more attention in the following chapters, with a focus on elite-mass linkages and studying the nexus between elite behavior, democratic conditionality and state-building.

B. The mass-elite linkage of democratic backsliding: popular fatigue and factionalism

1. Democracy as a supply and demand game

A theoretical lens with the potential to shed light on the dynamics of illiberal backsliding in Central and Eastern Europe involves the concept of “democratic congruence” (Inglehart and Welzel 2005; Welzel and Klingemann 2008). Looking at patterns of mass-regime relations, it postulates democratic evolution as a *supply and demand process* where the institutionalization of democracy provided by political regimes (supply) follows population preferences for democratic freedoms (demand). A core assumption here is that supply-demand relations are inherently prone to approximating congruence as suppliers are constantly “under selective pressures to satisfy demands” (Easton 1965; Inglehart and Welzel 2005, p. 187). Within this perspective, congruence is achieved when there is a strong correlation between the amount of freedoms institutionalized by regimes and the amount of freedoms demanded by the public (Welzel and Klingemann 2008, p. 60-61). As much as regime stability reflects the level of congruence between public demands and institutional supply of democracy, congruent regimes tend to be more stable than incongruent ones (e.g. oversupply of democracy at low demand or vice versa) (Ibid.). It follows that due to the propensity of supply-demand arrangements for stabilization, incongruent regimes rarely remain in flux for prolonged periods of time. Nonetheless, both liberal democratic regimes, implying strong demands for democratic freedoms and adequate institutional supply of democracy, and non-democratic ones, associated with weak demand and low supply of democracy, are dependent on a high level of congruence for their survival.

The outlined theoretical debate boils down to a simple underlying motive: publics need to effectively desire democracy and political regimes must effectively respect democratic preferences as an essential condition for a stable democratic order. In this sense democratic congruence borders on political legitimacy (Eckstein and Gurr 1975; Beetham 1991). In congruent democracies the provision of institutional measures by the regime’s authority structures matches public perceptions regarding the forms of authority that are considered legitimate. Therefore, regime elites are aware of the amount of mass support they can harness at a given time and the types of action that can instigate mass opposition (Welzel and Klingemann 2008). Alternatively, authoritarian regimes are stable and congruent as long as public demand for democratic freedoms is low and the legitimacy of institutional delivery is not questioned by the masses. Such regimes are usually dismantled when widespread opposition, triggered by the increasing appeal of democracy, builds up in place of former mass support (Huntington 1991).

Following this logic, illiberal backsliding should be interpreted as the reverse phenomenon – democracy losing appeal among a visible majority of the population and regimes responding accordingly by reducing the existing institutional oversupply of democratic freedoms. This makes sense since factors, such as low public resonance of democracy or a pronounced proclivity for “strongman” leadership facilitate the advent of anti-democratic forces and ideologies. In the same time current power holders feel less constrained by public opinion when they “compromise or abandon democratic freedoms” (Welzel and Klingemann 2008, p.60). Backsliding, therefore, can be construed as a mechanism through which the democratic congruence of regimes is scaled back towards less balanced arrangements. The expected outcome is eventual regime stabilization at a new, less democratic level of congruence.

Such a supply/demand logic of illiberal backsliding brings up at least two important issues. The first question that comes to mind concerns the circumstances under which democracy loses credibility among a major proportion of citizens, resulting in low popular demand for democratic freedoms. Also, on the supply side, it is not clear whether increased preferences for stronger styles of government would result in regimes capitalizing on such preferences, reducing the existing oversupply. Applying the logic to the region of Central and Eastern Europe makes such inquiries particularly relevant. Regime transformations across the region were driven by increasing mass demands for democracy within highly unpopular regimes, where authority patterns were in pronounced discordance with prevalent legitimacy beliefs. With few exceptions (quasidemocratic/autocratic regimes, such as Russia and Belarus), existing systematic data reveals that in post-communist states, where regimes stepped on a clearly democratic basis in the early 1990s, citizens did not lose their “appetite” for democracy in the critical years of the transition, up until at least 1999 (Klingemann et al. 2006). In Inglehart’s and Welzel’s terms such regime incongruence is rather informed by discrepancies between a demand surplus and inadequate institutional supply of democratic freedoms and not vice versa (Inglehart and Welzel 2005). The question then arises as to whether and how less than a decade later the existing surplus transformed into a demand deficit, reported by scholars such as Rupnik (2007) and Mueller (2014)?

Numerous authors have proceeded to outline the contours of this democratic “fatigue”, with most explanations pointing to disillusionment with the ruling class that governed during post-socialist transitions (Mudde 2002; Krastev 2007; Mungiu-Pippidi 2007). For several decades scholars have emphasized the distinction between “diffuse” support, referring to generalized

public views on the system as a whole and “specific” support, concerning the way government is executed in practice (Easton 1975; Muller et al. 1985, Norris 1999). In this vein, Citrin et al. disaggregate “diffuse” support to measure “system affect” (Almond and Verba, 1965, p. 63) across an “alienation/allegiance” continuum. At one spectrum end citizens feel fundamentally disaffected with the system and would readily welcome programs proposing radical change. At the opposite end individuals perceive themselves as an integral part of the political system, feeling psychologically and legally embedded in its fabric (Citrin et al. 1975). If democratic satisfaction in CEE societies over the last two decades is mapped against the outlined continuum, what most accounts allude to is the relatively rapid devolution of mass perceptions from full system allegiance to a point nearing alienation. One suggested explanation deals with the inability of publics within CEE countries to distinguish between government and regime (Mishler and Rose 1996). Applying a “zero-point” rationale to post-communist value formation, it emphasizes the limited experience with democracy of CEE citizens. In this situation, the ensuing process of socialization could not generate the “deeply rooted” democratic value orientations necessary for establishing and substantiating the legitimacy bases of the new regimes. CEE publics thus had to judge democratic development by comparing current regime performance with that of the communist system.

Out of fears of communist reinstatement and initial hopes for improved future performance, masses across the region initially exhibited a “degree of patience with current conditions” (Mishler and Rose 1996, p. 4). Gradually, however, this “negative tolerance” ran out, putting an end to the “honeymoon period”. Attenuating public support for transition politics eventually led to increasing numbers of citizens projecting their dissatisfaction with current power holders on the regime level. For many the major culprit is the performance of the economy. Recently, Attila Ágh described the progression as one originating from drastic cutbacks in major public services, which transformed CEE countries’ economic deficits into social ones, and, through social exclusion and marginalization, into political deficits. Eventually this led to a performance or governance deficit, by the “mass dissatisfaction with the way democracy works” (Ágh 2012, p. 11). This concurs with early predictions linking the “survival” of the new democracies to their economic performance (Przeworski 1991, p. 95; Haggard and Kaufman 1995). However, others have found little evidence of a causal relation between fundamental support for democracy and satisfaction with the performance of the economy (Evans and Whitefield 1995; Gunther and Montero 2000). For instance, Béla

Greskovitz associates growing regime disaffection with the spread of radical agendas among elite and middle-class groups, rather than economically marginalized masses, most of which have “simply withdrawn from politics and do not even vote” (Greskovits 2007, p 41).

In general, linear causations fixating on economic performance beg the question whether CEE publics would have willingly undergone a regime change and a subsequent painful socio-economic transformation if communist regimes had been performing well economically in the first place? Along those lines, Fuchs and Roller (2006) claim that masses across the region had already developed an idea of what democracy is prior to “point zero”, deeming the process of “relearning” unnecessary. According to the authors the diffusion in CEE countries of information about Western democracies, defined as “system external learning” (Roller 1994), compensated for the lack of internal system knowledge. On that basis, citizens were able to differentiate between democratic and communist regimes, and, as argued by Fuchs and Roller, precisely the internalization of this discrepancy helped the dissolution of the latter. If the argument is held against Inglehart’s theory of modernization and cultural change it would mean that critical masses of CEE citizens were starting to reach out to a “higher order” of postmaterialist values very early in the transition process (Nevitte and Kanji 2002). “Freedom” and “democracy” were the recurrent motifs at mass demonstrations that sent off the communist regimes, rather than demands for “a stereo, fresh broccoli or a new car” (Hofferbert and Klingemann 1998). CEE populations were thus clearly able to distinguish between different regime levels, while being critical of current performance (Norris 1999). Concurrently, further studies clearly show (based on Freedom House ratings on political and civil liberties) that in the first decade and a half after regime change no significant democratic regressions occurred in spite of a dramatically deteriorating economic situation (Møller 2007).

2. Democratic satisfaction, economic performance and public mobilization

What the above discussion conveys is that putting forward dwindling demand for democracy across CEE publics as a cause of increasing democratic incongruence, hence “illiberal backsliding”, should meet certain conditions. To state the obvious, there seems to be little merit in positioning democratic disenchantment in the CEE region as a mismatch between mass preferences and current economic output. Considering the post-2005 timing of most cases of “illiberal backsliding”, it appears highly improbable that the effects of “transformational recession” (Greskovits 1995) finally caught up with the majority of citizens,

prompting them to abandon democratic values (Hofferbert and Klingemann 1998). In societies historically sensible to regime autocratic leanings citizens are expected to monitor and intercept potential backlashes rather than promote them. What would then make CEE publics relax their “vigilance”, giving ground to illiberal forces to drag down the democracies they once craved so badly?

If *passive* comprehension of democratic values is taken into consideration, one proposed factor is that publics across the region never really internalized those values to an extent allowing them to make comprehensive claims for effective democratic rule. Welzel and Klingemann emphasize the need for “substantiveness” of popular demands, whereas a “genuine commitment” to democracy requires masses to value intrinsically the freedoms that define it (Welzel and Klingemann 2008). Consequently, regimes supply democracy at the level at which masses make democratic claims. In this vein, although CEE societies could make the differences between democracy and autocracy early on, this realization happened on a broad, idealistic level. Lacking substantial knowledge regarding the everyday practice of democracy, masses have systematically failed to formulate consistent claims regarding the specific liberties attached to it, the rules and institutions substantiating those liberties and the patterns of action applicable to cases of their neglect or outright violation. In Zakaria’s terms such level of abstraction implies an “electoral” perception of democracy, where the latter is mainly associated with political competition, rather than in-depth understanding of the underlying freedoms, summed up as “constitutional liberalism” (Zakaria 1997). Consequently, faced with lack of constructive demands regimes have had little incentive to supply more than various forms of defect-prone democratic arrangements, lacking a substantive, liberal “core”.

Measuring “illiberal backsliding” through this prism, however, appears to underestimate the impact of different demand activating mechanisms on the ability of masses to perceive how democracy works. In fact there is sufficient evidence that CEE societies “learned” democracy quite well in the decades following the dismantling of the socialist system. What brought people to the streets in Budapest in October 2014 was less a protest against a misjudged economic decision than a perceived attempt by the government to impinge upon a very specific democratic right – the right of equal access to information, which was seen as threatened by a planned new tax on Internet data transfers (Than and Walsh, Reuters 2014). Also, the largest mass protest in recent history in Bulgaria was sparked by the appointment of

a controversial figure, associated with the country's oligarchic circles, to the sensitive post of security head, seen as a brazen attempt by the then government (2013) to formally endorse the full usurpation of the state by private interests. As in the above example, intellectuals and masses alike aligned behind a clear demand for genuine democracy and rule of law (Economist 2013). Adding to the debate, recent publications have aspired to paint a more varied picture of civil society in Central and Eastern Europe, deemed "distinctively weak" on the basis of patterns of organizational membership and individual participation (Howard 2002; 2003). Ekiert and Foa (2012) have called for reassessment of the perceived structural deficiencies of civil society in the region, claiming that the use of a limited set of indicators has resulted in a "false impression of the depth and robustness of post-communist associational life" (Ekiert and Foa 2012, p. 4). Running through a broad gamut of aspects, among which organizational density, links to international NGOs, normative commitment to democracy, active political behavior and developed public sphere, the authors uncover a "vibrant and rich" civic space in the region on par or surpassing this in some older EU member states, particularly countries in Southern Europe. Notwithstanding differences at the individual and sub-regional levels (Central Europe, Southeastern Europe and Baltic states) and despite low individual membership, civil institutions appear to play an important role in the democratic consolidation of the region.

Such findings tend to undermine the explanatory power of low cognitive mobilization across CEE societies as a driver of weak demand for democracy. Moreover, what they strongly allude to is an *active* comprehension of democratic content based on at least some level of consolidation of relevant value orientations. In this context, the current study moves away from a conceptualization of backsliding presupposing the unlikely overnight "unlearning" of democracy by CEE publics in the period after EU accession as a major cause of illiberal rollback. It also runs contrary to Inglehart's and Welzels's theory of congruence, which postulates shifts away from democracy as the product of insubstantive demand. If anything, the available evidence appears to lead to the supply side of democracy, where institutional delivery has been rather "unenlightened". The issue that needs to be addressed in respect to "illiberal backsliding", therefore, concerns the factors preventing CEE regimes from effectively respecting given freedoms even in the face of comprehensively formulated public demand. To account for this inconsistency the present work needs to eschew aggregate notions of publics/elites in the region. As observed by Gilley arriving at a valid approximation

giving proper weight to various groups in measuring legitimacy is a daunting, nearly impossible task (Gilley 2006). Alternatively, disaggregating supply and demand into their constitutive components allows to take a peek at the internal dynamics that may explain the growing gap between them.

3. Factional elites and popular disenchantment

In this regard, a key indicator to look at in explaining illiberal backsliding in Central and Eastern Europe is the *degree of factionalism* in elite configurations across the region. Taken as a measure of a society's inner dynamic, factionalism reveals the extent to which political participation is channeled through organizations structured around parochial interests and engaging in “polarizing, winner-take-all competition” (Ulfelder and Lustik 2005). In a sense it gauges the complexity of a societal continuum, giving cues to the internal cohesiveness of elite networks, the intensity of existing divisions between competing “camps”, their size, structure and influence. Also, factionalism relates to the presence of a broader consensus over the rules of the game, their public legitimacy and the willingness of elites to comply with agreed fundamental tenets, limiting the impact of potential social pressures and ideological antagonisms to a lesser tier of policy issues (Linz and Stepan 1996). Such procedural consensus is utilized by Higley and Burton to distinguish (semantically) between “united” and “disunited” political elites, citing lack of basic value agreements and shared codes of political behavior as key qualifiers of disjointed, highly unconsolidated polities (Higley and Burton 2006; Baylis 2012). An over-reaching rule-based consensus, therefore, represents something of a societal “safety net” to backsliding and as such signifies the maturity of a democratic system. As Linz and Stepan argue a democracy is deemed consolidated when no significant actors attempt to achieve their goals by resorting to non-democratic means, democratic procedures and institutions are widely seen as “the most appropriate way to govern the collective life of a society” and both governmental and non-governmental actors willingly subject themselves to such procedures and institutions as a habitual conflict resolution measure (Linz and Stepan 1996; Kopecky and Mudde 2000, p. 521). It follows that without a developed layer of “social glue” an internally divided society may have a hard time balancing out emerging illiberal trends, where no strong barriers are in store to reign back in a backsliding system. Concurrently, practitioners have found a positive correlation between the degree of factionalism and the propensity for illiberal backsliding – according to Ulfelder and

Lustik polarized societies are “more than six times as likely to backslide” as non-fragmented ones (Ulfelder and Lustik 2005, p. 14)

There are a number of factors making Central and Eastern Europe particularly prone to the development of particularistic societal and political arrangements. To begin with, the region has been traditionally excluded from discussions on the nature of “civic culture”: a construct that Almond and Verba associate with Western societies. CEE countries, it seems, never managed to build the type of open pluralistic cultures, based on diversity and consensus that are able to simultaneously accommodate change and moderate extreme opinions (Almond and Verba 1963). And for a good reason – most CEE societies did not undergo the historical processes that would allow them to build the dense, interlocked “networks of communication and influence” engaging individuals in a meaningful consensus-building infrastructure, based on common norms (Higley and Burton 2006). Drawing on group theorists Arthur Bentley and David Truman, as well as on Seymour Lipset's “crosscutting cleavages”, Arend Lijphart posits the conception of overlapping memberships as a core precondition of a mature political culture (Lijphart 1977, p. 11). Within this view complex societies manage to accommodate destabilizing trends precisely due to the concentration of cross-cutting affiliations, tying all key elite sectors in a multilevel “webwork”.

Alternatively, in a totalitarian system sociability networks solidified along a highly centralized elite architecture, construed as a seamless single network. This hierarchically-structured loyalty grid permeated the limited number of memberships, where individuals in Central and Eastern Europe could partake. The formal dismantling of the system in the early 1990s, therefore, had the effect of opening a Pandora's Box. It left behind a considerable void in terms of relevant participation networks (inchoate civil society sector, weakened church), while the latter part of the decade saw the gradual atrophy of the few mass affiliations inherited from the socialist regime (i.e. diminishing trade unions and party memberships, observed in most post-communist states). As a consequence, the removal of the totalitarian network of participation resulted in a particularly amorphous state of CEE societies. High adjustment pressures to individuals and groups to adapt to the newly gestating clusters of communication and influence transpired in organizational flux and volatile political situations (Waller and Gillespie 1995). Additionally, the breakdown of the party-state *nomenclatura* saw the emergence of a fragmented post-socialist elite, bearing the imprints of the system it superseded, among which a strong thinking in hierarchies, a pronounced proclivity for patron-

agent arrangements and a confrontational style of political competition, chiseled in shady power battles (Pridham 1996, p. 13; Gallina 2011). Coupled with the dissident tradition of “anti-politics” elite fragmentation left its mark on elite-societal linkages, where new leaders absconded from the “need for normal political discourse and compromise” transforming postcommunist politics into “a struggle of good against evil, of all or nothing” (Mudde 2000).

In the absence of prominent interpersonal or intergroup ties, those inheritances have made publics in the region amenable to sensitive political agendas. Accordingly, ensuing democratic transitions have supplied a “perfect” incentive for extreme public dissension: deepening dividing lines between major parts of CEE societies in regard to the distributive policies of early postcommunist elite formations (Krastev 2007). The region-specific cleavage of transition “winners” versus “losers”, overlapping with prevailing perceptions of disproportionate resource allocation between an all-powerful elite minority (i.e. *uklad* in Poland, *zákulisí* in Czech Republic and *zadkulisie* in Bulgaria) and the “victimized majority” of common citizens, paved the way for escalating polarization in CEE politics. Thus, the popular urge to amend faulty political settlements has been accompanied by “cut-throat rivalries between competing factions of the elite and middle classes, mobilized by leaders who call for zero-sum solutions to various distributional conflicts” (Greskovits 2007, p.43). With so many wrongs to “right”, a highly “combustible” socio-political environment has the natural potential to trigger rapid aggregation of mass preferences around programs aspiring to correct historical injustices. And illiberal means are a natural resort for correctional attempts in CEE societies, where liberal democratic institutions are often associated with the flaws that need to be amended. Therefore, measuring the illiberal potential of individual country cases in Central and Eastern Europe should consider the extent to which initial re-distributive effects have subsided to give way to elite configurations settled around stable cleavage systems in the post-transition period.

The confrontational style of Central and Eastern European politics, “negative political culture” and diminishing social trust have for sure augmented the divisive effects of transitional traumas across the region, putting a strain on elite-mass linkages and making specific political agendas particularly salient in post-socialist contexts. But they do not automatically lead to backsliding, as exemplified by the timing of illiberal political developments across the region. Save for one exception (Meciar's Slovakia), most cases of rollback – i.e. Poland's short-lived non-liberal stint in 2006/2007, Bulgaria's and Romania's

post-2007 “hooliganism” (Ganev 20013) and Hungary’s post-2010 “illiberal democracy” took place *after* the presumable completion of post-communist elite re-configurations. Consequently, mapping illiberal backsliding in the region needs to draw in explanatory factors that can account for such inconsistencies. While social, historical and cultural specifics, delineating the fractional dynamics of transitional societies may explain the emergence of illiberal threats, further insight is necessary in regard to factors explaining illiberal behavior in a post-transitional context.

4. *Elitism and elite circulation*

One avenue to explore in disentangling the above knot is to look at trajectories of elite change across the CEE region, discussed in the seminal work of Higley and Pakulski (1999a, b). Mirroring Higley's and Burton's arguments on consensually unified and fragmented elites, the authors interpret democratic consolidation in CEE countries as a nexus between elite circulation, unity and differentiation. Democracy clicks into place where circulation matches a vigorous contestation between heterogeneous, structurally diverse elite groups (Higley and Lengyel 2000), nevertheless anchored by shared norms and “values about fundamental institutions and procedures for political competition” (Steen 2012, p 129). Such “unity in diversity” was possible in post-communist contexts where the communist party-state had been hitherto fundamentally incomplete or eroded (Poland, Hungary, former Czechoslovakia). In cases of elite “circulation reproduction” broad agreements on the direction of post-communist democratic transformation were stymied by either differentiated elites being untethered by an underlying single mindset (Bulgaria, Slovakia) or visibly unified elites squeezing contestation by redressing old-regime doctrines as a value-oriented consensus (Romania). In the latter cases, instead of deepening normative orientations gradually disciplining the emerging elite constellation into genuine competition, the post-communist period saw the setting up of a conveyor belt delivering old wine in new bottles. Eyal et al. (define the newly-fledged “power block” as a collective transmitter of institutionalized social capital, where elites, consisting of parts of the former *nomenclatura* and dissident intelligentsia, mould new recruits into the residual ethos of the antecedent monolithic structures. However, elite continuity does not necessarily need to be a bad thing. An empirical study on Slovenia by Iglič and Rus found out that although only a negligible percentage (17%) of the country’s elite between 1988 and 1995 lost their positions, the largely reproduced elite networks nevertheless managed to branch out into ties with new sectors and worldviews, adapting successfully to democratic

reform policies. But such “healing from within” is rare, as shown by other cases in the region. Nor is elite integration always an irreversible trend. Revisiting the Polish and Hungarian cases in 2012 Thomas Baylis questions Higley et al.’s arguments on consensual elites as a product of a broad agreement on the “rules of the game”. Looking at post-EU accession political elite dynamics in the two countries the author concludes that this largely procedural interpretation neglects evidence of growing polarization on the ground. In Poland Kaczyński’s “Fourth Republic” pledged to cull the “pathological symbiosis of communism and capitalism, democracy and a post-communist mafia”, preaching a radical break with the post-1989 past in an environment of increasing social alienation and income discrepancies (Smolar 2006). A similar trend has been observed in Hungary, where local commentators point to a “civil war mentality”, the difference being the significant symbolic/historic overtones of the battle “for interpretive authority over the creation of collective self-images”, eventually won by FIDESZ and its allies in 2010 (Babarczy et al. 2007, Uitz 2008). Bottom line is that, in the absence of deeply sunk value orientations, initial “roundtables” in both countries might have been less the forerunners of substantive democratic consolidation than a vehicle for the advent of simulated democracy (Lengyel and Ilonszki 2010).

Nevertheless, from the point of view of mass perceptions of elite circulation, by all accounts absent in Higley et al.’s conceptualization, democratic consolidation becomes a possible option where competition approximates a genuine choice on policy (Møller 2007). If free elections are not “matched by a free choice of policy alternatives” (Ibid., p. 10), mass-elite connections tend to be discredited by intensifying “popular frustrations”. Although voters can and do expunge incumbents, due to the resilience of the existing economic/political mould, the feeling is that they “only do so to reinstate another part of the parcel” (Ibid., p. 12). Elections are thus less a match between competing views than a “ritual killing” of the governments in power (Krastev 2007, p. 62-63). To an extent the issue stems from the uneasy relation between the two key components of democracy - electoral and liberal, the former taken to imply “competition” and the latter referring to the balance of power underpinning the “rule of law”. Møller argues in this respect that (not unlike established democracies) in Central and Eastern Europe electoral competition does not seem to translate to a dispersal of power among competing groups in society providing effective checks to potential abuse. Thus, as no system is more than the sum of its parts, the main suggestion is that less importance should be attached to ideological competition *per se* in studying democratic

consolidation, than to how elite groups approach democratic institutions once in power (Jasiewicz 2007). EU scrutiny, as well as arguably most research on “democratic backsliding”, often erroneously target the first aspect, by and large equating backsliding with populist/anti-systemic behavior, rather than focusing on existing checks and balances. However, a much more significant issue concerns the outcomes of protracted power imbalances in CEE countries leading to widespread perceptions of powerlessness. Here, the impact of Europeanization has also been rather ambivalent as it has further curtailed discussion on the scope of policy alternatives that can be realized by publics through competition.

A third important issue, which Møller merely touches upon, relates to the potential of competition institutions to constrain a gap between formal and actual political practices. Bozóki (2003) rightfully argues that the emphasis of democratic elitism literature on positional analysis of groups in power may obscure the fact that in CEE societies many groups influencing strategic policy decisions reside outside the remit of formal competition. This proposition is given more attention in the next chapter, with respect to intra-regional variation and specific empirical cases.

C. The elite-state linkage: democratic consolidation, competition and informality

1. The established backsliding narrative revisited I

In the context of new EU member states in Central and Eastern Europe “illiberal backsliding” is predominantly interpreted through a temporal logic, postulating a post-EU accession reversal of the liberal courses undertaken in the 90s and culminating in the 2004/07 events. A key narrative in this regard explains backsliding as an outcome of the disintegrating “transition” consensus that ushered in the success of accession campaigns by locking the CEE political mainstream into a firm pro-liberal orientation (Haughton 2004; Mudde 2004; Krastev 2007; Mesežnikov et al. 2008). Integration prospects and a high level of support for EU membership at the mass level proved strong incentives for CEE political elites to comply with liberal-democratic conditionality. The latter were reluctant to deviate from the integration path, where reversing direction became costly and parties openly questioning the liberal turn lost their coalition potential (Mudde 2003, p. 6). The pull of EU membership even helped “straighten up” a number of “in-between” regimes (Bulgaria, Romania, Slovakia) and put them back on a democratization track. Apart from conditionality and adaptation, the prospect

of EU membership played a decisive role as a “focal point for cooperation” between liberal opposition actors with no history of compromise and exhibiting substantial programmatic dissimilarities (Vachudova 2005; 2006). Nevertheless, as soon as EU accession has been achieved and the permissive liberal consensus that enabled integration started to dissolve NMS got “back to business” - a pervasive wave of populist politics seemed to be rapidly sweeping away the gathered momentum. Consequently, illiberal backlashes and backsliding were felt all across the CEE region, starting from Poland (the 2006/2007 Kaczyński administration), Slovakia (Fico's rule post-2006) and, more recently, Hungary (Orban's post-2010 “illiberal democracy), Bulgaria (post-2007 accession “hooliganism”) and Poland again (Duda's election in 2015).

Several “thin” areas become immediately obvious in this reading of backsliding. To begin with, it tends to conflate achieving EU accession with the completion of democratic consolidation in CEE states. There are reasons to lend credence to such an assumption – CEE countries’ EU accession saw an unprecedented emphasis on covering political conditionality as an essential precondition for starting any serious talks on EU membership. Accession became a potential outcome only after candidates had met democratic standards and the original Copenhagen criteria (Pridham 2007). In the same time cross-country variation in democratic progress has been accordingly “highlighted” by the EU – by either selecting only five CEE countries for membership negotiations in 1997 or relegating Bulgaria and Romania to a later group of CEE accessions in 2007 (Pridham 2005). Therefore, assuming the universality, coherence and ultimate credence of EU democratic agenda, if a CEE state managed to go through the accession process successfully and joined the EU club as a result, its character as a consolidated democracy could be safely acknowledged. It follows that, as a “normal” country (to use Shleifer’s and Treisman’s bittersweet allusion) – one that has definitely settled on a liberal constitutional order after a period of regime change instabilities – a NMS has to be subjected to the same set of democratic performance indicators applicable to older EU member states or, broadly, to any other consolidated democracy (Ibid.). This corresponds to Linz and Stepan (1996), who claim that potential successive breakdowns of a democratic regime post-consolidation should be attributed to new dynamics, rather than “weaknesses or problems specific to the historic process of consolidation per se” (p. 6). Concurrently, empirical studies on post-accession compliance in the EU find little evidence of new member states behaving “according to their own specific logic” by relaxing compliance

in order to take “revenge” for conditionality nit-picking: their patterns of non-compliance do not differ significantly from those of some older member-states (Falkner and Treib 2008). A tougher issue indicated concerns what is defined as a “world of dead letters”, a persistent gap between paper transposition and practical implementation, characterized by “politicized transposition processes and systematic application and enforcement problems” (Ibid). However, NME in Central and Eastern Europe (more precisely the Czech Republic, Hungary, Slovakia and Slovenia) are not alone here either – members of EU-15 exhibit similar issues. A further study by Sedelmeier in 2008 found out that NMS actually fared better on formal compliance than most old member states. Yet another survey by Levitz and Pop-Eleches (2010) aspires to dispel the myth that “backsliding” could be used as a term of practical importance in Central and Eastern Europe, although they do admit that NMS have experienced some degree of slowdown, which the authors distinguish from a “genuine backlash”. Post-accession financial incentives, increasing linkage with the EU and socialization have done a miracle in this case. The conclusion is that since CEE countries are now practically fully converged with democratic principles, they could no longer be put into a separate category when it comes to post-accession compliance. The question remains whether what is referred to “illiberal backsliding” represents a backlash to the outcomes of region-specific accession dynamics or an entirely new stream of developments provoked by either exogenous (i.e. transnational, systemic, geo-strategic) or endogenous (i.e. persistent corruption) factors?

There is a host of conceptual and empirical problems putting a shadow over the explanatory value and generalizability of the research cited above. The former refer to the broader theoretical base of democratic consolidation and transition, the specifics of the process of EU integration in the CEE context and the unique features of the former Eastern bloc as a test bed for democratization policies.

2. The concept of democratic consolidation: key critiques

From a theoretical perspective, an issue that has been brought up as a substantial deficiency of consolidation research refers to the sturdiness of the very concept of “consolidation” itself. In their seminal work Linz and Stepan use parsimonious outliers to delineate a completed democratic transition, referring to behavioral, attitudinal and constitutional aspects of consolidated regimes (Linz and Stepan 1996). The basic idea is that in the latter democracy is

universally upheld as the “only game in town” - it is supported by “a strong majority of public opinion”, no significant actors attempt to secede or divert to non-democratic arrangements, while governmental and nongovernmental forces alike are willing to channel their disputes through the agreed system of rules (Ibid, p. 6). Other conceptualizations, either overtly or indirectly, gravitate towards the “institutionalization” of formal democratic rules and their wide acceptance by self-interested political actors (Schmitter and Schneider n.d., Przeworski 1991, Higley and Gunther 1992, Morlino 1998, Diamond 1999), with some authors focusing explicitly on the presence of rules “that are not seen as reflecting democratic standards” (Diamond 1999, Munck 2001, p. 128). However, the validity of this minimal conception of democratic consolidation has been questioned extensively. Gerardo Munck, for one, believes that it precludes efficient measurements of regime stability, since it is hard to justify a priori which actors’ compliance with the rules of the game satisfies the democratic requirement (Munck 2001). According to the author, a more efficient approach would be to treat actors’ attitudes and behaviors as an independent variable, which allows their reconceptualization as potential causes (rather than attributes) of democratic consolidation, amenable to empirical research. This way it becomes possible to posit democratic consolidation as “a matter of the durability of rules that are the outcome of transition processes” (Ibid, p. 130). Or, put differently, to redefine democratic consolidation as a dynamic process, contingent on actor behavior, rather than as a transition outcome.

Guillermo O'Donnell (1996) poses another dilemma to democratic consolidation. On the one hand, the author aligns with Munck (2001) and Przeworski (1986) on the usability of consolidation concepts advancing actor adherence to democratic principles. Apart from lack of precision in regard to the types of actors endorsing democratic standards (is it elites or masses that should support democracy more?), what hampers conceptualization efforts is determining the extent to which actors are expected to internalize those standards. More importantly, however, O'Donnell calls into question the nature of democratic institutions deemed as consolidated. Discussing Dahl's definition of “polyarchy”, he points out the dangers of conceptualizing consolidated democracies by choosing haphazardly from a fuzzy set of attributes. As “polyarchy” remains silent on regime qualities beyond the institutionalization of elections, levels of democratic consolidation have come to be defined negatively – i.e. by what regimes lack (judged against mostly Western, and often idealized, models of polyarchy), rather than their positively defined characteristics.

3. *Informality, competition and state capture: backsliding as faulty state-making?*

O'Donnell's main argument in the cited study, relevant to the democratization potential of Central and Eastern Europe, concerns the issue of *informality*. The author's basic contestation here is that conceptions of democratic consolidation, focusing on the institutionalization of democratic rules, suppose preemptively a close fit between formal rules and actual behavior. However, there is no valid reason to assume such a match made in heaven. Quite the contrary, fixating on formalized democratic procedures might obscure the presence of "an extremely influential, informal, and sometimes concealed institution" (O'Donnell 1996, p. 6). An institution functioning within the ambit of formally defined rules, and hence fitting most concepts of consolidated democracy. Within the established view when democracy is the "only game in town" the weighted behaviors of "all relevant political forces" form an equilibrium, centered on an overarching standard (Przeworski 1991, p. 26). Nevertheless, as O'Donnell argues, that might not be the only possible type of equilibrium, referring to cases exhibiting a blurry line between public and private spheres, cementing particularist ethos as the standard.

This is especially relevant to the case at hand. Speaking of equilibriums, Hellman identified a "partial reform equilibrium" in Central and Eastern Europe as early as 1998. He traced the slow pace of reforms in post-communist states to the unwillingness of first-round winners to pursue ambitious policies that might curtail their long-term gains. While allowing some level of reform, winning elites also thwarted more thoroughgoing efforts, hence forming a kind of protracted limbo, a "trap of partial reform", designed to keep their early advantages intact. In later seminal work Hellman et al. (2000) coined the term "state capture" to account for complex networks of informal linkages flowing between states officials and powerful economic actors ("the grabbing hand") and vice versa (extraction of state resources) within established elite constellations. Such policy monopolies (or "iron triangles" to use a term from earlier work on regulatory capture) (see Stigler, 1971; Peltzman, 1976) tap in precisely the types of gray zones found in fluid transitional contexts. And they are not easy to break – once states reach a certain capture threshold, Hellman et al. argue, "a self-reinforcing dynamic is generated that propels state capture to even higher levels" (Hellman et al., 2000, p.7). Since it seems logical to assume that captors will strive to maintain the entrenched benefit structures, the million-dollar question is what kind of democratic consolidation was actually achieved in Central and Eastern Europe and what was the actual role of EU accession in the consolidation

process. Put in other words, if there was an elite consensus on Euro-Atlantic integration did it represent an authentic democratic engagement or more of a commitment to join the EU as a way to further entrench the existing imbalances within the scope of liberal democracy?

No unequivocal answers have been given on the effects of EU democratic conditionality on closing the gap between formally institutionalized rules and informal behavior in aspiring CEE states. A single attempt by Hollyer (2010) claims a positive EU influence identified as challenges to entrenched transition elites coming from opening the capture market to new entrants, willing to push for more specific reforms. The author expects the long-term decline in captor elite influence to gradually exhaust the capture potential accumulated during transition. Yet, as Hellman et al. (2000) remind, the potential reduction in clientelist behavior is a function of the level of entrenchment, or, in other words, how skewed an equilibrium is towards the interests of a blocking constellation of public/private actors. Thus, in what is termed as “high-capture” countries, where captors gain from distorting the very rules of the game, the eventuality of capture reduction may be less foreseeable.

This makes sense if actor-centered theories of policy change are brought into the spotlight, particularly network analysis and the “punctured equilibrium” argument (Rhodes and Marsh 1992; Kriesi and Jegen 2001; Baumgartner and Jones 2002; True et al. 2007, Adam and Kriesi 2007). The core idea that incumbent power structures influence both the pace and outcome of reforms seems well suited to explain the relative lack of breakthroughs in captured policy environments. In a competitive influence market actors map their efforts against the existing clusters of power, either consolidated around a dominant coalition or dispersed across a more or less balanced spectrum of equally empowered constellations (Adam and Kriesi 2007). In the first case a “negative feedback system” (Baumgartner and Jones 2002, p. 9) functions by counter-balancing potential challenges to stability, generated by outside forces. Faced with external pressures, capsulated policy monopolies will activate a self-correcting mechanism by negotiating incremental change in order to maintain their competitive advantages and avoid a greater degree of change and/or a potential major breakthrough. The higher the extent of power concentration, the more is at stake and the higher the incentive to maintain the status quo. In the second situation, fragmented policy landscapes are more susceptible to rapid shifts that could ultimately lead to paradigmatic change, or a “punctured equilibrium” (True et al. 2007). Here, a positive feedback mechanism kicks in, propelled by the degree of power dispersion between multiple actors, agendas and venues of contestation. In a fragmented

system seemingly random events might trigger dramatic shifts, born out of actor interaction reinforcing, rather than counterbalancing emerging trends. Actors have less to lose from a systemic change and are more eager to take part in it, particularly if it has the potential to bring about a more proportionate distribution of benefits.

Along those lines, Barnes (2007) finds evidence that in Bulgaria the one-time “partial-reform equilibrium” crystallized into an “equilibrium of competitive capture”. Elaborating on Hellman's terminology, the work advances a roomier interpretation eschewing a simple zero-sum game between first-round winners and masses, where several election cycles are expected to gradually dismantle the dominant elite and ultimately lead to complete marketization. The Bulgarian case has proven otherwise. In this context, instead of giving ground to reformists potentially challenging the existing predatory elites, elections have brought forward a different type of change – an array of “second-round” (and “third-round”) winners beholden to “*other* clients that would like to capture the state for their *own* interests /italics in original/” (Ibid., p. 73). Running through successive quasi-formal state-corporate conglomerates in the mid-90s/mid-2000s, bearing resounding names such as *Multigroup*, *Orion* and *Olimp*, the author confirms the rather perplexing hypothesis that in this case democratic competition actually cemented the existing networks of power and influence.

Such a finding runs contrary to the view that robust party competition represents a viable constrain to state extraction in the absence of institutional safeguards, exogenous pressures or domestic watchdogs (Grzymala-Busse 2007; O'Dwyer 2004). A central motif running in the transitions literature links the extent of post-communist democratic consolidation with the formation of strong, clearly identifiable opposition, capable of presenting a credible alternative to incumbents. The degree of institutional robustness of competition, therefore, is able to explain intra-regional variation between states where communist parties managed to reinvent themselves by cutting ties to the authoritarian regime, resulting in a lower degree of state exploitation and stable pace of reform (Poland, Hungary, Estonia, Slovenia, Lithuania) and those, where legacies were largely preserved in the outlook of the political system (Czech Republic, Romania, Bulgaria, Slovakia, Latvia). Nevertheless, a major issue, for which there is consistent empirical proof, is that although challengers are present in post-socialist states they do not target a more balanced distribution of privilege, but rather aim at tapping in the same influence structures consolidated by the incumbents. In other words while satisfying “the institutional criteria for robustly competitive players” (Innes 2014, p. 91) they

simultaneously subvert robust competition. This begs the questions why in many parts of Central and Eastern Europe democratization, with its inherent drive towards equilibration, has led to outcomes veering in precisely the opposite direction – retrenchment of the disproportionate patronage arrangements transpiring from state-centered collectivism.

A good basis for answering this query is provided by Mingiu-Pippidi (2006) in her own rendition of “competitive particularism”. Looking at modes of social organization in traditional societies based on “particularism”, the author puts unequal access to public goods and the corresponding “vicious” distribution of power in the center of the debate. As by default in hierarchical and collectivist societies privilege is provided selectively and treatment is dependent on social status, proximity to the source of power becomes a crucial door to benefits. Competition, therefore, is not oriented towards changing the rules of the game but rather seeks inclusion in particular status groups providing access to influence. In contrast to traditional societies, where only a few groups enjoy the benefits of a privileged position, in post-communist countries multiple players compete for this position. This *sui generis* competition, however, has not resulted in a universalist distribution of public goods, which has been altogether missing in the region in the first place. In this context, the prospects for developing a Weberian type of state where capture is more than an exception to the dominant mode of privilege dispersion appear rather weak. Mirroring those observations is another recent study by Innes (2014), which questions the over-optimistic conclusions drawn by transititologist regarding the relevance of competition robustness as a remedy for efficient state-formation. To substantiate her point the author links two distinctive patterns of state capture in CEE states to the ideological and social embeddedness of post-communist elites. In some cases (Poland, Hungary) the ideological commitment of post-communist elites, based on “alternative ideological visions to communism” (Ibid., p. 92), initially crystallized into a competition model based on public representation. However, this model remained sustainable until early contenders met fiscal constraints to ideological competition, which effectively kicked social democrats out of contestation. Thus, in recent years there have been efforts to re-establish political monopoly, resulting in “party state capture”. In other cases (Bulgaria, Czech Republic, Slovakia) ideologically and socially unanchored “mass elites” pursued short-term personal interest from the very outset of transition, establishing a system of political “brokerage”, where policy is a by-product of economic competition. Thus, in “corporate state capture” environments political representation has been subverted into “electorate-mediated

competition over brokerage rights over state assets” (Innes 2014, p. 94). The bottom line is that the rapid early institutionalization of distinct modes of state capture in the post-communist context may have locked the potential of institutionally robust competition to gradually channel elite behavior through formal institutions.

The failure of democratic contestation to bring about efficient constraints to state capture has found considerable coverage in the literature. Much less attention, however, has been paid to the issues of why such formidable forms of state extraction emerged from the ashes of democratic transformation, how are they organized logistically and what type of incentives represent major drivers to extractors. Plausible, and quite swift, answers to those questions are provided by Venelin Ganev (2005). Striving to come up with an explanation of the loss of institutional capacity in post-communist states, where hitherto robust state structures possessed *de facto* limitless political and economic authority, the author arrives at a rather peculiar conclusion, reversing almost perfectly Tilly’s work on historical state-making. As, Ganev argues, the level of state formation is directly related to the dominant project upheld by power holders, the concrete socioeconomic settings at the time of their realization have a crucial say over the formation and replication of elite state-making practices. Thus, historically, elites needed to extract resources from subjects to fund their war efforts, building increasingly complex administrative structures for the purpose, which were gradually “tamed” by civil resistance into modern bureaucracies (Ibid., p. 433-435). In the post-communist context precisely the reverse can be observed – as elites did not depend on citizens for resources, the latter being located within the decomposing state-party apparatus, they did not feel the need to maintain potent administrative structures, yielding the project of “extraction from the state” as a dominant mode of elite-state linkage (Ibid., p. 437). Moreover, lack of incentives to organize extraction en masse altered the mode of extraction – rather than large-scale campaigns, what was needed to keep the flow going in the post-communist environment were a few strategic transactions, realized with the help of a small numbers of “insiders” (Ibid, p. 438). Citizens were left out of the process, either as victims or collaborators, which diminished the risk of social resistance to extraction.

Focusing on the Bulgarian case, Ganev also reveals in a separate study (2001) the logistical mechanisms through which the formal separation of party and state in the immediate aftermath of regime change created the conditions for extraction. In this case a handful of former high-ranking *nomenklatura* were solely responsible for negotiating the transition,

which resulted in dismantling control functions, informalization of discretion and retaining and withholding information previously available to the state (p. 404). According to Anthony Giddens the storage and control of information is “the primary means of the concentration of authoritative resources involved in the formation of the nation state” (Giddens 1985, p. 181). That would mean that the clique of transition “fathers” had full hold over the authoritative capacity of the state, in practice re-establishing their clout over economic and political activity in the country, or the type of perfect “fusion” used by Bunce (1999) to describe the *regime ancien*. Additionally, Kopecký (2006), who concurs on the “symbiosis” thesis, endeavors to outline the aspects of material and managerial dependence of political parties on the state that can explain variation in the region. The author finds a dividing line between post-communist countries sitting on a more inclusive system of party financing and sturdier regulatory infrastructure (Central Europe and the Baltic states) and those relying mostly on rent-seeking within the state (post-Soviet space and parts of the Balkans). Yet, further studies by Meyer-Sahling (2006, 2008) and Heywood and Meyer-Sahling (2008), reexamining the early success of forerunners of bureaucratic reform (Hungary and Poland), find evidence of increasing state politicization and patronage. In Hungary, in particular, Meyer-Sahling links this processes to polarized competition between former communists and anti-communist parties, urging those in power to ensure control over policy formulation and particularist distribution of goods through initiating personnel turnover. The conclusion largely matches the main point of the study at hand: state capture has enabled the continuous retrenchment of CEE elites (democratic backsliding) not because of weak opposition, but due to new opponents’ drive to recapture the same means of extraction once in power.

IV. CONCLUSION

The established backsliding narrative revisited II: the bottom-up perspective

The current work has used rule-of-law modeling to posit existing power imbalances in NMS of the EU in Central and Eastern Europe as key drivers of democratic backsliding. The major assumption is as follows: in CEE states the processes of building an electoral basis and a rule-based law ran simultaneously during the period of the countries’ fast-pace transition from authoritarian rule to a stable form of democracy. However, inevitably the democratic element (nee. free and fair elections) was introduced *before* the various checks and balances attributed to a mature liberal order had taken shape. In the absence of strong incentives to apply

constraints the former *nomenclatura* proceeded to capture the state, perpetuating their gains by carefully navigating the pace of democratic reform. What transpired from this process was a weak rule of law conforming to significant power imbalances, where major actors operated outside the remit of formally applied rules. At a later stage most CEE countries were subjugated to a massive externally-driven programmatic campaign to accommodate their politics and policies to the requirements of the EU, but that happened *after* the state has already been captured by early transition masterminds. Therefore, the scope of rules that was eventually negotiated and implemented has been entirely up to the cost/benefit calculations of severely entrenched political elites, in the absence of complementary efforts at rule-of-law modeling by the EU. Having achieved the benefits and facing no further constraints, governments across the now new member states swiftly backed down on the democratization agenda in the aftermath of EU accession.

But the above narrative is only half of the story. First, the EU never really enforced a distinct democratic agenda on the then candidate countries, being content to endorse what democratic progress the latter had already achieved against a set of political criteria. What was pushed through instead was a lengthy *policy* harmonization process, where candidates were provided with the option to transfer specific policy content to their legal orders on the grounds of a credible membership commitment. It follows that what has been termed as post-accession democratic backsliding has little to do with EU accession conditionality. Second, there are considerable nuances in backsliding patterns between different NMS in CEE. The above narrative to a large extent concurs to the developments in Bulgaria and Romania. Here, the negotiated transition left considerable residues from the *regime ancien*, with fragmented elite groups striving to chip in the ensuing redistribution process. Unbound by strong ideological commitments, active constituencies or tacit agreements on the direction of democratic reform, political actors dipped into the underground forming power blocks, nipping elite circulation in the bud. On the surface power battles appeared to be structured around competing and conflicting party formations. *In actu* the latter were glued together with dominant private actors by stable informal transaction networks, mirroring and transcending existing cleavages between generally pro-democratic and anti-liberal camps. With the dominant elite project being “extraction from the state”, policy monopolies felt little need to build institutionally sound state structures. Policy itself became a byproduct of largely economic competition or “competitive capture”. In this situation robust competition was unable to provide viable

alternatives to incumbents, leading to accumulating public frustrations. Paradoxically, some of the most avid proponents of “liberal democracy” and the pseudo-liberal *status quo* were structures that benefited from transitional flux, while opponents included disaffected voters that would embrace more radical approaches to break the establishment. As much as the “Grey leviathan” treated state building and democratic concessions with extreme caution, more often eschewing their practical implementation than not, there is little sense in assuming that it approached top-down EU policy any differently. Thus, there was no need to attack democratic institutions full-frontal in the post-accession period, as they were already hollowed up from below.

In other cases, however, elite formation in fact allowed space for the development of a stable liberal component (rule of law). Here (Hungary and especially Poland), early transition saw the emergence of political actors possessing social ties rooted in the dissident movements, with clear-cut ideological cleavages crystallizing around distinguishable alternatives. The presence of organizationally and structurally autonomous elite groups marked out the outcome of initial re-distribution – a balanced pattern of access to privilege, mediated by genuine commitment by actors to abide by the rules of the game, embodied in an overreaching consensus. In this context, robust competition led to almost instantaneous results – major democratic reforms were introduced before initiating any real accession talks with the EU. Ambitious state-building projects were set up and implemented fervently and, by all means, in the absence of a powerful blocking conglomerate, reform efforts seemed to run smoothly. Policy transfer from the EU also went well and for a while it seemed that low-state capture and robustly build state institutions have prepared the soil for long-term prosperity within the confines of liberal democracy. However, that was until the money ran out. Growing fiscal constraints in the early-post accession period put a burden on ideological competition, underpinned by an escalating societal polarization. It became necessary to put your people in top state positions to preclude any potential gains by bitterly fought adversaries. The cut-throat rivalry, either targeting the corrupt post-communist elite (Poland) or bearing symbolic overtones (Hungary), eventually undermined the second pillar of political competition – social democrats. Thus, competition seemed to work out only when viable alternatives are in sight. Once “enemies of the people” were ousted out of the political game, major ground was cleared for substantial reorganizations. The only way was to capture already robust state institutions was in an overtly obvious fashion: “from above”, infiltrating them on the pretense

of rebuilding society through a new constitutional order and a massive law-making campaign (Orban's post-2010 reign). And, as EU policy transfer had nothing to do with democratization, it was unable to contain the brazen illiberal reversal.

Curiously, the current work finds more truth in the inability of the democratic element of liberal democracy – political competition – to yield more democracy, rather than, but maybe due to, the inability of the liberal component (rule of law) to garner strong checks to powerful players.

List of sources

Adam, S. and Kriesi, H. (2007) „The Network Approach', pp. 129-154 in *Theories of the Policy Process*, second edition, edited by Paul A. Sabatier, Boulder, Col: Westview Press

Ágh, Attila (2012) “Report on Democracy, Liberty and Freedom in Central and Eastern Europe”, Foundation for European Progressive Studies, (URL: <http://www.feps-europe.eu/assets/7c2f832a-a70b-4340-9e17-818e2e0cb0ab/report%20attila%20agh.pdf>)

Almond, G. and Verba, S. (1963) *The Civic Culture. Political Attitudes and Democracy in Five Nations*, Princeton University Press

Andreev, Svetlozar (2005), “Conceptual Definitions and Measurement Indicators of the Quality of Democracy,” *Working paper of the Robert Schuman Centre*, RSC 05/2005 (Florence: European University Institute)

Bache, I. (2002) „Europeanization: A Governance Approach“, ESRC Seminar Series, UACES Study Group on the *Europeanisation* of British Politics and Policy-Making, Paper presented on 29 September, University of Sheffield, UK

Babarczy et al. (2007) „Does a civil-war mentality exist in Hungary?, In: *Eurozine*, 30, (URL <http://eurozine.com/pdf/2007-08-30-interview-en.pdf>)

Barnes, A. (2007) “Extricating the State: The Move to Competitive Capture in Post-Communist Bulgaria“, *Europe-Asia Studies*, 59(1), pp. 71-95

Bauer, Michael W., Knill, C. and Pitschel, D. (2007) „Differential Europeanization in Eastern Europe: The Impact of Diverse EU Regulatory Governance Patterns“, *Journal of European Integration*, 29(4), pp405-23

Baumgartner, Frank R. and Jones, Bryan D. (2002) *Policy Dynamics*, Chicago, IL: Chicago University Press

Baylis, T. (2012) “Elite Foundations of Social Theory and Politics”, *Historical Social Research/Historische Sozialforschung* Vol. 37, No. 1 (139), pp. 90-106

Beetham et al. (2008)

Beetham, D. (1991) *The Legitimation of Power*, Palgrave Macmillan

Börzel, T. and Thomas Risse, T. (2009a) “Conceptualizing the Domestic Impact of Europe” in Keith Featherstone/Claudio Radaelli (eds.), *The Politics of Europeanisation*, Oxford: Oxford University Press

Börzel, Tanja A. and Risse, T. (2009b) “The *Diffusion of (Inter-)Regionalism*. The EU as a Model of Regional Integration“, *KFG Working Papers 7*

Börzel, T. (2001) „Pace-Setting, Foot-Dragging, and Fence-Sitting. Member State Responses to Europeanization“, *Queen’s Papers on Europeanisation*, No. 4/2001, (URL: <https://www.qub.ac.uk/schools/SchoolofPoliticsInternationalStudiesandPhilosophy/FileStore/EuropeanisationFiles/Filetoupload.38434.en.pdf>)

- Börzel, Tanja A (2010), *The Transformative Power of Europe Reloaded: The Limits of External Europeanization*, *KFG Working Paper 11*
- Bozoki, A. (2003), "Theoretical Interpretations of Elite Change in East Central Europe", *Comparative Sociology*, 2(1), pp. 215-47
- Bühlmann, M., Merkel, W. and Wessels, B in collaboration with Müller, L. (2007) "The Quality of Democracy: Democracy Barometer for Established Democracies", National Centre of Competence in Research (NCCR), *Challenges to Democracy in the 21st Century*, Working Paper No. 10
- Bühlmann, M. (2011) "The Quality of Democracy; Crises and Success Stories", Paper proposal for the panel 'Challenges and transformations in the Qualities of Democracies: a comparative perspective' at the IPSA-ECPR joint conference, Sao Paolo, February 16-19, 2011
- Bugarič, B. (2014) "Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge", *Europe in Question' Discussion Paper Series*, LEQS Paper No. 79/2014 (URL: <http://www.lse.ac.uk/europeanInstitute/LEQS/LEQSPaper79.pdf>)
- Bulmer, S. (2007) "Theorizing Europeanization", in P. Graziano and M. Vink (eds), *Europeanization: New Research Agendas*. Basingstoke: Palgrave Macmillan, 46–58
- Cameron, F. (2003) „*The European Union and Global Governance*“, *EPC Working Paper no.7*
- Campbell, D. (2008) "The Basic Concept for the Democracy Ranking of the Quality of Democracy". Vienna: Democracy Ranking.
- Carothers, T. (2002) "The End of the Transition Paradigm" *Journal of Democracy*, 13(1), pp. 5-21
- Citrin, J., McClosky, H., Shank, J., and Sniderman, P. (1975) „Personal and Political Sources of Political Alienation“, *British Journal of Political Science*, 5(1), pp 1-31
- Diamond, L. (1999) *Developing Democracy: Toward Consolidation*, Baltimore: Johns Hopkins University Press
- Diamond, L. (2002) "Thinking About Hybrid Regimes", *Journal of Democracy*, Volume 13, Number 2, April
- Diamond, L. and Morlino, L. (2004) „The Quality of Democracy“, *CDDRL Working Papers*, p. 37

- Diamond, L. (2015) "Facing Up to the Democratic Recession", *Journal of Democracy*, 26(1), pp. 141-155
- Dyson, K. and Goetz, Klaus H. (2002) „Germany and Europe: Beyond Congruence“. Paper given to the British Academy Conference, Germany and Europe: A Europeanised Germany? Conference British Academy
- Easton, David (1965) *A Systems Analysis of Political Life*, New York: John Wiley and Sons
- Easton, David (1975), "A Re-assessment of the Concept of Political Support", *British Journal of Political Science* 5(4), 435-58.
- Eckstein, H. and Gurr, T. (1975) *Patterns of authority: a structural basis for political inquiry*, New York: John Wiley and Sons
- Ekiert, G. and Foa, R. (2012) „The Weakness of Post-Communist Civil Society Reassessed“, Minda de Gunzberg Center for European Studies, *Open Forum Series, No. 11*
- Elmore, Richard F. (1979), *Backward mapping: Implementation research and policy decisions*, *Political Science Quarterly*, 94(4): 601-616
- Evans, G. and Whitefield, S. (1995) „Economic Ideology and Political Success Communist-Successor Parties in the Czech Republic, Slovakia and Hungary Compared“, *Party Politics*, 1(4), 565-578
- Exadaktylos, Theofanis and Radaelli, Claudio M. (2009), 'Research design in European studies: The case of Europeanization.', *Journal of Common Market Studies* 47(3), 507-530
- Falkner, G. and Treib, O. (2008) "Three Worlds of Compliance or Four? The EU-15 Compared to New Member States", *Journal of Common Market Studies*, 46(2): pp. 293–313
- Featherstone, K. and Radaelli, C. (2003) *The Politics of Europeanization*, Oxford University Press
- Fuchs, D. and Roller, E. (2006) "Learned Democracy? Support of Democracy in Central and Eastern Europe", *International Journal of Sociology*, 36(2), pp. 70-96
- Gallina, N. (2011) "Political Elite Behavior in Eastern Central Europe: Provoking Populism and Nationalism?" in Góra, M. and Zielińska, K. (eds), *Democracy, State and Society European Integration in Central and Eastern Europe*, Jagellonian University Press, (URL: http://nicolegallina.com/docstexts/13_text_populism_nationalism_2011_ng.pdf)
- Ganev, Venelin I. (2013) „Post-Accession Hooliganism: Democratic Governance in Romania and Bulgaria after 2007“ *East European Politics and Societies*, 27(1), pp. 26-44
- Gilley, B. (2006) „The meaning and measure of state legitimacy: Results for 72 countries“, *European Journal of Political Research*, 45(3), pp. 499–525
- Grabbe, H. (2005) *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe*, Palgrave Macmillan
- Greskovits, B. (1995) "Demagogic Populism in Eastern Europe?", *Telos*, 1995 (102), pp. 91-106

- Greskovits, B. (2007) "Economic woes and political disaffection", *Journal of Democracy*, 18 (4), pp. 40-46
- Grødeland, Å. and Aasland, A. (2007) „Informality and Informal Practices in East Central and South East Europe“, *CERC Working Paper Series, No.3*
- Grzymala-Busse, A. (2006) „The Discreet Charm of Formal Institutions“. *Comparative Political Studies*, 39(3): p. 271-300
- Grzymała-Busse, A. (2007) *Rebuilding Leviathan: Party Competition and State Exploitation in Post-Communist Democracies*, Cambridge: Cambridge University Press
- Jasiewicz, K. (2007) "Is Central Europe Backsliding? The Political-Party Landscape", *Journal of Democracy*, 18(4), pp. 26-33
- Gunther, R. and Montero, J. (2000) "Political Legitimacy in New Democracies", *Studies in Public Policy No. 341*, Glasgow: Centre for the Study of Public Policy
- Hadenius, A. and Teorell, J. (2005) "Cultural and economic prerequisites of democracy: Reassessing recent evidence", *Studies in Comparative International Development* 39(4), 87–106
- Haggard, S. and Kaufman, R. (1995) *The Political Economy of Democratic Transitions*, Princeton: Princeton University Press
- Haughton, Tim (2004), Explaining the Limited Success of the Communist-Successor Left in Slovakia The Case of the Party of the Democratic Left (SDL'), *Party Politics*, 10(2), 177-191
- Hellman, Joel S., Jones, Geraint, Kaufmann, Daniel (2000) „Seize the State, Seize the Day: State Capture, Corruption and Influence in Transition“, *World Bank Policy Research Working Paper 2444*, The World Bank
- Héritier, A. (2001) „Overt and Covert Institutionalization in Europe“, In: *The Institutionalization of Europe*, Edited by Sweet, A., Sandholtz, W. and Fligstein, N., Oxford University Press, pp. 56-70
- Higley, J. and Gunther, R. (1992) *Elites and Democratic Consolidation in Latin America and Southern Europe*, Cambridge University Press
- Higley, J., Pakulski, J and Włodzimierz W. eds (1998) *Postcommunist Elites and Democracy in Eastern Europe*, Palgrave Macmillan
- Higley, J. and Burton, M. (2006) *Elite Foundations of Liberal Democracy*, Rowman and Littlefield
- Higley, J. and Pakulski, J. (1999a, b) Elite Power Games and Democratic Consolidation in Central and Eastern Europe
- Hollyer, James R. (2010) "Conditionality, Compliance, and Domestic Interests: State Capture and EU Accession Policy", *Review of International Organizations* 5:387–431
- Holmes, Steven (2003), "Lineages of the Rule of Law." In José María Maravall and Adam Przeworski (eds.), *Democracy and the Rule of Law*. New York: Cambridge University Press. Pages 19-61

- Howard, M. (2003) *The Weakness of Civil Society in Post-Communist Europe*, Cambridge University Press
- Huntington, S. (1991) *The Third Wave: Democratization in the Late Twentieth Century*, Norman and London: University of Oklahoma Press
- Inglehart, R. and Welzel, C. (2005) *Modernization, Cultural Change, and Democracy The Human Development Sequence*, Cambridge University Press
- Innes, A. (2002) „The Changing Power of the State in Eastern Europe“, ECPR Workshop, Turin, Italy
- Innes, A. (2014) „The political economy of state capture in central Europe“, *JCMS: Journal of Common Market Studies*, 52 (1). pp. 88-104
- Jacoby, W. (2006) *The Enlargement of the European Union and NATO: Ordering from the Menu in Central Europe*, Cambridge: Cambridge University Press
- Jasiewicz, Krzysztof (2007), “Is Central Europe Backsliding? The Political-Party Landscape”, *Journal of Democracy*, 18(4), pp. 26-33
- Kekic, L. (2007) „The Economist Intelligence Unit's Index of Democracy“, *The World in 2007* (London: The Economist)
- Kleinfeld, R. (2005) “Competing Definitions of the Rule of Law: Implications for Practitioners“, *Carnegie Papers*, 55
- Klingemann, H-D, Volkens, A., Bara, J., Budge, I. and McDonald, M. (2006) *Mapping Policy Preferences II: Parties, Electorates and Governments in Eastern Europe and the OECD 1990-2003*. Oxford: Oxford University Press
- Klingemann, H-D. and Hofferbert, R. (1998) „Remembering the Bad Old Days: Human Rights, Economic Conditions, and Democratic Performance in Transitional Regimes“, *WZB Discussion Paper FS III*, pp. 98-203
- Knill, C. (2001) *The Europeanisation of national administrations: Patterns of institutional change and persistence*, Cambridge University Press
- Knill, C. and Lehmkuhl, D. (2002) „The National Impact of European Union Regulatory Policy: Three Europeanization mechanism“, *European Journal of Political Research*, 41(2), pp. 255-80
- Kornai, J. (2015) “Hungary’s U-Turn“, Prepublication working paper
- Kopecky, P. and Mudde, C. (2000) „What has Eastern Europe taught us about the democratisation literature (and vice versa)?“, *European Journal of Political Research*, 37(4), pp. 517-539
- Kopstein, J. and Reilly, D.A. (2000) „Geographic Diffusion and the Transformation of the Postcommunist World“, *World Politics*, 53(1), pp. 1-37
- Krastev, I. (2006) “Democracy's "Doubles"”, *Journal of Democracy*, 17(2), pp. 52-62

- Krastev, I. (2007) „Is East-Central Europe Backsliding? The Strange Death of the Liberal Consensus“, *Journal of Democracy*, 18(4), 56-63
- Krastev, I. (2008) „Russia and the European Order: Sovereign Democracy“, *American Interest*, 4:16-24 November-December 2008.
- Krause, K. D. (2003) „The ambivalent influence of the European Union on democratization in Slovakia“ in Kubicek, P. (ed.) *The European Union and Democratization*, London: Routledge.
- Kriesi, H. and Jegen, M. (2001) “Decision-making in the Swiss energy policy elite“, *Journal of Public Policy*, 20(1):21– 53
- Kubicek, Paul (2003), “International Norms, the European Union, and Democratization: Tentative Theory and Evidence,” in Kubicek, ed. *The European Union and Democratization*, London: Routledge
- Ladrech, R. (1994) „Europeanization of Domestic Politics and Institutions: The Case of France“, *Journal of Common Market Studies*, 32(1), pp. 69-88
- Lengyel, G. and Ilonszki, G. (2010), “Hungary: Between Consolidated and Simulated Democracy”, in Heinrich Best and John Higley (eds), *Democratic Elitism: New Theoretical and Comparative Perspectives*, Leiden
- Levitsky S, and Way LA, (2002) “The Rise of Competitive Authoritarianism”, *Journal of Democracy*, 13(2)
- Levitsky, S. and Lucan W. (2015) “The Myth of Democrat Recession”, 26(1), pp. 45-58
- Levitz, P. and Pop-Eleches, G. (2010) „Monitoring, money and migrants: Countering post-accession backsliding in Bulgaria and Romania“, *Europe-Asia Studies*, 62 (3), pp. 461–479
- Linz, Juan J., and Alfred C. Stepan. (1996) *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. Baltimore, MD: Johns Hopkins University Press
- Lijphart, A. (1977) *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press
- Marshall, M.G. and Jagers, K. (2001) *Polity IV Project: Political Regime Characteristics and Transitions, 1800–1999. The Polity IV dataset. Vol. 2003*
- Mendelski, M. (2011): “Rule of Law Reforms in the Shadow of Clientelism: The Limits of the EU’s Transformative Power in Romania”, *Polish Sociological Review* 2(174): pp. 235-252
- Merkel, W. (2004) “Embedded and Defective Democracies“, In Aurel Croissant/Wolfgang Merkel (Eds.): *Special Issue of Democratization: Consolidated or Defective Democracy? Problems of Regime Change*, 11 (5), pp. 33-58
- Mesežnikov, G., Gyárfášová, O., and Smilov, D. (eds.) (2008) *Populist Politics and Liberal Democracy in Central and Eastern Europe*, Bratislava: Institute for Public Policy

- Mishler, W. and Rose, R. (1996) "Trajectories of Fear and Hope: Support for Democracy in Central and Eastern Europe", *Comparative Political Studies*, 28(4), pp. 553-581
- Møller, J. (2007) „Elitist Democracy and the Rise of Populism in East-Central Europe. Has Pareto Been Proved Right?”, Aarhus University, Department of Political Science, (URL: <http://www.jhuc.it/ecpr-riga/virtualpaperroom/016.pdf>)
- Møller, J. (2008) “A Critical Note on ‘The Rise of Illiberal Democracy’”, *Australian Journal of Political Science*, 43:3, pp. 555-561
- Mondon, A. (2013) “Populism or the fear of democracy“, openDemocracy, (online source) (url: <https://www.opendemocracy.net/can-europe-make-it/aurelien-mondon/populism-or-fear-of-democracy>)
- Morlino, Leonardo (2008) „Hybrid Regimes or Regimes in Transition?“, Working Paper 70, FRIDE, (URL: http://www.plataformademocratica.org/Publicacoes/Publicacao_4618_em_17_11_2008_22_06_36.pdf)
- Morlino, Leonardo (2009), Are there hybrid regimes? Or are they just an optical illusion?, *European Political Science Review* 1(2), pp. 273–296
- Mungiu-Pippidi, A. (2006) “Corruption: Diagnosis and Treatment“, *Journal of Democracy*, 17(3), pp. 86-99
- Mungiu-Pippidi, Alina (2010), ‘The Experience of Civil Society as an Anti-Corruption Actor in East Central Europe’, *Romanian Journal of Political Science*, Special Issue, 10(2), p. 5.
- Moravcsik, A. and Vachudova, M. (2003) “National Interests, State Power, and EU Enlargement“, *CES Working Paper*, no.97
- Mungiu-Pippidi, A. (2007) “Is East-Central Europe Backsliding? EU Accession Is No "End of History", *Journal of Democracy*, 18(4), 8-16
- Morlino, L. (1998) *Democracy Between the Consolidation and Crisis*, Oxford University Press
- Mueller, D. (2014) „Constraining Leviathan“, *Constitutional Political Economy* 25(1), 88–102.
- Mudde, C. (2002) *The ideology of the extreme right*, Manchester University Press
- Mudde, C. (2003) “Civil Society in Post-Communist Europe: Lessons from the 'Dark Side“ in *Uncivil Society? Contentious Politics in Post-Communist Europe*. Ed. Petr Kopecky and Cas Mudde. London: Routledge, 157-185.
- Mudde, C. (2004) „EU Accession and a New Populist Centre-Periphery Cleavage in Central and Eastern Europe, Harvard University Center for European Studies“, *Central and Eastern Europe Working Paper No. 62*, Cambridge, Mass.
- Mudde, C. and Kaltwasser, C (2011) “Voices of the peoples: populism in Europe and Latin America compared”, Working Paper #378 (<https://kellogg.nd.edu/publications/workingpapers/WPS/378.pdf>)

- Munck, G. (2001). 'The Regime Question: Building Theory in Democracy Studies', *World Politics* 54(1): pp. 119–144.
- Munck, G. and Verkuilen, J. (2002) „Conceptualizing and Measuring Democracy: Evaluating Alternative Indices“, *Comparative Political Studies*, 35 (1), 11-12
- Munck, G. (2003) „Teaching Qualitative Methodology: Rationale, State of the Art, and an Agenda“, *Newsletter of the APSA Organized Section on Qualitative Methods*, 1(1), pp. 12-15
- Munck, Gerardo L. (2012) “Conceptualizing the Quality of Democracy: The Framing of a New Agenda for Comparative Politics“, *DISC Working Paper 2012/22*.
- Nevitte, N. and Kanji, M. (2002) "Authority Orientations and Political Support: A Cross-National Analysis of Satisfaction with Governments and Democracy", *Comparative Sociology*, 1(3-4), pp. 387-412
- North, Douglass (1991) „Institutions“, *Journal of Economic Perspectives*, 5(1): pp. 97-112
- Ober, J. (2008) *Democracy and Knowledge: Innovation and Learning in Classical Athens*, Princeton University Press
- O’Donnell, G. (1996) “Illusions about Consolidation”, *Journal of Democracy* 7(2), pp. 34-51
- O’Dwyer, C. (2004) "Runaway State-Building: How Political Parties Shape States in Postcommunist Eastern Europe", *World Politics*, 56: pp. 520-53
- O’Donnell, G. (2004), The Quality of Democracy: Why the Rule of Law Matters, *Journal of Democracy*, 15 (4), 32-46
- Olsen, Johan P. (2002) „The Many Faces of Europeanization“, *Journal of Common Market Studies*, 40(5), pp. 921–952
- Peltzman, S. (1976) “Toward a more general theory of regulation“, *Journal of Law and Economics*, 19: pp. 211-240
- Pippa N. (1999) 'Institutional explanations for political support.' In *Critical Citizens: Global Support for Democratic Governance*, ed. Pippa Norris, Chapter 11, Oxford: Oxford University Press
- Plattner, Marc F (1998) “Liberalism and Democracy: Can't Have One Without the Other”, *Foreign Affairs*, 77 (March/April 1998): (URL: <https://www.foreignaffairs.com/articles/1998-03-01/liberalism-and-democracy-cant-have-one-without-other>)
- Pridham, G. (1996), 'Transnational party links and transition to democracy: Eastern Europe in comparative perspective', in P. Lewis (ed.), *Party structure and organisation in East-Central Europe*, Cheltenham, Edward Elgar, pp. 187 – 219.
- Pridham, G. and Ágh, A. (eds) (2001), *Prospects for Democratic Consolidation in East-Central Europe*, Manchester University Press
- Pridham, G. (2005) *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*, Palgrave Macmillan

- Pridham, G. (2007) “The Scope and Limitations of Political Conditionality: Romania's Accession to the European Union, *Comparative European Politics*, 5, pp. 347–376
- Pridham, G. (2008a) „The Arrival of Enlargement Studies: Patterns and Problems“, *CRCEES Working Paper Series*, University of Glasgow
- Pridham, G. (2008b), ‘Status Quo Bias or Institutionalisation for Reversibility?: The EU's Political Conditionality, Post-Accession Tendencies and Democratic Consolidation in Slovakia’. *Europe-Asia Studies*, 60 (3), pp. 423 – 454
- Pridham, G. (2008c) “The EU's Political Conditionality and Post-Accession Tendencies: Comparisons from Slovakia and Latvia“, *JCMS: Journal of Common Market Studies*, 46(2), pp. 365–387
- Pridham, G. (2009), “Securing the only game in Town: The EU’s Political conditionality and Democratic Consolidation in Post-Soviet Latvia” *Europe-Asia Studies*, 61.1 (2009) 51-84
- Przeworski, A. (1986), 'Some Problems in the Study of the Transition to Democracy', pp. 47–63, In: O'Donnell, G., Schmitter, P., and Whitehead, L. (eds), *Transitions from Authoritarian Rule: Comparative Perspectives*, Baltimore: Johns Hopkins University Press
- Przeworski, A. (1991), *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*, Cambridge University Press
- Przeworski, A. and Maravall, J. (2003) „Democracy and the Rule of Law“, Cambridge University Press
- Radaelli, C. (2003) „The Europeanization of Public Policy“, in Featherstone K, Radaelli CM (eds) *The Politics of Europeanization*, Oxford University Press, pp. 27-56
- Radaelli, Claudio M. (2004), Europeanisation: solution or problem?, *European integration online papers (EIoP)*, 8(16)
- Renner, S. and Trauner, F. (2009) “Creeping membership in Southeast Europe: the dynamics of EU rule transfer to the Western Balkans“, in: *Journal of European Integration*, 31 (4), pp. 449-465
- Rhodes, Arthur William and Marsh, David (1992) “New directions in the study of policy networks“, *European Journal of Political Research*, 21: 181-205
- Roberts, A. (2010) *The Quality of Democracy in Eastern Europe Public Preferences and Policy Reforms*, Cambridge University Press
- Roller, E. (1994) „Ideological basis of the market economy: attitudes toward distribution principles and the role of government in Western and Eastern Germany“, *European Sociological Review*, 10(2), 105-117
- Rupnik, J. (2007) „Is East Central Europe Backsliding?“, *Journal of Democracy* 18(4), pp. 17-25
- Ryan, A. (1995) “Reviewed Work: Democracy: The Unfinished Journey. by John Dunn, *Ethics*, Vol. 105, No. 2 (Jan., 1995), pp. 423-425

- Sartori, G. (1970) „Concept misinformation in comparative politics“, *American Political Science Review* 64, no. 4 (Dec)
- Sasse, G. (2008) “The politics of EU conditionality: the norm of minority protection during and beyond EU accession”, *Journal of European Public Policy*, 15 (6), pp. 842-860
- Sedelmeier, U. (2008), ‘After Conditionality: Post-Accession Compliance with EU Law in East Central Europe.’ *Journal of European Public Policy*, 15(6), pp. 806–25
- Sedelmeier, Ulrich (2010) „The EU and democratization in Central and Southeastern Europe since 1989“ in Ramet, Sabrina, (ed.) *Central and Southeast European Politics Since 1989*. Cambridge University Press, Cambridge, UK, 519-535. ISBN 9780521888103
- Schimmelfennig, F. and Sedelmeier, U. (2004) “Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe“, *Journal of European Public Policy*, 11(4), pp. 661-79
- Schimmelfennig, F. and Sedelmeier, U. (2005) “The politics of EU enlargement: theoretical and comparative perspectives“ in: Schimmelfennig, F. and Sedelmeier, U. (eds.) *The Politics of European Union Enlargement: Theoretical Approaches*. Routledge advances in European politics. Routledge, Abingdon, UK; New York, USA, pp. 3-32.
- Schmitter and Schneider n.d., “Conceptualizing and measuring the liberalization of autocracy and the consolidation of democracy across regions of the world and from different points departure”, European University Institute (URL: <http://www.eui.eu/Documents/DepartmentsCentres/SPS/Profiles/Schmitter/Salamanca2.pdf>)
- Schumpeter, J. (1942) *Capitalism, Socialism and Democracy*, New York: Harper & Row
- Smolar, A. (2006) „Radicals in Power and the Transformation of Poland“, *Eurozine*: <http://www.eurozine.com/articles/2006-09-28-smolar-en.html>
- Spendzharova, A. and Vachudova, M. (2011) “Catching Up? Consolidating Liberal Democracy After EU Accession”, *West European Politics*, 35(1), pp. 39-58
- Steen, A. (2012) “Elite and Mass Confidence in New Democracies - Towards Congruence? The Baltic States 1992-2007”, In Special issue: Elite Foundations of Social Theory and Politics. *Historical Social Research*, 37(1), pp. 127-147
- Stigler, G. (1971) “The Economic Theory of Regulation”, *Bell Journal of Economics and Management Science*, 2, pp. 3-21
- Stolfi, F. (2008) „The Europeanization of Italy's Budget Institutions in the 1990s“, *Journal of European Public Policy*, 15(4), pp. 550-566
- Than, K. and Walsh, E. (2014) “Thousands of Hungarians protest against tax on Internet traffic”, *Reuters* (URL: <http://uk.reuters.com/article/2014/10/26/uk-hungary-protests-idUKKBN0IF0X320141026>)
- Traynor, I. (2014) “Budapest autumn: hollowing out democracy on the edge of Europe”, *theGuardian*, (URL: <http://www.theguardian.com/world/2014/oct/29/budapest-viktor-orban-democracy-edge-hungary>)

True, James L., Jones, Bryan D. and Baumgartner, Frank (2007) “Punctuated Equilibrium Theory: Explaining Stability and Change in Public Policy Making, In Sabatier, Paul A., *Theories of the Policy Process, 2nd edition*

Uitz, R. (2008), Hungary, In: Meseznikov G, Gyárfásová O, Smilov D, editors. *Populist politics and liberal democracy in Central and Eastern Europe*, Bratislava: Institute for Public Affairs, p. 39-69

Ulfelder, J. and Lustik, M. (2005) “Modeling Transitions to and from Democracy”, Paper presented at the Annual Meeting of the American Political Science Association, Washington, DC

Vachudova, M. (2010) “Corruption and Compliance: EU Integration in the Western Balkans,” SSEES, University College London

Vachudova, M. (2005) *Europe Undivided: Democracy, Leverage, and Integration After Communism*, Oxford University Press

Vachudova, M. (2006) “Democratization in Postcommunist Europe: Illiberal Regimes and the Leverage of International Actors“, Center for European Studies Working Paper Series #139, (URL: <http://aei.pitt.edu/9023/1/Vachudova.pdf>)

Waller, M. and Gillespie, R. (1995) „Introduction: factions, party management, and political development, Factional politics and democratization“, in Gillespie et al. (eds) *Factional Politics and Democratization*, Routledge

Welzel, C. and Klingemann, H.D. (2008) “Evidencing and explaining democratic congruence: the perspective of substantive democracy”, *World Values Research* 1(3), 60

Welzel, C. and Klingemann, H-D. (2008) „Democratic Congruence Rediscovered: A Focus on Substantive Democracy“, *World Values Research Papers*, 1(3), 55-84

Zakaria, F. (1997) “The Rise of Illiberal Democracy”, *Foreign Affairs*, 76(6), pp. 22-43