The End of the Democratic Transition? Analyzing the Quality of Democracy Model in Post-Communism

Monica Ciobanu
The End of the Democratic Transition? Analyzing the Quality of Democracy Model in Post-Communism

Monica Ciobanu

Department of Sociology, Plattsburgh State University of New York, Plattsburgh, NY 12901, USA ciobanm@plattsburgh.edu

Abstract

The problem addressed in this article is the adequacy of the recently developed quality of democracy model in analyzing post-communist democracies in the context of their recent accession into the European Union. In order to provide some clarification of this question, the conceptual framework is utilized in light of past and recent political developments in Bulgaria, Hungary, Poland and Romania. Several procedural and substantive dimensions of the model are examined, particularly participation and competition, accountability, governance, rule of law, corruption and aspects of popular legitimacy. The main conclusion is that while the model proves its ability to understand some of the specific dynamics and peculiarities of these cases, it is less successful in showing how democratic legitimacy becomes institutionalized.

Keywords

post-communism, democratic transition, democratic quality, political parties, rule of law, corruption
The integration of the former communist countries of East and Central Europe into the European Union (EU) seemed to mark the reunification of Europe and the end of the post-communist transition. This was accomplished as a result of the fourth wave of integration in 2004, which incorporated among fifteen newcomers five Central European countries – the Czech Republic, Hungary, Poland, Slovakia, and Slovenia – and three former Soviet republics from the Baltic region – Estonia, Latvia and Lithuania – together with a fifth wave of integration in 2007, which included Bulgaria and Romania.

Accession came after more than a decade of substantial reforms in the areas of state institutions and economy closely monitored by the EU’s mechanisms of integration. This monitoring included the expectation that democracy, the rule of law, human rights and protection of minorities would be institutionalized, as articulated in 1993 at the Copenhagen European Council. The mechanisms of achieving democratic conditionality became more precisely defined and reinforced from 1999 onwards by the introduction of a series of country reports which outline for aspiring countries the necessary steps to meet full EU membership criteria (Pridham 2005:40–41). These criteria of democratic conditionality thus took into consideration both the institutional dimensions and substantive aspects of democracy.

However, a closer look at widespread public dissatisfaction with the performance of democratic institutions, perceived as unaccountable to the needs of citizens, together with recent political developments in some countries in the region, casts some doubt on the successful completion of the democratic transition. Within a global perspective, it is in East and Central
Europe that we find the lowest levels of people’s experience of rule by “will of the people” and belief that democracy is the best system of government (Transcontinental Books 2006:42). The results of the New Europe Barometer also show that among new members of the EU there is prevailing distrust, weak identification with political parties, and an equally negative evaluation of governance and judicial institutions (Rose 2005:57–64). These democratic deficits in the region are important because they point to problematic ties between governments and governed.

As for recent political developments, we will refer particularly to those in Bulgaria, Hungary, Poland and Romania. The most unexpected result in the 2005 Bulgarian elections was the performance of the xenophobic and anti-Semitic Ataka party, given that until then such political party appeals to ethnic tensions were absent. In Hungary violent riots and mass protests on the streets of Budapest in September 2006 came as a surprise in a country in which the transition to democracy had been dominated by political apathy. These outbursts were triggered by the acknowledgment of the newly elected socialist prime minister, Ferenc Gyurcsany, that he had concealed the true state of the economy in order to be re-elected.

The emergence of a religiously and socially conservative coalition government in Poland during the same year generated anxiety among EU officials. In Romania an unstable coalition government resulting from the 2004 elections stalled reforms in the areas of corruption and then in the justice system after the January 2007 accession. Similar concerns were raised in May 2007 by the failed attempt of the legislature to oust incumbent president Traian Basescu, known for strongly supporting the anti-corruption campaign and for his populist instincts.

Across the region, in short, populist electoral gains, weak majorities, political radicalization,
factional behaviors and misbehavior of political elites have become main features of political life (Mungiu-Pippidi October 2007:8–16). Yet, despite such setbacks these four countries continue to be classified as consolidated democracies, in accordance with the well-known and widely accepted Freedom House methodology. The only exception is Romania, which remains classified as a semiconsolidated democracy, though not far removed from consolidation (Freedom House 2007).

The methodology used by Freedom House in assessing a country’s democracy score is based on the most relevant dimensions of the democratic consolidation model, which include electoral process, civil society, rule of law (the constitutional, legislative, and judicial framework), governance, corruption, and media. Although there are some minor variations, most advocates of this model, such as Juan J. Linz, Alfred Stepan, Guillermo O’Donnell, John Elster, Claus Offe, Ulrich K. Preuss and others, have included these aspects of democratic regimes in their work (see the references). Linz and Stepan’s model, for example, includes five specific areas of consolidated democracy, thereby allowing for an empirical operationalization of the framework (1996: 3–15). These five areas are:

- Civil society based on freedom of association and communication;
- Political society based on free and inclusive electoral contestation;
- Economic society based on an institutionalized market system;
- Rule of law based on constitutionalism; and
- A state apparatus based on rational-legal and bureaucratic norms.

Although the post-communist democracies noted above are seen as stable and are
characterized by the absence of anti-democratic actors threatening to act outside the boundaries of democratic rules or radically to change them, their most important weaknesses lie in the areas of rule of law, quality of state apparatus and extent of citizen participation. Several questions arise here:

- Is the model of democratic consolidation still adequate for analyzing post-communist transitions?
- Is it appropriate to see some end to the process of democratic consolidation and thus to the post-communist transition?
- Are these democracies different from their Western counterparts?

In order to attempt an answer to these questions, we turn to a newly elaborated model of quality of democracy by Larry Diamond and Leonardo Morlino (2005). Before presenting this model, it is important to note that prior to its elaboration, students of democratization began to express reservations about the application of the consolidated democracy model and they suggested different conceptual frameworks. Guillermo O’Donnell claimed that the main illusion about consolidation is that institutionalization represents its principal feature, given that so many new democracies remain stable despite being still embedded in particularism and clientelism (O’Donnell 1997:40–57). Others described these new democracies as electoral or delegative, and even went so far as to suggest that the democratization model has exhausted its utility (“the end of the transition paradigm”) (O’Donnell 1999; Rose & Shin 2001; Carothers 2002).

These theoretical and empirical ambiguities are addressed by Diamond and Morlino’s quality of democracy model. Its starting point is the conceptual distinction between the durability
of democratic institutions, as previously examined in studies of democratic consolidation, and
the depth of the democratization process. The innovative aspect of this model is that although it
is elaborated as an extension of the democratic consolidation model, it is also applicable to
established democracies. This is a crucial departure from the previous paradigm, which was
based on a normative conception of a liberal western democracy.

Proponents of the quality of democracy model argue that a good democracy requires a
legitimate regime that satisfies citizen expectations and provides them with the opportunity to
hold democratic actors and institutions accountable. There are eight dimensions of the model
that overlap and reinforce each other, of which five are procedural and three are substantive
(Diamond & Morlino 2005: ix–xliii). In procedural terms:

- Rule of law, as supported by an independent judiciary which ensures fair treatment of
citizens and prevents any abuses by the state;
- Citizen participation, understood in a broader sense as exercising democratic
citizenship; not just voting, but also involvement in the life of civil society;
- Competition, which involves strong political pluralism;
- Vertical accountability, which requires elected officials to justify their decisions to
citizens and constitutional bodies; and
- Horizontal accountability, which also ensures the accountability of decisions by elected
officials through the activity of independent agencies and various judicial bodies.

This last dimension is supported by vertical accountability and, in turn, the two types of
accountability are essential pillars of the rule of law.
The substantive dimensions of the Diamond and Morlino model of democratic quality are:

- Freedom, referring to political, civil, and socioeconomic rights;
- Equality; and
- Responsiveness.

Diamond and Morlino see responsiveness as the culminating dimension, “closely related to vertical accountability, and hence to participation and competition. In turn, it also influences how well citizens will be satisfied with the performance of democracy, and to what extent they will view it as the best form of government for their country” (2005:xxx–xxxi).

Diamond and Morlino acknowledge that their model has a cultural dimension in that each democracy values certain dimensions over others. But their point is that, ultimately, all eight dimensions are present in a democracy even if some are less evident than others. According to them, the flexibility of the model accepts the possibility of different types of sequences or causal relationships and also allows theorists and policy-makers to address both normative and practical aspects of democracy.

Ultimately, Diamond and Morlino say, democracy could achieve legitimacy as a result of reforms that are geared towards enhancing democratic quality. This point – that enhancing democratic legitimacy represents the final step towards consolidation – reflects an important development and departure from the democratic consolidation model. Theorists of democratic consolidation differ in their views regarding what sustains democratic legitimacy and how to assess this empirically.
Linz and Stepan (1996:1–83) discuss the compliance of political actors with the rules of the democratic game. Their argument is that the issue of democratic legitimacy is relatively autonomous from the question of the perception of democracy by the electorate, as merely effective or not in providing for economic and social needs. Other authors, including Andrew Arato (2000), Andras Bozoki (1994) and Gerd Meyer (1994), emphasize the relationship between civil society and democratic legitimacy. They see this supporting a population’s internalization of democratic norms and procedures and also providing a means of coping with the challenges of introducing market reforms that often involve high social costs.

John Elster, Clauss Offe, and Ulrich Press (1998) address the crucial importance of legality for the institutionalization of democracy, which they define in Weberian terms as rational-legal authority. They suggest that democratic institutions continue to function as they had in the past, namely in a legally established manner through the agency of political actors. Following the same line of argument, Seymour Martin Lipset (1994:1–22) points to an important distinction, between “the agent of authority and the rulers” (the agents themselves) or, simply put, between democratic institutions and the political actors representing them.

An important advantage of Diamond and Morlino’s quality of democracy model, however, is that in showing the complex dynamic among its eight dimensions it helps to increase understanding of the relationship between the performance of democratic institutions and a population’s collective perceptions, attitudes and behaviors in respect to democracy. Moreover, the model allows for the possibility of identifying regionally specific determinants that also and equally affect the procedural and substantive dimensions of democratic quality. In a study of
Poland and Romania, Alina Mungiu-Pippidi suggests (2005:229) that the quality of democracy in post-communist societies is explained by three contributing factors: the size of the rural population, the degree of collectivism under communism, and the characteristics of political actors (such as communist successor parties and opposition movements).

The intention of the present analysis is to test in a more systematic manner the quality of democracy model and its applicability to the present state of post-communist democracies. By utilizing the procedural and substantive dimensions listed above, the article attempts to answer several questions in light of the political developments in Bulgaria, Hungary, Poland and Romania presented briefly at the outset.

- Can current deficiencies in these democracies, such as the rise in populism, polarization and unstable governance, be interpreted as a decline in their overall performance, or, alternatively, as an indication of ongoing movement towards deepening democracy?
- Does the model help us understand the significance of different aspects of popular legitimacy from the perspective of democratic deepening?
- Can the model recommend ways of improving or correcting the deficiencies in these democracies?

The four cases were chosen based on their currently similar path of reform as mandated by the European Union, which is geared towards modernization of the state and enhancement of rule of law. The fact that Hungary and Poland are at a more advanced stage in their reform agendas, given their admission to the EU in 2004, while Bulgaria and Romania progressed at a slower pace, leading up to EU integration in 2007, provides some important methodological
advantages. It provides an opportunity for a fuller account of the dynamic character of deepening democracy. In addition, the choice of these four countries allows for an understanding of how the particular historical and cultural legacies of each impact upon the quality of democracy.

Together with the democracy scores as calculated by Freedom House, which spans the most relevant aspects in the quality of democracy model of Diamond and Morlino, as specified earlier, the analysis here will also use the results of the 2004 New Europe Barometer gathered and examined by Richard Rose. The new Europe Barometer provides insight into significant aspects of democratic legitimacy, such as support for undemocratic alternatives and/or for democratic options, rule of law, governmental responsiveness, participation in politics, and social efficacy (the popular perception that the views of ordinary people are seriously considered by their governments). In addition, I will also refer to specific historical and cultural characteristics of each of the four countries, and to their most recent electoral processes.

However, before pursuing the analysis of the substantive and procedural aspects of democratic quality, I provide below the trend of overall democracy scores since 1997 and for the past two years. This data is not only helpful in laying out the ground for the subsequent analysis of democratic quality. It also shows two successive stages of the democratic transition in the four countries, namely the early post-communist phase and the subsequent phase of post-EU accession.
Table 1  *Overall democracy scores*

<table>
<thead>
<tr>
<th></th>
<th>Bulgaria</th>
<th>Hungary</th>
<th>Poland</th>
<th>Romania</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>3.90</td>
<td>1.50</td>
<td>1.50</td>
<td>3.95</td>
</tr>
<tr>
<td>2006</td>
<td>2.93</td>
<td>1.96</td>
<td>2.14</td>
<td>3.39</td>
</tr>
<tr>
<td>2007</td>
<td>2.89</td>
<td>2.14</td>
<td>2.36</td>
<td>3.29</td>
</tr>
</tbody>
</table>


Looking at these scores, Hungary and Poland followed much earlier paths towards democratic consolidation and then subsequently suffered declines in quality of democracy. This contrasts sharply with the trajectories in Romania and even more so Bulgaria, where they both show significant progress from the status of almost semiconsolidated authoritarian regimes towards consolidation. The two questions that arise from these scores are: Are there serious reasons for concern by an apparent decline in Hungarian and Polish democracy? How uncertain or precarious is the future direction of democratic deepening in Bulgaria and Romania? In seeking some answers to these questions, I examine in the four countries aspects of participation and competition, accountability, governance and rule of law, corruption and responsiveness.

**Participation and Competition: Electoral Process and Civil Society Involvement**

Participation and competition represent fundamental procedural aspects of any democratic regime. Both the quality of democracy model and Freedom House measure them beyond terms of the simple act of voting by taking into account participation within the context of civil
society’s capacity to monitor the activities of those elected to office. It is competition especially that ensures there is no one political party that is financially privileged during the electoral campaign, or privileged in other ways, and ensures electoral fairness and accountability. Competition is sustained by legal institutions of horizontal accountability, such as an independent electoral commission, and by independent groups acting on behalf of civil society.

The evolution in the scores of electoral process and civil society, two dimensions of the overall democracy score assigned by Freedom House since 1997 which span aspects of participation and competition indicate the following. After a period of almost ten years during which Bulgaria and Romania slowly advanced towards consolidation, the gap between these countries and Hungary and Poland has narrowed since 2005. This difference is not simply a reflection of improvement in the performance of electoral process and civil society in Bulgaria and Romania. It is also a result of downward movement in the same scores in Hungary and Poland.

In 2007 Bulgaria and Romania scored respectively 1.75 and 2.75 in electoral process and 2.50 and 2.25 in the area of civil society. Given that in 1997 Bulgaria’s and Romania’s electoral process scored 3.25 and civil society 4.00 and 3.75, the progress made by the two countries towards consolidation seems evident. In 2007 Hungary’s electoral process and civil society scores slid in just one year, to 1.75 and 1.50 from 1.25. Electoral process and civil society in Poland also experienced a decline. Both measures lost 0.25 points during this last year, falling to 1.75 and 1.50. Yet in 1997 the Hungarian and Polish scores in both areas of electoral process, 1.25 and 1.50, and civil society, 1.25, were still significantly ahead of those for Bulgaria and Romania.
It can be argued that this present state of affairs is an indicator that all countries have completed their post-communist transitions. Any initial differences between Bulgaria and Romania on the one hand, and Hungary and Poland on the other, can be attributed to their specific circumstances and paths of revolutionary change since 1989. These initial differences, that is, are no longer significant or relevant after accession to the EU.

The liberal consensus between former communists and opposition groups in Hungary and Poland, achieved as a result of roundtable negotiations between them, led to a relatively well-defined political spectrum. It consisted of a left wing represented by the successors to the communist parties and a liberal center consisting of a coalition of groups and parties previously engaged in anti-communist opposition. A regular alternation in power between these two wings, which for the most part represented a change in government and not in policies, ensured a relatively smooth process of democratization. It prevented attempts at illegal or violent appropriation of power by other political actors.

In this way, Hungary and Poland achieved more rapidly stable conditions of political party participation, what Anna Grzymala-Busse describes (2007:81–132) as the circumstances of “robust party competition.” This acted as an incentive for the early introduction of formal state institutions, designed to constrain governing party exploitation of the state during the period of otherwise opportunistic post-communist state-building.

In contrast, the illiberal tendencies of former communists in Bulgaria and Romania inhibited political competition, thereby delaying the democratic process and integration into the EU. That is, former communists captured state institutions and the media, and frequently
resorted to ethnic nationalism (at least in Romania).

Even if the anti-communist opposition came to power in Bulgaria five years earlier than in Romania – in 1991 the Union of Democratic Forces (UDF) assumed power whereas the Democratic Convention in Romania (CDR) won elections only in 1997 – in both cases the opposition was immature. Opposition parties had few scruples in engaging in non-democratic behavior in order to challenge the political domination of their opponents. This had the effect of stalling both countries in an uncertain area of the democratization process until the late 1990’s. This is when the EU’s accession mechanisms required more systematic reforms in the areas of vertical and horizontal accountability. As a result, both the Bulgarian Socialist Party (BSP) and the Social Democratic Party in Romania (PSD) transformed themselves into modern socialist parties, and began to pursue more liberal economic and administrative policies.

However, as Ivan Krastev points out (2007:58–59), “the successes of postcommunist liberalism” across the region were achieved by elites at the expense of mass political participation while these same “liberal elites left their societies with no acceptable ways to protest or express dissatisfaction.” The claims advanced by Diamond and Morlino that intensive participation of civil society in the electoral process is conducive to democratic deepening are not confirmed, therefore, by post-communist experience. Yet despite a low interest in politics and low party identification, democratic quality in Hungary and Poland was nonetheless maintained. At the same time, the improvement in the quality of democracy in Bulgaria and Romania also does not reveal any intensification of political participation.4

To the contrary, as recent elections and democracy scores in Hungary and Poland
show, more intensive mass political mobilization resulted in lower democratic quality. As for Bulgaria and Romania, there is concrete evidence that they, too, are moving in a similar direction. The rhetoric used by winning parties and coalitions in Hungary and Poland during the electoral campaign and afterwards was populist. It emphasized the need for a new political era in which political actors would no longer simply pursue the requirements of transition or EU accession but instead the interests of ordinary citizens.

This means we are no longer in a situation characterized by former communists versus anti-communists, that is by a cleavage that became more and more irrelevant under the circumstances of EU enlargement, but rather in a situation characterized by a more general movement towards responsive and accountable governance. However, the April 2006 Hungarian parliamentary elections nonetheless resulted in a polarized legislature. The previous incumbent Hungarian Socialist Party (MSZP) gained 43.3 percent of the electoral vote but this was only one percentage point ahead of the center-right opposition party, the Alliance of Young Democrats-Hungarian Civic Party (FIDESZ).

These two main actors of Hungarian politics appealed to voters not by advancing specific policies and ideologies, but rather by promoting leaders who engaged in highly personalized politics. This turn of events reflected less voter interest in accountable government then voter fatigue with issues of transitional politics and European integration. Thus, Viktor Orban, FIDESZ’s charismatic leader, faced Ferenc Gyurcsany as his opponent, who became leader of the MSZP in 2004. Orban began his political career as a radical liberal but later became a neo-conservative, with a chauvinist and populist message attracting new supporters. Gyurcsany is a young leftist billionaire and believer in the now partially discarded ideology of the
“third way” of New Labor in Britain.

The confrontation between Orban and Gyurcsany took a dramatic turn after the elections when a leaked tape showed Gyurcsany admitting to lying about the state of the economy in order to be re-elected. His refusal to provide an explanation or to apologize, coupled with Orban’s confrontational rhetoric, led to civil unrest and forms of violent protest during September and October on the streets of Budapest (Transitions Online April 18, 2005; Kovacks and Molnar October 6, 2006; Higginson October 2006). These events were also aggravated by the politicization of civil society and the participation of extremist groups such as, for example, the 64 Counties Youth Movement that demanded “system change” (Kovacs and Villany 2007).

If elections in Hungary produced the type of polarization that encourages instability (as proved to be the case), Polish elections in September of the same year led to a similarly volatile outcome. The result was a dramatic decline in the power of the former incumbent leftist party, the Democratic Left Alliance (SLD) which had ensured the country’s entry into the EU. The SLD lost 162 seats, reduced from 217 to 55. Moreover, a narrow victory by the religiously and socially conservative Law and Justice Party (PiS) brought into a new governing coalition two outsider groups, represented by the League of Polish Families (LPR) and the Self-Defense League (Samoobrona).

It is important to stress that both the LPR and Samoobrona represented the views of those Poles perceiving themselves as excluded from an increasingly capitalist and European Poland. LPR embraces a right-wing ideology, and its leader, Andrezs Lepper, had virulently
attacked Balcerowicz’ market reforms in the past and instigated farmers’ protests in the 1990’s. Samoobrona entered parliament for the first time in 2001, promoting a populist and anti-EU message.

Likewise, the rhetoric that attracted supporters of the PiS, led by Lech Kaczynsky, the current president, and his prime minister and twin brother Jaroslaw, very much resembled the Hungarian case. The two brothers also represent the right wing of the previous governing factions of the Solidarity movement. Their message went beyond the divisions between legatees of the communist party and Solidarity’s successors, for they presented an outline for a “Fourth Republic.”

The Fourth Republic represents a break with the post-1989 Third Republic, which had failed to deal with the communist past because it had been shaped exclusively by an agreement between Solidarity and ex-communists. The new republic was to be characterized by a moral revolution that would address especially the corruption of state institutions and then also promote national interests and family values as well as pursue the much delayed purification of the political class through lustration or formal ceremony (see Millard 2006:1007–1031; Ash November 2006:22–25). However, the government’s attempts to implement this agenda led to controversial initiatives and actions that negatively affected the quality of political participation and competition.

Among the most criticized government actions were the amendment of lustration laws in a way that infringed upon constitutionally guaranteed civil rights. Krzysztof Jasievič (2007:31–32) lists some of the elements of the new lustration law that were overturned by the
constitutional tribunal. These include the retroactive lustration of elected officials, the subjection to lustration of individuals working in private institutions, and forcing the self-incrimination of individuals by applying penalties for non-filing. Other controversial legislative initiatives included changes in electoral legislation, in preparation for local elections that would allow minority parties in electoral coalitions to transfer seats to stronger partners, as well as efforts aimed at undermining civil society (Krajewski 2007).

Likewise, the most recent elections conducted in Bulgaria, in June 2005, and in Romania, in November/December 2004, took place in both cases under volatile circumstances, which resulted in unstable and fragile coalitions and also introduced newcomers to the political scene. The results of both elections posed serious difficulties in forming coalition governments.

After lengthy negotiations finalized in June, the Bulgarian coalition government brought together awkward bedfellows with incompatible ideologies: the Socialist Party (BSP) that had become a member of the Socialist International in 2003, and the former incumbent party, the National Movement Simeon II (NMSS), that had affiliated with the Liberal International.

At the same time, elections in Romania produced a fragile coalition government consisting of the two parties comprising the Alliance for Truth and Justice (DA) that had found themselves on opposite sides during the 1990’s: the Liberal Party (PNL) and the Democratic Party (PD). The PD was a splinter group of the successor to the communist party led by Ion Iliescu. Two smaller parties whose loyalty was doubtful from the beginning, the party of ethnic Hungarians (DAHR) and the Humanist Party (PUR), also joined the coalition.

A novel anti-corruption and populist message was employed during both elections. One
surprise of the Bulgarian election was the vote gained by the Ataka coalition (nine percent), formed by Volen Siderov shortly before the election. Siderov is a journalist and author of anti-Semitic and anti-Roma articles, calling, for instance, for assimilating the Turkish minority by weakening their distinctive ethnic identity. He was also a virulent critic of earlier governments that had opened the country to foreign investment. Yet local political analysts interpreted the electoral success of the Ataka coalition as evidence of popular dissatisfaction with other political parties, not as a threat to produce an anti-system agenda. Indeed, a significant portion of those who ran on Ataka’s lists did so opportunistically, simply to win safe seats in the legislature (Alexandrova July 27, 2005; Brown July 28, 2005; Ganev 2006:75–90).

In respect to elections in Romania, it is important to emphasize the aggressive anti-corruption message promoted by the Alliance for Truth and Justice led by Traian Basescu, the mayor of Bucharest who became the ATJ’s presidential candidate. Likewise, the involvement of civil society groups, represented by the efforts of the Coalition for a Clean Parliament and the Pro-Democracy Movement, was also significant in promoting fairness, accountability and transparency in the electoral process.

During the runoff of the presidential elections, Basescu gave a quite spectacular performance. He attracted a wide range of supporters from different political parties with his virulent anti-corruption rhetoric, his populist instincts, and his ability to interact with crowds easily. Ultimately, this performance gave him a margin of 250,000 over his opponent, Adrian Nastase of the Social Democratic Party (PSD), who had led in the first round with more than 700,000 votes. It should also be noted that as late as 2007 Romanian authorities still had not investigated irregularities in the 2004 elections, the most important of which was the
“disappearance” of 160,000 annulled votes (Gross, Tismaneanu & Mungiu-Pippidi 2005; Ciobanu & Shafir 2005).

Since the goal and priority of the two new governments in Bulgaria and Romania was to complete EU accession by 2007, by introducing rapid reforms in the areas of the justice system and focusing on issues of corruption, both coalition governments managed to hold together until European integration was finalized. However, immediately afterwards new right-wing populist leaders and parties began to emerge in both Bulgarian and Romanian politics. The European Development of Bulgaria (GERB), established in December 2006, and the New Generation Party (PNG), dating in Romania since 2000, are led by leaders, Boyko Borissov and George Becali, who constructed their reputations as self-made men. They began drawing support from dissatisfied segments of the population.\(^5\)

One result in Romania was the break-up of the coalition government in March 2007. This was followed in May by an unsuccessful attempt by a sizable coalition in the legislature in a referendum to suspend Basescu from office and impeach him.

This detailed excursion into the latest elections and their consequences in the four countries points towards a new shift in focus, away from an emphasis on a liberal elite-driven, post-communist political transition. Such a transition did produce a relatively free and fair electoral process, with some differences rooted in specific historical circumstances. But it also succeeded, whether purposefully or, most likely, not, in conveniently avoiding significant mass mobilization towards a new type of “catchall” populist politics. The significance and implications of this new, still developing set of conditions for the quality of democracy is further examined in
an analysis of accountability, governance and the rule of law.

**Accountability, Governance and the Rule of Law**

According to Diamond and Morlino, a free and fair electoral process by itself does not represent a sufficient condition for democracy to be sustained in its substantive dimensions. These additional dimensions include: political, civil and socioeconomic rights, equality, and citizen responsiveness – understood as a perception that democratic government is “the best form of government for their country” (2005:xxix). Such a perception by a population can only be accomplished when democratic participation continues to engage both the electorate and officials between elections. Citizens should be informed by elected officials of decisions that affect them, or, in other words, officials should be held accountable.

However, as Philippe Schmitter points out (2005:18–31), accountability can be effective only when electoral or vertical accountability is sustained by horizontal accountability, as represented in and through judicial institutions and independent agencies. While constitutional bodies embody judicial institutions, it is independent agencies that act as “guardian agencies;” their role is to scrutinize government. One example of such “guardian agencies” are offices of ombudsman.

More generally, horizontal accountability ensures that the interactions “between arms and branches of the regime and state” conform to “present constitutional or legal rules.” At the same time, both types of accountability, horizontal and vertical, simultaneously sustain and are
mutually interdependent in respect to one important procedural dimension of democratic quality: the rule of law.

Schmitter emphasizes that in the context of democratic theory the rule of law represents “the legally based rule of a democratic state.” Along with the support of an independent judiciary, the rule of law ensures fair treatment of citizens and prevents abuses of state power. Therefore, it can be argued that both strong accountability and rule of law promote universalistic principles as well as the substantive practices of democratically elected institutions. These in turn buttress positive citizen perceptions of government responsiveness and their own effectiveness or ability in influencing government decision making.

In contrast to this, an undifferentiated legal and institutional structure combined with endemic corrupt practice undermines the basic equality of citizens in respect to political institutions. It thereby compromises the concept of citizenship as well as democratic legitimacy. One consequence of this is that certain segments of the electorate may come to support undemocratic alternatives.

The scores assigned by Freedom House on both dimensions of accountability – vertical or ongoing governance and horizontal or constitutional, legislative and judicial framework – reflect a pattern of performance similar to that in the areas of competition and participation. Moreover, this pattern holds true at both an earlier stage of the democratic transition and then during pre- and post-accession into the EU.

It can be argued that the development of a much stronger parliamentary, constitutional and judicial system in Hungary and Poland resulted in a more liberal form of political
competition. As a result, given the specific circumstances of the post-socialist transition, during which state assets were privatized, the temptations of institutional capture and the monopolization of decision-making by specific governing parties were to some extent limited.

That is, unlike their Bulgarian counterparts, both the Hungarian and Polish successors to the communist parties – the Hungarian Socialist Party (MSZP) and the Polish Democratic Left Alliance (SLD) – entered the democratic transition from the beginning as committed proponents of liberal political and economic reforms. As a result, both parties were instrumental in organizing the stability and consolidation of democracy in their countries. However, once this liberal consensus among political elites ended, as described in the previous section, mechanisms of horizontal accountability became weaker in Hungary and Poland after 2004.

In Bulgaria and Romania the early transition period was characterized by the domination of unreformed successors to the communist parties and weak opposition coalitions. This gave former communists an opportunity to undermine mechanisms of institutional or horizontal accountability. Furthermore, by monopolizing the state media and by manipulating and intimidating independent television stations and newspapers, they inhibited citizen access to a plurality of sources of information.

In more recent years, in contrast, as a result of the process of EU accession, institutions ensuring horizontal accountability were put in place, such as anticorruption strategies and reforms of the judicial system, which demanded more efficient, transparent and stable governance. Yet, given the continuing, strong opposition from segments of the political and economic oligarchy in Bulgaria and Romania during this process, the accession treaty contains a
safeguard clause in the area of judicial affairs. This could block EU recognition of the two
countries.

**Table 2 Overall governance scores**

<table>
<thead>
<tr>
<th></th>
<th>Bulgaria</th>
<th>Hungary</th>
<th>Poland</th>
<th>Romania</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>3.75</td>
<td>2.50</td>
<td>1.75</td>
<td>3.50</td>
</tr>
<tr>
<td>2005</td>
<td>3.50</td>
<td>2.00</td>
<td>2.50</td>
<td>3.50</td>
</tr>
<tr>
<td>2006</td>
<td>3.00</td>
<td>2.00</td>
<td>2.75</td>
<td>3.50</td>
</tr>
<tr>
<td>2007</td>
<td>3.00</td>
<td>2.25</td>
<td>3.25</td>
<td>3.50</td>
</tr>
</tbody>
</table>

*Source: Freedom House, Nations in Transit (2007), see footnote 2. It is important to note here that in 2004 Romania’s score was 3.75, so EU accession led to some (even if minor) improvement in governance.*

**Table 3 Judicial framework and independence scores**

<table>
<thead>
<tr>
<th></th>
<th>Bulgaria</th>
<th>Hungary</th>
<th>Poland</th>
<th>Romania</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>3.50</td>
<td>1.75</td>
<td>1.50</td>
<td>4.25</td>
</tr>
<tr>
<td>2005</td>
<td>3.25</td>
<td>1.75</td>
<td>2.00</td>
<td>4.00</td>
</tr>
<tr>
<td>2006</td>
<td>3.00</td>
<td>1.75</td>
<td>2.25</td>
<td>4.00</td>
</tr>
<tr>
<td>2007</td>
<td>2.75</td>
<td>1.75</td>
<td>2.25</td>
<td>3.75</td>
</tr>
</tbody>
</table>


These scores reflect not only differences between Hungary and Poland, on the one hand, and
Bulgaria and Romania, on the other, but also some differences between leaders and laggards.
More particularly, the constitutional arrangements resulting from the specific circumstances of
the 1989 anti-communist revolutions explain the superior performances of Hungary and Bulgaria in the areas of governance and judicial framework compared to those of Poland and Romania.

Hungary’s polity is organized as a parliamentary democracy. From the state its constitution allowed an effective separation of legislative, executive and judicial powers. This ensured a fairly balanced sharing of influence and power between branches of government and also between the main political parties and coalitions. The parliament and its special committees monitor the government’s activities through regular interpellations and questions. In addition it possesses the right to pass a no-confidence vote in respect to the prime minister (but not without prior nomination and endorsement of a new chief of government) which ensures stable governance between elections.

Equally, both the constitutional court and the institution of ombudsman are organized as representative and accountable bodies, which support the independence of the judiciary. The current Hungarian president, Solyom, is an energetic promoter of a strong judicial system. During his tenure as chief justice of the constitutional court, between 1990 and 1998, he promoted principles of individual rights under the concept of an “invisible constitution.” Under his leadership this court abolished laws limiting freedom of speech. He also lobbied for the creation of a fifth public ombudsman, covering environmental issues, and he supported extending civil rights, minority rights, educational rights and protections of information.

The introduction of a four-tier court system in 2003 also contributed to a more efficient justice system. This is particularly notable since most post-communist legal systems, including
those of Poland, Bulgaria and Romania, are overburdened by high numbers of unresolved cases – which they are extremely slow in finalizing. It is also remarkable that even under the difficult circumstances of the violent riots of September and October 2007, which both the Hungarian government and opposition were criticized for mishandling, the NIT assessment of the judicial framework and its independence remained unchanged even as the governance score declined to 2.25 (Kovacs & Villany 2007).

Compared to Hungary, Poland’s weaker performance in the area of its constitutional, legislative and judicial framework, and its even weaker governance structure, is a consequence of the different legacies of its communist regime. This influenced the constitutional arrangements of the 1989 roundtable and the subsequent type of political participation and competition that emerged from it. What constituted the strength of a diverse mass movement became a source of instability and fragmentation. That is, it had originally unified the anti-communist opposition movement Solidarity, both before 1989. Then, during the immediate aftermath of the negotiated transition, it also unified the extremely diverse composition of contributors, which included labor unions, conservative and religious groups, liberal factions, and intellectuals.

As a result of roundtable negotiations between former communists and Solidarity, the latter successfully won all the negotiated parliamentary seats in the partially free elections of June 1989. However, Solidarity as a political movement was short-lived. Because of its fragmentation and dissolution the first completely free elections, in 1991, resulted in as many as eighteen different political groups forming in the legislature.

Predictably, in the following two years Poland experienced unstable governance. After a
shift in power, from the Democratic Left Alliance (1993–1997) to a center-right coalition made up of Solidarity elements (1997–2001), the new government failed in the September 2001 elections to reach the required electoral threshold of eight percent needed simply for parliamentary representation. This not only opened the door for a return to a strong SLD, but also facilitated the entry of newcomers to politics. Some of these newcomers were guided by conservative and nationalist ideologies, including the agrarian and conservative Self-Defense Party (SRP) and the Christian-Nationalist League of Polish Families (LPR).

After 2001 the governance rating of Poland began to decline, from 1.75 to 3.25 in 2007. A significant deterioration occurred in the last year under the right-wing conservative Kaczynski government, as it engaged in activities geared towards concentrating power in the executive. For example, by replacing the existing civil service corps with new staff appointed by the executive, it politicized the civil service (Krajewski 2007). In addition, the Kaczynski government attempted to destroy its political opponents, represented by members of the two major actors in Poland’s political transition, the ex-communists and left-wing liberals of the post-Solidarity movement. It did so by passing in July 2006 a new and highly controversial lustration bill, intended to replace the legislation of 1997.

This bill was controversial because it defined so broadly the subjects of lustration (including all public officials, members of the legal profession, journalists, academics). If implemented, it could have affected as many as 700,000 people. Failure to submit an affidavit of collaboration with the communist secret services, or providing inaccurate information, could lead to severe punishment: from losing a job, to a ten-year ban from public office, to possible criminal prosecution (Jasiewicz 2007:31–32).
Turning to the constitutional framework, it took almost eight years after the roundtable for a constitution to be enacted. Prior to this, the framework functioned under the old 1952 communist constitution, to which some amendments had been added in 1992 (known as “the small Constitution”). This apparent legal continuity, and relative delay in drafting a new constitution, did not actually jeopardize newly acquired freedoms, due to the existence of consensus by civil society groups and political elites on democratic principles. Even after 2005, when the performance of the judiciary began to decline, the constitutional court still continued to fulfill its role as a supreme, independent judicial body. In May 2007 it reversed several provisions of the lustration bill, for being in violation of constitutionally guaranteed civil rights.

Freedom House ratings for Bulgaria and Romania in the area of governance reflect each country’s much slower progress since 1997 from “transitional government or hybrid regimes” towards semiconsolidated democracy,” a version closer to liberal democracy. In Romania’s case, these governance ratings also reflect an inability to break away from its early transition path, established through a violent popular uprising that led to the execution of former president Nicolae Ceausescu. Unlike the other three cases, power was immediately transferred to the National Salvation Front (NSF), which had emerged spontaneously, absent any negotiations between former communists and opposition movements.

It is important here to specify that the Romanian and Bulgarian polities exhibit significant differences: while Bulgaria is a purely parliamentary democracy, Romania is a semi-presidential parliamentary democracy. In the context of the Romanian transition, this type of polity, to a far greater extent than the Bulgarian one, inhibited both the development of the separation of
powers and the independence of the judiciary. Constitutional provisions granting the president the right to appoint judges and to place magistrates under the minister of justice gave former communists the upper hand in the judicial system.

However, in both countries mechanisms of horizontal accountability during the early transition were weak. This was reflected in significant interference by the political class in the independence of the judicial system, in weak legislatures, and in cronyism and corruption at the level of state administration. Low-level political competition favored state capture as well as the monopolization of power in the hands of a new political and economic oligarchy, which had originated in the former communist nomenklatura. Post-communists elites succeeded not only in significantly designing new democratic institutions but also in shaping themselves as predatory elites.

To the mid-1990’s, both the Bulgarian Socialist Party, from 1994 to 1996 under the premiership of Zhan Videnov, and the various successors to the Romanian National Salvation Front, from 1990 to 1996 under the presidency of Ion Iliescu, presided over the privatization of state assets and redistribution of national wealth. The beneficiaries of these economic reforms were former members of the nomenklatura and old communist security services.

One impact of this predatory behavior was an undermining and compromising of the administrative apparatus of the state, and another was a severe curtailing of the independence of the judiciary. By granting preferential treatment to a new oligarchy, both in securing capital and loans and in shielding them from the law, the financial systems of the both Bulgaria and Romania were effectively bankrupted. Political instability and social turmoil were the result.
The collapse of the banking system in Bulgaria in 1996 triggered major popular dissatisfaction, which led eventually in January 1997 to the fall of the Videnov government and return to power of the UDF. Similarly in Romania, thousands lost their savings following the collapses, in 1996 and 2000 respectively, of the heavily indebted Dacia Felix bank and National Investment Fund. The latter represented a state-run unit trust company founded in 1996. After an embezzlement scandal involving its executives, the NIF closed its branches in May 2000 and suspended trading with investors.

In this case in particular the judiciary was slow and inconsistent in settling compensation claims. This led to considerable discontent with a party that had, on a populist-nationalist platform, committed itself to defending against the predations of emergent capitalists and foreign investors. It thereby contributed significantly to the electoral victory of the center-right opposition coalition Democratic Convention (CDR) in 1996, the first alternation of power in Romania. But the sheer heterogeneity of the CDR led to inter- and intra-party conflicts among its members, which resulted in weak and unstable governance (no less than three governments were formed between 1996 and 2000) and the persistence of clientelistic practices (Tismaneanu & Kligman 2001: 25–34).

It was only after 2000, under the governance of a new modernized successor to NSF, the Social Democratic Party (PSD), that a party consensus on EU integration was reached and accountability mechanisms began being put into place. However, the activity of the legislature continued to be hindered between 2000 and 2004 by the endemic practice of passing executive emergency ordinances, which undermine the basic constitutional principle of separation of
powers.

In respect to Bulgaria, corruption under the UDF (1996–2000) persisted, but now primarily focused on misusing EU funds (Ganev 2006:75–90). Moreover, the Bulgarian legislature operated throughout the transition period in a more open and professional manner, unlike the Romanian parliament.

Given continuing lackluster political participation and competition, mechanisms of vertical accountability were not put into place in Bulgaria and Romania until later. In both countries the civil service had been heavily politicized as well as staffed with poorly trained employees. It was not until after 1998 that reforms were introduced to improve the performance of public administration.

In Bulgaria the Administration Act of 1998 so clearly failed to improve the quality of the civil service that in 2004 the Civil Service Law was amended to upgrade the recruitment and performance of civil servants. Only in 2005 was a national ombudsman appointed. Likewise, Romania introduced its legislation to reform its public administration in 1999 and 2002.

Thus, in both cases these reforms were regarded by the EU and civil society organizations as insufficient to introduce real changes in professionalizing the state apparatus. They were more akin to cosmetic reforms. But, in contrast to Romania, the Bulgarian constitutional court and the institution of ombudsman retained considerable independence from the executive. The Bulgarian court, set up during the first UDF government, opposed the reform plan of the Videnov government in 1994–1996. Later, in 2002, it opposed attempts to reform the judicial system that had originated in Simeon Sax-Coburg-Gotha’s cabinet.
In comparison, the Romanian supreme court experienced continuous executive interference, in particular from former president Iliescu. In 2005 the court was still dominated by the former ruling PSD party: no less than five of its nine judges once belonged to the party. Even after 2004, when judges were granted tenure, and after a new minister of justice launched a determined campaign to reform the justice system and support its independence – a campaign stimulated in part by impending EU accession – the supreme court was still hesitant to act independently of its former political patrons.

Ultimately, it can be argued that Romania’s weaker mechanisms of horizontal accountability, especially in relation to the constitutional and legislative framework, can be attributed to a deficit in political competition during the first decade of its political transition. The latter, in turn, resulted from the circumstances of the December 1989 uprising.

This legacy continued to handicap Romania’s governance and judicial framework during the two years preceding EU accession, when it commenced its fast track of judicial reform. Since 2005 this was led by Monica Macovei, a newly appointed and highly popular minister of justice backed by President Basescu. It was in fact external pressure from the EU that managed to ensure the stability of the coalition government between 2005 and the January 2007 accession. This external pressure tempered the opposition of domestic anti-reformist forces to Macovei’s “Strategy and Action Plan to Reform the Justice System,” the Plan which ultimately increased the professionalism and independence of the judiciary. The same Plan also promulgated several decisive anti-corruption measures (Ciobanu 2007: 1446–1447).

In comparison to Romania, Bulgaria’s NIT ratings in the area of governance and the
judicial system ranked it with Hungary and Poland among the consolidated democracies of post-communist countries. Despite the volatile and unstable political situation resulting from the 2005 election, the coalition government, consisting of the Bulgarian Socialist Party (BSP) and National Movement Simeon II (NMSS) set up in August 2005, introduced reforms that enhanced the transparency, efficiency and accountability of the judiciary. The most important reform was a constitutional amendment, introduced in March 2006, requiring the prosecutor general and chairpersons of the supreme administrative court and supreme court of cassation be accountable to the legislature. It also contains a provision that allows the ombudsman to petition the constitutional court (Dorosiev and Ganev 2007).

The analysis above of the four cases has shown a linkage in post-communist democracies between constitutional frameworks and democratic political participation and competition. This linkage suggests that constitutionally designed arrangements, achieved through negotiation and consensus, can lead in turn to a more mature political pluralism, one that facilitates competition within the framework of democratic norms and procedures.

However, it can also be argued that the choice of these four cases does not offer sufficient variation for comparative analysis, given that all four ultimately followed a similar path of democratization triggered by mechanisms of EU conditionality. As a result, broader generalizations cannot be supported.

Our counterargument is that the advantage of having less variation is that it provides us with much greater in-depth understanding of the interaction between competition, participation and accountability, and then also of the way in which an external dimension influences this
dynamic. Since these dimensions, internal and external, represent the major variables of post-communist transition, our comparison becomes preferable within the conceptual framework of the quality of democracy model noted earlier.

At the same time, we examined, in the Romanian case, the incentives and limitations of the externally required dimensions of democratic quality. More important, we also emphasized the weaknesses of elite-driven institutional reforms. We did this by tracing the disturbing direction Hungarian and Polish democracies took following the liberal reforms symbolized by their successful EU accession. Although these short-term political shifts could not be explained easily in terms of the quality of democracy model, their detailed presentation confirms once again an important point made by proponents of this model and by students of democratization more generally. Consolidated or institutionalized democracies are simultaneously stable and yet imperfect. Given, therefore, that democracy always is an ongoing, perfectible project, which goes beyond its institutionalization at any given time, political upheavals are not uncommon events even in consolidated democracies.

What still remains to be clarified is a uniformity across the four cases, regardless of country differences in level of democratic deepening: Low citizen political participation and a widespread perception that democratic governance by no means expresses any semblance of rule by the will of the people. The next section focuses on mechanisms of horizontal accountability and issues of corruption. It also pursues further an analysis of the question of citizen participation. We present evidence of public attitudes and perceptions of democratic institutions and the latter’s performance – or, in the vocabulary of the quality of democracy model, evidence of political responsiveness.
Corruption/Horizontal Accountability Mechanisms and Responsiveness

Having discussed how political and constitutional bodies in the four post-communist countries have been designed and how they fulfill their functions, it is necessary in assessing the quality of democracy to analyze the extent to which design and function complement and reinforce each other. This issue gets us specifically to mechanisms of horizontal accountability, which are “usually manifest in the monitoring, investigating, and enforcement activities of a number of independent government agencies... and other bodies that scrutinize and limit the power of those who govern” (Diamond and Morlino 2005:xxi).

Given the specific circumstances of post-communist transitions and the legacies inherited from communist rule, horizontal accountability seems to be particularly problematic. After all, communist regimes created particularistic societies in which people learned to distrust state institutions. They relied on networks of family and friends to provide for their needs, and they accepted and engaged in corrupt practices and behaviors when interacting with public officials and state institutions. The author of one of the most comprehensive studies of corruption in post-communism, Rasma Karklins (2005), demonstrates that these societies share the most permissive attitudes towards corruption. These attitudes were then exacerbated during the transition stage, and particularly by the privatization of state enterprises.

This state of affairs was aggravated by the behavior of post-1989 predatory political elites, who continued to exert power in a personalized manner by engaging in informal practices such as clientelism and patronage. These practices led to a considerable weakening of post-socialist states, particularly in Bulgaria and Romania where low political competition and
continuing domination by one political party facilitated a deeper insertion of the new oligarchy into public administration.

The expansion of the state through new agencies charged with privatizing state assets occurred to a greater extent in Bulgaria than Hungary or Poland (Anna Grzymala-Busse 2007:160–163). However, Nicolae Belli (2001) documents a similar over-expansion in Romania. The new Romanian oligarchy was represented by an association of interests spanning networks of: former members of the nomenklatura, with deep ties in the former socialist economy, former communist secret police, and new political elites drawn from middle and higher echelons of pre-existing communist parties. By taking full advantage of inside knowledge of the system and of ties with the financial and law enforcement systems, these groups became the main beneficiaries of state privatization.

This route to private wealth accumulation resulted by the mid-1990s in changing popular perceptions of the socialist past. A more positive (even nostalgic) view of socialism emerged as well as a stronger sense of the direct relation between social justice and evaluations of political systems.⁷

With EU assistance and advice, anti-corruption agencies and other mechanisms of horizontal accountability began forcefully to be implemented after 2000, aimed at enhancing the rule of law. However, the decline in corruption scores of Hungary and Poland and the ongoing political attempts to undermine anti-corruption institutions in Bulgaria and Romania (despite an increase in NIT corruption scores before and after accession) indicate that these reforms were pursued not as a goal in itself but as means for achieving EU accession. These ratings also reveal
that there is an evident hiatus between levels of corruption and the accountability mechanisms discussed earlier (governance and the rule of law), despite differences in the quality of democracy between leaders and laggards.

Karklin’s analysis shows that among the most successful strategies used by the political class to limit the power of accountability agencies have been: institutional capture, monopolization of decision-making, discretion, and resistance to accountability. In the case of anti-corruption agencies whose role is to monitor public officials, verify private assets, and fight corruption in public procurement, these strategies are easily identifiable. Members of parliament and other public officials avoid declaring their assets or conceal them with family members. One spectacular example involved Adrian Nastase, former Romanian prime minister and speaker of the lower house at the time, whose legal disclosure in 2005 revealed that his wife inherited assets worth one million euros from a deceased octogenarian aunt, allegedly active in real estate.

<table>
<thead>
<tr>
<th></th>
<th>Bulgaria</th>
<th>Hungary</th>
<th>Poland</th>
<th>Romania*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>4.75</td>
<td>2.50</td>
<td>2.25</td>
<td>4.25</td>
</tr>
<tr>
<td>2005</td>
<td>4.00</td>
<td>2.75</td>
<td>3.00</td>
<td>4.25</td>
</tr>
<tr>
<td>2006</td>
<td>3.75</td>
<td>3.00</td>
<td>3.25</td>
<td>4.25</td>
</tr>
<tr>
<td>2007</td>
<td>3.75</td>
<td>3.00</td>
<td>3.00</td>
<td>4.00</td>
</tr>
</tbody>
</table>


* Lower scores for Romania should not be interpreted as lack of progress under the circumstances of accession because in 2002 the corruption score was 4.75 and for the next two years 4.50.
Quite often criminal activities link the political class with law enforcement agencies. In 2003 the Polish political establishment was shaken when the media revealed that police leaked information to members of the governing party, the SLD. Sometimes extreme acts are perpetrated, such as assassinations of state officials, as was the case in Bulgaria when officials attempted to dismantle the complicated network of corruption linked with the economic conglomerate Multigroup.

There is, in addition, extremely weak transparency within political parties. Regardless of political orientation, parties routinely engage in illegal campaign funding. The intention here is not simply to list such incidents, but to indicate the extent to which widespread deficiencies exist in promoting institutional mechanisms ensuring accountability among elected officials. Studies conducted by international agencies, such as Transparency International, the World Bank, the Council of Europe, or by individual researchers illustrate that corruption in public agencies (health, education, state administration) is not only widespread throughout the region. It is also accepted and encouraged by a cynical public.

As the table above shows, corruption ratings in Hungary and Poland began to deteriorate after 1999, when scores were respectively 2.50 and 2.25. The international community, particularly the Organization for European Cooperation and Development (OECD) and the EU, viewed this with concern because its impact on international business transactions could be negative.

This is the case in Hungary where, although there are some state institutions empowered to fight corruption, such as the Central Investigation Department of the National Office of the
Prosecutor and the State Audit Office, there are problems in implementing anti-corruption legislation. Among these, Kovacs and Villanyi (2007) mention: the difficulty of following the use or application of public and EU funds, bribery leading to an increase in the costs of public procurements, and a lack of transparency in the financing of political parties as a result of the latter’s dubious associations with business.

Poland’s corruption ratings also began to reflect a decline since 2003, when the corruption score went from 2.25 to 2.50, and then reached 3.25 in 2006. A series of corruption scandals involving the left-wing governing party, the SLD, contributed to this despite the government’s success in integrating the country into the EU and president Alexander Kwasniewski’s high profile in foreign affairs. A former top member of the communist party and former president of Poland for two terms, Kwasniewski effectively made Poland an active player in the international arena as a strong ally of the United States in Iraq and as an active supporter of the Orange Revolution in Ukraine.

One of the best examples of how the Polish political class nonetheless undermines various mechanisms of vertical accountability is the “Rywingate” media bribery scandal of 2003. Top members of SLD were alleged to have attempted to extort money from the media holding company Agora in exchange for legislative favors. After a string of reduced sentences, Lew Rywin (considered the best film producer in Poland) served only half of his sentence and was released from jail in November 2006. Another example is that accusations against Kwasniewsky’s alleged ties with the oligarchy ultimately led to the resignation of the prime minister Leszek Miller, paving the way for the “fourth republic of Poland” noted earlier.

Consistent with electoral promises and an anti-corruption platform, the new government led by
Jaroslaw Kaczynski of the conservative PiS established in June 2006 the Central Anticorruption Agency (CAA), with the authority to investigate high-level corruption by reviewing asset statements of senior officials. So far the CAA’s activity has resulted in arrests of several prominent officials as well as extradition of a U.S. businessman involved in a 2001 murder of a Polish police officer (Krajewski 2007). As a consequence of this anti-corruption campaign Poland’s corruption score improved to 3.00 in 2007.

However, it still remains to be seen how effective the campaign will be, or whether it will become part of a witch-hunt similar to the lustration law discussed earlier. Thus far, both the president and the prime minister have engaged in gross violations relating to freedom of the state media and other acts of censorship. It is worrisome that the score for the independent media (an important accountability mechanism) dropped to 2.25 in 2007 from 1.75 the previous year.

In respect to Romania and Bulgaria, weaker political competition characterized by the domination of successors to the old communist parties, and weaker democratic opposition during early stages of democratic transition, facilitated state capture and inhibited development of mechanisms of horizontal accountability. Corruption scores in 1999 placed both countries, unlike Hungary and Poland, in the category of semiconsolidated authoritarian regimes. Former members of communist secret services and the political and economic nomenklatura joined forces with post-communist governments in weakening the state apparatus. They did so largely by using state agencies to dispense favors and privileges to members and allies of the new oligarchy.

In both Romania and Bulgaria, members of the communist elite had the opportunity in
the 1980’s to learn something about mechanisms of the market economy in the West and to establish foreign contacts, which they effectively exploited after 1989. Ilia Pavlov, for example, a former wrestler married in the 1980’s to the daughter of the former Director of Military Counterintelligence and well connected to an international network of arm dealers that included Russians, became president of the Bulgarian Multigroup. The vice-presidents and general directors, in turn, were either connected to the new power structure or former ministers and directors of state socialist enterprises (Ganev 2001).

In Romania relatives of former nomenklatura (including some members of the Ceausescu family) also made their fortunes with the assistance of family capital and connections. A notorious case is that of Dan Voiculescu, currently owner of an important media trust with substantial political influence. His wealth dates back to the communist period when, as an agent of the secret police, he was involved with a Cypriot company, Crescent, which Ceausescu used for import-export operations and money laundering (Gabanyi 2004:353–372).

After 2000 the EU became directly and actively involved in designing and implementing anti-corruption legislation and institutions capable of operating without political interference. In Bulgaria two anti-corruption government bodies were created in late 2002 and became operative in 2003: the Commission for Coordinating Actions Against Corruption and the Parliamentary Commission on Fighting Corruption. In addition, a Private Judicial Enforcement Law was passed in 2005 with the purpose of speeding up enforcement of judicial decisions.

Likewise, institutions and legal mechanisms were also put into place in Romania to address high-level corruption and to ensure accountability and transparency by the political
class. These include the National Anti-corruption Prosecutor Office, the National Anti-Corruption Department, and the National Agency of Integrity (Noutcheva and Becheve 2008: 114–144).

Bulgarian and Romanian governments both undertook even more concrete anti-corruption measures in 2005 and 2006, amidst pressures to comply with the 2005 accession deadline, including a threatened delay of accession for one year if satisfactory progress was not achieved in this area. In Bulgaria, the mayor of Sofia was prosecuted in 2005 and a year later several mid-level government officials were dismissed following corruption allegations (Dorosiev and Ganev 2007). In Romania, thanks to the perseverance of justice minister Macovei and the support of President Basescu, corruption charges were filed against members of the political class. Among those charged were representatives of the political opposition, including former prime minister Adrian Nastase. But also charged were a deputy prime minister and two ministers of the current government, several members of parliament, magistrates, and dozens of law enforcement employees (Mungiu-Pippidi 2007b). These measures were positively received and acknowledged in the last comprehensive report of the European Commission in September 2006.8

However, after January 2007 it became questionable whether the anti-corruption campaign in these countries would genuinely and consistently continue. The Bulgarian judicial system failed to address the numerous contract killings (around 150) that took place between 2001 and 2006 as well as more recent killings of local politicians, after January 2007. In Romania, after Macovei’s dismissal, the new Minister of Justice, Tudor Chiuariu, with the active
involvement of a number of politicians, made serious attempts to undermine the independence and limit the legal powers of the principal mechanism of horizontal accountability created with EU assistance, the National Anti-Corruption Department (DNA) (Mungiu- Pippidi 2008).

These recent developments seemed to confirm EU suspicions, and led to its insistence that after accession both countries must report every six months on progress in reforms to curb corruption and streamline their judiciaries. The first follow-up report, issued in June 2007, was partly ambivalent but stated that in both countries “progress in the judicial treatment of high-level corruption is insufficient.” Although there were no sanctions at the time, the safeguard clauses could still be imposed in June 2008. Meanwhile, in a February report the EU raised serious concerns about the course of DNA criminal investigations (initiated by the DNA) that involved eight former and serving ministries in Romania. Some of these files had been referred back by judges to the prosecution on procedural grounds.

There are several conclusions to be drawn from this analysis of the significance of horizontal accountability mechanisms for the quality of democracy in post-communist societies. The first conclusion is that neither elite-driven constitutional arrangements, nor relatively stable and fair political competition and participation, could entirely overcome the legacies of communist regimes, that is, weak civil society groups and poor popular conceptions of citizenship.

To a certain extent, an earlier alternation in power between former communists and anti-communist opposition as well as a stronger judicial framework in Hungary and Poland prevented the degree of institutional capture and patronage-driven state-building found in
Bulgaria and Romania. But, as the ideological differences between these two major political actors became increasingly irrelevant, it also became clearer to the public that behind their liberal policies both benefited equally from the spoils of transition. Current political polarization and instability in Hungary as well as preference for right-wing populism in Poland both indicate that electorates in these two countries are no longer seeking mere governmental change. They are seeking a change in their relationship to the government based on some measure of trust and accountability.

On the other hand, the cases of Bulgaria and Romania clearly show that when an external actor, the EU, becomes actively instrumental in implementing mechanisms of transparency and accountability there is some tendency of domestic political actors to resist. This resistance then weakens and destabilizes national governance. Ultimately, electoral preferences in Bulgaria and Romania suggest that a path similar to that in Hungary and Poland is now being pursued. It can be argued that this apparent crisis should not be interpreted as a rejection of democracy by East and Central European citizenry. It should instead be seen as some evidence of democratic deepening, in which electorates attempt to become more active participants in the democratic process.

In support of this claim, we turn finally to the last dimension of the quality of democracy model – responsiveness – understood as citizen confidence and satisfaction with the performance of democratic institutions. The results of the 2004 New Europe Barometer (NEB) survey and of the 2006 Barometer of the New Democracies (BND) offer an important insight into some of the essential aspects of democratic legitimacy in this sense.
The 2004 survey illustrates that a significant majority of the populations in each country (close to 80 percent or more) perceive government as unresponsive to their needs. An even greater majority (close to 90 percent or more) perceive themselves as powerless in respect to their ability to influence government policy (Rose 2005). The BND survey shows that the level of trust in political parties is nearly as low in the four countries (66 percent). In Hungary, Bulgaria and Romania more than 50 percent of respondents mistrust parliament.

But even if democracy remains remote and distant for most citizens, and even if they express disillusionment with the performance of democratic institutions, democracy still represents for them the most – perhaps only – viable form of government. According to the BND survey, anti-democratic alternatives such as suspension of parliament or reliance on a strong leader represent the option of less than a third of respondents. If one compares these data with the results of a 1991 early transition survey, when general but probably uncritical support for democracy was shared by an absolute majority of public opinion (with even higher support in Bulgaria and Romania where communist regimes were most repressive), it is fairly evident that citizens of East and Central Europe have become much more informed, rational and critical of democracy (see Rose and Mishler 1994). Moreover, experience with democracy leads to higher and more precise expectations about what democracy can accomplish. Such experience is also conducive to greater awareness and understanding of an important existing gap between democratic ideals and principles and actual government performance.
Conclusions Regarding the State of Democratization in Post-Communism and the Quality of Democracy Model

We conclude by addressing two types of empirical and theoretical questions regarding the state of democracy in Bulgaria, Hungary, Poland and Romania. First, the extent to which the transition to democracy in these countries has been achieved or whether future challenges lie ahead. Second, the utility of the quality of democracy model in understanding the post-communist case.

Given the durability of democratic institutions and the support of majority electorates for democracy as the preferred form of governance, the institutionalization of democracy has essentially been achieved. But from the perspective of the early paradigm of democratic consolidation, other trends cannot easily be explained, namely current high levels of mistrust and dissatisfaction with the political class and democratic institutions, unstable governance, and political polarization. By employing some of the procedural and substantive aspects of the quality of democracy model, we reached some conclusions regarding how the convergence of some of these dimensions has led to institutionalizing democracy. It is important to note at the same time that this same convergence has been at the expense of stalling or retarding democratic deepening.

During their early stage of democratic transition, democratic consolidation in Hungary and Poland was accomplished as a result of fair and balanced political party participation and competition facilitating good governance, a solid constitutional framework, and a relatively independent judiciary. However, this participation effectively failed to involve the citizenry. It
instead remained the exclusive territory of incumbent governments, which decided the course of liberal political reforms and socio-economic policies. Eventually, after the late 1990s, the Bulgarian and Romanian governments followed the same path.

Under the circumstances of weak mass participation, the mechanisms of horizontal accountability put into place amidst EU accession have had little impact in stemming corruption by political elites. When these mechanisms did make some difference in promoting governmental accountability, it was short-lived, triggered strictly by external pressures, particularly in Bulgaria and Romania. Finally, when electoral politics in Hungary and Poland did begin to appeal to and involve mass participation the overall quality of democracy tended to decrease. Greater participation was accompanied by setbacks in the areas of governance and corruption. Despite the EU’s threat to invoke the safeguard clause these tendencies also remain strong in Bulgaria and Romania.

These tensions suggest that the interaction between the proposed dimensions of the quality of democracy model is not necessarily conducive to the achievement of democratic quality on the ground. Diamond and Morlino themselves acknowledge that there are trade-offs and incompatibilities between some of the dimensions.

In the case of post-communist democracies some of the legacies of communist regimes – particularistic societies, weak states prone to cronyism, patrimonialism and corruption – pose to varying degrees the biggest challenges to democratic deepening. What still remains unclear and unanswered is how the hoped-for outcome of democratic quality, that is, responsiveness or democratic legitimacy, can be effectively institutionalized? Thus, it can be argued that although
the model proves its ability in providing us with more precise empirical tools in assessing the
specificity of the various dynamics and peculiarities of the cases we considered, it is less
successful in clarifying this crucial question.

Perhaps the answer lies in the weaknesses of the liberal democratic model itself. The
fact that the process of democratization became so intertwined with the liberal project of
Europeanisation, and perhaps unintentionally led to the current state of political affairs in our four
cases, indicates substantial imperfections in this western liberal model. It might also be the case
that the built-in expectations of the model are set so high as to almost guarantee failure among
countries newly embarking on such a difficult course of political transformation. Conceptual
models deriving from the western liberal model, therefore, may include criteria of consolidation,
deepening or quality which ultimately prove incapable of realizing, however valuable in many
respects they may be. The most recent populist rhetoric and electoral gains of populist parties in
Bulgaria, Hungary, Poland and Romania seem in this regard to illustrate one of the old dilemmas
in democratic theory and practice: the disparity between government effectiveness and
government popular legitimacy.

Acknowledgments

I would like to thank Venelin Ganev for useful comments on an earlier version of the article as
well as two anonymous reviewers for helping me clarify some of the conceptual and empirical
material.
References


Arato, Andrew. 2000. Civil Society, Constitutionalism and Legitimacy. New York:
    Rowman and Littlefield.

    22–25. ———. 2007. “Poland has made a humiliating farce out of dealing with its ghosts”.

Belli, Niculae. 2001. Tranzitia mai Grea Decit un Razboi [Transition more Difficult than
    War]. Bucharest: Expert.

    Pp. 3–14 in Democratic Legitimacy in Post-Communist Societies: Concepts and


    13:5–21.

Commission of the European Communities. 2006. “Monitoring Report on the State of
    Preparedness for EU Membership of Bulgaria and Romania”, September 26. Retrieved


Pridham, Geoffrey. 2005. *Designing Democracy: EU Enlargement and Regime Change in*


Notes

1) The results of a 2005 Gallup poll on global views of democracy show that unlike North America, Africa and Western Europe, where more than 80 percent of those surveyed agree that democracy is the best available form of government, in East and Central Europe support is only 68 percent. Although the perception that the experience of rule by the will of the people nowhere scored high (the highest score is 37 percent in North America), East and Central Europe have again the lowest score, 22 percent.

2) Freedom House classifies the regime type on a scale from 1 to 7, wherein lower scores indicate improvement. This results in the following designations: consolidated democracy (1–2); semiconsolidated democracy (3); transitional government or hybrid regime (4); semiconsolidated authoritarian regime (5); and consolidated authoritarian regime (6–7).

3) For a comprehensive analysis of the quality of successors to the communist parties and their relationship with accession into the European Union see Milada Anna Vachudova (2005).
4) The results of the 2004 New Europe Barometer collected by Richard Rose show that the combined percentage of those who have little or very little interest in politics is 60% in Bulgaria, 70% in Hungary, 63% in Poland and 72% in Romania. As for party identification, even if this is higher in Bulgaria and Hungary (38% and 36%) overall it still remains low.


