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Problems of Representative Democracy in Europe

A Challenge for Progressives

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Enhancing representative democracy pre- and post EU accession

This publication is the product of a successful, multi-annual cooperation between FEPS, the progressive European think tank, the European Forum for Democracy and Solidarity, a social democratic NGO with a lot of experience in studying democratic transitions in Europe and the Karl-Renner-Institut (RI), the political academy of the Austrian Social Democratic Movement.

It was back in the first stage of our joint project, which dealt with EU enlargement anno 2012, that we planned a follow-up concentrating on democracy issues pre- and post EU accession. The Karl-Renner-Institut from Austria then became the third partner.

The successful transformation of new member states and candidate countries to EU standards depends on the quality of their representative democracies and the state of their rule of law. We observed that although progress has been made in these areas, there are still shortcomings that hinder the successful European integration of these countries.

The articles in this book illustrate this point, focussing on problems such as the return of authoritarianism, the role of selfish elites, weak institutions and extremist populism. They implicate the European Union, which has not always given sufficient priority to these issues in its dealings with newcomers and applicants. This has damaged the reputation of the EU that is and was already put under pressure by the crisis of the Eurozone (and the way it has been handled) and the anti-enlargement mood in many EU countries. The lack of positive output by the EU has also reduced its popularity in the EU itself. This has led to growing Euroscepticism, anti-European rhetoric and the rise of anti-EU parties. This puts traditional parties and representative democracy as such to the test although it certainly is not the only factor contributing to the loss of support for the way our countries are generally run.

We invited academics from older and newer EU member states and from candidate countries to participate in the project, asking them to develop together – with a series of seminars and work visits – the contents of this book. Though all authors share the same democratic principles, it soon became obvious that there is no one definition of democracy in practice and that the diversity of backgrounds is enormous. This explains the variety of the contributions and subjects touched upon. There is no single explanation of the problems of representative democracy; there are no single solutions. Nevertheless after having read this book, the reader will have a better grasp of the issue at hand and a better idea of a (progressive) answer to the questions posed. Positive steps in that direction have been made recently. One should very much welcome the fact that democracy and the rule of law have become absolute priorities in membership negotiations. The new European Commission will develop a rule of law mechanism for internal EU use. That is also very promising.

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An introduction

The state of democracy in Europe
Alarming developments in new and old member states

JAN MARINUS WIERSMA

There are growing concerns about the state of democracy in Europe, in both East and West. Whether it is the rise of populism, the anti-democratic mentality of Russian President Vladimir Putin or the rejection of liberal democracy by Hungarian Prime Minister Victor Orban, the number of threats is growing.

This is all the more alarming since the origins of representative democracy can be found in our continent. These days however its essential values have come under pressure. The prediction of Francis Fukuyama that after the collapse of communism liberal democracy would prevail everywhere has not come true. Instead the warnings of Fareed Zakaria against the dangers of illiberalism seem to be more realistic.

While there have been no attempts to overthrow democratic rule as such either in the EU or in countries that are (potential) candidates for membership, it has been harder than imagined to establish a strong political culture of pluralism, respect for opposition and free media in the post-communist countries. At the same time we have seen many voters in the old democracies turn against traditional politics.

These changes of attitude also have an impact on the European integration process as such and on EU enlargement. Both are being approached in a much more critical way on both sides of the former dividing lines in Europe.

Scope of the publication

The title of the project, of which this publication is the product, has a positive and ambitious connotation: *Enhancing democracy pre- and post EU enlargement.* These days, however, many speak in much darker terms of a crisis of representative

democracy in Europe as if it has failed completely. Maybe that is too pessimistic and we should rather use the words weaknesses or shortcomings.

In this publication we have avoided a complicated debate about definitions of democracy since there are so many and we prefer to refer the reader to Bernard Manin and others who have made this their specialty (Manin, 1997). One can distinguish general European trends and manifestations in the development of our democracies, but also very specific country situations as we found out during work visits to Bosnia and Herzegovina – how can democracy work in a non-functioning state? – and Greece – where an economic emergency caused political havoc. Even though citizens express the same kind of frustration about politics in new and old EU member states and in candidate countries, its origins are not the same. It is very important to make this distinction since it explains the diversity of the contributions to this book and the variety of answers authors come up with depending on their background. Most contributions deal with the situation in countries that have recently joined the EU or intend to do so in the near future. These are countries that have transited from communist rule to democracy, from a planned to a market economy, or are still in this process. The problems they confront have different roots than those we can observe in the more established democracies of Europe. A certain fragility seems to make them more vulnerable to populist and nationalist politicians and parties that neglect certain basic democratic rules. Weak institutions, an underdeveloped party system and biased media play into the hands of these groups. The trend in others parts of the EU is one of disillusioned voters turning away from traditional (EU) politics towards populist and extremist parties on the right and the left. What both the older and young democracies have in common are a growing lack of trust in the political elites and institutions and decreasing turn-out at elections.

After a promising start…

Most of what can be observed today, was not visible – or far below the surface – when dictatorial rule ended in Central, Eastern and South Eastern Europe. The collapse of communism in 1989 marked the start of an era of optimism about the future of liberal representative democracy, both in the wider Europe and elsewhere.

This also explains the popularity of Fukuyama's 'End of History' (1989)[1] in which he described the end of totalitarian ideology and predicted that the future would be liberal, democratic and 'boring' – the European Community and its internal market being the new model. 'Marketization', as he called it, would become the rule in international relations. Fukuyama was convinced that the state of consciousness that permits the growth of liberalism would prevail.

Fareed Zakaria, in 'The Rise of Illiberal Democracy' (1997),[2] did not share his optimism. Of course he wrote his article many years later and had been able to see 'new' democracy in practice. He warned against the abuse of democracy by elected politicians who use illiberal means to curb their opponents, violate human rights and promote authoritarian rule. Democracy without constitutional limits is just about the accumulation of power and its use, he argued. It creates the dangerous (and very contradictory) situation in which people in fact vote for politicians that will use their eventual victory to make their citizens less free.

Gliding scale

We should heed the warnings of Fareed Zakaria since they concern a very serious threat to democracy in countries that were celebrated as being finally free in 1989. In some parts of Europe we can observe examples of illiberal democracy and of politicians who exploit the weakness of democratic institutions to govern in an authoritarian way. Resurgent authoritarianism is one expression of the growing vulnerability of representative democracy in immature democracies and of course the most dangerous and worrying one. One should however distinguish causes from effects. Nationalist movements and authoritarian political leaders grab the chance to exploit the lack of democratic maturity and a weak political system in their home countries and take advantage of the dissatisfaction of disillusioned voters who expected more of the change from communism to democracy. Their popularity and electoral support allows them to use the rule of law as a political instrument instead of applying it as a constitutional principle. As winners they

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1. *The National Interest*, Summer 1989

2. *Foreign Affairs*, November-December 1997

take all. They prefer to use populist and nationalist slogans to package their message. They tend to be socially conservative and intolerant of others and their ideas. We see this most clearly in countries such as Russia and Belarus but this trend is also obvious in some new member states and (potential) candidate countries, while questions have also been raised when an Italian Prime Minister abused his ownership of part of the media.

These politicians and parties reap what others have sowed as they profit from the unpopularity of their more democratic opponents. Hungary – read the recent speech of Prime Minister Orban attacking liberal democracy – and Russia are only more extreme examples of where democracy became a façade or threatens to become one. They represent the most visible examples of a trend that is also threatening other young democracies. Researchers label them as 'fake democracies', 'grey zones', 'defective democracies', 'hybrid regimes' or elective dictatorships.

The more firmly established democracies under pressure

Although the threat to constitutional democracy in the post-communist countries seems to be the most worrying phenomenon in the Europe of today, representative democracy as such has also become problematic in countries where the rule of law as such is not in danger.

Parties – especially those that are or have been in government – and their politicians – the pillars of representative democracy – have lost the trust of (sometimes large) parts of the electorate who have either decided not to vote anymore or have turned to left and right-wing populists – anti capitalists or nationalists. This can be observed both in the more mature as well as in the young democracies although of course it is difficult to speak of traditional parties when dealing with the second category.

However, the political elite generally has lost support all over Europe by being (portrayed as) selfish or corrupt, handing over powers to technocratic institutions and agencies and not fulfilling promises of a better life (after communism for example) but instead making things worse by 'surrendering' to globalization or Brussels' neoliberalism. This is a recurrent theme in the ar-

ticles of this book. A dangerous cocktail of frustration with globalization – in the West – and those who were left behind in the transition processes –in the East – has helped parties on the fringes to grow in a spectacular fashion. Add to this immigration fears – again in the West – and the growth of anti-EU sentiments – fed by the crisis in the Eurozone and high unemployment in most EU countries – amongst broad segments of the population and the dramatic picture is more or less complete.

The traditional left in particular must face the challenge of countering these trends and changing the outlook. But so must the EU which has not only lost normative power and democratic support but is often seen as the culprit for all wrongs, being undemocratic and run by neoliberal fanatics or bureaucrats.

Themes addressed

This book offers a wide variety of assessments and explanations of what is threatening representative democracy and which remedies could help restore public trust in its practice and its fundamental values. The articles show that although general trends can be identified, they lead to very different outcomes (and possible scenarios) depending on the state of the societies that have been addressed.

The social economic context was mentioned above as being of prime importance to the theme of this book. Another issue raised here by some is that representative democracy is in fact undermining itself by creating confusion about who is accountable for what. The widespread phenomenon of double delegation – outsourcing important public functions to non-elected agencies and institutions – is alienating the ordinary voter since in these cases elected politicians cannot be held to account . Many regard the European Central Bank (ECB) as a good example of this phenomenon.

Democracy is not (or should not be) just a set of formal rules on how to organise government. To function properly and convincingly, it needs a systematic culture of checks and balances in place. Democracy needs informal rules on how to reach compromises in an inclusive way. People judge democracy by its practice. Serious shortcomings both in terms of input (the quality of the

democratic process) as well as output (more prosperity for example) still exist in many parts of Europe not the least in Central, Eastern and South Eastern Europe. Elections have sometimes been abused and constitutional guarantees have been ignored, as mentioned already. Thus it can happen that elections legitimize practices that actually limit pluralism such as the open manipulation of facts to promote intolerant forms of nationalism as seen in Serbia where villains have been turned into heroes. In the Western Balkans the democratic regimes are not yet consolidated, as democracy is often seen as a means and not as an end.

But even where the EU has supported transformation in Central, Eastern and South Eastern Europe and has contributed to the establishment of independent democratic institutions, they do not always function properly. There are many examples of how the EU 'screening' process has let the (selfish and corrupt) elites off the hook or has promoted mechanisms that turn out to be counterproductive – take the example of judicial autonomy actually protecting judges appointed under the 'old' regime that have not changed their old habits and can in no way be held accountable. The lack of trust in representative democracy is also fed by a growing scepticism about the EU and its institutions which the populists are keen to exploit. Because people find it difficult to identify what the EU really stands for, they use social, normative or rational arguments to turn away from it. But even more dangerous to the EU and the enlargement process could be the changed – and much more negative 'us versus them' – narrative being adopted by mainstream parties.

Representative democracy stands for multiparty systems since it is through parties and their political programmes that voters have a choice. But parties have in a way become part of the problem, one of the causes of a lack of trust and regarded as the exclusive vehicles of political elites and their (personal) ambitions. They are not always exemplary of the democratic ideals they claim to promote. Many of them lack internal democratic rules – especially in countries where the multiparty system had to start from scratch – and transparency is not always a priority even though some held open leadership elections. Many voters complain that is has become difficult to discern left wing from right wing parties because their policies are often the same.

The present crisis has also ignited a more fundamental debate about the problems of representative democracy (Manin, Rosanvallon). We have already