Hooligans or Saboteurs? Democratic Backtracking in Eastern Europe

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HOOLIGANS OR SABOTEURS?

Democratic Backtracking in Eastern Europe

Courtney Blackington
Hooligans or Saboteurs? Democratic Backtracking in Eastern Europe

A thesis submitted in partial fulfillment of the requirement for the degree of Bachelor of Arts in Government from The College of William and Mary

by

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CHAPTER ONE: LITERATURE REVIEW

Introduction

During the European Union accession negotiations, all post-communist Eastern European countries that became EU members established democratic institutions. Even though some new member states formed more strongly consolidated democratic institutions than others, all established institutions were sufficiently democratic to gain EU membership. Since acceding to the EU, some countries have continued to deepen their democracies, while others’ democracies have stagnated or backtracked.¹ In countries that backslid, some politicians only harmed the quality of democracy in the short-term, while others spurred democratic backsliding lasting beyond just one electoral cycle. This literature review analyzes scholarly work on factors affecting democratic deepening to better understand why levels of democratic consolidation differ across East European countries that followed virtually the same institutional development process.

In the context of current Eastern European political trends, various factors could help clarify potential underlying correlates of democratic developments. The presence of some factors in countries that improved their democratic institutions and the absence of the same factors in less consolidated democracies could indicate what has most significantly impacted democratization in Eastern Europe. After examining the democratic consolidation literature, I will analyze these factors in the context of Bulgaria, Hungary, Romania, and Slovenia.

¹ In this thesis, “democratic deepening” refers to countries that improve or consolidate their democracies. “Democratic stagnation” occurs when a country’s democratic institutions have not improved or worsened, but remain at an unconsolidated level. Finally, “democratic backtracking and backsliding” refer to countries with democratic institutions that have worsened. I measure shifts over time in the quality of democracy by using Freedom House Nations in Transit scores, which will be further explained later in the thesis.
Scholars divide the factors affecting democratic deepening into two broad categories. First, many emphasize the importance of a strong institutional framework. Institutions including—but not limited to—anti-corruption agencies, an independent judiciary, and responsive political parties provide important structural preconditions for successful democratization. Other authors contend that societal factors better predict democratic consolidation. Political culture—measured by public opinion, networks of civil society organizations, and shared historical experiences—may create societal preconditions that facilitate or obstruct democratic deepening. Certain societal conditions may ease efforts to consolidate democratic institutions. After summarizing these key arguments, I draw attention to a growing field of scholarly work, which applies rational choice theories to democratic backtracking and emphasizes the effect of leaders’ preferences on democratic development.

**Institutional Engineering Explanations of Democratic Consolidation**

Several scholars examine the effects of institutional factors on democratization processes. Jacques Lenoble contends that institutions limit leaders’ actions. Likewise, Robert Putnam, Robert Leonardi, and Raffaella Nanetti argue that institutions create “standard operating procedures” for political actors’ behavior. By limiting the methods available to politicians to exercise power, institutions can “constrain” leaders and offer them a framework that specifies their responsibilities. Establishing predictable ways for different actors to relate to one another may allow institutions to improve the quality and functioning of democracy.

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Other scholars take a narrower rational choice-based approach to analyzing the effect of institutions on democratic processes. This literature review will emphasize the importance of the rule of law, an independent judiciary, constitutions, and political parties.

Rule of law institutions affect democratization processes. Larry Diamond argues that the presence of strong anti-corruption institutions can secure a “level economic and political playing field.” Without strong, independent, functioning anti-corruption institutions, elites can stall democratization by monopolizing political power and centralizing economic wealth. For anti-corruption institutions to properly function, states must allocate sufficient resources and power to investigate serious crimes. Diamond asserts that behind many democracies struggling to consolidate their institutions are certain political actors “starv[ing]” anti-corruption bodies of crucial resources. Weak anti-corruption institutions often either investigate only the ruling party’s opponents or fail to initiate any meaningful investigations. When the public cannot hold the political and economic elites accountable, democratic processes cannot function.

Guillermo O’Donnell supports these arguments and describes the rule of law as an “essential pillar upon which any high-quality democracy rests.” For O’Donnell, functioning rule of law institutions protect the rights and liberties of citizens and guard against leaders’ abuse of state power. When countries lack historical, constitutional traditions, Leonardo Morlino asserts, anti-corruption institutions act as particularly important constraints on leaders. Morlino notes that the presence of strong anti-corruption institutions in some Eastern European countries reduced the occurrence of anti-democratic action, especially when compared to states with weaker anti-

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6 Diamond, “The Democratic Rollback,” 42.
corruption institutions. Philippe Schmitter furthers this argument by underscoring that anti-corruption institutions provide a forum for the public to monitor and evaluate leaders’ performance. The presence of strong anti-corruption institutions acting as watchdogs might help explain country-level variation in democratic consolidation trends.

Other scholars highlight the importance of the judiciary in checking the executive and legislative branches’ power. Larry Diamond argues that the presence of a neutral and independent judiciary is essential to democratic deepening. The judiciary can mitigate attempts by the political elite to weaken democracy and to rebalance the existing power structure. The international community has recognized the importance of a strong, independent judiciary in securing democracy, as targeted international democratic assistance has improved the quality of many Eastern European judiciaries.

The constitution’s formal rules and power map structure can also impact decision-making processes years after the initial drafting. Constitutions lay out the conditions under which politicians can govern and create a set of rules and norms that future leaders must follow. Furthermore, the crafting of the constitution provides citizens with a “symbolic opportunity” to express their hope for democratic institutions to take root and to become politically involved. Perhaps this type of political action could encourage citizens to engage with democratic organizations in the future. Appreciating the limits of this argument, Elgie and Zielonka note that

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constitutions are not the sole way to consolidate democracy, but merely act as an important initial step of the democratization process.\textsuperscript{13} Due to the vague nature of their argument and the recognized limitations, examining the process of constitution building might not prove as useful in the context of Eastern European democratization trends. However, examining provisions of the constitution and the checks and balances provided therein could reveal factors that affect the extent to which a democracy consolidates.

The actual institutions and their legally delineated powers may matter less than how the people occupying the offices behave. Seymour Lipset and Jason Lakin draw attention to the “ways that \textit{formal} institutions interact with \textit{informal} structures.”\textsuperscript{14} These scholars emphasize the power of political parties’ transmission role of conveying information from the people to the state and from the state to the people.\textsuperscript{15} By improving communication processes between key actors and those who they claim to represent, political parties help stabilize societies during democratic consolidation. This theory, however, faces significant limitations when applied to Eastern Europe. Because political parties have generally failed both to take root and to develop information transmission mechanisms in many countries, it is unlikely that this theory could help explain why some Eastern European countries have deepened their democracies.

Grigore Pop-Eleches offers support for the idea that the transmission role of established political parties might not be particularly relevant to levels of democracy in Eastern Europe. For Pop-Eleches, these traditional parties have largely failed to establish ideological support and societal roots among citizens in the post-communist period. Pop-Eleches attributes the

\textsuperscript{13} Elgie and Zielonka, “Constitutions and Constitution Building,” 26.
\textsuperscript{15} Lipset and Lakin, \textit{The Democratic Century}, 64.
emergence and the popularity of centrist-populist parties in Eastern Europe to a dissatisfaction with mainstream parties. Voters disappointed with the traditional mainstream parties’ unresponsiveness to citizens, inability to produce economic growth, and governance scandals increasingly vote for emerging centrist-populist parties in order to condemn all other mainstream parties’ performance records. Ivan Krastev notes that citizens unhappy with the failure of liberalism “to deliver” on economic growth or on responsiveness to citizens’ needs provide opportunities for democratic backsliding. Dissatisfaction with traditional parties creates openings for illiberal leaders to gain power and to reverse democratic commitments.

In the context of Eastern European institutional engineering, many scholars debate the impact of the EU accession process on regional democratization trends. Linka Toneva-Metodieva highlights the central dilemma facing the EU in the post-communist expansion negotiations: a short pre-accession timeframe would not allow institutions to consolidate fully; however, a long accession process would decrease the EU’s leverage in implementation reform negotiations. She argues that the decision to allocate a short period of time for establishing and implementing democratic institutions inhibited the engagement of civil society organizations and citizens in the institutional engineering process. Bojan Bugarić also attributes the lack of consolidated institutions and citizens’ support for these institutions to a rapid process of institutional design. EU leverage can encourage democratic reforms—particularly on paper. However, for these institutions to develop strong roots, citizens must demand that their

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17 Pop-Eleches, “Throwing out the Bums,” 251.
politicians respect their democratic institutions.\textsuperscript{21} My thesis will move beyond examining the speed with which states adopted reforms and instead examine how well-resourced and supported these institutions were in both the pre and post-accession periods.

Mihaela Racovita approaches democratic developments in Eastern Europe by focusing on the power delegated to various democratic institutions. She argues that national politicians often failed to implement democratic reforms and instead engaged in “window dressing” techniques—masking institutional weakness by establishing façade structures.\textsuperscript{22} While theoretically strengthening key governance institutions, in reality, these façade institutions created a complicated, confusing system of overlapping administrative responsibilities.\textsuperscript{23} The inability of the EU to discern between real attempts at reform and fake institution-building inhibited democratic consolidation during the carefully planned initial institutional engineering process.

States with a political elite that approached the EU accession process as a checklist instead of as a long process of institutional and societal reform may have democratic institutions more susceptible to democratic backtracking. The extent to which leaders consulted with stakeholders and established mechanisms through which citizens could hold institutions accountable, instead of merely creating a vast system of interconnected, overlapping bureaucracy, will likely affect democratic backsliding. My thesis seeks to build upon Racovita’s argument by applying quantitative measures to analyze the extent to which the strength of institutions before EU accession corresponds to subsequent levels of democratization.

\textsuperscript{21} Noutcheva, Gergana, and Dimitar Bechev. “The Successful Laggards: Bulgaria and Romania’s Accession to the EU.” \textit{East European Politics and Societies} 22, no. 1 (February 1, 2008): 114–44.
\textsuperscript{23} Racovita, “Europeanization and Effective Democracy,” 29.
Other scholars assert that the EU accession process mostly succeeded in establishing democratic institutions. Milada Vachudova argues that, for many post-communist countries, the economic imperative of accessing the EU’s economic market enabled the EU to encourage these countries to democratize. Furthermore, Vachudova argues, any variation in levels of democratization after EU accession primarily depends on domestic factors—not on EU policy.\footnote{Vachudova, Milada Anna. “External Actors and Regime Change: How Post-Communism Transformed Comparative Politics.” East European Politics and Societies and Cultures 29, no. 2 (May 2015): 519–30.}

Studying individual states and their citizens’ experiences with democracy will shed light on the extent to which the EU accession process succeeded in establishing democratic institutions. It will also indicate which domestic actors failed to mobilize support for these democratic institutions following accession. By examining political culture and using a case study approach, I hope to address the concerns that Vachudova raises in her work.

**Political Cultural Explanations of Democratic Consolidation**

Some scholars discount the effect of institutional engineering on democratization processes. Instead, they find that certain societal conditions facilitate democratic consolidation. Of these society-based arguments, five main factors emerge: (1) the impact of civil society organizations on public trust; (2) the extent to which the public approves of the democratic system; (3) historical experiences; (4) levels of education; and, (5) economic developments. This section seeks to analyze the extent to which these different factors can help explain democratic deepening processes in Eastern Europe.


Higher levels of societal trust, they argue, decrease the likelihood that political leaders will
engage in opportunistic and self-interested behavior, which can harm the democratic system. As more people join these social networks, societal trust increases.\textsuperscript{26} In a study of twenty European countries, Nicolas Griesshaber and Benny Geys specify this argument by asserting that inclusive social networks minimize the probability of corruption.\textsuperscript{27} Both of these studies suggest that levels of trust may act as predictors for levels of democratic consolidation in Eastern Europe.

However, Seymour Lipset and Jason Lakin argue that interpersonal trust does not significantly impact levels of support for democratic values or trust in democratic processes.\textsuperscript{28} These different conceptions of the effect of trust on democratic consolidation are relevant to Eastern European democracies because regional public trust, trust in political institutions, and participation in political processes are all low. Trust in governance processes might not correlate to democratic developments in this region. In subsequent chapters, I will examine the extent to which varying degrees and various types of trust affect democratic consolidation.

Ken Roberts and Gary Pollock also examine the importance of trust and engagement in the political process in Eastern Europe. They assert that few young people participate in political parties and civic associations because many young people in the region think that their politicians engage in self-interested behavior, often at the expense of the public good.\textsuperscript{29} Roberts and Pollock’s argument indicates that participation in political activities might affect trust in political institutions. Countries with higher participation in political organizations may have higher levels of trust in and support for these democratic institutions, which could help explain

\textsuperscript{26} Putnam et al., \textit{Making Democracy Work}, 89.
\textsuperscript{28} Lipset and Lakin, \textit{The Democratic Century}, 119.
\textsuperscript{29} Roberts and Pollock, “Politics and Trust,” 169.
democratic consolidation. However, overall low levels of political participation throughout the region probably decrease the importance of civic participation on democratic consolidation.

Besir Ceka also examines low political participation, but attributes it to political party competition. He argues that the post-communist countries with the highest levels of political party competition have the most distrustful citizens. In countries with large degrees of political party competition, many citizens became distrustful of and disillusioned with politics. As many citizens became increasingly cynical towards political parties and political institutions at large, they withdrew from public life.\(^{30}\) Low levels of trust might correspond to low levels of public engagement in the political process. If party competition—one fundamental pillar of democracy—creates disillusionment with democracy, then this could present a threat to democratic consolidation. It could create an opening for illiberal political elites to minimize party competition in a popular and appealing way. Examining trends in party competition and relating them to both trust in democratic institutions and levels of democratic consolidation might shed light on regional democratic trends.

In contrast to Ceka, Natalia Letki and Geoffrey Evans assert that trust might not be essential to the functioning of democratic institutions in Eastern Europe. These scholars contend that East European democracies with stronger institutions have “systematically lower social trust scores.”\(^{31}\) If states that perform better in institutional terms have low levels of trust, perhaps democratic institutions can function well without trust. Either way, levels of citizens’ trust in democratic institutions should be examined as a potential indicator of democratic consolidation or democratic backsliding in Eastern Europe.


Public trust and participation in democratic institutions might not directly affect the democratic consolidation process. However, higher levels of trust in the EU than in the national government could encourage leaders to behave democratically. Perhaps if domestic politicians observed that citizens in their country trusted the EU, they might worry that expressing opposition to EU policies could decrease their voting base in upcoming elections.

For example, the EU uses the Cooperation and Verification Mechanism (CVM) to monitor and assess political developments in Romania and Bulgaria. It describes the weaknesses of democratic institutions within these countries and works to incentivize reform. Since 2011, the EU has conditioned Romania and Bulgaria’s entry into the Schengen zone and their access to some EU funding on demonstrating progress on specific CVM indicators. According to Milada Vachudova and Aneta Spendzharova, Romanian and Bulgarian voters “highly value” both entry into Schengen and EU funding. When linked to relevant, salient domestic issues, EU pressure through the CVM has encouraged domestic elites to reform certain institutions. However, CVM only works when “strong domestic demand” for reform exists.

Trust in national governments and distrust in the EU might provide more leeway to politicians hoping to engage in self-interested behavior. If citizens trust the EU and provide electoral incentives for their politicians to abide by the EU’s values, then the EU might encourage domestic leaders to behave more democratically. Comparing domestic levels of trust in the EU with trust in national governments might help explain regional variations in democratic backsliding. My approach builds upon previous studies by analyzing the extent to which higher

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33 Vachudova and Spendzharova, “The EU’s Cooperation and Verification Mechanism,” 5.
levels of trust in the EU than trust in national governments encourages domestic leaders to behave democratically.

Beyond incentivizing democratic behavior, Mihail Chiru and Sergiu Gherghina find that trust in the EU can cause a “spillover effect” of increasing trust in national government institutions.\textsuperscript{34} Positive views towards the EU can increase confidence in the functioning of national institutions by granting them a degree of legitimacy. When the EU describes institutions as democratic, citizens who trust the EU might be more likely accept that their domestic political institutions are democratic. In this way, Chiru and Gherghina argue, the EU might act as an “exogenous determinant” of perceptions of national institutions in post-communist countries.\textsuperscript{35} Levels of trust in the EU could affect domestic views of national political institutions and might predict the success or failure of democratization. The extent to which levels of trust in the EU affect domestic views of national political institutions will be examined in subsequent chapters.

The presence of well-resourced and participatory civil society organizations also might improve democratic consolidation prospects. Vera Schattan, P Coelho, and Bettina von Lieres argue that certain types of non-governmental organizations (NGOs) can instill civic values, teach political skills, and empower citizens to check abuses of official power at the local level.\textsuperscript{36} Larry Diamond concurs, noting that civil society can monitor governmental institutions by establishing a forum for citizens to engage in the political process and air their grievances.\textsuperscript{37} The presence of a robust civil society could improve prospects for future democratic deepening.

\textsuperscript{34} Chiru, Mihail, and Sergiu Gherghina. “Does the Confidence in the EU Spill Over to the National Level? A Longitudinal Analysis of Political Trust in Central Europe.” Perspectives on European Politics and Society 13, no. 2 (June 2012): 226–45.
\textsuperscript{35} Chiru and Gherghina, “Does the Confidence,” 239.
\textsuperscript{37} Diamond, The Spirit of Democracy, 158.
Public approval of democracy could also impact levels of democratic deepening. As democracies gain legitimacy from citizens, when few people support democratic institutions, they cannot last. Larry Diamond calls legitimacy democracy’s “lifeblood” and describes opportunistic, potentially anti-democratic leaders as “sharks.”\(^{38}\) When these anti-democratic leaders “smell legitimacy bleeding away, they sense vulnerability and attack.”\(^{39}\) Public approval both of democracy and of democratic values might impact democratic consolidation levels.

Other scholars underscore the effect of historical experiences on democratization processes. Vera Schattan, P. Coelho, and Bettina von Lieres assert that in states with a history of “citizen mobilization,” citizens are more likely both to engage in the political process and to press for recognition of their rights.\(^{40}\) Ronald Inglehart and Christian Welzel highlight that a “society’s heritage” impacts its worldview and may affect the structure of contemporary democratic institutions.\(^{41}\) As a result, Inglehart and Welzel assert, scholars should not ignore historical experiences when analyzing democratization. Robert Putnam, Robert Leonardi, and Raffaella Nanetti also contend that distinct moments in history can affect institutional engineering processes.\(^{42}\) The unique types of foreign and communist rule in different Eastern European countries across time might affect the quality of their current democratic institutions.

Another group of scholars highlight the ability of education levels to affect democratic consolidation. Lipset finds that in countries with higher levels of education, there is a decreased likelihood that lower classes will accept extremist ideologies.\(^{43}\) He contends that increasing

\(^{40}\) Schattan et al., *Mobilizing for Democracy*, 1.
\(^{42}\) Putnam et al., *Making Democracy Work*, 8.
access to education exposes the majority of citizens to a variety of ideologies, making them less susceptible to radical, anti-democratic views. Seymour Lipset and Jason Lakin also claim that education and democratic attitudes are related. While most Eastern European countries that have acceded to the EU have similar educational attainment rates, differences in civic education might impact varying levels of democratic consolidation.

Often closely tied to educational attainment, economic development also might influence democratic consolidation processes. Ronald Inglehart and Christian Welzel argue that economic development often alters a society’s values—creating post-materialist values. When a generation assumes that its survival is guaranteed, the people in it switch from prioritizing economic and physical security to prioritizing factors such as freedom of expression, engagement in decision-making, political activism, and tolerance. For Inglehart and Welzel, economic security and the rise of the middle class help establish a more trusting society through these post-materialist values. Increasing wealth also encourages citizens to participate in politics. This change in “worldview” increases demand for politicians who promote democratic consolidation.

Similarly, Lipset argues that higher levels of wealth decrease the likelihood that lower classes will accept extremist or class-based ideologies. Dahl also lends support to the idea that the society resulting from a “market-capitalist economy” and economic growth facilitates democratic consolidation. Eastern European states have experienced the economic transition from state socialism differently, so these economic factors might help explain divergences in democratic development across the region.

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44 Lipset and Lakin, The Democratic Century, 119.
46 Inglehart and Welzel, “How Development Leads to Democracy, 38.
47 Lipset, “Political Man,” 62.
Beyond merely encouraging public support for democratic institutions, Larry Diamond contends that economic growth also enables organizations to influence the state. He finds that as wealth increases, people form groups such as trade unions and civic associations. As these groups grow in number, they gain influence over democratic processes and can monitor the government. Thus, economic growth can facilitate the emergence of new actors that engage in the political process to push their agendas. If high levels of political participation are favorable to democratic consolidation, then economic growth may improve democratization prospects.

The literature provides reasonable explanations of distinct factors influencing the processes of democratic consolidation. However, their applicability to Eastern European political developments must be more closely examined. Since democratic backtracking in EU member-states has emerged so recently, the field has yet to reach a consensus on why certain Eastern European democracies fare better than others. My research seeks to contribute to this literature by analyzing how well these factors explain the results of democratic consolidation efforts in Bulgaria, Hungary, Romania, and Slovenia since their respective EU accession dates. However, before moving into the case-study portion of the thesis, one last theory remains to be explained. This post-accession hooliganism theory forms the basis of the subsequent thesis.

**Rational Choice and Leaders’ Preferences**

Some scholars have highlighted the importance of political leaders’ preferences. Gerard Alexander argues that “people are neither born nor made democrats, but rather select democracy.” For Alexander, elites decide to act democratically or undemocratically based on their expectations of support for the policies that they will pursue. Democratic regimes thus

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succeed when political leaders expect their personal payoffs to be higher than their personal payoffs in other regime types.\textsuperscript{51} Wojciech Sadurski also argues that the political leaders use “strategic behavior” to make decisions that cost them the least politically.\textsuperscript{52}

Perhaps the most seminal work that adapts rational-choice theories to the context of recent developments in some Eastern European EU member states is written by Venelin Ganev. Ganev argues that democratic stagnation and backtracking in Eastern Europe results from “post-accession hooliganism.”\textsuperscript{53} For Ganev, post-accession hooliganism occurred as soon as Eastern European political elites were confident enough to “disregard the demands of their Western European counterparts.”\textsuperscript{54} He finds that patterned reckless political maneuvers threatening the quality of democracy emerged after EU accession, as at that moment the EU’s “sticks and carrots ceased to matter.”\textsuperscript{55} For Ganev, Eastern European political elites make rational decisions about whether they would benefit more from acting as democratic, rule-abiding EU politicians or from exploiting the political system for their own personal benefit.

This theory could help explain why democratic reforms stalled after EU accession but not before. Ganev uses Romania and Bulgaria as case studies to show that while the countries negotiated EU membership, the politicians in both countries tried to improve their bureaucracies and to govern effectively. However, after they acceded to the EU in 2007, they failed to continue improving the organization of the state. He describes a conscious behavioral shift in the same political elite who negotiated accession. Ganev argues that the “hooligan” politicians know what

\textsuperscript{51} Alexander, \textit{The Sources of Democratic Consolidation}, 5-8.
\textsuperscript{54} Ganev, “Post-Accession Hooliganism,” 26.
\textsuperscript{55} Ganev, “Post-Accession Hooliganism,” 26 and 32.
types of activities and behavior would make themselves popular both domestically and abroad. They can abide by the rules if they must; however, they frequently opt to flaunt the rules when it benefits them. Ganev distinguishes these actions, which improve the quality of individual politicians’ lives, from attempts to remove the democratic system itself.⁵⁶

Although my thesis draws heavily on Ganev’s theory, it distinguishes itself by moving away from analyzing politicians’ motives. Ganev often focuses on the intentions of political elites. He attempts to differentiate politicians who alter the democratic system for personal gain from politicians who attack the democratic system because they do not believe in democracy. Often, however, it is difficult to understand the true motives and goals of politicians. Leaders can strategically misrepresent their true views in speeches or policy decisions. It is unlikely that many politicians will follow Viktor Orban’s method of expressing their desire to establish an illiberal regime. It is potentially even more unlikely that politicians will admit to manipulating the state for their own benefit.

Instead of emphasizing the motives of political elites, my thesis will analyze the institutional consequences of leaders’ decisions to engage in undemocratic behavior and will explore why these institutional consequences vary. The results of policies often impact levels of democratic consolidation more than the intentions behind political decisions. The implications for democratic deepening processes of how policies are implemented—or not implemented—remains of central importance. In this analysis, I will draw upon the various factors discussed above that might contribute to democratic consolidation, or the lack thereof, in Bulgaria, Hungary, Romania, and Slovenia.⁵⁷

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⁵⁷ Hungary, Bulgaria, Romania, and Slovenia were chosen as cases in order to showcase a wide variety of historical experiences in Eastern European politics. While Romania and Bulgaria were subordinate to the Ottoman Empire for most of their modern histories, Hungary and Slovenia were ruled by the Austro-Hungarian Empire. These historical
This thesis also seeks to fill a larger gap in the literature. Often scholars focus on only one aspect of democratization in Eastern Europe, choosing to describe the effect of either institutional engineering, political culture, or leaders on democratic deepening. However, this thesis weaves together the three factors affecting democratization processes. By analyzing these three determinants of democratization together and separately, I hope to discern which factor appears the most important in predicting democratic deepening as well as to shed light on how these three factors operate in conjunction with or in opposition to each other.

Hypotheses

The literature suggests three separate and alternative hypotheses on the correlates of democratic backsliding, with each focusing on either the institutional engineering process, political culture, or the impact of self-interested elites on policy developments. While all of these factors could affect democratic backsliding processes in independent and unrelated ways, this thesis will suggest that combining these approaches offers a more complete picture of democratic developments in Eastern Europe.

The rushed process of EU accession negotiations largely established unconsolidated, weak institutions. Reform-minded elites often excluded key stakeholders outside of the government—sometimes unintentionally and sometimes intentionally. The presence of weak institutions coupled with an unengaged populace created power vacuums in some states for self-experiences resulted in varying levels of economic development, educational achievement, and societal norms and values. Furthermore, the degree to which communism penetrated these societies differed. Under Nicolae Ceausescu, Romanians arguably experienced the harshest and most repressive form of communism in the Eastern Bloc. By contrast, Slovenians—as citizens of Yugoslavia—had comparatively more freedoms than citizens in the other countries examined. Hungary and Bulgaria fell somewhere in between. Even during the democratic transition, these four states differed. Hungary and Slovenia quickly established democratic institutions and were invited to join the EU in 2004, but Bulgaria and Romania were slower to establish these institutions and could not join until 2007. By analyzing states with different historical experiences and arguably different levels of success in the democratic transition process, this thesis seeks to shed light on the applicability of my hypotheses on democratic consolidation in the region.
interested politicians to gain political power. From these new positions of power, illiberal politicians could undermine democratic institutions to varying degrees, along different dimensions of democracy, and with different lengths of impact. My thesis will initially examine the main hypotheses separately to assess how strongly these factors might impact democratic consolidation. It will then combine the explanations to analyze how some self-interested politicians took advantage of the weak institutions and the demobilized populace to mold their country’s democratic system to its present state.

First, I posit that the states that created stronger rule of law and judicial institutions before EU accession were less likely to backslide on democratic indicators than states with weaker rule of law and judicial institutions. While the EU required that all post-communist countries seeking membership comply with predetermined democratic indicators and criteria, the actual strength of the established institutions greatly varied. Some states more completely implemented the democratic requirements—forming genuinely strong democratic institutions less susceptible to politicians’ whims. Other states avoided addressing structural weaknesses by choosing either to create bureaucracies with overlapping responsibilities that masked institutional weakness or to intentionally underfund certain institutions. By examining variations in the strength of rule of law and judicial institutions before EU accession to the present strength of democracy overall, one can gain a better understanding of the relative importance of the pre-accession process to future democratic developments.

Focusing on both rule of law institutions and the judiciary provides insight into the ability of political institutions to reduce corruption. These institutions—when effective—can also check the executive or legislature’s power. Both types of institutions safeguard a democracy against incursions by the executive or legislature, shielding democracy from illiberal attacks by the
political elite. Democracies with independent and resourced rule of law and judicial institutions are less likely to backtrack. I expect the strength—not just the presence—of rule of law and judicial institutions at the time of EU accession to affect current levels of democracy in Eastern Europe.

Second, I hypothesize that political culture affects the extent to which democracies consolidate. When citizens trust civil society organizations (CSOs), democratic institutions are more likely to consolidate. Citizens are more likely to trust the information disseminated by well-resourced CSOs than poorly resourced CSOs. Furthermore, when CSOs have access to resources, they can better monitor the performance of both politicians and institutions. CSOs with citizens’ support will be more likely to access politicians and key institutions—influencing them with monitoring evaluations. Additionally, high levels of civic engagement will likely deepen democracy, as involved citizens can hold their elected politicians accountable. The presence of strong, resourced CSOs that citizens largely trust can constrain politicians who attempt to undermine democratic reforms.

Trust in political actors and democratic institutions also might affect levels of democratic consolidation. Since democratic legitimacy resides in public approval, when citizens do not broadly trust either the politicians occupying positions of power or the institutions themselves, the democracy will remain vulnerable to backsliding. In the case of East European democracies, the democratic legitimacy of external actors might affect the ease with which domestic political elites can manipulate democratic institutions. The EU monitors the democratic institutions of its member-states. While not always effective at reversing the democratic backtracking of certain member-states, it sometimes can either discourage or prevent these episodes. I posit that when citizens’ trust in the EU is higher than citizens’ trust in the national government, the politicians
in that country are less likely to engage in democratic backtracking. Since voters in these
countries are more likely to vote for domestic politicians that demonstrate support for EU-wide
values, the politicians in these countries will probably comply with EU democratic norms more
readily than politicians in countries where the EU is less popular than national governments. To
assess whether levels of civic participation impact democratic backtracking, I will examine the
World Values Survey, which asks respondents about their participation in civic activities. To
measure trust in both the national government and the EU, I will use the World Values Survey,
which asks respondents about their levels of trust in the national government and the EU.

My political culture chapter also examines citizens’ values. Democracy can be defined in
a variety of ways to suit specific purposes. States whose citizens express more support for liberal
democratic values, particularly those who prioritize the process of democratic decision-making
over the policies’ outcomes, will likely have higher levels of democratic consolidation than states
whose citizens do not define democracy in these terms. In order to operationalize this variable, I
will use survey questions from the World Values Survey in 1995 and 2005. 58 These surveys will
allow me to examine any values shifts that occur throughout this period.

Finally, I contend that the impact of certain political elites’ actions on democratic
institutions since EU accession should noticeably impact the patterns of backsliding, stagnation,
or deepening in Eastern European democracies. Implementation problems during the EU pre-
accession negotiations and short-term attempts to “rig” the political game both before and after
EU accession will likely result in stagnated democracies. To evaluate the extent to which there
are implementation problems or attempts to have the political system favor certain politicians, I

58 The limitations of using data from the World Values Survey are examined in the political culture chapter. It is
important to note that I chose these years because they are the two most recent iterations of the World Values
Survey.
will use interviews with non-governmental organization leaders conducted in all of the case study countries. By contrast, sustained attacks on a variety of democratic pillars will likely cause democratic backtracking. Past in-field interviews will help define what constitutes a sustained attack on democratic institutions, along with reports issued by organizations such as Freedom House, Transparency International, and the World Bank. Finally, when politicians do not attack the democratic system and instead act as traditional, democratic leaders, democratic deepening will likely occur. The independent variables might be related to the dependent variable because Freedom House likely took into account leaders’ policies when creating their scores. By looking at the magnitude of change instead of the scores themselves, I hope to circumvent this issue.

The relationship between these hypotheses is best characterized as complementary. The presence of weak rule of law and judicial institutions coupled with an illiberal political culture can provide opportunities for illiberal political elites to gain key positions of power and to implement policies that result in democratic backtracking. By contrast, in states with stronger rule of law and judicial institutions as well as a more democratic political culture, illiberal elites will have a harder time gaining political power and using this power to implement policies harmful to democracy. In both types of states, this thesis hypothesizes that the stronger the anti-democratic leader, the weaker the democratic institutions, and the more illiberal the political culture are, the greater the magnitude of democratic backtracking.

My thesis begins by exploring institutional explanations of democratic backtracking in Eastern Europe.

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59 See the Appendix (Table A4) for a description of the interviews with NGO leaders.
60 Sustained attacks include, but are not limited to, attacks on media freedom, CSO independence, rule of law institutions, and the judiciary.
CHAPTER TWO: THE RELATIONSHIP BETWEEN INSTITUTIONAL ENGINEERING AND DEMOCRATIC BACKSLIDING

Institutional Engineering Hypotheses

When negotiating EU membership, all post-communist countries had to comply with predetermined democratic indicators and criteria. Aspiring EU members needed to establish democracies that met the Copenhagen political and administrative capacity requirements. These criteria mandated that all EU members form stable institutions that ensured democracy, the rule of law, and the protection of human and minorities’ rights. Under the Copenhagen criteria, aspiring EU members also had to develop institutions that possessed sufficient “administrative and institutional capacity to effectively implement” EU policies. 61

Though the EU required that all acceding Eastern European countries adhere to these requirements, in reality, the actual strength of established institutions greatly varied. Some states better implemented the democratic requirements and established genuinely strong democratic institutions. Other states avoided addressing structural weaknesses either by creating overlapping bureaucracies that confused the institutions’ duties or by intentionally undercutting the resources allocated to certain democratic institutions. Regardless of which path a member state chose, in many cases, informal networks continue to frequently “undermine formal laws and institutions.” 62 Different interests pressure various government institutions to behave in anti-democratic ways to varying extents in Eastern Europe. This section seeks to clarify the extent to which the strength of democratic institutions before EU membership affects subsequent levels of democratic consolidation in select East European countries.

During the EU membership negotiations, the EU had an advantage that it lacked in the pre-accession period: the carrot of membership. By threatening to postpone a state’s accession until it met certain democratic indicators, the EU incentivized reform. However, some scholars, such as Linka Toneva-Metodieva, argue that this reward or sanctions approach failed to establish “genuine and sustainable reform.”63 When the EU could no longer threaten to postpone membership, the costs of non-compliance decreased. As a result, the EU has had difficulty imposing further conditionality that might strengthen the quality of new member states’ democratic institutions.64 Since the benefits of pursuing pro-democratic policies lessen while the potential gains from failing to improve the quality of democracy increase in the post-accession period, I hypothesize that countries that failed to establish strong democratic institutions before acceding to the EU will be less likely to deepen their democracies after accession.

In order to examine the extent to which the development of distinct government institutions inhibits or facilitates democratic backsliding, I will analyze the strength of rule of law and judicial institutions in Bulgaria, Hungary, Romania, and Slovenia. Focusing on both rule of law institutions and the judiciary provides insight into the extent to which the executive and legislature have checks on their power.65 Both rule of law and judicial institutions can safeguard

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65 This footnote clarifies how I define the strength of rule of law and judicial institutions in this thesis. In a state with rule of law, procedure dictates the ways in which politicians can pass laws. These laws must apply equally to all citizens. All citizens also must possess the same rights and freedoms. Additionally, in a state with rule of law, political leaders are not permitted to manipulate the legal system to achieve their own political or personal aims. By contrast, the strength of judicial institutions in a democracy requires judges to ensure that laws comply with the constitution, do not infringe on citizens’ rights, and are procedurally enacted in a legally permissible way. In a democracy, judicial institutions resolve disputes between political leaders and constrain leaders’ actions so that they cannot behave in anti-democratic ways without punishment. These definitions use concepts taken from the following texts:
a democracy against incursions by the executive or legislature, protecting against illiberal attacks by the political elite on democratic institutions.

I hypothesize that democracies with independent and resourced rule of law and judicial institutions at the time of EU accession are less likely to backtrack after becoming EU member states. The strength—not just the presence—of rule of law and judicial institutions should affect the extent to which democracies backslide, stagnate, or consolidate after EU accession. I test this hypothesis by comparing these two institutions’ developments over time with interviews that I conducted with NGO leaders as well as quantitative indicators, academic work, and policy work.

The Strength Rule of Law and Developments in Democracy

Across Eastern Europe, many democracies have struggled to establish rule of law institutions. Both before and after EU accession, scholars have argued that these institutions largely remain “weak or underdeveloped” across the region. The World Bank’s Rule of Law indicator helps establish a baseline of comparison between these countries. Country-level rule of law scores fall between -2.5 and 2.5. I have recoded the values provided by the World Bank so that -2.5 is the best possible rule of law score and 2.5 is the worst rule of law score (Graph 2.1).

The graph below displays the rule of law scores across a 19-year period for all four case study countries (Graph 2.1). The green dotted line represents the two accession periods—with Hungary and Slovenia acceding in 2004 and Romania and Bulgaria acceding in 2007. At each countries’ respective date of accession, a fairly substantial gulf in the strength of rule of law


67 The World Bank Rule of Law scores examine whether citizens trust and abide by the rules of society, especially regarding contract enforcement, property rights, the police, and the likelihood of crime and violence. Using these public perceptions, it calculates a country-level score.

exists. When Slovenia acceded to the EU in 2004, it had a fairly high rule of law score of -0.92 out of a total possible score of -2.5—as did Hungary with a score of -0.89. By contrast, in 2007, Romania scored poorly at just 0.10 out of 2.5, and Bulgaria followed suit with a score of 0.11.

**Graph 2.1: Country-Level Rule of Law Scores**

*Source of Data: World Bank*

Overall, Slovenia has the strongest rule of law. While it worsened between 1998 and 2005, it improved after 2005 and has remained fairly stable since 2009. By contrast, Hungary improved its rule of law until 2006, at which point it worsened substantially. The largest decrease in Hungary’s rule of law occurred after 2009, largely owing to laws passed during the Fidesz party’s legislative supermajority. While Slovenia and Hungary started with fairly strong rule of law institutions, Bulgaria and Romania began at significantly weaker levels. Though both have improved the quality of their institutions since 1996, Romania has seen fairly significant improvements in rule of law trends since 2002, while Bulgaria’s rule of law has somewhat stagnated over time. However, my hypothesis suggests that subsequent developments in rule of law would be less consequential than the strength of the rule of law at the time of EU accession.
when predicting future levels of democratic consolidation. As a result, my hypothesis suggests that since Slovenia and Hungary had strong rule of law institutions at the time of EU accession, their democracies would consolidate, while Romania and Bulgaria’s weak rule of law institutions at their accession date would correspond to subsequent democratic stagnation. I find mixed support for these hypotheses based on the Freedom House Nations in Transit indicator.

Compared to changes to their democratic institutions over time, as shown by the Freedom House Nations in Transit Democracy score graphed below, changes in time due to the strength of rule of law institutions seem to correlate with democratic stagnation in Bulgaria, democratic backtracking in Hungary, and democratic consolidation in Slovenia (see Graph 2.2). However, in Romania, its rule of law strengthens more than its democracy improves.68

Graph 2.2: Country-Level Democracy Scores

Source of Data: Freedom House

The extent to which the strength of rule of law at the time of EU accession corresponds to subsequent levels of democracy seems mixed. Slovenia’s initially strong rule of law score correctly predicts democratic deepening. Similarly, Bulgaria and Romania’s weak rule of law institutions at the time of accession correspond with subsequent democratic stagnation. Despite having strong rule of law at its EU accession date, Hungary’s democracy later substantially backslid. This section further examines the extent to which rule of law institutions’ strength corresponds to democratic deepening in Bulgaria, Hungary, Romania, and Slovenia.

**Bulgaria**

Bulgarian politicians have primarily failed to implement rule of law provisions since the early part of the democratic transition. Scholar Ivan Krastev dismissed the rule of law in Bulgaria as, “in many cases, only a fiction.”\(^{69}\) One NGO leader whom I interviewed aptly summarized the difference between Bulgaria and some other Eastern European countries:

> All EU legislation had to be implemented into Bulgarian legislation until 2005, so there was a big movement of adopting everything in bulk. This backfired because we see now that EU laws were not properly transposed to Bulgarian legislative directives. Unlike in Poland or Hungary or Romania, there were no direct changes to the system that would allow politicians to overturn reforms or weaken democracy later. The reforms were not done to be productive, so we don’t see backtracking in Bulgaria. The reforms just didn’t turn out to be good at fostering democracy.\(^{70}\)

At the time of EU accession, Bulgaria’s rule of law was weak because successive governments failed to implement provisions that would improve its democracy. Weaknesses in Bulgaria’s rule of law at the time of EU accession substantially account for democratic stagnation in the country.

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\(^{69}\) Another scholar, Mihaela Racovita, described Bulgaria’s approach to strengthening rule of law institutions as “window-dressing” tactics. One interviewed civil society activist called the rule of law reforms “quite fake.”


Confidential. Interview at 5:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 14, 2016.


\(^{70}\) Confidential. Interview at 5:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 14, 2016.
In 1997, the EU used the Copenhagen criteria to issue the first official assessment of democracy in Bulgaria. This report found the rule of law to be “unsatisfactory” and the more the EU learned about the rule of law in Bulgaria, “the more deficiencies it saw.”71 Even as the EU lobbied Bulgaria to improve its anti-corruption efforts before acceding, the Bulgarian government neglected to prosecute high-level corruption. Bulgaria shifted anti-corruption efforts away from targeting important politicians to focusing on low-level corruption cases in the lead-up to EU accession. Maria Spirova observed a focus on “satisfying EU demands rather than implementing real change.”72 One interviewed activist asserted that the pre-accession anti-corruption reforms were “done to be completely ineffective.”73 The measures that Bulgaria has taken to improve anti-corruption efforts seem to have largely failed. The rule of law has suffered because of these weaknesses, as has the quality of democracy in Bulgaria.

Some NGO practitioners have also claimed that the failure of the Bulgarian government to clarify which institutions performed which specific duties upon their creation undermines the rule of law. By refusing to provide institutions with clear job descriptions and goals, bureaucrats could not—and still cannot—function effectively, causing “chaos with the law.”74 Bulgaria’s drafted work strategies and agendas for handling corruption illustrate its failure to address corruption issues by creating uncertainty.75 Far from changing the distribution of resources to strengthen these institutions or from changing the institutions themselves, Bulgaria’s strategies

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73 He explained that Bulgaria created “special criminal courts and appellate courts, which are complete nonsense” and that some parliamentary “committees are linked to the expropriation of property through illegal means.” Confidential. Interview at 5:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 14, 2016.
74 Sedlarska, Vesselin. The APIA in the Fight Against Corruption: Why the 14-days period confuses the administration of the Municipality of Sliven. Interview by Access to Information Program Bulgaria, August 2005.
75 Racovita, “Europeanization and Effective Democracy in Romania and Bulgaria,” 40-41.
pretend to take initiative on combatting corruption, instead of taking meaningful action. In 2002 and 2004, the government introduced the Action Plan for Implementation of the Strategy of Anti-Corruption. However, it neither changed the way that people view corruption nor endowed agencies with resources to improve the rule of law. Even when the EU penalized Bulgaria for corrupting EU funds, anti-corruption reforms largely failed. These work strategies and agendas have not meaningfully improved the rule of law or the quality of democracy.

The failure to prosecute instances of high-level corruption has created discontent and uneasiness among Bulgarians—particularly amongst NGO leaders. During every interview that I conducted with Bulgarian civil society activists, I asked what pre-accession democratization reform failed the most. All mentioned judicial and anti-corruption reforms. One noted, “there are many corrupt politicians who do not go to jail in Bulgaria.” A different activist attributed the failure of anti-corruption reforms to politicians with suspect motives, arguing that the “problem here is that many politicians want to be politicians so they have access to state resources because their private business benefits from this.” In an environment where politicians actively undermine rule of law institutions and have behaved this way since EU accession, it is not surprising that progress in this arena and in democratic consolidation overall remains poor.

A lack of clarity in legislation—which has existed since the pre-accession era—further weakens the rule of law and contributes to democratic stagnation. One interviewed NGO leader asked, “How can we formalize the well-written legislation when they [the Bulgarian

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Racovita, “Europeanization and Effective Democracy,” 40-41.


government] have no indicators of what it means?"80 Another activist described this unregulated environment as permitting “many formal institutions to interpret” laws and as relying upon “certain people to follow the regulation, or just to tick it off a checklist and say they are fulfilling it.”81 In this uncertain environment with weak rule of law, it is hard to advocate for and implement measures that would deepen the quality of democracy.82 Bulgarian politicians have neglected to enforce laws promoting democracy, even before EU accession. In this environment, the laws might as well not exist, and democracy will stagnate. Bulgarian politicians’ behavior in the pre-accession period set the stage for their current treatment of democratic institutions.83

Some aspects of the rule of law have improved in Bulgaria since EU accession. The government has recently extended the amount of time that people can comment on bills before parliament can vote on them. While citizens used to have 14 days to comment on new laws, the new normative act law gives them 30 days to send their opinions to the Bulgarian government. The legislation requires the government to respond to these comments. One interviewed activist discussed the implications of this law: “With things like the 70-page Anti-Corruption Strategy, 14 days was not enough time to comment. Now, whoever wants to be involved may be, and you

83 According to an interviewed civil society activist, the media sector lacked procedural regulation and legislation until 1998. However, even the current legislation adopted in 1998 continues to generate confusion, as it has been amended over 40 times. The interviewed activist asserted, “the media law is influenced by the leading market actors from the media business.” To illustrate the situation, she highlighted that one regulation prevented someone who owned an advertising agency to also own a media outlet for a long period of time. However, when it was discovered that the leading Bulgarian television channel had a hidden owner that was also an advertising agency owner, the law was amended to permit this activity. While this media provision may not directly challenge the quality of Bulgarian democracy, the ability of a powerful person to force a legislative change so that he can maintain his political position certainly demonstrates an attack on the rule of law by manipulating the legal system. Confidential. Interview at 6 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 28, 2016.
have time to inform your opinions.”\textsuperscript{84} This law prevents parliament from adopting laws without public consultation. By working against the quick passage of laws without the consultation of the opposition or other key stakeholders, citizens’ access to decision-making has improved. In this way, Bulgaria has reinforced its commitment to the rule of law.

Overall, however, the rule of law in Bulgaria remains weak, with little progress since the end of the 1990s. While some of these issues stem from active efforts to undermine legislation, the largest issue seems to be a failure to implement rule of law provisions. One interviewed activist highlighted that “the worst problem in Bulgaria is that legislation is not implemented effectively.”\textsuperscript{85} In an environment where laws are not implemented, progress remains on paper only and does not improve the actual functioning of the rule of law. Weak rule of law at the time of and since EU accession—largely caused by the failure of implementation of the legislation already on the books—helps explain Bulgaria’s democratic stagnation.

\textit{Hungary}

By the time it joined the EU in 2004, Hungary had established fairly strong rule of law. However, the flexibility of the constitution left rule of law somewhat vulnerable. At the time of EU accession, Hungary’s rule of law was strong largely because politicians obeyed rule of law norms. However, since Fidesz won a supermajority in 2010, it took advantage of openings in the constitution to “systematically” remove the checks and balances that undergird the rule of law.\textsuperscript{86} By manipulating existing legislation in order to behave in anti-democratic—albeit technically

\textsuperscript{84} Confidential. Interview at 3 PM in Sofia, Bulgaria. Interview by Courtney Blackington. In-person, July 4, 2016.
\textsuperscript{85} Confidential. Interview at 6 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 28, 2016.

legal—ways, Hungary’s post-2010 government has campaigned to change laws for the ruling party’s benefit, undermining rule of law in the process. Though my hypothesis suggests that Hungary’s strong rule of law institutions prior to EU accession would correspond to democratic consolidation, its democracy has backtracked. This section examines the openings in the Hungarian constitution at the time of accession that Fidesz politicians later took advantage of in order to attack democracy to better understand the relationship between Hungary’s rule of law institutions at the time of accession and subsequent backsliding.

In 2004, Freedom House described Hungary’s rule of law as having a “sound framework.” Rule of law considerations largely guided politicians’ actions. When Prime Minister Peter Medgyessy resigned in 2004, politicians cooperated to ensure stability while forming a new coalition government. In 2005, Freedom House hailed this stable transition of power as an example of the consolidation of the rule of law in Hungary. This report also underscored that the “implementation of any new public policies will generally adhere to the rule of law.”

Before 2010, rule of law in Hungary appeared to function, with politicians following legal procedure, ensuring the equal applicability of laws, and avoiding manipulating the legal system. Despite these positive trends in both rule of law and democratic consolidation before 2010, it is important to remember what one NGO activist whom I interviewed highlighted:

The problems in Hungary didn’t start in 2010; they just started to worsen. Hungary had a vulnerable, weak democracy and governments withheld information, appointed cronies, and awarded tenders to friends. What is new is that the institutional system has been systematically weakened and dismantled—and no state players can stop the government from continuing. Now, the administration doesn’t respect the rules and, for them, state institutions and the legislature are instruments in the executive’s hands to put the government into practice.

90 Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.
Though Hungary did establish fairly strong rule of law institutions and had begun to consolidate its democracy before accession, issues in the democratization process remained. Vulnerable to democratic backtracking, Hungary’s democracy remained strong as long as politicians subscribed to rule of law and democratic norms.

Hungary’s 1989 constitution was quite flexible, allowing parties who gained a supermajority to amend it as they saw fit. The ease with which a supermajority could alter the constitution left “most of the political power” with ruling parties.\textsuperscript{91} Since those in power can fairly easily change the constitution, Istvan Szikinger argues, the degree to which politicians respect the rule of law largely depends on party politics. In 2004, at the time of Hungary’s accession to the EU, rule of law appeared strong because politicians subscribed to rule of law norms. However, Hungary’s institutional design permitted rule of law to remain strong only as long as politicians respected it, while providing these politicians with openings to undermine rule of law. As Szikinger notes, the Hungarian constitution could not “guarantee protection from majority tyranny” because of the ease with which politicians could amend it.\textsuperscript{92}

Since Fidesz rose to power in 2010, its politicians have undermined Hungary’s rule of law norms by using their supermajority to take advantage of the previous constitution. Some experts, including scholar Gabor Toka, have described the ruling party as decreasing the constraints on decision-making—preferring legislative majority over legislative consensus.\textsuperscript{93} Fidesz’s actions have caused Laszlo Solyom—former Hungarian chief justice of the Supreme

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\textsuperscript{91} Szikinger, “Hungary’s Pliable Constitution,” 406.
\textsuperscript{92} Szikinger, “Hungary’s Pliable Constitution,” 407.
\textsuperscript{93} When people attempt to hold leaders accountable by asking them to explain legislation to the public, the government “mock[s]” them. Toka, Gabor. “Constitutional Principles and Electoral Democracy in Hungary.” In \textit{Constitution Building in Consolidated Democracies: A New Beginning or Decay of a Political System?}, edited by Ellen Bos and Kalman Pocza. Baden-Baden, Germany: Nomos Verlag, 2014.
\end{flushleft}
Court and former president of Hungary—to bemoan that “the rule of law had ceased to exist.”

Additionally, one interviewed NGO leader highlighted another shift that occurred when Fidesz gained a supermajority in 2010:

Until 2010, a consensus existed to build democracy, promote rule of law, and keep different branches separate and independent with checks and balances. The process was vulnerable, but there was a consensus in the public edifice. This was broken in 2010 with the second Orbán government because they could redesign the public arena to their liking. It called many of the democratic institutions into question. Checks and balances were an idea of pre-accession and were achieved, but they stopped working [in 2010].

Fidesz cunningly manipulates legislative rules and passes legislation in improper ways that contravene precedent in order to decrease the number of checks and balances in the Hungarian political system, which harms the quality of Hungary’s rule of law. This suggests that my hypothesis may be incomplete. Perhaps other elements of institutional design, such as the ease of changing legislative rules, the electoral system, and the constitution, matter more than the strength of rule of law in predicting democratic developments.

Fidesz took advantage of the opening in Hungary’s 1989 constitution that effectively allowed supermajorities to govern as they please. Fidesz party members avoid consulting with other parties when advancing their own often controversial legislation. The supermajority changed procedural rules that have regulated the passage of bills since the pre-accession era in a way that significantly curtails the opposition’s power. Fidesz’s decision to pass a new constitution in 2012 illustrates their commitment to using their supermajority to change the way

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96 I use the word theoretically because other politicians have not used this provision in the way that Fidesz has.
that legislation had previously passed. This new constitution increased the number of laws that need a supermajority’s support.\textsuperscript{99} Even if an opposition party rose to power in the future, it would face difficulties making meaningful policy changes because it would need a supermajority to overturn many of the provisions that Orban’s government has passed—even though they would not have needed a supermajority under the system established before EU accession.\textsuperscript{100}

Beyond altering the way that laws can pass, Orban also changed the EU accession-era electoral laws to favor Fidesz. Opposition parties were not consulted.\textsuperscript{101} Election reforms in 2011 and 2014 redesigned the electoral system so that even if the opposition parties earn more votes than Fidesz in future elections, the opposition would not gain a parliamentary majority. Political scientist Gabor Toka created a model that predicts that even if a united center-left opposition emerged and gained the same share of votes as Fidesz, it would earn 8 percent fewer seats because of changes in the way seats are allocated.\textsuperscript{102} Electoral reform in 2011 also ended Hungary’s parliamentary runoff system, which makes it more difficult for the fragmented parties of the left to unite around a leader that could challenge Orban. Before the 2011 reforms, when no

\textsuperscript{100} Though the new constitution requires many laws to pass with a two-thirds majority, Fidesz politicians have ignored this provision when advantageous. When Fidesz tried to pass new state of emergency laws in 2015, it was unable to muster the required two-thirds majority. Instead of consulting with opposition parties to gain the requisite number of votes or tabling the state of emergency laws for a later date, Fidesz altered the way that the laws could pass. By changing legislation to permit a simple majority to pass the state of emergency laws, Fidesz pushed through this legislation unconstitutionally.
\textsuperscript{101} Hungary Nations in Transit 2015.” Freedom House.
candidate earned a majority in the initial elections, the top candidates would have a runoff—allowing the left and the right to naturally group around a candidate. However, over time, the right united under Fidesz while the left became increasingly fragmented. Eliminating the runoff allows Fidesz to continue to gain votes on the right while parties on the left struggle—and fail—to unite around a single candidate.

The new electoral system not only makes it nearly impossible for opposition parties to take control of parliament, but also virtually guarantees that Fidesz will retain a two-thirds parliamentary majority—without even earning half of the vote. With the 2014 electoral reforms, Fidesz “designed the election so that the opposition loses even if it wins.” This system “bizarrely compensates not just the losers, but also the winners,” which will create super-majorities out of majorities, as opposed to ensuring proportional representation.

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A similar model to Hungary’s pre-2011 electoral system is used in French presidential elections. This electoral system has prevented the far-right party Front National from gaining power by encouraging moderates to group around a common candidate based on whether the center-left or center-right party gains a greater share of the vote in the initial presidential run-off. It has also served to moderate mainstream parties on both the left and the right, as party leaders must appeal to a broad sector of French society in order to be elected.

104 Lane Scheppele, “Hungary: An Election in Question, Part 1.”


105 Lane Scheppele, “Hungary: An Election in Question, Part 1.”

106 The United States’ single member district system is often criticized for creating disproportionate outcomes, such as the election of Donald Trump over Hillary Clinton, who won the popular vote. However, Hungary’s electoral system is much more disproportionate than the United States’ system. In the 2014 elections, Fidesz gained twice as many seats per voter as the Unity party as well as about three times as many seats per voter as Jobbik and the Green party. Furthermore, this disproportionality directly contravenes the Hungarian constitution, which explicitly mentions that each vote should be weighed identically. This electoral system clearly violates the rule of law in Hungary and manipulates the electoral system to Fidesz’s benefit.

Additionally, financing further challenges opposition parties who run against Fidesz. One interviewed civil society activist noted the difficulties of campaigning against Fidesz politicians, who have “infinite amounts of money for political propaganda of the ruling party, which is taken from public funds.” He articulated the following sentiment: “Essentially, even if you have the money and the people to run [for political positions], and even if you have support, you cannot campaign.” The inability to compete with state resources and national legislation—both of which are actively used to entrench the ruling party—leaves Hungarian opposition politicians unable to reform the system, strengthen rule of law, and promote democracy.

By granting voting rights to ethnic Hungarians that live outside of Hungary and do not have residency, Fidesz has gained a new electoral base that did not exist at the time of EU accession.\(^\text{107}\) Thanking their benefactors, these new voters “overwhelmingly” vote for Fidesz.\(^\text{108}\) Fidesz has also passed laws that make it difficult and costly for the over half a million Hungarian citizens who live or work abroad to vote. According to an interviewed civil society activist, “the people leaving are often critical about the political developments [in Hungary] and are a potential source of political opposition, so they are discriminated against in the way they can cast votes.”\(^\text{109}\) Since Hungarian-born citizens living abroad are more likely to vote against Fidesz than ethnic Hungarians who recently gained voting rights, Fidesz requires those born in Hungary but living abroad to either go to an Embassy or back to Hungary to vote. By contrast, ethnic Hungarian voters can vote by mail.\(^\text{110}\) For Hungarian-born citizens, voting becomes an expensive and time-consuming process, while newly anointed ethnic Hungarian voters can vote easily without incurred expenses. The decision to expand the voting base clearly reflects a degeneration of rule of law in Hungary, as it disenfranchises and silences likely opposition while empowering probable supporters.


\(^\text{107}\) While other states grant voting rights to people of their ethnicity living in other countries, Hungary did so in an explicitly politicized manner. One ethnic Hungarian living in Romania confirmed that after receiving her Hungarian citizenship, she received a letter of greeting from Orban, which reminded her to vote in the upcoming Hungarian election. Urging people to vote in a letter of greeting to the Hungarian nation is an explicit effort to encourage those who received their citizenship from Viktor Orban to vote for him and reflects a degeneration of the rule of law.


Krekó and Mayer, “Transforming Hungary—together?” 199.


\(^\text{109}\) Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1, 2016.

\(^\text{110}\) Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1, 2016.
Political appointments have further worsened the functioning of rule of law by impinging upon the ability of anti-corruption institutions to detect corruption in spending and procurement.\footnote{Established by the Hungarian constitution, the three-member Budget Council can veto the state budgets passed by parliament and force early elections. Fidesz appointed two members of the Budget Council, who will serve until 2019, stacking it in a way that undermines its constitutional mandate to check parliament’s budgetary power. In the wake of these appointments, parliamentary budgets are no longer subject to the same degree of scrutiny as in past years. Orban also appointed the president of the Audit Office, which makes it increasingly difficult to ensure the transparency of public funds. Freedom House describes these institutions as having “ceased to fulfill their roles as impartial arbiters” since these political appointments. Krekó and Mayer, “Transforming Hungary—together?” 195 Hegedus, “Hungary Nations in Transit 2016.” “Hungary Nations in Transit 2015.” Freedom House, 2015.} Designed to be independent of other branches of government at the time of EU accession, the Prosecutor Service exemplifies the extent to which Orban has meddled with the rule of law. After Orban selected and parliament confirmed the chief prosecutor, he began to operate without any legislative oversight. When public scandals or corruption cases involving Fidesz allies surface, the chief prosecutor’s investigation rarely finds evidence of wrongdoing.\footnote{Kornai, Janos. “Hungary’s U-Turn: Retreating from Democracy.” \textit{Journal of Democracy} 26, no. 3 (July 2015): 34–48.} However, those associated with opposition parties are harshly investigated and often arrested on corruption charges in front of cameras so as to publically humiliate and discredit them.\footnote{Kornai, “Hungary’s U-Turn: Retreating from Democracy,” 35-36.}

One civil society activist whom I interviewed described the Prosecution Service as “one of the most captured and exposed institutions.”\footnote{Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 2, 2016.} The prosecutor’s office does not investigate this activist’s reports of misused funds, even though the office is legally bound to investigate and release a report with the investigation’s results. Furthermore, according to the activist, “there is no way to hold the prosecutor’s office accountable for giving a written resolution with [the] legal or factual ground[s] behind why an investigation was dismissed.”\footnote{Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 2, 2016.} The weakening of rule of
law institutions in Hungary allows the Prosecution Service to operate without oversight and to handle corruption cases in a highly partisan manner. Negative developments related to anti-corruption institutions is particularly troubling in light of some of the corrupt practices associated with the regime.\textsuperscript{116}

The Orban government’s attack on freedom of the press also threatens the rule of law, as press freedom is guaranteed by the Hungarian constitution. One interviewed Hungarian activist noted that Fidesz supporters increasingly own media outlets and use the media to advance their political interests. As a result, she argued, media has become “the primary propaganda tool of the government.”\textsuperscript{117} Furthermore, the members of the Media Council, who regulate the functioning of the media, have been selected by Orban.\textsuperscript{118} Though these powers have not yet been used, the Media Council can fine media outlets, which creates the “possibility for strong content control,” according to one interviewed activist.\textsuperscript{119} More commonly, the Media Council interferes with the radio market, which according to an NGO representative, “is where the Media Council can be strong because of the frequency control.”\textsuperscript{120} On the day that I happened to be interviewing a different civil society activist, he stated:

Today the only nation-wide working commercial radio critical of the Hungarian government applied to renew their permit to broadcast. It is owned by an old friend of Orban turned enemies in 2014. The National Media Authority says that they won’t

\textsuperscript{116} According to one interviewed activist, the government has had “fairly owned businesses reallocated and transferred to other people by law.” Tobacco kiosk owners, financial cooperatives, and owners of gambling machines are all victims of the Hungarian government’s practices. The same interviewed activist noted that some tobacco kiosk owners filed a lawsuit against the Hungarian government at the Strasbourg Court, where it was ruled that the government’s action violated European human rights. Despite this ruling, the tobacco kiosk owners could not regain their businesses, but could only petition the government to pay them for the seized kiosks. As of August 2nd, 2016, no tobacco kiosk owner had received payment from the government even after petitioning it. Rule of law has deteriorated so that even European-wide judicial decisions are not fully implemented in Hungary. Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 2, 2016.

\textsuperscript{117} Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.

\textsuperscript{118} Krekó and Mayer, “Transforming Hungary—together!” 195.

\textsuperscript{119} Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.

\textsuperscript{120} Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.
extend the radio frequency. Every day, this station reaches 2.5 million people, which
is huge in a nation of 10 million people. It is very important for democracy. This is a
very important long-term deterioration of democracy. 121

The decision of Fidesz politicians to undermine the independence of the radio on a random
Tuesday morning demonstrates the extent to which they have crippled the rule of law in order to
cement their control. Opposition voices are repressed, while loyalists are rewarded.

This system of governance contradicts rule of law principles, as Orban frequently
manipulates the legal system that has existed since EU accession in order to pass legislation in
controversial and unprecedented ways. One interviewed activist worried that Fidesz “wants to be
unchangeable and is sacrificing past democratic achievements” to consolidate its political rule. 122

Many of the attacks on the rule of law undermine democratic institutions, which were established
at EU accession. The institutions functioning at the time of EU accession were strong largely
because politicians acted in accordance with democratic norms. Despite having strong rule of
law institutions prior to EU accession, Hungary’s democracy has backslid substantially over the
past seven years. Thus the strength of rule of law before EU accession does not seem particularly
important in predicting subsequent levels of democracy in Hungary.

Romania

Even as it acceded to the EU, Romania largely failed to implement rule of law reforms,
engaging in “window-dressing” tactics. 123 However, in recent years, the Romanian government
has slowly intensified its anti-corruption efforts, which has improved rule of law. Despite this

121 Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1,
2016.
122 Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August
2, 2016.
Brett, Daniel. “Romania: Old Problems and New Challenges.” In Central and East European Politics: From
Communism to Democracy, edited by Sharon L. Wolchik and Jane Leftwich Curry, 3rd ed., 372–405. London:
push against corruption, one interviewed NGO activist highlighted that “legislation often isn’t observed and Romania’s very complex system is hard to understand, so it is difficult to figure out which institution does what.”124 When Romania acceded to the EU, it had confusing, ill-defined institutional configurations and weak rule of law, which corresponds to democratic stagnation in the post-accession period.

Early in the democratic transition, Romanian politicians resisted implementing rule of law reforms. President Ion Iliescu (1990-1996) and Prime Minister Adrian Năstase (2000-2004), largely obstructed rule of law reforms so as to engage in “rampant self-enriching corruption.”125 However, societal pressures spurred by EU criticism forced them to improve some aspects of the rule of law. During Năstase’s rule, an anti-corruption bill passed, which required political candidates and officeholders to disclose their assets, income, and interests.126 However, this bill was not implemented. Corruption reached a level that was “high, even by Romanian standards,” with no high-level politicians facing prosecution for corruption.127 Those who investigated corruption within Năstase’s party were threatened and intimidated into dropping cases.128

A 1997 EU report analyzing Romania’s rule of law described it as unsatisfactory when compared to the Copenhagen criteria.129 Initially, instead of legitimately working to curb corruption, Romania established a “network of institutions whose areas of responsibility overlap

125 Brett, “Romania Old Problems and New Challenges,” 386.
129 Noutcheva and Bechev, “The Successful Laggards,” 12.1
and confuse,” instead of actually fight corruption.\textsuperscript{130} Even as some analysts of Romania’s democracy described improvements in annual reports, politicians continued to avoid implementing substantial anti-corruption reform.\textsuperscript{131} This trend is perhaps best exemplified by the appointment of Minister of Justice Teodor Chiuariu in 2007, who maintained his high-ranking judicial position while under investigation for corruption.\textsuperscript{132} When one of the most powerful political leaders tasked with fighting corruption profited from engaging in corrupt activities, the fight against corruption obviously stalled.

Improvements in rule of law and anti-corruption efforts have occurred in recent years at both the local and national level. Most NGO leaders whom I interviewed attributed perceived improvements in Romania’s democracy to the anti-corruption reforms. One respondent described the reforms as causing “the people to make a mental switch” to oppose corruption.\textsuperscript{133} The respondent further cited the impact of high levels of trust in the National Anticorruption Directorate (DNA) on the recent success of anti-corruption and democratic reforms: “When there were attempts to change the criminal code and anti-corruption legislation, there were protests that mobilized quickly in big cities.”\textsuperscript{134} She credited these protests—and others—for protecting rule of law in Romania by highlighting citizens’ opposition to corruption.

Despite current political attacks on anti-corruption efforts, several notable corruption convictions have occurred in recent years. In October 2015, a director and an editor of a local newspaper, \textit{Atac de Buzau}, were arrested after attempting to blackmail local politicians for

\textsuperscript{130} Racovita, “Europeanization and Effective Democracy in Romania and Bulgaria,” 40-41.
\textsuperscript{131} Racovita, “Europeanization and Effective Democracy in Romania and Bulgaria,” 40-41.
\textsuperscript{132} Stan, “Romania: in the shadow of the past,” 391.
\textsuperscript{133} Confidential. Interview at 6 PM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June 13, 2016.
\textsuperscript{134} Confidential. Interview at 6 PM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June 13, 2016.
advertising contracts. Additionally, 2015 saw the arrest and indictment of corrupt anti-corruption prosecutors. Recent improvements in anti-corruption efforts can largely be attributed to the success of the DNA. In 2015 alone, it investigated a Constitutional Court justice, a National Integrity Agency president, a Finance Minister, a Minister of Regional Development and Administration, the mayor of Bucharest, a former Transport Minister, and the former Prime Minister. The DNA has prosecuted high-level officers, even jailing two former prime ministers since its inception. It also investigates both the ruling party and the opposition. Since the DNA prosecutes both sides with equal vigor, it cannot be described as coopted. The DNA’s efforts at combatting corruption have improved the rule of law in Romania.

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137 Brett, “Romania Old Problems and New Challenges,” 373.
138 Despite its recent success, the DNA failed to prosecute high-level officials when it was established in 2003. Its recent improvements may provide a model for other Eastern European countries seeking to reform and advance their fight against corruption. According to Sorin Ionita, a policy analyst in Bucharest, in a New York Times interview, the DNA “[was] going after school teachers and train conductors. It was a mockery.” In the run-up to EU accession in 2007, Justice Minister Monica Macovei pushed through legislation that strengthened the DNA by requiring it to investigate corruption only if it either resulted in the loss of about $12,500 or more, or involved mid-to high-level state employees engaged in corrupt activities. The appointment of Laura Codruța Kövesi as chief of the DNA in 2013 spurred the strengthening of the DNA, even after EU pressure waned. In an interview with the Telegraph, Kövesi described a shift in Romanians’ attitudes towards corruption as a result of the DNA’s prosecutorial successes since 2013: “The fact that ministers, senators, deputy secretaries of state or other public officials have been investigated by the DNA, and been convicted in a court proves that everybody is equal before the law, regardless of their social status or the fortunes they own.” The combination of the passage of legislation that established a clear and high-level anti-corruption scope in 2007 and the presence of a DNA chief actively working to combat corruption in Romanian society have improved the quality of rule of law in Romania. This example shows the possibility of replication in other parts of Eastern Europe struggling with corruption. In states that have yet to accede to the EU, the EU can incentivize these states to create an effective anti-corruption agency. Additionally, developments in Romania suggest if leaders place strong proponents of anti-corruption in positions of power, corruption can be fought even in states that have already acceded.

Despite these improvements, some rule of law issues remain significant. In 2015, the government manipulated the law in order to justify unconstitutional actions. Corruption prosecutions and subsequent resignations opened up several local officials’ positions. While the constitution requires that the government hold elections to fill these positions within 90 days, the government failed to organize elections. The PNL opposition party sued the government and ultimately the Bucharest Court of Appeals mandated that the government organize elections by June 7, 2015. Instead of complying with the court’s ruling, the government decided to appoint certain people to temporarily fill these local positions. In order to justify these actions, an emergency ordinance was passed to amend the law on local public administration in a way that would make this permissible.\footnote{Davidescu et al., “Romania Nations in Transit 2016.”}

The government’s actions in 2015 caused apprehension with NGO activists. One interviewed activist described a current “big threat that things [democracy] will go backwards.”\footnote{She referenced a mayor who was elected while in prison for corruption to further demonstrate her worry that Romania’s rule of law was vulnerable to weakening. She stated, “It’s gotten so bad. How can someone in prison attend government meetings?” June 26th at 11 am. Bucharest, Romania.} She highlighted legislative proposals from all parties that jeopardize the rule of law by weakening and “decrease[ing] the role of the justice system” in anti-corruption prosecutions.\footnote{Confidential. Interview at 11 AM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June 26, 2016.} She illustrated this fear by describing a 2016 decision of the government to modify the conflict of interest law for parliamentarians in order to cut back past reforms. This NGO activist argued that the government’s actions in 2016 demonstrate the overall attempts by “the executive and legislative branches to undermine reforms by not implementing them.”\footnote{Confidential. Interview at 11 AM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June 26, 2016.} In this environment, rule of law, while improved, still requires significant progress.

\footnote{Davidescu et al., “Romania Nations in Transit 2016.”}
Even though Romania’s rule of law has strengthened greatly since 2013, its democracy continues to stagnate. My hypothesis suggests that, when predicting democratic developments, the strength of rule of law at the time of EU accession matters more than changes to rule of law after EU accession. Romania offers support for my hypothesis that the strength of institutions at the time of EU accession can impact levels of democracy years later. The weakness of rule of law at EU accession corresponds to current stagnated levels of democracy in Romania.

**Slovenia**

Slovenia established the strongest rule of law institutions in the pre-EU accession period and maintained the strength of these institutions following accession. Democratic consolidation has occurred. These trends suggest that the strength of rule of law institutions at the time of EU accession helped place Slovenia on the path to democratic consolidation.

Slovenia’s use of consensual decision-making has decreased rule of law infringements. Even before EU accession, Slovenian politicians frequently invited a variety of stakeholders to participate in the policymaking process. Slovenian politicians also largely avoid manipulating the legal system for political gain. Slovenian activists whom I interviewed emphasized that Slovenia “is not having issues” with the rule of law “like other countries in the region.”

The constitution that Slovenia passed in 1991 established understandable political institutions with clearly delineated responsibilities. Executive power is split between a cabinet government led by a prime minister and a directly elected president. One interviewed Slovenian civil society activist described the executive branch as gaining more power than the legislature; however, he emphasized that this is part of a larger global trend that increasingly

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144 Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
imparts authority to the executive. He concluded that this shift in power does not threaten the quality of democracy or the rule of law in Slovenia.146

Some scholars, such as Danica Fink-Hafner, have described Slovenia as a “textbook example” of how to establish a functioning democracy.147 Slovenia’s institutionalized system of checks and balances further strengthen the rule of law.148 By legally codifying a democratic system to create a clear institutional structure and by providing these institutions with adequate resources to function effectively, Slovenia developed strong rule of law.149

Slovenia’s Commission for the Prevention of Corruption (CPC) further reinforces the rule of law. Upon its creation, it was given a broad mandate to monitor public corruption.150 Even as corruption is perceived as one of the largest problems in Slovenia, the prosecution of high-profile politicians, business tycoons, and their associates has “intensified” since 2011.151

However, some problems with the rule of law remain. Sometimes criminal and civil penalties for corruption are not implemented. Enforcement of legislation regulating the prosecution of high-level corruption remains weak.152 Furthermore, some interviewed activists express concern over alleged cases of politicized prosecution of corruption. Some activists have accused parties of not prosecuting their own party members while in power. Others worry that high-level officials are not held accountable. Corruption rulings brought down on former Prime

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146 Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
Minister Janez Janša and some left-wing politicians have punished them leniently, spurring worries that the government is not dedicated to fighting corruption.\textsuperscript{153}

When three chairmen of the foremost anti-corruption watchdog agency, the Commission for the Prevention of Corruption, attributed their resignation in 2013 to the government’s insufficient efforts to curb corruption, increasing numbers of citizens lost hope in the fight against corruption.\textsuperscript{154} One interviewed NGO activist asserted that even though there are “some trials when government secretaries accept some bribes for services or lobby interested parties” and even though “these acts are reported by the mass media, lots of corruption remains on the municipality level.”\textsuperscript{155} However, he went on to say, “corruption isn’t a big enough issue to undermine how the government is operating.”\textsuperscript{156}

 Though clearly revitalizing anti-corruption efforts could further improve the rule of law, Slovenia has established a fairly well-functioning rule of law. Particularly in comparison to other countries in the region, Slovenia is hailed as a success story not only of the democratic transition, but also in the establishment of functioning and well-regulated institutions. The strong rule of law institutions created at the time of EU accession provided a political norm that shaped how politicians thought they should behave. The strength of rule of law in Slovenia in 2004 thus seems important in explaining subsequent democratic consolidation.

\textit{Rule of Law Conclusion}

Overall, I have mixed findings for the idea that the strength of rule of law institutions at the time of EU accession helps explain whether democracy consolidates years later. While this hypothesis seems to match democratic developments in Bulgaria, Romania, and Slovenia, it does

\textsuperscript{153} Hacek et al, “Sustainable Governance Indicators,” 2.
\textsuperscript{154} Hacek et al, “Sustainable Governance Indicators,” 2 and 17.
\textsuperscript{155} Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
\textsuperscript{156} Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
not hold in Hungary. An initially strong rule of law in Slovenia corresponds to democratic consolidation later. An initially weak rule of law in Bulgaria is consistent with democratic stagnation. The initially weak rule of law in Romania dovetails with democratic stagnation, despite the recent strengthening of rule of law. In Hungary, strong rule of law at the time of accession did not correspond to democratic deepening. Subsequent actions taken by politicians seem more important to democratic developments in Hungary than the initial strength of rule of law. In order to assess whether a different aspect of democracy better explains democratic developments over time, I will now examine the relationship between judicial strength and democratization patterns.

Table 2.1: Summary of Predictions and Finding for the Relationship between Rule of Law and Developments in Democracy

<table>
<thead>
<tr>
<th></th>
<th>Strength of Rule of Law at EU Accession</th>
<th>Predicted Democratic Development</th>
<th>Actual Democratic Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>Weak</td>
<td>Stagnation</td>
<td>Stagnation</td>
</tr>
<tr>
<td>Hungary</td>
<td>Strong</td>
<td>Consolidation</td>
<td>Backtracking</td>
</tr>
<tr>
<td>Romania</td>
<td>Weak</td>
<td>Stagnation</td>
<td>Stagnation</td>
</tr>
<tr>
<td>Slovenia</td>
<td>Strong</td>
<td>Consolidation</td>
<td>Consolidation</td>
</tr>
</tbody>
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**The Strength of Judicial Institutions and Developments in Democracy**

Many Eastern European countries have struggled to establish judiciaries that effectively check the executive and legislature. Even when constitutionally designed to counterbalance the power of the other branches, judicial institutions often do not receive either the necessary financial support or enough respect to empower them to operate properly. Sometimes ignored and frequently under-resourced, in some Eastern European countries, the judiciary cannot effectively protect democracy. This section examines the extent to which judicial strength at the time of EU accession impacts the quality of democracy in the four case study countries.
The graph below reveals divergences in the strength of judicial institutions for each of the four countries both at and since EU accession (Graph 2.3).\textsuperscript{157} Hungary and Slovenia’s judiciaries scored well from 2003 to 2009, indicating the presence of independent and resourced judiciaries at EU accession. However, by 2010, Hungary’s judiciary worsened, while Slovenia’s largely remained the same. By contrast, Bulgaria and Romania’s judiciaries started from a weak foundation. Both progressed before acceding to the EU in 2007, but after 2007, both states’ judicial institutions worsened until 2011. From 2011 on, Romania improved the quality of its judiciary, while Bulgaria’s continued to worsen—albeit receding to a score still better than Romania’s. The strength of judicial institutions at the time of EU accession helps explain democratic deepening in Slovenia and stagnation in Bulgaria and Romania. However, strong judicial institutions present when Hungary acceded to the EU do not improve understandings of its democratic backtracking.

\textit{Graph 2.3: Country-Level Judicial Framework and Independence Scores}

Source: Freedom House

\textsuperscript{157} The Freedom House Nations in Transit Judicial Framework and Independence scores are measured on a seven-point scale, where 1 indicates that a judiciary is the most developed and 7 indicates that a judiciary is the least developed. The green dotted lines show the year of accession for each of the countries.
Bulgaria

Bulgaria had a weak and under-resourced judiciary at the time of EU accession and its democracy later stagnated, fitting my hypothesis that the presence of a weak and under-resourced judiciary at the time of EU accession may correspond to democratic stagnation in later years. Even though its judiciary has largely operated independently, this independence should not necessarily be construed positively, as the Bulgarian judiciary has frequently failed to prosecute corruption and to operate transparently. Bulgaria’s weak and poorly-functioning judiciary at the time of EU accession helps explain democratic stagnation in Bulgaria.

Before acceding to the EU, constitutional designers of Bulgaria’s judicial institutions established an autonomous branch that could check other institutions’ powers. Composed of judicial representatives, the Supreme Judicial Council promotes and appoints judges.158 This institutional configuration grants the judiciary a degree of independence from other branches. By preventing the dismissal of Constitutional Court judges during their non-renewable nine-year terms, Bulgaria’s constitution decreases judges’ incentives to rule in a politicized manner.159

However, this constitutional design has decreased legislative oversight of the judiciary and increased the influence of the Prosecutor-General. One NGO leader described the problem:

The reforms were supposed to make the judiciary stronger against outside influence, but it really made outside influence stronger, gave the prosecutor-general virtually complete control over the panel that is supposed to monitor him. The panel that is supposed to control and monitor the courts and judges are mostly chosen from politics, so the courts are actually more prone to outside political party influence.160

160 Confidential. Interview at 5:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 14, 2016.
The magistrates’ appointments by the Supreme Judicial Council are un-transparent and uncompetitive, which further prevents attempts at oversight. The Supreme Judicial Council can “appoint, promote, demote, reassign, or dismiss the justices, prosecutors, and investigating magistrates” without needing to consult an additional body.  

Furthermore, the prosecution service is overly-dependent upon the Prosecutor General. One interviewed NGO leader stated that the Prosecutor General “has the greatest influence and is in a way completely unaccountable to anyone for his seven-year terms.”\textsuperscript{162} The civil society activist further noted that “since Bulgaria’s transition to democracy, there have been three or four Prosecutor-Generals and all have been accused of influencing trials.”\textsuperscript{163} Though the constitution protects the judiciary from assault by the legislative and executive branches, it also makes it difficult for other institutions or citizens to hold the judiciary accountable.\textsuperscript{164}

Even before EU accession, judges have frequently refused to prosecute high-level executive, legislative, and judicial leaders engaged in corruption.\textsuperscript{165} When high-level corruption is prosecuted, the punishment is often ineffective. One interviewed NGO activist described a project that distributed 3 million leva (about $1.66 million) from the central budget to municipalities for local developments. Four municipalities appealed the selection process because all of the distributed funds were given to mayors politically aligned with the ruling party. The interviewed activist asserted that “the court ruled that the distribution of money was


\textsuperscript{162} Confidential. Interview at 5:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 14, 2016.

\textsuperscript{163} Confidential. Interview at 5:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 14, 2016.

\textsuperscript{164} Bulgaria’s constitution also provides immunity to judges from criminal prosecution, which makes it difficult for citizens or other institutions to monitor the judiciary. Noutcheva and Bechev, “The Successful Laggards,” 129.

\textsuperscript{165} Racovita, “Europeanization and Effective Democracy,” 35.
illegal because it wasn’t transparent, but the court didn’t oblige the municipalities to return the money to the budget because the projects were already underway.” 166 Even when judges prosecute corruption, the punishment often fails to deter future acts, which brings into question the effectiveness of the Bulgarian judiciary in curtailing the corruption of public funds.

Cognizant of weaknesses in Bulgaria’s judiciary present from the beginning of the democratic transition, Minister of Justice Hristo Ivanov attempted to pass judicial reform legislation in 2015. The proposed bill would have increased the transparency of the judiciary and decreased the politicization of trials.167 Other politicians proposed a provision to split the duties of the Supreme Judicial Council so that different bodies would appoint prosecutors and judges.168 This bill required constitutional changes and attempts to pass it faced significant difficulties. Even though the public largely supported this bill, the Bulgarian parliament removed the most substantial sections of reform from this legislation. No meaningful changes to the judiciary occurred and Minister of Justice Ivanov resigned in protest.169 One interviewed NGO activist expressed discontent with the failure of these reforms, noting that “if the judiciary reforms, then I think the implementation of laws and reform in every other sphere would be much better.”170

Judicial weaknesses and inefficiencies since EU accession reflect the broader failure of Bulgaria’s democracy to consolidate. Both judicial institutions and the overall democratic environment in Bulgaria have stagnated. The weakness of the judiciary at the time of Bulgaria’s

170 Confidential. Interview at 6 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 28, 2016.
accession made it difficult for subsequent reforms designed to strengthen the judiciary to succeed, which helps explain why Bulgaria’s democracy has stagnated.

Hungary

At the time of EU accession, Hungary had a well-resourced and independent judiciary. Until 2010, this trend continued and democracy deepened. However, after Fidesz gained a legislative supermajority in 2010, its politicians “systematically” attacked checks and balances by targeting the court—working to replace, manipulate, and intimidate judges in order to increase support for their controversial legislation. Democratic backsliding has resulted. Since the strength of Hungary’s judiciary at the time of EU accession does not help explain democratic backsliding, this section focuses on developments in its judiciary since these attacks began.

During the democratic transition, institutional engineers established the Constitutional Court as the main check on parliament. Hungary’s institutional design leaves the Constitutional Court as “the only institution to review and criticize” parliamentary policies. Those engaged in Hungary’s institutional engineering process placed a great deal of responsibility in the Court. While politicians largely respected it and provided it with the necessary resources prior to 2010, after 2010, Fidesz undermined the institution, recognizing the judiciary as its primary constraint.

Deploying the supermajority that it gained in 2010, Fidesz altered the way that Constitutional Court judges were nominated in order to select new candidates, most of whom had a partisan background. Because of the changed “composition” of the court as a result of the replacement of former judges, the Constitutional Court ceased its role as a check on the

government’s power and became a Fidesz proxy.\textsuperscript{174} By 2014, Fidesz had replaced 11 of the Constitutional Court’s 15 judges—after having increased the total number of judges from eight to fifteen.\textsuperscript{175} One NGO activist that I interviewed underscored that “professional criteria were not taken into consideration when picking new judges, which impacts how other institutions operate and does not favor democracy.”\textsuperscript{176} She further stated that “when it comes to the national court and politically sensitive cases, decisions are made that favor the government politically.”\textsuperscript{177} These politicized appointments of Constitutional Court judges have compromised the strength and operation of the judiciary in Hungary.

By filling nine-year judicial appointments with Fidesz loyalists, the legislative changes that Fidesz has made would be difficult for an opposition party to undo should it come to power in the future. The ruling party has not downplayed these changes. In May 2013, when Prime Minister Orban met with Chief Justice Paczlay, he stated that “the time of constitutional debate is over.”\textsuperscript{178} This anti-democratic statement reveals the extent to which Fidesz has undermined the judiciary, removed its constitutional check, and attacked the quality of democracy that existed in Hungary at the time of its EU accession.

\textsuperscript{175} Of the eleven replacement positions, seven of these seats were created as new positions for Fidesz to fill. These new judges only received confirmation votes from the ruling party’s members of parliament.
\textsuperscript{176} Confidential. Interview at 5:30 PM with a Hungarian NGO. Interview by Courtney Blackington. Skype, July 25, 2016.
\textsuperscript{177} Confidential. Interview at 5:30 PM with a Hungarian NGO. Interview by Courtney Blackington. Skype, July 25, 2016.
\textsuperscript{178} “Hungary Nations in Transit 2015.”
The Constitutional Court’s new members uphold controversial legislation passed by the Fidesz legislative majority—creating a “clear break” in judicial rulings. In 2014, the Constitutional Court ruled that new election rules were constitutional. This new electoral system redrew district boundaries without consulting the opposition, halved the number of parliamentary seats, and reallocated the way that votes are distributed to benefit Fidesz. These changes to the structure of the judiciary have established a court system that acts as a rubber stamp for Fidesz legislation instead of a check on the legislative and executive branches’ power.

Additionally, in 2014, the Fourth Amendment of the new Hungarian constitution repealed all of the decisions made by the Constitutional Court before the new constitution passed. This decision means that precedent stemming from court decisions made before 2012—including those made in order to qualify Hungary for EU accession—can no longer be used to justify future rulings. Rulings made before Fidesz replaced the judges on the Constitutional Court with its political allies are no longer legally permissible precedent.

Hungary’s government has also attempted to sideline lower courts. It decreased the retirement age of ordinary judges from 70 to 62, which allowed it to “remove almost all of the courts’ presidents” as well as one-tenth of all judges. It also passed legislation that created a

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181 The constitution that Fidesz passed in 2012 also “radically limits” citizens’ access to the Constitutional Court by altering the initiative process. One interviewed civil society activist highlighted that now organizations need a client whose rights were harmed, whereas before “if you saw a constitutionality problem you could file a suit as a public organization.” When this right to file a case was taken away, her organization’s activities were restricted. Bugarić, “A Crisis of Constitutional Democracy in Post-Communist Europe,” 226.
Confidential. Interview at 5:30 PM with a Hungarian NGO. Interview by Courtney Blackington. Skype, July 25, 2016.
National Judicial Office to appoint new judges to the retiring judges’ positions.\textsuperscript{184} However, the lower courts have maintained some degree of independence.\textsuperscript{185} One interviewed NGO activist described a dual problem: “Low courts often contradict the government, but if they do, the government can change the law to prevent these litigations. They can fast track legislation to change it whenever existing legislation threatens them.”\textsuperscript{186} While the lower courts may remain independent, they cannot enforce their rulings without the support of the Fidesz government.

Overall, Hungary’s government since 2010 broke with the precedent of respecting the independence of the judiciary, instead opting to coopt the judicial system. The judiciary can no longer effectively check the executive or legislature in the way that it could at the time of EU accession. In Hungary, the pre-accession strength of the judiciary does not predict later developments in the quality of democracy.

\textit{Romania}

In Romania, the strength of judicial institutions at the time of EU accession corresponds to later levels of democratic stagnation. At the time of its EU accession, Romania had weak judicial institutions. Since then, its judicial institutions have only marginally improved. Romania’s democracy has stagnated perhaps partially as a result of this initial weakness.

Early in the democratic transition, many judges were either corrupt or political proxies.\textsuperscript{187} However, the quality of the judiciary somewhat improved in the pre-accession period. One interviewed NGO activist noted that the implementation of many of the EU reforms coincided with the “creation of a critical mass ready for reform.”\textsuperscript{188} Many young professionals sought to

\begin{footnotesize}
\begin{enumerate}
\item[(185)] Hegedus, “Hungary Nations in Transit 2016.”
\item[(186)] Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 2, 2016.
\item[(187)] Stan, “Romania: in the shadow of the past,” 383.
\item[(188)] Confidential. Interview at 11 AM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June
\end{enumerate}
\end{footnotesize}
strengthen the judiciary when they entered it 2004. To shift the balance of power from communist judges and prosecutors to their replacements, the National Institute of the Magistracy was founded in 1992. One NGO activist asserted that reforms were internalized because:

New training through the [National] Institute [of the Magistracy] allowed new judges and prosecutors aged 24 and 25 to flood the system and to tilt the power balance toward these reformed, new leaders and from the Communist judges and prosecutors.¹⁸⁹

New personnel who accepted responsibility for the reforms helped the judiciary become a more effective institution that could improve the quality of democracy in Romania. These reforms occurred prior to Romania joining the EU and contributed to strengthening its weak judiciary—albeit not to a significant extent.

Since EU accession, judges and prosecutors have actively sentenced corrupt politicians.¹⁹⁰ Anti-corruption prosecution has increased in recent years and is often attributed to the collaboration between prosecutors and the Romanian Intelligence Agency (SRI).¹⁹¹

Politicians who fear being prosecuted for corruption or who seek to alleviate their corrupt friends’ punishments have attempted to influence judges and constrain their activities. In 2013, politicians “heavily advis[ed] and criticiz[ed]” judicial rulings in mostly unsuccessful attempts to influence them.¹⁹²

Since the judiciary has become more effective than other institutions of governance, an interesting problem has emerged. One interviewed NGO activist who is also a prosecutor stated:

26, 2016.
¹⁹¹ Even as this partnership between prosecutors and the SRI has enabled prosecutors to effectively try high-level corruption, some politicians have railed against what they perceive to be a reliance of prosecutors on the SRI. Some Romanian media and politicians claimed that the SRI positioned undercover agents in judicial institutions. These accusations, if true, would infringe the rule of law. However, they are likely unfounded claims used to discredit judges, as the vast majority of Romanians who expound these claims were under investigation for corruption. “Freedom House Romania Country Report 2016.”
People come to the prosecutor’s office for anything because they expect the judiciary will solve anything. Only important cases should go to the prosecutor’s office, but this is not the case. This is anti-democratic. The fact is that we’ve depended almost exclusively on the judiciary to handle everything, which has made democracy unbalanced.\footnote{Confidential. Interview at 11 AM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June 26, 2016.}

Romania’s democracy has stagnated. This finding corresponds with my hypothesis, which suggests that since Romania’s judicial institutions were weak at the time of EU accession, democratic stagnation would continue after accession.

\textit{Slovenia}

Slovenia’s strong judicial institutions at the time of EU accession correspond to democratic deepening in the post-accession period. The establishment of strong judicial institutions before Slovenia gained EU membership likely helped it deepen the quality of its democracy, as my hypothesis predicts.

While Freedom House indicators show that Slovenia’s judicial institutions largely maintained their strength throughout the post-accession period, some problems continue to decrease the quality and effectiveness of these institutions. Even though Slovenia’s judicial institutions are significantly stronger than the other three case studies examined, since the judiciary is not as strong as other institutions or democratic structural factors, judicial institutions may not help us understand why Slovenia’s democracy has succeeded as well as other factors.

Some critics of Slovenia’s institutions describe judicial reforms as “shallow” because the reform process emphasized how structures appear in law instead of how they operate in practice.\footnote{Bugarič, “A Crisis of Constitutional Democracy in Post-Communist Europe,” 228.} They contend that the courts have been coopted by political interests.\footnote{Bugarič, “A Crisis of Constitutional Democracy in Post-Communist Europe,” 229.} In 2015, several high-profile anti-corruption cases were not tried effectively because of poor judicial
procedure. In the high-profile Patria case, Janez Jansa, Slovenia’s Prime Minister from 2004 to 2008, was accused of accepting bribes from Patria, a Finnish state-run arms group, in a planned contract for 135 armored vehicles. While Slovenia’s Ljubljana’s district court ruled that Jansa was guilty of accepting bribes and while the Higher Court and Supreme Court upheld the district court’s ruling, the Constitutional Court overturned the ruling, citing a lack of evidence. The Constitutional Court ordered a retrial at the District Court of Ljubljana, which dismissed all criminal charges against Jansa. The Constitutional Court’s ruling raised concerns that the judiciary was neither as independent nor as willing to fight corruption as previously imagined.

Some problems with the Slovenian judiciary stem from a gulf between written legislation and implementation. The legislation seems to create a fairly strong Constitutional Court, which determines whether laws, regulations, and general acts are constitutional and legal. Beyond merely examining the constitutionality of laws, it can also rule on whether citizens’ rights have been infringed. To monitor the actions of politicians, the constitutional court rules on the constitutionality of political parties’ activities and can impeach the president, prime minister, or cabinet ministers. While the legislation seems well-developed, the government has not effectively implemented anti-corruption laws and has kept the criminal justice system under-

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Additionally, the Slovenian judiciary remains backlogged, making it difficult for the judiciary to consider cases quickly.\textsuperscript{202}

However, many scholars and NGO activists in Slovenia emphasize that its judiciary is much stronger than these characteristics make it seem. While recognizing that Slovenia could continue to improve the quality of its judiciary, they cite the stability and strength of its institutions to contend that Slovenia has a well-developed judiciary. The original constitutional design allows judges to hold their offices for life, which insulates them from political pressures.\textsuperscript{203} Additionally, despite some difficulty prosecuting high-level corruption, such as the Jansa-Patria case, politicians have rarely affected court decisions since EU accession.\textsuperscript{204}

The overall impact of the strength of the Slovenian judicial system at the time of EU accession appears mixed. Though it has sometimes failed to prosecute high-level corruption, it maintains a significant degree of executive and legislative oversight. Furthermore, Slovenia’s judiciary is one of the strongest in Eastern Europe. The strong judicial institutions at the time of EU accession correspond to subsequent democratic consolidation in Slovenia. While the strength of judicial institutions helps explain democratic consolidation, since the institutions are not as effective as other societal and institutional factors, the strength of the judiciary does not appear to offer the best explanation of democratic consolidation in Slovenia.

\textsuperscript{201} “Slovenia Nations in Transit 2015,” 9.
\textsuperscript{204} Hacek et al, “Sustainable Governance Indicators; Slovenia’s Report,” 16.
Judiciary Conclusion

The importance of the strength of the judiciary at the time of EU accession in predicting later democratic developments appears mixed. In Bulgaria and Romania, weak pre-accession judicial institutions correspond to democratic stagnation in subsequent years. Similarly, in Slovenia, a strong pre-accession judiciary coincided with democratic deepening after EU accession. However, in Hungary, strong pre-accession judicial institutions were attacked beginning in 2010 and democracy backslid, as opposed to consolidated.

Table 2.2: Summary of Predictions and Findings for the Relationship between Judicial Strength and Developments in Democracy

<table>
<thead>
<tr>
<th>Strength of Judiciary at EU Accession</th>
<th>Predicted Democratic Development</th>
<th>Actual Democratic Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria Weak</td>
<td>Stagnation</td>
<td>Stagnation</td>
</tr>
<tr>
<td>Hungary Strong</td>
<td>Consolidation</td>
<td>Backtracking</td>
</tr>
<tr>
<td>Romania Weak</td>
<td>Stagnation</td>
<td>Stagnation</td>
</tr>
<tr>
<td>Slovenia Strong</td>
<td>Consolidation</td>
<td>Consolidation</td>
</tr>
</tbody>
</table>

Institutional Engineering Chapter Conclusion

My hypothesis suggested that the strength of both rule of law and judicial institutions at the time of EU accession would predict levels of democratic consolidation in later years. Applied to my cases, the strong rule of law and judicial institutions established in Hungary and Slovenia at the time of EU accession were expected to correspond to democratic deepening, while the weak rule of law and judicial institutions present at the time of Bulgaria and Romania’s EU accession were expected to correspond to democratic stagnation. I found support for this hypothesis in Bulgaria, Romania, and Slovenia.

Developments in Romania’s rule of law reveal the greatest support for my hypothesis. Even after Romania’s rule of law institutions strengthened in the post-accession period, its democracy still stagnated. However, this stagnation is likely due to a confluence of other factors.
The weakness of rule of law institutions at the time of EU accession alone likely does not independently drive current levels of democratic stagnation in Romania. Hungary also proved an outlier by contradicting my hypothesis to the greatest degree. Even though it developed strong rule of law and judicial institutions in the pre-accession period, its democracy backslid.

My findings indicate that the political structure established by institutional engineering at the time of EU accession, though a contributor to future levels of democracy, may not be the most important factor in predicting the quality of democracy years later. Changes in institutions after EU accession may better explain the levels of democracy in the post-accession period. In particular, those changes made to democratic institutions by either pro-democratic or anti-democratic leaders that are permitted by society may most affect the quality of democracy in a country. My next chapter taps into these ideas by examining the extent to which political culture and societal factors affect the consolidation of democracy in a country.
CHAPTER THREE: THE RELATIONSHIP BETWEEN POLITICAL CULTURE AND DEMOCRATIC BACKSLIDING

Political Culture Hypotheses

My literature review suggested four primary pathways through which political culture impacts democratization in Eastern Europe. First, whether citizens define democracy in liberal terms affects the success of democratic consolidation. I hypothesize that when citizens of a state understand democracy in liberal terms, democracy will likely deepen. However, when citizens do not understand democracy in liberal terms, stagnation or backtracking is more likely.

Second, the presence of a resourced and freely operating civil society may influence democratization. I expect that states with well-resourced and participatory civil societies will be more likely to deepen their democracies. However, when national governments coopt or limit the functioning of CSOs, democratic backtracking and stagnation will likely occur.205

Citizens’ participation in democratic activities may impact the democratization process because they can demand that their politicians listen to their views. I hypothesize that in countries where citizens’ participation in political activities and civil society is higher, the democratic institutions will be more likely to consolidate. However, when citizens infrequently engage in democratic activities, democratic institutions will be more vulnerable to backtracking.

Finally, citizens’ levels of trust in democratic institutions can constrain political elites’ activities. I hypothesize that trust in the EU and trust in national governments operate in

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205 The extent to which civil society organizations (CSOs) are well-resourced and participatory largely depends on three factors. First, a legal environment that consistently regulates and protects the operation of civil society must exist. CSOs also must have access to funding that allows them to finance their operations. Finally, the government must be open to civil society consultations on legislation and CSOs must have the capacity to present reasonable critiques and suggestions for government policies.
opposition to each other. When trust in the EU is higher than trust in national governments, democratic consolidation will become increasingly probable. By contrast, when citizens trust their national governments more than the EU, democratic stagnation and backtracking will be more likely to occur.

**Methodology**

By using an ordered logit regression, this section tests which of these hypotheses seem to hold. After this statistical analysis, I use qualitative analysis to examine whether my model matches with other sources of qualitative data in Bulgaria, Hungary, Romania, and Slovenia.

Survey limitations prevent me from statistically testing the direct impact of political culture on democratic backtracking. Using changes in levels of democracy as the dependent variable would not have provided enough variation in the model. Instead, I explored respondents’ support for democracy as a dependent variable. Support for democracy is the closest measure of democratic backtracking available in the World Values Survey, as democracy is less likely to backtrack if citizens support democracy as a way of governing.

The available survey years further limit the validity my quantitative analysis. The World Values Survey was the only survey to occur in each of the four case countries and to tap into the aspects of political culture that interest me. Unfortunately, 1995 and 2005 are the two most recent years that this survey was conducted. Both iterations are quite outdated, particularly as Bulgaria and Romania had yet to join the EU in 2005. However, after considering other surveys’ methodologies and questions, I found the World Values Survey to be the best option available.

The weaknesses in the applicability of the survey data to my research question motivated me to

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206 Trust in the EU may signify a greater commitment to liberal democratic norms, while trust in national government may represent a turn inwards and a desire to focus on achieving the outcome that is best for one’s country regardless of the democratic—or anti-democratic—process used.
incorporate NGO testimonial, expert reports, and scholarly work to further analyze these hypotheses in a later section of this chapter.

*Descriptive Statistics on the Ordered Logistics Regression Model*

Overall, during the World Value Survey Wave 3 (1995), the individual country-level distribution of the variables did not systematically or substantially differ from the combined regional average. While Bulgarians and Slovenians had higher than average support for democracy as a way of governing their country, Romanians’ scores were lower. Hungarian scores fell approximately at the mean. Fairly substantial regional and country-level changes occurred on the dependent variable from 1995 to 2005. Overall, more people responded positively to democracy as a form of governance. The 0.4 increase seems substantial on a four-point scale. Only Hungary fell significantly below the regional average of satisfaction with democracy in 2005; however, Hungarians still increased their satisfaction with democracy by a substantial 0.27 points. All three remaining countries also increased their satisfaction with democracy scores: by 0.29 in Bulgaria, by 0.73 in Romania, and by 0.21 in Slovenia.

In both surveys, levels of civic involvement were very low—with regional levels falling from an average of 1.09 activities per person to 0.64 activities per person from 1995 to 2005. Liberal understandings of democracy decreased over this time period by 0.18 points on a five-point scale. By contrast, trust in the EU relative to the national government increased by 0.07 points across the region. More descriptive statistics are presented in Table A2 of the Appendix.

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207 My dependent variable measures support for democracy as a way of governing. The exact question issued by the World Values Survey is: “I’m going to describe various types of political systems and ask what you think about each as a way of governing this country. For each one, would you say it is a very good, fairly good, fairly bad or very bad way of governing this country? Having a democratic political system.”


Having examined the key descriptive statistics, I now turn to the ordered logistic regressions that I ran to examine the extent to which my hypotheses hold. The dependent variable in all of these hypotheses is the extent to which a respondent thinks a democratic political system is a good way of governing his or her country. This section only tests three of the four hypotheses described in the introduction—all of which are restated below. After using statistical modelling, I will examine all four hypotheses qualitatively in the following section.

Table 3.1: Ordered Logit Model Predicting Respondents’ Favorability Towards Democracy in their Country in 1995

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Four Country Average</th>
<th>Bulgaria</th>
<th>Hungary</th>
<th>Romania</th>
<th>Slovenia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal Understanding of Democracy</td>
<td>-0.16* (0.07)</td>
<td>-0.13 (0.14)</td>
<td>-0.12 (0.20)</td>
<td>-0.29* (0.13)</td>
<td>-0.14 (0.12)</td>
</tr>
<tr>
<td>Civic Engagement</td>
<td>-0.04 (0.02)</td>
<td>-0.26** (0.07)</td>
<td>-0.09 (0.07)</td>
<td>0.08* (0.04)</td>
<td>0.03 (0.05)</td>
</tr>
<tr>
<td>Confidence in EU Relative to National Government</td>
<td>-0.04 (0.04)</td>
<td>-0.08 (0.08)</td>
<td>-0.06 (0.09)</td>
<td>-0.06 (0.08)</td>
<td>0.08 (0.09)</td>
</tr>
<tr>
<td>Education Level</td>
<td>-0.16** (0.04)</td>
<td>0.01 (0.09)</td>
<td>-0.12 (0.10)</td>
<td>-0.13 (0.08)</td>
<td>-0.36** (0.09)</td>
</tr>
<tr>
<td>Income Level</td>
<td>-0.06 (0.04)</td>
<td>-0.03 (0.09)</td>
<td>0.03 (0.12)</td>
<td>0.04 (0.08)</td>
<td>-0.06 (0.08)</td>
</tr>
<tr>
<td>Cut Threshold 1</td>
<td>-0.85 (0.14)</td>
<td>-0.83 (0.27)</td>
<td>-0.46 (0.37)</td>
<td>0.26 (0.29)</td>
<td>-1.72 (0.28)</td>
</tr>
<tr>
<td>Cut Threshold 2</td>
<td>-0.73 (0.14)</td>
<td>-0.64 (0.27)</td>
<td>-0.37 (0.37)</td>
<td>0.34 (0.29)</td>
<td>-1.58 (0.28)</td>
</tr>
<tr>
<td>Cut Threshold 3</td>
<td>1.54 (0.15)</td>
<td>1.92 (0.29)</td>
<td>2.15 (0.40)</td>
<td>2.23 (0.31)</td>
<td>0.81 (0.28)</td>
</tr>
<tr>
<td>Log Likelihood</td>
<td>-3380.36</td>
<td>-861.61</td>
<td>-551.33</td>
<td>-911.68</td>
<td>-939.66</td>
</tr>
<tr>
<td>Model chi-square</td>
<td>44.62**</td>
<td>17.14**</td>
<td>6.09</td>
<td>13.51**</td>
<td>29.29**</td>
</tr>
<tr>
<td>N</td>
<td>3,322</td>
<td>802</td>
<td>571</td>
<td>1,062</td>
<td>887</td>
</tr>
</tbody>
</table>

* p < 0.05, **p < 0.01

208 More descriptive statistics can be found in the Appendix.
209 See Appendix Table A1 for information on coding.
Table 3.2: Ordered Logit Model Predicting Respondents’ Favorability Towards Democracy in their Country in 2005

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Four Country Average</th>
<th>Bulgaria</th>
<th>Hungary</th>
<th>Romania</th>
<th>Slovenia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal Understanding of Democracy</td>
<td>-0.06 (0.07)</td>
<td>-0.10 (0.14)</td>
<td>-0.24 (0.18)</td>
<td>-0.16 (0.12)</td>
<td>0.23 (0.15)</td>
</tr>
<tr>
<td>Civic Engagement</td>
<td>0.12** (0.04)</td>
<td>0.11 (0.07)</td>
<td>-0.03 (0.16)</td>
<td>0.06 (0.08)</td>
<td>0.10 (0.06)</td>
</tr>
<tr>
<td>Confidence in EU Relative to National Government</td>
<td>0.07 (0.07)</td>
<td>0.04 (0.12)</td>
<td>0.15 (0.19)</td>
<td>0.12 (0.12)</td>
<td>0.07 (0.22)</td>
</tr>
<tr>
<td>Education Level</td>
<td>-0.36** (0.06)</td>
<td>-0.42** (0.10)</td>
<td>-0.02 (0.14)</td>
<td>-0.57** (0.10)</td>
<td>-0.33** (0.13)</td>
</tr>
<tr>
<td>Income Level</td>
<td>-0.26** (0.05)</td>
<td>-0.52** (0.13)</td>
<td>-0.17 (0.14)</td>
<td>-0.13 (0.08)</td>
<td>-0.26* (0.12)</td>
</tr>
<tr>
<td>Cut Threshold 1</td>
<td>-6.04 (0.28)</td>
<td>-1.81 (0.40)</td>
<td>-6.98 (1.15)</td>
<td>-5.75 (0.43)</td>
<td>-5.35 (0.58)</td>
</tr>
<tr>
<td>Cut Threshold 2</td>
<td>-0.71 (0.20)</td>
<td>-1.16 (0.40)</td>
<td>0.59 (0.55)</td>
<td>-0.89 (0.33)</td>
<td>-0.52 (0.46)</td>
</tr>
<tr>
<td>Cut Threshold 3</td>
<td>-0.02 (0.20)</td>
<td>•</td>
<td>1.59 (0.56)</td>
<td>-0.44 (0.33)</td>
<td>0.43 (0.46)</td>
</tr>
<tr>
<td>Log Likelihood</td>
<td>-2094.89</td>
<td>-521.03</td>
<td>-365.66</td>
<td>-672.97</td>
<td>-468.03</td>
</tr>
<tr>
<td>Model chi-square</td>
<td>117.02**</td>
<td>67.52**</td>
<td>3.48</td>
<td>51.84**</td>
<td>24.74**</td>
</tr>
<tr>
<td>N</td>
<td>2,556</td>
<td>648</td>
<td>533</td>
<td>849</td>
<td>526</td>
</tr>
</tbody>
</table>

* * p < 0.05, **p < 0.01

Modelling Understandings of Liberal Democracy

I hypothesize that when citizens of a state understand democracy in liberal, democratic terms, support for democracy as a form of governance will likely be higher than when they do not share liberal preconceptions of democracy. When citizens understand democracy liberally, they may be more likely to hold their politicians accountable or to vote out politicians who do not behave in liberal, democratic ways. Democracy will be more likely to deepen. When citizens express illiberal values, by contrast, I expect support for democracy to fall and democracy to be more likely to stagnate or backtrack.

210 See Appendix Table A1 for information on coding.
I used World Values Survey questions to create an index that calculated the extent to which citizens express liberal, democratic preferences.\textsuperscript{211} In a democratic system where people understand democracy in liberal terms, democratic process will be emphasized over the outcome of governing. These measures sought to tap into the respondents’ views of the relative importance of government outcomes and democratic decision-making processes. Those who preferred giving people a say in important government decisions and protecting freedom of speech over maintaining order in the nation and fighting rising prices gained points.\textsuperscript{212} On this two-point scale, two represents the most liberal understanding of democracy possible, while zero represents the least liberal understanding of democracy.

After running regressions, I do not find support for my hypothesis that when citizens understand democracy in liberal terms their support for democracy as a way of governing their country increases. The regressions were statistically insignificant in almost every case. In 1995, only the regressions for the combined four countries and Romania have statistically significant outcomes—and these outcomes suggest the opposite of my hypothesis. The more liberal a respondent’s understanding of democracy in the combined four countries and in Romania in 1995, the more likely they were to believe democracy was a bad way of governing their country.

\textsuperscript{211}“If you had to choose, which one of the things on this card would you say is most important? And which would be the next most important?” The options were “Maintaining order in the nation, giving people more say in important government decisions, fighting rising prices, and protecting freedom of speech.” Giving people more say in important government decisions and protecting freedom of speech were coded as liberal values, while the other two options were coded as illiberal values, as the illiberal values emphasize order over process.

\textsuperscript{212}Since giving people more of a say in decision-making and protecting freedom of speech support democratic processes, respondents who prioritized these options were given a point. However, those who emphasized maintaining order in the nation or fighting rising prices expressed views that underscored the importance of the outcome of a government decision as opposed to the way that this decision was made. Thus, those respondents did not receive a point. One important caveat exists. Low-income respondents might state that they thought the government should focus on fighting rising prices. For them, fighting rising prices would improve their standard of living. To examine whether these two variables were correlated, I ran a correlation command in Stata. The results can be found in Table A3 in the Appendix. All correlations were very close to 0, so I consider them near negligible.
However, the general lack of a relationship and the low p-value when a relationship was found does not inspire confidence in using liberal definitions of democracy to predict views towards democracy as a form of governance.

My findings indicate that the extent to which citizens express liberal values may not shift support for democracy. As a result, I am hesitant to suggest any conclusions on the way that these liberal values affect democratic consolidation. However, the next section of this chapter examines some key findings that suggest advancing civic education may improve the quality of democracy in a country. Furthermore, since the most recent iteration of this survey was completed in 2005 and the next iteration will not be released for several years, this survey’s timing does not allow me to adequately tap into changes over time in liberal understandings of democracy. For these reasons, after I complete my statistical analysis, I will analyze each country qualitatively to examine more recent changes to this aspect of political culture.

*Modelling Civic Engagement*

My second hypothesis anticipates that when civic participation is higher, support for democratic governance will also be higher. These high levels of political activity should counteract backsliding in democratic institutions. By contrast, I hypothesize that when people participate less actively in civil society, they will be less likely to support democratic governance and democracy will be more vulnerable to backsliding.

Civic engagement takes a variety of forms, from participating in explicitly political activities to participating in arts organizations. Since civic engagement remains quite low across Eastern Europe in general, I adopted a broad definition of civic engagement so as to maximize the likelihood of finding variation in levels of participation. My index used to calculate civic engagement includes organizations related to art, music, and education, churches, trade unions,
political parties, environmental organizations, professional associations, and charities. I also incorporated respondents’ past participation in a petition, boycott, or demonstration into the index.\footnote{The question asked: “Now I am going to read off a list of voluntary organizations; for each one, could you tell me whether you are an active member, an inactive member or not a member of that type of organization? Church or religious organization, Art, music or educational organization, Labor union, Political party, Environmental organization, Professional association, charitable association.” It is important to note that I opted to combine active and inactive members into one category with the same point value. After running the full analysis twice by counting only active in the first set of regressions as well as both active and inactive members in the second set of regressions, I did not find a difference in the regressions. The same relationships were significant or insignificant to the same degrees. The second question asked: “Now I’d like you to look at this card. I’m going to read out some different forms of political action that people can take, and I’d like you to tell me, for each one, whether you have actually done any of these things, whether you might do it or would never, under any circumstances, do it. Signing a petition, Joining in boycotts, Attending lawful demonstrations.” I ignored any expressed intentions of future action and only counted those who had completed the activity. WORLD VALUES SURVEY Wave 5 2005-2008. WORLD VALUES SURVEY Wave 3 1995-1998.} These measures aptly assess the degree to which citizens in these four countries participate in political or civic life on a 10-point scale. The overall descriptive statistics reveal a low average level of civic involvement—with the average person in each of the four countries being involved in 1.1 organizations in 1995 and 0.64 organizations in 2005. These low levels of participation may affect the strength of any potential relationship found in the regression.

Overall, civic engagement does not seem particularly helpful in predicting a respondent’s views towards democracy as a way of governing. In 1995, the regression is only statistically significant in Bulgaria and Romania. In Bulgaria, the higher the respondents’ levels of civic participation, the more likely they were to oppose democracy as a way of governing. By contrast, in Romania, respondents who engaged more civically were more likely to support democracy as a way of governing their country. These results differed substantially in 2005. In 2005, statistically significant findings for the region suggest that respondents who engaged civically were more likely to support democracy as a way of governing their country. However, these findings were not statistically significant in any of the country-level regressions.
Since these relationships seemed surprising and somewhat contradictory, I re-ran the regression, but excluded religious involvement from the index. Perhaps members of religious groups were less likely to support democracy, as they may have felt that their politicians did not represent their religious views or these respondents may have favored a more autocratic structure of rule. Even when excluding religious organizations, the same findings as noted above held.

It appears that civic engagement does not predict support for democracy as a way of governing a country in Eastern Europe, as the relationship found was either not statistically significant or operated in several different directions. While these findings may suggest that levels of civil society engagement might not matter much in terms of predicting support for democracy, the types of civic engagement may impact democratic consolidation. Perhaps other factors associated with civil society, such as the availability of funding, the willingness of the government to consult with these organizations, and the public image of NGOs matters more than overall levels of participation. As mentioned before, the timing of the surveys further raises concern about the validity of these results. The qualitative section of this chapter examines whether these conditions, which the World Values Survey does not measure, appear important.

*Modelling Relative Levels of Trust in the EU and National Governments*

The final hypothesis that I tested examined the influence of trust in the EU relative to trust in one’s national government on the extent to which people support democracy as a way of governing. Since the EU helped Eastern European countries democratize, it is likely held up as a democracy-promoter in the region.214 As Bulgaria, Hungary, Romania, and Slovenia all have

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214 Several scholars have argued that there is a perceived democratic deficit in the EU, as many functions originally reserved for the national government have been transferred over to unelected EU authorities. My thesis, however, examines the role of the EU in helping to establish democratic institutions in Eastern Europe as opposed to the extent to which current levels of power are balanced between the EU and national governments.
politicians who corrupt government resources, people who favor the national government relative to the EU may find democracy less favorable.\textsuperscript{215}

In order to calculate the levels of relative trust in the EU to national governments, I subtracted the respondent’s confidence in the national government from their confidence in the EU.\textsuperscript{216} The descriptive statistics reveal a tenth of a point rise in trust in the EU relative to national governments from 1995 to 2005. This tenth of a point increase is noticeable, albeit not large, on a four-point scale.\textsuperscript{217} Examining the ordered logit regressions, I do not find statistically significant results at either the regional or country-level analysis. Thus I do not find support for my hypothesis that trust in the EU relative to trust in the national government matters in predicting the likelihood of a respondent finding democracy a good way to govern. While these results indicate that no relationship seems to exist, since other scholars have yet to examine this hypothesis, my findings suggest that this either conscious or unconscious decision by scholars to not test this hypothesis was a good one.

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\textsuperscript{215} When trust in the EU is higher than trust in national governments, citizens might be more likely to support democracy as a way of governing. Perhaps those with lower levels of trust in their national governments and higher levels of trust in the EU understand the ideal form of democracy, but recognize that their countries have yet to sufficiently democratize. In these countries, democratic consolidation will be increasingly probable because citizens may have higher expectations of their leaders. By contrast, when citizens trust their national governments more than the EU, they may not expect or want full democratization to occur. Those who trust their national government more than the EU may think that their government is performing at an adequate democratic level—even if it has yet to fully consolidate and adopt all EU norms. In these countries, democratic stagnation and backtracking will become more likely than democratic deepening because people may not be as incentivized to push their politicians to commit to more liberal, democratic reforms.

\textsuperscript{216} The question asked, “I am going to name a number of organizations. For each one, could you tell me how much confidence you have in them: is it a great deal of confidence, quite a lot of confidence, not very much confidence or none at all? The government in your capital. The European Union.”


\textsuperscript{217} The descriptive statistics reveal that the vast majority of people trust the EU and national governments about equally. Since I subtracted trust in the EU from trust in the national government, the fact that most people scored a zero indicates that the majority of respondents trust or distrust the EU and national government equally. If most people trust or distrust both institutions about equally, there may be some other relationship between trust in the EU and national government.
Modelling Control Variables

My model also contained two control variables: educational attainment and income.\textsuperscript{218} Education may influence the extent to which respondents express support for democracy as a way of governing their countries. The more educated the respondent, the more likely the respondent is to hold liberal values that encourage support for democracy. I find mixed support for the effect of education on regime preferences. In 1995, across the region, increasing one’s educational attainment increases the likelihood that one will view democracy as a bad way of governing one’s country. The same relationship holds in Romania—with both relationships statistically significant to the p-value of 0.05. However, no statistically significant relationship is present in Bulgaria, Hungary, or Slovenia. In 2005, increasing levels of educational attainment decreases support for democracy as a way of governing a country in the region overall and in Bulgaria, Romania, and Slovenia. These relationships are all statistically significant to the p-value of 0.01, while Hungary’s correlation coefficient is not statistically significant.

This negative relationship counters the literature, which overwhelmingly suggests that people who are more educated are more likely to support democracy. Surprised by my findings, I examined the marginal effect of education on support for democracy by using the Long and Freese commands. Upon further analysis, the relationship between education and regime preferences does not appear substantively significant. A one-unit increase in levels of educational attainment decreases support for democracy as a way of governing by 0.04 in 1995.

\textsuperscript{218} The World Values Survey question measuring educational attainment asks, “What is the highest educational level that you have attained?” Possible responses include: no formal schooling, completed primary school, completed secondary school, some university, and completed university. The World Values Survey question measuring income level asks, “People sometimes describe themselves as belonging to the working class, the middle class, or the upper or lower class. Would you describe yourself as belonging to the upper class, upper middle class, lower middle class, working class, or lower class.” See Appendix Table A2 for coding information. WORLD VALUES SURVEY Wave 5 2005-2008. WORLD VALUES SURVEY Wave 3 1995-1998.
and by 0.01 of a point in 2005. Since these marginal shifts on a four-point scale are quite small, it appears that education is not the primary driver of support for democracy and barely contributes to explanations of support for democracy. While my model’s results run counter to the literature, additional statistical analysis shows that the marginal effect of education on support for democracy as a way of governance in my model is too small to merit acknowledgment.

Identification with a particular socioeconomic class also does not seem to be an important determinant of support for democracy. In 1995, the relationship between class status and preference for democracy as a way of governing was not statistically significant in the region or any country. By contrast, in 2005, the relationship was statistically significant to a p-value of 0.01 at the regional level and in Bulgaria, as well as to a p-value of 0.05 in Slovenia. In these three cases, the higher a respondent’s class, the less likely the respondent was to support democracy as a way of governing his country. In Hungary and Romania, however, the relationship fell short of statistical significance. While these findings also run counter to the literature, by examining the marginal effect of increasing income on support for democracy once again, it is clear that the shift is too small to be consequential. Increasing a respondent’s income by one class makes a respondent 0.04 of a point more likely to think democracy is a bad way of governing in 2005. This minuscule shift suggests that income is not a good predictor of whether a respondent supports democracy as a way of governing. Overall, income levels do not appear particularly important in predicting democratic preferences.

Examining the Importance of Political Culture Qualitatively

This section more closely examines the ways in which political culture affects democratic outcomes. The survey analysis presented in the previous section suggests that having illiberal values and being involved in civil society decreases the likelihood of respondents preferring
democracy as a way of governing their country. Though I was unable to use survey data to test the relationship between these measures of political culture and my outcome of interest—democratic backtracking—, I conducted interviews with NGO leaders to more directly, albeit subjectively, explore this relationship. In this section, in-person and Skype interviews conducted throughout 2016 and 2017 with leaders of non-governmental organizations in Bulgaria, Hungary, Romania, and Slovenia will provide unique insights on and supplement information from previously published scholarly, governmental, and non-governmental work.²¹⁹

Citizens’ Understanding of Democracy

Bulgarian, Hungarian, Romanian, and Slovenian citizens’ understandings of democracy impact the extent to which their democracies have backslid, stagnated, or consolidated. The survey analysis presented in the previous section suggests that the more that citizens have liberal, democratic views, the less supportive they are of democracy. However, the qualitative analysis of interview data used in this section demonstrates some degree of support for the hypothesis that in states where citizens share a common understanding of liberal democracy, democracy is more likely to deepen than in states where citizens do not share the same preconceptions of liberal norms. Based on the weaknesses of the quantitative data, namely the outdated surveys and inability to discern whether citizens expressed a preference for democracy based on how their government performed or how they felt about democracy as a system of governance, I trust the findings associated with the qualitative data more when these two analyses differ.

Bulgaria

My statistical analysis suggests that liberal understandings of democracy do not predict support for democracy as a form of government in Bulgaria. However, my qualitative analysis

²¹⁹ See Appendix Table A4 for information about the number and types of interviewed civil society organizations.
indicates that the underlying problem may be that Bulgarians generally do not define democracy in liberal terms because of the failure of civic education to make inroads. One interviewed Bulgarian civil society activist stated, “Young people nowadays are not well-aware of what democracy means.” This activist expressed the need for formal education on the meaning of democracy and the role of citizens in it. Some laws exist, which mandate the teaching of civics in schools. For example, Bulgaria’s Law of General Education requires all high school students to pass a civic education exam; however, this policy is rarely implemented. Even when students learn civics, the courses focus on institutional rules and citizens’ duties, without teaching students how to engage in the democratic process.

By teaching citizens’ duties, instead of encouraging students to become active in political processes or fully defining what democracy means, Bulgarian schools have largely failed to spread a liberal definition of democracy. As a result, a large number of Bulgarians still do not understand democracy in liberal terms. An environment where citizens do not know how democracy should operate potentially creates an arena that allows anti-democratic actors to mobilize citizens around illiberal notions of democracy. If this occurs in the future, Bulgaria may be vulnerable to democratic backsliding. Currently, however, illiberal understandings of democracy contribute to democratic stagnation, as many people do not have clear conceptions of how Bulgaria’s democracy should operate.

Hungary

In the statistical analysis presented in the last section, I unexpectedly found that the more liberal a respondent’s understanding of democracy, the less likely they were to support

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220 Confidential. Interview at 7:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, July 11, 2016.

democracy as a way of governing Hungary. However, respondents’ views towards democracy as a way of governing could result from a perceived lack of success in the democratic transition—perhaps economically, socially, or politically. Instead of reflecting whether or not they thought that democracy was a good way of governing their country, respondents may have judged how well democracy worked in Hungary at the time. Thus, this section examines other evidence of a potential link between understandings of liberal democracy, support for democratic government, and democratic backsliding in Hungary.

The quick democratic transition may be somewhat responsible for the failure of Hungarians to understand democracy in liberal terms. I interviewed a Hungarian NGO activist, who stated, “The top-down process of democratic transition was too fast. It wasn’t enough time for Hungarian society to understand democratic values.”\(^{222}\) She further argued that the transition over-emphasized legal and institutional change, but that “the real democratic values and the pressure on democratic education was missing, which is the main reason of the failed transition.”\(^{223}\) One study concluded that civics teachers are not formally trained in civics, which prevents students from fully understanding how democracy should function.\(^{224}\) Hungary’s National Core Curriculum strives to teach students about citizenship by focusing on their identity as Hungarians, their duties as citizens, and how to act appropriately within Hungarian society.\(^{225}\) However, civics education does not prepare Hungarians to exert their rights as citizens or to protest the government’s actions.

\(^{222}\) Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.
\(^{223}\) Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.
Hungary has neglected to create programs and institutions that inform citizens of how liberal democracy operates. Without this type of civic education, Hungarians are unlikely to define democracy in liberal terms, which may affect Hungary’s level of democracy. Academic Florin Fesnic argues that young Hungarian voters are more likely to vote for authoritarian candidates, such as Viktor Orban, than older Hungarian voters. Fesnic also contends that the supposed failure of civic education in Hungary and authoritarian voting trends of young Hungarians helps explain democratic backsliding in Hungary.\(^{226}\) My analysis concurs with his findings. The lack of effective civic education in Hungary has confused the meaning of liberal democracy among Hungarians. In this environment, anti-democratic politicians find it fairly easy to pursue policies that result in democratic backtracking.

*Romania*

Romanian citizens do not seem to share liberal conceptions of democracy. One activist noted, “There is a lack of constant education in the basic legal process and the democratic principle of the rule of law. There is not a critical mass that demands democracy.”\(^{227}\) She argued that the result was a “generation that does not understand how the democratic process works.”\(^{228}\)

Romania’s official policies mandate civics education; however, the implementation of these policies remains poor. For example, Romanian legislation requires students to study civics in third, fourth, seventh, and eighth-grades.\(^{229}\) However, most Romanian third and fourth grade teachers are not trained in civics. In rural areas, seventh and eighth grade civics teachers often

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\(^{226}\) Fesnic, “Can Civic Education Make a Difference for Democracy?” 966.


\(^{228}\) Confidential. Interview at 11 AM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June 26, 2016.

specialize in unrelated disciplines, such as math or sports.\textsuperscript{230} Beyond the natural difficulties of teaching a subject that one knows little about, teachers are further handicapped by a law that forbids teachers from “deal[ing] in politics at school.”\textsuperscript{231} Teachers feel that they cannot discuss political issues in the classroom, so they discourage students from debating policies and challenging their teachers’ views.\textsuperscript{232}

The theory that when citizens do not understand democracy in liberal terms, institutions will be more vulnerable to stagnation appears relevant in Romania. While this theory may help explain why Romania’s democracy stagnated for several years, it does not explain recent improvements to the rule of law. The presence of less liberal definitions of democracy thus may not help explain Romania’s democratic developments as well as other factors.

\textit{Slovenia}

In contrast to the previously examined case studies, Slovenians seem to define democracy liberally. Between 1996 and 1999, Slovenia reformed its educational system to teach students about democratic citizenship. Educating students about citizenship in a democracy has been hailed as “one of the underlying principles of modern education” in Slovenia.\textsuperscript{233} Its national elementary school curriculum, for example, requires that students in 7\textsuperscript{th} and 8\textsuperscript{th} grade take a Civic Education and Ethics course—and this requirement is implemented.\textsuperscript{234}

One positive result of these policies is that Slovenian citizens prioritize “engaged citizenship norms” over “duty-based” citizenship norms.\textsuperscript{235} While duty-based citizenship norms

\begin{footnotesize}
\begin{enumerate}
\item Rus, “The Model of Organised Hypocrisy,” 118.
\item Tobin, “Civic education in emerging democracies.” 281.
\item Coffee, Hilde, and Tanja Van Der Lippe. “Citizenship Norms in Eastern Europe.” Social Indicators Research 96, 80
\end{enumerate}
\end{footnotesize}
emphasize actions such as always obeying the law, serving the country, and voting, engaged citizenship norms highlight the importance of forming one’s own opinions, being active in politics, and volunteering.236 When Slovenian citizens prioritize these engaged citizenship norms, they participate more deeply in the democratic process. They emphasize the process of democratic decision-making over the outcome, and when they do not agree with the outcome, they will be more likely to debate it instead of blindly accept it. For these reasons, Slovenian citizens seem to define democracy in liberal democratic terms more than any other case examined in this paper. These liberal understandings of democracy help explain democratic deepening in Slovenia since EU accession.

Strength of Civil Society

In general, East European states have poorly-resourced civil society organizations (CSOs). This observation holds true in the four cases examined. However, some degree of variation in the extent to which CSOs can access the government and work with them to convince them to develop policies exists. Since this hypothesis could not be tested in my statistical model, I only analyze it through a qualitative lens.

USAID scores help visualize the differences in civil society strength, as these scores measure different countries’ levels of civil society organization development annually on a scale from most developed (1) to least developed (7). Graph 3.1 shows the four cases’ civil society strength over time.237 Despite being the most consolidated democracy, Slovenia has some of the least developed levels of civil society. By contrast, Hungary originally had the most developed

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CSOs, which have weakened—much like its democracy—significantly since 2010. Romania and Bulgaria have moderately weak civil society—falling largely between Hungary and Slovenia, except for in recent years, as Slovenia’s civil society improves and Hungary’s worsens.

**Graph 3.1: Country-Level Civil Society Organization Sustainability Index**

These civil society sustainability scores reflect recent developments in these countries’ politicians’ actions. While Hungarian politicians most effectively coopt nongovernmental organizations—at least since 2010—Bulgarian and Romanian politicians often fail to implement relevant civil society legislation. Some Slovenian NGOs also face difficulties influencing government decisions. Variations in the strength of civil society organizations and these governments’ different relationships with civil society shed light on the case study countries’ different levels of democratic consolidation—or the lack thereof.

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238 “The 2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia.”
Bulgaria

Bulgarian civil society remains quite weak, as the government frequently excludes NGOs from decision-making processes. The marginalization of civil society likely contributes to democratic stagnation in Bulgaria. However, since demonstrations against government mismanagement spread in 2013, NGOs have occasionally impacted the policy-making process.

In 2015, for example, the NGO Justice for All participated in judicial reform discussions. The year also saw trade unions and professional associations shape a pension reform bill. However, the legislative framework for the public’s role in the policymaking process remains underdeveloped. Though this legislation has slowly improved over the years and has given civil society more tools to engage in the decision-making process, according to an interviewed activist, “the implementation of the laws is worse.” Even when the government consults with NGOs, this consultation occurs in a “pro forma manner,” with NGO leaders’ “expert arguments not considered and without explanations of why they are ignored.” This type of consultation is the functional equivalent of no consultation.

Another NGO representative described “attempts to pressure civil society with a [parliamentary] proposal to call NGOs foreign agents if they are funded by foreign, non-EU donors in the registrar.” Other activists criticize the failure of public officials to operate

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242 A different activist interviewed in Sofia, who often works with the Ministry of Interior, highlighted that the Ministry “says they consult with NGOs, but they need to really open up more.” She expressed many activists’ complaints about the government not wanting to cooperate with NGOs and about the administration not working with all NGOs equally.
244 Hungarian politicians have proposed similar laws. These foreign-agent laws appear to be modeled after Russia’s 2012 law, which classified all Russian NGOs receiving foreign funding as “foreign agents.”
transparently by providing NGOs with documents to monitor government activities and tenders. One activist claimed that “the administration does not keep account of its work, so it is not aware of its duties, what it is expected to achieve, or what the job descriptions are.”244 By failing to include certain NGOs in decision-making processes and by obstructing access to information that activists could use for monitoring purposes, the Bulgarian government inhibits NGOs’ operation.

A lack of funding independent of the government further complicates Bulgarian civil society’s work. As in the rest of the region, since Bulgaria joined the EU, many donors have stopped funding democracy-building NGO projects. The Bulgarian government has also slowed its provision of financial resources to NGOs. One interviewed activist noted that the government used to provide a small fund for NGOs; however, when some NGOs revealed that it was corrupted, the “government shut it down because that was easier than making the process transparent.”245 This activist later stated, “The truth is that the state doesn’t want a strong civil society because it criticizes and monitors. Who would give someone money to criticize them?”246 Another concurred with this assessment, noting that “if there are financially stable NGOs, they start to push the government to adopt certain policies, so the government tries to keep NGOs weak and from criticizing the government.”247 Still a third Bulgarian activist argued that “the lack of financing means that NGOs are servants.”248 She described the “pressure on government-funded NGOs to exaggerate the reforms.”249 When CSOs can only reliably receive funding if

244 Sedlarska, The APIA in the Fight Against Corruption: Why the 14-days period confuses the administration of the Municipality of Sliven. Interview by Access to Information Program Bulgaria, August 2005.
they speak positively about the government, they cannot perform their watchdog function. NGOs that receive government funding rarely criticize or monitor, while NGOs that criticize and monitor rarely receive funding.

Few non-governmental sources of funding exist. Some small sources of corporate funding provide small grants to CSOs, such as the TELUS and VIVACOM grants. Some citizens also donate to NGOs, but USAID describes these donations as “insignificant.” While CSOs attempt to raise money from non-governmental domestic sources, they have limited success. The national government and international organizations continue to provide Bulgarian NGOs with most of their funding—and these sources of funding are decreasing.

Even as Bulgaria has legislated and implemented some improvements for civil society, it has failed to either implement these policies or to create an environment where a well-resourced, participatory civil society can flourish. Its democracy has also stagnated since EU accession. While civil society was weak before Bulgaria acceded to the EU, after it acceded, civil society lost additional access to financial resources. The presence of a weak civil society coincides with democratic stagnation in Bulgaria.

Hungary

Before 2010, Hungary’s civil society seemed fairly consolidated. However, after Fidesz gained a supermajority in the legislature in 2010, the presence of a strong civil society did not prevent or stall anti-democratic leaders from threatening and dismantling key democratic institutions. Its civil society was attacked and marginalized after 2010, indicating that CSO strength may not be the most important factor contributing to Hungary’s democratic backsliding.

250 In 2014, the last year that Bulgaria recorded private civil society donations, corporate donations fell by 25 percent.
251 “The 2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia,” 68.
Since 2010, Hungary’s parliament has rarely consulted with NGOs while drafting legislation.\textsuperscript{252} One civil society activist that I interviewed in Budapest described the government as closed to public consultation. He noted, “many people don’t draft policy recommendations because no one in government is going to listen.”\textsuperscript{253} The development of a new criminal code policy in 2016 illustrates this NGO leader’s sentiment. The Hungarian government established a website to receive feedback on the proposed criminal code legislation during the summer of 2016. However, when I spoke to an NGO representative that same summer, this activist stated that his organization “does not hope to get a response because those involved do not send personalized responses.”\textsuperscript{254} He described this website as a “box to tick” off of a supposedly democratic checklist, but far from a genuine attempt by the government to gain either meaningful insight or policy recommendations.”\textsuperscript{255} The “box to tick” approach undermines the quality of democracy in Hungary because it marginalizes those hoping to express alternative political views.

Beyond merely excluding them, politicians have also attacked Hungarian NGOs. Hungary’s parliament created a committee to monitor the operation of NGOs in July 2014. Prime Minister Orban praised this committee, stating that civil society was composed of “paid political activists who are trying to help foreign interests.”\textsuperscript{256} The Hungarian government has also

\textsuperscript{252}Kornai, “Hungary’s U-Turn: Retreating from Democracy,” 37.
\textsuperscript{253}Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 2, 2016.
\textsuperscript{254}Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 2, 2016.
\textsuperscript{255}Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 2, 2016.

USAID’s Civil Society Sustainability Index report records a similar example. The Hungarian government worked with Transparency International to develop an anti-corruption program in 2015. However, the version passed in May 2015 greatly differed from the original proposal. Participants in these meetings were not given any warning or notice about these changes.


prosecuted NGO activists. In 2014, the Ökotárs Foundation’s finances were investigated after they were falsely accused of using Norway Grants to politically fund organizations. The government investigated seventeen other NGO recipients of these allegedly politicized funds. In June and September of 2015, the Government Control Office accused NGOs that distribute funds from European Economic Area-Norway Grants of “mismanagement, illegal financial activity, and political bias in their selection procedures.” All of these investigations ended without prosecution in October 2015. However, they disrupted and discredited these NGOs’ work.

All interviewed NGO activists discussed being ignored or attacked by the Hungarian government at least once, but more often multiple times, indicating a broad campaign to weaken NGOs overall, instead of just NGOs in specific fields. The goal of these attacks appears to be the delegitimization of NGOs as liberal and democratic organizations. One interviewed activist whose internationally-recognized NGO was deemed a “foreign agent” stated, “It is the first level of political attack to discredit the political sphere.” He further asserted that the government “keeps mentioning foreign funding and Soros as the biggest enemies of the political regime, calling those associated with him evil.”

Additionally, some government officials have called for legislation that would require leaders of CSOs that receive foreign funding to disclose all of their personal assets. While this legislation has yet to pass, advocating for this type of reform discredits NGOs supported by foreign, democratic organizations.

“The 2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia,” 112.

In February 2015, the Prosecutor General and the National Tax and Customs Administration investigated four additional NGOs.


“The 2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia,” 112.


Interviewed NGO leaders seemed more annoyed and frustrated by these attacks than frightened or worried about what the government might do to them in the future. While they worried that their NGOs might continue to be unable to consult with future governments on policies, they did not seem to worry about the viability of their organizations or their personal safety.

The rhetoric and draft laws used by Prime Minister Orban to discredit and attack civil society are very similar to those used by Russian President Vladimir Putin.

Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1, 2016.

Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1,
government’s smear campaign as labelling NGOs “leftish and pro-opposition” to “decrease their credibility.”

This smear campaign has weakened NGOs by preventing them from accessing the government and by increasing public distrust of their work.

Hungarian civil society also has difficulties accessing funding. Many NGOs rely on funding from Hungary’s government, which is distributed “in a partisan manner.” Foreign funds have dwindled since EU accession. During an interview in Budapest, one NGO activist stated that after EU membership, “most international funds left the region and the big donors were gone because Hungary was seen as a democracy.” Because so few independent sources of funding exist, she stated, “the government attacks funding sources like the Open Society Foundation and Norwegian Fund easily.”

By discrediting the few independent organizations that continue to contribute to Hungarian civil society and advocate for democratic reforms, the Hungarian government has effectively sidelined NGOs. Citizens increasingly accept the government’s voice as legitimate.

One activist that I spoke to received many messages from Hungarian citizens that explicitly stated that her NGO was not “serving the interests of Hungarians.” By attacking NGOs, sidelining them, and keeping them under-resourced, the Hungarian government has weakened their collective voice. This situation likely contributes to Hungary’s democratic backsliding, or at

264 A third NGO leader expressed disdain that the CSOs that had applied for the Norway Grants were investigated in 2014, “attacked by government organizations, and called the Dirty 13.” Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.
266 Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.
267 Confidential. Interview at 10 AM in Budapest, Hungary. Interview by Courtney Blackington, August 2, 2016.
268 Confidential. Interview at 5:30 PM with a Hungarian NGO. Interview by Courtney Blackington. Skype, July 25, 2016.
least establishes an arena that permits anti-democratic politicians to more easily undermine liberal democratic reforms. Though fairly strong before democracy began to backslide in Hungary, civil society grew weaker as anti-democratic politicians attacked and sidelined it. As my hypothesis suggests, the presence of a weak civil society permits a great deal of backtracking. After the Hungarian government sidelined NGOs, NGOs could no longer hold it accountable and democratic backtracking hastened.

**Romania**

The Romanian government frequently fails to implement legislation that would improve the functioning of civil society. One interviewed activist noted that government officials often ignore citizens’ concerns by refusing to “observe legislation.” For example, local officials frequently ignore the Sunshine Law, which regulates public participation in policymaking in order to improve transparency. An activist relayed that several years ago, “the mayor of Bucharest [Romania’s capital city] did not allow citizens to participate in local council meetings and hid decisions that were politically difficult,” which contravenes the Sunshine Law. CSOs could not resist this nontransparent practice, even though it directly violated an established law. The weakness of civil society appears to contribute to democratic stagnation in Romania.

In recent years, civil society activists have turned to politics in order to improve the system from within. The Save Bucharest Union—composed largely of civil society activists—ran on an anti-corruption and transparency platform in 2016 local elections. When the party lost, leaders transformed it into a national party, the Save Romania Union, and ran in December

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271 Paun, Carmen. “Geek Takes on Romanian Establishment: The Unlikely Campaign of a Mathematician Dedicated to Saving Bucharest from the Developers—and the Politicians.” *Politico*, June 3, 2016.
2016 parliamentary elections. The Save Romania Union entered parliament as the third most popular party. The decision of civil society activists to abandon government lobbying and monitoring in favor of making direct changes from within the system reveals the extent to which the Romanian government has failed to incorporate NGOs into the policy-making process.

Romania’s failure to implement legislation that improves civil society participation and engagement has weakened the ability of NGOs to monitor and critique the quality of Romanian democracy. Funding also remains an issue for many Romanian NGOs. Weaknesses in civil society have enabled anti-democratic Romanian politicians to stall reforms, contributing to democratic stagnation in Romania. However, the increasing engagement of civil society actors in the political process may improve the quality of Romania’s democracy in the future.

Slovenia

Though Slovenia has a participatory and “active” civil society, it is poorly resourced. Many CSOs face financial difficulties. The short-term implications of this situation remain significant. In 2014, an important media watchdog organization, the Media Watch Project, ended its activities because it could no longer afford to operate. Furthermore, many NGOs facing financial difficulties spend much of their time applying for grants. Frequently searching for new

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274 Some Romanian NGO activists noted that they had difficulty accessing funding since EU accession. However, several activists took advantages of other opportunities fund their organizations’ activities. In a joint interview, two activists described taking on alternative corporate assignments so as to raise money for their organization. While funding may be difficult, it appears that there are ways to circumvent this issue in Romania.
276 Hacek et al., “Sustainable Governance Indicators; Slovenia’s Report,” 14.
sources of funding decreases the time that they have available to improve the quality of Slovenian democracy.\textsuperscript{277} One interviewed activist noted that, “For very small NGOs, it is hard to have the capacity to fundraise and submit to calls for proposals from international organizations.”\textsuperscript{278} In these difficult financial situations, NGOs often struggle to remain both active participants in political life and financially viable.

Another barrier to civil society’s operation is the lack of citizens’ understanding of NGOs’ roles in society. Citizens frequently do not know what civil society does or why these organizations operate.\textsuperscript{279} One interviewed NGO leader stated that the public “believes that NGOs aren’t necessary because people don’t understand the system. The majority of that is because the politicians don’t see us as a crucial stakeholder to talk on the relevant issues.”\textsuperscript{280} This societal disconnect prevents many NGOs from mobilizing citizens to hold politicians accountable.\textsuperscript{281}

Politicians often fail to treat NGOs as important and equal stakeholders in Slovenian democracy.\textsuperscript{282} An interviewed NGO leader stated that “sometimes the government isn’t open or transparent about initiating public discussions.”\textsuperscript{283} He noted that government calls for public contributions to policies are “published on websites that are hard to find.”\textsuperscript{284} A few years ago, the Slovenian government required public consultation prior to implementing policy. However, one NGO activist stated, “When NGO watchdogs monitor the revision and its implementation, we see there are reforms that are taking time for capacity to be fully developed.”\textsuperscript{285} Still another

\begin{itemize}
\item \textsuperscript{277} Rožič, Peter. “Have Our Dreams Come True? Twenty-Five Years of Slovenia’s Weak Civil Society.” San Antonio, Texas, 2014. 7.
\item \textsuperscript{278} Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
\item \textsuperscript{279} Rozic, “Have Our Dreams Come True?” 10.
\item \textsuperscript{280} Confidential. Interview with at 8 AM with a Slovenian NGO. Interview by Courtney Blackington. Skype, January 30, 2017.
\item \textsuperscript{281} Rozic, “Have Our Dreams Come True?” 11-12.
\item \textsuperscript{282} Rozic, “Have Our Dreams Come True?” 12.
\item \textsuperscript{283} Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
\item \textsuperscript{284} Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
\item \textsuperscript{285} Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
\end{itemize}
interviewed activist highlighted that even as their national government issues “good strategies, not a lot of things are done in practice” to improve the consultation process for NGOs.\textsuperscript{286}

However, a different NGO leader underscored that levels of cooperation with politicians vary substantially based on the involved ministries and type of project.\textsuperscript{287} She observed a “gradual transferring of services to NGOs” and an “overall gradual improvement in legislation and public consultation.”\textsuperscript{288} While the situation for Slovenian NGOs could be improved, the opportunities for consulting with public officials seem greater than the USAID Civil Society Sustainability Index would lead one to believe. The presence of NGOs as key stakeholders and watchdogs helps Slovenia maintain its path towards democratic deepening—though other factors appear more strongly related to Slovenia’s successful democratic transition.

**Popular Participation in Politics**

Overall, Eastern Europeans do not participate much in politics. As noted in the World Values Survey statistical analysis, in 1995, the average person in Bulgaria, Hungary, Romania, and Slovenia participated in 1.09 civic activities, and in 2005, in 0.64 civic activities.\textsuperscript{289} In general, East Europeans view politicians warily and cynically, which contributes to these low levels of activism. However, when major events occur, crowds sometimes rally in order to protest anti-democratic changes to legislation or practices.

This section seeks to discern the extent to which higher levels of citizens’ participation in political activities can impact democratic consolidation. I hypothesize that when citizens

\textsuperscript{286} Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
\textsuperscript{287} Confidential. Interview at 12 PM with a Slovenian NGO. Interview by Courtney Blackington. Skype, March 14, 2017.
\textsuperscript{288} Confidential. Interview at 12 PM with a Slovenian NGO. Interview by Courtney Blackington. Skype, March 14, 2017.
\textsuperscript{289} Civic and political activities include: membership in a religious organization, trade union, political party, environmental organization, professional association, charity organization, or an art, music, or education organization as well as participation in a petition, boycott, or demonstration.
participate more in political activities, democratic institutions will be less likely to backtrack. Even though I failed to find support for this hypothesis in my statistical model, the analysis in this section considers that the effect of levels of civic engagement on politicians’ behaviors in Eastern Europe may fundamentally differ in recent years from earlier years. While the EU largely influenced the democratization of the countries in 1995 and, even to some extent in 2005, perhaps this influence waned over time as Eastern European politicians and citizens saw their democracies as more developed and established. Especially as Romania and Bulgaria joined the EU and the EU no longer held the carrot of accession, public opinion may have become a more important force driving politicians’ behavior. Another problem with my statistical model is that it would not have taken into consideration varying levels of professionalism in civil society engagement. Perhaps the overall levels of participation matter less than the ability of key civil society actors to shape the behavior of politicians. As a result, this section reexamines whether higher levels of citizens’ engagement in civic activities discourages democratic backtracking.

Bulgaria

Bulgarian citizens’ participation in politics remains low. For example, though Bulgarian municipalities are legally required to host a public meeting on the budget for the upcoming year, according to an interviewed NGO activist, the government fails to “provide understandable materials to people, so they cannot ask informed questions.” 290 Bulgarian politicians often discourage public discourse and block citizens from effectively engaging in political processes by failing to provide them with relevant, comprehensible information. 291 Low levels of civic involvement may help explain democratic stagnation in Bulgaria.


Though popular participation in political activities remains low, some protests—largely centered around standard of living issues—occur. In 2013, hundreds of thousands of Bulgarians, primarily low-income citizens from rural areas, protested high electricity prices and a falling standard of living.\textsuperscript{292} While the protests focused on living conditions and issues with the privatization process, several protesters carried EU flags and railed against the political elites who appeared unconnected with ordinary people’s struggles.\textsuperscript{293} The Bulgarian case offers support for the theory that when political participation is low but can be rallied, democratic institutions will be more vulnerable to stagnation. In this situation, democracy is less likely to consolidate because it lacks a critical and near constant check, but it is equally as unlikely to backtrack because popular support can be rallied against egregiously anti-democratic activities.

\textit{Hungary}

According to Freedom House, citizen’s participation in Hungary’s democracy is limited to “periodic protests, demonstrations, and voting.”\textsuperscript{294} Academics András Bozóki and Eszter Simon describe the lack of Hungarian activism as symptomatic of a “political culture of passive individualism.”\textsuperscript{295} In this environment, citizens distrust democratic institutions and rarely participate in social movements, civil society, or other forms of political organization. Hungary’s low levels of citizen mobilization in the political realm enable politicians to implement anti-democratic reforms. Its democratic institutions remain fairly vulnerable to democratic backsliding in the absence of citizens’ participation in democracy.

\textsuperscript{292} Krastev, “Liberalism’s Failure to Deliver,” 24.
\textsuperscript{293} Krastev, “Liberalism’s Failure to Deliver,” 25 and 38.
Romania

Romanian citizens rarely participate in political activities besides voting. However, in the wake of major corruption scandals, Romanians have protested to express their discontent. In 2013, protests spread against environmentally hazardous projects and government corruption. According to an activist, other protests occurred “when there were attempts to change the criminal code and anti-corruption legislation.” Additionally, 5,000 Romanians rallied against an illegal logging bill in 2015, forcing lawmakers to omit these logging amendments from the legislation.

About 20,000 Romanians protested in 2015 after the Collectiv nightclub fire killed over 60 Romanians and occurred as a result of a failure to enforce safety regulations. This fire coincided with the death of a police officer, which resulted from Deputy Prime Minister and Minister of Internal Affairs Gabriel Oprea’s illegal use of a motorcade. Using the slogan “Corruption Kills,” protestors forced Prime Minister Viktor Ponta and his cabinet to resign.

Half a million Romanians participated in the largest protests since the fall of communism in February 2017, after parliament passed a decree that decriminalized corruption if it did not involve more than about $47,500. The emergency decree was widely viewed as a political maneuver to force the DNA to drop its investigation into the ruling party’s president, Liviu

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296 Dimulescu et al., “Romania Nations in Transit 2014.”
297 While the activist noted that these were “not huge crowds, there were some influencers who mobilized quickly in big cities.” Confidential. Interview at 6 PM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June 13, 2016.
298 Davidescu et al., “Romania Nations in Transit 2016.”
300 Davidescu et al., “Romania Nations in Transit 2016.”
301 Davidescu et al., “Romania Nations in Transit 2016.”
Responding to these protests, the government withdrew the controversial decree and Justice Minister Florin Iodache resigned. However, even after withdrawing this decree, the Social Democratic ruling party’s parliamentarians are currently debating incorporating the withdrawn decree’s provisions into new legislation. The current Prime Minister Sorin Grindeanu is keen to pass this legislation. Parliament is also debating a different piece of legislation, which could free officials imprisoned on corruption charges.

Even as protests occur in large numbers and sometimes accomplish their aims, some Romanian civil society activists remain skeptical of their lasting impact. One interviewee argued that “politicians know that popular reaction is not a strong force and people forget quickly. The protests after the Collectiv fire lasted less than a week and then everyone went on with their business like nothing ever happened.” However, these protests seem to suggest that the Romanian government is cognizant of people’s complaints and works to redress them. Even this low degree of citizen’s participation in politics in recent years seems to have contributed to democratic stagnation, as protests have protected democratic reforms from the most anti-democratic actions that otherwise may have resulted in backtracking.

**Slovenia**

Civic involvement in Slovenia remains low; however, Slovenian students learn how to participate in democratic processes. Within Slovenian schools, administrators empower students

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303 Dragnea faces charges for paying the equivalent of about $26,000 to associates who did not actually work and, if convicted, would be imprisoned. This emergency decree would have allowed him to avoid punishment and possibly become the next prime minister.


to “participate in multilevel school decision-making activities.” Participation in these student
government organizations provides youth an opportunity to learn the importance of civic
engagement and prepares them to engage with CSOs later in life.

In general, most of Slovenia’s NGOs do not work on political or democratic issues, but
instead focus on sports, culture, and art. Furthermore, participation in protests remains low.
Some Slovenian NGOs protested the treatment of migrants and refugees in 2015. However, the
government did not respond to their requests to allow migrants to move more freely. In
November 2015, policemen attempted to strike for higher wages. They were unsuccessful, as the
Slovenian government condemned the strikers and did not provide them with a pay raise.
Protests also occurred in 2014 after protestors expected former Prime Minister Jansa’s corruption
trial decision to be released quickly. Many protesters thought that this trial, held before election
day, was politically motivated and designed to discredit his Social Democratic political party.

Overall, however, few protests have occurred in recent years and political participation
remains low. Few reports issued about Slovenian politics mention civil society involvement.
Low levels of civic participation do not help explain how Slovenia has deepened its democracy.

Trust in Political Institutions

Eastern Europeans generally express low levels of trust in political institutions. However,
some states have citizens that trust the EU, even when they distrust their national government.
Since the EU may represent liberal democracy in its supporters’ minds, I hypothesize that when
levels of trust in the EU are higher than levels of trust in national governments, democracy will

be more likely to deepen. My statistical model did not find support for this hypothesis. By examining the Eurobarometer survey’s measures of trust in the following graphs, it is easy to see how volatile trust is.\footnote{“Standard Eurobarometer 83.” European Commission, 2015. http://ec.europa.eu/public_opinion/archives/eb/eb83/eb83_en.htm} With trust so variable, it is hard to compare the relative levels of trust in the EU to trust in the national government and make any meaningful conclusions.

Graph 3.2: Relative Levels of Trust in the EU and National Government

Source: Eurobarometer
**Bulgaria**

Trust in the EU appears much more stable and higher than trust in the Bulgarian national government. Scholar Ivan Krastev describes Bulgaria as a “troubled democracy” with “very low” trust in domestic institutions.\(^{314}\) Several interviewed civil society activists confirmed these views. One noted, “Bulgarian politicians are more interested in what is best for their own lives. What they say is one thing and what they do is another.”\(^{315}\) Another activist asserted that the “lack of trust in government and politicians is growing in Bulgarian society.”\(^{316}\) Bulgaria’s levels of trust in the EU also vary. Though trust in the EU seems higher than trust in the national government, the overall low levels of trust and high levels of volatility in trust do not lend themselves to suggesting any relationship between trust and democratic stagnation in Bulgaria.

**Hungary**

In Hungary, trust in the national government is low. The EU is consistently slightly more trusted. Freedom House describes the low levels of trust in national institutions and political parties as “raising concerns about the legitimacy of the political system.”\(^{317}\) Declining trust in national institutions appears to result from the corrupt, self-interested actions of politicians.\(^{318}\) However, trust in the EU does not fare much better. Even some civil society activists fear that the EU worsens democratic deepening prospects in Hungary because it funds some of the Orban regime’s anti-democratic activities. One interviewed activist stated, “Without the EU, the Hungarian government couldn’t fund the Hungarian state and couldn’t pay for their political lies.

\(^{314}\) Krastev, “Liberalism’s Failure to Deliver,” 38.
\(^{315}\) Confidential. Interview at 7:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, July 11, 2016.
\(^{316}\) Confidential. Interview at 5:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, June 14, 2016.
The EU subsidizes this political system indirectly.” 319 With even some of the most pro-liberal democracy activists distrusting the EU, levels of trust in the institution remain low. Due to low trust in both institutions, this section of my case study does not find a relationship between trust in the EU and national government and democratic backsliding in Hungary.

Romania

Trust in both Romania’s national government and the EU is fairly low. One interviewed Romanian NGO activist described national politicians as having “a bad public image and not trusted by society.” 320 Another said that the EU couldn’t “make much of a difference and wouldn’t get involved if there was an anti-democratic wave in Romania.” 321 Romania appears to have the most volatile levels of trust in the EU and in the national government—with both varying by 30 percentage points across time. Since levels of trust may be expressed as reflections of how the institution was performing at the time of the interview instead of actual levels of trust in the institution, I do not think that this hypothesis improves explanations of trends in levels of democracy in Romania.

Slovenia

In 2015, trust in the national government remained low—the lowest level of all OECD member states. 322 Furthermore, between 2007 and 2013, public trust in the government and politicians decreased more in Slovenia than in any other EU country. 323 The July 2014 elections also demonstrate a distrust of political actors, as the Modern Center Party formed about one

319 Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1, 2016.
month before the election and won over one-third of the vote.\textsuperscript{324} For such a new party to form and become so successful, trust in national political actors must have been quite low. Like Romania, Slovenians express levels of trust varying in 30 percentage points over time. Trust in the EU relative to the national government does not appear related to democratic consolidation in Slovenia.

**Conclusion**

This chapter examined four main hypotheses to examine which aspects of political culture most strongly impact the extent to which democratic consolidation succeeded in Bulgaria, Hungary, Romania, and Slovenia. Defining democracy in liberal ways seems to help explain trends in levels of democracy. However, the extent to which people are involved in civic activities and the strength of civil society seem to more strongly predict subsequent levels of democracy. Relative levels of trust in the EU and national government, by contrast, do not seem to matter in explanations of democratic developments in the four countries.

Overall, civil society appears to be one of the most important political culture factors driving democratic deepening. The strength of civil society is closely linked to all four countries’ levels of success in democratization. However, political culture factors cannot be successfully analyzed without also contextualizing them within the leadership factors that constrain or facilitate the ability of political culture to become more liberal. A strong civil society will likely not operate effectively if it emerges in an illiberal country seeking to suppress independent voices. Thus I now turn to examine the leadership factors that affect democratization in the four case study countries.

\textsuperscript{324} Hacek et al., “Sustainable Governance Indicators; Slovenia’s Report,” 2.
CHAPTER FOUR: THE IMPACT OF ELITE STRATEGIES ON DEMOCRATIC BACKTRACKING

Introduction

The relationship between institutional engineering and political culture can be best characterized as reciprocal. The presence of weak rule of law and judicial institutions as well as a political culture unsupportive of democratic values does not necessarily suggest that democratic backtracking will occur. However, politicians may take advantage of these structural factors by manipulating the system either for their own benefit or to worsen the quality of democracy in a country. The presence of weak rule of law and judicial institutions coupled with a political culture less supportive of democracy can provide opportunities for illiberal politicians to gain key positions of power and to implement policies that result in democratic backtracking. Without the presence of these strategic leaders, states with weak institutions and political cultures not supportive of liberal democracy will likely stagnate democratically.

Even when strategic leaders who want to manipulate or attack their state’s democratic structures exist, they might not succeed without weak institutions and an illiberal political culture. Both of these institutional and societal factors may decrease checks on anti-liberal democratic leaders’ power. Stronger rule of law and judicial institutions as well as a democratic political culture present challenges to illiberal elites by decreasing the likelihood of them gaining political power and—when in power—countering anti-democratic politicians who wish to use their authority to implement policies that harm democratic institutions.

I hypothesize that political elites’ actions towards democratic institutions will have a distinguishable effect on Eastern European democracies.\textsuperscript{325} When sustained attacks on a variety

\textsuperscript{325} See Table 4.1 for a summary of these hypotheses.
States with less democratic political cultures and weak rule of law and judiciaries have fewer societal and institutional checks on anti-democratic leaders. As a result, when leaders in these states behave undemocratically, I hypothesize that the state will backtrack to a large degree—with democratic institutions markedly declining after leaders engage in these attacks.

However, in states with weak rule of law and judicial institutions and a democratic political culture, sustained attacks on the democratic system by leaders will likely result in a smaller degree of democratic backsliding in comparison to states with weak institutions and an illiberal political culture. A similar small degree of democratic backsliding will likely occur in states with strong rule of law and judicial institutions, but an illiberal political culture. In these states with varying degrees of institutional strength and political culture liberalness, some checks on the leader exist—either via a political culture that values democracy or via strong rule of law and judicial institutions. While anti-democratic leaders will still negatively affect the quality of democracy, they will be less successful in undermining the democratic order when compared to leaders of states with a less liberal political culture and weak rule of law and judicial institutions.

Finally, in states with democratic political cultures and strong rule of law and judicial institutions, when leaders mount sustained attacks on democracy, democratic stagnation will likely occur. Since these leaders will block reforms to improve the quality of democracy and since these leaders will likely be checked by other societal and institutional actors, I hypothesize that democratic institutions will stagnate.

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326 Sustained attacks on democracy include—but are not limited to—attacks on media freedom, civil society independence, rule of law institutions, and the judiciary.
By contrast, regardless of the strength of rule of law and judiciaries and regardless of the degree to which political culture supports democracy, when politicians either fail to implement policies or engage in short-term attempts to “rig” the political game, I predict that democratic stagnation will occur. Because these politicians largely manipulate the system for their own benefit, they are not engaged in an active effort to dismantle democracy. In this mixed environment with half-hearted attempts to change the democratic institutions, the overall quality of democracy will likely stagnate. Even if either political culture, rule of law, or judicial institutions are sufficiently democratic or strong enough to withstand attacks by these politicians, democracy is unlikely to deepen because leaders will oppose pro-democratic reforms when these reforms conflict with the politicians’ self-interested agendas. Regardless of societal and institutional factors, I hypothesize that when leaders engage in short-term attempts to rig the democratic system, democratic stagnation will occur.

Some politicians do not engage in attacks on democracy. When politicians conform to democratic norms and refuse to attack the quality of democracy in a country, democratic institutions may either stagnate or improve, but will not backtrack. Even when leaders respect democracy, when a country has an illiberal political culture and weak rule of law and judicial institutions, democracy will likely stagnate. In these states, the public rarely calls for improvements in the quality of democracy and the rule of law and judicial institutions are unlikely to have the capacity to improve the functioning of democratic institutions in the country. By contrast, when a state has either an illiberal political culture and strong rule of law and judicial institutions or a liberal political culture and weak rule of law and judicial institutions, and when the leaders do not attack the democratic system, some degree of democratic consolidation will likely occur. In these states, since some societal or governmental institution
favors democratic consolidation and since leaders do not obstruct this path, I predict democratic consolidation will result. However, I hypothesize that a much greater degree of democratic consolidation will occur in states with both a political culture actively supportive of liberal democracy and strong rule of law and judicial institutions. When the leader of a state with these societal and institutional factors does not oppose democratic reforms, the impetus towards democratic reform will likely propel states to significantly consolidate their democracies. The interaction of these hypothesized factors and their outcomes are depicted in Table 4.1.

Table 4.1: Hypothesized Relationship between Elite Strategies and Political Culture, Rule of Law, and Judicial Institutions

<table>
<thead>
<tr>
<th>Sustained Attacks on Democracy</th>
<th>Short-term Attempts to Rig the System</th>
<th>No Attacks on Democracy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Illiberal Political Culture + Weak Rule of Law and Judiciary</strong></td>
<td>Significant Democratic Backsliding</td>
<td>Stagnation</td>
</tr>
<tr>
<td><strong>Illiberal Political Culture + Strong Rule of Law and Judiciary</strong></td>
<td>Some Democratic Backsliding</td>
<td>Stagnation</td>
</tr>
<tr>
<td><strong>Liberal Political Culture + Weak Rule of Law and Judiciary</strong></td>
<td>Some Democratic Backsliding</td>
<td>Stagnation</td>
</tr>
<tr>
<td><strong>Liberal Political Culture + Strong Rule of Law and Judiciary</strong></td>
<td>Stagnation</td>
<td>Stagnation</td>
</tr>
</tbody>
</table>

These theories anticipating the impact of leaders’ actions on the quality of democracy have not been developed with the benefit of hindsight into developments in Eastern European politics. Some of the country cases that I use do not fit into the hypothesized categories and I do not have enough variation in my cases to test all of the categories described above. These hypotheses merely suggest a theoretical framework that could be useful for understanding the interaction between leadership, political culture, and rule of law and judicial institutions, as well as the impact of these interactions on the quality of democracy.

Before turning to the individual case studies, I would like to return to the extent to which democratic backsliding, stagnation, and consolidation have occurred in the four countries
examined. Freedom House Nation in Transit scores range from 1, the best, to 7, the worst. Freedom House’s methodology states that a shift of 0.25 indicates the occurrence of minor or moderate developments, while a change larger than 0.5 signals significant developments in the quality of democracy. My coding follows this methodology. If the change in score exceeds positive 0.5, democratic backtracking occurs. When the change exceeds a negative 0.5, democratic deepening occurs. I conceive any difference under 0.5 points to be indicative of democratic stagnation. However, in consolidated democracies, one would not expect a small change to indicate stagnation, which has inherently negative connotations. After reaching a certain level of democratic consolidation, it is hard to improve one’s score by over half a point. On Freedom House’s seven-point scale, any democracy that maintains a score below 3.0 should be regarded as consolidated. The graph below plots the changes over time in the Freedom House Nations in Transit scores for the four cases that I examine. Table 4.2 clarifies which democracies have stagnated, backtracked, or consolidated since their respective EU accession dates.

Graph 4.1: Country-Level Freedom House Nations in Transit Democracy Scores

Source of Data: Freedom House
I now will place the case study countries into my theoretical framework. Bulgarian leaders largely failed to implement policies related to democratic deepening across the entire post-communist period. Instead of mounting attacks on democracy, Bulgarian politicians took advantage of the weak rule of law and judicial institutions as well as a political culture ambivalent towards democratic ideals. My model predicts that Bulgaria’s democracy would stagnate across the entire period.

Before 2010, Hungary was characterized by leaders engaging in short-term attempts to rig the system, a weak political culture, but strong rule of law and judicial institutions. My model thus predicts that democratic stagnation would occur in Hungary. By contrast, after 2010, Hungarian politicians actively mounted sustained attacks on Hungary’s democracy. While the illiberal political culture trend continued, the politicians’ attacks weakened the rule of law and judicial institutions. Hungary thus moved positions in the model to the section that predicts a significant degree of democratic backtracking (see Table 4.3).

Across the entire post-communist period, Romanian politicians have largely taken advantage of short-term attempts to rig the political system in their favor. Until 2015, Romania could be characterized by a liberal political culture with weak rule of law and judicial institutions. However, reforms in 2015 strengthened the rule of law and judicial institutions and

<table>
<thead>
<tr>
<th>Country</th>
<th>Change in Levels of Democracy since EU Accession Date</th>
<th>Qualitative Meaning of Change in Levels of Democracy</th>
<th>Model’s Predicted Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulgaria</td>
<td>0.36</td>
<td>Stagnation</td>
<td>Stagnation</td>
</tr>
<tr>
<td>Hungary</td>
<td>1.33</td>
<td>Backsliding</td>
<td>Stagnation before 2010 and a significant amount of backsliding after 2010</td>
</tr>
<tr>
<td>Romania</td>
<td>0.17</td>
<td>Stagnation</td>
<td>Stagnation</td>
</tr>
<tr>
<td>Slovenia</td>
<td>0.18</td>
<td>Consolidation</td>
<td>Significant Democratic Consolidation</td>
</tr>
</tbody>
</table>
political culture remained liberal. As leaders continue to engage in short-term attempts to rig the political system in both eras, my model predicts democratic stagnation.

Finally, since the beginning of the democratic transition, Slovenia has been characterized by a liberal political culture and strong rule of law and judicial institutions. Slovenian politicians do not attack democracy, but instead enforce democratic reforms. My model predicts that Slovenia would significantly consolidate its democracy.

Table 4.3: Hypothesized Relationship between Elite Strategies and Political Culture, Rule of Law, and Judicial Institutions Applied to Cases

<table>
<thead>
<tr>
<th>Sustained Attacks on Democracy</th>
<th>Short-term Attempts to Rig the System</th>
<th>No Attacks on Democracy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illiberal Political Culture + Weak Rule of Law and Judiciary</td>
<td>Significant Democratic Backsliding Hungary since 2010</td>
<td>Stagnation Bulgaria</td>
</tr>
<tr>
<td>Illiberal Political Culture + Strong Rule of Law and Judiciary</td>
<td>Some Democratic Backsliding</td>
<td>Stagnation Hungary before 2010</td>
</tr>
<tr>
<td>Liberal Political Culture + Weak Rule of Law and Judiciary</td>
<td>Some Democratic Backsliding</td>
<td>Stagnation Romania until 2013</td>
</tr>
<tr>
<td>Liberal Political Culture + Strong Rule of Law and Judiciary</td>
<td>Stagnation</td>
<td>Stagnation Romania since 2013</td>
</tr>
</tbody>
</table>

Bulgaria

By holding power until the 1998 elections, the communist successor party—the Bulgarian socialists—avoided creating democratic institutions.\(^{327}\) In order to focus on the establishment and development of democratic institutions, this section discusses the impact of political leadership on the quality of Bulgaria’s democracy after the 1998 elections. Since then, weak rule of law and judicial institutions as well as a fairly illiberal political culture exist in Bulgaria. However, Bulgarian politicians have not engaged in blatantly anti-democratic

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activities. Instead, they largely fail to implement democratizing policies. In an environment where political culture remains less supportive of democracy and where rule of law and judicial institutions remain weak, Bulgarian politicians’ decision to not implement democratic policies—as opposed to implementing anti-democratic policies that aggressively undermine democratic institutions—helps explain why democracy has stagnated instead of backtracked.

While some effort to establish democratic institutions existed before EU accession, the policies pursued by Bulgarian politicians did not establish consolidated institutions. Bulgarian leaders used work strategies and agendas to demonstrate a superficial commitment to democratic reforms and to avoid making meaningful changes. Failing to take a proactive and pro-democratic approach, Bulgarian politicians did not reform until they were “sanctioned by the market” or by EU conditionality. Even the political party that placed Bulgaria on the path to establishing democratic institutions failed to champion for reforms beyond the “bare minimum” required for EU accession.

One interviewed Bulgarian activist argued that “our politicians don’t care” about democracy. Bulgarian politicians do not seek to improve the quality of democracy, but instead

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328 Racovita, “Europeanization and Effective Democracy,” 41-42.
329 Noutcheva and Bechev, “The Successful Laggards,” 119-120.
330 Bulgarian leaders’ approach to prosecuting corruption is emblematic of their pursuit of short-term attempts to rig the political system in their favor. Before EU accession, the EU tied Bulgaria’s membership to decreasing and punishing high-level corruption across all sectors of governance. Between 2005 and 2009, Bulgarian politicians ignored instances of high-level political corruption. Instead, they focused on corruption occurring in the judicial and police sectors. The decision to only punish corruption in certain sectors reveals that Bulgarian politicians merely implemented the policies that were required for EU membership, as opposed to pursing reforms that would establish a functioning liberal democracy. Even after the EU froze funds in 2008 and the government enacted some of the required institutional reforms, significant changes or reforms still did not occur. The government continued to pass the legislation needed to receive EU funding, but not more than was required.
331 Confidential. Interview at 7:30 PM with a Bulgarian NGO. Interview by Courtney Blackington. Skype, July 11, 2016.
prefer to ignore legislation for their own benefit. During one of my interviews in Bucharest, a Romanian NGO activist compared the leadership situation in Bulgaria and Romania. She stated, “In Bulgaria, personal goals are more dominant than in Romania. The executive and legislative [branches] do a lot of things to not reform the state and to interfere with the justice system.” This characterization of the Bulgarian leadership indicates a desire of Bulgarian politicians to improve their personal positions, sometimes at the expense of democracy. In areas where it is convenient or necessary for them to behave democratically, they will. However, when they can personally benefit by failing to implement democratic legislation or by profiting from the system in some way, they often choose this course of action.

One interviewed Bulgarian activist noted that politicians “sometimes try to take a step backward” in the quality of democracy; however, many “try to keep the status quo.” Politicians benefit from this status quo and continue to rig the political system to improve their personal positions. This activist further argued, “they [politicians] are in power today, so they try to get as much profit today as possible and to stay in [governance] after that.”

The less liberal democratic political culture and weak rule of law and judicial institutions enable Bulgarian politicians to pursue policies that benefit themselves. These politicians’ decision to profit from the democratic system instead of improving or attacking it helps explain why Bulgaria’s democracy has stagnated. With a focus on rigging the system for the leaders’

333 Ganev, “Post-Accession Hooliganism.”
benefit, democracy has stagnated at a poor and unconsolidated level—with few incentives for politicians to improve it.

**Hungary**

Hungarian politicians behaved differently before and after 2010, which helps explain changes in levels of democracy. Before 2010, Hungarian politicians largely sought to establish functioning democratic institutions. While political culture did not actively support democratic values, the established rule of law and judicial institutions were fairly strong. However, after 2010, Fidesz politicians used constitutional procedures to undermine the rule of law and the independence of the judiciary. Coupled with a less democratic political culture, Hungarians after 2010 struggled to slow or stop the backtracking of democracy.

During Hungary’s initial democratic transition, it was seen as a “front-runner” in establishing liberal democracy and a capitalist economic system. Politicians respected the constitutional framework, which encouraged the formation of a stable democratic system and the continuation of fair party competition. One NGO activist whom I interviewed noted that:

> In the 1990s, the executive and judiciary clashed, but the government didn’t rewrite legislation because there was a principle that democracy is debating and that this debate is necessary. In 2004 and 2005, the prosecution service and government clashed because the government wanted a criminal conduct code and the prosecution service said no. The government could have rewritten the legislation and gotten rid of the prosecutor at that time, but they chose not to change the rules after the game was written.

While leaders in institutions frequently had competing aims and disagreed on policy, they respected the institutional configuration that had been engineered to promote democracy. In early

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2010, scholars Andras Bozoki and Eszter Simon published an article describing Hungary as a consolidated democracy.\textsuperscript{339} Some governance problems existed before 2010; however, leaders generally abided by democratic norms and democratic stagnation occurred. To better understand why these initial successes ultimately were undermined requires a look at the decisions made by Fidesz politicians since 2010.

After Fidesz won a supermajority of legislative seats, Prime Minister Viktor Orban undermined many of the rule of law and judicial institutions that other leaders previously respected.\textsuperscript{340} Fidesz politicians have taken advantage of the less democratic political culture and the weak rule of law and judicial institutions to pass anti-democratic policies. Scholars Péter Krekó and Gregor Mayer describe Viktor Orban as attempting to “transform” democratic institutions to strengthen the right and “eliminate” the left in order to create a “consolidated system” under his rule.\textsuperscript{341} One NGO activist concurred, stating that her organization expanded to work in new policy areas in response to Fidesz gaining power in 2010 “because the government wants to destroy constitutional democracy.”\textsuperscript{342} She further asserted that “whatever was very important for the government, they could achieve it.”\textsuperscript{343} No one outside of the Fidesz government could protect democratic institutions, according to this interviewed activist.\textsuperscript{344}

\footnote{An interviewed NGO activist reiterated this sentiment, noting that “checks and balances were an idea of the pre-EU accession period and were achieved” until the 2010 election of Fidesz. Bozoki and Simon, “Hungary since 1989,” 226. Confidential. Interview at 2:30 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 2, 2016.}

\footnote{Fidesz gained a supermajority in 2010 largely because of the corruption associated with the incumbent Social Democratic party. A protest vote against the Social Democrats’ corruption, as opposed to a widespread mandate from Hungarian citizens, explains why Fidesz swept the election. Toka, “Constitutional Principles and Electoral Democracy in Hungary,” 14.}

\footnote{Krekó and Mayer, “Transforming Hungary—together?” 201.}

\footnote{Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1, 2016.}

\footnote{Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1, 2016.}

\footnote{Confidential. Interview at 1 PM in Budapest, Hungary. Interview by Courtney Blackington. In-person, August 1, 2016.}

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The lack of a political alternative to Fidesz appears to largely drive the decision of Hungarians to avoid protesting. The only other organized party in Hungary is the neo-fascist Jobbik party. In this environment, with many attacks on democratic institutions and without either enough popular support to defend democracy or a legitimate, mainstream political alternative, Fidesz politicians can engage in anti-democratic activities without constraints.

Prime Minister Viktor Orban and his party’s politicians have sustained their systematic attacks on democracy. In 2014, Orban actively attacked the notion of liberal democracy in a speech, arguing that a democracy does not have to be “liberal.” Instead, Orban advocated for a “break” from liberal conceptions of democracy. Clearly attacking the presence of and principles undergirding Hungary’s democratic system, Orban stated that liberal democracy failed

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345 In 2014, thousands of Hungarians protested a proposed internet tax. However, these protests only occurred in Budapest and were delegitimized by pro-government media sources as a movement led by the cosmopolitan elite. Furthermore, these protests did not actually threaten Orban or his policies because no other mainstream political party has either the strength or the cohesion to challenge Fidesz. The lack of political alternatives discourages most protests in Hungary.


347 See the previous chapters for discussions of the ways in which Fidesz has dismantled liberal democracy as well as the extent to which political culture is anti-democratic.


349 Orban, “Prime Minister Viktor Orbán’s Speech at the 25th Bálványos.”
to “serv[e] the interests of the nation.” He then lauded Fidesz’s work to “construct…an illiberal state.” While previously some politicians may have taken advantage of their political power to benefit, most high-level leaders would not deploy this type of anti-liberal democratic rhetoric. A fundamental shift seems to have occurred in 2010—one that empowered Orban to restructure a previously liberal democracy into an increasingly illiberal one.

One interviewed Hungarian NGO leader argued that Orban and Fidesz “are sacrificing the past democratic achievements to be unchangeable.” Journalist Paul Lendvai describes Orban as a “ruthless power politician who believes not in ideas, but in maximizing his power.” The impact of Fidesz and Orban’s opportunistic and power-hungry behavior on democracy in Hungary appears to fit my hypothesis. The less liberal political culture and increasingly marginalized rule of law and judicial institutions found in Hungary established space for a leader seeking to undermine the democratic system. By continuing to oppose measures to liberalize political culture and by actively attacking democratic institutions, Orban has eroded the quality of democracy in Hungary. Illiberal political culture and weak institutions failed to prevent an anti-democratic leader from gaining power and enabled him to mount sustained attacks on democracy, resulting in democratic backtracking.

350 “Orban, “Prime Minister Viktor Orbán’s Speech at the 25th Bálványos.”
351 “Orban, “Prime Minister Viktor Orbán’s Speech at the 25th Bálványos.”
354 It can be argued that the ease with which Orban marginalized rule of law and judicial institutions suggests that these institutions may not have been strong prior to 2010. The ability of parliament to change the constitution does indicate that horizontal accountability and institutions were vulnerable. However, before 2010, Hungarian politicians obeyed democratic norms and followed the rules of the democratic order that they created. Rule of law and judicial institutions received enough resources and respect to be considered strong, as shown by World Bank and Freedom House indicators. I argue that the potential vulnerability of the rule of law and judicial institutions prior to 2010 does not mean that they were necessarily weak during this time period. When they were respected, they were strong. However, they were consistently vulnerable to anti-democratic politicians, which became increasingly clear after the 2010 elections.
Romania

Romania’s political culture has remained fairly liberal throughout the democratic transition. However, its rule of law and judiciary only became strong in 2015. While some reforms have increased the effectiveness of these institutions and while Romanians are increasingly willing to protest government actions, these changes have not significantly impacted the overall levels of democracy in Romania. In general, Romanian politicians implement policies for personal gain. However, in recent years, stronger rule of law and judicial institutions as well as a more active political culture supportive of liberal democracy constrain Romanian politicians’ actions, preventing democratic backsliding and maintaining democratic stagnation.

Early in Romania’s democratic transition, politicians did not prioritize the creation of consolidated democratic institutions because many were closely tied to the former communist regime. Romanian politicians did not reform their institutions until they faced EU sanctions. Democracy-building slowed when President Ion Iliescu governed from 1990 to 1996 and from 2000 to 2004, alongside Prime Minister Adrian Nastase. While some progress in establishing democratic institutions occurred, this “progress” merely allowed Romania to continue to dither along the path to EU accession, as Romanian politicians completed the absolute minimum required of them to remain eligible for EU membership.

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355 Some past members of Romania’s secret services gained key positions of power. The continuation of a willingness to use force towards government critics in the initial transition exemplifies the slow nature of Romania turn towards democracy. Scholar Venelin Ganev has described Romanian politicians in the pre-accession period as “residually motivated” to establish and strengthen political institutions in order to become EU members. Noutcheva and Bechev, “The Successful Laggards,” 120. Noutcheva and Bechev: “The Successful Laggards,” 119-120. Ganev, “Post Accession Hooliganism.”
356 Noutcheva and Bechev: “The Successful Laggards,” 119-120. Brett, “Romania: Old Problems and New Challenges,” 386. Iliescu and Nastase took advantage of the weak rule of law and judicial institutions in an attempt to create a political system where their PSD party could rule without challenge. By extending the constitutional term limits of some high-level political positions, Iliescu and Nastase worsened the quality of democracy in Romania. Brett, “Romania: Old Problems and New Challenges,” 386.
Despite not working particularly effectively, the pressure of EU conditionality did force these Romanian politicians to pass some reforms. The EU criticized the actions of Iliescu and Nastase and threatened to further slow the EU accession process.\textsuperscript{359} Since Romanians largely favored joining the EU, a fairly liberal political culture supportive of both democratic reforms and EU accession coupled with the conditionality of the EU helped limit the anti-democratic actions taken by Romanian politicians.

Instead of actively working to better their democratic system, Romanian politicians largely engaged in “a flurry of institutional creation.”\textsuperscript{360} This institutional creation established various institutions with overlapping duties and mandates and created a significant amount of confusion in governance. Overlapping responsibilities weakened rule of law and judicial institutions because these institutions faced difficulties coordinating their actions. As a result, Romanian politicians continued to engage in corrupt activities with impunity. Scholar Lavinia Stan describes Prime Minister Nastase as viewing “public resources as his own private assets.”\textsuperscript{361} In 2007, Minister of Justice Teodor Chiuariu himself was investigated on corruption charges. When the cabinet official tasked with ensuring the prosecution of corruption is investigated for corruption, it is clear that the system is failing and that leaders are plundering it with impunity.

After Romania became a member of the EU in 2007, efforts to further strengthen the quality of rule of law and judicial institutions as well as to liberalize political culture largely halted. Leaders continue to primarily concern themselves with “putting on a convincing show” of consolidating democracy, as opposed to actually improving the system.\textsuperscript{362} One interviewed Romanian NGO leader worried about “legislative proposals from all parties that decrease the

\textsuperscript{359} Brett, “Romania: Old Problems and New Challenges,” 386-387.
\textsuperscript{360} Racovita, “Europeanization and Effective Democracy,” 40-41.
\textsuperscript{361} Stan, “Romania: in the shadow of the past,” 390.
\textsuperscript{362} Davidescu et al., “Romania Nations in Transit 2016.”
role of the justice system in the democratic process.” She expressed concern that these proposals would worsen the quality of democracy in Romania.

Interestingly, Romanian political culture is increasingly actively supportive of liberal democracy, which may constrain leaders from acting in opportunistic or anti-democratic ways in the future. Protests spread throughout Romania after the government issued an emergency decree that decriminalized public corruption if the damage was less than 200,000 lei (about $48,000) in February 2017. This decree would have permitted the ruling party’s leader to be acquitted of his corruption charges. Even after protestors forced the government to withdraw the decree, protests continued for several more days. Ultimately, the politicians who issued this decree were forced to undo their actions because of political culture’s influence.

Protest has become “routinized” to some degree in Romania, with citizens increasingly turning to protest to achieve political aims, realizing that it has worked fairly well in recent years. From bringing down the government after it was revealed that corruption caused the death of Romanians in the Collectiv fire to forcing the resignation of the Health Minister after a journalist revealed that the government-contracted pharmaceutical company had diluted the disinfectants that it provided to state hospitals over the course of 10 years, Romanians have held

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363 She noted, that these anti-democratic measures “are often taken for personal gain—like modifying the conflict of interest law to legally hire family members or by using corruption to finance a campaign more easily.” Confidential. Interview at 11 AM in Bucharest, Romania. Interview by Courtney Blackington. In-person, June 26, 2016.


their politicians accountable by engaging in mass protests. Scholar Thomas Remington describes Russians as falling into a “low-level equilibrium trap,” whereby Russians expect little of their government and the government performs as poorly as expected.\textsuperscript{367} As a result, Remington argues, Russians demand little of their government and their politicians respond to this by continuing to not supply good governance.\textsuperscript{368} The opposite of Remington’s low-level equilibrium trap seems to occur in Romania. Romanians appear cognizant of the impact of their protests on their government’s actions. By demanding their politicians behave democratically, Romanians hold their politicians accountable—in a high-level equilibrium trap.

In Romania, an increasingly democratic political culture and increasingly strong rule of law and judicial institutions counterbalance politicians who attempt to behave in anti-democratic ways. While Romanian politicians took advantage of weak rule of law and judicial institutions in the democratic transition, in recent years, the strengthening of rule of law and judicial institutions as well as a democratic political culture have enabled Romanians to hold their politicians accountable. However, they remain unable to force their politicians to improve the quality of democracy, which helps explain democratic stagnation in Romania.

\textbf{Slovenia}

Slovenia established strong rule of law and judicial institutions as well as a political culture supportive of democracy early in the democratic transition. Slovenian politicians typically behave in accordance with liberal, democratic norms. Elected politicians rarely redirect the state’s resources to improve their campaigns or to support their political parties. Scholar

\textsuperscript{368} Remington, \textit{Politics in Russia}, 106.
Danica Fink-Hafner described Slovenia as a “textbook example” of how leading politicians should behave in order to establish a functioning democracy. 369

When discussing political developments in Slovenia with the NGO activists that I interviewed, I asked if Slovenian politicians attempted to either undermine democratic institutions or benefit from the democratic system. One asserted that, “in terms of government pressure against democracy, Slovenia is not having those issues.”370 He stated that politicians often bargain to place party loyalists into judicial positions, which he worried could decrease the independence of the judiciary. However, many consolidated democracies place those with similar ideological predispositions in the judiciary, so this should not raise concerns about the legitimacy of Slovenia’s judicial institutions.371 The interviewed NGO activist also noted that corruption “is a problem, but is not a big enough issue to undermine how the government is operating.”372 Another interviewed NGO leader concurred with this assessment, stating that anti-democratic rhetoric in Slovenia largely comes from far-right parties. This activist acknowledged that “if these right-wing groups had a majority in the government, then that [the political undermining of democratic institutions] would probably be a problem.”373 Civil society activists’ testimony further suggests that Slovenian politicians have largely abided by democratic norms and refused to engage in anti-democratic activities.

One possible explanation of the decision of Slovenian politicians to respect democratic norms is that Slovenian citizens may hold their politicians more accountable than citizens in

370 Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
371 For example, when Republicans in the U.S. Senate refused to confirm President Barrack Obama’s nominee for the Supreme Court in 2016 and 2017, scholars did not raise concerns that this threatened the legitimacy of democracy in the U.S.
372 Confidential. Interview at 8 AM with a Slovenian NGO. Skype, January 26, 2017.
373 Confidential. Interview with at 8 AM with a Slovenian NGO. Interview by Courtney Blackington. Skype, January 30, 2017.
other Eastern European countries. However, scholar Peter Rozic uses survey data from Slovenian citizens to suggest that Slovenians are not more likely to either engage in civic action or hold their leaders accountable when compared to citizens of other Eastern European states.\(^{374}\)

An alternative explanation suggests that since civil society is more highly respected in Slovenia than in other Eastern European countries, Slovenians are more likely view NGOs’ reports credibly. This situation may encourage politicians to behave in accordance with democratic norms and values. One interviewed NGO activist contended that “because civil society has a relatively strong public image, it is becoming a very notable voice. Through public image, [NGOs] have been able to influence decision-makers.”\(^{375}\) Coupled with strong rule of law and judicial institutions as well as a liberal political culture, acceptance of NGOs’ role in the political landscape discourages Slovenian politicians from engaging in anti-democratic practices.

The testimony of civil society activists via interviews and international reports suggest that Slovenian politicians act within democratic constraints. Each interviewed NGO activist highlighted that Slovenian politicians neither attacked democratic institutions nor actively avoided implementing liberal democratic provisions. While some Slovenian politicians engage in corrupt activities, they have not yet undermined democratic institutions. It seems that no arena exists for anti-democrats to gain political power or strength in Slovenia, as the democratic political culture and strong rule of law and judicial institutions counteract these types of policies and encourage democratic consolidation, which has occurred.

\(^{374}\) Rožič, “Have Our Dreams Come True?” 9.
\(^{375}\) Confidential. Interview at 12 PM with a Slovenian NGO. Interview by Courtney Blackington. Skype, March 14, 2017.
Chapter Conclusion

Overall, my theoretical framework appears useful in analyzing the relationship between leaders’ actions, political culture, rule of law, judicial institutions, and trends in the quality of democracy in all four case studies. In Hungary, an illiberal political culture, but strong rule of law and judicial institutions, coupled with leaders’ short-term attempts to rig the political system resulted in democratic stagnation before 2010. By contrast, after 2010 and the sustained attacks on democracy mounted by Hungarian politicians under the Fidesz government, the rule of law and judicial institutions were weakened. Increasingly weak rule of law and judicial institutions alongside an illiberal political culture enabled anti-democratic leaders to mount frequent attacks on democracy, which facilitated democratic backsliding in Hungary.

Since the beginning of the democratic transition in Bulgaria, it has had an illiberal political culture and weak rule of law and judicial institutions. Bulgarian politicians largely attempt to rig the democratic system for their own benefit. Collectively, these features of Bulgarian politics help explain stagnation in Bulgaria’s democratic institutions. Romania’s democratic developments can be largely broken into two phases: pre and post-2015. In both phases, Romania had a liberal political culture. Only after 2015, however, did Romania have strong rule of law and judicial institutions. Short-term attempts to rig Romania’s democratic institutions are found in both time periods, helping to account for democratic stagnation, despite an improvement in the quality of rule of law and judicial institutions. Finally, Slovenia has consolidated its democracy, largely due to a combination of a liberal political culture, strong rule of law and judicial institutions, and the presence of leaders who do not attack the democratic system. Table 4.5 reiterates the relationship between my theoretical framework and the cases.
Table 4.5: Summary of Hypothesized Relationship and Cases

<table>
<thead>
<tr>
<th></th>
<th>Sustained Attacks on Democracy</th>
<th>Short-term Attempts to Rig the System</th>
<th>No Attacks on Democracy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illiberal Political Culture + Weak Rule of Law and Judicial Institutions</td>
<td>Significant Democratic Backsliding Hungary since 2010</td>
<td>Stagnation Bulgaria</td>
<td>Stagnation</td>
</tr>
<tr>
<td>Illiberal Political Culture + Strong Rule of Law and Judicial Institutions</td>
<td>Some Democratic Backsliding</td>
<td>Stagnation Hungary before 2010</td>
<td>Some Democratic Consolidation</td>
</tr>
<tr>
<td>Liberal Political Culture + Weak Rule of Law and Judicial Institutions</td>
<td>Some Democratic Backsliding</td>
<td>Stagnation Romania until 2015</td>
<td>Some Democratic Consolidation</td>
</tr>
<tr>
<td>Liberal Political Culture + Strong Rule of Law and Judicial Institutions</td>
<td>Stagnation</td>
<td>Stagnation Romania since 2015</td>
<td>Significant Democratic Consolidation Slovenia</td>
</tr>
</tbody>
</table>

In Table 4.5, I have bolded the outcomes for which I do not have data. The obvious limitation of this analysis is that there simply is not enough variation in these four cases to fully analyze the legitimacy of this theoretical framework. However, due to its applicability to the cases examined in this thesis, I believe that this theoretical framework is worth applying to additional cases in future research to further test and perhaps refine it.
CHAPTER FIVE: CONCLUSION

The current literature on changes in the overall levels of democracy in Eastern European countries does not examine the interaction between institutional engineering, political culture, and leadership. Instead, scholars typically emphasize one or two of these factors in their explanations of changes in the quality of democracy over time. However, I find that explanations of democratic developments that do not connect these three factors fail to offer a complete picture of the phenomenon. My thesis has sought to fill this gap in the literature so as to increase understandings of the societal, institutional, and leadership factors that interact to correspond to democratic deepening, stagnation, or backtracking in Eastern Europe.

Examining the strength of rule of law and judicial institutions at the time of a country’s EU accession predicted subsequent developments in levels of democracy in Bulgaria, Romania, and Slovenia—but not Hungary. An initially weak rule of law and judiciary in Bulgaria is consistent with democratic stagnation. The initially weak rule of law and judiciary in Romania dovetails with democratic stagnation, despite the recent strengthening of rule of law. An initially strong rule of law and judiciary in Slovenia corresponds to democratic consolidation. In Hungary, strong rule of law and judicial institutions at the time of EU accession did not correspond to democratic deepening. Subsequent actions taken by leaders seem more important in Hungary than the initial strength of rule of law and the judiciary when explaining democratic backsliding.

These findings on the importance of institutional engineering suggest that other aspects of institution design may matter more than the strength of rule of law and the judiciary at the time of EU accession. Perhaps other elements of institutional design, such as the ease of changing legislative rules, the electoral system, and the constitution, better predict democratic
developments in Eastern Europe. Future research could examine the impact of alternative aspects of institutional design at the time of EU accession on subsequent democratization levels.

This thesis also examined the importance of political culture on democratization trends. The output associated with my quantitative model sometimes differed from my qualitative research. Due to the weaknesses of the quantitative model, namely the poor timing of the World Values Survey and the inability to directly examine the relationship between respondents’ measures of political culture and democratic backsliding, I believe that when the findings differ, the qualitative research better explains democratic developments.

When citizens understand democracy in liberal terms, democracy appears more likely to deepen. Of my cases, only Slovenia effectively implemented civic education policies and Slovenia had the only democracy that consolidated. By contrast, Bulgaria, Hungary, and Romania all failed to provide effective civic education to citizens. Bulgaria and Romania’s democracy stagnated, while Hungary’s democracy backtracked. The lack of civic education inhibited many citizens of these three countries from understanding democracy in liberal terms, which seems to have decreased the likelihood of them advocating for liberal, democratic reforms.

Civic participation seems to explain democratic stagnation better than backtracking or consolidation. In states where citizens protest anti-democratic actions, the democracy is more likely to stagnate than backtrack. However, when citizens do not protest, their democracy is more vulnerable to backsliding. Additionally, the presence of a strong and well-resourced civil society does decrease the likelihood of backtracking and increase the likelihood of democratic consolidation or stagnation.
Strong, well-resourced civil society has checked the Romanian government in recent years—helping to prevent democratic backtracking in Romania. However, weak and under-resourced civil society in Bulgaria and Hungary has facilitated democratic stagnation in Bulgaria and backtracking in Hungary. Bulgarian and Hungarian citizens rarely push their governments to implement liberal, democratic reforms. In Slovenia, civil society appears fairly well-resourced and somewhat strong. However, other factors appear to better explain why Slovenia’s democracy has consolidated.

Finally, citizens’ relative levels of trust in the EU and national government do not seem to impact the likelihood of democratic consolidation. Neither in the statistical model nor in the qualitative analysis did I find support for the hypothesis that when a state’s citizens trust the EU more than their national government, the democracy is more likely to consolidate.

By examining institutional engineering, political culture, and leadership factors independently and together, I find that the model most predictive of democratization trends combines all three of these factors. Even when institutional engineering and political culture remain at fairly constant levels for significant periods of time, the actions of leaders can change the quality of democracy in a country. For example, until 2010, Hungary largely maintained the strength of its rule of law and judicial institutions and had a less liberal democratic political culture. During this period, Hungarian politicians engaged in short-term attempts to rig the democratic system and Hungary’s democracy stagnated. After Fidesz came to power in the 2010 elections, politicians began to engage in sustained attacks on democracy, which weakened the rule of law and judicial institutions as well as marginalized civil society and independent media sources. In this new environment, democratic backsliding occurred.
However, my model suggests that leadership actions alone cannot explain democratic backtracking. Since EU accession, Romania has had a liberal political culture. Politicians have consistently engaged in short-term attempts to rig the democratic system in the post-accession era. In 2013, however, Romania’s rule of law institutions strengthened from their initial weak level. Though Romania’s democracy has continued to stagnate, its liberal political culture empowers Romanian protesters to defend their democracy against backsliding, even if they cannot deepen their democracy without the help of their politicians. Strong rule of law and judicial institutions as well as a liberal political culture protect Romania’s democracy from backsliding. Preserving democratic stagnation and defending against backtracking occurred in 2017, when illiberal politicians attempted to push through a legislative decree that would have decreased penalties for corruption had Romanian protesters not forced politicians to withdraw it.

Romania’s situation contrasts greatly from Bulgaria, which has weak rule of law and judicial institutions as well as an illiberal political culture. Politicians’ decisions to engage in short-term attempts to rig the system, instead of mount sustained attacks on democracy, protects Bulgaria’s democracy from backtracking. Stagnation occurs because of weak institutional and illiberal political cultural factors combined with politicians’ decisions. By contrast, in Slovenia, strong rule of law and judicial institutions, a liberal political culture, and leaders who do not attack the quality of democracy contribute to democratic consolidation.

Future research could expand upon this theoretical framework by adding additional country case studies. As I noted in the elite strategies chapter, gaps in the model could be filled by analyzing other post-communist countries that have acceded to the EU. By incorporating more cases, the external validity of this model could tested. I believe that this theoretical framework is worth applying to additional cases in future research to further test and refine it.
### APPENDIX

**Table A1: Coding of Variables Used in Table # (World Values Survey 1995 and 2005)**

<table>
<thead>
<tr>
<th>Variable</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Satisfaction with democracy</td>
<td>Views towards a democratic political system as a way of governing this country: 1 = very bad; 2 = fairly bad; 3 = fairly good; 4 = very good</td>
</tr>
<tr>
<td>Liberal definitions of democracy</td>
<td>An index consisting of two measures measuring which two of the items were most important for the respondent with the options maintaining order in the nation and fighting rising prices receiving a score of 0, while the options giving people more say in important government decisions and protecting freedom of speech each received 1 point</td>
</tr>
<tr>
<td>Civic Engagement</td>
<td>An index with one point given to a respondent per organizational or civic involvement, including: membership in a religious organization, trade union, political party, environmental organization, professional association, charity organization, or an art, music, or education organization as well as participation in a petition, boycott, or demonstration.</td>
</tr>
<tr>
<td>Relative trust in the EU versus national government</td>
<td>Confidence in the EU and national government: 4 = a great deal; 3 = quite a lot; 2 = not very much; 1 = not at all. To obtain the respondent’s final value, the trust in the national government score was subtracted from the trust in the EU score.</td>
</tr>
<tr>
<td>Education</td>
<td>1 = no formal education; 2 = primary school; 3 = secondary school; 4 = some university; 5 = university degree.</td>
</tr>
<tr>
<td>Economic class</td>
<td>1 = lower class; 2 = working class; 3 = lower middle class; 4 = upper middle class; 5 = upper class.</td>
</tr>
</tbody>
</table>
Table A2: Descriptive Statistics for Quantitative Model

<table>
<thead>
<tr>
<th>Region</th>
<th>1995</th>
<th>2005</th>
<th>Change in Level of Democracy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min.</td>
<td>Max.</td>
<td>Mean</td>
</tr>
<tr>
<td><strong>Satisfaction with democracy</strong></td>
<td>1</td>
<td>4</td>
<td>2.05</td>
</tr>
<tr>
<td><strong>Liberal definitions of democracy</strong></td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td><strong>Civic engagement</strong></td>
<td>0</td>
<td>10</td>
<td>1.1</td>
</tr>
<tr>
<td><strong>Relative trust in EU versus national government</strong></td>
<td>-2</td>
<td>2</td>
<td>0.02</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>1</td>
<td>5</td>
<td>3.05</td>
</tr>
<tr>
<td><strong>Economic Class</strong></td>
<td>1</td>
<td>5</td>
<td>2.67</td>
</tr>
<tr>
<td><strong>Satisfaction with democracy</strong></td>
<td>1</td>
<td>4</td>
<td>2.3</td>
</tr>
<tr>
<td><strong>Liberal definitions of democracy</strong></td>
<td>0</td>
<td>2</td>
<td>0.99</td>
</tr>
<tr>
<td><strong>Civic engagement</strong></td>
<td>0</td>
<td>10</td>
<td>0.54</td>
</tr>
<tr>
<td><strong>Relative trust in EU versus national government</strong></td>
<td>-2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>1</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td><strong>Economic Class</strong></td>
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<td>5</td>
<td>2.5</td>
</tr>
<tr>
<td><strong>Satisfaction with democracy</strong></td>
<td>1</td>
<td>4</td>
<td>2.02</td>
</tr>
<tr>
<td><strong>Liberal definitions of democracy</strong></td>
<td>0</td>
<td>2</td>
<td>1.06</td>
</tr>
<tr>
<td><strong>Civic engagement</strong></td>
<td>0</td>
<td>7</td>
<td>1.01</td>
</tr>
<tr>
<td><strong>Relative trust in EU versus national government</strong></td>
<td>-2</td>
<td>2</td>
<td>0.07</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>2</td>
<td>5</td>
<td>3.02</td>
</tr>
<tr>
<td><strong>Economic Class</strong></td>
<td>1</td>
<td>5</td>
<td>2.61</td>
</tr>
<tr>
<td><strong>Satisfaction with democracy</strong></td>
<td>1</td>
<td>4</td>
<td>1.71</td>
</tr>
<tr>
<td><strong>Liberal definitions of democracy</strong></td>
<td>0</td>
<td>2</td>
<td>0.97</td>
</tr>
<tr>
<td><strong>Civic engagement</strong></td>
<td>0</td>
<td>8</td>
<td>1.39</td>
</tr>
<tr>
<td><strong>Relative trust in EU versus national government</strong></td>
<td>-2</td>
<td>2</td>
<td>0.08</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td>1</td>
<td>5</td>
<td>3.15</td>
</tr>
<tr>
<td><strong>Economic Class</strong></td>
<td>1</td>
<td>5</td>
<td>2.79</td>
</tr>
<tr>
<td><strong>Satisfaction with democracy</strong></td>
<td>1</td>
<td>4</td>
<td>2.27</td>
</tr>
<tr>
<td><strong>Liberal definitions of democracy</strong></td>
<td>0</td>
<td>2</td>
<td>0.99</td>
</tr>
<tr>
<td><strong>Civic engagement</strong></td>
<td>0</td>
<td>8</td>
<td>1.34</td>
</tr>
<tr>
<td><strong>Relative trust in EU versus national government</strong></td>
<td>-2</td>
<td>2</td>
<td>-0.06</td>
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<tr>
<td><strong>Education</strong></td>
<td>1</td>
<td>5</td>
<td>2.97</td>
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<tr>
<td><strong>Economic Class</strong></td>
<td>1</td>
<td>5</td>
<td>2.75</td>
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Table A3: Correlation between prioritizing fighting rising prices and economic status

<table>
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</thead>
<tbody>
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<td>Economic Status</td>
<td>-0.0260</td>
<td>-0.0104</td>
<td>0.0958</td>
<td>0.0400</td>
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Table A4: Information about NGO Interviews

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<tr>
<th>Number of NGOs Interviewed</th>
<th>Types of NGOs</th>
<th>Response Rate</th>
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<tr>
<td>Bulgaria</td>
<td>Transparency (3)</td>
<td>80%</td>
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<tr>
<td></td>
<td>Youth engagement (1)</td>
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<tr>
<td></td>
<td>NGO capacity-building (2)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Media (1)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Community development (1)</td>
<td></td>
</tr>
<tr>
<td>Hungary</td>
<td>Transparency (1)</td>
<td>40%</td>
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<td></td>
<td>Media (1)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rule of law (1)</td>
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<tr>
<td></td>
<td>Human rights (1)</td>
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</tr>
<tr>
<td>Romania</td>
<td>Transparency (1)</td>
<td>40%</td>
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<td>Rule of law (2)</td>
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<td></td>
<td>NGO capacity-building (1)</td>
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</tr>
<tr>
<td>Slovenia</td>
<td>Transparency (1)</td>
<td>30%</td>
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<td></td>
<td>Civic engagement (1)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>NGO capacity-building (1)</td>
<td></td>
</tr>
</tbody>
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