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TENTH ANNIVERSARY



Who would thought that in the beginning ... the JCP started ten seasons ago in dusty little office at Alexander Dubček University in Trenčín, Slovakia, when academics from Slovakia and Slovenia met and decided to start new journal. And now the same journal is celebrating 10th anniversary, and what could be better than being included into Web of Science and Scopus (pending) at this solemn occasion.

Journal started in 2008 to meet the needs of political scientists throughout the world interested in the advancement of their discipline and in escaping the parochialism threatening the pursuit of knowledge within the confines of a single culture, with desire to focus on the comparison of political cultures of Central and Eastern European (CEE) countries, their practical policy, theoretical questions of comparative political science, theoretical and practical questions of the development of civil society and civil policy in this region.

After difficult first two volumes with just one issue per year the decision to launch JCP as online-only open-access journal proved to be the right one. From its launch in 2008, almost hundred contributions were published from 27 different countries, mostly from Central and Eastern Europe, but with some contributors also far away, from Hong Kong, Macao, Malaysia, India, Trinidad and Tobago, South Africa, Canada or USA.

At this solemn occasion, I would like to firstly thank all the readers, as a bit more than 100.000 visitors downloaded at least one issue of the JCP from the website. Second, I would like to thank members of the editorial board and small army of reviewers, who done fabulous job in bringing the quality of the journal to the current levels. Third, I would also like to thank my fellow general editors from partner universities of Alexander Dubček Trenčín and Alma Mater Europaea Maribor for their efforts and continuous support. And fourth, I would also like to thank our editor Simona Kukovič for her hard work and support to the journal during last years.

We have all together proven that also with modest financial support and humble volunteer work incredible achievements in the academic community are possible.

Miro Haček
Editor-in-Chief
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DEMOCRATIC EXPERIENCE IN CENTRAL EUROPE: 25 YEARS LATER¹

Jerzy J. WIATR²

Democratization of the formerly communist states of Central Europe took place during the “third wave of democratization” (Huntington). It was a remarkably orderly process, resulting in the establishment and consolidation of new democratic systems. In this respect Central Europe, mostly because of its cultural identity as part of the Western civilization, differed positively from most of the former Soviet republics and from the Balkans. Recently, however, new authoritarian regimes, based on free election but abolishing the rule of law, have been established in Hungary and Poland, mostly due to the dissatisfaction of the poorer strata with the effects of system transformation.

Key words: authoritarianism; democracy; democratization; election; parties; rule of law.

1 THE THIRD WAVE OF DEMOCRATIZATION: HOPES AND WORRIES

In late 1980s and early 1990s the collapse of Communist regimes in Europe attracted the attention of scholars who tried to predict the future and to identify the main challenges facing the countries in the process of transition. Samuel P. Huntington’s comparative study of democratization initiated the discussion on the prospects of democracy in the countries of transition, stressing the uncertain character of this process (Huntington 1991). In the discussion that followed, the crucial question was the likelihood of the successful establishment and consolidation of the democratic regimes. Huntington predicted the possibility of the third reverse wave, which – like the earlier retreats – would bring the collapse of new democracies at least in some countries under transition. His main argument was historical. Post-communist states have had a history of undemocratic regimes prior to the establishment of the communist

¹ Paper presented at the XXIV Congress of the International Political Science Association, Poznan 2016 [on the panel on “Central Europe in the Global Context” organized jointly by IPSA Research Committee 47 and by the Central European Political Science Association]. The author is Professor Emeritus of the University of Warsaw and honorary rector of the European School of Law And Administration in Warsaw. He served as vice-president of IPSA (1979–1982) and as president of CEPASA (2000–2003).

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regimes and in most of them the dominant political cultures showed strong authoritarian characteristics. Therefore, Huntington argued, there was a high likelihood that history would repeat itself.

In his later study, Huntington emphasized the importance of political cultures (Huntington 1996). His crucial concept of "civilization" is based mostly on the religious heritage and its impact on political cultures. In reference to Europe, Huntington stressed the fundamental difference between two Christian civilizations: Eastern and Western. The line dividing them runs along the eastern borders of Finland, Estonia, Latvia, Lithuania, Poland, Slovakia, Hungary, and Croatia – countries which because of their history and religion belong to the West Christian civilization.

Political cultures in Huntingtonian sense are important because the great religious schism that divided Christianity in the eleventh century had profound consequences for the relations between rulers and its subjects. The subordination of the Orthodox Church to the secular power of emperors (originally of the Eastern Roman empire, and later of the Russian Tsars) led to the omnipotence of the state vis-à-vis its subjects. In the West, however, the position of the Church was much stronger. Conflicts between the monarchs and the popes provided West European nobility relatively greater protection of its rights than it was the case in the East. In this sense, history has shaped the political cultures of two parts of the European continent.

Political culture approach the interpretation of different patterns of democratization has been applied by several students of political change in post-communist states. Klaus von Beyme (1996) stresses the delayed and complicated process of creating democratic political cultures and considers it the main factor making the long-term effects of transformation in the post-communist states uncertain. In my comparative analysis of democratization in post-communist Europe I stressed the importance of political cultures and institutional choices as the main explanatory factors accounting for the difference between Central Europe and the post-soviet republics (Wiatr 2008)

A different caveat was formulated in the comparative study of "East South System Transformation", which focused on the comparative analysis of early transformation in Latin America, Asia, Southern and Eastern Europe (Przeworski 1995). Scholars involved in this study saw the main danger in the socio-economic tensions resulting from the radical transformation of economic systems in formerly communist states. The same concern was voiced by the group of researchers organized by late Rudolf Wildenmann (Jahn and Wildenmann 1995). Having been involved in both studies I have raised the same worry (Wiatr 1995, 201–214). It was a concern shared by several authors, particularly by Juan Linz and Alfred Stepan, who -in the comparative study of democratic transformation in three different regions - pointed to the particularly difficult situation in the post-communist states, where political change had to be combined with the socio-economic transformation from "command economy" to free market (Linz and Stepan 1996). With the passing of time it became clear that in spite of growing economic and social inequalities as well as a temporary decline of the standard of living in all post-communist states, the resulting tensions have not destroyed the new democratic systems. In several cases, the second free elections brought to power left-wing parties with their roots in the reforming wing of the formerly ruling communist parties (Lithuania in 1992, Poland in 1993, Hungary in 1994). When in power, these parties continued the policy of democratic transformation. The communist counter-revolution has not materialized. At the end of the twentieth century the

Hungarian political scientist Attila Ágh presented the Central European transformation as the success story (Ágh 1998).

It does not mean, however, that all worries voiced in the first years of transformation withered away. After 25 years, we can compare these early worries with the experience of a large group of twenty-nine post-communist states in Europe. The picture is mixed. In 2013, the Freedom House rated 13 of them (45%) as “fully free”, 9 (31%) as “partly free”, and 7 (24%) as “not free”. Compared to other regions of the world, the post-communist states were closed to the world average, but lagged behind Western Europe and Latin America.

The most interesting aspect of the Freedom House comparison is the division of post-communist states in terms of the relative success or failure of democracy. The category of fully free states contained exclusively states, which had not been parts of the Soviet Union before the second world war (Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Montenegro, Poland, Rumania, Serbia, Slovakia and Slovenia). Eleven of them were members of the European Union and of the North Atlantic Treaty Organization. The top five (with the maximum ratings in both democratic rights and citizen freedoms) were the Central European states: Czech Republic, Estonia, Lithuania, Poland and Slovenia.

The “partly free” category included a mix of post-Soviet and East European states: Albania, Armenia, Bosnia and Herzegovina, Georgia, Kyrgyzstan, Kosovo, Macedonia, Moldavia, and Ukraine. This category included, therefore, some of the post-soviet republics as well as some of the formerly Yugoslav ones (plus Albania, which shares some social characteristics with the southern parts of former Yugoslavia).

The third category (“not free”) is exclusively composed by the formerly Soviet republics: Azerbaijan, Belarus, Kazakhstan, Russia, Tajikistan, Turkmenistan and Uzbekistan.

The taxonomy presented by Freedom House corresponds closely to the findings of the cross-national study on “Democracy and Local Governance”, which in the years 1991–2001 covered 28 countries, including 15 post-communist states. Data from this study (provided by the national coordinator Krzysztof Ostrowski) showed differences between local political leaders in the level of their respective support for values of political equality, political pluralism and respect for the rights of minorities. In six of the states under investigation local leaders demonstrated their positive attitudes to the democratic values. This category included local leaders from the Czech Republic, Poland, Hungary, Slovakia, Lithuania and Slovenia (in this order of relative acceptance of democratic values). In eight, the leaders scored negatively. This category included: Ukraine, Armenia, Latvia, Russia, Belarus, Kazakhstan, Uzbekistan and Kyrgyzstan (in the growing order of negative responses to the questions on democratic values). In Estonia, local leaders occupied a middle place between support for and rejection of the democratic values.

2 WHY DEMOCRACIES WON, WHY THEY FAILED?

These findings lead to two main conclusions. First, the level of economic development partly explains the relative success or failure of democracy, but should be aware of deviant cases. The most interesting of them is Montenegro -

one of the poorest states of Europe, which has been characterized as fully democratic. Second, the type of the political system chosen in the first years of transition, had a strong impact on the prospects of democracy. The parliamentary type of political system proved to be a much safer choice than the presidential one, as predicted by Fred Riggs in his analysis of the prospects of new democracies (Riggs 1988). Third, the heritage of history seems to be the crucial factor. There are two main aspects of this relationship. First, countries, which are now in the category of fully democratic, have had at least some experience with democratic form of government prior to the establishment of the communist rule. Second, the length of time of the existence of the communist regime emerges as the single most important variable. All states, which have been placed in the “not free” category, have been under communist rule since the victory of Soviet communists in the civil war of 1918-21. In the category of “fully free” states none was communist before the Second World War. The difference of time lived under the communist regime is important for at least two reasons. One is the composition of political elites. In old post-Soviet republics communist regime lasted for more than seventy years, which made it, impossible for members of the elite to be recruited from among those who had been active in politics before the establishment of the communist system. In East-Central Europe, on the other hand, people who had had some earlier political experience from the times before the communist rule played prominent role. The other consequence of this difference is the degree to which communist indoctrination affected the mentality of the society. Russian studies of this aspect conducted by the team of political scientists and sociologist from Moscow State University under the leadership of Elena Shestopal (2016), demonstrate the importance of this historical factor.

What remains to be explained is the status of Central Europe within the broader category of post-communist states. Central Europe can be defined in historical cultural terms as the group of countries, which belong to the Western civilization (in terms of Huntington’s meaning of civilization) and became communist during and because of the Second World War. In none of them communists came to power on their own. Their political victory resulted from the Soviet political and military hegemony. Some of the countries of Central Europe showed a remarkable strong opposition to the communist rule and/or strong reformist tendencies within the ruling communist parties: most notably Hungary in 1956, Czechoslovakia in 1968, and Poland in 1956 and again in 1980/81. The collapse of the communist regimes in Europe began in Central Europe with the Polish negotiated compromise between regime and the democratic opposition in the spring of 1989, the Czechoslovak “velvet revolution” of November 1989, and the Hungarian fully democratic election in March of 1990. In the very real sense, Central Europe was the leader of democratization in the communist bloc.

3 AUTHORITARIANISM – OLD AND NEW

Twenty-five years later, the picture is much less clear. There have been authoritarian and populist tendencies in several states where democracy had been established on the ashes of the communist regimes. Hungary, and recently Poland can now be placed in the category of “illiberal democracies” to use a rather ambiguous term suggested by Fareed Zakaria (2007). Similar tendencies have been present, although in weaker forms, in Slovakia. Pessimists believe that we are facing now a wave of new authoritarianism in Central Europe.

New authoritarianism is a mixed system of government, in which competitive elections and political pluralism still exist, but the rule of law has been destroyed by the executive branch of government and the party in power successfully control most of the media. The emergence of new authoritarianism in those post-communist states, which from the outset failed to establish democratic system of government, is easy to explain in terms of their history and political culture. The emergence of such regimes in some of the states, which twenty-five years ago were the front-runners of democratization, is more complicated.

To understand what happened in Hungary and what is taking place in Poland, one has to take into account the main weaknesses of the democratic politics of these countries. In elections, which brought to power authoritarian parties in Hungary (2010) and Poland (2015), the key accusations raised against their predecessors (socialist in Hungary, liberal in Poland) were socio-economic. The key issue was economic inequality and corruption.

Economic inequality in Central Europe is not particularly high, if compared with other regions of the world – except Western Europe. The Gini coefficient for the Central European countries was as follows (data mostly from 2012; exceptions put in brackets): Czech Republic, Croatia 32.0 (2011), Hungary 30.6 (2007), Estonia 33.2, Latvia 35.5%, Lithuania 33.2%, Poland 32.4, Slovakia 26.1, Slovenia 25.6. Some post-communist states from outside Central Europe scored much higher: notably Russia (41.6 in 2012) and Macedonia (43.2 in 2009). It is not the absolute level of inequality what causes frustration in Central Europe but the fact, that after almost half of century under remarkably egalitarian social policies of the previous regimes citizens of the Central European states are particularly sensitive to economic inequalities. Moreover, sociological studies on the perception of social inequality show that egalitarian sentiments become stronger when the economic situation deteriorates. It is, therefore, logical that the slowing of economic growth, resulting from the world financial crisis of 2008, the saliency of inequalities became increased.

The issue of corruption is even more puzzling. According to “Transparency International” the perceived level of corruption in Central Europe was moderately high, with Poland showing greater sensitivity to this issue than the other countries of the region. Of 176 countries under study, Poland ranked 38th, Hungary 46th, Czech Republic 57th and Slovakia 61st in the ranking, in which perception of corruption is negatively related to the score. Is corruption in Poland more flagrant than in the other countries of the region? Or is the negative picture of corruption in Poland the result of the extensive use of the corruption issue in the electoral campaign of 2015?

For explaining the rise of the populist tendencies in Central European politics the crucial question is the perception of inequalities and of corruption. In politics, things are what they are believed to be. The political campaigns launched by the populist parties have been successful because a considerable part of voters accepted their narration.

For twenty-five years politics in Central Europe was dominated by political elites, which came to power in the early stages of the transition and were mostly composed of the leaders of the democratic opposition and reformists from the former regime. Their political background makes them different from the ruling Russian elite, which has shown a marked continuity with the Soviet political elite from the latest period of the communist rule (Lane and Ross 1999,

205) In biological terms they were still perfectly capable of functioning in high level politics for several more years, but in psychological terms they have already lost their ability to lead. In stable conditions, when no major political change takes place, leaders continue to serve for decades. The situation is markedly different in periods of rapid change, like the ones, which have been taking place in post-communist states. Time is running faster and citizens expect new people to lead. The need for elite rotation has been unequally manifest in the Central European countries. In Poland, stability of the “old elite”, which had been in power since 1989 (with very short intervals in 1992 and again in 2005–2007), gave ammunition to the “Law and Justice” party’s campaign for change. A similar process had taken place in Hungary, where the old (socialist and liberal-democratic elite) was replaced by people whose first entries in politics took place within the youth movement (“Fides”).

Predicting future is a risky business, but I am inclined to risk the prediction that the authoritarian turn in Central Europe is a passing phenomenon. Hungary may become a deviant case, because of the particularly strong position of the “Fides” and the magnitude of its electoral support (combined with the deep crisis of the traditional centre-left parties). There are similar tendencies in other countries of the region, but not strong enough to bring about new authoritarian regimes.

Poland will be the crucial test case. The intensity of internal conflict and the emergence of citizen’s movement in opposition to the new government suggest that the rule of “Law and Justice” will not be very long. Crucial will be the provincial and local elections 2018 and the parliamentary election of 2019. However, even if – as I predict – the ruling party loses, things will not return to the *status quo ante*. The encounter with populism will force the mainstream political parties to reassess their policies and to look for new solutions.

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EXTERNAL AND INTERNAL EUROPEANIZATION IN EAST-CENTRAL EUROPE: THE NEW POPULIST PARTIES AND DECONSOLIDATION IN THE 2010S

Attila ÁGH¹

The main message of this paper is that there are two periods of Europeanization and Democratization in the ECE political systems with a transitory grey zone in the 2000s. They can be termed as the periods of “permissive tolerance” and “increasing disappointment” seen from the side of the ECE populations, and the periods of “formalities” and “alienation” in Europeanization from the side of the ruling elites. This paper tries to describe these two periods of the political systems in general and the party systems in particular. The first party systems of the young ECE democracies have collapsed in the 2010s due to the failure of the catching up process in the last Quarter-Century that has been aggravated by the effects of the global crisis. This paper argues that the decline of democracy in ECE has been accompanied with the rise of the second party system. The critical elections in the 2010s have also meant the change in the party system towards the dominance of the populist parties. The new dominant parties of the last decade represent also some kind of the political reaction to the global crisis management, since they express the dissatisfaction of the large masses suffering from the long-term effects of global crisis in the 2010s. The populist parties in ECE have usually become the governing mainstream parties, and they have completed the state capture in the form of democracy capture leading to the deconsolidation of the ECE political systems. The new wave of populism in ECE that has produced the “populist eruption” in the region, therefore this situation necessitates the elaboration of the comprehensive conceptual framework of the ECE new political systems based on the duality of the external and internal Europeanization.

Key words: the first and second party system; critical elections; populist parties; democracy capture; deconsolidation.

¹ Attila ÁGH is a Full Professor in the Political Science Department at the Budapest Corvinus University.

1 INTRODUCTION: THE MEGATREND OF THE DOMINANT POPULIST PARTIES IN ECE

Nowadays, the new wave of populism has been in the focus of the European Studies. However, there was a series of warnings about the “rise of populism” by the eminent analysts already in the early 2010s: “On both sides, an increasing national focus and a rise in populism as well as anti-EU sentiment are evident in all parts of society.” (Emmanouilidis 2011, 13). Populism, the megatrend of the ECE political systems, was strengthened by the global crisis, hence “the countries like Poland, Slovakia, Hungary and Czech Republic appeared to take a ‘populist turn’ (...) the incidents of threats to the EU’s democratic principles and values has increased” (Balfour and Stratulat 2012, 2). The twins of populism and Euroscepticism have grown up together, because it is particularly true in ECE that “Populists can easily project these problems onto ‘Europe’, which in this case merely represents fear of the outside world in general. (...) What has taken the form of an anti-EU vote constitutes in reality a protest against socio-economic problems at home.” (Gros 2014, 2–3). Still, the international attention has turned to the “populist eruption”, to the aggressive hard populism in ECE only after the “earthquake” of Brexit and the US presidential elections (CoE 2017). Nowadays the recently emerging sharp contrast between the ECE party political systems in the nineties and in the 2010s has attracted more and more attention, so far however this contrast has not been elaborated systematically in the European Studies.²

Actually, the democratization process since the nineties can be divided into two periods, comprising about 20 vs. 10 years, and representing the “ideal types” of two political systems in ECE. The first one can be called – borrowing the term from the European Studies – the period of “permissive consent” or even “permissive tolerance”, since in these years the ECE populations accepted the “Western fallacy” about the easy and rapid catching up process and therefore they tolerated the increasing socio-economic tensions. By the mid-2000s, however, it became obvious that this historical process failed and the “convergence dream” (Darvas 2014) has faded away. The permissive tolerance turned to disappointment and bitterness in the ECE populations (ESF 2012). During the EU memberships various types of “critical” parties have risen and gained strength in the ECE countries that has led to the critical elections resulting in the second period and leading to the emergence of second party systems in ECE. The new dominant parties have been penetrated by the populist spirit expressing the anger and distrust of the ECE populations towards the political elites in general and in the former ruling elites in particular. The turning point between the two periods varies a lot in the individual ECE countries, but the megatrend of the emerging populist parties has been the same.³

Thus, in the light of the cumulative – international and domestic – ECE crisis in the mid-2010s this paper outlines a conceptual framework of the two major periods in the ECE historical trajectory with a rather long transitory grey period in between. Since in the European Studies the basic terms describing the

² On the drastic changes in the popular mind see Pew Foundation (2009, 2016, 2017).

³ In my former papers (Ágh 2015a,b,c; Ágh 2016a,b) I have described the critical elections and I have introduced the distinction between external and internal Europeanization and that between the deficit of absolute or relative Europeanization/Democratization. This paper focuses on the latest ECE party developments from the point of view of the new World Order and the incoming global populism, and tries to elaborate a new conceptual framework.

political systems have been overloaded with many meanings, I have tried to introduce for these periods some new specific terms of “permissive tolerance” and “increasing disappointment” on the population side, and of “formalities” and “alienation” on the elite side. For the analytical rigour these two “ideal types” will be described to give a theoretical orientation, but in all countries concerned the historical development shows its idiosyncrasies, above of all in the transition stage between them. These two ideal types will be characterised from various sides, in order to give the composite picture of these periods with their major controversies: first, as a historical starting point of the absolute and relative ECE deficit, and second, as its direct consequence producing the tension between the external and internal Europeanization and Democratization. Finally, third, the particular nature of the ECE party systems will be discussed, as the first and second party systems paralleled with soft and hard populism.⁴

In the first period, until the late 2000s the ECE parties kept the EU “formalities”, i.e. the institutions-building with big formal institutions that produced in fact an emptied democracy as façade democracy. In the second period, however, with the global crisis and afterwards the hard populist and (semi) authoritarian systems have clearly violated these formalities of the rule of law, and the rules and values of the EU as an “alienation” from the EU mainstream. The typical ECE parties in the first stage were pro-EU and used the Europeanization-Modernization narrative in the spirit of the early catching up process. They have switched in the second stage more and more to the National-Traditionalization narrative in the spirit of the renewed search for the national identity. In this respect, the refugee crisis has come at the worst possible time also for the ECE populations, when they have also tried to reinvent their particular national identities, feeling the danger of being marginalized in the EU crisis management. While the mainstream parties in the first stage maintained the idea of Europeanization as their main official effort, and the early version of populism appeared as “national populism”, i.e. searching for enemies “inside”, the new generation of parties in the second stage have usually turned to some kind of “Eupopulism”, when their populist elites have identified “Brussels” as an enemy of the national sovereignty “outside” in their “blame game”.

As a result, the ECE parties have developed more and more in a different trajectory than the Western partners, therefore they cannot be analysed in the Western conceptual framework. The merger between politics and business took place already in the first party system, so the new political elites abused their power and position to be successful in the business through privatization and state intervention into market economy. In the second party system, however, the organization of these clientele systems with systemic corruption has been completed. Thus, the parties have changed their nature by turning also into some kind of business enterprises – or vice versa. Even more, they have been invading further social sectors, first of all the media. Hence, the second period has turned to be the system of mediatised populism or hard rule by the soft power. In such a way, the dominant ECE parties have shown the tendency becoming all-embracing “Golem parties” overshadowing the whole society in an effort to create hegemonic party systems.⁵

⁴ This paper concentrates on the theoretical description of the two periods as “ideal types”, so the transitory grey zone in the years of post-accession crisis with the shocking effects of accession, reform fatigue, losing perspectives and increasing ambiguity would need a special analysis.

⁵ There has been a huge party literature on ECE, see e.g. Cabada et al. (2014), Enyedi (2015), Gherghina (2014), Grabbe (2014), Guerra (2013), Gyárfásová and Meseznikov (2004), Haughton (2014), Havlik and Voda (2016), Kopecky et al. (2012), Kustec Lipicer and Henjak (2015), Lewis (2014), Melich (2005), Meseznikov et al. (2013), Polyakova (2015), Pop-Eleches (2010), Sedelmeier (2014), Sikk and Hanley (2012) and Ucen (2004, 2010). Enyedi and Casal

Paradoxically, in the last decade the ECE political systems have developed some kind of populist “apolitical politics”, and nowadays these “anti-elitist new political elites” are in power. The emerging populist political elites campaigned against the “impotent, parasitic and traitor” old political elites of the first party system. Seizing the power they kept this anti-elitist rhetoric against the internal and external enemy of the former elites and the EU bureaucrats (“Brussels” paralleled with “Moscow”). In fact, there has been a long-term tendency of reduction of politics since the beginning of systemic change that has reached its perfection in the new populist political systems in ECE. The political sphere of the ECE society has undergone a particular change in the last decade that may be called “the redefinition of politics”, not in the political science theories, but in the real life. The meaning of politics in ECE with its new, narrow borders is so different from the Western reality and from the handbook definitions that it necessitates a new conceptual framework. The political life has been reduced to the actions of the political elite and the large masses of the populations have been – actually, not legally – excluded from politics. This new perverse kind of “apolitical politics” has been the deep trend in the all ECE countries, since in ECE a special version of façade democracies has risen. They look like democracies from outside and from a big distance because there is a façade of the formal-legal democratic institutions, but the substantial democracy with popular participation, well performing institutions, effective human rights and vibrant civil society is missing.

After describing the historical starting point, this paper tries to analyse the setting the stage for the party developments in both ways: the “triple transition” policy-wise (politics, economy and society) inside and the three crises (transformation, post-accession and global) outside then it describes the half-made, external-internal Europeanization and Democratization with the formal and informal institutions. This leads to the specific nature of the ECE party systems by discovering the reasons of critical elections between the first and second party systems. Finally, agency/state capture produces democracy capture of the populist parties resulting in a permanent deconsolidation.⁶

2 THE ABSOLUTE AND RELATIVE DEFICIT IN EUROPEANIZATION AND DEMOCRATIZATION

The signs of declining democracy and increasing populism in the ECE political system “appeared on the wall” long ago and warnings were sent in the international literature about the incoming danger (Kriesi and Pappas 2015), the strong wave of new populism has still been a surprise in the EU for the politicians and experts alike. The EU was not prepared for the Eastern enlargement because the accessing Southern countries had been part of Western community since the end of WWII and they had not needed a theoretical invention to assisting them to membership, unlike the “new member states” (NMS), which were excluded after the WWII from the Western developments by the Yalta Agreement. Altogether, at the start of

Bértoa (2015) and Herman (2015) have overviewed this rich ECE party literature. The party composition and life-time of the ECE governments have been published every year in *European Journal of Political Research*.

⁶ The Ten Years of Membership has been evaluated in two important volumes – with the introductions of Rupnik and Zielonka (2013) and Epstein and Jacoby (2014), see also Banac (2014). The increasing Core-Periphery Divide has been analysed in the volume of Magone et al. (2016).

democratization the ECE countries had a much lower level of economic development than the West as well as a serious institutional and cultural deficit. I would call the historical heritage “absolute” deficit that has significantly been increased by the accession with the “relative” deficit created by the new requirements of the EU membership. This cumulative absolute and relative deficit together has determined the historical trajectory of ECE in the last decades to a great extent.

In the optimistic mood of the nineties this absolute and relative deficit was neglected, although some leading social scientists indicated this danger of “Reverse Wave” in the terms of difficulties coming from the different time horizons of legal-political, economic and social-cultural transformations. In his often quoted analysis Ralf Dahrendorf (1991) has explained that the political-legal transformation needs only six months, the economic transformation at least six years, while the social transformation sixty years. Claus Offe (1991; see also Offe and Adler 2004) has also warned about the danger originating from the simplified approach to the triple transition, and pointed out the virtual contradictions between the political-legal, economic and social transformations. This Dahrendorf-Offe “trilemma”, the complexity of triple transition policy-wise, formulated as “simultaneous transition”, was forgotten for decades but it has recently returned not only in the academic literature, but also in the public discourse.

The “Western fallacy” of the simplified modernization theory presupposes a virtuous circle of legal-political, socio-economic and cultural-civic developments. This fallacy provided an easy, quick and optimistic mode, and the other option was not considered, in which these transformations would disturb each other and they would produce a vicious circle that actually has happened. This evolutionary model of copying the “West” in the “East” as “blueprint thinking” assumed that the West offers not only a general model of democracy, but also a Road Map leading to its model. This “Western Road” in the East presupposes from the socio-economic side that there is sustainable economic growth, which generates sustainable social development (strong middle class and solving the problems of social inclusion), and the ensuing prosperity creates sustainable participatory democratization. Similarly, from the legal-political side, the establishment of formal institutions generates strong informal institutions, and this mature civil society would play its proper role in mobilizing citizens for controlling-balancing the state.

Ernest Gellner emphasized already in the nineties the importance of participatory democracy with vibrant civil society for the new democracies, therefore he warned from the view of civil society as a space of atomised individuals: “Atlantic society is endowed with Civil Society and on the whole, at any rate since 1945, it has enjoyed it without giving much or any thought. Much contemporary social theory takes it for granted in an almost comic manner: it simply starts out with the assumption of an unconstrained and secular individual, unhampered by sociological or theological bonds, freely choosing his aims, and reaching some agreement concerning social order with his fellows. In this manner, Civil Society is simply presupposed as some kind of inherent attribute of the human condition.” (Gellner 1996, 10). Despite this warning, the Eastern carbon copy of the “Western Road” in ECE has suggested that democracy will work right after the establishment of formal institutions, solving the problems in a virtuous circle, since political-legal, socio-economic and cultural systemic changes will support each other, even in the short run with a series of positive, reinforcing feedbacks. However, this conceptual framework has proved to be false for the “Eastern Road” because it has taken into

consideration neither the specific problems of ECE as the local-regional path dependence, nor the negative externalities coming from the EU and globalization. In the logic of “Western fallacy” the parallel economic, political and cultural transformations would strengthen each other and finally this virtuous circle the transition would soon lead to consolidation.

Anyway, outlining the “conditionalities” of accession, the EU did not elaborate any Road Map as special strategy for the Europeanization of the NMS. The Copenhagen criteria have set some general requirements of the entry on democracy and competitiveness, vaguely indicating the need for capacity of membership, but without any effort to design the facilitating devices for the Europeanization-Democratization or the catching up process. No wonder that in the 2010s the topic as “Copenhagen Revisited” has returned with vengeance (Nicolaidis and Kleinfeld 2012). In this extreme naïve and optimistic mood it seemed to be evident that the EU accession would unleash three magic transformations in the above indicated legal-political, economic and social-cultural fields. It appeared most evident in the magic of economic transformation that the introduction of market economy would soon make miracles in the socio-economic development with the “trickling down” the prosperity for all citizens as it was formulated in the “Washington Consensus”. In fact, this neoliberal offensive has been counter-productive to a great extent and it has produced the opposite results: unbalanced, fragile and dependent economies emerged with polarized and precarious societies.

As to the institutional deficit was rather evident, too, in both the historical terms of “longue durée” as absolute deficit and in the relative terms as the institution-building requirements of the EU. Here the EU demanded a strict legislative program and monitored it, but it was completely mistaken, since it was based on “the magic of legal actions”. Douglass North has issued a warning that “Although formal rules may change overnight as the result of political or judicial decision, informal constraints embodied in customs, traditions and codes of conduct are much more impervious to deliberate policies. These cultural constraints not only connect the past with the present and future, but also provide us with a key to explaining the path of historical change.” (1990, 6). In the same spirit Fritz Scharpf has pointed out that the master plan of the EU has been “the bypass of integration through law” or “judicial integration” (2015, 386), without any regard to the socio-economic preconditions and socio-political outcomes of the legislative activity. Indeed, the Union has been obsessed with the legal transformations, but neglecting the real workings of the newly made big formal mega-institutions. By this approach the EU has been almost inviting the building of democratic façades without the entire democratic architecture in the new member states.

The most complicated issue is the cultural deficit, described in the several works of Sztompka (1993, 1999) as “civilizational deficit”, or even more markedly as “civilizational incompetence”. He has pointed out that due to their half-modernizations the ECE countries have not been prepared for the EU membership, not only “objectively” with their institutional deficit but also “subjectively” with their cultural deficit. They have kept some kind of “relative civilizational backwardness” in the patterns of political culture and in the modern skills of the mature industrial society, therefore the transfer of the Western formal-legal institutions as well as the “EU architecture” should have been handled with care. Sztompka has noticed with justification that the accession process generated the dual effect of “triumph and trauma” (Sztompka 2000; see later Aniol 2015). On one side the ECE populations felt “triumph” in the process of “Returning to Europe”, but on the other side they worried about

the missing competitiveness, since they perceived to be “incompetent” in the incoming Westernized world. Nevertheless, despite of these indications due to the euphoria as “EU-phoria”, these worries were neglected. The overwhelming view was among the politicians and experts, and imposed upon the populations, that in the accession process the magic of Europeanization would work. Supposedly, the EU was sending out its spirit by projecting its energy to all citizens and “the patterns of citizen political culture” were spreading as the Holy Spirit, so the people would become soon “civil” and “competent” in a Western meaning.

These problems appeared at the very start, from the early nineties when the ECE countries tried to cope with the absolute historical deficit in the form of the “anticipative” Europeanization and Democratization before the EU membership. They switched later, mostly in the 2000s to the “specific” Europeanization and Democratization as a special accommodation to their European patterns as it was formulated in the Accession Treaties. Nevertheless, all these efforts were cast in the spirit of the above discussed “integration through law”, i.e. mostly at formal-legal level of the big constitutional institutions, remaining on the surface of the institutional transformation and even much more in the cultural-civilizational transformation. In this controversial process of big transitory achievements with the built-in, predictable decline of the “Sand Castles” the ECE political systems have been eroded by their own inherent contradiction from the 2000s onwards, when the ECE democracy has been emptied step by step, turning to De-Democratization and De-Europeanization as real Potemkin democracies in the more extreme forms of the present façade democracies. The sharp contrast between the two periods is that in the first period the governments and parties were carefully following the EU “formalities” in the rule of law regulation, whereas in the second period the incoming governments and parties have been “alienated” from the EU mainstream and they have tried to circumvent the EU rules and values. They have cared only about the “semblance”, about the surface as the political system looks like. They have pretended to be democratic, and they have made conscious efforts to build an artificial façade for democracy imitation, using-abusing the political PR for creating a democratic image for themselves in order to hide the undemocratic substance of their regimes. The Polish and Hungarian regimes are the classical cases, but the other ECE countries have shown a similar trend, at least partially.⁷

The EU from the very beginning has been focusing on the formal laws and institutions, although the formal democratic institutions “perform differently in different political cultures because of informal codes and habits” (Rupnik and Zielonka 2013, 12). The twin process of Europeanization and Democratization for ECE meant initially the creation of the big formal institutions in the checks and balances system, followed later by the institution transfer from the EU. In order to get the formal membership the ECE countries have established all EU *formal* institutions, although not (yet) the proper *informal* institutions of civil society. It has been assumed that the establishment of the big formal institutions has accomplished the transition to democracy, so the ECE countries have become democratic and would stay democratic. Actually, in the first decades of democratization the classical, democracy-supporting informal institutions have not been completed and still are rather weak. The big Western constitutional institutions have been transferred to ECE without their socio-cultural environments, i.e. without a proper social embedment. Hence sustainable democracies have not yet emerged in the ECE region, since the

⁷ The meeting of V4 prime ministers with Netanyahu on 19 July 2017 is a clear evidence of this in the spirit of “Europe of Nations”.

meaningful political participation has still been missing. This twin institution-building has created the formal institutions for (party) *competition* in the emerging ECE democracies, but it has only given some opportunity for (citizen) *participation*, if the proper informal – mobilizing and supporting - institutions with the patterns of civic political culture could have also been created in this process.⁸

Although the elaboration of distinction between the formal and informal institutions belonged to the theoretically neglected issues for a long time, it has become clear, however, that the establishment of the big formal institutions has been much easier in the young democracies than that of the corresponding-supporting small informal institutions. The democratization process has proved to be much more controversial than expected, since it has produced a shocking asymmetry between formal and informal institutions, and finally even the big formal institutions have been eroded more and more. They have become to some extent a legal-formal façade of these Potemkin democracies, although in very different ways in the ECE countries. As Antoaneta Dimitrova argues, “If formal and informal rules remain different and do not align, institutionalization will not take place.” and the big formal institutions turn to be “empty shells without substance” (2010, 138–139; see also Dimitrova and Kortenska 2017). Summarizing the experiences of the first years of EU membership Paul Blokker has concluded that the EU has prioritized the formal institutions related to the rule of law, whereas overlooked the “sociological-substantive dimension to the building of constitutional democracy”. Blokker has repeated the distinction between the formal and informal institutions in the terms of legal constitutionalism and civic constitutionalism. He has emphasized that the latter is the “dimension that involves democratic learning and deliberation, as well as engagement and participation” (2013, 2). The democratic political learning as the cognitive change of the ECE populations has turned out to be the main precondition of sustainable democratization, while the former mainstream theories have been unable to explain properly the current decline of democracy in ECE because they have usually preferred the minimalist concept of procedural democracy with the “free and fair” elections. Therefore, they have considered the creation of the institutional façade sufficient for the establishment of sustainable democracy.

Actually, in the ECE historical trajectory the informal institutions have developed a dual-face with their democratic and autocratic varieties. In the ECE countries step by step some negative informal institutions as clientele-corruption networks came to being, and nowadays, as a reaction to this distortion of democratization, the new forms of democracy supporting informal institutions have been activated by the citizens’ resistance, as the substitutes for the declining-weakening big formal democratic institutions. This process of emptying the democracy due to the weaknesses of the “positive”, democracy supporting informal institutions and to the emergence of “negative”, clientele-based informal institutions has been overviewed in the Rupnik-Zielonka paper (2013). The non-transparent clientele-corruption networks as informal institutions between politics and economy have undermined the big formal institutions, so they have been responsible for the declining democracy and these informal institutions have become the foundation of the new type Golem parties.

⁸ See Demetriou (2013) with ECE country chapters. In this part of paper I continue my analysis about the formal and informal institutionalization from my former paper (Ágh 2015e).

Basically, for explaining the reasons of “democratic regression”, Rupnik and Zielonka have put the contrast of formal and informal institutions at the centre of their analysis. They consider that so far the “political scientists have devoted considerable attention to the study of formal institutions in the region such as parties, parliaments and courts. However, informal institutions and practices appear to be equally important in shaping and in some cases eroding democracy, and we know little about them.” (Rupnik and Zielonka 2013, 3). In fact, there has been more and more a “gap between the institutional design and actual political practices”, hence no sustainable democracy has emerged (ibid., 7). They have pointed out the weaknesses of the former assessments by referring to the simple fact that the political debates across the ECE region have missed “the role of informal politics in undermining formal laws and institutions”. Altogether, “Over years, students of Central and Eastern Europe have acquired a comprehensive set of data on formal laws and institutions, but their knowledge of informal rules, arrangements, and networks is rudimentary at best.” (ibid., 12). In such a way, the reason for backsliding of democracy is that the “informal practices and structures are particularly potent of Central and Eastern Europe because of the relative weakness of formal practices. Informal practices and networks gain importance when the state is weak, political institutions are undeveloped, and the law is full of loopholes and contradictions.” All in all, “cultural anthropologists are probably more suited than political scientists to study social networks.” (ibid., 13–14).

Altogether, the former mainstream literature assumed that the formal institutions “automatically” created the informal ones in a positive spiral. But in fact, a negative spiral was set in motion, in which both the missing “positive” and the strengthening “negative” informal institutions have eroded the formal ones. On one side, the civil organizations and civic attitudes themselves have been weakened by the series of socio-economic crises in ECE, and on the other side the strong negative informal institutions have also been organized by the politico-business clientele networks that have appeared behind the parties as formal organizations from outside and negative informal organizations from inside. Therefore, the new ECE literature has described the decline of democracy in the conceptual framework of oligarchization, corruption networks and state capture, in general as the historical trajectory “from corruption to state capture” (Corruption Research Centre ACRN-CRCB 2015; see also *The Economist* 2014 and Transparency International 2017). This leads us to the gap between the external and internal Europeanization that came to the surface as a major contradiction after the first period of “permissive tolerance” with soft populism and generated the hard populism in the second period of “increasing disappointment”.

3 THE TENSION BETWEEN THE EXTERNAL AND INTERNAL EUROPEANIZATION

The European Studies literature was optimistic before the accession and in the 2000s on the transformative power of the EU, whereas it has turned much more pessimistic in the 2010s. Originally, it presupposed the gradual, but complete transformation inside the ECE societies, economies, politics and culture, although the transformative power of the EU appeared in a very controversial way already in the first period. For instance, the Grabbe’s book (2006) on this topic was cast in the positive mood, and it distinguished the “hard transfer” by the institutions and the “soft transfer” by “ideas, concepts and attitudes” (2006, 57). Supposedly, the hard transfer dominated before the accession, and the soft

transfer became more and more the main device afterwards. The transformative power has lost much of its credibility in the second period and Grabbe's approach was also more critical later (2014), as the general mood changed in the 2010s. The recent analyses are discussing mostly the limits of the EU's "transformation capacity".⁹ The transformative power issue has also been more complicated by the new aspect of the "negative externality" of the EU, i.e. the EU's effect on the new member states may have not only positive, but also negative impacts.

The failure of the EU's transformation power – or at least its limits - has been caused by the dominantly formal-legal character of Europeanization and Democratization, without considering its socio-economic preconditions and socio-political outcomes. It has produced a duality as a deep tension between the external and internal Europeanization of the ECE socio-political systems. The new political systems in ECE have emerged under the external and internal pressure of institutional transformations with an increasing tension between the external and internal adaptation. They have to face the European Union's convergence criteria from outside and the high expectations from the ECE populations from inside. The Europeanization as the general framework of the external adaptation pressure has been so strong, so overwhelming that this external adaptation pressure has strongly dominated over the domestic demands, nonetheless in its substance the internal processes have distorted the main direction of all institutional transformations to a great extent. This distortion can also be pointed out in "the checks and balances" institutions or at the state level that has produced the crisis of "liberal democracy".

The tension between the external and internal Europeanization has been most visible in the ECE parties through the weak effects of the EU's party system on the ECE parties, and the external pressure for accommodation has been generating as a deep gap between their external Europeanization and the - still missing - internal Europeanization. Seemingly, in this new "political geography" the ECE parties have been Europeanized, since in their party constitutions and transnational connections within the European party families they have embraced the European pattern, but in their own internal-national structures they have diverged a lot from the European mainstream politics. The research of the ECE party systems has developed into a "big industry" with a rich literature; however, this external-internal duality of parties and party systems has not been fully discovered. Thus, the analysis of the dual character of process leads to the ECE party types and identities, and to the party mobilization-demobilization process, producing the participatory paradox, and finally to the low performance of the ECE party-political and governmental systems.¹⁰

First, the contrast of the external and internal Europeanization goes through the entire history of the ECE political system as a whole. The external adaptation pressure on ECE has appeared very directly in the "participation", in the emergence and functioning of its party systems, including the transnational elite socialization, more strongly than in any other fields of political transformations. Finding the EU partners has been the only route to the legitimacy and to the guarantee for survival of the ECE parties. The mainstream view in the academic literature about the influence of the EU upon the national

⁹ See e.g. Börzel et al. 2017; Börzel and Schimmelfennig 2017; Schmidt 2015; Schimmelfennig and Winzen 2017; Sedelmeier 2014, 2017.

¹⁰ This part of the paper relies heavily on my former analysis of the external-internal Europeanization (Ágh 2015d). Paul Lewis has discussed the Europeanization of the ECE parties comprehensively, referring also to my distinction between the External and Internal Europeanization (Lewis 2011, 12–13).

party systems has been characterized as a “limited impact”. But this approach is defective because it ignores the vital distinction between the external and internal Europeanization of the ECE parties, although Europeanization has been very “direct” or hard on one side, while very “indirect” or soft on the other. The *external* Europeanization is an elite-based process through which contacts have been established with Western parties and Party Internationals, including the rules of membership in the international party organizations (international party). By comparison the *internal* Europeanization would be a process reaching and transforming the membership, the constituency of the ECE parties and their relationship to the civil society through which the internal party organizations and their popular beliefs could change accordingly. Fundamentally, internal Europeanization is a mass-based process as the transformation of the basic party features in the membership and party organization (domestic party).

The external Europeanization has only scratched the surface of the ECE parties. Europeanization has appeared only through the established official contacts and the informal meetings of the very few party leaders with their West European counterparts. The bulk of party membership and the population at large have not been informed very much on the discussions of Left and Right in the EU, in the international Social Democracy or Christian Democracy, and so on. The reason is simple, namely the problems and concerns are so different that the large part of the population has been unable or unwilling to decode the recent Western discourse, since the ECE societies have remained preoccupied with their own domestic difficulties. The global crisis with the growing economic difficulties has even deepened the gap between the international party and the domestic party as well as between the Western and Eastern public discourses. All in all, the ECE parties have not been prepared for assuming the rights and duties of membership in the EU level parties. Given the low degree of their external Europeanization and its huge contrast with the internal side, the ECE parties have been lagging behind in both international policy co-operation and strategy-making. This is quite clear from the activity of ECE MEPs in the European Parliament, they express the deep contrast between external and internal Europeanization. The European party families provide some EU contact for the ECE parties, and in case of crisis they can also be a shield for the sister parties, as it has been the case of Fidesz and EPP that has blown up quite recently. Anyway, this is only “thin” Europeanization, instead of a “thick” one.

Second, the external-internal Europeanization duality leads to the issue of the ECE blurred party identities. The blurred party identities have basically come from the socio-economic developments, as a long process of change from the party systems of the industrial society based on the materialist values and the old class cleavages to those of the post-industrial service society based on the post-materialist values and the culturally oriented multiple social cleavages. However, the ECE party systems have been stuck in a halfway between the old and the new worlds, and this has to be taken into consideration when they are to be classified according to the *Left-Right* coordinates. It is necessary to add also the *Europe-Nation* coordinates, and these two axes give the four combinations of this party matrix. In general, the Left in ECE is more supportive of the “ever increasing” EU integration but it has been frustrated by the permanent failure to come closer to the model of “Social Europe”, which in turn has led to its genuine leftist credentials being questioned by friends and foes alike. Therefore, it is difficult to find and to identify a genuine centre-left party with a marked, full-blown Westernized leftist program as the Europeanized Left. The centre-left suffers from the trap of materialist needs and from the

crisis of crisis management, whereas the centre-right from the burden of the increasing European integration for the "Nation". Accordingly, the ECE Right is much more populist and Eurosceptic than its Western right-wing partner parties. It favours the idea of an EU of the nation states much more than its major sister parties in the West. Finally, the ECE party landscape can be characterized as the blurred and uncertain identities on both Left and Right, including their ambiguous relationships to the Party Internationals concerned.

Third, the ECE participation paradox is that the parties initiated a change from mass mobilization to political demobilization in the early nineties in their drive to become the monopolistic political actors that I have termed "over-participation". The effects of the widespread social exclusion have been accelerated and deepened by the parties' conscious efforts at political demobilization, intended to turn themselves into the only - or at least the main - political actors in society. But in the long run demobilization has been much more an unintended result of the economic and social marginalization of the ECE populations. At the same time, the parties have been fighting, rather unsuccessfully, for the electoral remobilization of population. The final effect is an unstructured political market with a low membership density for the parties, accompanied with the growing national-social populism. The ECE political systems have "invented" the "apolitical politics", in which the large majority of population has been excluded from the political activity, except for the formal-legal electoral participation that means a strange system of "non-representative representative democracy", in which the elected representatives actually do not represent the electorate, since the population does not have the ways and means, the proper institutions in macro- and meso-politics to influence the workings of politics. The main specifics of the ECE parties is that they have been "small size mass parties". The ECE populations have not joined parties in great numbers, in contrast to earlier experience in the West. This means that the party membership is tiny compared to the size of the voters of that given party.

Thus, there has been two parallel historical developments in ECE, hence the elites' and populations' views and reactions need a separate analysis, too. The history of ECE populations has gone through the triple - transformation, post-accession and global - crisis, with the suffering from the contradictions of the triple - legal-political, economic and social- transition. It has produced social "heterogeneity", growing inequality and desecuritization instead of the big historical promise of homogenization, growing social justice and security. Therefore the rising socio-economic and political exclusion has concerned the large part of society, resulting in the one-third/two thirds society, in which the smaller part has only been Westernized, but threatened also with the precariate status, or at least with a relative deprivation. In turn, the different kinds of elites have more or less merged with business, and this politico-business conglomerate with its relative large clientele has been behind the often-changing political parties with very volatile political support.

The central thesis of this party analysis is that the second period has begun with a *general crisis* of the ECE parties and party systems that has appeared in a series of "critical elections" with the collapse of the former party system and the emergence of new governing parties. This general crisis after twenty years of emergence can be characterized by the socio-political "senility" of parties and party leaderships that has been aggravated by the unsettling effects of the EU membership. The senility of the party elite has come to the surface as the shortage of relevant political capacities and management skills in the new period of the EU membership and in the accelerated globalization. These parties have no proper messages for the ECE citizens in the globalizing world. The

party elites in general have become, at least socio-politically, “old” and extremely unpopular. The public trust in politicians is among the worst globally in ECE (WEF 2017) and the politics-related corruption is extremely high (Transparency International 2017). All in all, the ECE developments have produced a distorted, party-based democratization, with much weaker parties and much more fragile governments than in the West that has also led to the decline of good governance.¹¹

4 THE SPECIFIC NATURE OF THE ECE PARTIES AND PARTY SYSTEMS

The party politics has the main features, exposed and summarized here in a short presentation as follows:

I. The distortion of party organizations and their relationships to the society

1. On one side, in the young ECE democracies and the emerging market economies there has been no “Chinese Wall” between politics and business, just to the contrary, their fusion has given birth to the overlapping new political and business class, or politico-business elite. The key issue is that the big ECE parties have tried to become all-embracing “Golem parties” and to build hegemonic party systems. In fact, the Golem parties have penetrated to all social sectors through their informal networks, including the politics, economy, civil society and media. In the process of oligarchization both the professional politicians have engaged in the business activities and the top business actors have gained a strong influence in politics. In such a way, some bigger parties have become real Golem parties as a central political power in this hegemonic party system, but even the less successful parties have been able to control the large parts of socio-economic life and media by their clientele in a cleptocratic political system. The ECE parties are elitist and top-down organizations, live on states’ subsidies and have a high level of centralization. It is also true that they have a high number of party employees in their headquarters compared to the size of membership. Therefore, they can be classified “office-seeking” cadre parties, since their small memberships are just enough to provide the political elite. Thus, the intra-party democracy, the mobilization of membership and the contact with the civil society organizations have been among the biggest problems of the ECE parties.

2. On the other side, the party-society relationship, the social base of the ECE parties has been weak, since the party memberships have been minimal and some further erosion of the party memberships has taken place since the beginning of the global crisis. Unlike in the Western party systems, below the huge “head” of professional politicians the party has no “body” as a sizeable membership with a solid base in civil society, so elite or cadre parties have been formed in ECE as a “partyocracy”. Therefore, the popular support of parties has been remote and volatile from elections to elections, not so much intermediated by a large army of party activists and organizations, but attracted usually by fake promises. Finally, the ruling-governing parties have introduced strong discipline with high rewards, privileges for their loyal party members, and their large clientele in the “statocracy”. They have tried to reduce the other parties to

¹¹ The 2016 rankings of World Economic Forum (WEF 2017) demonstrate this political destabilization, first of all in (1) diversion of public funds, (2) public trust in politicians and (3) transparency of government decision-making. See the rankings of Czech Republic (92-107-88), Hungary (119-120-119), Poland (48-100-106), Slovenia (70-105-71) and Slovakia (127-113-79). Altogether, in this respect the ECE countries have often sunken to the lowest third of the 148 states ranked by WEF.

marginal actors by excluding them from the meaningful decisions in a quasi “one-party system”. At the same time, the political parties have tamed or domesticated the social partners and created some partisan pseudo civic organizations. Instead of widening their social base, they have demobilized the population and re-mobilized it only for the elections.

II. The reduction of the participants and field of politics

3. The drastic socio-economic exclusion of large masses has diminished so much the political participation, including the elections, that the “Apathy Party” of passive citizens has had the biggest “membership”. Thus, in this non-participative ECE democracy there has been no proper, meaningful accountability of politics by the (civil) society. In the parlance of statocracy democracy means simply free elections. In fact, the elections have usually been formally free, but - according to the experts of the Council of Europe - not fair, since they are manipulated by the government (OSCE 2014; CoE 2016). Especially young people have lost their interest in politics, and “politics” in general has become a dirty word in the ECE public discourse due to the widespread corruption and poor governance in the 2010s by the various political elites.

4. Finally by this drastic reduction of political sector to the populist “apolitical politics” the ECE parties have monopolized politics in ECE. There has been a strong effort of the political parties since the early nineties to reduce the field of politics to the party politics and to the government’s activity as a narrow field. They have tried to exclude any opportunity of the political actions for “outsiders”, for the interest organizations, social movements and civil society. The national parliaments have become the exclusive place for politics, for the political contest between the government and opposition. All other actors as social partners have been marginalized, since even the formal rights have been curtailed for the interest organizations, above all for the trade unions. In the populist parties’ interpretation the popular sovereignty exclusively lies in the parliament in the spirit of majoritarian democracy. Allegedly, the government represents the people’s will directly without any interest intermediation, so there is no need for further “institutions” because their claims just create a chaos, and only the strong rule of governments can produce the order.

III. Oligarchization leading to “democracy capture” and “velvet dictatorship”

5. The main socio-economic process in ECE has been the oligarchization, the rise of business moguls with a large economic and political clientele behind. The state capture by the oligarchs has been completed by the full “democracy capture” in the façade democracies, where the democratic “surface” as a shield just covers the substance of the non-democratic, authoritarian rule. The ECE party systems have finally produced various kinds of “velvet dictatorship”. The velvet dictatorship has been based on soft power, and not on hard power because the execution of political power through direct violence is marginal. The firm political rule has been exercised through the control of popular mind, by the quasi-state monopoly of media. The ruling elites have formed the collective national identity against the “other”, the external and internal enemy image in a combined Eurosceptic and populist approach. They have been using the mantra of national sovereignty as the freedom fight against the EU, in which “Brussels” appears as “Moscow”, supported by the internal enemies.

6. Paradoxically, although populism has usually appeared as an anti-elitist movement, when conquering the power, the ECE populist parties have formed a tough elitist democracy. These new governing parties have moved from the soft to the hard populism and they have built up a real “populist democracy”, ruling

the country also through the populist state propaganda in this (semi)-authoritarian system. The emerging velvet dictatorships in ECE are the products of the oligarchization by the overwhelming politico-business clientele with systemic corruption, and based on the merger of economic, political and media power. This trend has recently been reinforced by the dual crisis when the ECE populist elites claim “defending the country” - or the whole Europe - against the “invasion” of refugees.

IV. The dual crisis and the ensuing cultural war in the ECE parties

7. The dual external crisis - the refugee crisis and the Brexit case - has created an unprecedented political challenge for ECE and has led to some kind of “escapism” from the transnational rules of the EU by defending the national “borders” in the largest meaning of national sovereignty: “EU integration is the first project to suffer. As Euroscepticism grows throughout the Union, there is a risk of contagion, in the sense that exception-seekers hold the rest of the EU to ransom until their demands are met. The Hungarian referendum on whether to accept any future EU quota system for resettling refugees, planned this autumn, is a case in point.” (Blockmans and Weiss 2016, 3). Thus, the current megaprocesses of dual crisis have exerted a huge social and political pressure on the ECE party systems. This New World Order has created a situation of profound uncertainty and lack of predictability for ECE.

8. Despite the deep political-ideological, Left-Right divide of the former mainstream parties, people did not see too much difference between the behaviour and social-political attitudes of the governing centre-right and centre-left parties. Their structuring principle has been based much more on the cultural than on the social cleavages, since the cultural traditions and the fights between the ideological “camps” (“Kulturkampf”) matter a lot. The deep cultural-ideological divide between Left and Right has almost completely excluded compromises, coalition-making and the reaching of a national consensus between them. After the first twenty years both party families lost their credibility as a common political class, largely overlapping and interwoven with the “business class”, given the widespread corruption and poor governance. This situation of declining democracy provoked the self-reinforcing destabilization in the late 2000s. This chaotic democracy resulted not only in the critical elections, but it has also been reinforced by the socio-political disorders coming out from these critical elections afterwards.

Altogether, the first party systems in ECE were very fragile, but the second party systems have also been overburdened by the in-fights within the populist elite, with the competing oligarchs, clientelism and the widening public corruption. In the first party systems the unstable ECE parties usually produced short-lived, frequently changing and weak governments. The current “populism from above” has led to the seemingly more stable second party systems with a trend for the hegemonic party system, but at the price of the poor governance resulting in the low global competitiveness. No wonder, since both party systems have had a permanent effort to organize the informal politico-business networks for the excessive corruption, as cleptocracy. The most evident feature of the ECE second party systems’ disease is the sudden upsurge of minor protest parties, well beyond the constant change of the splits, mergers and renaming of the bigger parties. The bigger ECE parties have tried to become dominant Golem parties in a hegemonic party system based on the power of the organized informal, politico-business clientele networks, but only with dubious and transitory success, except for Law and Justice (PiS) in Poland and Fidesz in Hungary, even reaching the perfection of the “elected autocracy”. The character of democracy capture depends on the strength of Golem parties, to that extent

they can build up a hegemonic party system. The democracy capture has been completed in Poland and Hungary, and it is only half-made in the Czech Republic, Slovakia and Slovenia with their competing oligarchs in both business and politics. All in all, the ECE parties have not been ready for the multi-actor and multi-level democracy, where the social and territorial actors are expected to play a larger role in the decentralisation at the regional and local levels.

5 CONCLUSION: THE MISSING CONSOLIDATION OF THE SECOND PARTY SYSTEM

In the mid-2010s due to the increasing EU polycrisis (EU Global Strategy 2016) there has been a big turn in the evaluation of ECE developments by both the big policy institutes and the European Studies, with direct reference to the crisis of the party systems and the weakness of the procedural-formal, minimal definition of democracy. The *Democracy Index 2014* of the Economist Intelligence Unit notes that “Democracy has also been eroded across east-central Europe. (...) although formal democracy is in place in the region, much of the substance of democracy, including political culture based on trust, is absent.” and it adds that “Some negative trends have recently worsened.” (EIU 2015, 22). This process has been closely followed by the Bertelsmann Transformation Index (BTI 2015, 2016) and it has been echoed by the Freedom House Reports, especially very markedly in the last years. Similarly, the “Reassessing Democratic Consolidation” (Coman and Tomini 2014; Tomini 2014) in ECE is high on the agenda of the European Studies, too. The key issue is indeed, “Has the EU’s Eastern enlargement brought Europe together?” (Dimitrova and Dimitrov 2016), since “the transition literature has often drawn more optimistic conclusions about the consolidation of central European states” (Innes 2014, 90). The development gap between East and West has not decreased significantly and despite of big achievements in some fields it has even widened in some other fields, thus “Transcending the East-West Divide” has not taken place (Epstein and Jacoby 2014).¹²

These analyses have reached their peak in the last years after the Brexit case and due “Trump effect”, since following the “populist eruption” there has also been an “eruption” of critical literature in European Studies on the populist parties in the new member states, first of all in the Polish and Hungarian case, but extending the analysis to the limits of the EU’s transformative power in the ECE region. They have demonstrated, again, the close connection between the “new populism” and the critical elections, and the long-term birth pangs of the second party system. Unprecedentedly, there has been a collision between the EPP party family and Fidesz, since the Orbán government with the huge campaign “Let’s stop Brussels” has crossed the red line of tolerance in the Western centre-right parties: “The EPP Presidency sent a clear message to Prime Minister Orbán and his party, Fidesz, that we will not accept that any basic freedoms are restricted or rule of law disregarded. (...) The EPP has also made it clear to our Hungarian partners that the blatant anti-EU rhetoric of the ‘Let’s stop Brussels’ consultation is unacceptable. The constant attacks on Europe, which Fidesz has launched for years, have reached a level we cannot

¹² On the turning point in the ranking institutes see the BTI (2016a,b), the NIT Report (Freedom House 2017), The False Promise of Populism, and the Special Report (Puddington 2017) Breaking Down Democracy with the entry of “modern authoritarians”, and V-Dem Institute (2017), in the European Studies see the latest publications are Balcer (2017), Bruszt and Langbein (2017), and the Special Issue of *Journal of European Public Policy* (vol. 24, no. 2) on the EU Enlargement and Integration Capacity with the above quoted papers.

tolerate.” (EPP 2017, 2). This has been so far the deepest conflict between the European party system and the nationalist-populist parties from the new member states, and it demonstrates very forcefully the entire process of De-Europeanization and De-Democratization in ECE.¹³

Nevertheless, the image of the evolutionary ECE developments has still appeared in the some analyses of the West about East, and in the majority self-portraits (selfies) of ECE governments and their loyal experts. Actually, however, the study of the ECE party systems discovers the deep divergence from the EU mainstream with an increasing Core-Periphery Divide. By the late 2000s when the global crisis broke out the ECE populations became exhausted, tired, distressed and weary, the energies for change have burnt out to a great extent due to the cumulative social deficit. Coping with the global crisis resulting in the EU polycrisis the “formalities” period has been followed by “alienation” at the state or elite level, and the “permissive tolerance” period by the “increasing disappointment” of fatigue and silence of losers, with the outbursts of anger.¹⁴

Under the external and internal pressures the deep erosion of the ECE second party systems is already clearly visible. Due to its structural deficiencies the second party system cannot be consolidated, therefore the new key word of European Studies is the permanent deconsolidation. However, given the fact that the large majority of the ECE population has been still supporting the EU membership as “proud Europeans”, there is an opening historical alternative to turn instead of the Europeanization and Democratization “from above” to a renewed process “from below” as a real and full internal Europeanization.¹⁵

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¹³ The rule of law violations in Poland and Hungary have been discussed several times in the EU, it has recently been described by Bárd (2017). On the “illiberal democracy” see Simon (2014) and Önis and Kutlay (2017).

¹⁴ In the current literature the ECE social history has also been analysed in the “subjective” terms of frustration and relative deprivation (Klicperova-Baker and Kostál 2017).

¹⁵ Despite the efforts of anti-EU governments, the support for the EU membership is rather high in ECE countries, even in Poland (74%) in Hungary (67%) (Pew 2017, 2). About deconsolidation as the new key term in political science see Ágh (2016c).

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THE FEDERAL COUNCIL AS POTENTIAL VETO PLAYER AND COOPERATION PARTNER IN THE GERMAN LEGISLATIVE PROCESS

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The Federal Reforms I and II heralded a comprehensive modernization of the state. Together they impact the work of the Bundesrat (Federal Council), the upper house of the German Parliament. In this context, it can be assumed that compatible majorities between the Bundestag (Federal Parliament), the lower house of the German Parliament, and the Federal Council expedite the legislative process and opposing majorities block the process. But, to what extent does the Federal Council, in fact, assume the role of a destructive veto player? This study deepens and extends the insights into this research question with a differentiated, holistic and exclusive analysis of the data material. To describe the institution as a destructive veto player in opposing majorities does not correspond with the empirical analysis. The Federal Council may from time to time behave like a destructive veto player, because the ability to influence the process is derived from the constitutionally entrenched potential to prevent a law. Primarily, however, the Federal Council operates on the level of compromises in the cooperative federal state, in which the process is embedded in a comprehensive, often time-consuming, negotiation mechanism between the Federal Government and the states.

Key words: Federal Council; Federal Parliament; veto player; legislative process; cooperative federal state.

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1 RESEARCH CONTEXT AND RESEARCH QUESTION

Apart from the Federal Government and its institutions, the states play a crucial role in the political structure. In terms of article 50 of the Federal Constitution (GG) the states participate in the legislative process and administration of the Federal Government and in matters of the EU, while the Federal Council stands at the centre of the interplay between party-political competition and the federal system. The Federal Council is of particular importance as a veto power when there are divergent majorities in the two legislative institutions, and also when the majorities are aligned – a veto power, which it takes from its position in the Constitution (Jun 2011, 107).²

After the state election in Lower Saxony in 2013, the newspaper *Süddeutsche Zeitung* responded with the (translated) headline, „A giant in Europe, powerless at home“ (Rossmann 2013). From this and various other media articles, one could deduce that the change in government resulting from the election to a coalition between SPD and The Greens was the starting gun for blocking politics in the Federal Parliament. Until October 2013, the election results gave the social democrats and the Green Party a majority in the Federal Council. Thus, they were in a position to block legislative proposals of the coalition government in the Federal Council. A similar situation existed in, for example, 1999. The surveys forecasted a clear victory for the SPD in the Hessian state election. However, on February 7, 1999 the CDU won. Not only did the SPD-Green coalition lose its position of power in Hessen, but it also lost the majority gained in the Federal Council shortly before. Only after the state election in Lower Saxony in 2013 the SPD and Greens temporarily controlled the Federal Council for the first time again with the help of the Left Party. Until the autumn of 2013, a CDU-FDP majority opposed this majority in the Federal Parliament. With a majority in the Federal Council, the local political forces had more blocking power again. The media were convinced this would change the tectonics of power in the Federal Republic, since no policy could be construed without the consent of the social democrats and the Green Party (Rossmann 2013; Bannas 2013).

In general, it is certainly justified to assume that constellations in the Federal Parliament and Federal Council which are party-politically aligned, or compatible, expedite the legislative process in relative terms, while diverging, or opposing majorities, increasingly block the legislative process. Also on power-political considerations it appears to be quite logical that compatible majorities trend towards increased solidarity, and with it, to supportive (constructive) structures. Should the majorities be constructed of opposing forces, it may be assumed that there will be a tendency to build vetoes, and that the interaction will trend towards more competitiveness (destructive structure) (Hesse and Benz 1988, 80).

In particular, the question is whether and under which factor constellations opportunities for blocking tactics are used by the Federal Council – and how extensively. Or, whether the potential to block remains on the theoretical level,

² Lijphart analysed the division of power and power concentrations in 36 democracies. He explains, the Federal Council differs only slightly from the Federal Parliament in terms of its power and democratic legitimacy, and that the Federal Council is one of the strongest institutions in systems with two legislative institutions among democracies studied. With an index value of 4.0, the Federal Council landed in the top position. The average index value of all 36 democracies stood at 2.2 (1999, 26).

and is in practice merely a mechanism of secondary importance – contrary to the accepted view. The research question is, therefore, whether, when and how intensively the Federal Council, in fact, operates as a „destructive“ veto player, or whether it is perhaps more likely to produce consensus decisions across the democratic-competitive party politics? In other words, whether it operates as „constructive“ veto player, and if it is the case, why?

The central finding, namely that – quantitatively considered – the Federal Council only allows a small percentage of draft bills to scupper, and exercises its position as veto player in the cooperative federal system constructively, is widely known in this general context. There are corresponding references in the literature (for example, Jun 2011, 106–133; Träger 2012, 39–78; Abresch and Leunig 2012, 79–106; Leunig 2012, 149–183; Leunig and Träger 2012a, 185–224; Träger and Thiel 2012a, 225–260; Träger and Thiel 2012b, 261–288). But, the insights gained from this study, extend far beyond the central finding. They offer a nuanced extension, or deepening of the existing knowledge, since the data material was prepared, combined, aggregated, analysed and interpreted in a unique manner, and based on a holistic consideration of all German legislative periods. Further, a distinction was made between veto laws and laws requiring approval. Finally, a unique evaluation grid was employed to produce the results of the study.

2 FEDERAL COUNCIL AS POTENTIAL AN INSTITUTIONAL VETO PLAYER

At the core of the veto player theory stands the question how the number and composition of veto players block, or permit political results (Blank 2012, 7).³ Tsebelis defines the veto player as „individual or collective actors whose agreement is necessary for a change of the status quo. It follows that a change in the status quo requires an unanimous decision of all veto players“ (2002, 19). The probability that the status quo will be changed drops as the number of participating veto players grows. Furthermore, blockages emerge easier, when potential veto players are ideologically far apart, when there are many destructive powers, or when these powers are highly cohesive. Analog to this, it can be assumed that a high number of ideologically united, constructive powers support political processes (Reiners 2008, 40; Reiners 2011, 566–567; Blank 2012, 29). Furthermore, it must be pointed out that in this bicameral configuration of federalism an extended or alternative presentation of the theory exists based on veto points, which has often been criticized and expanded upon. The more points are present in the political system, or in an institutional structure of a democracy, the more difficult political processes become, and the more difficult it becomes to change policies or structures (Kaiser 1998, 537; see Immergut 1990, 391–416; Kaiser 1997, 436).⁴

The Federal Council is a potential veto player. That is the case, irrespective of whether power is actually applied, for instance, by preventing, or pushing

³ Regarding the theory: Tsebelis 1995, 289–325; Tsebelis 1999, 591–608; see Tsebelis 2002; Kaiser 1998, page 525; Benz 2003, 208–209, 230; Reiners 2008, 94; Reiners 2011, 566–567.

⁴ The theory has often been criticized. Among the critics are Blank 2012, 42–43; see Grumer 2011, 52; Wagschal 2009, 117–136; positive criticism of the theory from, among others, Ganghof, Hönnige and Stecker 2009. Differentiating between veto players with points is often a purely semantic exercise, whereby the first part is more focused on actors, and the second part on institutions.

through specific decisions. Much more important is that the potential exists to do this. With reference to the research question, the issue is, therefore, whether and in which constellations of the Federal Council, it uses its power „cooperatively, or constructively“.⁵ It is, moreover, possible that potential veto players behave neutrally. In other words, they neither actively support the process, nor block it, thereby opening space for a government to move.

Furthermore, the Federal Council assumes the position of a collective, constitutional veto player in the legislative process. Institutional veto players are „individual or collective veto players specified by constitution“ (Tsebelis 2002, 79).⁶ Under specific circumstances they can, however, also develop into party-political veto players (partisan veto players), for example, when opposing majority relationships prevail between the Federal Parliament and Federal Council (Tsebelis 1995, 289–325). This doesn't necessarily mean the „opposing majority“ is interested in an on-going stance of non-cooperation. Rather, it is possible to decide from case to case whether – and to what extent – the ability to block is relied upon.

Finally, the parameters of the veto player theory definitely present itself when considering the Federal Parliament in terms of the research question. Then, the focus falls on identifying the veto players, on how many there are, and on the question whether they let themselves be absorbed. In the Federal Parliament parties mostly participate in the decision-making process in coalitions (see Buzogány and Kropp 2013, 261–293).⁷ Because of this, the number of veto players has the potential to rise.

When the same majorities, or constellations, are present in the Federal Council and in the Federal Parliament, the mechanism of absorption theoretically comes into play, since both governing parties (in other words, two party-political veto players) absorb the Federal Council (as institutional veto player) and the two legislative organs become a close match. In this way, the CDU/CSU-FDP coalition had majorities in the Federal Parliament and in the Federal Council after the parliamentary elections of 2009, which reduced the number of veto players from three to two actors. On the other hand, if one looks at the situation from, for example, February 2013, a period in which the majority relationships in the two legislative organs differed, the governing parties were retained unchanged as veto players. Then, the Federal Council played the role of destructive veto player – it was assumed by many – and accordingly, no absorption occurred. After the election in Lower Saxony, the former opposition on national federal level announced it will use the Federal Council to better monitor the work of government, which explicitly pointed to the Federal Council potentially being used as an instrument for exerting pressure.

⁵ Benz describes strategies as constructive, when they enable a decision, in other words, prevent blockages, and lead to a result, which overcomes a situation and contributes to a change in the status quo, and at the same time opens the way for decision-making by the concerned interests and their representatives (2003, 205, 218).

⁶ These are enshrined in the Constitution. As examples serve the uppermost federal institutions, one of which is the Federal Council.

⁷ Until now, the Federal Republic of Germany has predominantly been governed by coalitions, while e.g. Great Britain, Spain, Japan, France and Portugal have extensive experience with one-party governments. In Germany, the situation is different, due to the pluralistic structure of the society and personalized, proportional representation, which as a rule, prevents a single party from gaining an absolute majority (Kropp 2010, 190–209).

3 FEDERAL REFORM, VETO LAWS AND LAWS REQUIRING APPROVAL

The Federal Council is a collective body. Its members are appointed by majority vote for the duration of their affiliation to the particular state government, are seconded by this state government, and differentiate themselves from members of the Federal Parliament in one essential way: When they vote, they are not independent, but bound by the directives of their state governments (Riker 1992, 101–116; Hitschold and Reiners 2013, 228–232).⁸

The committee participates, among others, in the legislative process.⁹ Apart from the representatives of the Federal Parliament and the Federal Government, the committee also has the right to initiate legislation, thanks to article 76 paragraph 1 of the Federal Constitution. A draft bill of the Federal Council must be accepted by it with a majority of votes. However, the possibilities for cooperation and the powers depend on the type of draft legislation involved. The institution has either the right to veto, or the right to approve (Lhotta 2003, 19–21; Stüwe 2004, 27–29; Johne 2004, 10–17; Jun 2011, 109).

In the case of bills requiring approval, the Federal Council must expressly approve with a majority of its votes. Here it has an absolute veto right. Bills that need approval are those, which amend the Federal Constitution, impact the finances of individual states in specific ways, or whose implementation will interfere with the organizational or administrative authority of states. In practice, the Federal Council does not withhold its approval right away, but first try to find a compromise by appealing to the mediation committee,¹⁰ which accounts for the clear majority of the mediation processes (Stüwe 2004, 27–29; Jun 2011, 109; Scherf and Bucker 2011, 144; Hitschold and Reiners 2013, 278–281).¹¹

If one differentiates between the various types of acts, one finds that, in the course of time, the approval of the Federal Council also became a requirement for draft bills, which impact other interests than the core interests of the states. Hence, the Federal Council is also referred to as the hinge of a self-blocking party state. In the course of the history of the Federal Republic, a shift occurred in the cases requiring approval, on the one hand, and the proportion of legislative proposals, which requires approval, also changed as measured against the total of all the laws adopted. While the Parliamentary Council expected 10 percent of all laws to require approval, and while actually about 40 percent required approval in the early days of the Federal Republic, this

⁸ The votes are divided in line with the class sizes, which are not proportional to the population numbers of the states. The small states have three, the mid-sized four and the big states five votes each. States with the biggest populations (NRW, BW, BY and Nds) each has six votes. Currently, the Federal Council has 69 seats. The absolute majority currently lies at 35 and the two-thirds majority at 46 votes (Hitschold and Reiners 2013, 228–232).

⁹ The powers are principally regulated by art. 76 of the Federal Constitution.

¹⁰ The mediation committee mentioned in article 77, paragraph 2 of the Federal Constitution shall decide on legislative proposals in a combined session, when the two legislative institutions cannot agree. It consists of 16 members from each of the Federal Parliament and Federal Council (one from each state).

¹¹ A distinction is made between legislation, which amends the Constitution, and federal legislation. In the case of constitution-amending laws requiring approval, the Federal Council must approve with a two-thirds majority of the votes, whereby certain areas are excluded (guaranteed existence by article 79, paragraph 3 of the Federal Constitution). In the case of federal legislation, the approval of a majority of the votes suffices.

number had grown to about 60 percent before the federal reform, which clearly illustrates that the veto power of the Federal Council grew over time.¹² The judgments of the Federal Constitutional Court also contributed to this growth. This institution was upgraded by the Federal Council to one, which is roughly on an equal footing with the Federal Parliament (Schmidt-Jortzig 2005, 6–12; Reutter 2006, 14; Federal Council 2012).

With federal reform as elementary ingredient of a comprehensive modernization of the state, a reduction of the expanded involvement of the Federal Council was intended, which intentionally, and partly also substantially, reduced the number of approval events for the Federal Parliament, or at least altered it for the Federal Parliament. Since the federal reform of 2010, the proportion of acts requiring approval has been returned to a share of 38.3 percent (reference date October 28, 2013). In the ten months before the reform was adopted, the share still stood at about 55.9 percent (June 2011, 112–114; Zohlhöfer 2011, 155).

At the same time, the reform increased the room to maneuverer of the states in the legislative process – even if only moderately. The Federal Legislature commended the Federal Council for its effort to standardize administrative procedures in the states for the implementation of laws (Kühne 2005, 3–5; Schultze 2005, 13–19; Sturm 2005, 195–203; Höreth 2007, 712–733; Höreth 2010, 117–138; Kropp 2010, 190–209; Buzogány and Kropp 2013, 261–293; see Scharpf 2005). It will, however, also be more attractive for states to insist on the retention of their right of approval in future, since they remain contributors to the federal legislative process in that way. It is, therefore, also to be expected that states will in future gladly part with their wider autonomy in exchange for the „lentil soup of co-determination“ (Scharpf 1994, 73).

With all other laws, the Federal Council (only) has a veto right, or rather a suspensive veto right. In the case of these laws, the veto power is weaker (Scherf and Bücken 2011, 144; Blank 2012, 81). Upon receipt of a veto draft bill adopted by the Federal Parliament, the Federal Council has the option to do nothing, which would signal its approval, or it can call the mediation committee within three weeks, which assumes a hinge function. The mediation committee gives Federal Parliament an opportunity to contribute to the formulation of proposed amendments. After completion of the process, the Federal Council can raise an objection within two weeks, if it disagrees with the new decision of the Federal Parliament. If the decision was taken with a majority of the votes in the Federal Council, it can be dismissed with a majority of the votes of the members of the Federal Parliament. If the Federal Council made the decision with a two-thirds majority, a dismissal thereof by the Federal Parliament also needs a two-thirds majority (simple two-thirds majority), or at least an absolute majority (majority of the members of the Federal Parliament (Posser and Vogel 1989, 213–225; Jun 2011, 145; Hitschold and Reiners 2013, 280–281).

¹² Federal Reforms I and II came into force on September 1, 2006 and August 1, 2009 respectively. After the first stage, which focused mainly on a clear allocation of competences to the Federal Government and states, a reform of the financial relationships stood in the foreground in the second stage (Ekardt and Buscher 2007, 89–98). The revised version of article 84 of the Federal Constitution presented the legislator with more ways to motivate an obligation to approve, or to deny it (Reutter 2006, 14–15; Thiele 2006, 714–719; Eppler 2006, 18–23).

4 CLASS TYPES, ASSUMPTIONS AND MAJORITY RELATIONS

To analyse the subject and make a useful comparison, the relationships in the Federal Council are divided into class types and theories formulated in advance. The following class types present themselves:

- Class type 1: Dominance of the Federal Government extends also to the Federal Council (cooperative, constructive structure)
- Class type 2: Dominance of the opposition in Federal Parliament (competitive, opposing structure)
- Class type 3: Dominance of „neutral“ political powers in the Federal Council, or stalemate situation, if none of the political powers in class type 1 or 2 has a majority in the Federal Council (neutral structure/stalemate).

The typecasting and upcoming hypothesizing make it possible to draw conclusions about which factor constellation brings which results, and therefore, under which circumstances certain behaviour can be expected, or rather, which strategies are deployed. The hypotheses are deduced from the class types, and they are:

- Thesis 1: on the basis of class type 1, therefore, the Federal Government dominates also in the Federal Council; the latter is more likely to act moderately competitively and in a comparatively cooperative, or constructive way, as reflected in a downward trending number of objections to veto laws emanating from the Federal Council; and with laws and legislative decisions of the Federal Parliament requiring the approval of the Federal Council, the tendency is for the Federal Council to withhold approval less often, and for such laws to seldom fail.
- Thesis 2: on the basis of class type 2, therefore, the opposition dominates in both the Federal Parliament and Federal Council; the latter is more likely to act competitively and destructively, as reflected in an upward trending number of objections to veto laws emanating from the Federal Council; and with laws and legislative decisions of the Federal Parliament requiring the approval of the Federal Council, the tendency is for the Federal Council to withhold its approval more often, and for such laws to fail more often.
- Thesis 3: on the basis of class type 3, therefore, the „neutral“ political powers in the Federal Parliament dominate, leaving a stalemate situation; when therefore none of the powers in the class types 1 and 2 holds a majority in the Federal Council, they are more likely to act moderately competitive, but less competitive (destructive) than when based on the relationships ruling class type 2, as reflected in lower values than values typical for opposing relationships (class type 2).

The parties of the governing coalitions of the states, which represent the current Federal Government in Berlin (a CDU/CSU-SPD coalition), currently have 16 votes in the Federal Council.¹³ The opposition has no vote. The remaining 53 votes belong to neutral powers, since at least one of the partners of the Big Coalition participates in the other state governments.¹⁴ This means,

¹³ If one adds the two CDU-SPD governments (Saarland, Saxony), the SPD-CDU governments in Mecklenburg-Western Pomerania, and the CSU one-party government in Bavaria, one gets $7+3+6 = 16$ votes.

¹⁴ Either the social democrats govern with the Greens in the other federal states (Bremen, HH, Nds), or the social democrats govern with the Left Party and the Greens (Berlin), the Greens with the CDU (BW), the CDU with the FDP (NRW), the CDU with the FDP and the Greens (SH),

the current CDU-SPD coalition has no majority in the Federal Council. The Big Coalition needs at least 19 votes from the politically neutral camp for a simple majority. As a result, the parties of the current Federal Government must cooperate with other parties. For the purpose of the analysis, the exact voting shares are marginal, and therefore only the respective majorities in the Federal Council are displayed in Table 1 below. In other words, either a majority of states represented in the Federal Government (R states), or a majority of states representing the opposition in the Federal Parliament (O states), or a neutral situation (stalemate situation). Since September 1949, the majority relationships have been as follows:

TABLE 1: MAJORITY RELATIONSHIPS IN THE FEDERAL COUNCIL AND THE FEDERAL GOVERNMENT

	R states	O states	N/P	Federal Government	Period
09/1949-04/1952			x	CDU/CSU-FDP*	09/1949-10/1963
04/1952-01/1957			x		
01/1957-11/1962					
11/1962-10/1966	x			CDU/CSU-FDP	10/1963-11/1966
10/1966-01/1967			x	CDU/CSU-SPD	12/1966-10/1969
01/1967-10/1969	x				
10/1969-06/1972			x	SPD-FDP	10/1969-10/1982
06/1972-03/1977		x			
03/1977-06/1978			x		
06/1978-10/1982		x			
10/1982-06/1990	x			CDU/CSU-FDP	10/1982-10/1998
06/1990-10/1990		x			
10/1990-04/1991	x				
04/1991-11/1997			x		
11/1997-10/1998		x			
10/1998-04/1999	x			SPD-Greens	10/1998-10/2005
04/1999-03/2003			x		
03/2003-04/2006		x			
04/2006-02/2009	x			CDU/CSU-SPD	10/2005-10/2009
02/2009-10/2009		x			
10/2009-07/2010	x			CDU/CSU-FDP	10/2009-10/2013
07/2010-02/2013			x		
02/2013-10/2013		x			
10/2013-08/2017			x	CDU/CSU-SPD	10/2013-08/2017

Sources: Own presentation, with reference to Leunig 2006, 402–420; Jun 2011, 120–122; Träger 2012, 39–78; Abresch and Leunig 2012, 79–106; Leunig 2012, 149–183; Leunig and Träger 2012a, 185–224; Träger and Thiel 2012a, 225–260; Träger and Thiel 2012b, 261–288; also see Schröder 2014. Abbreviations: R = Government has majority in Federal Council; O = Opposition in Federal Parliament has majority in Federal Council; N/P = Neutral powers have majority in Federal Council, or stalemate prevails (neither R, nor O). *Coalition under leadership of CDU/CSU, mainly with the FDP (1949-1953 with FDP & DP, 1953-1955 with FDP, DP & GB/BHE, 1955-1956 with the FDP & DP, 1956-1957 with the FVP & DP, 1957-1960 with the DP, 1960-1961 one-party government, from 1961 with FDP).

If one looks at the majority relationships in the Federal Council and the Federal Parliament down the entire table, one notices significant swings. One notices the comparatively higher voting shares of the so-called neutral camp on several

the SPD and Greens with the Left Party (TH), the SPD governs alone with the Left Party (BB), the CDU with the Greens (HE), CDU with the SPD and Greens (SA), or the SPD governs with the Greens and FDP (RP).

occasions.¹⁵ Furthermore, one notices that the swings in the majorities in the Federal Council, which explicitly means swings in states from R dominance to O dominance, or vice versa, or to N/P dominance, do not always correspond exactly with the legislative periods of the Federal Parliament, as shown in Table 2. Speaking against aligning individual periods of majorities in the Federal Council with the corresponding legislative periods of the Federal Parliament, is the fact that the majorities in the Federal Council change in almost every state election within a single, federal legislative term. More accurate would, therefore, be a method narrowly focused on the periods of opposing and cooperating majorities, which is, however, difficult to do, since the data material in Table 2 merely shows the legislative periods, and is not available in the aforementioned detail, and can only be prepared with much effort. Out of necessity, therefore, the focus is on individual, federal legislative periods – an approach, which is research-economically driven, but nonetheless still, delivers valid conclusions, and which delivers depth of focus, which is adequate, when the entire spectrum of the data material is considered.

If one looks at the legislative periods of the Federal Parliament, one finds that so-called neutral relationships existed consistently in the 1st, 2nd, 3rd, 6th and 18th legislative periods. In the 12th, 13th, 14th and 17th periods this was not consistently the case. However, it was (more or less) predominantly the case, meaning in these time cycles there were swings in states with R dominance or O dominance in the Federal Council.¹⁶ If one looks at the time cycle of a state's R dominance in the Federal Council, and thus at compatible majorities for the government on federal level, this is consistently the case in the 10th and 11th legislative period of the Federal Parliament and (more or less) predominantly the case in the 4th, 5th and 16th period, which means, that in these time cycles there were swings in states from O dominance to so-called neutral relationships in the Federal Council.¹⁷ If one looks at the time cycles of states with O dominance in the Federal Council, and therefore to opposing majorities to the government at national level, one finds it consistently in the 7th legislative period of the Federal Parliament, and (more or less) predominantly the case in the 8th, 9th and 15th periods, which means that inside these time cycles there were swings in the Federal Parliament from R dominance in states to so-called neutral relationships.¹⁸ To back the results up, there follows a focus on legislators in which stable, R-O-N relationships existed in the Federal Council over entire legislative periods, on top of the examination of complete periods. In

¹⁵ A CDU/CSU-FDP government had a majority in the Federal Council in the periods from November 1962 – October 1966, from October 1982 – June 1990, from October 1990 – April 1991 and from October 2009 – July 2010. A CDU/CSU-SPD government had a majority in the second legislative chamber in the periods from January 1967 – October 1969 and from October 2009 – July 2010. A SPD-Greens government had a majority in the period from October 1998 – April 1999. The opposition had a majority in the Federal Council in the periods from June 1972 – March 1977, from June 1978 – October 1982, from June 1990 – October 1990, from November 1997 – October 1998, from February 2009 – October 2009 and finally, in the period February 2013 – October 2013.

¹⁶ Majority relationships in the Federal Council were strongly shaped by so-called neutral powers in the following periods: 12th/14th election period (WP) = about one quarter/about one half year R dominance, 13th WP = about one year O dominance, 17th WP = almost one-and-a-half years R and O dominance.

¹⁷ In the following periods majority relationships in the Federal Council were strongly shaped by R states: 5th WP = about one quarter N/P dominance, 4th/16th WP = about one year N/P dominance / a little more than a year O dominance.

¹⁸ In the following periods majority relationships in the Federal Council strongly shaped by O states: 9th/15th WP = about one half year R dominance / N/P dominance, 8th WP = a little more than one year N/P dominance.

other words, it puts the spotlight on significant legislative periods of the Federal Parliament.

5 STATISTICAL EVIDENCE FOR EXAMINATION CONTEXT

The most appropriate statistics for answering the research question are Federal Council statistics (Federal Council 2012; Federal Council 2013; Federal Council 2017). Fundamental to the research context, is the question how many times the Federal Council actually used its potential power. For this purpose, the reader is referred to Table 2 below.

TABLE 2: DRAFT LEGISLATION, APPEAL MEDIATION COMMITTEE, CONSENT REFUSALS, APPEALS (1949 TO JULY 7, 2017)

Election period of the Federal Parliament	1. 49-53	2. 53-57	3. 57-61	4. 61-65	5. 65-69	6. 69-72	7. 72-76	8. 76-80	9. 80-83
Dominance	N/P+	N/P+	N/P+	R	R	N/P+	O+	O	O
Draft bills tabled in the Federal Parliament	791	856	599	620	649	538	670	485	242
Adopted by Federal Parliament/ forwarded to Federal Council	559	518	428	429	461	334	516	354	139
Signed, published by Federal President	545	510	424	425	453	333	506	339	136
Of those, acts which needed approval	228	254	236	227	224	172	269	182	71
Of those, veto laws	317	256	188	198	229	161	237	157	65
Decisions in Federal Parliament not approved by Federal Council	12	11	4	7	10	3	19	15	6
Published laws (eg. after mediation procedure)	4	5	4	4	8	3	11	6	4
Laws not published	8	6	0	3	2	0	8	9	2
Vetoed by Federal Council	1	1	3	0	0	1	5	7	7
Veto referred back by Federal Parliament	0	1	1	0	0	1	4	5	6

Source: Federal Council 2013; Federal Parliament 2015; Federal Council 2017. Dominance: R = R states, O = O states, N/P = neutral structure / stalemate; when „+“ behind = constant, stable dominance over the entire legislative period. Data for the 18th legislative period up to July 7, 2017 are included.

Of the 3.926 veto laws signed and published by the Federal President, only few went through the mediation process.¹⁹ From September 7, 1949 to July 7, 2017 the appeals add up to only 75. In addition, in the entire period the Federal Parliament rejected 63 appeals. Twelve appeals were either not rejected by the Federal Parliament, or not attended to (Federal Council 2013; Federal Council 2017). In the end, the low numbers impact the evaluations and conclusions. Clear is, however, that the number of appeals based on the class type 1 (cooperative, constructive structure; states with R dominance) average around 0.8 in the five legislative periods. In the 10th and 11th legislative periods – periods of continuous R-state dominance in the Federal Council - the average is 0.5 appeals. In the four legislative periods in which the basis was class type 2 (competitive, opposing structure; O dominance in states), the average is noticeably higher at 10.3. In the 7th legislative period – when the legislature was continuously O dominated - five appeals are counted. In the nine legislative periods in which class type 3 (neutral structure / deadlock situation) was the

¹⁹ Last two lines in Table 2.

base, the average is 3.3 appeals. In the five legislative periods with continuously neutral relationships, the value is 1.2.

TABLE 2: CONTINUE

Election period of the Federal Parliament	10. 83-87	11. 87-90	12. 90-94	13. 94-98	14. 98-02	15. 02-05	16. 05-09	17. 09-13	18. ab 13	Σ
Dominance	R+	R+	N/P	N/P	N/P	O	R	N/P	N/P+	
Draft bills tabled in the Federal Parliament	522	595	800	923	864	643	905	844	677	12.223
Adopted by Federal Parliament/ forwarded to Federal Council	320	369	507	565	558	401	616	553	550	8.177
Signed, published by Federal President	320	366	493	551	548	386	613	543	458	7.949
Of those, acts which needed approval	192	202	282	328	299	196	256	208	197	4.023
Of those, veto laws	128	164	211	223	249	190	357	335	261	3.926
Decisions in Federal Parliament not approved by Federal Council	0	1	21	33	19	21	1	14	2	199
Published laws (eg. after mediation procedure)	0	0	12	12	11	15	1	8	0	108
Laws not published	0	1	9	10	7	5	0	4	2	78
Vetoed by Federal Council	0	1	5	13	5	22	3	1	0	75
Veto referred back by Federal Parliament	0	1	4	12	2	22	3	1	0	63

Source: Federal Council 2013; Federal Parliament 2015; Federal Council 2017. Dominance: R = R states, O = O states, N/P = neutral structure / stalemate; when „+“ behind = constant, stable dominance over the entire legislative period. Data for the 18th legislative period up to July 7, 2017 are included.

It can be accepted, that the Federal Council’s position is not as strong with veto laws as with laws requiring approval. In addition, only few appeals are enforced. They are enforced slightly more often in periods of predominantly opposing relationships than in periods of neutral structures, and especially in periods devoid of compatible majorities in the Federal Parliament and Federal Council.

When it comes to laws requiring approval, the numbers are more meaningful. In the period September 7, 1949 to July 7, 2017 a total of 12.223 draft bills were introduced. Of the 8.177 that were accepted by Federal Parliament and forwarded to and considered by the Federal Council, of which 7.949 were ultimately promulgated by the Federal President, 4.023 were draft bills requiring approval (roughly 50 percent). Of these, the Federal Council withheld its approval of 199 bills in the aforementioned period, which is 5 percent of the laws requiring approval, and which were eventually signed and published by the Federal President.

In election periods with a predominantly cooperative, constructive structure, the average was only 1.7 percent. In the 10th and 11th legislative periods, in which such a relationship existed throughout, the rounded-off average is only 0.3 percent. In election periods of predominantly competitive, opposing relationships, the average is 8.5 percent. In the 7th legislative period, in which such a relationship existed throughout, the value is 7.1 percent. In periods with neutral relationships, the values lie – as expected – between these two numbers (5.4 percent and 3.0 percent with neutral relationships throughout). Tables 3a and 3b illustrate the findings.

TABLE 3A: VETO FUNCTION FEDERAL COUNCIL (COOPERATIVE VS. COMPETITIVE)

Election period of Federal Parliament	4.	5.	10.	11.	16.	Ø	7.	8.	9.	15.	Ø
Dominance	R	R	R+	R+	R	R	O+	O	O	O	O
Draft bills of Federal Parliament which Federal Council didn't approve	7	10	0	1	1	19	19	15	6	21	61
percent share of all acts signed and published by the Federal President which needed approval	3.1	4.5	0.0	0.5	0.4	1.7	7.1	8.2	8.5	10.7	8.5

Source: Own presentation, with reference to Federal Council 2013; Federal Council 2017.

TABLE 3B: VETO FUNCTION FEDERAL COUNCIL (NEUTRAL STRUCTURE/STALEMATE)

Election period Federal Parliament	1.	2.	3.	6.	12.	13.	14.	17.	18.	Ø
Dominance	N/P+	N/P+	N/P+	N/P+	N/P	N/P	N/P	N/P	N/P+	N/P
Draft bills of Federal Parliament which Federal Council didn't approve	12	11	4	3	21	33	19	14	2	119
percent share of all acts signed and published by the Federal President which needed approval	5.3	4.3	1.7	1.7	7.4	10.1	6.4	6.7	1.0	5.4

Source: Own presentation, with reference to Federal Council 2013; Federal Council 2017.

Analysing further, one sees in Table 2 that in 108 cases a law nevertheless came into existence after a mediation process, and in 78 cases it finally failed. That means, a failure rate of about 1 percent of the draft bills passed by the Federal Parliament and forwarded to the Federal Council, and considered by the latter. More than 99 percent of the draft bills were passed by the Federal Council without a veto, or after vetoes were repealed.

In legislative periods, which are structured predominantly, cooperative, and constructive, the average failure rate is only a rounded 0.3 percent. In the 10th and 11th legislative periods, in which such relationships existed throughout, the rounded average is only 0.1 percent. In predominantly competitive periods constructed in a confrontational manner, the average is 1.7 percent. In the 7th legislative period, in which such a relationship existed throughout, the value is 1.6 percent. In neutrally structured legislative periods, the values lie in between (1.0 percent and 0.7 percent with neutral relationships throughout).

It can be accepted that, with regards to the institutional veto potential, the Federal Council is in a prominent position when it comes to laws requiring approval. Here it can ultimately prevent a law. However, in practice the second legislative body has until now seldom exercised that power. The number of times the Federal Council withheld its approval dropped from competitive to neutral relationships, and dropped yet again when cooperative, constructive structures existed. This trend can also be observed in the case of the failure of legislation, although it is less pronounced, which means that in the follow-up to the Federal Council's refusal to approve, compromises are mostly reached. In practice, therefore, the Federal Council seldom uses the possibility to finally prevent draft bills.

Overall, it can be accepted, that the three assumptions have been confirmed. In other words, the Federal Council acts cooperatively and constructively when the parties of the Federal Government dominate in the Federal Council. When the parties of the opposition dominate in the Federal Parliament and Federal Council, the latter acts more competitively – although only subtly so. When the neutral powers in the Federal Parliament dominate, or there is an impasse, the body acts less aggressively than in the situation previously described, but more so than stated at the outset. The conclusions for the three class types, however, deviate less from each other than often assumed, and the differences are therefore rather limited, but should nevertheless clearly qualify widely held prepositions.

6 ASSESSMENT, POSITIONING IN THE RESEARCH CONTEXT AND CONCLUSION

In the centre stands, among others, the issue whether political processes run smoother when compatible operating structures are in place between the Federal Council and the Federal Parliament, as often assumed, and that the opposite happens, when more competitive structures are in place.

When the results are viewed, the Federal Council cannot be ignored as a veto player, because on the one hand it is irrelevant whether power is, in fact, applied. More important is, that the potential to do it, exists. On the other hand, differences can be identified, even though the results, as they manifested themselves in the different factor constellations, do not vary to the extent often assumed. If one takes a deeper look and examines the different time periods, the contour lines of the individual class types become somewhat clearer.

When relations are compatible between the two institutions, it certainly is somewhat easier to govern. To label the Federal Council a destructive veto player on the premise of competitive relations is, however, to exaggerate. When such conditions exist, delaying tactics are more likely to appear, which makes effective governance more difficult, since the need to negotiate for a mediation procedure becomes more pressing. In cooperative federalism, the Federal Council distinguishes itself with its power to prevent, in other words, with the threat that the draft bill may fail, which leads to multiple amendments upfront and works on the basis that a veto is anticipated (see Burkhard and Manow 2006). Ultimately, this means that the presence of a second legislative institution pushes back many decisions, and embeds them in a context of negotiation. So, the knowledge of different majority relationships unleashes preventative steps, increases the pressure to agree already from the outset of legislative proposals, and sees to it that amendments are made to policies already before or during the legislative processes (Lhotta 2003, 16–22; Johne 2004, 10–17; Stüwe 2004, 27–29).²⁰

²⁰ A coalition (regardless of its disposition) often acts in the shadow of the majority decision. This shadow of the majority strengthens the pressure to find consensus. From this perspective, it may appear unlikely that veto structures in the sense of a „divided government“ are present at all (Tsebelis 1999, 591–608). The constitutional separation of powers between Federal Parliament and Federal Council leads to non-decisions in cases of non-agreement, and also to a „Politikverflechtungsfalle“ (a joint-decision-making trap) (Scharpf 1985, 323–356; Czada 2003, 181–182).

Until now, every government has depended on the cooperation of states, which didn't correlate with the party-political constellation of the Federal Government, or only partly correlated with it (Lhotta 2003, 19–20). As a matter of fact, there are most certainly attempts to block, motivated by party-politics, in the Federal Council (Stüwe 2004, 29). If one believes the media, one gets the impression that blocking is an everyday occurrence in politics. The fact is, however, that no permanent refusal to approve is observable, but rather attempts to influence content by way of cooperative co-governance. As a result, the Federal Council has built a reputation as a consensus institution, rather than one of conflict (Lhotta 2003, 20–21; Stüwe 2004, 30; Federal Council 2013; Federal Council 2017).²¹

Burkhard and Manow modelled the impact of majority relationships in the Federal Council on the strategic interaction orientation of the Federal Government and opposition, and therefore also on the political results, with the help of the auto-limitation theory. They came to the conclusion that majorities, which clearly oppose in the two institutions do not – as a rule – end in open party-political conflict, but rather lead to compromises and considerable political self-restraint from the side of the Federal Government (2006).²² This study points in the same direction.

Looking at the mechanisms for interaction and methods for making decisions in cooperative federalism, it is acknowledged that the majority of modern democracies are categorized as consensus democracies, meaning they display strong elements of negotiation.²³ In the Federal Republic of Germany, special emphasis is placed on the competition between parties and the majority principle. These decision-making patterns are characteristic of competitive democratic systems. Seen from this angle, the Federal Republic could therefore be counted as belonging to the type Westminster democracy, if other institutional decision-making structures were not present, which prevent the will of the majority from being enforced. When it explicitly goes about insisting on consensus decisions, the Federal Council as institutional veto player, plays a very significant role.

In the political system of the Federal Republic, the power of the government is restricted relatively severely. This also explains the categorization of the system as one that is fundamentally a consensus-seeking democracy. Not without good reason, Schmidt speaks of the „Grand Coalition State“ (2002, 58). That is why the opposition can govern via the Federal Council, when the majorities of the two legislative institutions diverge. Characteristic of this political system, is, therefore, linkages between the parliamentary and the federal arena. The logic of the jostling between competing parties, therefore, contradicts the realities of a consensus-democratic, cooperative federalism.

²¹ For example, it can be observed that the Government often gives in to the majority of the Federal Council. Furthermore, the government often manages to break through the phalanx of opposition states with promises. In addition, governments often attempt to dispense with arrangements in legislation, which could justify a need for approval (Stüwe 2004, 29–30).

²² If there are small majorities in the Federal Council, both the Government and opposition try to push through less compromising positions, and speculate on the defeat of the political opponent in a vote, so that the situation can, under certain circumstances, develop in an intensive party-political conflict, maintain Burkhard and Manow (2006).

²³ The capacities of negotiations aimed at finding consensus, are meanwhile rated more positive. Empirical research on democracy has, for example, shown that consensus democracies are, if anything, superior to competitive democracies, since countries with strong negotiation-democratic elements are often very stable, are furthermore capable of strong economic performances, and can attain high levels of social security (Eberlein and Grande 2003, 187).

Both rivalling and cooperative forms are to be found in the decision-making structures of the Federal Government. The interplay between competing parties and consensus connects on the level of the two legislative institutions, whereby there is an inter-exchange between the two forms of interaction (Bräuninger, Geschwend and Shikano 2010, 223–249; see Leunig and Träger 2012b). The two forms stand in a tense relationship, because, on the one hand, the competition between parties make it more difficult to find compromises in negotiations between the Federal Government and federal states. On the other hand, cooperation between Federal Government and state governments weaken the parliaments, and in some circumstances, threaten to torpedo the competition between parties (Benz 2001, 176).

Of significance in this context is the fact that a large part of the legislative proposals (which need approval) is not passed by a majority in the Federal Parliament, but by a coalition of some sorts between the two institutions. Naturally, these negotiations are conducted under the premise of competing parties. But, in reality the process is different. The opposition may conduct itself quasi competitive in the plenary session, and pronounce its opposition to a bill, also when it acted cooperatively in the committee. But, state governments are effectively bound by prior agreements in the Federal Council. Once they have committed to cooperate, they must approve a draft bill. This contradicts the logic of the competing parties, in terms of which the opposition should present itself as the election alternative. A competitive strategy makes a binding cooperation impossible (Benz 2003, 178).

This *modus operandi* does not annul competition between parties. These agreements can be explained by the specific, structural set-up of the negotiation system in the cooperative federal state, despite the existence of a basic orientation to compete (Benz 2003, 178). To name just two institutions, the Federal Government, with its *de facto* dominant position in the legislative process, can define the point of departure (set the agenda) of negotiations, when it initiates legislation. The mediation committee is, for instance, also an arrangement aimed at preventing the failure of legislation. It must, however, be emphasized that longer periods with confrontational majorities are not particularly advantageous for policy-making. Compromises are often agreements based on the smallest common denominator, and negotiations often fail exactly when ambitious programs and laws need to be implemented (Benz 1999, 135–152; Burkhard and Manow 2006).

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FORMULAS OF COHABITATION IN RATIONALISED PARLIAMENTARY SYSTEMS OF GOVERNMENT. THE CASES OF FRANCE AND POLAND

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The paper is devoted to the functioning of politically divided executive power in France and Poland. The author concentrates on constitutional determinants of this phenomenon in contemporary rationalised parliamentary systems of government. He argues that the constitutional structure of dualistic executives and relationships within them influence the emergence of significantly different forms of cohabitation. An important factor is the phenomenon of constitutional flexibility, which is understood as the ability to differentiate the interpretation of the basic law according to existing political contexts. Cohabitation in a strict sense of the word is thus not limited to a political competition for influence, but it also leads to a real change in the functioning of the system of government (the transition from double to single responsibility of the government and at least partial neutralisation of presidential power). The application of the criterion gives rise to strong and weak cohabitation formulas, indicating the basic difference between the two countries.

Key words: cohabitation; dualistic executive power; rationalisation; parliamentary system; France; Poland.

1 INTRODUCTORY REMARKS

The phenomenon of cohabitation (also known as constitutional coexistence – *coexistence constitutionnelle*) is most generally understood as a political configuration in which the dualistic executive branch of government is politically divided (the head of state and the government come from different

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political camps). Hence, the president and the prime minister intend to implement their own electoral promises, which causes open conflicts between them to be very likely. A multifaceted approach to the problem of cohabitation cannot, however, leave aside the constitutional background of the functioning of politically heterogeneous executives. Essential differences in this respect can be seen on the example of countries such as France and Poland. Both states have adopted a model of executive power in which the head of state has not been marginalised. The scope of the strengthening of the French and Polish presidencies in comparison to presidential powers in a pure parliamentary system is not the same, which contributes to the diversity of the phenomenon of cohabitation itself. Thus, the purpose of this paper is to indicate constitutional determinants of politically divided executive power in France and Poland as well as their impact on the existence of two different variants of cohabitation. It can be argued that their distinction is based not only on the dynamic political conditioning of this phenomenon, but also on the scale of its rooting in constitutional provisions. This assumes that the existence of the dualistic executive power linked to the principle of political responsibility of ministers before the parliament only determine the basic structure in which the president and the government come from different political camps, but that is not enough. Such a configuration may, though not necessarily, bring about serious problems with the interpretation of the constitution. Moreover, the problem of cohabitation also requires analysing the phenomenon of constitutional flexibility, understood as the particular vulnerability of the text of the basic law to existing political configurations. If it occurs, the appearance of cohabitation can be regarded as a complete change of the constitutional paradigm, which implies a profound revision of the system of government that is applied in practice. Otherwise, the emergence of such a politically divided executive would consist only in more or less visible rivalry for political influence and, therefore, is not firmly embedded in the institutional structure of the state. In order to use the term 'cohabitation' with regard to its constitutional background, these fundamental structural differences must not be neglected. If such factors are omitted, the functioning of politically heterogeneous executives becomes, despite some typical similarities, in principle incomparable. The solution to this problem may be the aforementioned distinction between the two formulas of cohabitation (a stronger and a weaker one), for which not only the letter of the constitution, but also flexibility of the system of government that results from its provisions is a point of reference.

In the light of the above, a detailed comparative analysis of this issue requires two different research approaches. The first one is based on the premise that the starting point should be the constitutional structure of public authorities. This is the basic component of any system of government, without which dynamic political phenomena taking place in the relations between the most important state organs cannot be properly understood. The impact of non-legal factors, however, is no less important (for example, the relationship between the head of state and the political formation that supports one or both of the executive organs at the parliamentary level). Such a methodological assumption makes it possible to distinguish between a literally interpreted text of the basic law and its significant distortions (if occurs) caused by specific political factors. This in turn affects the flexibility or rigidity of the system of government as seen through the prism of political practice. Taking into consideration the aforementioned types of cohabitation, the existence of such distortions is of crucial importance. Legal and non-legal aspects concerning systems of government are therefore closely linked, so they cannot be discussed separately

from one another.

2 THE PARLIAMENTARY ROOTS OF THE FRENCH SEMI-PRESIDENTIAL SYSTEM

The occurrence of cohabitation is most often associated with the construction of a semi-presidential system of government. One of the characteristics of semi-presidentialism is the existence of two segments of the executive power (the president and the government), as well as the assumption that each of them has the capacity to influence, at least to some extent, the policy of the state. In such a model, the body that by definition needs to have a proper field of action is the government, because the prime minister and other ministers come from a concrete parliamentary majority and are politically responsible to the legislature (the government may be dismissed by a motion of censure). In this respect, the semi-presidential design is similar to that on which each parliamentary system has been built. This cannot be particularly surprising, because semi-presidentialism, as shown by its French variant, came into being as a result of the process of rationalising a parliamentary model. This phenomenon (in its mature form) took place after the Second World War, when the need for a profound reform of parliamentarianism to ensure political stability of the executive became of particular importance. The most burning problem to solve was an answer to the question of creation of a coherent constitutional structure that would stabilise the executive (primarily the government that is politically dependent on the parliament) when there is no stable majority in the legislature to support the cabinet in the long run (Gicquel 1992, 695–696).

Despite the indicated parallel with a parliamentary model, there is, however, a significant difference between semi-presidentialism and parliamentarianism. The first of the regimes does not provide for political neutralisation of the head of state, which is typical for the monistic version of parliamentarianism (*régime parlementaire moniste*) (Turpin 1997, 41–42). In France, its emergence was preceded by the existence of a dualistic parliamentary structure (*régime parlementaire dualiste*) in which the head of state retains a relatively strong position and thus is able to have a permanent impact on ministers. Such a system was formed during the period of the July Monarchy (1830–1848) (Pactet and Mélin-Soucramanien 2007, 271). In turn, the best example of the monistic parliamentarianism was the Third Republic (1875–1940). Despite some attempts at rationalisation, the monistic parliamentarianism was also a point of reference for the system of government adopted in the Fourth Republic (1946–1958). In both cases, the heads of state were elected by the then parliaments, not in universal elections. In addition, the presidents had insufficient powers to exert a significant influence on the direction of state policy. According to the logic of a parliamentary model, they could only serve as political arbitrators interfering in relations between other executive and legislative bodies exclusively in extraordinary situations. In this regard, the presidents had at their disposal mainly soft power (for example, informal influence on the process of government formation after parliamentary elections). As demonstrated by the practice of the Third Republic, this was also due to deliberate abandonment of the application of appropriate constitutional measures. At the beginning of the Third Republic the then president Jules Grévy announced that he would not take any action against the parliament as a representative of a sovereign nation. This statement led to the occurrence of the

so-called *constitution Grévy* (Chagnollaud 2002, 191–192). As a result, the possibility of the dissolution of parliament was completely neglected, even though it belonged to the set of constitutional powers of the head of state.² Thus, the presidency of that time was weaker in practice than on the basis of the constitution. This meant even further neutralisation of the head of state that could not benefit from this basic tool of arbitration between the parliament and the government. In this way, the French system of government began to function in a state of permanent imbalance manifested by unusually frequent falls of cabinets (there were over a hundred governments over a period of almost 70 years before 1940) (Ardant and Mathieu 2014, 315). It is worth noting that from the point of view of the degree of political instability, the situation after 1946 was very similar. In practice of governance, the differences between the Third and the Fourth Republic were hardly visible.³

3 THE PHENOMENON OF CONSTITUTIONAL FLEXIBILITY UNDER THE FRENCH FIFTH REPUBLIC

One of the main objectives of the rationalisation of parliamentarism in France in the late 1950s was a considerable strengthening of the presidency, for example by granting the head of state the right to dissolve the National Assembly without almost any restrictions. In addition, the position of the government in relations with the parliament was then enhanced, which significantly limited the possibility of its overthrow by the legislature.⁴ The wide scope of French rationalisation favoured the treatment of the renewed parliamentary system as a new model of government – a semi-presidential one, in which the head of state is elected by popular suffrage and possesses quite significant powers (Duverger 1986, 7). Hence, nowadays the French system is commonly regarded as a starting point of a semi-presidential construction, although its genetic link to a parliamentary model is particularly prominent. In terms of normative design, some other states seem to better implement the constitutional requirements of semi-presidentialism. This applies especially to those, which explicitly assume double political responsibility of the government – before both the president and the parliament. Such a construction combines some fundamental components of parliamentarism and presidentialism, leading to the creation of a hybrid model.⁵

² This presidential power was regulated in the article 5 of the Act of 25 February 1875 related to the organisation of government (*Loi du 25 février 1875 relative à l'organisation des pouvoirs publics*) (Godechot, Faupin 2006, 332)

³ It is legitimate to believe that the Fourth Republic was a failed attempt to stabilise parliamentarism by introducing some mechanisms for its rationalisation. The head of state was still politically marginalised, so the rationalisation process concerned only links between the government and the parliament (Chantebout 2004, 4–5).

⁴ The simultaneous strengthening of both parts of the executive (the president in relations with the government and the parliament as well as the government in relations with the legislature) has made the range of rationalisation in France much wider than in Germany. In the latter state, the presidency is, as in a monistic model, neutralised. Only relations between the government and the parliament have been rebuilt (the most important element of the German formula of rationalised parliamentarism is a constructive vote of no confidence). The chancellor system of government in Germany is thus much closer to a pure parliamentary model.

⁵ It is worth noting, however, that some approaches to semi-presidentialism do not relate at all to powers of the head of state. For Robert Elgie (2011, 6), the most important structural element that concerns the body comes down to popular presidential elections. The responsibility of the cabinet before the parliament is also taken into consideration. Such a definition can be regarded as exceptionally broad. This in particular may contribute to the blurring of boundaries between semi-presidentialism and parliamentarism.

The relative remoteness of the French system from parliamentarianism was to a much greater extent noticeable in political practice under the constitution of the Fifth Republic adopted in 1958 (Constitution du 4 octobre...). During the political uniformity of the executive (especially after 1962) supported by a stable majority in the National Assembly (and most often in the Senate) the position of the president was much stronger than in the light of the basic law itself. This resulted in the determination of policy by the head of state, which had little to do with the article 20 of the constitution. According to the indicated provision, defining and pursuing state policy is a government task. The president is rather a keystone (*clef de voûte*) of the entire constitutional structure.⁶ Both bodies should function on different levels, which does not necessarily mean that there is a hierarchy between them. For this reason, the actual role of the head of state has begun to go far beyond the letter of the basic law. Under such conditions, the president dominates the whole constitutional system (Ardant and Mathieu 2014, 376). In the case of France, the constitutional factor which may be treated as a starting point for strengthening the position of the president was, firstly, the introduction of universal presidential elections and, secondly, the exemption of some of the head of state's powers from the requirement of countersignature. One of them is the aforementioned right to dissolve the National Assembly (the first chamber) at almost any moment (article 12 of the 1958 constitution), which allows the head of state to influence significantly the electoral calendar.⁷ What is more, according to article 9 of the basic law the head of state chairs the Council of Ministers. The prime minister can only perform this function by way of exception and on the basis of presidential authorisation. It is worth highlighting, however, that these components of the French presidency remain fully consistent with rationalisation of a parliamentary system, without undermining its basic constitutional designs.

What deserves special attention is that shortly after the entry into force of the constitution of the Fifth Republic the principle of responsibility before the parliament was in practice supplemented by responsibility before the president. This has resulted in the creation of double responsibility of ministers, which emphasizes the mixed nature of the French system of government. What is more, during the so-called majority effect (*fait majoritaire*) – the situation in which the two-headed executive and a parliamentary majority represent the same political option – responsibility before the head of state is even more important than responsibility before the parliament, although only the latter is explicitly regulated in the constitution. The limitation of the role of ministerial parliamentary responsibility became visible in the mid-1960s. The then prime minister Georges Pompidou from the Gaullist political camp was the first head of government who deliberately opted out of applying for a vote of confidence in the National Assembly on the basis of article 49 paragraph 1 of the basic law. Although since then other prime ministers have implemented different strategies in this field, it has been held that the support of the parliament does not need to be checked directly after the formation of the government. This leads to the conclusion that although the confidence of the first chamber was

⁶ Such a view was expressed in 1958 by Michel Debré, one of the main authors of the current constitution, during his speech before the Council of State (*Conseil d'État*) delivered a few weeks before the basic law was adopted (Maus 1998, 5).

⁷ For example, in 1981 and 1988 François Mitterrand dissolved the National Assembly to bring forward early parliamentary elections and to avoid having to coexist with the government from opposite political camp (Jakubiak 2013a, 62–64).

treated as a necessary condition for the functioning of the government (otherwise a motion of censure could be passed under article 49 paragraph 2 of the constitution), it did not have to be verified in a formal way, by voting. In practice this point of view has diminished the importance of the primary axis of each parliamentary system of government, which is shaped by the relationship between the cabinet and the legislature (no parliamentary regime exists without the principle of political responsibility of the ministers before the legislative body). At least partial marginalisation of article 49 paragraph 1, which regulates a vote of confidence for the government, has led to the weakening of those features of the French system of government which are directly based on a parliamentary model.

The majority effect, which appeared in 1962 and existed uninterrupted until 1986, was thus based on two main pillars. These are a constitutional reinforcement of the presidency followed by the logic of rationalisation of a parliamentary system as well as a partisan configuration in the parliament, which ensures the politically homogeneous executive power of consistent majority support in the first chamber (possibly also in the second chamber, although this is not a prerequisite for the existence of majority effect). Hence, under the conditions of such a political variant the actual presidential dominance over the government stemmed primarily from the Gaullist vision of the presidency as well as from the presidential party support for the entire executive branch of that time, rather than from the text of the constitution that has been embedded, at least to a large extent, in a parliamentary model. All this leads to the conclusion that such a situation meant a reversed *constitution Grévy*. As noted above, in the case of the Third Republic, the presidency was weaker than it could be in the light of the letter of the constitution of 1875. This lay at the root of the monistic version of parliamentarism. After 1958 there was a real return to the earlier version of the system that is to dualistic parliamentarism, which should be regarded as the original variant of a parliamentary regime. As in the case of the system of government existing before 1940, a departure from the parliamentary architecture became visible. However, its modification in political practice of the first decades of the Fifth Republic went in a completely different direction. The real position of the head of state started to exceed the standard of the presidency based on the concept of a political arbitration resulting directly from the article 5 of the constitution (the president of the Republic as an organ that through his arbitration ensures the proper functioning of public authorities, as well as the continuity of the state).⁸

In view of the above, it can be considered that the emergence of cohabitation (1986–1988, 1993–1995, 1997–2002)⁹ was a kind of political shift within the so-constructed executive power.¹⁰ It should be borne in mind that the current

⁸ Such a constitutional model of the presidential power assumes a strong formula of political arbitration (the president as an active arbitrator that is involved in the activities of other state organs). This vision is reflected in the structure of competencies of the head of state. Arbitrary properties can be attributed to the powers whose implementation does not require countersignature.

⁹ The function of the prime minister during the periods of cohabitation was fulfilled, respectively, by Jacques Chirac, Édouard Balladur (both representing the centre-right camp) and Lionel Jospin (the left-wing camp), who had to co-exist with presidents François Mitterrand (twice) and Chirac. It is worth noting that Chirac is the only French politician who experienced cohabitation as both the head of government and the head of state.

¹⁰ It is worth mentioning that all three periods of cohabitation began in France after parliamentary elections, not after presidential ones. The heads of state had to adjust to the outcome of the elections held during presidential terms. As von Beyme (2000, 111) noted

French constitution creates two strong segments of the executive power, which are entrusted with distinctly different roles. However, due to the fact that both parts of the executive branch are relatively balanced at the constitutional level, it is possible to create different political configurations that influenced the real position of the president and the government. What is more, the radical change that was linked to the occurrence of cohabitation also stemmed from the aforementioned reversed *constitution Grévy*. The phenomenon of cohabitation was supposed to be a 'return to the letter of the constitution' (*un retour à la lettre de la constitution*). Since this was not fully applied in practice before 1986, when the first two-year rivalry within the executive began, the political transformation had to affect the interpretation of the basic law. First and foremost, this relates to article 5 and article 20, which regained – due to the emergence of politically divided executive – their literal meaning (Conac and Luchaire 1989, 9–10). The basis for activity of the head of state in such conditions is primarily the content of the constitution. However, the return to its letter was not complete. Despite the existence of cohabitation, the president could still significantly influence foreign affairs and defence matters, although the task of defining and pursuing state policy as such has been entrusted solely to the government (Cohendet 1999, 46–49; Jakubiak 2013b, 203–208). Thus, the occurrence of cohabitation led to a new division of powers within the executive. It can be said that the analysed phenomenon is very firmly rooted in the constitutional provisions concerning the system of government. This kind of political coexistence had an essential impact on the interpretation of the constitution itself. What is important is that the constitutional provisions shaping the French regime were used before 1986 in line with the strongly pro-presidential interpretation of the basic law that had to be fundamentally changed due to political circumstances.

As a result, majority effect perceived through the prism of its implications for relations within the executive power constituted the basis of cohabitation understood as a radical change of the governance model. The appearance of a politically heterogeneous executive meant thus at least temporary reparliamentarisation of the Fifth Republic. As demonstrated by political practice, each of the three periods of cohabitation, irrespective of its sharper or milder course, led to the same result, namely the reduction of double responsibility of the government to solely parliamentary one, as stated by the constitution itself. What needs to be emphasized is that article 49 paragraph 1 gained much more importance than in the conditions of majority effect. Each of the three prime ministers in the periods of cohabitation decided to verify the confidence of the first chamber (and of the second chamber, but only on condition that there existed a pro-governmental majority in the body) (Debbasch 2004, 289–291). Such a strategy should not be surprising because the specificity of reparliamentarisation under cohabitation consisted in the fact that the prime ministers gained real political autonomy, which the organ had been deprived of under the conditions of majority effect. It turned out that the president could not force the head of government to resign, and the latter used parliamentary support to improve his position vis-a-vis the head of state. Despite only temporary effects of cohabitation, the coexistence of presidents and prime ministers from various political camps has greatly altered the true face of the French system of government. *Summa summarum*, the constitution could finally be applied in practice, because its pro-parliamentary (and thus

„different electoral cycles for presidents and parliaments can thus reinforce structurally in built conflicts in a hybrid system. The longer the term of a president the more likely it is that the American 'mid-term election effect' will happen”.

pro-governmental) interpretation was much closer to the letter of the act. It also proves that the constitution itself is exceptionally flexible, which means not only the ability to function in various political configurations, but also the ability of the executive organs to perform different political roles: either the president as a political leader and the prime minister as his subordinate, or the president as an arbitrator and the prime minister as the head of government that defines, at least to a large extent, state policy.

4 THE SPECIFICS OF THE EXECUTIVE POWER IN THE POLISH PARLIAMENTARY SYSTEM

Taking into consideration the current constitution of Poland, which has been applied since 1997 (*Konstytucja Rzeczypospolitej...*), it can be stated that the head of state has no significant opportunities to influence the government on a permanent basis. This problem is best seen if the chairmanship of the Council of Ministers is taken into account. In Poland, a standard design has been adopted, according to which the prime minister, not the head of state, directs government meetings. In the light of article 141 paragraph 1 of the constitution, the president has only the right to convene the Cabinet Council (*Rada Gabinetowa*) and preside over its deliberations. The body consists of members of the Council of Ministers (*Rada Ministrów*) but does not have the powers that have been granted to the latter body. It shows that the head of state does not possess a channel of direct influence on the government, which could be used constantly. The prime minister and ministers are thus quite distant from the president. In addition, the Polish president does not have many competencies to enable active political arbitration. In this context, the dissolution of parliament deserves special attention. Although the use of this power does not require countersignature of a member of the cabinet, the president may dissolve the Sejm (the first chamber) only in certain strictly defined situations (article 98 paragraph 4, article 144, article 155 paragraph 2, article 225). Similar limitations of the presidential role within the entire institutional structure applies to other competencies of this body. As a result, although the scope of exemptions from countersignature is large (the so-called prerogatives), it is not a factor that would actually strengthen the position of the presidency under the basic law.¹¹ All this can be regarded as one of the factors that cause the principle of political responsibility in Poland to be limited, in accordance with the letter of the 1997 constitution, to responsibility before the parliament. Regardless of political configuration, the head of state is not in a position to change the prime minister and other ministers in line with his own expectations. The president, even though this body is elected by universal suffrage, is simply too weak for responsibility of the government before the president to be formed informally. This results in a relatively small vulnerability of the constitutional text to distortions caused by various political contexts.

¹¹ In accordance with the rules of each parliamentary system, countersignature is rather designed as an instrument that restricts the head of state. Therefore, the president cannot act without taking into account the point of view of government members. On the other hand, the Polish example demonstrates that the head of state can also be limited in a manner that results from pure procedural nature of the competencies that do not require such a cooperation of the prime minister or ministers. Regardless of the scope and importance of countersignature, its existence proves that the adopted system of government is based, at least to some extent, on a parliamentary model. It also points to the need to coordinate activities of the president and of the prime minister (Grzybowski 2005, 27).

There is no doubt that in the light of the 1997 constitution the government headed by the prime minister is the central component within the executive branch. It should be noted that in comparison with the current constitution of Poland, more similarities to a semi-presidential architecture were demonstrated by the previous constitutional act, the Small Constitution of 1992 (Ustawa Konstytucyjna...). The main goal of the basic law was to define the rules and more specific provisions concerning the system of government. The influence of the president on the course of work of the Council of Ministers was then greater than at present (Grzybowski 1999, 145–146). The stronger position of the head of state was also demonstrated by his direct impact on the appointment of some ministers (foreign affairs, home affairs and national defence). This was, however, mainly a result of the president's activism. The letter of the constitution (according to the act, the presidential influence was only non-binding) did not play a key role in it. Anyway, this shows that the head of state was not politically marginalised (Grzybowski 1999, 145; Glajcar 2006, 119–121). The basic law adopted five years later has resigned from earlier references to a semi-presidential construction. This was achieved by strengthening the head of government. On the basis of the 1997 constitution the prime minister is able to change the composition of the government in an independent manner, thus without taking into account the point of view of the president (Nikolenyi 2014, 168). The head of government is also more powerful in relations with the parliament, as evidenced by the fact that, like in the German chancellor system, the constructive vote of no confidence (article 158 of the 1997 basic law) is the only mechanism that allows the legislature to overthrow the whole cabinet (however, there is still individual political responsibility of ministers before the parliament regulated in article 159). At present, the Polish system of government can thus be defined as a parliamentary one with a strengthened position of the prime minister. The latter component can be regarded as one of the most characteristic manifestations of the Polish structure of rationalised parliamentarianism (Szymanek 2012, 150–152). It even resembles, to a large extent, a prime-ministerial model as a subtype of a parliamentary regime. Despite the fact that some elements of enhanced presidency (first of all, popular presidential elections) have been maintained, this does not change the fundamental constitutional structure, which is based on the most important mechanism of each parliamentary system of government, that is political responsibility of ministers to at least one chamber of the legislature, whereas the head of state has no direct influence on the day-to-day functioning of the cabinet.

5 THE RELATIVE RIGIDITY OF THE SYSTEM OF GOVERNMENT UNDER THE POLISH BASIC LAW

It can be stated that in the Polish political practice the phenomenon of majority effect which is based on the significantly reinforced presidency resulting from the configuration of politically homogeneous executive power does not occur. In particular, the current constitution does not create sufficient institutional conditions for the implementation, alternately, of completely different systemic variants. The practice of applying the 1997 basic law seems to confirm this view. The situation in which the president, the government and a parliamentary majority come from the same political camp does not lead in Poland to considerable enhancement of the role of the president, which would mean his dominance over the prime minister and other ministers. This is demonstrated by the relatively passive presidency of Bronisław Komorowski during the

period of the Civic Platform (*Platforma Obywatelska*, PO) government in 2010–2015. The same applies to Andrzej Duda in the period after the parliamentary elections of 2015, in which the Law and Justice (*Prawo i Sprawiedliwość*, PiS) and its smaller allies won an absolute majority of seats in the Sejm. In both cases, the dependence of the head of state on the political party, which helped to win the presidential elections in the years 2010 and 2015, may be described as a characteristic feature of the Polish political practice. Thus, the ruling party, which provides political support to the president, is not subordinated to him (the latter is much weaker than the party leadership). It can be stated that, generally speaking, the role of such a political formation does not have much in common with contributing to the implementation of the electoral programme formulated by the head of state. It is rather expected from the president to facilitate, for example by signing laws coming from the legislature, the implementation of policies determined within the ruling camp concentrated around the government as the body with the most effective legal tools for political action.

The absence, during periods of political homogeneity of the executive branch, of the definitely reinforced presidency, which goes far beyond the letter of the constitution, causes that in Poland there is also no political shift within the executive after the change of political configuration. Such rigidity of the constitution means that there are no remarkable departures from the constitution and, therefore, no returns to its letter. It should be stressed that, regardless of political circumstances, the Polish basic law is applied in a relatively homogeneous way. Obviously, differences between various periods of application of the constitution occur, but they relate rather to secondary issues like the style of presidency than to such fundamental problems as the emergence of actual political responsibility of the government before the head of state. The lack of radical changes in the functioning of the system of government was observed when the executive power became, as a result of electoral procedures, politically divided. Under the 1997 constitution, such a situation occurred in Poland three times (1997–2001, 2007–2010, 2015) during the term of office of such presidents as Aleksander Kwaśniewski, Lech Kaczyński and Andrzej Duda.¹² In the first two cases, the political division of the executive was caused by parliamentary elections that took place in the middle of five-year presidential terms. The last such period lasted a very short time. It began after the presidential election in which the then head of state Bronisław Komorowski (supported by PO) was defeated in the second round. In turn, according to the electoral calendar, parliamentary elections were to take place only in the autumn of 2015. In the latter case, the emergence of cohabitation was linked, inter alia, to the lack of a possibility of dissolving the legislature as an instrument allowing for a quick adjustment of the existing political configuration to the expectations of the political camp represented by the newly elected head of state.

It should be stressed that each of the aforementioned periods was accompanied by some political tension. As regards the interpretation of constitutional provisions, the years 2007–2010 were the most important. The then president

¹² A transitional period in 2005 should also be mentioned. The PiS won the parliamentary elections in September, and Aleksander Kwaśniewski from the left-wing camp was still holding the office of the president (only for a few weeks after the establishment of the cabinet because in December Lech Kaczyński, who won the presidential elections in October, took over the presidency). However, at the end of the second term (2000–2005) Kwaśniewski no longer had social legitimacy to compete with a new centre-right government.

Kaczyński sought to increase the activism of the head of state in certain areas, primarily in foreign policy. The division of powers in this field between the two segments of the executive power was even considered by the Constitutional Tribunal. The dispute concerned the Polish representation in the European Council. The pro-presidential interpretation of the relevant provisions of the basic law was then generally questioned, but as for the relationship between the president and the prime minister the court stressed the obligation of these authorities to cooperate with each other (Chorażewska 2010, 48–49). Also, other periods in which the head of state came from an opposition party were characterized by more or less visible conflicts within the executive branch. In turn, under conditions of politically homogeneous executive power such situations are rare. This can be explained, at least to some extent, by the aforementioned dependence of the presidents on their own political parties, as illustrated by Komorowski's presidency. Maintaining the support of the camp which contributed significantly to the taking over of the presidential office is particularly important for heads of state seeking re-election. The presidents holding office during political uniformity of the executive do not even choose to attempt to dominate the government. Anyway, it all comes down to the fact that there is no sufficient constitutional basis for an offensive presidential strategy (however, some heads of state try to build their own position based on at least partial political autonomy within the executive power). On the other hand, the scale of political rivalry does not have to be particularly high even in the conditions of politically divided executive power. This is illustrated by the period 1997–2001 and the coexistence of the left-wing president Kwaśniewski and the centre-right prime minister Jerzy Buzek (Glajcar 2015, 462; Sula, Szumigalska 2013, 115–116).

In light of the above, it can be concluded that relations within the executive branch in Poland contain an important element of internal dynamics, which is conditioned mainly by specific political issues and personality factors including the style of presidency (Dziemidok-Olszewska 2010, 84–85). What needs to be pointed out is that the emergence of politically divided executive power and its return to homogeneity has never led to a radical redesign of the institutional links within the entire system of government. Political responsibility of the government should be a key point in this respect. The principle according to which the government is politically responsible exclusively to the parliament has been applied without exception. The practice of governance under the 1997 constitution has thus failed to provide examples of the transition from double responsibility to individual one and vice versa. It should be noted that the Polish system of government has still functioned within the framework of a traditional parliamentary model, which assumes a more or less restricted position of the head of state. The occurrence in Poland of majority effect and cohabitation does not therefore result in evident presidentialisation or parliamentarisation of the mechanisms of exercising power which would mean far-reaching, though temporary, redevelopment of the system of government, depending on a variety of political factors. It turns out that each of the executive organs operates within relatively stable systemic roles, and a change of political configuration does not exert a significant influence on them.

6 FINAL REMARKS

The most important common denominator of the French and Polish fundamental laws is that both systems of government have been based on a

broadly understood parliamentary model. The executive power is therefore dualistic, and the constitutional role of the head of state remains closely linked to the notion of political arbitration. In accordance with the requirements of parliamentarism, in both states the government bear political responsibility before the parliament (both in France and in Poland only before the first chamber). The authors of these constitutions have referred to parliamentarism in its rationalised formula, which is, in fact, a typical feature of any contemporary application of this model. However, the most significant difference between the French and the Polish variant of the rationalisation is that in Poland the process has been carried out in a moderate way, which has led to only slight deviation from the patterns of a pure parliamentary model and thus blocked the possibility of far-reaching presidentialisation of the regime. In turn, the French version of this process was much more advanced, which (combined with non-constitutional factors) has contributed to the creation of a semi-presidential system based on a variable institutional logic. This difference can be seen primarily through the prism of the constitutional status of the president. The Polish head of state does not have the most important tools to interfere with the activities of other bodies (for example, the right to dissolve the legislature regardless of political circumstances). This prevents him from controlling the electoral calendar. Although the position of the head of state in Poland is strengthened in comparison with the fully neutralised presidency in monistic parliamentarism, it is still clearly limited and does not go far beyond a conventional parliamentary model. This certainly affects the relationship with the government. The 1997 basic law does not establish such a field for permanent conflicts between the head of state and the head of government as the French constitution does (for example, due to differences in leadership during Council of Ministers meetings). Of course, such conflicts can always occur within the framework of the dualistic executive branch in which the head of state has not been completely deprived of the influence on the process of governance, but in Poland this is not (contrary to the opinions expressed by some Polish politicians or commentators on political events) a basic structural problem of the present constitution. All of this affects the level and scale of political rivalry within the system of government.

Hence, the head of state in Poland, although in practice the organ may be politically active, cannot be easily compared to the president of France. It should be borne in mind that the principle of double political responsibility of the government is one of the most important components of the French formula of semi-presidentialism (formal responsibility to the parliament irrespective of existing political configurations and informal responsibility to the president under conditions of majority effect). In Poland, this mechanism does not exist, which proves that there are, despite some basic similarities such as the structure of the executive power, fundamental differences relating to practical application of both constitutional systems. Under the constitution of the French Fifth Republic cohabitation and its opposite, that is majority effect, have thus a much richer content than in Poland. Apart from purely political and personality factors, far-reaching reinterpretation of the basic law also counts. This is the best proof of the lability of the French semi-presidential constitutional architecture. Due to the far-reaching strengthening of the presidency, which does not have clear foundations in the constitution (it is even contrary to its letter), the phenomenon of cohabitation can be seen as an alternative political model in which some of the principles adopted in practice cease to exist. All this gives rise to the conclusion that in France there is a strong version of cohabitation (cohabitation *sensu stricto*), which is not restricted to political

rivalry within the executive branch. In turn, in the case of Poland cohabitation is of a limited character and cannot be treated in the same way as the French formula of this phenomenon. Under such circumstances, it is only justified to regard politically heterogeneous executive power through the prism of cohabitation in a weak version (cohabitation *sensu largo*). For its existence no particular constitutional basis is required. In fact, only the dualistic construction of the executive branch is sufficient to create such an institutional framework. Universal and direct presidential elections are an important but rather complementary component of the required institutional structure. This electoral procedure allows the head of state to function fully independently of the parliament and thereby to maintain – at least from a formal point of view – a certain degree of autonomy vis-à-vis other organs.

Cohabitation *sensu largo*, which occasionally emerges in the Polish political system, need not be susceptible to varying effects depending on political configurations. The phenomenon is then very superficial. There may even be doubts whether the use of the notion ‘cohabitation’ is in this case indeed justified. It seems that this can only be accepted if the coexistence of the president and the government from various political camps is analysed in a way that takes into account the two forms of cohabitation between which there are significant differences. A criterion that distinguishes them is linked directly to admissibility (or not) of a principal reinterpretation of the constitutional text. It deserves to be emphasized that the French version of cohabitation can be regarded as a full form of this phenomenon. In this case, there is a factor that in the Polish model of rationalised parliamentarism under the 1997 constitution has never played an important role, that is profound presidentialisation of the system of government which can be quite effectively neutralised due to the occurrence of cohabitation. The lack of similar reinforcement of the presidential power and, as a result, of its neutralisation after the emergence of politically divided executive branch is clearly visible. It should be highlighted that such neutralisation of the presidentialised variant of semi-presidentialism means much more than the existence of situational political disputes, even those whose background is determined – as in the case of the conflict between the president and the prime minister in Poland concerning the representation in the European Council – by the interpretation of certain constitutional provisions. Taking it into consideration, it is legitimate to believe that the Polish system of government remains much more rigid than its French counterpart. If, therefore, in the case of Poland after 1997 the term cohabitation can be used in a right way, it must be borne in mind that its formula was completely different from the French one. All this demonstrates that the very existence of dualistic executives consisting of the president chosen in universal elections and the government which is politically responsible before the parliament is not enough to ensure the emergence of such a formula of cohabitation that would cause a fundamental reconstruction of relations between the legislative and executive organs, as well as within the latter branch of government.

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WHY WAS 'COMMUNISM BETTER'? RE-THINKING INEQUALITY AND THE COMMUNIST NOSTALGIA IN CENTRAL EUROPE

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More than twenty years after the fall of the Soviet Union, Central Europeans are past their transitions and have well-functioning economies. Yet, judging by their lingering communist nostalgia, they have failed to notice. Neo-liberal economists argue that transition results in higher inequality, and that economic liberalization widens the gap between the losers and the winners. Through a comparative analysis of Czechoslovakia and Slovakia, this article suggests that it is not inequality per se but a perception of inequality – whether accurate or skewed – that may aggravate domestic tensions in post-communist Central Europe. I propose two factors through which such perception may arise: 1) the nature of domestic political institutions, and 2) the growth of information and communication technology associated with globalization.

Key words: Central Europe; transition; communist nostalgia; inequality; institutions; globalization.

1 INTRODUCTION

In the early 1990s a wave of nostalgia swept across post-communist Europe. As economic hardship, cultural displacement and political turmoil overshadowed the excitement from newly re-acquired political freedoms, “communism was better” echoed from Prague to Bucharest to Moscow (Boyer 2010, 17). As of today, most of the former Soviet republics and satellites are past their transitions and have well-established, functioning capitalist systems. Their economies have grown, the standard of living has increased and, in some countries, the purchasing power has about tripled (Statistický Úrad SR 2015). Yet, European voices nostalgically reminiscing on the communist past have not

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ceased (Pew Research Center 2009; see also Pew Research Center 2011; Masci 2017). Why, despite improved economic conditions, do the citizens of post-communist Europe believe that they are now economically worse off than they were during the Soviet regime?

From the prevailing neo-liberal perspective, transition is expected to diminish incomes, increase poverty and inequality, and bring widespread unemployment, all of which is likely to culminate in public disillusionment with the new, democratic regimes (Milanovic 1998, 6–11). However, although applicable to Europe's transitional years, these economic justifications come short of explaining the discontent during the post-transitional period of economic boom and relatively low income inequality in some Central European states (World Bank 2014). Therefore, this article has two main objectives. The first is to suggest an alternative explanation behind the occurrence of European communist nostalgia, and particularly the second wave in the 2000s. Twenty-five years ago, the post-communist transformation was only one of the three major processes that shaped Europe – along with globalization and technological innovation (Kolodko 2003, 5–6). The impacts of these global forces on the presence of the communist nostalgia need to be assessed in conjunction with the post-communist transformation.

Some causal links between globalization and domestic public discontent can be found in the exiting literature (Rodrik 1997, 2011; Stiglitz 2002). These studies emphasize the role of inequality in domestic social tensions. However, I argue that inequality is unlikely to cause tensions if it is hidden from the public eye. It is more likely that *perceptions* of inequality play a more important role in public discontent. Since public perceptions are difficult to measure (Perla 2011), I focus on factors that may or may not enable certain perceptions to appear and spread. An examination of two cases – former Czechoslovakia and one of its remnant states, Slovakia – reveals two likely factors: 1) the nature of domestic political institutions, and 2) the growth of and increased access to information and communication technology, relatively unrestricted by democratic institutions.

Therefore, the second objective of this article is to highlight the role that domestic political institutions play in shaping public perceptions. The existing studies of the communist nostalgia (Boym 1995; Creed 2010; Todorova 2010; Gherhina and Klymenko 2012) do not offer such institutional perspective. Furthermore, although the literature on domestic political institutions is vast, the ability of these institutions to mold people's perception has not been studied or emphasized enough (Hall and Taylor 1996; Franicevic 2004). Such ability can be discussed beyond the context of European communist nostalgia.

I unfold my arguments in the following five sections. First, I provide an overview of the communist nostalgia that occurred in Europe in the 1990s and the 2000s. I focus on the definition of the phenomenon, its manifestations and the prevailing explanations of its roots. I then suggest an alternative explanation for its occurrence. I discuss some possible links between domestic political institutions, the proliferation of information and telecommunications technology, public perception of inequality, and domestic stability. The last section contains concluding remarks as well as some broader implications of my arguments. This article is not meant to present a full-fledged theory of the communist nostalgia; instead, it is a plausibility probe meant to inspire further scholarly discussion.

2 EUROPE'S COMMUNIST NOSTALGIA

The communist nostalgia has been evident among the populations of both the former Soviet republics and the Soviet satellites in the 1990s as well as the 2000s (Haerpfer 2002; Ekman and Linde 2005; White et al. 2005; Wike 2010; Dragomir 2011; Gherghina and Klymenko 2012). What is this nostalgia? How has it been manifested, and why is it still echoing across Europe?

In general, nostalgia is understood as a type of memory, a re-creation of the past that goes beyond mere recollection (Wilson 2005; Creed 2010). Normally, nostalgia has an emotional basis, but as Ekman and Linde (2005, 356) show, the concept goes beyond “a mere sentimental longing for the good old days”; it has political, ideological, socio-economic and personal dimensions. Feelings, memories, experiences, and worldviews influence personal assessments of the new situation as compared to the old one (Boym 1995, 151). Communist nostalgia in particular is based on selective images of the past and retrospective evaluations of life under communism as compared to post-communist (often) socio-economic situation (Ekman and Linde 2005, 357). It has two general characteristics: public discontent with democracy and concurrent public longing for communism. For example, in Poland, the ‘good old days’ of communism were those of stable jobs, financial security, free medical care, social cohesion and the “culture of equality” where the weakest and the poorest were not left behind in the race to prosperity (Esche et al.). The Czechs long for lower food and gas prices, equal wages, stable employment as well as less waste, and fewer accidents and disasters (Lysonek et al. 2009). The Slovaks believe, among other things, that the prices of commodities were lower during communism (Novy Cas 2009; Odkladal 2014). Many of these feelings and memories of the ‘good old times’ have been proven inaccurate (Netik and Kovalik 2008; Odkladal 2014). This disparity between the socio-economic reality and public perception is particularly apparent when comparing the two waves of nostalgia – in the 1990s and the 2000s.

In the 1990s, most of the post-communist countries in Europe experienced shocks to their economic and social well-being (Henderson and Robinson 1997; Berend 2007). The first wave of disillusionment with the new regime and the longing for the old one was therefore not surprising. Common characteristics of post-communist European states included poor economic performance, a rise in inequality, privatization through which many former communist elites pillaged the formerly state-owned assets, fees for previously free government-provided services, a rise in unemployment, organized crime and poverty, spread of alcoholism and drug abuse (Milanovic 1998, 40–59; Vassilev 2011).

However, the economies of most of the post-communist European states have now reached the level of development comparable to the Western countries (Shleifer and Treisman 2014). Economic progress, compared to the communist years, is apparent. Between 1998 and 2003, there was a resurgence of growth, an increase in real wages, and a significant decline in poverty among the countries of transitional Europe (World Bank 2005). Throughout the 2000s, people’s living standards have increased. Inequality levels that initially shot up in the 1990s have been stabilized, and are now considered to be lower than in other comparable economies (Shleifer and Treisman 2014). Given the improvements in social and economic well-being of Europe’s post-Soviet states,

the presence of the communist nostalgia in the 2000s is puzzling. Some scholars have attempted to shed light on the roots of this phenomenon.

Some sociological studies suggest that transition causes a “trauma of deindustrialization” (Todorova 2010, 5). The collapse of totalitarian states created social vacuum in post-Soviet Europe where the new regime was blamed for the harshness of the new conditions, while the old regime was mourned (Creed 2010). Nostalgia for the past is then seen as a way of reaching backward and seeking to find the lost balance (Boym 1995, 150). Others argue that the root of the nostalgia is the initial socialization of people into a particular political culture and identity (Gherghina and Klymenko 2012). During the decades spent under the communist regime, individuals formed certain values and orientations within a specific institutional and social setting. These entrenched attitudes, formed over long periods of time, are difficult to dislodge. The nostalgia is thus less about people’s negative feelings toward the new regime and its shortcomings, and more about a strong identification with the past regime and its values. These sociological explanations, however, fail to clarify why the ‘good old times’ of communism are discussed and scrutinized predominantly in terms of socio-economic well-being (Gherghina 2010; Farghali 2013).

Neo-liberal economists argue that transition increases social costs and results in lower incomes, higher inequality, greater unemployment and subsequent social discontent (Milanovic 1998; Holscher 1999). Overall, inequality has been associated with the communist nostalgia quite prominently, with some scholars arguing that increases in inequality in the post-Soviet period are “the strongest determinant of change in the vote for Communist parties” (Uslaner 2010, 113). Growth in inequality has been linked to the major global forces of the 1990s: trade liberalization, marketization and globalization (Hurrell and Woods 1999; Stiglitz 2002; Rodrik 2011). Yet, these forces’ sustained negative effects on income inequality can only cause public discontent if the public is aware of the existing social disparities. As I argue in the next section, domestic political institutions may have a crucial role in both creation and maintenance of public perception of inequality.

3 PERCEPTION OF INEQUALITY IN POST-COMMUNIST EUROPE: SOME THEORETICAL PROPOSITIONS

In post-communist Europe, increases in inequality and poverty have gone hand in hand, putting pressure on transitional governments (Franicevic 2004, 221). Accordingly, as discussed earlier, rising inequality has been linked to domestic destabilization as well as the communist nostalgia. However, inequality in some Central European states rose only marginally at the onset of transition in the 1990s, and then stabilized at relatively low levels toward the end of the first decade of the 2000s. How then can inequality be linked to growing discontent in these states? Among the countries of transitional Europe Slovakia best illustrates this puzzle.

As seen in Table 1, Slovakia was the only country in post-communist Europe where inequality actually decreased in the early 1990s. In all other countries, we see a leap in inequality, from a marginal increase in Central Europe (Poland, Hungary) to more than a two-fold increase in Eastern Europe (Russia, Ukraine). Yet, the voices dissatisfied with the new regime and longing for the old one

were equally present in Slovakia as anywhere else in post-communist Europe. These voices not only prevailed but kept getting louder over the next decade, in which Slovakia saw economic growth so rapid that it earned the small country a nickname ‘the Tatra Tiger’ (Pravda 2008). Furthermore, the peak inequality under the Czechoslovak communist regime was in fact higher than inequality in transitional and post-transitional Slovakia (Gerbery 2010; Kahanec et al. 2012, 11). Nowadays, Slovakia boasts one of the lowest levels of inequality among the EU member states (Gerbery 2010, 26). I posit that misperceptions of the ordinary Slovaks may be in large part responsible for this empirical puzzle.

TABLE 1: INEQUALITY IN (POST)-COMMUNIST EUROPE, MEASURED WITH GINI, 1987-2014

	Country (Europe)	GINI					
		87-88	93-95	96-99	00-05	06-11	12-14
Soviet Republics	Belarus	23	28	28	28 to 27	28 to 27	27
	Estonia	23	35	38	36 to 34	34 to 33	33 to 36
	Latvia	23	31	32 to 34	35	36	35 or 36
	Lithuania	23	37	32	32 to 35	34 to 33	32 to 35
	Moldova	24	36	37 to 42	38 to 36	35 to 31	29 to 27
	Russia	24	48	46 to 37	40 to 38	39 to 40	No data
	Ukraine	23	47	35 to 29	29	30 to 25	25 to 24
Soviet Satellite States	Albania	No data	No data	No data	32	30 to 29	29
	Bulgaria	23	34	26	34 to 29	28 to 34	34 to 35
	Czech Republic (former Czechoslovakia)	19	27	23 to 24	24 to 25	24	25
	Hungary	21	23	26 to 28	27 to 30	28	29
	Poland	26	28	32 to 33	33 to 35	34	30
	Romania	23	29	29	29 to 30	31 to 27	34 to 35
	Slovakia (former Czechoslovakia)	20	19	25 to 24	24 to 26	28 to 25	25

Note: The ranges in GINI represent the changes for the respective time period. The data for 1987-1995 are from Milanovic (1998, 41). The data for 1996-2014 come from the World Bank, OECD Income Distribution Database, European Commission’s Eurostat, and Kahanec et al. (2012, 9-13).

Perceptions, or interpretations of reality, determine the world we live in. (Mis)perceptions have an important place in domestic and international politics; they have been shown to affect actions of policy-makers, including decisions concerning war and peace (Jervis 1968; Post 1991). (Mis)perceptions also affect ideas, choices and actions of ordinary people, and consequently, their participation in public life as well as their views of public institutions (Francicevic 2004, 224). Perceptions about one’s own socio-economic well-being are based on subjective comparisons with others (as well as with past experiences and/or future expectations) (Francicevic 2004, 226; Alam et al. 2005, 15). How do these perceptions arise? And what are the mechanisms through which perceptions of inequality may spread?

Here I focus on the creation of the perception of the ‘good old times’ of communism and particularly as it relates to socio-economic (in)equality. I argue that political institutions may play an important role in this process – whether directly, through specific policies, or indirectly, through enabling the environment in which certain perceptions may take hold easier than others. Specifically, messages that the public receives through the media and other means of mass communication have a significant effect on public opinion (Perla 2011). In the context of post-communist Europe, the perception of inequality is likely to arise, spread and persist due to two main factors: 1) the enabling characteristics of democratic political institutions, and 2) a massive growth in access to and the use of information and communication technology.

In general, institutions are legal and regulatory frameworks that reduce transaction costs and uncertainty, provide information, set standards of behaviour, facilitate communication and induce compliance with the set rules

(Hall and Taylor 1996). In domestic politics, institutions channel voters' interests both domestically and internationally; they either concentrate or diffuse authority (Weaver and Rockman 1993; Harrison and Sundstrom 2007). Domestic political institutions, however, are also capable of shaping human perception; they can construct and reconstruct inter-group relationships in a relatively short period of time (Dumitru and Johnson 2011). It is therefore conceivable that the state, and particularly a certain type of state's domestic political institutions, can shape public perceptions of inequality. The radical institutional transformation in post-communist Europe draws particular attention to the role of democratic vs. non-democratic institutions in shaping popular perceptions. An examination of communist Czechoslovakia and its totalitarian practices suggests that the perception of inequality is more likely to arise among the citizens of democratic than non-democratic states.

4 NON-DEMOCRATIC INSTITUTIONS AND PUBLIC PERCEPTION: CONTROL, COERCION AND PROPAGANDA IN COMMUNIST CZECHOSLOVAKIA

Czechoslovakia's communist regime was one of the most authoritarian regimes of the Soviet bloc (Zavacka 2004). When the communists took power in Czechoslovakia in February 1948, the existing pluralistic system morphed into the monopoly of power of the Czechoslovak Communist Party. The Party became the sole authority with unlimited political power and control over the national ideology, which was ruthlessly enforced (Koleckova 2010, 18). Czechoslovakia's earlier economic successes² faded under the Soviet rule. Between 1949 and 1989, the Party exerted absolute control of the national economy; it suppressed market mechanisms, established a single-sector economy, and began the Soviet system of planning (Prucha 1995, 63). Heavy industry was prioritized and, one-sided external economic relations were maintained (with the USSR and the members of the Council for Mutual Economic Assistance) (Evanson 1985, 249). On one hand, the socialist system resulted in a high rate of employment. On the other hand, it caused a long-term internal economic disequilibrium, with a decreased standard of living, chronic scarcity, and soaring prices of consumer goods (Smith 1998).

Yet, in accordance with the communist ideal, Czechoslovakia supposedly boasted one of the highest rates of income equality in the world (Sojka 2003, 64). Wages were centrally determined and strictly controlled, with mechanisms in place that prevented large increases in wage disparities among groups. High upward social mobility and non-exclusive elites made it possible for many proletarians to occupy bureaucratic and leadership posts, which contributed to an overall egalitarian image of Czechoslovakia (Evanson 1985, 225). In reality, however, the distribution of incomes was linked to party privileges, and there was a flourishing black market and considerable hidden unemployment due to the inefficient use of labour (Sojka 2003). Yet, the ideal of equality was broadly voiced and reinforced through propaganda, used as a means of both control and coercion (Kaplan and Tomasek 1994, 50).

² Among its Central European neighbours, Czechoslovakia was viewed as "an island of stability"; it was one of the ten most industrially developed countries in the world until the communists established a Czechoslovak totalitarian regime. See Prucha (1995, 41).

In the beginnings of the Czechoslovak communist regime, in the so-called era of normalization, the communists put large effort into developing widespread, far-reaching ideological apparatus, which they wanted to use to gain maximum control over political, cultural and social life in Czechoslovakia. The government's objective was twofold: to ensure the society's material well-being, and to eliminate material and social inequality (viewed as unjust and harmful) even through force, restrictions or limitation/destruction of personal freedoms (Joch 2006). The Czechoslovak Communist Party vehemently promoted socialist values, including "utopian concepts of equality, unity, and brotherhood" (Velkova 2013; Pancheva-Kirkova 2013). Through the national broadcast, newspaper and television, the Party disseminated brochures and various information materials with ideological themes.³ The means of communication were also used to control the population and isolate it from the West (Kaplan and Tomasek 1994, 50-62). For example, the Czechoslovak national broadcast established a system of "radio-defence" against external (i.e., Western) broadcasting (Behal). Furthermore, in an attempt to prevent Western values from seeping in, the communists gradually eliminated social organizations (especially those headquartered in the West such as the YMCA) and university student groups (Kaplan and Palecek 2003, 18-19).

Aside from their everyday lives being subjected to strict government control, the Czechoslovak citizens were coerced to conform to the communist/socialist values, being forced to do anything from participating in public parades to monitoring their neighbour's behaviour in search of so-called 'class enemies' (McIntosh and MacIver 1992, 379). Political processes with the "enemies of the regime" were nationally broadcasted and widely publicized (Kaplan and Palecek 2003, 207). Forced labour camps and prisons waited for those who did not conform. Police informers and arbitrary arrests were not unheard of (Evanson 1985, 249). The use of coercion by the Czechoslovak government was widespread and most severe in the first years of the regime as the communist elites attempted to stifle non-compliance. In later years, the government increasingly relied on propaganda to keep any potential disobedience at bay.

In Czechoslovakia, propaganda was an intentional attempt to manipulate attitudes, opinions and actions. As an act of communication, it used words, images, monuments, clothing style, gestures, music, and movies (Zavacka 2002, 439). It was meant to introduce the public to a set of ideas that were presented as exclusive: for example, the existing domestic political system is the best possible one; the existing domestic political system is economically more efficient than others; all the presented information is true and valid; who denies the validity of the presented reality is an enemy of the society; an enemy of the society must be shamed or eliminated (Zavacka 2002, 446). Censorship was an important element of the communist propaganda.

Censorship was strict and seeped into almost every aspect of people's lives; it relied heavily on spreading "null information" where an 'inappropriate' event was treated with silence, and as such it 'never happened' in the eyes of the public (Kaplan and Tomasek 1994, 34; Zavacka 2002, 446). For example, through withholding information, the Czechoslovak government created a perception of low crime rate, which, incidentally, is one of the main characteristics of the 'good old times' of the Soviet regime (Zavacka 2006, 127). Unemployment, alcoholism, epidemics, suicides, major road accidents, tragedies

³ See the documents in Narodni Archiv Praha, Kancelar Tajemnika UV KSC Oldricha Svestky, fond KSC - UV 1945-1989, c.f. 1261/0/70.

and even natural disasters were all issues that 'did not exist' in Czechoslovakia (Zavacka 2006, 127 and 131). Censorship and propaganda were also meant to stir up the revolutionary potential of the working class; they served as a bridge between ideology, politics and the public (Knapik 2012–2014, 5). The overall goal was to minimize wrong interpretations of communism and reprove other ideologies as well as the proponents of democratic values, the Catholic Church, entrepreneurs, and artists (Hola 2010, 30). As Kaplan and Palecek (2003, 18) write, "the monopoly of truth was one of the conditions for maintaining the monopoly of power."⁴

The Czechoslovak Communist Party was quite successful in achieving these objectives. Propaganda seeped into all aspects of the Czechoslovak society, shaping the way the public viewed the ideology and their everyday lives. Through culture, arts and mass media, especially television, radio and theatre (all controlled by the Party), the citizen's priorities, values and perceptions were steered toward party allegiance, unity and social equality (Hola 2010; Kolečkova 2010). Intentional and perpetual selection of information protected the communist ideology and instilled the socialist ideas into the worldviews of the Czechoslovak population (Hola 2010, 31). As a result, Czechoslovakia was widely perceived by its citizens as an egalitarian society. In interpersonal comparisons, such perception was unlikely to instigate social discontent due to socio-economic disparities – first, because inequality officially did not exist, and second, because the government's authoritarian means of information control prevented the Czechoslovak citizens from comparing their well-being with that of the Western capitalist democracies. Post-communist Czechoslovakia, however, was very different.

5 DEMOCRATIC INSTITUTIONS AND PUBLIC PERCEPTIONS: POLITICAL FREEDOMS, CIVIL SOCIETY, AND ICT IN POST-COMMUNIST SLOVAKIA

The fall of communism left Czechoslovakia in political and economic disarray. The new Czechoslovak democratic regime aimed at transforming the socialist economy to a market-based one, mainly through privatization and trade liberalization. The economic transition resulted in a drop in Czechoslovakia's gross national income and real wages (Brada 1991). A reform of the banking system caused a financial crisis in the business sector. Price liberalization led to an increase in prices of food and energy (Brada 1991). By the end of the year, the unemployment rate soared (from 3% to 12%) (Madudova 2012, 35). Diverging approaches between the Czech and Slovak politicians to the solutions for these economic problems are believed to be one of the main factors that fuelled the 1993 dissolution of Czechoslovakia (Leff 2000; Pavkovic and Radan 2007).

The 'Velvet Divorce' sent the Czechs and the Slovaks on separate economic paths. After what some call the "failure of transformation", the Czech Republic's leading Civic Democratic Party turned toward neo-liberal market reforms, and put the Czech economy back on track, on its way to the European Union (Sojka 2003, 54). The Czech Republic received millions of US dollars in foreign direct investment (FDI) and paid off all its debt to the IMF four years before it was due (Velkova 2013, 29). Slovakia's story was different.

⁴ All translations are my own.

In the Slovak Republic, Vladimir Meciar's Movement for Democratic Slovakia committed to a more cautious programme of economic reform. Diverging from the neo-liberal model of transition, the government determined Slovakia's economic and industrial policy. Privatization occurred, but the process was corrupt, long and difficult for foreign investors (Aktuality 2008). However, after the removal of Vladimir Meciar from the office in 1998, Slovakia received massive inflows of FDI into its steel and automotive industries (Hoskova 2000; Panis 2012). The following years were characterized by a drop in the unemployment rate and a solid economic growth that turned into a rapid one after Slovakia's entry into the EU in 2004 (Tupy 2006). Despite the earlier curtailing of social handouts (in the late 1990s), the government's social policies have been generous (especially with the aid of EU's social fund) (Elster et al. 1998; Tupy 2006; Bednarik 2012; Beblavy). In 2009, Slovakia entered the Eurozone as the global recession caught up. However, the recession was short, and nowadays the Slovak economy is still considered a tiger economy in Central and Eastern Europe (Fidrmuc et al. 2013). Yet, the Slovak governments have been unpopular, and the public disillusionment, noticeable in the 1990s, has prevailed well into the 2000s. The perception of inequality among the Slovaks may have played a role in this discontent. The democratic nature of Slovakia's post-communist institutions has likely allowed for such perception to arise, spread, and flourish.

In the post-communist transitional states, the democratic institutions have acted in an enabling fashion, allowing the civil society and the media to shape public perceptions. While the communists coerced the Czechoslovak society into "an undivided and unquestioned ideological unity", the Slovak post-communist regime established a system of governance based on political and personal freedoms and active civil society (Shkolnikov and Nadgrodkiewicz 2010, 79). The socialist propaganda heralding equality no longer exists in Slovakia. Political rights such as the right to free speech and expression, the right to sign petitions and protest peacefully, and the prohibition of censure are guaranteed by the Slovak constitution (Verejny Ochranca Prav). These rights allow Slovaks to voice their opinions freely, albeit perhaps subjectively.

Public opinions may not accurately reflect the reality, but they can facilitate inter- and intra-group comparison that can then lead to (mis)perceptions about one's relative economic status. The proximity of Central and Eastern Europe to the rich Western neighbours has shaped the way in which the post-communist populations view their own economic well-being (Holscher 1999, 170). The elimination of the communist control, coercion and propaganda made it possible for Central and Eastern Europeans to compare their well-being with that of their richer Western neighbours. Such cross-border comparisons, even if they fail to accurately reflect the reality, may instill a feeling of injustice among the populations of those states that are worse off relative to other states. Such feelings exacerbate social tensions. Inter-personal and inter-group comparisons (whether cross-border or internal) are easy to spread. For example, civil society organizations that have sprung up across post-communist Europe provide venues and opportunities for voicing, sharing and even shaping public perceptions and feelings.

In Slovakia, democratization has enabled the growth and spread of civil society (Malova 2008, 353). Protests were the basic form of public participation in the early 1990s, and some of them drew over ten thousand people to the streets

(Malova 2008). The purpose of these gatherings was largely related to the issues of the national agenda; however, later surveys suggest that protesters tended to switch to voicing their concerns with the deteriorating standard of living (Stena 1992). In the late 1990s and 2000s, the Slovak civil society moved away from protests and petitions and toward educational programs and campaigns (Malova 2008). These groups drew attention to the government's failures in political, economic and social spheres. By doing so, they have managed to spread their views among ordinary Slovaks.

The activities of the civil society, and particularly the mobilization of resources and the establishment of connections with the public resulted in a formation of a large civic community with shared understandings and beliefs. The leaders of the Slovak civil society have been able to utilize these connections and networks to spread the ideas that the public is eager to believe. An example is 'Protest Gorila', a series of demonstrations that initially began in early 2012 as a display of discontent with the corrupt government, but later turned into open dissatisfaction with income inequality in the country (Marusiak 2012). However, as discussed earlier, Slovakia is one of the most egalitarian states in Europe. Although some public comparisons may be based on accurate interpretations of reality, some are likely to be skewed or intentionally manipulated for specific purposes – commercial or political (Kus and Piskozub 2012, 14; Luha 2014). Various interest groups may deliberately or unwillingly create, spread, and maintain distorted public perceptions. An increased access to new information technology has an important role in this process.

The proliferation of information and communication technology (ICT) offers the public a nearly unlimited and rapid flow of information (Tokarova 2002; Samli 2002). New technologies allow almost immediate communication and information sharing among individuals and groups from across the globe. The networks enabled by the Internet provide opportunities for circulating information through e-mail lists, news releases, blogs and various websites. However, the availability of data does not automatically translate into its accuracy and/or equal access to all (Samli 2002, 60). With more data, people's ability to effectively locate, sift through, accurately evaluate, and effectively use the available information deteriorates. We have a limited attention span and are prone to choosing and remembering certain information that fits our existing views and situations (Jervis 1976). The inevitable selection process that comes with vast amounts of data may fuel misinformation, misperception and discontent. For example, if the Slovaks are convinced that others are better off in terms of their social and economic well-being, they may be more likely to pay attention to the information that highlights socio-economic disparities, regardless of the information's context, source or purpose. Such information, in turn, may fuel Slovaks' disillusionment with their own socio-economic situation and, by extension, their government. Furthermore, wide availability of data gives rise to more opportunities for inter- and intra-group comparison that may shape perceptions of inequality. The global nature of the ICT, and especially the Internet, significantly increases the likelihood of such comparisons reaching well beyond limited local circles (Kolodko 2003, 10).

Psychological studies have shown the ability of the media to facilitate social comparison, which then (negatively) shapes public self-identities and self-evaluations (Milkie 1999; Chia and Gunther 2006). In the Slovak case, the roots of the spreading perception of injustice and inequality are not as much in statistical analyses or academic studies as in the recurrent messages fed to the

public by the Slovak mass media that are free from the government control (Skolkay). The tabloidization of the news after 1989 resulted in a considerable increase in popularity and demand for entertaining and breaking news about celebrities, politicians, and other individuals of interest.⁵ The spotlight on such individuals is often a source of discontent and frustration among the Slovaks. For example, popular newspapers tend to run stories that highlight the 'unfair' wealth of the rich (e.g., Slovak hockey players who work overseas) in contrast to the standard of living of the rest of the population (Rynik 2013). A particularly favourite media topic is the comparison of Slovak wages with those in other industrialized countries (Mihalko 2012; Horvathova 2013; Finanza). Social media are also influential conveyors of such information, producing unhappy memes, blogs and posters, and running discussion groups. Growing access to an increasing number of media sources, and especially through mobile communication and the Internet, facilitates the spread of inter- and intra-group comparisons, which may be skewed or taken out of context.

Over the past two decades, Slovakia has experienced a remarkable expansion of its telecommunication sector (Prochazka 2004). In 2015, Slovakia's active cell phone subscriptions per 100 inhabitants reached 123.07 (Ministerstvo Dopravy a Vystavby SR). There were about 6.7 million active subscriptions (the population of Slovakia is about 5.4 million), with land coverage of 92% and population coverage of 100% (Ministerstvo Dopravy a Vystavby SR). The need for connection is palpable in the Slovak society. Even the ads for communication devices perpetuate the message of networks and information sharing – "Zazime to Spolu," meaning "Let's Experience It Together" (Telekom 2009). Slovakia has the highest Internet penetration rate in Central Europe and one of the highest in the world (83.1%), with 4.5 million users (about 83% of the total population) in 2017 (Internet World Stats; see also TASR 2013). During the last decade, the Internet speed grew 400-fold, and recently, free Internet has been enabled on buses in Slovakia's major cities (SITA 2012; Webnoviny 2013). There is no (known) Internet censorship in Slovakia aside from monitoring hate speech. Diverse interpretations of reality with a varying degree of accuracy are easily accessible to the majority of the Slovak population. The specific type of information that individuals access, interpret and use, and the extent to which such interpretations affect the overall level of social discontent and fuel the communist nostalgia should be a subject of further study.

6 CONCLUSION

In the 1990s post-communist Europe, the hopes that transition was going to be easy and quick dissolved in political, social and economic turmoil. The subsequent nostalgic reminiscing about the communist regime was perhaps not so surprising. However, the communist nostalgia did not cease once the European countries completed their transformations from totalitarian to democratic states, and from centrally planned to market economies. The prevalence of this sentiment in countries that experienced rapid socio-economic improvements is particularly puzzling.

⁵ For example, the readership of the tabloids in Hungary grew from zero in 1989 to 786,000 in 2000. Similar trend is apparent in Poland, the Czech Republic, Slovakia and the Baltic states. See Kus and Piskozub (2012, 24).

In order to understand the persistence of the communist nostalgia in post-communist Europe, I critically re-evaluated the linkages between institutions, economic growth and social discontent. Adding the effects of globalization to the economic explanations of the communist nostalgia and borrowing from sociological and psychological studies that view nostalgia as a perceptual phenomenon, I suggested revisions to the links between globalization and transition, inequality and social discontent. Contrary to the prevailing views, I argued that the main source of domestic tensions may not be inequality per se but a *perception* of inequality. This perception may be based on reality or it may be skewed.

Using the cases of communist Czechoslovakia and post-communist Slovakia, I suggested how domestic political institutions and the proliferation of and access to information and communication technology may shape society's interpretations of reality. In Czechoslovakia, the authoritarian means of information control created and maintained a certain image of the state and society. Over the duration of the communist regime, this image was likely internalized and later difficult to dislodge, especially among the older population. The removal of the regime and its authoritarian means of control revealed a new reality where unemployment, suicides, accidents, disasters and inequality were no longer 'non-existent'. It is conceivable that the nostalgia is not about the ability of the communists to take a better care of their population, but about their successful creation of an image of a society that only existed in the minds of its citizens.

In addition, unlike in authoritarian regimes, in democracies people possess political rights that enable participation in public life. Communication is at the core of public interactions and activities. In the post-communist states (as well as elsewhere), the Internet has become a crucial communication means that allows the dissemination of a large variety of information without the middle step (i.e., the censorship) (Stefancik 2012, 124). The wide availability of data and limited government control, however, may not contribute to domestic stability. To the contrary, given our cognitive limitations and the diverse objectives of those who create and spread certain information, people's interpretations of reality may become distorted. Consequently, these misperceptions may fuel public disillusionment, and undermine domestic stability. They may also be at the root of the lingering communist nostalgia.

European communist nostalgia has at least two broader implications for today's democracies. First, this article suggests that access to and sharing of information entails power – the power of the information creators, providers and recipients. A wrong message that gives rise to misperceptions may have devastating consequences for any government, institutions, groups or population. States, however, can shape the perceptions, beliefs and feelings of their populations even without the authoritarian means of information control. For example, targeted press releases as well as education and awareness campaigns may ease domestic discontent by correcting some of the most pertinent and destabilizing public misperceptions.

Second, the communist nostalgia is becoming a worrisome phenomenon across the European Union and the Western world in general. Some European countries have passed legislations that ban the use of all communist symbols, while others are pushing the EU for criminalizing the trivialization of the activities and crimes of the totalitarian governments (Kramer 2014). Should the

West be worried that a resurgence of the communist ideas may throw the world into another ideological conflict? In light of the ongoing crisis in Ukraine, it may be easy to be alarmed by the growing public disillusionment with democratic regimes and the echoing voices reminiscing about 'the good old times' of communism. However, before letting the 'red paranoia' overtake us, we should pay closer attention to where the communist nostalgia may have come from and whether it poses any real threats to Europe's democratic stability. Otherwise, any crackdown on the communist nostalgia may undermine the very democratic values that Europe's post-communist governments were built on.

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LE TEA PARTY FRANÇAIS: MIRROR MOVEMENTS AND GRASSROOTS PROTEST

Robert BUSBY and Paddy HOEY¹

The presence of grassroots social protest movements, which agitate against economic concerns is a prevalent issue in modern politics. While populism on both the political left and right is evident in national electoral contests there also exists activism at the grassroots level. The campaigns of the Bonnets Rouges in Brittany witnessed many ideas and understandings similar to the Tea Party protests in the United States. Both founded movements based upon historical nostalgia, both mobilised against economic discontent and both perceived themselves to be rooted outside the conventional political parameters of left and right. In this article we examine whether there is evidence of movements learning from one another and how peer-peer observation of grassroots activism may influence activist organization.

Key words: social movements; grassroots activism; economic protest; Bonnets Rouges; Tea Party.

1 INTRODUCTION

The emergence of political movements, which integrate online activism, collective protest and social action has become a significant feature of contemporary political protest. The economic crisis of 2008 spurred an array of social action, political agitation and street protest in a range of remits, emanating from both right and left. The emergence of social movements, which sought collective action through individual associations, suggests an integration of a number of aspects of social engagement, which have given force to emergent political movements. These movements, while frequently seeking to achieve action within a nation state or region, appear to have elements that are transferable across national and political boundaries and across ideological divides. Movements appear to mirror each other in organizational logistics while addressing their prevailing political status quo. They seek to alter the position held, commonly by specific socio-economic groups with self-perceived disadvantage, in a broad political framework. The integration of

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communication, interpersonal and virtual, as a means through which to create and foster social capital and trust comes to the fore, as does an understanding that the acquisition of intelligence and organization comes not only from intra-group observation, but across movements. While recognizing the classic comparative framework of key progenitors of the discipline like Lasswell (1968) and Lijphart (1971), which focused on ideological issues and political systems, this article compares the social and political mobilization of the Tea Party in the United States and the Bonnets Rouge in France. It identifies the immediate underpinning dynamics that led to their mobilization and influenced the activist repertoires that contributed to the coalescence of a mass of activists and members. It does so by positing that the major defining characteristics of both movements are initially a shared sense of political alienation, a perceived lack of democratic representation and a self-perception of an apolitical position within the respective social frameworks. It assesses to what extent this is true by addressing activist online media activity and physical manifestations such as protests and rallies. Therefore, the article considers the initial emergence of a sense of concentrated grievance in a small or geographically diffuse groups and then maps it onto both virtual and physical spaces in which protest spreads, and which results in the creation of intra-group social capital which in itself fosters trust, political momentum and a collective identity. In a trans-national context this is via causes, which were socio-economically reflective of one another. This three-phase method of emergence, coalescence and development therefore becomes a theoretical framework through which to assess the similarities and differences between the two movements. The identification by a French media outlet of the Bonnets Rouge as a Tea Party entity in France is testament to how they might be seen as mirror movements and as logical starting point in empirically asserting their commonality.

2 SOCIAL MOVEMENTS

'Social movements are one of the principal social forms through which collectivities give voice to their grievances and concerns about the rights, welfare and wellbeing of themselves and others by engaging in various types of collective action, such as protesting in the streets, that dramatize those grievances and concerns and demand that something be done about them' (Snow et al. 2008, 3).

Social movement theory explains why social mobilization occurs in modern societies and how this has come to encompass an explanation for the collective action that has characterized protest movements in the late 20th and early 21st centuries. It explains why people coalesce around political causes and mobilize movements in pursuit of collectively held goals that are often at odds with the prevailing will of democratically elected governments. It is argued that this occurs when individuals and groups are marginalized from the political process and seek redress this imbalance. Tarrow contests that, 'at the base of it all social movements, protests and revolutions is *contentious collective action* - collective action can take many forms-brief or sustained, institutionalized or disruptive, humdrum or dramatic' (Tarrow 2011, 3). Action can be evidenced in displays of political dissatisfaction via riots and protests, or in the long-term engagement of grassroots activist movements advocating political and social change, 'rather than seeing social movements as expressions of extremism, violence and deprivation, they are better defined as collective challenges, based on common purposes and social solidarities in sustained interaction with elites, opponents

and authorities' (ibid., 4). These new movements have largely transcended class structures and social statuses, centering on campaigns, which advocate increased rights for youth, gender, sexual orientation or professions (Johnson et al. 1994).

Social movements are rooted in collective action and must involve change oriented goals, extra or non-institutional collective action, some degree of organization, and some degree of temporal continuity (Snow et al. 2008, 6). In their coalescing around common held beliefs, goals and methods of activism they are an example of epistemic communities (Haas 1992) and communities of practice (Wenger 1998). Social movements and grassroots political activist organisations are ordered around a series of commonly held concerns and aims and to deploy resources in pursuit of these aims. In this, 'people band together in movements to mount common claims against opponents, authorities or elites. Not all conflicts arise out of class interest, but common or overlapping interests and values are the basis of common actions' (Tarrow 2011, 4). Social movements may mobilize utilizing five types of resources: *material*, which entails the financial and human capital; *moral resources* which encompass the internal and external solidarity and support for the group's aims; *social organizational* which sees the organization around social networks and recruitment; the *human capital* of volunteers, and *leadership* and the important dimension of cultural capital and the prior understanding of activism and activism experience (Edwards and McCarthy 2004). This mobilization can occur in four areas: identification around collective challenges; a belief in a common purpose; feelings of social solidarity; and these qualities are then manifested in sustained interaction (Tarrow 2011). This type of mobilization can occur in micro, meso and macro spheres of public life (Keane 2000). This type of activism is differentiated by cross-national diffusion of themes and action repertoires often triggered by single global events (Della Porta and Kriesi 2009). For example, on the macro (global) level, the second Gulf War saw the return of global anti-war movements, while the economic crisis of 2008 onwards was the trigger for the development of global economic protest movements like Occupy. Equally the mobilization of activists and grassroots groups can occur in the meso level of the nation state in the manner of the Tea Party in the USA. These entail groupings of politically likeminded activists who seek to engage in the political sphere without necessarily seeking personal representation in the democratic institutions. On the macro level, local and regional political movements and activist organization emerge as a response to either national marginalization or localized episodes of contention. Sub-state regional movements like the Bonnets Rouges in Brittany emerged in a similar fashion to local pressure groups. The meso and macro spheres are therefore, 'less pre-occupied with the struggles of over the production and distribution of material goods,' but instead in how post-industrial societies, 'generate and withhold information and produce and sustain meanings among their members' (Keane 2000, 77). These movements embrace a multiplicity of channels, dialogical spaces, and opportunities for debate and idea generation that are presented, for example, by the Internet to help explain the rapid emergence of these movements in the modern era (Keane 2000).

These movements are only one of the many forms of collective action, many of which are not intrinsically politically in nature. For example, people at sports events and music concerts, or people taking part in riots, are also forms of collective behaviour (Della Porta and Kriesi 2009). An often-overlapping version of this collective behaviour is also that of interest groups, like the

National Rifle Association, which selectively intervenes into the political sphere. Social Movement Theory therefore explains types of collective action, which is goal-oriented activity engaged in by two or more people with a common objective in joint collective action in which engagement can be 'outside of institutional channels' (Snow et al. 2008, 7). 'Social movements are typically outside of the polity, or overlap with it in a precarious fashion, because they seldom have the same standing or degree of access to our recognition among political authorities' (ibid., 8) This contributes to the theoretical and comparative framework posited in the introduction to this article. Both movements under discussion, the Tea Party and the Bonnets Rouge, have a self-perception that they exist outside of political convention. By comparing them it is possible to understand firstly, their impulses to protest and how they fostered emerging movements; secondly, how the movements coalesced; and thirdly, how they consequently developed into broader and more powerful coalitions of interests. In addressing the similarities of their ideological and activist repertoire, it is beneficial to the differing specific political contexts of the polities in which they are active to establish the comparative political lessons that their activism elicits in the study of mirror social movements.

3 HISTORY OF SOCIAL MOVEMENTS

In the late 20th Century, social movements became the predominant form of organizing and campaigning, politically removed from the conventional institutions of power (Norris 2002, 189). The new social movements, which developed in the 1960s voiced the concerns of groups that had been isolated from the democratic institutions of the state, or for whom those institutions had to contested to achieve a specific set of aims. New social movements contested the encroachment of the state and the market into the social sphere and attempted to reclaim the identity of individuals and collectives (Melucci 1996; Della Porta and Diani 2006). In this sense they represent a positive rather than destructive urge to redress imbalances of power engrained in the institutions of the state, 'social movements are not a marginal rejection of order, they are the central forces fighting one against the other to control the production of society by itself and the action of classes for the shaping of historicity' (Touraine 1981, 29). The new social movements were different from the special interest groups that had evolved with democratic institutions in the 19th and 20th centuries because they tended to be more focused on direct action strategies and were made up of often loose coalitions of activists in less hierarchical organisations (Norris 2002, 190). Within the context of new social movements the shared ideological positions of geographically diffuse groups like the student movements of the late 1960s and older forms of mobilization like the extreme right in Europe are important, as they are obvious case studies in comparative politics due to shared overlapping timeframes or activity, repertoires of expression, and their existence outside of the polity.

Equality causes such as the American Civil Rights movement, feminist activism, and gay liberation stand as the dominant expressions of identity politics pioneered in the social revolutions of the 1960s. Beyond these equality projects, there are concurrent, and in many cases co-terminus, social movements that coalesced in this period but took a longer period to become prominent. For example, the anti-nuclear, anti-war and green movements had similar starting points and had a base in contesting the growing strength of the state and multi-national corporations in the private and public spheres. Unlike the equality

movements, which are in a continuous struggle for rights and power for socially and legally marginalized groups, some movements, like the anti-war movements, have had quite finite lifespans centred around specific campaigns, such as opposition to the Vietnam or Iraq wars. Significantly, these movements represented a departure from the labour movements that had been one of the most dominant forms of mobilization in the previous 150 years, where people were engaged in a long-term class conflict. The de-industrialization of the USA and Europe has, in part, led to the erosion of strict class boundaries, and the new social movements represented a redrawing of the terrain of political structure away from the precept of class struggle. However, in the modern age with the twin influences of economic globalization and global communication, the development of social movements became more rapid with the potential to share practice transnationally. In the realm of politics and political communication, the Internet created opportunities for the coalescence of powerful grass roots political movements and the space in which they could flourish.

4 GRASSROOTS POLITICAL ACTIVISM, THE INTERNET AND POLITICAL COMMUNICATION

The literature of the development of Social Movements in the age of the Internet has addressed new forms of digital media in the mobilization of activist groups (Atton 2004; Castells 2010; Liewrouw 2011). This literature has identified two distinct influences on the development of political activism, and the radical or alternative media sphere. Firstly, new forms of activism and alternative media have emerged as a result of the shifting discourses of politics and they reflect, 'society-wide movements of the industrial age – the labour movement, anti/war peace movements, civil rights' (Liewrouw 2011, 41). The activism of gay rights groups, the feminists, new age communities and ecologists were, 'unconventional forms of social activism', with internationalist perspectives beyond that of the nation state. They focused on identity and equality issues, and their 'new collective actions could be seen as "new social movements"' (ibid., 46). Castells noted, 'social movements tend to be fragmented, localistic, single issue oriented, and ephemeral, either retrenched in their inner worlds, or flaring up for just an instant around a media symbol. In such a world of uncontrolled confusing change, people tend to regroup around primary identities: religious, ethnic, territorial, national' (Castells 2010, 2-3).

The organizational forms of these groups are often highly de-centralized, diffuse and devolved to highly autonomous local sections, which cluster around individually suitable modes of technology to develop their positions and profile, including self-published magazines and web based forms of communication (Liewrouw 2011). In these movements, 'high value is placed on the particular and the provincial, small social spaces, decentralized forms of interaction and de-specialized activities, simple interaction and non-differentiated public spheres' (Habermas 1981, 36). These groups have, 'unconventional action repertoires, reject traditional methods of organizing and institutional/ political channels in favour of ad hoc, radical, creative, expressive, or disruptive action' (Liewrouw 2011, 46). These new social movement groups hold, 'deep seated mistrust of mainstream channels for social change – including government, political parties, cultural and educational institutions and the mainstream media' (Liewrouw 2011, 56). As a result, these movements are, 'addressing the issues in a pure cultural form, or in purely cultural terms – bringing the issue to

the fore, to the public' (Melucci 1996, 36). Atton asserts that the media of social movements are: 'produced outside the forces of market economics and the state. They can include the media of protest groups, dissidents, "fringe" political organisations, even fans and hobbyists. It is perhaps in addressing radical questions of citizenship in the public sphere that alternative media are most powerful' (Atton 2004, 3).

The characteristics of new social movements' political communication can be conceptualized in two ways: scope and stance (Lievrouw 2011, 63). In scope they are quite simple to define, they are small scale. They tend to avoid orthodox patterns of organization. Their stance is defined in several niche ways. They are heterotopic, 'countersites for expression, affiliation and creativity apart from the dominant culture' (ibid., 63). Referring back to the work on popular culture by late 20th century cultural theorists, she suggests, 'online activists develop a kind of sub cultural literacy' (ibid., 65). New social movements exist in the context of agency and action. Their relative lack of influence in the mainstream political and media sphere promotes activist strategies, which are interventionist. This form of activism disrupts the mainstream discourse and narrative, and new social movements and alternative media, are 'a kind of temporary blockage in the system' (ibid., 68).

The overall purpose of the media activism of new social and alternative movements is 'supremely concerned with sustaining a community of citizens engaged in democratic practice, creating a "community without closure"' (Couldry 2000, 140) Their work is also about building a new plane within the mainstream political sphere. Alternative media spaces conjoin to create a surrogate public sphere in which is forged new spaces of belonging through activist practice.

The pioneering use of the Internet by the Mexican Chiapas Indians in the 1990s, has been heralded as the first example of the online sphere achieving this effect and is a model replicated by other modern activist movements like the Bonnets Rouges and the Tea Party. Atton asserts that this activity developed 'a conception of the public sphere as an arena for dialogic praxis... and arena for radical inclusivity' (Atton 2004, 30). While Atton's concentration was on *Indymedia*, the global collective of alternative online activists, this template is one that can be ascribed to the new social movements that construct alternative political spaces, which interact with the wider public sphere. These portals provide a barrier free network for groups, which aim to counter-balance their alienation from the mainstream media, but also import focal points of mobilization and ideological development. These spaces face inwards to facilitate meaningful internal communications while simultaneously providing an outward looking public identity. They present new forms of online media activism as 'communicative democracy,' developing the notion that, 'it is the right of citizens to communicate what they like however hideous', and the Internet provides a space to destabilize old modes of top down mainstream media communication and has 'the capacity to transform the practice of journalism' (Atton 2004, 36-37) In this sense, 'the Internet is fostering new opportunities for civic engagement, and, the new technology provides an environment most conducive to social movements with the organizational flexibility, resources and technical know-how to adapt' (Norris 2002, 212).

5 THE BONNETS ROUGES: HISTORY, THEORY AND PRACTICE

If social movements require a triggering event to galvanize their coalescence, then the Bonnets Rouges' lay in the struggle between their resistance to taxation imposed by a detached central government that was remote from their perceived realities. The Bonnets Rouges (the Red Hats) is a political movement that emerged in Brittany in Northern France and which focused initially on opposition to new ecological tax initiatives introduced by the French government in 2012 (Penketh 2014). This mobilization in 2013 brought together an affiliation of entrepreneurs, trade unions, farmers' unions and students in opposition to a tax levied on lorries travelling on French roads.

These green taxes posed a problem for Brittany, which was already one of the most depressed regions in France with a history of high migration to Paris and regional emigration (Shrijver 2014). More than a million people, had left the region in the 20th Century, with half of those from rural, agricultural areas (Kedward 2005). However, with the development of the EEC and the Common Market, Brittany was to stage somewhat of an economic recovery, with the remaining rural working class to be the backbone of this. From the 1960s onwards, new mechanized agriculture, particularly dairy farming and livestock production, allowed Brittany to punch above its weight economically (*ibid.*). Under the leadership of the charismatic 'pan-Celtic visionary' Alexis Gouvernnec, and the development of a regional economy that embraced tourism and developed modern shipping docks, its renaissance was further assured (*ibid.*, 408). The Breton economic recovery however would not survive the problems of the global recession, a stalling French economy, and changes in agricultural markets after the expansion of the EU in the late 1990s and 2000s.

A crisis in pork production was part of the economic decline in Brittany and was a catalyst for the mobilization of the Bonnets Rouges. France produces 10% of Europe's pork and Brittany accounts for 60% of France's production. Any decline in sales prices and volumes of sales was catastrophic for the regions farmers, slaughterhouses and associated industries (Jannic-Cherbonnel 2015). Towns like Carhaix, the central Breton town in which the Bonnets Rouges movement was born, were heavily reliant on these industries and large increases in unemployment appeared to be one of the major triggers for the movement's emergence. It was noted that the Bonnets Rouge mobilized in a difficult socioeconomic environment, where downsizing, restructuring and attendant job losses had hit the Breton agribusiness sector (Gardin 2014). An eco-tax on haulage companies using French roads was further catalyst for the emergence of the movement. The struggling Breton agricultural and food processing industries were reliant on hauliers transporting their produce, often from remote areas on the western-most edge of France, like Finistère, the coastal department in which the Bonnets Rouges was born.

The rising tax burden had been a bone of contention across France, instituted by the Socialist government of President Francois Hollande (Carnegy 2013). Protest groups coalesced via social media in opposition to a wide range of politically controversial issues including the legalization of marriage equality, support of further green legislation, maintenance of the welfare state and opposition to equine taxes. With particular relevance to this article, the rapidity of the offline and online mobilization was enough to lead to Parti Socialiste fears for the growth of a 'Tea Party à la française' (Joseph 2013). Each of the new

smaller social movements adopted a 'bonnet' of their own to symbolize their struggle: those conservatives campaigning against marriage equality and for family rights adopted purple as their colour, the environmental campaigners championing the eco-tax to encourage greater use of public transport, wore green hats (Albertini 2013). However, these were superficial adoptions of imagery proving not to be sustainable beyond short-term mobilizations. The campaign against taxation had a much deeper historic symbolic relevance in Brittany that has held, in some quarters, pride in its history of resistance against the French state (Shrijver 2014). In this instance, the red hats of the current protest movement borrowed from the original Jacobin Bonnets Rouges of 1675, who waged a popular revolt over taxes levied pay for a war against Holland (Nicolas 2002). The revolt, and the Bonnet Rouge, became symbols of the struggle for Breton autonomy in the 1970s (Cornette 2005) and was used by the small liberationist '*groupsucule*' Frankiz Breizh as the name of its news bulletin (Cole 2006).

6 MOBILIZATION: THE REAPPEARANCE OF BRETON CULTURAL NATIONALISM

Breton nationalism and its less popular strains of separatism had been prevalent since the 1960s, (Rogers 1990), and the Union Democratique de Bretagne was the most active since its inception in 1964 (Cole 2006). Breton nationalists had also identified with new Celtic nationalisms that had grown in Ireland, Scotland and Wales in the 20th century. They also situated themselves among the strain of sub-state European minority nationalisms that developed in the late 20th century, including those of the Corsicans in France and the Basques and Catalonians in Spain. Information on the Breton movement along with those of the Basques, Catalonians and Corsicans was frequently found in Irish republican literature from the 1970s to the 2000s as a means of internationalizing that particular struggle beyond the British and Irish milieu (Bean 2007).

The most prominent expressions of the Bonnets Rouges cause were initially in large protests and direct actions against the state's eco-tax and in support of the reunification of Brittany with the adjoining Loire Atlantique department, which had initially been taken out of Brittany by the Vichy Government and re-affirmed in national reorganization in 1955 (Minihan 2002). Subsequent to the initial success of the former campaign, the Bonnets Rouges focus has been in promoting the cause of Breton self-determination and bringing decision making on Breton affairs back to the region by opposing the deep centralization of the French state (Penketh 2014). In the latter case, Breton reunification has been an important auxiliary goal of the wider cultural and political movements in the region and has united activists beyond the nationalist sphere. The repertoires of activism in this cause have largely been to organize large-scale protests and the Bonnets Rouges have contributed to the promotion of rallies. In recent years more than 40,000 people mobilized on the streets of Nantes, the capital of Loire Atlantique, in support of reunification (Cormier 2014). The Bonnets Rouges was however only one of the supporting organisations of the reunification campaign, and its central focus was on the eco-tax and the development of a social movement predicated on developing greater autonomy.

In opposition to the eco-tax widespread protests focused on mass rallies, including one in the Finistère capital Quimper, which gained national and

international headlines. Direct action involved destroying motorway cameras, which were designed to monitor heavy goods traffic on the region's roads (Penketh 2014). Destroying the cameras put increased pressure on the Paris government, not least because the ruling Parti Socialiste has historically strong electoral support in Brittany. These votes had become hugely important in a contested political environment in which the Front Nationale competed for working class support. The rally of an estimated 15,000 people in Quimper, which accompanied the direct action, ended with clashes with police and garnered national and international headlines (Allain 2013; Carnegy 2013). After the rally, and as a result of other strikes, including one by professional footballers over the 75% rate of tax for earnings over €1m, the government abolished the eco-tax at the reported cost of €800m (Carnegy 2013b). Rallies like the one in Quimper not only provided a public expression of the privately held collective purpose of the Bonnet Rouges as a social movement, but also garnered media attention for a regionally based social movement's cause and ideals and which perhaps went some way to legitimizing it in the wider body politic. A key dynamic of the movement was that it was a coalition of Bretons fighting for a shared goal beyond the narrow confines of political partisanship that exist in the French state.

7 POLITICAL AFFILIATION AND ORGANIZATION OF THE BONNETS ROUGES

The political affiliation of the Bonnets Rouges is particularly important within the context of the French state and social movement activism. Many of the movement's key figures had roots in the traditional French left and the trade union movement: Christian Troadec, has been repeatedly elected mayor of Carhaix on an alternative left ticket, and Nadine Hourmant of the Force Ouvrière union, was prominent in pursuing greater rights for Breton meat and poultry workers (Equy and Mouillard 2013). However, the Bonnets Rouges also had the input of entrepreneurs and, as a result, self-consciously avoided traditional political allegiances. Both in inspiration and repertoire it portrayed itself as inheriting a more global tradition of resistance that focused on identity and economic independence. Jean-Pierre Le Mat, a prominent Breton nationalist and one of the founders of the Bonnet Rouge, noted that the Bonnets Rouge's inspiration was not in modern European left movements or their narrow ideological confines, 'it is not in the far-left movements, Podemos, Siryza or the outraged urban protest movements. They are too formatted. The movement that seems closest to the Bonnets Rouges is EZLN (Zapatistas), in Chiapas in Mexico. It is an agrarian movement, indigenous and which used force. The Zapatistas want cultural, linguistic, and economic freedom for the indigenous people of Chiapas. They have been criticized by the Mexican official left. Now they are in a relationship of both cooperation and rivalry. They did not seek political power, but they are held in respect. Viva Zapata!' (Le Mat 2015).

Troadec noted that there were attempts to place the Bonnets Rouges in traditionally unpopular political spaces by their political opponents and the media in the wake of the first wave of protests, 'they have accused us of everything – when we started they said we were a bunch of hooligans who smashed things at demos, then extreme right, then extreme left. Whatever. The truth is that we are a popular movement united by the desire to live, work and decide our future in Brittany' (BBC Radio 4 2014).

In the two years after the Bonnets Rouges emerged contesting the eco-tax, it evolved to become more than a one issue pressure group. Rather, it has increasingly seen a greater degree of political self-determination as offering the solution to the economic woes of Brittany. Its organization represented the evolution of older civil society and political public sphere organisational links. It encapsulated Breton nationalism, with support from trade unions and agricultural pressure groups as well as the Catholic Church, which remained strong in a rapidly secularizing France (Gardin 2014). *Le Mat* (2015) noted: 'The Bonnets Rouges encapsulates the birth of a new Breton identity. Breton flags are now visible in all demonstrations attended by farmers and business people. This identity is not determined by political policy, but has an economic, cultural and community dimension. Other European organisations like Syriza and Podemos, are part of an old world, bent on ideological quarrels. The Bonnets Rouges live in a new world of communities and networks'.

This interpretation of the Bonnets Rouges is pivotal in positioning them on any map of European or global modern social movements. They represented of a new type of politics that emerge out of revitalized old political and offline social networks as opposed to those that emerge from new networks facilitated by globalization and the Internet. With a decentralised approach that emphasises non-hierarchical structures, this style of organization gives a flat horizontal framework, which appeals to broad sociopolitical coalitions. This also affords a fluidity of communication, which facilitates comparison between the Bonnets Rouges to the Tea Party. Finally, in whatever public figureheads it does have, the Bonnets Rouges has a cultural and political cachet that offers a degree of authenticity that is vital in movements built upon identity. For example, however charismatic Troadec (especially given a professional history in journalism) is, it is his background in local and regional Breton politics, culture and commerce, which affords him a degree of political legitimacy that reflects well upon the movement in general.

However, beyond the initial mobilization of the group in late-2013, it is difficult to make a case for a completed project. To achieve the goals of further devolution of power and decision making for Brittany, the Bonnets Rouges attempted to unite socio-economic and political groups central to Breton life, including representatives of small businesses central to the Breton economy alongside other sub-state nationalist identities in France. *Le Mat* (2015) notes, 'a popular movement like the Bonnets Rouges is both unpredictable and difficult to control. But we have organized a structure that unites, on the one hand, local committees, which act on their geographical area. On the other hand there are ideologically thematic groups'. These groups are represented by Breizh TPE, which gathers all small businesses and is organized in union branches, and the Association of Nations of the Hexagon (named after the so-called shape of France), which undertakes to campaign for the rights of French regional identities proclaimed by the United Nations or the European Union (ibid.). These groups develop local and regional forms of financial governance, including forming and sustaining local mutual societies, which are ideologically opposed to the spread of modern capitalist policies such as the controversial Transatlantic Trade and Investment Partnership. In pursuing an economic agenda which returns a modicum of control to the community, the Bonnets Rouge have attempted to use a social movement and its organization attributes to further an anti-establishment cause based on regional identity politics.

8 THE TEA PARTY: POLITICAL IDENTITY AND SOCIAL MOVEMENT

Prior to the election of Donald Trump as US president, the emergence of the Tea Party as a grassroots movement, with an anti-establishment anti-tax agenda, yet one with no centralized leadership, marked an important juncture in the evolution of a social and political movement in the United States. The movement displays a range of characterizations, which are similar to those demonstrated by the Bonnets Rouges and suggests some replication of strategy across movements, which share similar economic, social and political identity concerns. That is not to say that the movements are identical images of one another. Rather, the means and techniques of organization, social movement mobilization, and their genesis as anti-tax movements, which mushroomed into greater causes, display the trans-state opportunities of organization and momentum that can be garnered from observations of movements in other nations. The core remit of the Tea Party movement within the history of protest in the United States is illustrated by sociologist Charles Tilly's division of movements, 'into three types, based on the policies they demand, the constituencies they claim to represent and the identities they are trying to construct. Both the civil rights movement and the Tea Party combined the first and second goals' (Tarrow 2011).

The Tea Party accords with the concept of a social movement in that it does not align itself neatly with prevailing political structures, although it was a significant contributor to the establishment and development of local grassroots structures central to Trump's conservative alliance in 2016. As the Breton movement positioned itself outside of the conventional structures of French politics, the Tea Party also positioned itself as a movement dissatisfied with prevailing norms and attacked the Democratic Party from without, and the Republican party from within. This suggests, 'social movements have always had a complex relationship with political parties in the United States, and the Tea Party is no exception. The two main parties in the United States normally serve as the means for aggregating citizens' preferences. However, when dissatisfaction with the political process or government policies increases, social movements become the vehicles that convey that dissatisfaction to the parties or the government itself' (Karpowitz et al. 2011, 303).

At the heart of the Tea Party activism, in keeping with the Bonnets Rouge, was concern over tax. Also similar to the French movement, with this as its primary mandate, it then branched out into a critical observation of a range of policies, which it suggested undermined the liberty of the individual and questioned the role of the state. In this, 'the criticism they [the Tea Party] leveled at both major parties fits their overall aesthetic about money and waste. The Tea Party was unwilling to accept the status quo' (Atkinson and Berg 2012, 526). It created a confederation of online activists who employed the web and social media to facilitate both virtual and real engagement, which was then manifested, in the same form as the French activist movement, with rallies, meetings, social associations and the creation of social capital.

The Tea Party represents a multi-layered organization with local activists, chapter groups and a number of hub organizations, which attempted to give shape to a national profile. The underlying ideology was against centralization of the movement, or perceptions of a single controlling hand. Any move towards centralization went against the libertarian constructs, which gave foundation to

the movement. Many individuals who were initially aware of the presence of the Tea Party were not well versed in social media or online communication. Through shared practice and educational seminars on online activism, often coordinated by the conservative interest group FreedomWorks, educating individuals previously unfamiliar with social media and cyberactivism was important. It fostered shared learning, social and political association, facilitated in creating new educators who could pass on their skills, and created trust as individuals were willing to give their time and skills to the political advantage of others (Hiar 2010). The intellectual dynamic underpinning FreedomWorks and Americans for Prosperity, 'established ultra-free-market advocacy organizations ardent to gather Tea Party activism under their ideological aegis,' to, 'help provide the Tea Party groups with arguments about taxation and deficits' (Horowitz 2013, 174). The shared experience of cyberactivism, combined with personal contact and a feeling of broader empowerment suggests that the online and social associations went some way to creating trust between members. In a movement that stressed individualism and libertarian constructs, the virtual and real collective action was important in shaping the collective social movement element of local Tea Party organizations.

On the ideological spectrum, the Tea Party is most commonly associated with a new populist right that is an offshoot of libertarian and conservative movements in the US. However, there are a number of questions about who and what it represents (Lind 2013). In keeping with the concepts advanced by the Bonnets Rouge, the Tea Party desired to place itself beyond the conventional remit of party politics, '... Tea Party leaders and elected officials demonstrate their interest in confirming that the movement is non-partisan in its appeal by downplaying the ideological orientations and policy aspirations of a large percentage of those who identify with the movement and support its aims' (Wilson and Burack 2012, 178).

Echoing that the Bonnets Rouge had a broad political spectrum, the Tea Party represented a coalition of political interests. However, unlike the Breton movement, which espoused recognizably left wing political aspirations, the Tea Party was much more specifically founded on, and of, the right, and provided an umbrella for a coalition of interests. However, its leadership suggested that it represented a new juncture in politics that was beyond the Republican-Democrat threshold. In keeping with the Bonnets Rouge, there was a root in self-proffered identity politics.

In keeping with the use of historical events as an imagined foundation to the respective movements, the Tea Party and the Bonnets Rouge shared an appreciation of the past as a symbolism for a desired future which, in turn, informed social intra-group identity by offering visible indicators of a fusion of principles and historical causes. While Les Bonnets Rouge rooted a political consciousness in 1675, the Tea Party looked to the anti-tax protests of 1773, with the Boston Tea Party and the action taken to symbolize opposition to imposed tax measures. It too utilized historically persuasive imagery in its public activist repertoire, 'In the case of the Tea Party then, what appears on the surface as nothing more than middle-aged men and some women dressing up in three-pointed hats and 18th century garb and singing patriotic songs to drum, fife, and banjo in fact carries significant meaning for those who truly understand that the public spectacle is really about expressing patriotism and authentic American identity' (Lundskow 2012, 530).

The relationship between social media, the Tea Party and social protest is a strong one, and these have come to characterize the means through which the movement asserted itself. There are three mediating mechanisms, which forged the relationship between protest movement and social associations created by social media. These are the use of social media for access to news, its use as a forum for political expression and its use for promoting the cause and enhancing mobilization strategies (Valenzuela 2013). Added to this is the concept of what social media actually does, as opposed to the volume of it, or its prominence as a contemporary communications strategy. Did the use of social media and the internet actually create a sense of social space and trust among the members of the group? In turn there are four sources of importance in the mobilization of support based on a platform of electronic communication: knowledge, credibility, interpersonal interaction, and identity support (Hara and Estrada). The congruence of internet activity and the creation of social associations and social capital appear pronounced. In this sense, 'the Internet can also increase organizational involvement by facilitating the flow of information between face-to-face meeting and arranging these meetings themselves...Thus, if the Internet increases social capital, then high Internet use should be accompanied by more offline interpersonal contact, organizational participation, and commitment to community' (Wellman et al. 2001, 438).

This is evidenced in the Tea Party through the use of social media to facilitate meetings, rallies and periodic conventions which gave the movement a group identity above and beyond the individual social media associations online. Tea Party 911 highlight on their website the importance of communication to the movement and in maintaining connection among members as a means of sustaining political momentum, 'Networking and blogging are changing how people in the tea parties organize and what they were able to accomplish. Networking allows groups consisting of like minded people, widely separated across the country, to form groups and address important specific issues. They then blog on their activities to influence and inform others' (TeaParty911 2012).

There are however limitations in placing the Tea Party as a template model for other groups. Although the organizational remits and social movement concepts might be transferable, there are issues of size and identity which play a role. While the Bonnets Rouge had a core central identity of regional assertions of power and influence, the sheer size and breadth of the Tea Party as a political entity gives added complexity in creating a tight identity to the plethora of different chapters and some of the different emphases they have beyond the original anti-tax ideology that launched the movement. While the Breton movement could ultimately gravitate towards a distinctive regional and geographic identity to complement its opposition to an eco-tax, increasingly, as a social movement, the Tea Party had an ever expanding list of grievances to hold against the prevailing political establishment. As a consequence it could be unpredictable in its focus given the range of chapters it is composed of. Jacobson (2011, 12) observed, 'Part of the inconsistency in the Tea Party's impact nationally stems from the movement's structure, or lack thereof...In fact, Senator Jim Banks, an Indiana Republican, notes that "several of us were supported by Tea Party factions in our campaigns, but I found that while in one county Tea Party members might support me, in other counties they might not.'

9 CONCLUSION: CONNECTIONS AND PARALLELS

At first sight consideration of two movements faced with different regional and national challenges presents some challenges in making comparisons. However, recognition in France that the Breton movement may represent the emergence of French Tea Party is testament to a deeper understanding that movements can copy one another, operate as social forces in a decentralized way and provide an impetus for grassroots organization in a trans-national capacity. Core features come to the fore in the replication of movement dynamics. The Tea Party, while entertaining controversy regarding the views of some of its members, represents a successful and dynamic social movement. Controversy rages as to whether it is genuinely grassroots or a creation of monied interests to give popular legitimacy to corporate interests, however in its organization, activities and core ideology it appears to share many of the characteristics of the Breton movement (DeMelle 2013).

Organizational logistics, in conjunction with communications strategies, evidently create strong social bonds within the movements, and this in turn creates elements of trust, which forge intra-group identity and cohesion. This transcends ideological disposition and creates internal senses of momentum that the groups, for all their position as minority status entities, can maintain momentum when direct drives for representative office have been dismissed and there are limits in seeking universal political support. The core of what is created is a social movement, which takes its cue for the creation of bonding capital and the maintenance of this through the use of education and social media.

In part the movements are rooted in identity politics, that the members of the social movements perceive themselves as being removed from the orthodox establishment identity. In the case of the Tea Party the economic fallout of the 2008 crash suggested a role of the federal government that was overly controlling, and in the case of the Les Bonnets Rouge the imposition of a tax which adversely affected the region suggested as government that was out of touch with the geographical and economic interests of the region. The two movements suggest that social movements share similar attributes, foundations of cause and mobilization strategies across borders. They also suggest concepts of grassroots empowerment. While this has been present in movements such as the Indy cause, that it now transcends the politics of left and right, and those movements which do not see themselves associated with the conventional patterns of partisanship is significant. Moreover, the movements discussed in this paper do not seek direct political representation. Rather they act as social influences on the political establishment and work as protests against how the system acts as a medium of representation. The use of both old and new forms of political communication, from street based activism to social media and the internet testifies to a readiness to mix a range of conversation mediums to foster group mobilization, identity and cohesion. That this was achieved beyond the traditional organizational strategies of political parties is further testament to how the new social movements have brought together a complex mix of identity politics and have created their own group dynamics, often with little prior experience of mounting a case or political cause.

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