

## Democratic Consolidation in Poland, Hungary and Turkey

### Introduction

In the summer of 2014, Hungarian Prime Minister Viktor Orbán offered a short address to a gathering of ethnic Hungarians while visiting Romania. In his speech the prime minister offered his audience a startling new idea of how they should think about Hungary, its transition to democracy, and its future. Orbán asserted that western liberal democracy was weak and “uncompetitive,” as evidenced by the near collapse of its economy in 2008. Its proponents were just as weak and endlessly interested in hounding Hungarians about unimportant things like human rights. To be competitive, Hungary would need to separate itself from this flawed vision of liberal democracy. The future he sought for non-western countries would be “not Western, not liberal, not liberal democracies, and perhaps not even democracies” (Puddington 2016).

Since dubbed Orbán’s “illiberal democracy” speech, the prime minister’s words resounded across Europe. However, they were heard differently by many countries in the EU. The largest countries in the European Union began to grow concerned about democratic backsliding and about possible infringements on minority rights, while beginning to consider what control they could actually exert over other member states to stop them from weakening their democracies. Others, like the far-right Law and Justice party (PiS) of Poland, heard Orbán’s words as a rallying cry for a new paradigm of structuring state institutions. Fueled by nationalist rhetoric, anemic growth after the Great Recession, and the Euro and Migrant crises that rocked Europe back-to-back, populist movements and the parties they back have become viable political vehicles for antidemocratic sentiment.

However, even outside the European Union, efforts to consolidate democracy have been mixed in much of the last two decades. For example, Turkey, a country with a recently consolidated democratic regime—or, at least, well on its way to consolidation—has seen its president, Recep Erdogan, instead consolidate his own power by jailing journalists and forcefully campaigning to amend the Turkish constitution to award the presidency more power. Many non-EU countries in the post-Soviet bloc, most notably Russia, saw what little movement towards democracy they had gained in the 1990s evaporate as political leaders enhanced their personal power. Even in the US, some scholars have begun to question how stable democracy is in the United States (Foa and Mounk 2017; Ziblatt and Levitsky 2018).

In the mid-1990s transitologists began to seriously consider how they might be able to tell whether or not a transitioning democracy had become stable, or “consolidated.” As we become further removed from the end of the communist era, fewer countries are in the process of transitioning from authoritarianism to democracy. Thus, researchers have turned their attention instead to how these countries have attempted to become consolidated. However, until very recently, the literature on the possibility of backsliding on the rule of law and democratic institutions—so called democratic “deconsolidation”—has been sparse; this is partially, perhaps, due to the fact that many countries once considered consolidated did not face threats of deconsolidation until the last decade.

Some scholars debate the utility of “consolidation” in understanding transitioning democracies. How to tell if a democracy is consolidated is one issue, but a further issue that has emerged in the literature is how democracies can “deconsolidate.” Do current trends towards illiberalism in Poland, Hungary, and Turkey meet the definition for democratic deconsolidation? Can the trajectory of these three case studies help us draw conclusions about the concept of consolidation as a useful way of understanding new democracies? This paper will focus on the consolidation of democracy in Poland, Hungary, and Turkey and then compare it to recent trends in each of these countries of adopting illiberal policies. It will then discuss a) whether democracy in these countries has met the definition of being “consolidated,” and b) if their trends towards illiberalism threaten to deconsolidate democracy.

The use of these three countries is strategic. Poland and Hungary have walked a similar path, with a shared past of communism in the Soviet bloc and having both joined the European Union in May of 2004—a move which required a swift consolidation of their democratic regimes to meet EU demands. Yet while the leaders of these two countries—Jaroclaw Kaczynski of Poland and Viktor Orbán of Hungary—have focused their attention on changing differing aspects of their countries’ political institutions, they are often spoken of in tandem when discussing democratic deconsolidation. Turkey, in contrast, has had a markedly different political history from the two post-communist countries. Erdogan seems to have consolidated his own power in different ways than Kaczynski and his PiS party or Orbán and the Fidesz party. Turkey has also followed a path of illiberalism, and in the same time frame, though the reasons behind it and the changes made to liberal democratic institutions have varied.

### **Consolidating Democracy**

Since the end of Huntington’s “third wave” (Huntington 1991) in the mid-1990s, many scholars have turned their attention away from democratic transitions and toward democratic consolidation. Definitions vary, but the most oft-used definition is that of Linz and Stepan (1996:14). A democracy is said to be consolidated when “it is the only game in town.” In essence, the authors argue that a democracy is considered consolidated by three factors: no politically significant group seeks to undermine the democratic regime by overthrow or secession; when the majority of the public believe institutional change should come from within the structure in place, particularly after economic or social hardship; and when political actors understand the democratic structure as foundational and attempt to resolve conflict within its institutions. When researchers attempt to measure consolidation, the behavioral aspect of consolidation, that groups do not seek to undermine the regime, seems to be the most important empirical aspect (Schedler 2001).

The ability to successfully consolidate has been studied in different ways. For example, institutional design might play a significant role in the success of consolidation. For many emerging democracies, there is some evidence that parliamentary systems are more likely to consolidate (Stepan and Skach 1993), though there is some evidence also that the case against presidential systems is flawed (Cheibub and Limongi 2002). The role of political

parties has been studied as well, suggesting that parties cannot consolidate their power around social cleavages as well in transitioning countries as they do in established democracies (McAllister and White 2007).

However, despite the large body of literature on consolidation, there are some who think consolidation might not be a useful way to approach an understanding of democratization (O'Donnell 1996; Diamond et al. 2014), since democracy only works when many different parts work together; there is no unidimensional scale of what constitutes a country as being “more” or “less” democratic. One country may have stronger minority protections, while another has fairer elections. Regardless of the state of the current scholarly debate around the usefulness of the idea of consolidation, its use in comparative literature has been widespread in the past two decades.

Poland and Hungary have followed similar paths away from communism, towards liberal democracy, with each now facing questions of deconsolidation. Each country was part of the Soviet bloc, and each had a storied history of attempting to loosen the grip of the Soviet Union—with strong Solidarity protests in Poland, and in Hungary’s failed 1956 revolution. Some evidence on the study of the role of protests suggests that Poland used protests as a way to affect change both before and during the transition at a higher rate than most other post-communist countries (Ekiert and Kubik 1999). Hungary’s consolidation was somewhat different than many post-communist countries due to its continued presence of anti-system parties and a tendency towards grand political rhetoric that belied a general sense of compromise and civility when in parliament (Pózca 2015).

However, the path towards consolidation was hurried along by both countries’ fervent desire to join the European Union. The EU has extensive and substantive requirements for countries seeking accession, including the rule of law, liberal civil rights and economic policies, and a democratic constitution. These so-called “Copenhagen Criteria” meant to ensure that any country seeking to join the European Union would be stable, have adequate human rights protections, and respect and protect minority populations; these criteria also helped determine the level of financial assistance members would receive (Pridham 2002). In addition, member countries had to honor the *acquis communautaire*, the body of law enshrined in the existing EU treaties. To join the EU, countries were required to accept and implement all the rules and regulations required by EU treaties.

After the signing of the Maastricht Treaty in 1991, leaders in both Poland and Hungary were keen to gain the benefits of EU membership. The transition away from communism came with economic and social difficulties, and joining the EU seemed perhaps to be the fastest way of gaining access to the benefits that liberal democracies enjoyed. The two countries put great effort into making sure they would be the first to be ready to accede to the European Union (Salzberger and Voight 2002). On May 1, 2004, Poland and Hungary, along with eight other countries, joined the EU.

While most countries in the post-communist world were likely to choose democratic forms of government, access to the common market of the EU offered an attractive deal and more than enough incentive for leaders in Poland and Hungary to take the necessary steps to achieve a consolidated, substantive form of democracy. However, some scholars have argued that these two countries would not likely have accepted such

rapid consolidation or the full measure of liberalization if not required to by the EU. Even as Hungary and Poland gained entry into the European Union, the agreement to implement these changes rested somewhat on the ability of the EU to deliver certain sought-after benefits. If those benefits failed to materialize, “the backlash may strengthen political groups with narrow, nationalist goals” (Rose-Ackerman 2005).

In contrast to the relatively similar paths Hungary and Poland have taken towards democratization, Turkey has not had to deal with the difficulties of piecing together democratic institutions in the vacuum of post-communist Eastern Europe. While Turkey has a much longer history of being a constitutional republic, a strong military led to four different periods of military control starting in 1960. Rather than assuming control to overturn democracy, military rule was justified by its leaders as a way of ending poor attempts at democracy and giving democracy a fresh chance to be introduced once the military found it proper to do so. Interestingly, through these difficult and undemocratic times, widely varying and vibrant political parties remained active (Ozbudun 1996).

Turkey was able to weather military rule in part because of a strong civil society made up of “intellectual-elites” and the military at one end and peasants and nomads at the other (Heper and Keyman 1998). However, democracy was mostly only possible for the elites and burgeoning middle class and inaccessible to the poor and to certain minorities, like the Kurds, and clientelist relationships are still ubiquitous. Democratic sentiment has remained low in the general population, partially do to unequal access and partially due to the tendency among elites to feel that they know best how to run the country, and attempt to assert complete control over political institutions (Kalaycioglu 2001).

The last military coup took place in 1997, and by 2003, Recep Erdogan had become president. He has remained popular and, until relatively recently, seemed to have a positive relationship with leaders in the EU due to his economic and social reforms (“Turkey is sliding into dictatorship” *The Economist* April 15 2017). Like Poland and Hungary, Turkey has officially applied as a candidate country to the European Union. Like these countries, Turkey made strides towards the creation of a consolidated, liberal democracy in hopes of gaining EU accession. However, unlike the other two countries, Turkey has not yet been extended membership to the European Union.

### **Toward Deconsolidation**

If consolidation happens when democracy is “the only game in town,” then, naturally, deconsolidation is when this is no longer the case. Consolidation considers the factors that lead to stabilization of a democratic regime in a society, but early on scholars seemed to assume that this stability would continue in perpetuity. They may be right; Przeworski, Cheibub, and Limongi’s (1996) observed that no country with an annual GDP per capita lower than \$6,000 in 1985 (roughly \$14,000 today) has abandoned democracy, and this has seemed to hold true until the present. However, as our understanding of democratic consolidation has grown, scholars now readily admit that achieving a stable democracy is only one part of the equation; states must also be capable of maintaining democratic institutions and values (Moloney and Kirslov 2016). Despite this admission, research on deconsolidation—sometimes called democratic ‘backsliding’—has only really begun to pick up in the last few years,

and even then has focused mainly on established western democracies in the European Union and the United States (Foa and Mounk 2016; 2017).

Two papers by Roberto Stefan Foa and Yascha Mounk in the *Journal of Democracy* have sparked widespread discussion on deconsolidation and are seen as formative literature on the subject of democratic deconsolidation. The authors argue that the degree to which a democratic regime can be considered consolidated rests on three factors, similar to Linz and Stepan (2016): how much popular support exists for a democratic system, the relative weakness of parties and movements hostile to democracy, and the degree to which democratic rules and regulations are accepted and upheld. The authors argue that many western countries are facing a possible crisis of deconsolidation because support for democracy has waned considerably in the past three decades, particularly among millennials (Foa and Mounk 2016; 2017). At the same time, antidemocratic forces have been strengthened in the wake of the Great Recession and the Migrant Crisis in the EU. Many citizens, the authors conclude, no longer believe democracy can give them what they want out of government. In the three countries within this study, popularity of illiberal policies or political actors led to their consideration as deconsolidating democratic states.

Even prior to European Union accession, Poland was recognized to have some deficiencies in implementing EU law. While studying elite structures, Wasilewski (1998) argued that Poland had “shallow consolidation.” The institutions and constitutional rule of law necessary for all consolidated democracies existed, but in some cases, Poland held on to Soviet-era laws despite EU pressure (Rose-Ackerman 2005). As befitting a country with a strong heritage of popular protest, Poland also sometimes passed laws directly in opposition to the *acquis communautaire* if there was enough popular support within the country to do so (Zylicz and Holzinger 2000). While some believed there was an undercurrent of illiberalism popular in Poland, it did not seem to be a result of their strong religious association with the Catholic church (Karpov 1999).

In the wake of EU membership, Hungary also lagged in implementing many of the policies required of them by the EU. Relatively “minor” rules went unimplemented, notably in environmental policy (O’Toole and Hanf 1998; Rose-Ackerman 2005). As with Poland, formal laws in-step with the European Union did not necessarily mean that the reality on the ground was congruent with EU policy. However, many of these small violations were less due to outright defiance or lack of political will, but simply because Hungary lacked the institutional capacity to ensure their implementation. Javanovic (2000) argues that this is less likely due to weak or fragile institutions, and more likely due to lack of necessary resources. Countries had to make hard choices; acquiescing to EU policy often came with tradeoffs that left many in Poland and Hungary chaffing at outside authority.

Poland’s shift toward illiberalism began in earnest since the victory of PiS in 2015 elections—the first time since the fall of communism that a party had gained an outright majority in parliament (“Poland Ousts Government as Law & Justice Party Gains Historic Majority,” *Bloomberg*, October 25 2015). Moves towards illiberal policies have been swift, though not as far-reaching in some ways as those in Hungary and Turkey. Many of the issues of

illiberalism in Poland are centered around Law and Justice's stance towards minorities like the LGBT community and because of changes that left the judiciary of Poland far less independent.

Both Poland and Latvia have been vocal about opposition to gay rights and legal protections, with Poland backtracking on changes required by EU law. However, EU accession conditionality for policy protections for LGBT people were found to be weak and relatively unenforceable, leaving Poland to resist changes (O'Dwyer and Schwartz 2010). Stuningly, by the end of 2017, the European Commission said that PiS's changes to the judiciary represented "a clear risk to the rule of law in Poland" (European Commission 2017). They demanded that Poland seek to reestablish judicial independence and remove gender-based age restrictions on members of the Supreme Court, as well as rescinding presidential authority to alter term lengths for judicial appointments.

In Hungary, Viktor Orbán had been prime minister of Hungary during much of the EU accession talks, from 1998 to 2002. During that time he governed as many center-right politicians would; he lauded Hungary's transition from authoritarianism (and his role in that transition) and for the benefits of EU membership. The country had attracted many foreign investors, but its breakneck pace of attempting to gain EU membership left it with considerable debt (*The Guardian* "The rise and fall of Hungary" Zsolt Darvas, 2008). By the time Orbán regained the prime ministership in 2010 in a landslide victory, his tone had shifted. Where once he hoped for EU membership, he now saw it as a burden. Orbán praised Russia and Putin specifically, leading some to question whether Russian influence led to the change of heart. However, research suggests that Hungary's push towards illiberalism came from within, and not from Russia (Buzogány 2017).

Even prior to his "illiberal democracy" speech, Orbán and Fidesz had begun to hollow out the political institutions of Hungary. The party's overwhelming 2010 legislative victory allowed them to pass constitutional changes without opposition approval. Election laws led to gerrymandered districts and extended voting rights to ethnic Hungarians in neighboring countries, all designed to increase Fidesz's electoral power. Judicial, fiscal, and media councils were either disbanded or re-engineered so that the party gained majority control of each of these institutions (Puddington 2017). Hungary seemed to act in full defiance of EU preferences and regulations. Partisan politics—particularly a strong euroskeptic presence in the European Parliament—and lack of consensus among EU nations led to a tepid response from the supranational organization that failed to curtail these illiberal changes to Hungary's constitution.

To help stem the tide of Muslim refugees into the EU, the European Council offered Turkey a deal: by agreeing to strengthen its borders and to take back migrants who had entered the EU illegally, Europe would pay Turkey and ease visa restrictions on Turkish nationals entering the EU (Rygiel, Baban, and Ilcan 2016). European leaders also agreed to begin stalled talks on Turkey's membership in the EU. Despite having applied for membership over a decade ago, Turkey has failed to achieve membership. While there are economic reasons—including the population size of Turkey—which have stalled talks, so too has Turkey's spotty relationship with human rights and democracy. The European Union has stressed that Turkey must make its military subordinate to

elected civilian control, as well as extend civil rights to minorities like the Kurds who had no official status in Turkey (Flam 2004).

After a failed coup attempt in 2016, Erdogan consolidated power by jailing or silencing journalists and opposition leaders. With high levels of support and having undermined his opposition, Erdogan called for a constitutional referendum in 2017 to replace the parliamentary system, in place since 1945, with an executive presidency with a wide array of powers. Almost exactly thirty years to the day that Turkey applied for EU membership, Erdogan made the strongest move away from democracy in Turkey since 1997. In the run up to the vote, Erdogan and his supporters continued to harass or otherwise silence political opposition to the referendum. Despite these tactics, the constitutional changes passed with only 51% of the vote (“Erdogan claims victory in Turkish referendum but result swiftly challenged by opposition” *The Telegraph* April 18 2017). The constitutional changes have, as might be expected, taken EU membership off the table for the foreseeable future.

### Discussion

The answer whether Poland, Hungary, and Turkey should be considered as being in the process of “deconsolidating” their democracies rests mostly on whether or not one thinks that they were consolidated in the first place. Turkey and Poland, in an effort to be admitted into the European Union at breakneck speed, seem to clearly meet Linz and Stepan’s qualifications for a consolidated democracy. Turkey, however, may still be an open question. Despite also trying vigorously to be admitted to the European Union, yet the level of democracy and human rights in Turkey was never sufficient to gain the EU’s favor. After years of military rule, attempt at democracy, and coup, Turkey certainly did seem to be able to meet the procedural definition of democracy. However, it is clear that a more substantive understanding of democracy was never met by Turkey, even during its “good years.”

There is some question as to the utility of differentiation between illiberal democracies and deconsolidated democracies. Linz and Stepan, who’s definition of consolidation is most widely cited, see little difference. Many scholars are in agreement that one is much the same as the other. Democracies that do not govern democratically, regardless of how free and fair the elections are, cannot truly be considered democracies (Linz and Stepan 1996; Foa and Mounk 2016). However, it can be argued that illiberalism is not always a threat to democracy. In Poland and Hungary—as well as others outside the scope of this paper—popular support catapulted illiberal parties into power and may be likely to keep them there. These countries are not necessarily trying to get rid of elections or to outright rig them, but they may not need to if they can stack the deck in their favor. It is hard to say a country like Hungary cannot be democratic with gerrymandered voting districts when the very term originates and is alive and well in the United States.

Illiberalism might not, in the end, be a deconsolidation threat to a *procedural* democracy. Clearly the ability for an illiberal regime to reduce the freedom and fairness of their elections exists, as evidenced by Erdogan’s treatment of opponents to his constitutional changes. But in some cases, like that of Poland and Turkey, it may not

be necessary to hobble elections for antidemocratic parties to succeed. However, while illiberalism may be in the realm of possibility from a procedural standpoint, illiberal democracy clearly fails to meet even the most middling of substantive definitions of democracy. This is illustrated best not by theory, but by practice; the EU's accession policy is perhaps the most concrete and consequential way to assess the real-world impact of democracy of a country. Countries which have not instituted the rule of law, as well as strict democratic and civil rights legislation, are not allowed to join—though enforcement of these laws may be less important than having them on the books.

There is also some suggestion that the alarm bell is ringing too soon on deconsolidation. In response to Foa and Mounk, Voeten (2017) argued that trends in overall support for democracy have not been falling, but have remained flat for three decades. In western countries, some scholars have found no evidence that institutional political protections are breaking down as of yet (Norris 2017). In Poland and Hungary, the most obvious illiberal changes have not yet had an outsized impact on elections or minority rights, though Turkey more clearly has moved to silence opposition. Consolidation is ability to be stable over time horizons and in the face of economic and social crisis, which we may not yet be far enough removed from to say with any certainty the end result of changes made during this time. The basic democratic institutions have not yet caved in, and may be resilient to antidemocratic forces attempting to change them. However, as is often described of East Germany and the Soviet Union, regimes can *appear* resilient right up until they aren't.

Early literature on consolidation did not spend much ink on discussing the possibility of deconsolidation. This is, perhaps, not unexpected. As researchers scrambled to study and understand how post-communist societies would reconfigure themselves after the collapse of communism, the question of "*can* these countries consolidate their democracies" was much more immediate than questions of whether or not they could *stay* consolidated. But as the third wave recedes, broader questions about the nature of democracy remain. For Poland and Hungary, the answer to whether or not their democracies have become deconsolidated is yes; for Turkey, democracy was perhaps never consolidated enough to *deconsolidate*. But just as consolidation cannot be taken as a status that remains in effect once achieved, deconsolidation is also unlikely to be permanent in every situation. Consolidation and deconsolidation may make less sense to discuss as states in which a democracy exists, and make more sense as directional terms about the path that democracy is on.