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The uncertain road to sustainable democracy: elite coalitions, citizen protests and the prospects of democracy in Central and Eastern Europe

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ABSTRACT

This article proposes that to understand backsliding in Central and Eastern Europe, we need a broad "Tillyian perspective" emphasising elite–citizen interactions and the role of the state. The article views backsliding as the outcome of processes of state capture by rent-seeking elites united in party ideological or network configurations. Simultaneously, citizen protests provide an indication of (Tillyian) struggles for the growth of democracies with a broader societal basis. As different societal interests emerge, some engage in a struggle against elite coalitions, while others embrace conservative values. Based on this analysis, sustainable democracy will depend on broad societal mobilisation to defend democratic principles.

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Introduction

More than quarter of a century since the start of post-communist triple transformations (Offe 1991), a number of the democracies that have emerged in Central and Eastern Europe (CEE) display fragile or deteriorating democratic institutions. Democracy is under threat across the region, in "slow" reformers such as Bulgaria and Romania, but even more so in countries such as Hungary and Poland, long considered to have reached democratic consolidation. A draft report by European Parliament Rapporteur Sargentini presented in April 2018 stated that "there is a systemic threat to democracy, the rule of law and fundamental rights in Hungary" (European Parliament 2018). Similarly, a formal reasoned opinion by the European Commission in December 2017 claimed that that there is "a clear risk of a serious breach of the rule of law in Poland" (European Commission 2017). In recent months, Slovakia has been in the throes of a political scandal focusing on fraud and grand corruption after the killing of the journalist investigating it, while Bulgaria and Romania exhibit long-standing deficiencies of rule of law, undermining formal rules on judicial independence (Dimitrov, Haralampiev, and Stoychev 2016; Sedelmeier 2014).

When executives systematically devise and implement measures, be they formal legislative, organisational or informal, that enable them to dominate the institutions and

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organizational structures of the state, erode the balance of powers and increase their control of the state and judiciary, this results in democratic backsliding. Thus defined, backsliding comes close to Bermeo's (2016, 10–11) conceptualisation of "executive aggrandizement" as a process "when elected executives weaken checks on executive power one by one". Examples of weakening checks and balances include the constitutional and electoral law changes in Hungary between 2011 and 2012 (Bánkuti, Halmai, and Scheppele 2012; Scheppele 2013; Sedelmeier 2014), reversals of anti-corruption measures in Romania or changing the prerogatives and composition of the Constitutional Court in Poland (Ost 2016). Other, less visible, but no less harmful actions of governing majorities have targeted and replaced members of the judiciary or controlled the compositions of high judicial councils or constitutional courts. Therefore, in contrast to Bermeo's focus on backsliding through *formal* institutional changes "legally put in motion by elected officials" (2016, 11), this article views backsliding as also including the weakening of democratic and state institutions through informal rules and practices.[1] Informal norms of regulation, staffing, and power balance in democratic and state institutions affect the potential for robust competition as much as formal institutional provisions do.[2] Therefore, I view the systematic use of informal rules undermining democratic institutions and rule of law as well as the introduction of formal policy measures weakening democratic institutions as symptoms of the same underlying malaise of democratic backsliding.

The question is, why do post-communist elites undermine the very democratic institutions they helped create? Studies of transitions in Central and Eastern Europe have, for the most part, viewed them as engineered over a (relatively) short period of time, by elites making choices formally establishing democratic institutions: adopting or amending constitutions, electoral systems, parliaments and (Constitutional) courts (Bunce 2003 Elster et al. 1998; Di Palma 1990; O'Donnell, Schmitter, and Whitehead 1986; Offe 1991; Reynolds 2005). Developments and choices taking place from the start of weakening of authoritarian rule to the first free elections were considered crucial for the shape of the emerging regimes, making "immediate influences more important than historical considerations" (Bunce 2003, 170). These transitions to democracy "from above" were in some cases facilitated by the overlap between processes of democratisation and Europeanisation, that is, the process of preparation of post-communist candidate states to become European Union (EU) members. The EU's accession criteria were re-formulated to make democracy an explicit condition for accession and programmes and benchmarks were created to facilitate the building of democratic institutions. As 10 post-communist states acceded to the EU in 2004 and 2007, with the EU's explicit acceptance of their status as full democracies, the end of "transition" appeared in sight.

The greater the success of "building democracy" from above appeared a decade ago, especially given the highly unfavourable initial conditions (Offe 1991), the harder it is to accept the implications of democratic backsliding. The persistent erosion or capture of key democratic and state institutions require us to question not only the democratic commitment of current elites in CEE, but also our own understanding of transitions and democratisation. To start with, the term itself, "backsliding" is misleading, as it perpetuates an overemphasis on institutional rules and organisational structures at the expense of looking at political economic developments and mass-elite relations, as well as state and societal contexts. While such an overemphasis on institutions was, arguably, inevitable

in the early stages of post-communist transformations, in terms of both scholarly attention and practical democracy promotion efforts, nowadays it diverts attention from key trends in political economy and society in CEE. Moreover, "back-sliding" as a term suggests functioning democracies had already been established before erosion of rule of law or institutional changes brought a downward dynamic to this process. But is it possible that broader elite-mass relations developed during the post-communist period have come to be in tension and contradiction with the formal democratic rules adopted quickly and relatively smoothly earlier?

I will argue that to understand better the relatively quick deterioration of political regimes that appeared fully consolidated, we need to adjust and broaden our perspective that has been excessively focused on the creation or organisational shape of formal political institutions. A broader perspective needs to include political economy processes whereby elites have captured post-communist states and continue to use and shape state structures in order to facilitate rent seeking. A broader perspective also seeks to understand the position of the citizens in states where elite-mass interactions have been influenced by the historical processes of state capture – supporting and acquiescing or protesting and mobilising.

A helpful starting point in adjusting our analytical focus is the distinction made by Charles Tilly between democracy as emerging from struggle and maturation over centuries and democracy as established over a relatively short term by the actions of "presidents, priests, political patrons, planners, police chiefs, paratroop commanders, and plutocrats" (Tilly 1995, 365). Tilly links timescale to agency and societal context, noticing that the instrumental view of democracy as engineered by bargaining elites was fundamentally different from previous perspectives on democracy as emerging from mass mobilisations, and struggles of broad movements against elites making concessions to popular demands (1995, 197). While Tilly concluded that "bottom up" emergence of democracy as a product of societal processes and "shorter term, instrumental, top down" building of democracy through the actions of elites were both viable pathways for democratic creation, he emphasised the role of citizens and their protection from arbitrary state action in all democracies. By defining democracies in terms of the interaction between the state and citizens, Tilly's work is an important reminder that institutions are only meaningful if they reflect wider political and societal relationships.

State-society relations in CEE have been shaped by the elites engaged and involved in transformation processes in the post-communist period. These processes, which started with simultaneous transformation of the economies (privatisation), political institutions and (sometimes) nation-building and state-building (Offe 1991), made state capture by elite networks possible. Elite networks that have remained a feature of the political landscape. The character of these elites and their political projects – of state capture, joining the EU or both – should not be examined separately from the nature of the institutions and state organisation structures that they seek to influence. If we accept that current political systems of CEE states are the product of political economic processes that have empowered certain elites, then we need to focus on these processes and the institutional structures elites favour. Therefore, an analytical focus on political elites and the political economy on the one hand, and on the other, on citizens and their ability to mobilise and defend democratic institutions would provide a different perspective on backsliding.

This article will discuss the implications of a broader perspective focusing on the state and elite-society relations for our understanding of the current state of democracy in CEE. It will devote some attention in turn, to findings of the literature on state capture and citizens and trends in support for democracy and mobilisation. Discussing different manifestations of backsliding – through institutional erosion or formal change – the article argues that backsliding is not simply a period of bad institutional choices ushered by illiberal populists. Instead, the possibility should be considered that systematic interactions between governments linked to key economic interests, in power for several electoral terms, and large constituencies depending on these economic interests, have led to the emergence of a less democratic framework of governance.[3] Drawing on some illustrative examples, the article will sketch two types of de-democratisation based on the nature of the dominant elite coalition capturing state structures of governance. Furthermore, the article argues, the potential remedy for backsliding cannot be found in institutional adjustments only, but in citizen mobilisation and the emergence of constituencies interested and able to challenge the erosion of democratic principles. In this way, the article suggests that a broad perspective can lead to a different understanding of backsliding at present and suggest directions for future debate and research.

A societal perspective on backsliding

Democracies by their very nature as systems of popular sovereignty rely not only on institutions as rules established by elites, but on participation, contestation, and maintaining of rights throughout the whole of society. Even interpretations of transitions focusing on narrow definitions of democracy stressing elections and constitutions, contain the implicit expectation that once rules are established, citizens and societal groups would be engaged with their reproduction and enabled or constrained by them (e.g. Linz and Stepan 1996). The institution building that we have witnessed in the first two post-communist decades should, then, be seen as the initial stage in a longer historical process whereby societies gradually catch up with the institutional rules established by elites.

As mentioned above, Tilly acknowledged that the rapid democratisation in post-communist countries was elite driven and accepted it as successful in its own right (1995). But he also emphasised that "different institutional arrangements […] promote democracy within different sorts of social structure, hence that strictly institutional criteria of democracy yield misleading conclusions on a large scale" (1995, 199). Instead, Tilly (1995) placed citizenship at the very core of his conceptualisation of democracy, arguing that democracies are defined by the breadth of citizenship, the binding consultation with citizens on governance (elections), the equality of citizens and their protection from arbitrary state action. In such an interpretation, a democracy is not established when formal legal rules exist that provide constitutional protection, but when elite-citizen relations operate – to a considerable degree – in a way consistent with safeguarding these aspects of citizenship. In another inspiring (if not uncontested) contribution, Tilly analysed the rise of democracy in the West of Europe as a result of the organisational effects of elite war-making (1987). In that perspective, state-building was the result of elite projects of expansion (war making) and citizen rights were created in a struggle to respond to taxation and conscription. This struggle between elites and citizens also created and shaped the structures of the state which emerged as a necessary organisational condition for war making. Tilly reasons

that democracy is impossible without a strong and relatively centralised state, and that the historical form and emergence of the state and citizenship even prior to democracy has consequences for the form and functioning of democracy (1995, 203).

Analyses of post-communist transformations that focused on elite-mass relations noted not only the leading role of elites, but also the creation of institutions of capitalism and democracy with little contribution from citizens. As already discussed above, both democratisation and Europeanisation were driven by elites engaged in institution-building – domestic and, to some extent, European ones. Transitions to democracy were assessed by scholars as elite led, even if mass protests did play a role in their initial stages (Bunce 2003). European integration and accession were also elite driven processes (Grabbe 2001). The leading role of elites was likely inevitable, given the atomised state of citizenry in the authoritarian or totalitarian setting of communism (Offe 1991). At the same time, citizens were exposed to long term transformations accompanied with serious economic hardship and a decline in welfare and social protection. Claus Offe's (1991) early analysis of the post-communist transitions stressed the patience needed by citizens of societies undergoing economic hardships simultaneously with political and statehood transformations. Furthermore, Offe (1991) and Elster et al. (1998) stressed that the simultaneous transition to democracy and market economy meant that the lack of democratic rights and formed interests prevented parts of society from organising and (potentially) contesting aspects of the transformations (1998, 306). In other words, in the absence of clear interests and social mobilisation, many rules and institutions could be established quickly and relatively uncontested by citizens. The very establishment of successful and growing capitalist economies and pluralist political systems, in the decades that followed, however, means that citizens in CEE are currently in a position to reject some aspects of the past reforms, even if the remedies offered instead are often of a populist kind.

Following a "Tillyan" understanding of democracy as the product of elite-society relations in which the state and the resources it concentrates play a major role, we need to explore a number of questions: first, what kind of elites have come to power after more than two decades of post communism and how do they interact with the state and democratic institutions? Second, what kind of elite-society relations resulted from these interactions? Following the logic of Tilly's historical transformations through citizen mobilisation, we also have to ask the question whether the election of governments promising more social support in CEE is not a consequence of the expression of (different) societal interests. Furthermore, given the emergence of predatory rent seeking elites, are some constituencies mobilising to protect democratic rights?[4]

In the early 2000s, a growing group of studies emerged that addressed some of these questions by shedding light on the interactions between the state and post-communist elites. Some explored the role of post-communist elites in capturing and using state resources (Hellman 1998; Volkov 2002; Ganev 2005, 2007), others the exploitation and politicisation of the state by political incumbents (Grzymała-Busse 2007) and others yet the link between political parties, business elites and erosion of democracy (Kopecký and Spirova 2011; Innes 2014). Consequently, our understanding of what happened to the state in a post-communist context is more advanced than it was some decades ago. The insights of such studies can enhance our understanding of processes underpinning democratic backsliding. At the same time, what has not been explored is whether economic growth and the European economic assistance that all CEE states have benefitted

from the last decade have supported further entrenchment of rent seeking elites or helped the emergence of constituencies mobilising for their democratic rights.

The next section will explore in some more depth how perspectives on the importance of state capture and state exploitation can be illuminating for understanding backsliding.

State capture, dominant coalitions and backsliding

State capacity and state resources are aspects which have played a more important role in post-communist transitions than many initially envisaged (Grzymala-Busse and Luong 2002; Ganev 2005, 2007). The first generation of studies of post-communist transitions to democracy neglected the interplay of state transformation (in terms of both assets and capacity) and political transitions. There was little "productive dialogue" with those studying the state (Grzymala-Busse and Luong 2002, 529). The trend was broken by a set of studies investigating the role of elites and changes to the state as a dependent variable (Grzymala-Busse 2003, 2007; O'Dwyer 2004, 2006; Ganev 2007).

Several scholars explored the role of parties and party systems as causes or determinants of patronage and state exploitation (Grzymala-Busse 2003, 2007, 2008; O'Dwyer 2006). Most of these analyses depict the struggle to shape and control state institutions as a transitional phenomenon. Other analyses have attempted to address the question of how and through what mechanisms patterns of state exploitation might continue (Innes 2014). Innes analysed such processes in Central Europe, focusing specifically on Poland and the Czech Republic. Her analysis differentiated pathways of state capture via strong ruling parties (e.g. Poland) versus state capture of parties/political systems by corrupt elite networks (Czech Republic). In Innes's view, state capture today is driven by populist parties, competing for lower income voter support in conditions in which redistributive programmes have been difficult.[5] A common feature of such parties is that they established themselves by "monopolizing and asset stripping" the state for resources and information (Innes 2014, 93).

The concept of state capture goes back to the work of Hellman (1998) and Hellman, Jones, and Kaufman (2000). Hellman found that a state of partial reform is highly advantageous for the early winners from the first steps in reform, who receive rents and have incentives to keep further reforms from taking place. This insight, I would argue, applies not only to institutions regulating the economy, but also to political institutions. Considering the post-communist pathways of Bulgaria, Romania, Slovakia or Serbia, to mention but a few, the slow pace of reform could be viewed as a result of persistent "partial reform equilibria" in Hellman's insightful term (1998). In addition, as time passed and despite the end of privatisation, political elites that benefitted from access to state institutions created new parties as described by Innes (2014) and continued using state resources to stay in power. By capturing state institutions and resources and employing them for electoral gain, political elites across the region weaken democratic institutions: in formal or informal ways. The similarity of the phenomena studied by these different streams of work suggests common underlying causes.

Taking Tilly's insights on elites' historical project into the post-communist context, Ganev argued that instead of war-making and bureaucracy-building, post-communist elites engaged in plundering the resources concentrated in the communist state.[6] He suggested that predatory elites preyed on the wealth accumulated in the state domain

and at the same time weakened the state structures of the newly emerging democracies. Manipulation of resources within the existing structures of the state was made possible by privatisation (Ganev 2005, 435).

While the logic of such elite interactions with the state can be transferred into a period when privatisation and its gains have become a thing of the past, we need to ask ourselves, what resources could dominant elites draw on once the available ones were already "distributed"? Elites operating in a setting where no ready-made resources could be appropriated would need to focus on other resources and potentially change the institutional structures of the state to strengthen their role. In other words, the plundering of privatisation resources would need to transform to forms of systematic capture of the resources of the state.

Emerging systematic patterns of state capture would be consistent with the framework developed by North, Wallis, and Weingast (2009) which distinguishes between natural states, in which dominant rent seeking elites control access to services and organizations and open access orders that provide universal access. North, Wallis, and Weingast (2009) argue that while economic and political systems are independent of each other in open access orders, they are interlinked in natural states. This integrated political economic approach suggests a different conceptualisation of state capture: not as a relatively superficial problem with institutional arrangements (solvable by introducing specific formal rules to combat corruption or strengthen the judiciary), but rather as the consequence of the dominance of rent-seeking elites on state structures and the merging of political and business interests. North, Wallis, and Weingast (2009) suggest that in many cases the dominance of rent seekers is embedded in stable societal equilibria.

The emergence of dominant rent seeking coalitions in the sense used by North, Wallis, and Weingast (2009) could be linked to the first decades after the fall of communism and to the parallel unfolding of the processes of privatisation and establishment of democratic rules. State capture not only weakened the new democracies in material and institutional terms, but it also contributed to the emergence of networks of businessmen and politicians that formed dominant coalitions. These dominant coalitions have not necessarily remained the same – much was made of the role of the former communists in taking national assets by parties that succeeded them such as Fidesz in Hungary and Law and Justice (*Prawo i Sprawiedliwość*, PiS) in Poland – but the societal, political and economic relations that were established around rent seeking may be a persistent phenomenon.

Today, the process of capturing and using state resources and democratic institutions for private gain finds expression in high levels of corruption, but goes beyond it in scope and effect. State capture subverts the very fabric of young democracies, undermining both input legitimacy (political representation) and output legitimacy (effective public policies/universal provision of public goods) (Tudoroiu 2015). By subverting and using key institutions such as the judiciary, administrative or regulatory agencies, and parliaments, networks uniting politicians and businessmen create a permanent coalition of power, which affects both public resources and democratic accountability. Challenges to dominant coalitions through electoral mobilisation, for example in Poland or Hungary, have been met with formal institutional changes limiting pluralism, in the cases that we associate with backsliding. In other cases, such as for example Bulgaria, dominant coalitions

may be spread among all political parties and therefore not challenged when elections take place.

Mungiu-Pippidi's (2015) theoretically informed and extensive work on corruption has taken the focus on dominant coalitions further. According to her conceptualisation of competitive particularist regimes, these are regimes where rent seeking is common and social allocation is particularistic and unfair. Elections have replaced power grabbing, but voters may sell their votes in exchange for participation in informal client patron networks or jobs. Despite the importance of modes of allocation for democratic institutions, she cautions that democratic political institutions and governance contexts (particularism, patrimonialism, or universalism) are not necessarily equivalent or in sync with each other. Countries could have stable political institutions, but high levels of particularism or patronage.

Reviewing developments in Bulgaria and Romania after their accession to the EU, Ganev (2014) also highlighted the impact of competitive rent-seeking in eroding democratic institutions. State institutions are used – and abused – by networks (often involving family ties) interested in their own enrichment. And the elites involved undermine or dismantle democratic institutions such as strong independent judiciaries or anti-corruption bodies when they represent a real constraint on rent-seeking.

Building on these insights and the work by Vachudova (2015) and Innes (2014), we could differentiate types of backsliding regimes based on the character of the dominant rent seeking coalition, distinguishing between: (1) a network-type dominant coalition, consisting of businessmen and politicians formally belonging to different parties or with connections to several political forces; and (2) an ideological party-type dominant coalition consisting of politicians from one political party in power and associated businessmen. Examples of the former type would be Bulgaria and Romania whereas Hungary and possibly Poland would be the examples of the latter type.

Both types of elite-coalition state capture result in backsliding, as discussed above. In both the role of dominant elite networks of rent-seekers is crucial, but their approach to formal democratic institutions differs. In the network-type cases, disregard of formal rules has been the name of the game and the most serious symptom of backsliding is weak rule of law, elite network controlling the composition of administrative and judicial personnel and widespread use of informal rules. In the ideological party-type cases, formal rules have been changed to concentrate and consolidate power and weaken formal checks and balances, while also replacing and controlling administrative and judicial staff.

An important caveat is in order here: next to the rise of dominant coalitions engaged in state capture, we need to consider other significant political and societal processes and the elites that have been engaged in them. For CEE states that have become EU members, the process of applying and preparing to join the EU has had a substantial transformative impact on institutions, societies and economies (Börzel, Dimitrova, and Schimmelfennig 2017; Bruszt and Langbein 2017). While privatisation created nearly ideal conditions for state capture, accession to the EU may have constrained it, at least during the pre-accession period when conditionality was strong and credible. Public administration and civil service legislation adopted at the EU's insistence (Dimitrova 2002) created (some) constraints for state capture. Civil service professionalisation, which was greatly enhanced before accession, however, was often reversed after accession. Examples of legislative changes re-introducing political appointment and control

over the service are the amendments to the Civil Service law in Slovakia in 2003 and 2006 (Meyer-Sahling 2011, 241–242). The effects of conditionality, therefore, were limited to the accession period (Sedelmeier 2008) or dependent on the domestic interplay of relevant sectoral actors (Dimitrova 2010).

EU funding has also had a significant impact on the political economies of CEE states, although the debate about the overall effect and direction of such funds is still open. Some commentators suggest that in Hungary, for example, the influx of EU funds may have allowed elites to survive as stable dominant coalitions (Magyar 2016). One recent study suggested that EU funds, as currently distributed in Hungary, support the existing equilibrium and reinforce clientelist relationships instead of facilitating diversification (Fazekas et al. 2014).

What about the citizens?

The societal perspective highlighted at the start of this article suggests that democracies should be seen as the product of the interaction between elites and citizens. In this perspective, not only state capture elites or European elites are important, but also the mobilisation or acquiescence of citizens and the possibility of societal resistance should also be considered. A focus on citizens and their attitudes is also consistent with definitions of democratic consolidation.[7] Inspired again by Tilly, we have to ask whether state capture and the erosion of institutions by governing elites have led to new state society relations, whereby passive citizens accept less democracy or whether constituencies emerge that are mobilising to defend democratic principles and institutions.

Citizens in CEE were demobilised for long periods during the transition, emerging from atomised societies under communism and supporting transitions which were, by necessity, elite-driven (Offe 1991; Bunce 2003). This disinclination to organise and participate in social action and civil society was an inevitable consequence of the all-powerful communist state and the repressive regimes' prohibition of political organisation or mobilisation.

Despite their lack of active participation, however, citizens did have their own ideas about democracy, and a variety of conceptions and expectations of what democratic governance should look like (Dryzek and Holmes 2002). Ten years later, we might expect citizens in CEE states to have further developed their perspectives on democracy influenced by their experiences of the last decade, by the material interests that have emerged as well as the interactions with elites.

Two countervailing trends can be highlighted at present, one suggesting low trust and low interest in participation (in elections) and another, hinting at the emergence of constituencies interested in defending democratic institutions, principles and values.

The first trend can be discerned in recent polls and turnout results. A Pew analysis from 2017[8] shows support for democracy as the most preferred form of government at respectively 47% and 48% in Poland and Hungary, lower in Bulgaria at 39%, 34% in Latvia and, in Serbia, at a dismal 25%.[9] Next to these worrying survey results, looking at voter turnout in Central and Eastern European EU member states, a general trend of low participation can be observed. This can be interpreted as a sign of "hollowing", declining popular involvement in democracy (Greskovits 2015). However, it is worth noting that turnout in Hungary,

Table 1. Turnout at two most recent parliamentary elections.

Country	Most recent elections	Previous (parliamentary) election
Bulgaria	54.07% (2017)	39.2% (2014)
Czech Republic	60.8% (2017)	59.5% (2013)
Hungary	69.3% (2018)	61.93% (2014)
Poland	50.92% (2015)	48.92% (2011)
Romania	39.5% (2016)	41.7% (2012)
Slovakia	59.72% (2016)	59.11% (2012)

Sources: OECD Civic engagement index, Bulgaria, Central electoral Commission (http://results.cik.bg/pi2017/rezultati/index.html); Slovakia: (http://volbysr.sk/en/data01.html), RFE/RL Hungary.

Slovakia and the Czech Republic has been higher than in Bulgaria, while Poland and especially Romania show the lowest results (based on the latest elections) (Table 1).

These complex patterns of support and participation need further exploration and contextualisation. They can be related to the ideological versus network model of ruling elite-led backsliding discussed in the previous section.[10] Where elites are perceived to be part of a broad rent-seeking coalition and no contestation and change through elections is expected, turnout would be especially low – as shown by the examples of Bulgaria and Romania. Where ideological discourses by political parties strengthen and feed societal polarisation, turnout might be higher. The high turnout in the last Hungarian elections is especially noteworthy. Factors including political ideology, nationalist, and xenophobic rhetoric (Greskovits 2015), as well as the "pervasive overlap between state and ruling party resources" (OSCE 2018) seem to have contributed to the high participation, while Fidesz's win of two thirds parliamentary majority has also benefitted from the constitutional and electoral system changes introduced by the party earlier.

Following Tilly, we should also explore whether some constituencies have mobilised to defend democratic principles and contest the rule of predatory elites. This brings us to the second trend manifested, on the one hand, in protests aiming to preserve or re-energise democratic institutions and on the other, in the more active use of direct democracy tools such as referendums.

In the last decade, we have witnessed mass protests across the CEE region against corruption and state capture, which show some remarkable similarities across the region, seeking to strengthen and enforce democratic rules and defend democratic institutions. In Bulgaria, 2013–2014 protests against the attempt to install media oligarch Peevski as head of the secret service overseeing body condemned the persistent attempts of rent seeking elites embodied by media oligrach Peevski to capture and exploit democratic institutions. In Slovakia, two waves of mass protests targeted, first, the improper use of state wire-tapping powers between 2011 and 2012 (the "Gorilla" protests) and later, the death of a journalist investigating links between politicians and economic entrepreneurs (including, allegedly, Italian mafia) making improper use of EU funds. There have been also mass anti-corruption protests in Romania in 2015, and between 2016 and 2018, defending democratic institutions and separation of powers. Such protests should not be seen (only) as evidence of the existence of state capture and corruption in these countries, but also of the fact that substantial numbers of citizens are prepared to contest corrupt patterns of governance and formulate clear demands for democratic improvement.[11]

Another illustration of the mobilisation of different constituencies is provided by the citizens and organisations using new possibilities for the initiation of referendums. Civil

and religious organisations have proposed and organised referendums on the definition of the family in Slovakia and Croatia. In Slovakia, a referendum on same-sex marriage was initiated by religious organisations in 2015. Even though it failed to achieve its objective of outlawing same sex marriage because of the low turnout of 21.4%, it still represented a mobilisation of existing societal interests and attitudes. Similarly, a referendum held in Croatia in 2013 proposed amending the constitution to define marriage as only between a man and a woman, a proposition which was approved with 65.87% of the vote and a turnout of 37.9%.

Protests in Bulgaria, Romania, Hungary, and Poland, on the one hand, and referendums initiated by societal groups, on the other, should be seen as a sign of the emergence of a variety of societal interests which are getting more politically active and able to organise and mobilise (some) citizens. Democracies in the region may be becoming less elite-driven and acquiring a wider societal base. At the end of the first decade of post-communist transitions, in 1998, Elster et al. (1998, 306) argued that the presence of "coherent collective interests, active and politically skilful minorities and a high degree of organisational articulation" (then absent) would be a true sign of consolidation. However, they warned that when economic and political structures are not fit for socio-economic interest representation and mediation, they can easily "fall prey to a populist authoritarianism which regards the complex web of democratic rules, procedures, institutions and attitudes as an obstacle to an allegedly direct rule of the people" (1998, 307).[12] The connection they make between the lack of channels and opportunities for the representation of different societal interests and the emergence of populism is intriguing and certainly relevant to developments we witness in CEE today.

The process of accepting democracy and giving institutions meaning through the use of rules and different democratic practices, however, is not an automatic one. Next to the domestic political economy dynamics created by privatisation, accession to the EU and post-accession economic integration also have had an impact on the formation of interests and attitudes. While rent-seeking elite interactions with citizens may perpetuate and institutionalise patterns of clientelism and patronage networks, the integration of CEE economies in European production chains and economic diversification may create conditions for the rise of middle-class professionals independent of such patronage networks. Such citizens and constituencies would be supportive of European integration as a source of economic benefits and may be sensitive to the link which the EU institutions and member states are currently trying to reinforce between the functioning of democratic institutions and rule of law and EU funding.[13] At the same time, exposure to globalisation and European integration and variation in personal experiences with these processes may lead other citizens to support domestic elites playing on nationalistic sentiments. The emergence of these different elites and constituencies within open, European economies creates tensions and supports different, potentially interacting trends of democratisation or de-democratisation.

The trends and examples of citizen protests and mobilisation discussed in this section provide some evidence that elites and citizens in CEE may be coming to terms with democracy in very different ways. However, the (potential) effect of broadening the social base of democratic regimes and the emergence of more conscious and active citizens in CEE is currently obscured and overshadowed by two factors: first, the formal changes being made by elites to constitutions and democratic institutions mentioned

earlier, and second, the emergence of elite discourses that openly oppose liberal democracy[14] for the first time since the end of communism. Remarkably, both Orbán in Hungary and the leaders of PiS party in Poland have promoted discourses where their own party is identified with "the nation" (Greskovits 2015; Ost 2016). Given the existence of discourses on democracy seeking a unified public good already in the late 1990s (Dryzek and Holmes 2002), the success of parties promoting a unified national idea seems at least as predictable as the rise of liberal democratic parties.

From state capture to backsliding

What analytical leverage do we gain by explaining different forms of backsliding in Hungary and Poland or Bulgaria and Romania in terms of the interactions of dominant rent-seeking elite networks on the one hand and broader and more diverse societal interests on the other? The reasoning which connects the state and its resources, rent-seeking and citizen incentives to hold (or not hold) elites accountable also suggests that governance by rent-seeking coalitions damages democracy. There are several mechanisms underpinning backsliding, conceptualised above as both formal institutional changes increasing executive power and informal erosion of democratic institutions.

First, we should recognise that democratic institutions creating (horizontal) constraints on dominant elites – be they constitutional courts, high judicial councils, professional civil services, courts of auditors or media oversight bodies – have been targeted and weakened. There are numerous examples from all CEE states of such weakening in the last decade. In Hungary, for example, the electoral victory of Fidesz in the parliamentary elections of 2010 was followed by changes of personnel at all levels of the Hungarian administration, as high as Hungary's the Permanent Representation to the European Union and as "low" as head teachers and hospital directors (Kiss 2011). The personnel changes were justified by the government with the need to get rid of communist elites in Hungary (e.g. Navracsics 2011). A 2018 report from the Hungarian National Judicial Council details informal practices affecting judicial appointments and political interference affecting judicial independence (Novak and Kingsley 2018). These extensive and systematic efforts to influence the staffing of state institutions provide an example how a ruling party consolidates its capture of the state and its organisational resources and weakens existing checks and balances.

Second, and following from the above, changes in formal institutions, even institutions as important as constitutional courts (Ost 2016), should be seen as the symptoms rather than the core of the problem. Dominant coalitions embedded not only in political but also in economic networks command the power to control job opportunities and to empower some emerging interests and suppress others. After some time and over more than one electoral cycle, these patterns may lead to long lasting societal changes. As Bálint Magyar has argued in the case of Hungary, the multitude of institutional and legal changes set in motion by Viktor Orbán and Fidesz since 2010 have led to societal changes and in particular the emergence of a new "middle" class dependent on state jobs distributed by party patronage (Magyar 2016, 154–158). Societal changes may be proceeding in parallel with the use of various laws and policies constraining societal mobilisation such as laws limiting the free operation and creation of non-governmental organisations (NGOs).

Third, if we focus on rent-seeking dominant elites, we also need to consider how and by whom they are currently constrained: society-wide mechanisms are the most promising means of opening up particularistic regimes (Mungiu-Pippidi 2015, 218–221). Mobilised citizens and specific civil society initiatives are an important condition for resisting backsliding. The inclusion of civil society in donor or assistance programmes, facilitating the registration and operation of NGOs and embedding public consultations in EU funding mechanisms can boost pluralism. However, vertical mechanisms of accountability such as civil associations or organisations are attacked or explicitly controlled to avoid their acting as checks and balances and their (potential) mobilisation of citizens. Leaders in backsliding regimes actively borrow from the "authoritarian toolbox" used in authoritarian regimes such as President Lukashenka's in Belarus, or more recently, Russia, by imposing legal limits on NGO registration and operation. These recent developments can be witnessed in a number of CEE states, for example Hungary, Poland, and Bulgaria. In addition, sometimes efforts have been directed also at the construction and spread of illiberal discourses and ideas to support the rise and of illiberal civil society, as Greskovits (2015) has shown in the case of Hungary.

Fourth, politicians or entrepreneurs that act as patrons in clientelist networks employ a range of positive and negative strategies to secure voter loyalty during elections and thereby maintain their own position in the institutions of governance. Depending on the scope of practices such as vote buying or (economic) intimidation, the very foundation of the electoral process can be compromised. An illustration is provided by a recent study by Mares, Muntean, and Petrova (2016) studying the use of negative strategies such as economic voter intimidation in Bulgaria and Romania. They find that the level of economic concentration in a locality affects the opportunities for economic intimidation of voters, while economic diversification makes voter intimidation less likely.

Finally, beliefs and citizen trust in democracy are undermined, as also illustrated by the recent polls mentioned above. When the state is controlled by a dominant network of actors (political and business elites), other political actors and the public may perceive the rules of the democratic game as compromised. Citizens may find that informal rules about access to the state and its decision-making and re-distributive powers override formal democratic rules. If, moreover, there is a perception that the same elite group dictates and controls resources and decisions even after several electoral changes of power, then the very foundations of democracy's institutionalised uncertainty are undermined. Where citizens do not believe elections can lead to a change in elites and policies, democracy is fundamentally weakened (Tilly 1995). We could also consider whether the rise of populist anti-systemic politicians in some CEE states might be explained – to some extent – with the dissonance between rent-seeking elites and dissatisfied citizens. The resonance of some populist movements (although not nationalist ones) could be explored in this light, even if the remedies they suggest are not in fact solutions to the elite-citizen gap.

Conclusions

Analyses of the dynamics of CEE regimes from a political economy perspective do not contradict accounts of backsliding that focus on the erosion of democracy through institutional or constitutional change. Rather the broader perspective presented in this

article aims to focus attention on the importance of the underlying societal dynamics and actor networks that make it possible for authoritarian leaders to change formal institutions or informal rules. In particular, I argued that we should explore the systematic effects that state capture – as a project in which a substantial part of post-communist elites have engaged – has on democracy and society. Focusing on state capture by elite coalitions of party ideological (Hungary, Poland) or network composition (Bulgaria, Romania), this article argued that the use of the state and its resources are a central mechanism supporting backsliding. Backsliding itself can take the form of reversal of formal checks and balances, including constitutional changes or the use of informal rules or practices affecting the staffing and functioning of key democratic and state institutions.

The article also argued that we should explore further how state organisational resources are used for perpetration of political power and rent seeking. State capture is a central phenomenon to be further studied and understood in order to understand backsliding. The persistence of dominant rent-seeking coalitions is detrimental to CEE democracies in several different ways: (a) by formally changing democratic institutions to consolidate power; (b) by informally eroding staffing norms and democratic balance of power principles; and (c) by eroding citizen trust in democracy and its ability to deliver a different set of elites and different policies. Elite-mass interactions which perpetrate and enable rent-seeking and patronage may have become part of state institutions and become gradually accepted by citizens.

In this perspective, the extent to which dominant parties organisationally capture the state and control access to resources such as jobs and economic opportunities is a crucial factor affecting the popularity and durability of backsliding regimes. Following the political economy perspective, we can also expect that as long as broad constituencies benefit from economic growth linked to powerful domestic elites, their response to democratic backsliding in terms of electoral mobilisation will remain limited. Under conditions of economic growth, we may expect the same elites to be returned to power, as evidenced by the outcome of the Hungarian elections in 2018.

If we accept that strong dominant coalitions underpin both the "ideological" pattern of Hungarian and Polish backsliding and network trajectories of backsliding such as those in Bulgaria and Romania, the future of these democracies depends more on the mobilisation of citizen constituencies – against dominant elite coalitions rather than formal strengthening of democratic rules.

Increasing waves of protests may indicate a hopeful trend, suggesting a broader societal struggle to influence public policy and state agents (as in Tilly 2004). The illustrative examples mentioned above suggest that there are several different trends in mobilisation deserving further scholarly attention. Some are explicitly defending the democratic institutions established in the last decades, while others promote conservative values linked to religious beliefs. These overlapping trends that pull in different directions should make us cautious in interpreting protests as an unambiguous constraint to further backsliding.

Taking evidence of state capture and mobilisation together, it can be argued that rather than sliding back from a supposedly more developed state of democracy, CEE states are experiencing an ongoing struggle between dominant coalitions engaged in state capture on the one hand and a growing set of societal interests and actors struggling for rights and access to the institutions of governance on the other.

Paradoxically, such a view can be seen as cause for both a more pessimistic and optimistic interpretation of the politics of "backsliding". More pessimistic, because it claims that citizens and civil society have not, up to now, succeeded in forcing post-communist elites to ensure equal access to resources and institutions and relinquish their privileged position exploiting the political and economic resources of the state. More optimistic, because it interprets the current period of unrest and polarisation as a struggle to hold elites to account through emerging mechanisms of popular mobilisation. In this case backsliding can be regarded as a "normal" facet of democratic development viewed from a longer term "Tillyian" perspective. If democracy emerges, as Tilly has argued (2004, 9), as the result of political struggle over the medium term rather than being established quickly through constitutional and institutional arrangements, then not all is yet lost in CEE.

Notes

1. Such informal rules and practices can be, for example, in Bulgaria, the staffing the High Judicial Council with judges favourable to ruling party interests or the compromised random distribution of court cases despite the existence of formal rules requiring such distribution. Other examples of such practices can include politically motivated corruption prosecution cases in Romania (see Dimitrov, Haralampiev, and Stoychev 2016). Measures taken by the Hungarian and Polish governments to send judges into early retirement are very similar in nature, although often overlooked by comparison with more visible changes such as constitutional amendments or laws. Therefore, formal and informal institutional changes are seen here as part of the same processes.
2. For the link between staffing norms for state regulatory institutions and democratic competition, see Grzymała-Busse (2007), who showed that in the early years of transitions, robust competition resulted in better observance of informal norms on staffing and power balance. Conversely, less competition can be observed when these norms are violated.
3. See also Ganev (2005, 431).
4. Such questions have been asked before in studies of democratisation focused on socio-economic dynamics and the struggle of specific groups for rights, such as Barrington Moore (1966). Then they were eclipsed by different perspectives and the transition to democracy literature exemplified by the seminal volumes by O'Donnell, Schmitter, and Whitehead (1986), themselves inspired by Rustow (1970).
5. Innes saw such parties as ideologically unanchored, which may hold for parties in the Czech Republic or Bulgaria, but not for the emerging illiberal or nationalist party discourses in Hungary or Poland. She attributes the success of populism among poorer constituencies to the lack of re-distribution and decline of left parties as a result of it, an argument worth revisiting considering that Polish and Hungarian governments have introduced new redistributive programmes.
6. While Ganev's (2005) "reversed Tillyan perspective" investigated mostly the use of the state for plundering of existing assets during the years of privatisation, he also hinted at future opportunities for elites to continue preying on the state.
7. In Linz and Stepan's (1996, 5) classical definition a democracy is consolidated when, following a change of formal rules, attitudes and habits have also changed and broad societal acceptance of the rules of the game over several electoral cycles has been reached. Consolidated democracies should exhibit a broader and more lasting acceptance of democratic institutions and of basic constitutional rules, matching expectations and behaviour.
8. The fieldwork was done in June 2015-June 2016. See: http://www.pewforum.org/2017/05/10/democracy-nationalism-and-pluralism/.
9. The statement respondents reacted to was: "Democracy is preferable to any other kind of government" as opposed to "In some circumstances, a non-democratic government can be

preferable", the third option being "to someone like me, it does not matter what kind of government we have" (Pew Research Center 2017).

10. This proposition needs further exploration through a more rigorous research design and empirical testing.
11. For an argument stressing the increasing levels of civil engagement linked to 2013 protests in Romania, see Volintiru (2013). For appeals for better governance in Bulgarian protests, see Dimitrova and Buzogány (2014) and Ganev (2014). We must note, however, that the higher levels of citizen engagement, as we have also witnessed in the demonstrations in Hungary in April-May 2017 triggered by the higher education law restricting the operation of the Central European University, do not predict immediate improvements of elite practices or manage to constrain backsliding. Indeed, as Ganev has noted in his analysis of the Bulgarian protests of 2013–2014, the results of protests can also be "elite retrenchment and repudiation of civic demands" (2014, 43).
12. A warning that has proven relevant and realistic two decades later, suggesting that the societal mechanisms representing socio-economic interests identified by Elster et al. (1998) are still absent or underdeveloped today.
13. EU membership is still supported by the majority of citizens in CEE states and support is stable or even rising, also in countries that have exhibited substantial backsliding. In Poland, for example, the most recent opinion poll survey by CBOS showed a record percentage of citizens – 92% in favour of EU membership (Stone 2018).
14. An example of the latter is the speech made by Hungary's Prime Minister Viktor Orbán in the summer of 2014, which contained programmatic suggestions for following a (Russian) style "sovereign democracy model" (Toth 2014).

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