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Veröffentlichungsversion / Published Version
Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

, , & Szyszkowska, E. (2022). Interest Representation Preconditions in Illiberal Poland and Hungary. *Studia Europejskie - Studies in European Affairs*, 26(1), 47-62. <https://doi.org/10.33067/SE.1.2022.3>

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Interest Representation Preconditions in Illiberal Poland and Hungary

Abstract

Poland and Hungary have been widely recognised as countries affected by illiberalism. This has undoubtedly created a challenging environment for interest groups; groups which are a touchstone for the quality of democratic processes. In this article, we aim to understand how preconditions for interest representation have changed due to illiberal drift through the eyes of interest groups operating in these two selected post-communist countries. In order to examine their perception of opportunity structures, interaction infrastructure as well as the level of political coordination under the new circumstances, we rely on quantitative research in the form of a survey carried out among interest group representatives. Our results indicate that the political systems of Poland and Hungary are still a mix of pluralist and corporatist features, however, the Polish political opportunity structures are still more open to input from civic society and interest groups have stronger positions compared to the situation in Hungary.

Keywords: Central Europe, Eastern Europe, Interest Groups, Illiberalism, Democratic Backsliding, Hungary, Poland

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Introduction

Various theoretical paradigms in scholarly analysis have contributed to our understanding of post-communist transformations. Some strands of research focus on the immediate communist past as the main constraint on post-1989 transformations, while others attempt to transcend the specificities of post-communism and integrate the study of the region into a general study of comparative politics. Other researchers have explored historical and cultural contexts and their role in shaping the outcomes of transformation (Ekiert, 2014). Relatively little scientific attention has been dedicated to questions of civic involvement in post-transition societies that go beyond standard political participation (e.g., party membership, electoral participation, protest, etc.). The advocacy strategies and tactics of interest groups trying to engage in the political decision-making process received even less attention until recently (Rozbicka et al., 2021; Dobbins, Riedel, 2021).

This article partially addresses this deficit by exploring interest representation preconditions as seen by interest groups in the two Central and Eastern European (CEE) illiberal democracies of Poland and Hungary. We use the term “illiberal democracy” to describe neo-authoritarian settlements, keeping in mind that some scholars treat it as an example of neologism and consciously reject it from the scientific dictionary, arguing that only a liberal democracy can be a democracy (Giannakopoulos, 2019). Both countries have evolved in various historical contexts, both in the distant past and contemporarily and share many common experiences including the communist past, a democratic transition, EU membership and, most recently, a turn towards a populist-authoritarian agenda (Riedel, 2020). The current political leaders of Poland and Hungary also openly express the perceived community of values both in domestic political discourse and internationally. After the parliamentary elections in 2010 (Hungary) and 2011 (Poland), Jarosław Kaczyński, the leader of PiS (*Prawo i Sprawiedliwość* – the Law and Justice party) declared: “I am deeply convinced that the day will come when we will have Budapest in Warsaw”. This statement illustrates how strongly the policy visions and trajectories of the two countries are intertwined, making them the most obvious examples of illiberalism in the region (Cianetti et al., 2018).

Although the literature widely explores the influence of different types of interest groups on decision-making processes (Klüver, Saurugger, 2013), the impact of political structures on interest groups (Beyers, 2008), and democratic backsliding across the CEE (Bustikova, Guasti, 2017; Pirro, Stanley, 2021), there is limited empirical research on how

exactly the right-wing populist governments and illiberal tendencies have impacted interest groups' activities. The aim of this article is to better understand the preconditions for policy-making processes in illiberal Poland and Hungary from the perspective of interest groups as important players in post-communist democracies. Due to our having no tools to properly examine the response of interest groups to illiberal tendencies in the form of adaptive advocacy patterns, in this article we focus only on the description of the new preconditions for interest representation through the eyes of the members of these organisations.

A framework of interest representation at the national level is defined by institutional environment and opportunity structures. In this paper, we pay special attention to factors such as the perceived policy coordination between state and interest groups, the density of interests, the frequency of consultations with governments, and the opportunity of gaining access to governing parties.

Illiberalism in Poland and Hungary

Prominent observers of democratisation processes in the CEE characterise the previous decade of 2010 to 2020 as a period of democratic recession, rollback, erosion, meltdown, setback, and even decline. Others would rather say that it is the flawed understanding of the early post-Cold-War transitions that generated overly optimistic expectations which, when not realised, produced exaggerated pessimism and gloom (Levitsky, Way, 2015). In 2015, Philippe Schmitter claimed that the developments in the CEE do not mean dismantling or destroying democracy, but rather a change in how it is practiced. This optimism was grounded on the assumption of better and better democratically educated citizens who have access to vast sources of independent and critical information. Simultaneously, the charm of the West as the "promised land" has faded away – the collapse of the Soviet-style "people's democracy" has deprived Western democracies of one of their main bases of legitimacy, that is the alternative and superior political system over their communist rivals. Yet transitory reforms, conducted in the spirit of neoliberalism, failed to produce the promise of continuous growth, fair distribution, and equality. Therefore, democracy is not in decline, nor is it backsliding, but it is rather in crisis and in the process of transition from one type to another, although it is not clear what the changes may bring (Schmitter, 2015).

Democratic backsliding in the region was not only expected, but also anticipated, as a side-effect of the elite-driven (permissive consensus) and incentive-driven (Europeanisation) post-1989 reform processes. Such fore-

casts rested on the assumption that post-communist elites and societies in general had not internalised liberal-democratic values and would stretch (or even violate) constitutional norms if they could. Now that the predicted democratic backsliding has actually begun, various analyses examine cross-national variations in the forms and extent of backsliding and alternative ways of motivating elites to preserve liberal institutions. Democracy needs democrats and predominantly democratic citizens. However, civil societies are traditionally weak in countries with a post-communist legacy (Howard, 2003). The observed low levels of citizens' democratic activism and engagement as well as the weakly embedded institutions in post-communist regions' democracies have been identified as the consequences of legacies of the previous system legacies (Dawson, Hanley, 2016).

Historical, empirical knowledge suggests that troubled democracies are now more likely to backslide. Democratic erosion is believed to be better than democratic cataclysm since it is less prone to prompting violence. Yet incremental decline still imposes important challenges to the democratic world. Democracy backsliding may be defined as the weakening or disassembling of a given set of democratic institutions and yet can, ironically, sometimes deepen rather than destroy democracy. Contemporary forms of backsliding are profoundly ambiguous – the new forms of democratic backsliding are legitimised through the very institutions that democracy promoters have prioritised: national elections, voting majorities in legislatures and courts, and the rule of the law that majorities produce (Bermeo, 2016).

Until EU enlargement, all CEE states (subject to the conditionality mechanism and Europeanisation pressures) moved in the same general direction of a market economy based on private ownership and liberal democracy with effective systems of checks and balances guaranteeing the rule of law. The coexistence of democratic transition and consolidation in the CEE while integrating into Western European structures brought about expectations that EU membership would bring about further democratisation. However, post-accession Poland and Hungary (and, to a lesser extent, also other post-communist countries) witnessed a democratic regression, proving the inefficiency of post-enlargement conditionality (Riedel, 2020). Viktor Orbán's Hungary desperately worked to be the first post-socialist democracy to join the club of autocracies (Kornai, 2015). Since 2015, it has been accompanied by Poland, which means that more than half of the citizens of Central Europe again do not live under the umbrella of liberal democracy any more (Sata, Karolewski, 2019).

In the space of a few years, the position of both countries in international rankings has fallen. According to the Transformation Index BTI

(Bertelsmann Index), both Poland and Hungary are “democracies in consolidation”. The same report describes Polish democracy as “good” with Hungary’s as “moderate”. Both countries have also fallen in the Corruption Perception Index. Hungary scores 44/100 points, and Poland 58/100 (Transparency International Corruption Perception Index, 2019). Under the Orbán government, media freedom in Hungary has consistently decreased. He has also forced the closure of the Central European University (Amnesty International, 2018, p. 188). In Poland, Jarosław Kaczyński holds political control over the judiciary (Freedom House, *Freedom in the World*, 2019, p. 11). Furthermore, according to the Nations in Transit report, highlighting the state of democracy in post-communist states, in 2020, Poland became the second EU Member State to lose its full democratic status, joining Hungary (Freedom House, *Nations in Transit*, 2020, p. 3).

The existence of a legal framework for lobbying is perceived as a part of the institutional infrastructure for the development and stabilisation of liberal democracies (Laboutková, Vymětal, 2019), contributing to a more transparent inclusion of interest groups in the policy-making process (Rozbicka et al., 2021). Illiberal drift is accompanied by a rather weak and façade-like regulatory framework for advocacy, including lobbying. Surprisingly, some of the earliest efforts to regulate lobbying and establish official registers of lobbyists occurred in the post-transition CEE. These legal conditions have, recently, changed substantially. In Poland, the effectiveness of advocacy regulations, introduced in 2005, as well as the quality of their implementation are often criticised (Vargovcikova, 2017, p. 254). Since the right-wing government came into power, the number of lobbyists registered in the parliament has constantly fallen. Although the lobbying law is still in force, in 2019 Jarosław Kaczyński, the President of the Law and Justice party, forbade parliamentarians of this party from participating in lobbying-oriented meetings. Similar to the Polish law, a significant proportion of Hungarian lobbying activities remained invisible due to the narrow definition of lobbying and the lacking will of access-seekers to register. After Fidesz came into power, already-extant lobbying laws were replaced with new regulations in 2011. Essentially, comprehensive lobbying regulations and the register have been repealed. Lobbyists and lobbying organisations lost their privileges and obligations and had to return their lobbying licences (EPRS, 2019). Both in Poland and Hungary, as a result of illiberal drift, lobbying has been pushed into the shadows.

Theoretical Framework

Illiberalism in Poland and Hungary created new decision-making circumstances, characterised by such factors as highly centralised governance (Bartha, 2014; Transparency International, 2019), a lack of institutional control, an undermining of independent judiciaries and the overarching legal architecture of the EU thereby eroding the rule of law and legal certainty, clientelism (Kovacs, 2015), unfair political competition and opposition marginalisation (Batory, 2016), a decreasing of media freedom (Karolewski, Benedikter, 2017), the already-mentioned weak regulatory framework for advocacy together with stigmatisation of lobbying activity (Wiszowaty, 2018), de-parliamentarization (Fink-Hafner, 2011), a less-participatory attitude of government (Bertelsmann Poland, 2018), the curtailing of certain civil liberties and freedoms of citizens (Bertelsmann Hungary, 2018), and, last but not least, the downplaying of the role of expertise (Bartha et al., 2020).

Many dimensions shape interest intermediation models, of which pluralist or (neo)corporatist institutional arrangements seem to be one of the most important, as they create different patterns for organised interest inclusion (Fisker, 2013; Binderkrantz et al., 2014). Conceptualising an illiberal environment for interest groups' operations, based on existing scholarship, we can distinguish at least a few dimensions, such as a departure from pluralism (Bill, Stanley, 2020), a strengthening of an executive with a simultaneous weakening of other state institutions (Dawson, Hanley, 2016) resulting in an inability to exchange between the state and organised interests, preserving the procedural vestiges of democracy (Pirro, Stanley, 2021) such as formal consultations with simultaneous lowering the use of public consultations (Rozbicka et al., 2021), civil society repressions and unequal treatment (Huq, Ginsburg, 2018) which should lead to differentiated assessments of participation opportunities, a rather poor ability to influence the governing elites (Pospieszna, Vetulani-Cęgiel, 2021), and shrinking civic space which should lead to a lower ability to assert interests (Buyse, 2018).

Moreover, existing scholarship suggests that democratic backsliding created a challenging environment for interest groups' operations, therefore they developed adaptive advocacy patterns. According to Pospieszna and Vetulani-Cęgiel (2021), these patterns are determined by the interest group type. They use the classification of advocacy groups based on the differentiation between cause and sectional groups – by the nature of interest (Stewart, 1959). This is roughly in line with Olson's distinction between diffuse and concentrated interests (1965). Cause groups are ide-

alistic groups representing public interests, e.g., consumers' and patients' rights, etc. Sectional groups seek benefits for their supporters, which are generally well-organised business, professional, or trade associations. Two main scientific approaches exist in literature regarding the selected typology (Klüver, 2009; Klüver, Saurugger, 2013). The first group of academics argue that cause and sectional groups share similar organisational structures, and employ regular staff with a smaller level of engagement of members. The second group argues the opposite; cause and sectional groups vary substantially in terms of organisational structure as well as access-seeking strategies, developing different types of advocacy behaviour: cause groups are more likely to use outside lobbying with actions addressed at the general public (Binderkrantz et al., 2015), while sectional groups target decision-makers directly (inside lobbying). Pospieszna and Vetulani-Cęgiel argue that sectional groups in illiberal Poland are far more powerful than the cause ones, having more frequent consultations with the government, more intense focus on lobbying-skill development as well as international networking.

Research Design and Methods

To explore how interest groups perceive their position and opportunity structures vis-a-vis decision-makers, we rely on a fresh survey dataset created within a project entitled 'OrgIntCEE – The <Missing Link>: Examining organized interests in post-communist policy-making – OrgIntCEE'. The survey was conducted online between February 2019 and June 2020 by a German-Polish Team. It covered interest groups operating in the strategic policies of energy, healthcare, and higher education in four different CEE countries: the Czech Republic, Hungary, Poland, and Slovenia. In total, we have received over 400 responses with a total response rate of 34.4%. The survey included numerous questions on membership structures, interest group resources, the degree of professionalisation and interactions of organised interests with different political venues. In this study, we focus exclusively on the responses from Poland and Hungary.

In this paper, to study how interest groups perceive their position and opportunity structures *vis-a-vis* decision-makers, we look at various dimensions perceived by our respondents, at the same time aggregating results across the three politics. First, we asked the respondents to indicate the perceived level of policy coordination:

How would you rate the level of policy coordination/political exchange between the state and your interest group? (1 – very weak; 2 – weak, 3 – moderate, 4 – strong, 5 – very strong).

Then we asked about the evolution of the number of organisations:

In your opinion, is the number of interest organisations attempting to influence decision-making and legislation in your area increasing, decreasing, or stable over the past 10–15 years? (1 – strongly decreasing, 2 – decreasing, 3 – the same, 4 – increasing, 5 – strongly increasing)

For the next step, we explored the intensity and difficulty of contact between interest organisations and the government, asking:

In the last five years, approximately how many times did the government consult interest groups in your field of activity? (1 – never, 2 – annually, 3 – bi-annually, 4 – monthly, 5 – weekly)

How difficult is it to gain access to governing parties? (1 – extremely difficult, 2 – difficult, 3 – sometimes possible, 4 – easy, 5 – extremely easy)

We seek for additional explanation in interest groups' type variations, distinguishing between cause groups (mostly citizens' interests) and sectional groups (mostly business and professionals' interests). Our sample contains 44 Polish cause groups, 50 Polish sectional groups, 28 Hungarian cause groups, and 69 Hungarian sectional organisations.

Data Analysis

We start our analysis by checking for policy coordination/political exchange between the state and interest groups declared by the latter. Strong coordination is a precondition of a well-performing interest intermediation system, especially of a corporatist type (see Dobbins et al., 2021).

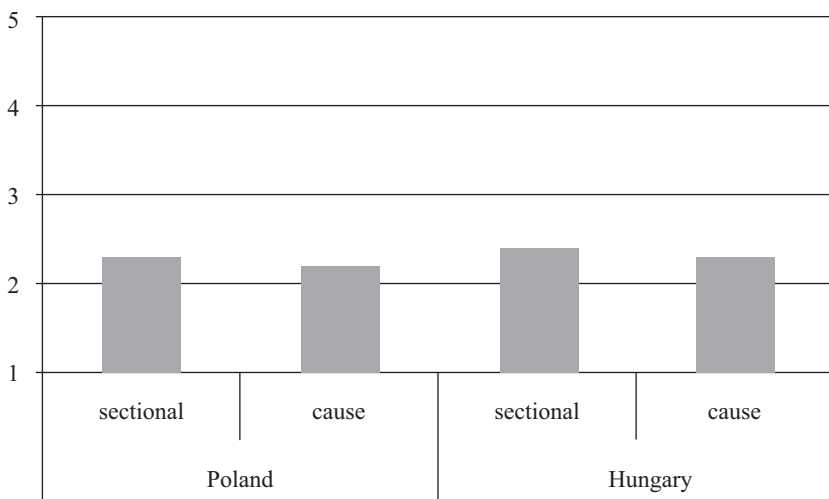


Fig. 1: The perceived policy coordination between the state and interest groups

Our results show that in both analysed countries, policy coordination is rather weak, which might suggest a rather pluralistic model. This, in turn, leads to an easier expansion of illiberalism, as the pluralist model is regarded as looser and less institutionalised, and therefore easier to destroy by illiberal arrangements (Pospieszna, Vetulani-Cegiel, 2021).

The next analysed precondition is the perceived density of interests. The existing scholarship on Western democracies suggests that the more crowded the interest groups' system, the smaller the accessibility to the decision-makers. In other words, the competitive environment of interest groups' operations can negatively affect their influence. In the situation wherein a multitude of actors compete for resources and the attention of decision-makers, which is a natural domain of a pluralistic system (Sorurbakhsh, 2013), the political chances of interest groups to exert influence decrease (Lowery, Gray, 1996; Baumgartner et al., 2009; Berkhout, Lowery, 2011; Hanegraaf et al., 2020).

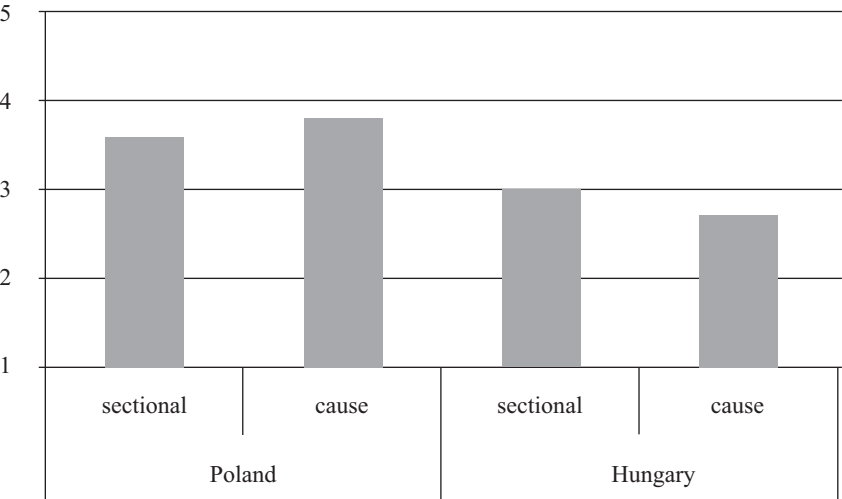


Fig. 2: The perceived density of interests

An overview of perceived growing density of interests suggests again a rather pluralist character of interest intermediation in Poland, while the number of organised interests in Hungary is perceived by them as being stable or even slightly decreasing.

Engagement in consultations is a key element of the pluralist model of interest intermediation. The division of power determines access points (Rozbicka et al., 2021). Meanwhile, in illiberal countries, this division is not evenly distributed, favouring the executive to a higher extent than in other democracies, practically making the executive the main access point

for interest groups. By asking for the perceived frequency of consultations of interest organisations with the governments, we found out that sectional groups in both countries established stronger positions. However, overall Polish results are higher, as Polish groups of any type seem to feel more privileged in the frequency of consultations with the government than their Hungarian counterparts.

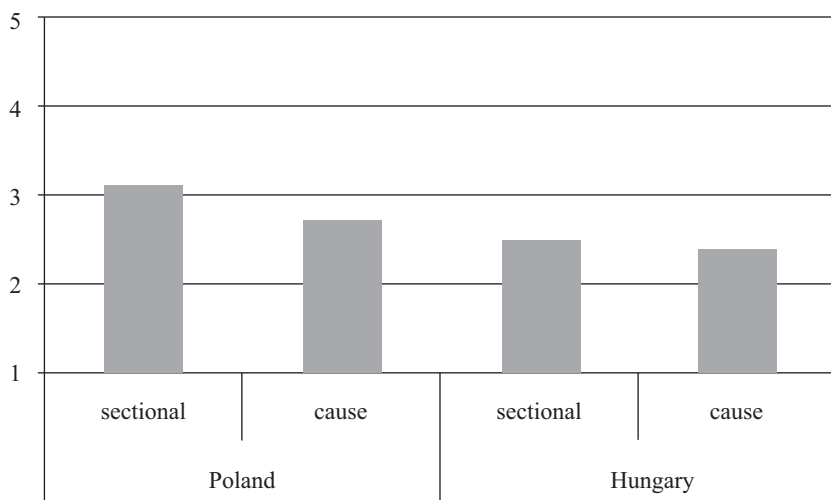


Fig. 3: The perceived frequency of consultations with the governments

None of the analysed groups experienced consultations more than once or twice a year, which proves a rather poor standard of consultation compared to other European countries (Rozbicka et al., 2021). In the case of this factor, we can also see the difference between group types, proving a stronger sectional position. This, in turn, may testify to the neocorporatist model of consultations which, according to Pospieszna and Vetulani-Cęgiel (2021), is dominant in illiberal Poland. This difference between group types is not as visible in Hungary.

The government is the main access point for interest groups – especially in the CEE, where the executive holds a dominant position (Meyer et al., 2017). According to Patrycja Rozbicka with the Team (2021), the relations of interest groups with the governments in the region are mainly based on strongly formalised contacts, and the contribution of the groups is not sufficiently appreciated by the authorities due to the structural weakness of the stakeholders. Our research shows that all analysed groups in both countries declared that such access is difficult, and in Poland's case – close to "sometimes possible". Again, we see that the Polish system seems to be slightly more open for input from organised interests.

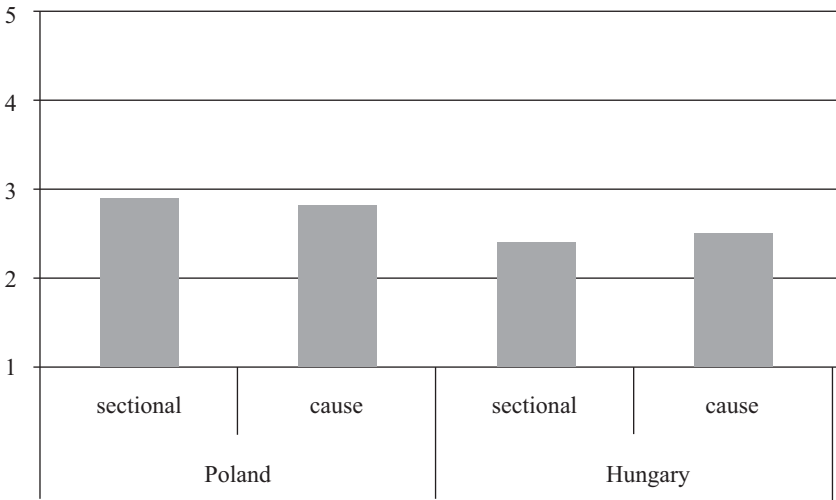


Fig. 4: The perceived difficulty in accessing governing parties

Conclusions

In this article we have provided a brief picture of interest representation preconditions and opportunity structures for organised interests as seen by Polish and Hungarian interest groups just before the onset of the COVID-19 pandemic. Not being able to show the causal relationships between illiberalism and the change in the advocacy behaviour of groups using the existing dataset, we rather focused on presenting how group representatives perceive the structures of their opportunities to participate in policy-making.

Confronting empirical data with existing scholarship, we found that the political systems of Poland and Hungary are still a mix of pluralist and corporatist features. Our results did not confirm a significant difference in terms of the stronger position of sectional groups over the cause groups, which sheds a different light on the findings regarding the neocorporatist nature of Polish illiberalism (Pospieszna, Vetulani-Cęgiel, 2021).

It may be concluded that both countries provide a different interaction infrastructure for organised interests. In Poland, political opportunity structures are still more open to input from civic society and interest groups have stronger positions than in Hungary. On the other hand, one cannot ignore the fact that the illiberal tendencies in Hungary began a few years earlier than in Poland. The self-perceived stronger impact, as well as better access to legislative and executive bodies in Warsaw, should be seen in this light. The Hungarian advocacy organisations are simply

“some time ahead” in their democratic backsliding-determined observations compared to their Polish counterparts.

Despite these wide-ranging findings, many questions still require further investigation. An anti-participatory model of policy-making, in which only selected interest groups enjoy good access to decision-making apparatus, probably compels excluded groups to seek other areas of operation. Therefore, they might tend to focus on outside strategies addressing the general public as an important means of accessing decision-makers (Berkhout, 2013). The importance of outside strategies may especially apply to cause groups (Binderkrantz, 2008). That creates a space for future research, in order to gain a full picture of advocacy patterns across illiberal democracies in the CEE.

Acknowledgements

This paper has been prepared with the support of a research grant entitled “The Missing Link – Organised Interests in Post-Communist Policy Making” / „Zorganizowane grupy interesów jako »brakujące ogniwo« w kreowaniu polityk w wybranych krajach postkomunistycznych” (OrgIntCEE). Projekt DFG-NCN Narodowe Centrum Nauki, decision nr 2016/23/G/HS5/01001.

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