

Charting a Course Towards Democratic Renewal

Abstract

For at least a decade, we have been hearing that liberal democracy is in crisis. Recent years have seen many studies to this effect. Scholars have conducted detailed diagnoses of the causes of this crisis, which has been hastened by events in Europe, South America and the United States of America. Various scenarios lead to not very optimistic conclusions. How should we understand the crisis of democracy? Is the catastrophe inevitable? Where do we look for the red flags that may warn us and let us correct course? The essay delves into the ongoing crisis of liberal democracy and highlights the challenges faced by Poland and Hungary, advocating for the restoration of citizen agency and fostering rational, critical, and responsible thinking as the antidote to the erosion of democratic values and institutions.



Magdalena M. Baran , PhD

Assistant professor at the
Institute of Philosophy
and Sociology of the
Pedagogical University
of Krakow

Quō ūsque tandem abūtere, Catilīna, patientiā nostrā? Quam diū etiam furore iste tuus nōs ēlūdet? Quem ad finem sēsē effrēnāta iactābit audācia? (‘O Catiline, do you mean to cease abusing our patience? How long is that madness of yours still to mock us? When is there to be an end of that unbridled audacity of yours, swaggering about as it does now?’) Those well-known words from the first of Cicero’s *Catilinarian orations* seem to reflect well the mood of democratic circles in Poland and Hungary, when they listen to those in power in both countries. ‘How much longer’ will the policies of those governments be a burden for us on the European stage? Furthermore, how long will this policy continue to harm our economies, judiciary, education system and universities; how long will the state media be enslaved by party-oriented messages; or how long will the ruling populists, pushing their countries into authoritarianism, harm the social climate of both countries? The situations of both Poland and Hungary are an unfortunate lesson that European politics must learn – a ‘don’t try this at home’ lesson that Slovakia should learn as soon as possible. They are a set of warning signs and red flags that mark the path of degradation of liberal democracy. Today we ask – for the sake of all of us – how to turn back from this course.

For at least a decade, we have been hearing that liberal democracy is in crisis. Recent years have seen many studies to this effect. Scholars have conducted detailed diagnoses of the causes of this crisis, which has been hastened by events in Europe, South America and the United States of America. Most noteworthy is the work of such authors as Steven Levitsky and David Ziblatt (*How Democracies Die. What History Reveals About Our Future*), David Runsiman (*How Democracy Ends*), Mark Lilla (*The Once and Future Liberal: After Identity Politics*), Yascha Mounk (*The People vs. Democracy. Why Or Freedom is in Danger and How to Save it*), Jan-Werner Müller (*Fear and Freedom: On Cold War Liberalism*), and – last but not least – Sergei Guriev and Daniel Treisman (*Spin Dictators. The Changing Face of Tyranny in the 21st Century*). Various scenarios lead to not very optimistic conclusions, and various prescriptions are strictly tailored to European needs. All of the above-mentioned books give us (more or less) subsequent analyses that show stepwise how democracy has been collapsing in various countries worldwide. This is the case of the book by Levitsky and Ziblatt, who focus on countries where there were no spectacular *coups d’état*, but where democracy was slowly, stepwise, dismantled by one of the participants in the democratic process. Their study is an almost perfect analysis of which moves are made by political players at the beginning of their path to dictatorship and – most importantly from our point of view – which mistakes are made by pro-democratic forces. As if through a lens, we also observe our European democracies, with particular emphasis on the situations of Hungary and Poland.

While the events of recent years may make us feel disoriented or even paralysed, we still have the power to fight for a better future. But unlike fifteen or thirty years ago, we can no longer take this future for granted

Yascha Mounk rightly notes that '[w]e are very fortunate to live in the most peaceful and prosperous era in human history. While the events of recent years may make us feel disoriented or even paralysed, we still have the power to fight for a better future. But unlike fifteen or thirty years ago, we can no longer take this future for granted'. This peace has already been shaken by the war in Ukraine. The countries of our continent, such as our NATO partners, had to reorient their policies. However, when war becomes such an important issue, its presence in

political discourse is obvious. This presence also means that security issues gain prominence in the narrative of individual parties, which (as in the cases of Poland and Hungary) use the war for political/electoral purposes, instead of building a sense of social resilience. Nevertheless, the European war narrative is consistent, with the Western world speaking in one voice. However, the reality of war cannot overshadow other facts, namely, the deepening crisis of liberal democracy and the rise of populist (in some cases, xenophobic or outright nationalist) parties, which has already begun to play an important role in the narratives of individual countries. So, no, our future is not obvious, nor is it guaranteed. How should we understand the crisis of democracy? Is the catastrophe inevitable? Where do we look for the red flags that may warn us and let us correct course? The preceding also explains why we are looking for tailor-made solutions that will help us deal with the crisis of liberal democracy, notably in the area of the four basic pillars, without which it cannot function properly.

Frames of the social contract

In its basic form, the social contract has been known for centuries. Thinkers have articulated various forms of the social contract, emphasising various reasons for the association and the security guaranteed by common arrangements. The nature of the contract has not changed much over the centuries, because it is still citizens who renounce part of their political freedom (they give direct political agency to representatives) to ensure their own safety and secure their individual freedoms, to guarantee freedom in areas where we are to feel not only safe, but also fulfilled. The social contract is intended to guarantee us freedom from fear, violence, anxiety, oppression and lawlessness (within the rubric of so-called 'negative freedom') while taking care of what is most individually distinctive, ensuring respect for positive freedom in subsequent spheres of our individual and community lives.

The question is where are we today – what is the nature of the contracting parties and therefore what is their quality? The contract is not only about ‘persons in a state of nature’, in the words of John Locke or ‘all members of society’, as Immanuel Kant suggested; nor is it about standing behind a ‘veil of ignorance’ and from there – to put it simply – impartially shaping the principles of justice for the whole community (John Rawls). However, in the present case, we are referring not to the original agreement to limit political freedom, which is followed by agreement on a certain political system, but to its regular renewal through elections. Renewal refers to the process by which we confirm and verify the values that guide us and the goals that the government is to achieve.

According to international standards, democracy is conditioned by certain ‘freedoms’, which constitute the framework of today’s social contract. The minimum to which the Democracy Index, developed by the Economist Intelligence Unit, refers describes the state of democracy in 167 countries worldwide. It is based on 60 indicators grouped into five categories: 1.) electoral process and pluralism, 2.) civil liberties, 3.) functioning of government, 4.) political participation, and 5.) political culture. Countries are classified as ‘full democracies’, ‘defective democracies’, ‘hybrid systems’ and ‘authoritarian systems’ based on their final results in all five categories. Notably, Poland, Hungary and Slovakia are classified as ‘defective democracies’ with a downward trend.

Resolving what is currently the subject of the social contract is also crucial for setting a direction that will return more countries to the path of democracy or help other countries avoid the traps that Poland and Hungary fell into. Arguably, the agreement concerns our freedoms, values and objectives and the stability of the state that implements them. Here, the defence of threatened freedoms within democracy and civil society comes to the fore. It is not enough to say that the fight for freedom never ends. The implementation of this plan requires systematic action from each party, which also requires professionalism on the part of public servants, responding to the specific needs and values represented by citizens (the latter will, moreover, be important for the conclusions of this work).

Impossible systems

However, democracy as described by the Democracy Index is not the end of the extensive ‘classification of regimes’. There is a real threat that democracies will backslide into hybrid regimes such as illiberal democracies/non-liberal democracies, new forms of despotism, populist authoritarian regimes or finally pragmatic authoritarian regimes that use a democratic framework as a kind of façade.

The above-mentioned systems come closest to populist authoritarianism. The 'populist' part of the name emphasises that populist authoritarianism is an authoritarian system that tries to please people that tries to give people as many elements of hedonism as possible that it has nothing to do with the asceticism that is characteristic of, for example, 'real socialism'. In addition, 'social incentives' are intended to put citizens into an ideological slumber. John Keane writes about this phenomenon in his *New Despotism*: people are not necessarily required to love the despot, but the despot goes to great lengths to be liked. On the other hand, such a system is no longer a democracy, because the definition of democracy always includes free elections, civil rights and freedoms, real separation of powers and the rule of law. These last two elements are absolutely fundamental. The point is that power cannot be concentrated in one person – this inevitably leads to despotism. The rule of law, on the other hand, implies that certain rules of the game limit power and not vice versa that power can shape these rules of the game for itself.

In his latest book (*Crises of Democracy*), Adam Przeworski attempts to account for the crisis of democracy. He states the current situation cannot last long that democracy must either return to its previous state or it must morph into despotism. The problem with today's hybrid democracies is that they seem stable and potentially durable. Today – as democrats – we are in a sense in a state of suspension. The question is how to get out of this tangle, how not to stay in a pseudo-democratic system in which power is controlled by leaders who are trained in the art of manipulating people. Here, as democrats – citizens and politicians – we are responsible for exposing these manipulations and for the pillars of democracy as such, for their preservation and renewal.

Pillars of democracy

We can easily agree on the parameters of a democratic system. However, upon close examination, it is easy to recognise the pillars of democracy that are most at risk and that may become tasty morsels for nationalists or populists with autocratic tendencies. Apart from guaranteed human rights and personal freedoms, the pillars of democracy are as follows: a free and independent judiciary (including the rule of law); independent media (including public media); free – and thus unencumbered by political or ideological influences – school and university education (including free and unrestricted learning); and, finally, free elections. All of these pillars influence specific institutions of the public sphere, whose operation should be based on the significant interest of citizens (determined by the values they profess) and the interests of the state (determined by the objectives of its development and the cooperation it assumes).

The first battlefield (both in Hungary and Poland) was the independence of the judicial system and the attack on the rule of law, along with the political appropriation of the Constitutional Tribunal, the merger (in Poland) of the

functions of the Minister of Justice and the Prosecutor General (which resulted in the politicisation of the prosecutor's office), limiting the independence of judges and finally politicising the National Council of the Judiciary (which, in practice, means political appointments of judges and in the long term, taking into account the judgements of European tribunals, even opens the door to questioning judicial decisions).

The state media underwent a similar transformation, becoming the mouthpiece of the ruling parties and thus a tool of manipulation, spreading false, out of context or defamatory information; applauding the government's policy; and dividing society into mutually 'hostile' camps. The whole process was characterised by simultaneous attempted (in Poland) and actual (in Hungary) restrictions on the operation of independent/private media. The degradation of the rule of law and the manipulation of the media threatened academic and scientific freedom. Noteworthy examples were the expulsion of the Central European University from Budapest, Hungary, and the budget cuts to researchers unfavourable to Poland's governing Law and Justice Party at the Institute of Philosophy and Sociology of the Polish Academy of Sciences. This politicisation is also evident in staff reshuffles in many state universities in both countries and the creation of new 'universities' to 'educate' staff obedient to the dictates of the current government (e.g. the Copernicus Academy in Poland). Politicisation and ideologisation, verging on xenophobia, nationalism or religious upbringing, and the cult of history written by the rulers, also influenced school education, as reflected in textbooks written on the order of the rulers (*vide* the already famous-across-Europe textbook on 'history and modernity' – *sic!* – which has little to do with history, let alone modernity).

Free, general, direct, equal and secret elections seem to be the last bastion of democracy. Although we may have reservations about some of these components, the electoral process leaves us with some hope. Although elections in 'defective democracies' are already referred to as 'competitive elections', we do not question whether they are free elections, despite urging on many levels that they should be 'watched'. Let us remember, however that elections are more than just the moment of voting; they include the whole process in which both citizens and election candidates participate. The quality of our democracy is measured by what happens on both sides of the ballot box. In addition, to voting citizens, we have 'the other side' – those whom we choose/those who want to be chosen. The quality of individuals, social groups and finally the entire community (together with the values they profess and needs/claims further transformed into goals), as well as the quality of the political class, is also defined by the horizon of goals and values, in this way shaping the entire public service. There can be no social consent to the normalisation of the slow and systematic degradation of these four pillars and to the resulting division of the community itself into 'us' and 'strangers' or 'friends' and 'enemies' of the current system.

Red flags and other warnings

Additionally, in these four areas, we see warning signs and 'red flags' that should be of concern to any democratic state that values civil or human rights. Democracy is not given to us once and for all. Its reasonable and responsible protection is the task of both citizens and people who decide to engage in political activity or public service.

Already in 1989, Polish philosopher Józef Tischner called freedom 'an unfortunate gift'. Indeed, he had good intuition. The case not only concerned Poland, but to varying degrees other countries of the former Eastern Bloc. While the so-called 'old democracies' came to understand the values, functioning and respect for institutions and evolving democratic procedures, the countries behind the Iron Curtain received everything at once, during the transition in 1989.. Democracy required understanding and preparation, which both politicians and societies simply lacked. Indeed, we still lack a full understanding of the public sphere, seen as stretched between the mutually conditioning elements of politics, policy and process. Importantly, deficiencies in this knowledge are manifested by all actors of the public sphere and the current rulers are not particularly interested in actual civic education or the efficient functioning of civil society, a society that, by defining a new social contract through individually professed values and community-determined values, itself becomes one of the drivers of a well-functioning democratic system.

Therefore, when we consider the symptoms of the crisis of liberal democracy, we must pay attention to the state of the aforementioned four pillars of democracy: freedom of the media, independence of the judiciary, freedom of education and universities and the security of free elections. Violation of the integrity of any of these elements almost automatically translates into a slow attack on the others, stepwise moving the border of freedom towards limitations and control. Among the warning signs that herald a troubled democracy in a given country, we will add restrictions on civil rights, restrictions on freedom of expression or protest; the collapse of subsequent institutions; links between power and corruption; nepotism; and, finally, limitations on civic activity.

We also need to pay attention to 'red flags' – understood as violations of the democratic rules of the game, which bring the country closer to the status of a 'defective democracy' as defined by the Democracy Index. The following should be indicated in order:

- the language of public debate (when it becomes aggressive, slanderous; when its main function becomes 'building walls' in society instead of 'building bridges in it' – this language tends to appropriate values and concepts and ideologise public debate);

- appropriation by the government of institutions that should serve citizens on a daily basis;
- taking control of the civil service (including through nepotism and filling state positions not because of competence, but to benefit the rulers or because of party affiliation);
- systematic and multi-level dismantling of the rule of law;
- the aforementioned attack on education and the freedom of universities and research;
- appropriation and politicisation of public media and attempts to limit the activities of commercial and independent media;
- the use of disinformation, conspiracy theories and the dismantling of social immunity by the authorities;
- the use of services for the surveillance of political opponents, representatives of the media and non-governmental organisations;
- unauthorised use of classified information;
- creating structures of connections in the shape of a 'mafia state', in which a divided and manipulated society agrees to function within the framework of a 'façade democracy', 'soft authoritarianism' or finally populist authoritarianism, as mentioned above.

It is not the case that warning signs or red flags are invisible. On the contrary, the awareness of such red flags among democratically minded citizens is high, which allows citizens to take specific actions. If we look beyond the borders of countries in a democratic crisis, however, it is not enough to say to yourself, 'Let's not do this at home'; specific actions should be taken to prevent the crisis, on the one hand and cure it, on the other.

How to make us safe

The response to threats will always depend on the specifics of a given country: its social structure, political culture, democratic habits, the condition of the public sphere and even the symbolic sphere that is important for a given society. In the face of the crisis of democracy, observed through warning signs and 'red flags', we can, however, make a number of recommendations that can have wide-ranging application. A strictly political solution, often supported by international law, is strong but not sufficient. We need only look at Poland or Hungary, which do not care much about the successive rulings of European courts.

We start the repair process in two ways. The first way involves drawing attention to citizens, to restore their individual and community agency, to strengthen them in their democratic beliefs. The latter effort can be helped by the renewal of

civic faith, understood as restoring trust in politics as a process, a process based on values and focused on specific goals. Only then will we gradually bridge the distance between politicians and citizens, between politics and society, between us and our representatives. The next step is to restore citizens' trust in public institutions (including public media, the justice system and education).

How do we do it? The first sensible step seems to involve regaining the concepts and values appropriated by populists/autocrats and restoring their proper meaning (in Poland, patriotism, which has become co-opted by the current authorities, is a perfect example of such a value). It is also necessary to work through difficult issues (social, cultural, historical) so that no doubts remain as to the conclusions of such considerations and the applicable solutions. The second step is the widely understood and applied depoliticisation of relations – including the most basic ones – perhaps not by ending divisions, but by at least reaching a consensus on matters important to each citizen. Depoliticisation of institutions is also necessary because they – as Timothy Snyder correctly writes – allow us to maintain decency. The third step involves determining the map of ideological disputes for which it is either possible or impossible to reach a compromise solution, including the determination of priorities that give voice to each side of the dispute. The final step involves management through goals and values.

Speaking of the two-track road to democracy, there is also its other side, referring directly to the public sphere, to politics as a process for which values are important, assuming the nature of duties and obligations. The first value, which somehow conditions the others, is loyalty – which can overcome the conflict of interest that sooner or later occurs in politics, when an individual has to put the public interest above his own or the party's interest. Further, honesty is also understood as impartiality, to which should be added the obligation to behave in a dignified manner and also remember the dignity of other participants in public life. This is primarily about equal treatment of all members of the community. Activities in the public sphere should be characterised by accountability, as well as transparency (which is ensured, for example, by constant communication with voters, organisation of meetings and public debates, presentation of projects, as well as maintaining open access to documents, laws, projects, reports – in short, all documents except those classified as secret). This transparency of actions should characterise all entities of public life. The last of the values is civility, which allows for maintaining law and order in public matters, facilitating the operation of management administration at every level.

Through combining these two areas, we will not only be able to monitor the state of democracy – to repair its shortcomings or rectify the bungling of one or another authority – but to engage in wise democratic practices. Above all, in the face of the crisis of democracy and its rules and institutions, we need reliable, efficient, logical, critical and responsible thinking. Only such thinking will allow us not only to heal, but above all to prevent, including prevention of falling into 'defective democracy' or 'populist authoritarianism'.

Finally, I offer a piece of advice – or rather a warning – that will always remain valid, no matter how great our civic commitment will be, how effective the actions of civil society may be, how strong NGOs will become, and even regardless of whether individual countries are governed by democrats or populists. During a global pandemic, I walked around the Praga district of Warsaw. On one of the walls, someone wrote the text of a poem by the Polish poet Kornel Filipowicz:

*In a totalitarian state
Freedom
Will not be taken from us
Suddenly
From day to day
From Tuesday to Wednesday
They're going to steal it from us slowly
Take it piece by piece
(Sometimes even give back
But always less than taken)
A little every day
In unnoticeable amounts
Until one day
After a few or several years
We will wake up in captivity*

*But we won't know about it
We will be convinced
That it should be
Because that's how it's always been.*

/Captivity, 1984/

These words are important because they remind us of the simplest of truths that do not allow us to let our guard down. They remind us that vigilance in defence of our freedom and thus vigilance in defence of our democratic state, never ends, that even when you win, you cannot rest on your laurels. Freedom within the four pillars of democracy, mentioned many times here, is based on our personal freedom and on the concept of the social contract, this new contract that we need today. This freedom is based on the rights contained in the constitutions of our countries, as well as in the European Charter of Fundamental Rights and the Universal Declaration of Human Rights (or related documents). This vigilance will help us – as individual citizens, as representatives of universities, the media, lawyers and people involved in NGO activities and finally in politics at various levels – not to miss warning signs and red flags. Therefore, we will be able to guard our freedom wisely, thus adopting a course to secure democracy or (where necessary) to renew our democratic institutions, habits, beliefs, and dreams. ■



Author bio

Magdalena M. Baran PhD – historian of ideas, publicist; assistant professor at the Institute of Philosophy and Sociology of the Pedagogical University of Krakow. She deals with ethics of war, international law on war and peace, reconstruction of post-conflict societies, political philosophy, ethics of government. She was a visiting professor at San Jacinto College, St. Thomas University TX and University of Murcia (Spain); post-doc at Julius-Maximilians-Universität Würzburg and University of Siegen (Germany). Scholar at the University of Vienna and IWM summer school in Cortona (2003 and 2006). Author of the books "The Meanings of War. Asking about a just war" (2018), "Faces of War (2019), "Once upon a time there was a country. Talks about Poland" (2021). Member of the program board of the "Freedom Games". Editor-in-chief of the monthly Liberté! She runs the podcast "There is a country". Recently she works on a book on ethics of government.

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The European Liberal Forum (ELF) is the official political foundation of the European Liberal Party, the ALDE Party. Together with 56 member organisations, we work all over Europe to bring new ideas into the political debate, to provide a platform for discussion, and to empower citizens to make their voices heard. Our work is guided by liberal ideals and a belief in the principle of freedom. We stand for a future-oriented Europe that offers opportunities for every citizen. ELF is engaged on all political levels, from the local to the European. We bring together a diverse network of national foundations, think tanks and other experts. In this role, our forum serves as a space for an open and informed exchange of views between a wide range of different EU stakeholders.

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