Democratic Backsliding & Rule of Law Reforms in Europe

The danger that one or more member states might give up on liberal democracy and slide back into authoritarianism has haunted the European Union (EU) ever since its establishment. However, fears of “backsliding” became especially pronounced when ten countries with post-communist legacies joined the club of well-established democracies in an enlarged EU. Such fears were invigorated by research findings indicating that candidate states’ compliance with the EU’s accession criteria was mainly driven by the prospect of membership rather than processes of socialization in democratic values (Schimmelfennig and Sedelmeier, 2005; 2006). The EU responded to challenges of backsliding by introducing new monitoring and dispute settlement mechanisms regarding EU member states (Cooperation and Verification Mechanism for Bulgaria and Romania; the new EU rule-of-law framework) and by imposing stricter accession criteria for future candidate countries in the area of rule of law (judicial reforms, fundamental rights and freedoms, anti-corruption).

Despite these developments, the increase of illiberal practices in several EU member states – most notably by the Fidesz government in Hungary since 2010 and the Law and Justice Party (PiS) government in Poland after December 2015 – is a clear sign that ‘democratic backsliding’ remains a problem after accession. Recent attempts by the social-democratic government in Romania to loosen anti-corruption laws further suggest that democratic backsliding could spread to more EU member states. Furthermore, despite the increased stringency of the EU’s membership requirements, some candidate countries show little progress in reforming their political and judicial institutions. The most prominent example is the Former Yugoslav Republic of Macedonia (FYROM), where a wiretapping scandal in 2015 provided serious indications of state capture by the governing elites and excessive political control of the judiciary.

Given the varied success of political elites to implement and uphold liberal democratic standards, this expert seminar combines contributions from scholars working in different disciplines (e.g., law, political science, international relations and public administration) on the implementation of rule of law reforms in both current and aspiring EU member states. Common elements of rule of law include the adherence to fundamental rights and freedoms (media freedom, anti-discrimination, etc.), fight against corruption, and an effective and independent judiciary. Seminar participants will deliver talks and/or present papers that broadly address the following questions:

- What factors explain the occurrence of democratic backsliding in the EU and in candidate states? Why do some member states renege on their commitments to adhere to rule of law principles?
- To what extent is the EU capable of instigating successful rule of law reforms in candidate countries, and preventing backsliding in its member states?

To address these questions, we have invited some of the most renowned scholars in the area of democratic reforms with specific research interests in European Union law and politics. In addition, the invited participants belong to different disciplines, including political science, public administration and law. They are also based in different countries, some which have witnessed deteriorating conditions in democratic standards (e.g., Poland and Hungary). As a result, we believe that the
proposed workshop will bring new insights about causes of democratic backsliding in Europe as well as the instruments that international institutions like the EU can use to counteract the deterioration of democratic standards in member states.

Program

Wednesday 13 December 2017

Seminar participants arrive at Huize Heyendael in the morning

8:30-9:00 Coffee & Tea

9:00-9:15 Welcome & introduction by the organizers

9:15-10:30 Session 1: Democratic backsliding and the EU response

Chair: Ellen Mastenbroek (Radboud University)

Opening keynote:
Dan Kelemen (Rutgers University)

10:30-10:45 Coffee break

10:45-12:15 Session 2: Investigating the causes for democratic backsliding

Chair: Jasper Krommendijk (Radboud University)

Speakers/Presenters:
Matej Avbelj (University of Ljubljana)
"Homo (Post)-Sovieticus and Democratic Backsliding in Central Europe."

Natasha Wunsch (ETH-Zürich)
"Different status, same outcomes? Comparing democratic backsliding in new EU member and candidate states"

Raimondas Ibenskas (University of Southampton)
“Party Responsiveness to Public Opinion in New European Democracies” (co-authored with Jon Polk (University of Gothenburg))

Discussant: Maurits Meijers (Radboud University)

12:15-13:30 Lunch
Session 3: Democratic backsliding: country-specific causes and issue areas

Chair: Henri de Waele (Radboud University)

Speakers/Presenters:
Marcin Matczak (University of Warsaw)
“The strength of the attack or the weakness of the defence? Poland’s Rule of Law Crisis”

Asya Zhelyazkova (RU) / Frank Schimmelfennig (ETH-Zürich)
“EU Enlargement Strategy and Compliance with Rule of Law Provisions in Croatia, Macedonia and Serbia”

Ivan Damjanovski (St Cyril and Methodius University, Skopje)
“From a “leader of the pack” to a “captured state”: rule of law conditionality and democratic backsliding in Macedonia”

Discussant: Ulrich Sedelmeier (LSE)

15:00-15:15 Coffee / Tea break

Session 4: Linking factors and effective responses to democratic backsliding in the EU

Speakers/Presenters:
Maurits Meijers (Radboud University)
TBA

Oliver Treib (University of Münster)
“Playing the blame game on Brussels: the domestic political effects of EU interventions against democratic backsliding”

Ulrich Sedelmeier (LSE)
“The Party Politics of Sanctioning Democratic Backsliding in Parliamentary Assemblies of Regional Organizations”

Discussant: Frank Schimmelfennig (ETH-Zürich)

16:45-17:00 Concluding remarks by the organizers

17:00-18:00 Farewell drinks