

Political Preferences

21/2018

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Journal is published by the Institute of Political Science and Journalism at the University of Silesia and the Center for Innovation, Technology Transfer and Development Foundation of the University of Silesia.

Patronage for the project is exercised by Electoral Research Committee - Polish Political Science Association.

ISSN (online): 2449-9064

Political Preferences continues the tradition of journal called *Preferencje Polityczne* (ISSN: 2083-327X) which was published from 2010 to 2015.

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**Characteristics of Reforming the Institutions of
Power in Ukraine in the Transition to Democracy**

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Political Preferences

2018, vol. 21: 5-16.

DOI: 10.6084/m9.figshare.7533098

journals.us.edu.pl/index.php/PP

Submitted: 23/09/2018

Accepted: 04/10/2018



Abstract:

The author proves, that in Ukraine the level of political consolidation, when it would be possible to clearly define, whether a transition is completed or not, and what regime is firmly established in the state, is not achieved yet. Political players are far from confessing the inviolability of democratic rules of political game; there is a considerable threat of authoritarianism. Freedom House considers the Ukrainian state a free electoral state, not a liberal democracy. The judicial features of Ukraine in the democratization process are as follows: lack of fulfillment of one of the first tasks of the transition: replacement of elites; lack of legal culture of the authorities, their inability to realize the rules of governance; formal institutionalization; relative weakness of the basic opposition; slowness of the reformation and sustainable failure to perform the tasks of every stage of the transition; weakness and low legitimacy of democratic institutions, conjuncture reformation for party-group interests; gradual replacement of bits and pieces of the post-communist authoritarianism with the new oligarchic authoritarianism on the behavior level of some elite groups.

Key words:

Ukraine, transformation, president, parliament, government, reform, opposition

Introduction

Ukraine is a state that many scientists all around the world take interest in – due to its specific democratic transition characteristics. Their interest is natural, because there have already been three revolutions in Ukraine – student Revolution on Granite, Orange Revolution and Revolution of Dignity. Participants of each revolution demanded democratic development for the state and following democratic rules; however, this is yet to be achieved.

Like with most post-communist transition states, oriented character of the theological constitutionalism is inherent to Ukraine – meaning that provisions of the Constitution form a unique strategy of state development, while not reflecting the reality. It can be noted that this is a strategic model the state wants to build. Theological constitutionalism accumulates various instruments that help to stimulate or bring the transition states closer in their development to the desired models. The experience of CEE and the Baltic states shows that thoughtful implementation of “instrumental values of democracy” in a short period of time (a few electoral cycles) can help modernize the political system of society and move to the stage of consolidated democracy (Huntington 1997: 7-8; 1991: 14; Linz & Stepan 1996: 241). However, this scenario is only possible, if the basic development strategy is followed, regardless of the political volatility of the government.

Analyzing Ukrainian constitutional development processes, one can tell that the algorithm of the “democracy institutionalizing” is very “classic”, meaning all successful transition states underwent it. However, the result of a seemingly democratic transition is completely different from what can be observed in the CEE and Baltic states. Moreover, Ukraine’s peculiarity here is that it did not fall back to the previous authoritarian stage like all the other post-Soviet republics, except Georgia and the Baltic states.

What type of state is formed in Ukraine?

Ukraine is going through the formation of a so-called “oligarchic state” which has some of its own specific features (Kolodii 2001). The intention would be to monopolize the power by the means of financial and industrial groups. Representatives of the Ukrainian financial and industrial groups construct political institutions in such configuration that would make it possible for them to have governmental authority. Such political engineering is a formal preservation of seemingly democratic mechanisms of political participation and democratic political institutions, but their combination sets up the means for achieving certain electoral choice that was planned by the financial and industrial groups. This explains why sometimes people who have not proved themselves neither in social, political work nor showed their effective management skills, have political power. Only their involvement in the financial and industrial groups gives them advantage to make political decisions – via administrative posts or representative bodies.

The result of this elite incorporation principle is an “institutional sclerosis” – dystrophy of formal game rules or political institutions (Cimbal 2008). In reality this leads to devaluation of the constitutional norms: principles of the organization of police power, articulated in the Article 6 of the Ukrainian Constitution, which says that “police power in Ukraine is based on division into legislative, executive and judicial power”, gained decorative features. Thus, the state turned into a “para-state”, which only partly serves as a classic state (some important functions remain – social welfare, regulative, law enforcement). Such “para-state” serves the interests of the financial and industrial groups, and, accordingly, all state institutions are adjusted to these interests (Kononenko 2007).

Therefore, actually, in Ukraine formal (constitutional) essence of the branches of power and public authorities is substituted by the power of informal groups of influence – agents of the financial and industrial groups. In addition, the choice of the operating mixed-member proportional representation electoral system with an absolute dependence of the court system and police services on presidential institutions has formed a system of preventive actions that distort the will of electors considerably. Due to the system of preventive actions (forming of election commissions, nominating candidates for deputies, procedures of voices counting, ignoring the violations of electoral process, bribery at elections, hidden agitation from the police services), the role of political elections as a mechanism of electoral selection was disrupted.

Civil society, revolution and political demands of their participants

Taking into account the weakness of the civil society institutions, the embryos of political participation, political responsibility, and “social elevators” have been degraded in Ukraine. Degradation of the state became the consequence of degradation of the system of state policy and mechanisms of political participation, which resulted in mass social and political protests – Orange Revolution in 2004 and Revolution of Dignity in 2013-2014. Let’s point out that these revolutions are not conventional forms of political participation and have destructive influence on the development of the state. Nevertheless, they do not arise at random and they are a reflection on the deficit of legitimacy of political and public power institutes and inadequate domestic policy of the state (DIF 2018).

Thus, public authorities are accountable for mass social and political crises, which due to their functions, should be reacting to social and political moods, taking into account public

opinion. Remembering the demands of the participants of the Maidan Nezalezhnosti protest actions in Kiev, it should be specified their firstly personalized character – resignation of the current Minister for Internal Affairs Alexander Zakharchenko and punishment of the guilty in beating of protestors. Only afterwards the participants demanded the resignation of Nikolay Azarov government, early elections of both parliament and the President of Ukraine. However, absence of reaction of President Victor Yanukovych caused further escalation of the conflict. Actually, the 2013-2014 events on the Maidan Nezalezhnosti brightly illustrate pseudocapacity of the instruments of democracy formed in Ukraine, and the quality of the state, the leaders of which became the main culprits of bloody outcome due to their inadequate reaction.

Therefore, one could say the forms of political participation accepted in the civilized world were not working in institutional terms in Ukraine, which means they were only formal. Destruction of many features of the state system, loss of certain characteristics of state sovereignty (integrity of territory, change of borders, loss of monopoly of the state on a compulsion, etc.) was a consequence of this. Weak statehood is one of the reasons for the Crimea annexation by Russian Federation and war in Donbas, proclamation of so-called “Luhansk and Donetsk people’s republics” as Russia’s instrument of promotion of the idea of “Russian world” and demands for federalization of Ukraine (Dmytrenko & Shystopal 2016: 73).

Taking into account the political requirements of Maidan participants, political actors that came to power after the Revolution of Dignity, first, would have to grant them. New political actors in theory would have to focus their activity on destruction of the oligarchic model of power, where corruption and parallel (informal) groups of influence became essence of the system, substituting formal public authorities; on demonopolization of political market; on restoration of the functions of the state.

It should be stressed that one of the basic requirements of the Orange Revolution and Revolution of Dignity was a transition to the parliamentary presidential republic. The main advantage of this form of government is bringing (including) of a considerably bigger, than in mixed or presidential system, number of political actors to the process of making political decisions. In Ukraine it would create terms for destruction of monopoly of the financial and industrial groups on power, reduce their total scales and would start the system of “social elevators” through introduction of mechanisms of political competition, that for has an extremely important value to the modernization of state administration.

Institutional changes in the form of government after the Revolution of Dignity

After the Revolution of Dignity, as the beginning of institutional changes of the state form we should consider the Act passed by the Verkhovna Rada of Ukraine “On rehabilitation of the action of certain provisions of the Constitution of Ukraine” (BPP 2014); decision of VRU that annulled the Constitutional reform from 2010 (the so-called “constitutional revolution”). In Ukraine, the parliamentary presidential republic was restored as the form governance. It extended the constituent function of the parliament, in particular returning the natural and logical functions of forming government, to the legislative body by redistributing the authorities, while forming the executive power. The law restored some provisions of Constitution of Ukraine with changes and additions to the benefit of VRU. President still has a right to present the candidature of prime Minister in parliament that is determined by a coalition of deputy factions, Minister for Defense and Minister for Foreign Affairs. All other members of the government and leaders of other central government bodies – the Chairman of the Antimonopoly Committee of Ukraine, Chairman of the State Committee of Television and Radio Broadcasting of Ukraine and Chairman of State Property Fund of Ukraine are appointed by VRU after the government leader’s nomination (Rudik 2014).

President influence on the activity of Government is limited. President has a right to terminate the acts of Cabinet of Ministers only due to their inconsistency to the Constitution with a simultaneous addressing the Constitutional Court of Ukraine; to appoint and dismiss the chairmen of local state administrations (after the Cabinet of Ministers of Ukraine presented the candidate); to appoint and dismiss the Prosecutor General of Ukraine with the consent of VRU is maintained and presenting the idea about assigning for position and dismissing the Head of Security Service of Ukraine to VRU is also present.

The parliament has a function of current adjustment of Government composition and leaders of certain central government bodies that strengthened the constituent function of parliament. If the activity of ministry is assessed negatively – the minister must be dismissed. The same goes for the whole Government in case its work is recognized as unsatisfactory. Parliament has an independent right to dismiss all specified officials. Right in front of the newly elected VRU the Cabinet of Ministers of Ukraine is dismissed. Parliament also bears political responsibility for the composition of government, its implementation of the Program of Action.

This provision eliminated a blank space in the triangle of bearers of power “Parliament – Government – President”.

The next stage of perfecting the system of state governance in Ukraine began after the early elections to VRU in October 2014 and forming of coalition of deputy factions, consisting of factions of Petro Poroshenko Block, People’s Front, “Samopomich”, Radical Party of Oleh Liashko and “Fatherland”. Signing of the Coalition agreement meant forming a wide coalition in VRU that created ideal, from the Ukrainian realities’ point of view, terms for realization of rapid reforms. In the Coalition agreement, some reforms were covered and taken into account that could considerably change the institutional subsystem of the political system. Although, from the point of view of the terms covered in the Agreement (and it was 2015–2016), it seemed a utopian document, which, certainly, added to the skepticism relating its implementation. But it was apparent from the contents of the Coalition agreement that political forces that came to power demonstrate willingness and understanding of conduct reforms, and the fact of formation of wide coalition – a presence of political will to reforms – are two basic and necessary terms for further advancement (Korol 2016: 14).

Indeed, in relation to the activity of the parliament of the 8th convocation, its quantitative indicators can be considered successful, comparing to the parliaments of all previous convocations. The amount of the legislative acts adopted by the parliament in its almost 4-years-long term of office exceeds the analogical indicators of work of parliaments of previous convocations in many times.

However, quality of the Parliament activity is extremely unsatisfactory. The permanent violation of norms of the Regulation law by the deputies is considered to be the main problem (Radchuk 2017). One can observe it throughout all of the stages of the law-making process and implementation of other functions of the Parliament. It would be possible to ignore this, because necessary decisions, even though slowly and with difficulties, are being adopted, however, chronic violations of the Regulation law destroy already weak political institutions – rules of the game that provide a delicate balance in the state. Therefore, their destruction is a way to chaos and vagueness, while the lack of foresight could create even bigger threats, than political stagnation. “The supreme bodies of state governance activity practice within the operating constitutional model is characterized by increased level of political competition, that can have both healthy, constructive character and acquire a destructive form” – scientists from NISR say

(DIF 2018). “The government authorities, formed on a coalition basis are less stable, and direct dependence of the executive power on representative power can make the government a hostage of populist decisions of leading political forces and internal parliamentary fight. Furthermore, the lack of a transparent method of forming of electoral party lists, predominance of political parties of authoritative type with one man leadership principle, as Ukrainian practice shows, result in getting clan-oligarchic groups into parliament of and, as a result, in opaque schemes of lobbying for interests of big business” (Rozumnij et al. 2015: 18). Therefore, a desirable result from forming a wide coalition in VRU was not achieved.

At the same time parliament, despite its high productivity regarding the amount of passed acts, is the most reactionary organ that often frankly sabotages the acceptance of important judicial laws that would start necessary processes for the state. As the practice of amending the Constitution shows, in relation to Judicial reform, issuing the most resonant changes to the publicity, consolidation of expert environment and influence of western partners are the means of pressure on a deputy body and, in particular, on factions engaged in frank populism. It should help to form necessary political will in the parliament (political bargaining is not an exception, too). Unfortunately, at the moment such humiliating practice is the only possible with deputies that have neither political responsibility nor dignity. Parliament became a place for lobbying of interests of several industrial and financial groups and banal earning of money through lobbying of various bills.

However, it is an obvious fact that practice of violation of base principles of democracy (equal rules for all) is usual for Ukraine. It became a daily phenomenon during the adoption of number of fundamental laws (changes in the Law on General Prosecution (BBP 2015a) are resonant, as well as passing the Act “About the state budget” in 2015 and in 2016 (BBP 2015b; 2016), etc. It causes further destruction of the state functions and disrupting its role, reduces legitimacy of public authoritative and, accordingly, of all their decisions. In addition, essentially, a government “in the manual mode” reduces the opportunity to foresight political processes, makes it impossible to form identical and even game rules for everybody.

This situation can be certainly explained by the complicity of political realities and justified by political usefulness. However, political decisions, accepted this way, are extremely controversial. Especially regarding the personnel appointments, mid-term elections etc., which makes such political usefulness doubtful, because it disrupts political competition and leads

neither to deoligarchization nor to the appearance of social elevators. Therefore, it is extremely important to develop effective mechanisms of rotations and management personnel, and subjects of political process, that would be based on understandable procedures and on legal framework. This includes distribution of political and administrative positions, changes in labor law that would not create legal collisions, when it touches the realization of lustration procedure, or elementary resignation of an official due to professional ineligibility.

Reasons for the failure of parliamentary model

They are contained, in our opinion, lie, first, in maintenance of mechanisms of co-optation of political class, in particular – mixed majority-proportional electoral system to VRU that has been renewed during the presidency of Victor Yanukovych as instrument of recreation of financial and industrial groups in government. There are a few reasons for this. Firstly, by saving the old electoral system, the mechanisms of electoral selection were preserved in the state, which guaranteed the recreation the financial and industrial groups of power, or so-called “oligarchs”. Why parliament has not, despite the promises, changed of the electoral system is not clear. Nevertheless, we can assume that the very same financial and industrial groups which could lose the instrument of the secured reproduction in government. It might seem that they supported Revolution of Dignity, but they were not opposing the system, but certainly the “Yanukovych clan” that usurped all power and all financial streams.

Secondly, it is obvious, that President Poroshenko did not take a risk to implement the proportional electoral system with open party lists, because in fact the level of the governability of the state was very low and handle the composition of VRU over “to the generosity” of citizens would be risky. Yes, the Leader of the country would lose the assured informal instruments of influence on deputies.

Thirdly, between early presidential and parliamentary elections there was little time and it was extremely difficult to prepare the country (forming of electoral districts based on new principles, members’ of electoral districts studying, explanation of the voting procedure to the electors) for the elections on new basis, that threatened cancellation of parliamentary elections as a whole.

The second error that became the consequence of maintenance of the mixed majority-proportional electoral system concerns the imperative character of the deputy mandate, which is

impossible to apply at this electoral system. Instead, VRU needed instruments that would help deal with the problem of discipline: factious and parliamentary in general. A right to exclude those deputies that separated from fractions, whose lists they were elected, was given to the political parties (it is often called “dictatorship of parliamentary fractions”). According to the amendment to the Act “On elections of people’s deputies”, parties got a right to eliminate even an acting deputy from the electoral list (known as a “party dictatorship law”). In fact, it is a substituted the role of electors, became rather an “antireform”, because it created an instrument for dictatorship of parliamentary parties and distorted the principle of folk sovereignty.

The Block of Petro Poroshenko took advantage of this very right, excluding the Nikolay Tomenko and Yegor Firsov deputies from the electoral rolls, who lost their mandate of people’s deputy a result ([Ukrainska Pravda 2016](#)). However, even the adoption of such norm did not decide the problem of discipline in VRU, shaking loose already too diverse parliamentary factions. In addition, the presence of many deputy groups outside of the fractions, lead to strengthening of the so-called “political bargaining” and, eventually, to disintegration of wide coalition.

Radical party of Oleh Liashko, “Samopomich” and “Fatherland” left the coalition. A long term-term social and political crisis of winter-spring 2016 emerged, related to the unsatisfactory estimation of activity of the Government of Arseny Yatseniuk and the inability of the VRU to dismiss him. It radically changed the style of realization of public policy in the conditions of parliamentary republic, eliminated its core. We believe that the real reason of disintegration of coalition is dissatisfaction of business-interests with the shareholders of parties that left the coalition. Therefore, its disintegration, from this point of view, can be viewed as justified.

However, the next forming of a narrow coalition composed of Petro Poroshenko Block and People’s Front in April 2016 and the style of making the political decisions show that country’s Leader due to his informal influence, administrative resources and usage of his legal plenary powers, leveled the role of VRU to the role of an organ that legitimizes political decisions accepted in the Administration of President. Therefore, it states the apparent usurpation of power, return to the informal dominance of the President in the system of government bodies and scaling down of political competition. In the future such phenomenon can result in a new social explosion, because, in fact, the “game rules” and the Constitution are breaking, causing a political disobedience and destabilization of a state.

However, taking into account the quality composition of VRU and the formation of, not opposition, but “fronde” in it, which operates on a “the worse, the better” principle, introducing frankly populist laws to VRU, arranging political bargains (positions and whole industries of economy in an exchange for votes), causing parliamentary conflicts, blocking the voting for important bills, and aiming only for early elections – formation of a narrow (or situational) coalition seems the politically justified lesser evil on this stage (Savickii 2016). The next steps of the state’s and Government Leader regarding the voting for a number of bills, characteristics of the bills that President and Government bring for the discussion, show the intentions to reform a country by changing all spheres of public life institutionally, that in the present terms of war with Russia is the question of maintenance of the statehood. Thus, the essence of the public authorities’ reformation is a change of political basis, that would start mechanisms of political competition and social elevators, dystrophy of which caused gradual dystrophy of functions of the state. And if (before the Russian aggression) similar hybrid regime could function relatively safely – with different levels of political tension and political alienation – right now the erosion of state functions and absolutely inadequate political basis create extraordinarily high risks for the state. Their source is a deep social stratification and political alienation through fracturing of the already weak political institutions, which creates pre-conditions of internal civil conflict.

Conclusion

In Ukraine the level of political consolidation, when it would be possible to clearly define, whether a transition is completed or not, and what regime is firmly established in the state, has not been achieved yet. Political players are far from confessing the inviolability of democratic rules of political game; there is a considerable threat of authoritarianism. Freedom House considers the Ukrainian state a free electoral state, not a liberal democracy. The judicial features of Ukraine in the democratization process are as follows: lack of fulfillment of one of the first tasks of the transition: replacement of elites; lack of legal culture of the authorities, their inability to realize the rules of governance; formal institutionalization; relative weakness of the basic opposition – national democrats; slowness of the reformation and sustainable failure to perform the tasks of every stage of the transition; weakness and low legitimacy of democratic institutions, conjuncture reformation for party-group interests; gradual replacement of bits and

pieces of the post-communist authoritarianism with the new oligarchic authoritarianism on the behavior level of some elite groups.

Let us stress that said positions reflect the presence of requirement in realization of parliamentary reform in Ukraine, the actual task of which is to recover the trust in Parliament and transform it into a real representative organ for interests of the Ukrainian people. This must include the next steps in such directions as: improving the electoral legislation of Ukraine according to the recommendations of the Parliamentary Assembly of the Council of Europe and the Venice Commission of PACE, in particular implementation of the electoral system with open party lists; an increase of responsibility of people's deputies to the society (providing the execution of the constitutional norm by the deputies regarding the incompatibility of positions, establishment of effective and proportional disciplinary sanctions for the violation of the personal voting principle or missing the meeting of committees and plenary meetings of Parliament without good reasons, violation of ethics of deputy activity, legal settlement of lobbyist activity in VRU, etc.); increase of efficiency of legislative activity of Parliament (by arranging and improving the legislative process organization, strengthening of the role of committees of Verkhovna Rada as the basic subjects that are working on the bills, holding of the parliamentary listening on pressing questions of legislative politics, implementation of a procedure of public consultations about bills with everyone interested, execution of the legislative requirement in regarding the obligatory anticorruption examination of bills, etc).

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**Direct democracy in the political system of the
Czech Republic: Current status and prospects for
the future**

Political Preferences
2018, vol. 21: 17-27.
DOI: 10.6084/m9.figshare.7533125
journals.us.edu.pl/index.php/PP
Submitted: 24/08/2018
Accepted: 05/10/2018

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Abstract:

Czech experience in the field of referendums is rather limited. Only one nationwide referendum which has been held so far, took place in 2003 and concerned the membership of the Republic in the European Union. The experience of referendums at the local level is incomparably richer: decisions related to environmental matters have gained importance. The greatest interest was raised by referendums on the creation of new municipalities, storage of radioactive waste and elements of radar to be included in the anti-missile shield.

It is most probable that referendums will not be used more often than before at the state level in the Czech Republic in the future. This assumption is supported by the lack of such historical experiences as well as the unwillingness of political decision makers. Only local communities often use this kind of opportunity to express their stance on important matters. Significant support on the political scene has been obtained by groups who even call for direct democracy to play a more important role than before in the political system of the Republic. These are not the strongest parties in the Czech Parliament.

Key words:

direct democracy, Czech Republic, Czech political system, local referendums in Czech Republic

Introduction

The Czech Republic does not belong to the countries where direct democracy institutions are often used. In principle, deciding about important matters by appealing to the will of the public is unfamiliar to the Czech political system. However, at the local level the phenomenon of the referendum appears to be applied in practice. There is, therefore, a clear dichotomy in this respect.

In recent times (especially in the parliamentary elections of 2017), political groups postulating the introduction of a state-wide referendum to the systemic practice gained the majority. In the future, therefore, changes in this area cannot be ruled out.

In my opinion, the most essential are the answers to the following research problems related to this issue:

- 1) What are the reasons why referendums at the national level are rare in the Czech Republic,
- 2) What makes the Czechs turn to the best-known direct democracy tool in decision-making process at the local level?
- 3) Does the increase in the importance of groups postulating frequent recourse to referendums contribute to changes in favour of their implementation?

Direct democracy may be comprehended in many ways, although it is most often emphasized that its basic element is the direct participation of voters in performing public functions, taking direct decisions by those entitled to vote. For this reason, it is sometimes noted that it is a kind of competition with indirect democracy (Marczewska-Rytko 2001: 31-32). In my opinion, it should not be seen as a competition, but rather as a complement to the most commonly used representative type of democracy.

Referendum is the most frequently used instrument of direct democracy, perhaps the two being even synonymous (Marczewska-Rytko 2001: 110-111). Its essence is that those entitled to vote express themselves in the vote on the important problems of social and state life at the local, regional and national levels.

Legislation regarding referendums

Czech experience in the field of referendums is rather limited. After the formation of independent Czechoslovakia in 1918, establishing the political foundations of the new state was originally intended to be based on Swiss experience. However, but a few of these plans were fulfilled, as the Czechoslovak constitution of 1920 mentioned only the optional referendum which could be announced exclusively by the government. It was able to do so, if the parliament rejected the government bill. The referendum could not decide on draft bills that would change the constitution. This option has never been used (Rytel-Warzocho 2011: 92-93).

The post-war constitutions of socialist Czechoslovakia did not include the provisions concerning the use of instruments of direct democracy at all. It was only before the breakup of

the common state of the Czechs and Slovaks that a constitutional law was adopted (July 18, 1991), which could form the basis for a referendum in the whole country. A possible vote could be held on issues related to the constitutional system of the state or withdrawal from the then federation (Rytel-Warzocha 2011: 101-102).

Despite the existence of formal possibilities for the Federation to split into separate states, Czech and Slovak, the process took place in a different way, without referring to the citizens' will in a referendum. Perhaps because neither of the nations was fully convinced to the idea of division of a common state. According to the current survey citizens clearly indicate that they would definitely prefer to vote on such an important issue. The survey conducted in October, shows that 22% of respondents in the Czech Republic and 23% in Slovakia believe that the division of Czechoslovakia without a referendum was a right or fair decision, but of the opposite opinion are - respectively - 68 and 67% of respondents (Tabery & Bútorová 2017: 4).

The current legislation of the Czech Republic refers in a very reserved way to the instruments of direct democracy. The Constitution, adopted on December 16, 1992 never specifically uses the terms „direct democracy” or „referendum”. Only in Article 2, paragraph 2 the legislator stated that „a constitutional law can determine when the people exercise state power directly” (*Konstytucja...* 2000: 35). Therefore, every attempt to hold a referendum on the territory of the entire state requires the adoption of a special law by the parliament. No regulations on direct democracy can be found in the Charter of Fundamental Rights and Freedoms, which is a part of the Czech constitutional order. Only art. 21 of the Charter contains the provision that allows direct voting, stipulating that „citizens have the right to participate in the management of affairs directly or through free elections of their representatives” (*Konstytucja...* 2000: 75). Therefore, it is difficult to talk about an extended provision in this case.

Referring to the status of the referendum in the Czech constitution, M. Krzywoszyński classifies the Czech Republic into a group of semi-representative democracies, i.e. where the constitutions allow the use of optional referendums only. However, due to the limited number of applications in the political system, this statement is questionable and seems exaggerated (Krzywoszyński 2017: 65).

On the other hand, the law on local government, adopted in 1990, regulates the conditions required to introduce the institution of referendum. Two years later, the Act on Local Elections

and Referendums, in which the possibility of a referendum as a grassroots initiative is guaranteed, came into force. This option was not used until the end of the last century (Smith 2011: 35). Currently, the law adopted at the end of 2003, amended in 2008 (the so-called local referendum law) operates (*Zákon o místním referendu 2004*).

It gives the possibility to decide by way of a referendum on specific issues concerning government in local communities. All citizens equipped with voting rights may participate in such voting. The Act specifies the minimum number of people who have to support the referendum request so that it could be implemented at all. In communities with up to 3 thousand inhabitants it is at least 30% of those entitled to vote, up to 20,000 inhabitants it is 20%, up to 200,000 inhabitants it is 10% and over 200,000 inhabitants it is 6%. As a rule, they are one-day votes, they are valid if the turnout is at least 35% of those entitled to vote. The result is binding, if a majority decides in favour or against a given decision and, if it constitutes at least 25% of those entitled to vote¹. Organizing a re-vote on the same issue is only allowed after 2 years. The referendum question must be a Yes/No question. At the same time, the Act specifies matters in the case of which voting cannot be held. These include dismissal or appointment of community authorities or the election or dismissal of the starost or the mayor (*Zákon o místním referendu 2004*).

There is a newer instrument of direct democracy, operating since 2011 (*Zákon o krajském referendu 2010*), a referendum possible to be carried out at the level of Czech regions (lands)². It gives the citizens entitled to vote the opportunity to decide, during a one-day vote, on matters falling within the competence of the lands as local government units. Voting may take place in the event of acceptance by a regional assembly (*Zastupitelstvo*) or when the appropriate application is submitted by the referendum organising committee and supported by signatures of at least 6% of citizens entitled to vote in the area of the region. A regional referendum is valid, if at least 35% of citizens entitled to vote participate and the result is binding when a majority representing 25% of those entitled to vote is in favor of, or against a given solution. The Act also lists matters on which a regional referendum cannot be held. These include election and

¹ The only exception is the division or connection of towns, their parts or municipalities, where consent is required of more than half of those entitled to vote.

² The exception are referendums in the area of Prague which is both a municipality and a region. They are held on the basis of the local referendum law.

dismissal of the chairman of the regional committee (hetman) or adoption of the region's budget (*Zákon o krajském referendu 2010*).

Therefore, it is clear from the presented provisions of both laws that there are legal conditions at the local level for voting on matters relevant to the competence of local self-governmental bodies. Both laws provide similar solutions as to the validity and binding nature of referendums. Importantly, the Acts - as discussed in the further part of the article - are applicable in practice.

Institutional practice at the state and local level

Since the independence of the Czech Republic, no instruments of direct democracy have been put into practice. Despite the proposals and attempts made, such as the idea of social democrats to vote in 1999 on the subject of NATO membership, participants of the Czech political system have not decided to use this instrument (Smith 2011: 34).

In the years 1993-2003, 19 attempts to introduce legislation on national referendums took place. The largest number of such proposals - as many as 11 - were submitted by ČSSD and 4 by KSČM. None of them was successful because the Chamber of Deputies did not accept such regulations (Jüptner et al. 2014: 650). This undoubtedly demonstrates some kind of reluctance towards this type of solutions.

a) nationwide referendums

The only nationwide referendum that has been held so far took place on 13 and 14 June 2003 and concerned the membership of the Republic in the European Union. 55.21% of those entitled to vote, took part in it, of which 77.33% were in favor of the membership. The referendum was valid and its result binding (*Referendum o přistoupení 2003*). The fact of the single implementation of this direct democracy instrument during the 25 years of independence of the Czech Republic leads to the conclusion that it has been unquestionably not a solution to which the authorities of that country would attach importance. Undoubtedly, one of the reasons is the lack of historical experience.

The vote on the accession to the EU was possible under the relevant constitutional law, which the Chamber of Deputies adopted in October 2002, and the Senate a month later (*Ústavní zákon o referendu 2002*). It was allowable on the basis of the previously mentioned Art. 2 para. 2

of the Constitution. It is worth noting that in 1999 the Czech parliament attempted to adopt a law that would allow voting on the subject of accession to the Union, but at that time it did not gain acceptance. The 2003 referendum was valid regardless of the turnout. During the works on the law defining the procedure of the vote it was considered that there was too much risk of low turnout and for this reason the minimum threshold necessary for the validity of the vote was not stated.

After 2003, no more national referendums have been held on the territory of the Republic. The only curiosity associated with this form of decision making are „virtual referendums”. For example, simultaneously with the British referendum on leaving the EU by the UK, the weekly Reflex held a vote on the hypothetical „exit” of the Czech Republic from the Union. 80% of voters voted on the Internet for leaving the organization (*Referendum nanečisto...*). A similar type of undertaking is the collection of signatures under the project of revival of Czechoslovakia on the 100th anniversary of its creation. The signatures, with a modest success so far, are gathered by the Movement for the Revival of Czechoslovakia (Hnutí za obnovení Československa). Out of over 12.6 thousand of votes on their website almost 83% support the initiative (*Československo 2018*). The problem is, however, that the Czech law does not provide for the possibility of voting by collecting a certain number of votes for the project. So this idea is condemned to failure.

b) local referendums

The experience of referendums at the local level is incomparably richer. However, it should be clearly stated that they have been entering into systemic practice only gradually. M. L. Smith admits that the change in this area, noticeable only after 2000, should be associated with the activities of non-governmental organizations that mobilized the residents at the local level to oppose some projects, and at the same time conducted pre-referendum campaigns (Smith 2011: 37). The referendum in Tabor in 2000 is often considered a breakthrough, when at the 37% turnout the project for road construction through the botanical park was rejected. Citizens of this city decided that the referendum would be the only option to end a several-year dispute over the mentioned investment and this actually happened.

However, local votes had already taken place before. Initially (1992, 1993) they were carried out mainly to introduce territorial changes, connect certain municipalities or - most often

- separate new municipalities. After 2000, this type of voting was limited in fact to individual cases. Meanwhile, decisions related to environmental matters have gained importance (Jüptner et al. 2014: 655).

This subject began to dominate over time, most frequently in reference to the location of radioactive waste, the construction of wind farms or the creation of infrastructure. As calculated by M. L. Smith in the years 2000-2008 91 (60%) out of 151 conducted votes concerned matters related to the environment (Smith 2011: 40).

According to the data of the Czech Ministry of the Interior Affairs in 2006-2016, 251 local referendums were held in the Republic (*Místní referenda...*). Basing on this list some of the leading topics can be pointed out. These include voting on:

- construction of wind or photovoltaic power plants (e.g. Líchkov municipality in 2007, Bousín 2008, Sudice 2010),
- development of road infrastructure and sewage system (Suché Lazce 2012, Písek 2013, Borová 2014),
- storage of radioactive waste from two Czech nuclear power plants (Hubenov, Dvorce 2007),
- consent to the construction of radar elements of the American anti-missile shield (Zaječov, Vševidly, Vesela 2007) (*Místní referenda...*).

Interestingly, highly controversial topics, such as the US anti-missile shield, aroused wide interest of even over 70% of those entitled to vote, who in the vast majority rejected such an investment (only 1 municipality agreed to it). The result of the vote was not binding and with time the Americans abandoned this idea anyway and, therefore, the result of the referendum did not have greater significance. Similar emotions were aroused by proposals for the storage of radioactive waste in some locations, in which case the referendums in individual municipalities gathered even over 80% of those entitled to vote. The votes rejected the proposed solutions.

Emotions were also stirred by the case of the railway station in Brno, where the local authorities planned the reconstruction of the railway line and the construction of a new station away from the centre, which was opposed by the residents. In 2004, a vote was held on this subject in result of which 86% supported the modernization project but opted for retaining the station at its current location. Due to the low turnout the referendum was not valid. In the next

voting in 2016, also invalid due to the participation of only 23.8% of those entitled to vote, its participants again favored the solution accepted 12 years before (*Referendum o nádraží...*).

Statistically, the greatest interest was raised by referendums on the creation of new municipalities (average turnout over 76%), storage of radioactive waste (almost 73%) and elements of radar to be included in the anti-missile shield (almost 66%). The lowest turnout was recorded in referendums on financial matters (28.5%) and education (almost 31%) (Jüptner et al. 2015: 281).

So far, there has been no regional referendum. In 2010-15, attempts were made to bring about such a vote in the country of Ústí nad Labem, which was supposed to decide on the limit of lignite mining. This idea was supported, among others, by the former Prime Minister Jiří Paroubek and the President Miloš Zeman. No referendum took place because it was considered that issue was not within the competences of the region (Synková 2014; Paroubek...). It is therefore difficult to refer to any experiences in this area.

The quoted examples seem to prove that at the local level, most often in small communities, referendums are an effective tool for expressing opinions by the local community, also in matters that should be considered extremely important not only for these communities. At the same time, it seems justified to assume that the experience of local votes clearly proves that such a method of solving problems is attractive for those entitled to vote. Nevertheless, it is not without reason to mention that local referendums have no anchoring in the Czech constitution, which contributes to their weakness (Hamuřák 2008: 31-32).

Political parties and instruments of direct democracy

Referring to the possible future of the development of direct democracy in the Czech Republic, it is also worth analysing how major political parties view such decision-making instruments. This is all the more justified since over the last few years political groups supporting direct democracy, or even demanding its more frequent use, have gained in importance, which is also confirmed by the result of the parliamentary elections of October 2017³. The parties that have played the most important role in the Czech political system so far, have not been convinced as to the role of direct democracy at the level of the whole state.

³ The elections were won by the ANO 2011 led by Andrej Babis, with the result of 29.6%, and followed by ODS 11.3%, The Pirates 10.8%, SPD 10.6%, KSCM 7.8% and ČSSD 7.3%.

Of the groups present in parliament only two very emphatically emphasize the importance of direct democracy. These are Freedom and Direct Democracy (SPD - Svoboda a přímá demokracie) and The Czech Pirate Party (Česká Pirátská Strana). Especially the first of those parties has made direct democracy its main slogan, even incorporating it in the name of the group. The call to use the direct way of resolving social and political matters by citizens in the vote constitutes the first point of the party's program, in which the SPD demands radical changes in the political system. In addition to the direct selection of the hetmans and starosts, the party postulates the introduction of the right to referendums in matters of principle, such as the future of the state (*Politický Program SPD*). The SPD is a new group formed in the middle of 2015. Its leader Tomio Okamura previously presented similar political views, having been, in 2013, the founder of the Dawn of Direct Democracy (Úsvit přímé demokracie). The group was present in the Czech parliament in 2013-2017, later Okamura left it and founded the SPD. In the last elections, the party entered the Chamber of Deputies with the fourth result, introducing 22 deputies to the parliament. In my opinion, however, the main source of support for the SPD was not the strongly exposed idea of direct democracy, but a strong anti-immigrant stance.

Also, the third force in the Chamber of Deputies, the Czech Pirate Party with 22 MPs, underlines in its program the importance of direct decisions exercised by citizens. The Pirates call for the introduction of a legislative initiative for citizens, binding referendums at every level, a popular veto resulting, after collecting the appropriate number of signatures, in the rejection of legal acts, and direct selection of public officials (*Přímá demokracie*). The Pirate Party was founded in the Czech Republic in 2009, inscribing itself to the pan-European movement of such groups demanding the freedom of the Internet and access to information. The last elections to the Czech parliament turned out to be the most successful for the party.

Both parties should certainly be counted among the propagators of the idea of direct democracy in the Czech Republic. In total, they have 44 seats in the current parliament, which is exactly 22% of all seats. This does not guarantee the implementation of these demands, the more so as both parties belong to the opposition.

Introducing elements of direct democracy at the general level is not included in the program of the Action of Dissatisfied Citizens (ANO 2011), which won the recent parliamentary elections, neither is it present in the programs of Social Democratic Party (ČSSD), Civic Democratic Party (ODS). Also Communist Party (KSČM), a permanent element on the Czech

political scene after the division of Czechoslovakia, does not seem convinced of this way of settling important matters. In its program it mentions only the legal anchoring of local votes, the introduction of folk veto and folk initiative. There are no references to nationwide votes (*Volební program...*).

Conclusion

In my opinion, it is most probable that referendums will not be used more often than before at the state level in the Czech Republic in the future. This assumption is supported by the lack of such historical experiences as well as the unwillingness of political decision makers in recent years to introduce this type of decision-making process at the level of the entire state, although there might be enough problems that could be settled in this way.

Referendums are not an instrument unknown in the Czech Republic at the local level, there have already been several hundred of them in the last 25 years. Local communities often use this kind of opportunity to express their stance on important matters and it has been proved effective. It has been most often used in matters relating to the natural environment. Therefore, it is justified to presume that Czech voters are prepared to use this instrument.

Recently, significant support on the political scene has been obtained by groups who even call for direct democracy to play a more important role than before in the political system of the Republic. However, these are not the strongest parties, so one should be skeptical about the possibility of forcing through ideas enabling the introduction of elements of direct democracy to the systemic practice of the state.

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**The Fundamental Constitutional Principle of
Democracy and the Rule of Law and the
Supervision of Legality on the Grounds of the
Basic Law of Finland**

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Political Preferences
2018, vol. 21: 29-40.
DOI: 10.6084/m9.figshare.7533131
journals.us.edu.pl/index.php/PP
Submitted: 23/09/2018
Accepted: 01/12/2018



Abstract:

The political system of Finland and the consciousness of the Finnish society are strongly attached to the rule of law and solidified democratic principles. Strict observance of the principles of democracy and the rule of law, including individual rights and freedoms, especially in the context of their relations with the state authorities, ought to be perceived as a peculiar characteristic feature and singularity of Finland, similarly as of the other Nordic states. In fact, the substance of an individual's status and the protection of his/her rights has always been and still remains a very significant area of these states' functioning. Hence, the principle of democracy and the rule of law on the grounds of the Basic Law of Finland, having been in force since 1 March 2000, was included into the catalogue of the fundamental constitutional principles, forming the basics of the state's political system. Among the Nordic traditions cultivated by Finland there can also be placed strongly preserved supervision of legality, performed not only by the judicial system, like for instance the control of the constitutionality of law and the liability of the supreme state officials, but also by the non-judicial authorities of legal protection, such as: the Chancellor of Justice of the Council of State (Government) and the Ombudsman of Eduskunta (Parliament), which are so characteristic and directly originate from the Nordic legal and constitutional culture. Therefore, a whole separate chapter of the Finnish Constitution has been devoted to the matters of the control over the legality. The hereby paper aims at conducting the analysis of the content and scope of the fundamental constitutional principle of democracy and the rule of law, as well as the questions of the supervision of legality, its comprehension and range on the grounds of the Basic Law of Finland.

Key words:

the principle of democracy and the rule of law, a fundamental constitutional principle, supervision over the legality, the Basic Law of Finland

Introductory remarks

The Finland belongs to the circle of the Nordic legal culture world (Serzhanova 2017b: 7; 2016: 363-377; 2015: 31; 2011: 270), or to formulate it more precisely, to the Eastern Nordic culture – together with Sweden, with which it has a lot of common history. Therefore, one of the most characteristic and peculiar features at the same time, distinguishing Finland, is the fact that the Finnish constitutionalism, as well as the numerous principles and constitutional system's institutions cultivated by it, go back and have their roots originating from the Nordic constitutionalism, particularly from the Swedish one.

Finland undoubtedly places itself among the states which strictly preserve the principles of democracy, the rule of law and the protection of individuals' rights and freedoms, especially in their relations with the public power authorities (Grzybowski 2010: 29). Finland drew the tradition of considering rights and duties as a largely significant substance for the state's and society's functioning from Sweden, for it has been for many centuries and still remains historically, constitutionally and culturally connected with it. It ought to be also added here, that the attachment to the legality in the activities of the public power authorities is deeply rooted in the Finnish consciousness.

The Essence and Scope of the Principle of Democracy and the Rule of Law

The Basic Law of Finland, being presently in force, is based on the democratic constitutional principles, guaranteeing the integrity of human dignity, the respect of the citizens' freedoms and rights, as well as social justice (Osiński 2003: 28, Fraś 2004: 13). However, their precise interpretation does not seem to be so easy and explicit at all¹.

Among the most significant constitutional principles in Finland², which are undoubtedly distinguished by the Finnish constitutional law doctrine, there is the principle of democracy and the rule of law, formulated in § 2 point 2 and 3 of the Basic Law. This principle contains two

¹ A peculiar characteristic feature of the Nordic states, including Finland, is the fact, that placing the fundamental constitutional principles in a separate chapter of the basic laws does not unambiguously close their catalogue at all, and does not exclude their interpreting from other constitutional provisions. A special singularity of the Nordic states is that some principles have been applied in the constitutional practice for centuries, but have never been directly and explicitly expressed, not formally sanctioned in the texts of the binding basic laws (e.g. the principle of the sovereignty of people or the representative form of exercising power in the Constitution of Denmark). See: Grzybowski 2010: 11.

² Helpful and the most scientifically credible in the reflections over the catalogue and content of the fundamental principles contained in the constitution of Finland are undoubtedly the achievements of the Finnish doctrine in this field, mainly the works published after the basic law came into force: Pöyhönen 2002, comprising a chapter of Martin Scheinin's authorship related to the constitutional law. In the Finnish language see: Jyränki 2000; 2002, Saraviita 2000; 2005. In Swedish see: Suksi 2002.

elements: democracy and the rule of law. § 2 point 2 is related to the concept of democracy and explains its essence, which in the lights of this provision, in fact, consists in the realization of the principle of a civil society, i.e. on ‘the right of an individual to participate in and influence the development of the society and his or her living conditions’. In this way this provision underlines the opportunity of the citizens’ active participation in the forming of the directions of the state policy, for this kind of activeness determines the citizens’ empowering and being co-liaible for its lots.

The most important regulations assuring the democratic governing can be found both in the Basic Law and the provisions related to the elections to the Parliament, for the office of the President and local self-government authorities, contained in the ordinary law (the Election Act 714/1998³). The foundation of the democratic system are the constitutional provisions referring to the basic political rights and freedoms, guaranteeing the freedom of political parties’ activities, the freedom of speech and publishing, as well as the freedom of association.

Whist, the principle of the rule of law, which is referred to in § 2 point 3, states that the exercising of public powers is based on the acts of law. Moreover, the law must be strictly observed in every public activity. The principle of democracy and the rule of law originates from the common Swedish-Finnish tradition. In the presently binding Constitution it performs several functions. The Constitution guarantees the democratic system of supreme public legitimacy. It is deeply rooted in the human subconscious and is expressed in a so-called legalist society. It is also manifested in the numerous further constitutional provisions, which aim at obliging to strictly observe legalism in the activities of the state authorities: the Parliament, the Head of State, the Government and the courts (Saraviita 2005: 28 & the subs., Serzhanova 2016: 371 & the subs.).

Supervision of Legality

The Constitution of Finland has dedicated a whole separate chapter 10 (§§ 106-118) to the supervision of legality, which is traditionally an extremely essential substance for the Finns. This chapter contains provisions related to the supremacy of the Constitution and the control of the constitutionality of law, which essence is followed from the hierarchy of the legal sources on

³ Election Act 714/1998 (with later amendments, the last ones of 2004 made by the Act 218/2004), which came into force on 8 October 1998, available on the Finnish, Swedish and English languages in the electronic collection of the Finland’s legal acts at: <http://www.finlex.fi>. It has been analyzed in detail by Serzhanova (2014: 144 & the subs.). Moreover, the constitutional principles of the electoral system in Finland are acutely analyzed by Saraviita (2005: 94 & the subs). In the Polish literature compare also: Grzybowski 2007: 67 & the subs.; 2010: 53-57.

the grounds of the Finland's Basic Law (Serzhanova 2007a: 89 & the subs.; 2007b: 91-99). Apart from these, this chapter also comprises provisions related to the non-judicial authorities of legal protection, such as the Chancellor of Justice of the Council of State (Government) and the Ombudsman of *Eduskunta* (Parliament)⁴, being so characteristic for the constitutional system of Finland, the supervision of the lawfulness of the official acts of the Government and the President of the Republic⁵, as well as the legal responsibility of the Chancellor of Justice, the Ombudsman and the officials' accountability, which are the matters of considerable importance for the feeling of legalism formed in Finland and solidified in the Finns' mentality.

Control of the Constitutionality of Law

The system of the centralised control of the constitutionality of law, based on the Kelsen's model of constitutional judiciary, being so popularized in numerous states, both in Europe and worldwide, does not exist in Finland, similarly to other Nordic states⁶. On the one hand, it is the result of a certain very strongly rooted and solidified tradition, so characteristic for the Nordic world, which has elaborated its own, original mechanisms, based mainly on the inter-parliamentary control, assuring a relevant and adequate level of the Basic Law protection⁷. While, on the other hand, within the area of the practical application of legal provisions, the performance of such control has been entrusted to ordinary and administrative courts. In fact, the main accent in this field is rather put to the preventive control, which is strictly connected with the legislative procedure in Finland. However, the ordinary and administrative judiciary conducts a certain degree of the assessment of the constitutionality of the legal provisions of the lower level normative acts with the Basic Law on the occasion of settling particular cases.

Formally, the legal empowerment of the judiciary to realize the dispersed control of the constitutionality of law has been sanctioned by §§ 106 and 107 of the Basic Law. § 106 stipulates an entitlement of the courts to recognize the primacy of the constitutional norms in the situation, when in a matter, being tried by a court of law, the application of an ordinary act's

⁴ About the genesis of these two authorities, originating from the Nordic states' tradition compare: Serzhanova 2007a: 182 & the subs.; see also Grzybowski 2007: 137 & the subs.

⁵ This substance has remained the subject of constitutional regulation in the Finland's tradition since the beginning of its independency. This thesis can be proved by the fact, that in the previously binding Constitution there existed a separate Act related to the ministerial liability: Act on the Right of the Parliament to Examine the Lawfulness of the Official Acts of the Members of the Council of State, the Chancellor of Justice and the Ombudsman of *Eduskunta* of 1922.

⁶ A more detailed analysis of the model of the constitutionality of law control in Finland is made by Serzhanova (2017a: 802-816).

⁷ An interesting discourse on the inter-parliamentary control of the constitutionality of law can be found in: Piotrowski 1997: 108 & the subs.

provision would be in an evident conflict with the Basic Law. A similar disposition, but referring to the under law acts, can be found in § 107, allowing first and foremost the courts, but also the public authorities not to apply a provision of a Decree or another statute of a lower level than an Act, in case it is in conflict with the Constitution or another Act⁸. Administrative courts examine the conformity of both an administrative act and the Act of law, on the basis of which it was issued, with the Constitution (Serzhanova & Sagan 2012: 185).

A natural consequence of these provisions in practice seems to be the fact, that the courts have a possibility to assess the constitutionality of the lower level acts and, in case they state such a collision, not to apply them in a concrete case. It also seems, that the apprehension of § 106, comprising in its content a notion of the conformity of the acts of law with the Basic Law (Fin. *perustuslain kanssa*), and not only with its particular provisions, may imply, that the courts can make an extended interpretation of the Constitution, reaching to both its ‘spirit’ and values contained in it⁹. An identical result can be achieved by the courts if they interpret (or create) a provision or a legal rule in a ‘pro-constitutional’ or ‘pro-human rights’ way.

It does not obviously mean at all, that the courts are empowered in the competences or equipped with any legal instruments enabling them to adjudicate on the inconformity of such a provision or a normative act with the Constitution in the generally binding sense, and that on this basis the provision recognized as unconstitutional in the exact case may not be applied by other courts. The activities of the ordinary and administrative courts in this field do not have the same legal effects as the judgements of constitutional courts, for they do not have an abstractive and universally applicable character.

Moreover, it is worth reminding, that the Supreme Court can exercise a preventive control of the Government’s legislative initiatives on various stages of the procedure lasting in the Parliament. While the President of *Eduskunta* is entitled to request an opinion on an adopted act of law, although he can do it before the President of the Republic signs it. The Supreme Administrative Court is also empowered in such a right¹⁰.

⁸ The entitlement of public authorities in the field of the control of the constitutionality of law is a very original solution, seldom and rather unprecedented in other states. It is a display of the tradition of the Eastern Nordic legal culture.

⁹ About the interpretation of § 106 of the Finland’s Constitution, as well as more extendedly on the judicial control of the constitutionality of law in the Nordic states, including also Finland, compare: Serzhanova & Sagan 2012: 184. See also: Serzhanova 2017a: 802 & the subs.

¹⁰ The Supreme Administrative Court was empowered in the right to express its opinion on the draft laws submitted in *Eduskunta* in 1919. In this context it is worth to reach the commentary contained in the work by Grzybowski (1990: 203). Compare: Serzhanova & Sagan 2012: 185.

Non-Judicial Authorities Established to Protect Lawfulness

In order to watch lawfulness the Basic Law of Finland has established a series of bodies and institutions, which task is to control the activities of the constitutional state authorities as to their conformity with the Constitution. Such regulations are rare and difficult to be found in any other contemporary Constitutions.

Among the brightest examples of such legal mechanisms, instruments and institutions are two independent from each other state authorities: the Chancellor of Justice (Fin. *oikeuskansleri*) and the Ombudsman of *Eduskunta* (Fin. *Eduskunnan oikeusasiamies*). According to the Basic Law they guard lawfulness. The Chancellor of Justice oversees the official acts of the Government and the President of the Republic, and together with the Ombudsman of *Eduskunta*, they monitor the observance of basic rights and liberties and human rights, as well as ensure that the courts of law, the other public authorities and the civil servants, public employees and other persons, when the latter are performing public tasks, obey the law and fulfil their obligations (§§ 108 and 109 of the Constitution).

The Chancellor of Justice and his/her substitute – the Deputy Chancellor of Justice, attached to the Council of State, are appointed according to § 69 of the Basic Law (chapter 5 of the Constitution, regulating the matters related to the Government of Finland). This provision also contains regulations determining the procedure of appointing this authority, as well as the qualifications required from the candidate for this office. The Chancellor of Justice and the Deputy Chancellor of Justice are appointed by the President of the Republic and have to possess outstanding knowledge of law. In addition, the presently binding text of the Basic Law also stipulates appointing a substitute for the Deputy Chancellor of Justice, by the President, for a term of office not exceeding five years. What is interesting, however, is that the Constitution does not provide any term of office for the Chancellor himself. When the Deputy Chancellor of Justice is prevented from performing his/her duties, the substitute shall take responsibility for him/her. The provisions on the Chancellor of Justice apply, in so far as appropriate, to the Deputy Chancellor of Justice and the substitute.

According to § 108, determining the duties of the Chancellor of Justice of the Government, his/her task is to oversee the lawfulness of the official acts of the Council of State and the President of the Republic. Moreover, the Chancellor of Justice has to assure that the courts of law, the other public authorities and the civil servants, public employees and other persons, when performing public tasks, obey the law and fulfil their official obligations properly.

Within the scope of the Chancellor's competences, there is also watching the observance of the fundamental rights and freedoms and human rights. Furthermore, upon a request, the Chancellor of Justice has to provide the President, the Government and the Ministries with information and his/her opinions on legal issues. In addition, the Chancellor has an obligation to submit an annual report to the Parliament and the Government on his/her activities and observations on how the law has been obeyed¹¹.

The other non-judicial authority, supervising lawfulness and watching the observance of law in Finland, established in accordance with § 38 of the Basic Law, is the Ombudsman of *Eduskunta*¹². Contrary to the Chancellor, this authority, although strongly connected with the Parliament, is much more autonomic and independent than the Chancellor, who is attached and subordinate to the Government. The Ombudsman is elected by the Parliament, he/she exercises his/her duties during a term of office and is subjected to a larger parliamentary control. And this is not only about his/her reporting obligation before *Eduskunta*, for the same duty obliges the Chancellor of Justice, too. This is about a possibility of his/her dismissal by the Parliament, though only in utmost and justified situations, while in the case of the Chancellor the Parliament does not have such influence.

Eduskunta appoints its Ombudsman and his/her two deputies for the term of four years. The only constitutional criteria, required from the candidate for this office, is outstanding knowledge of law. The Deputy Ombudsman can also have his/her substitute. The Parliament, after having obtained an opinion of the Constitutional Law Committee, may, for extremely weighty reasons, dismiss the Ombudsman before the end of his/her term of office. It can accomplish this by a decision supported by at least two thirds of the votes cast.

In accordance with § 109 of the Basic Law, stipulating the Ombudsman's competences, his/her scope of tasks, similarly to the Chancellor, contains ensuring that the courts of law, the other authorities and civil servants, public employees and other persons, when the latter are performing public tasks, obey the law and fulfil their official obligations. Moreover, in the performance of his/her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights. Likewise the Chancellor, the Ombudsman is obliged to submit an

¹¹ More detailed regulations related to the organization and functioning of the institution of the Chancellor of Justice are contained in the Act on the Chancellor of Justice of the Council of State 25.2.2000/193. It is available in Finnish and Swedish in the electronic collection of the Finnish legal acts at <http://www.finlex.fi/>

¹² The constitutional position, organization and competences of this authority is acutely analyzed by Serzhanova (2006: 59-68; 2007a: 182 & the subs.).

annual report to the Parliament on his/her work, including observations on the state of the administration of justice and on any shortcomings in legislation¹³.

As far as it can be seen, the competences of both authorities are very similar, hence § 110 of the Constitution implements the principles of the division of their responsibilities between them and their right to bring charges. A decision to bring charges against a judge for unlawful conduct in office is made by the Chancellor of Justice or the Ombudsman. Likewise, both the Chancellor and the Ombudsman may prosecute or order that charges be also brought in other matters falling within the purview of their supervision of legality. Provisions on the division of responsibilities between the Chancellor of Justice and the Ombudsman may be laid down by an Act, without, however, restricting the competence of either of them in the supervision of legality. Considering the judges' independent status, the right to bring charges against them seems to be a very significant competence.

According to § 111 both the Chancellor of Justice and the Ombudsman have a right to receive from public authorities or other entities performing public duties any information needed for their supervision of legality. The Chancellor of Justice obligatory participates in the Government meetings and, when matters are presented to the President of the Republic, also in the Government meetings with the President's attendance. While the Ombudsman only has a right to attend these meetings and presentations.

Additionally, the Constitution in its § 117 provides mechanisms enabling to bring charges against the Chancellor of Justice and the Ombudsman for unlawful conduct in office. The provisions of §§ 114 and 115, concerning the analysed hereinafter responsibility of the members of the Government, also apply to an inquiry into the lawfulness of the official acts of the Chancellor of Justice and the Ombudsman, the bringing of charges against them for unlawful conduct in office and the procedure for the hearing of such charges.

As it is followed from the argument presented above, the Chancellor of Justice and the Ombudsman, also called the 'guards of legality', providently supervise strict observance of law and legalism in the activities, official acts and decisions taken by the lower level administrative authorities.

¹³ The development of the constitutional provisions related to the organization and functioning of the institution are found in the Act on the Ombudsman of *Eduskunta* 14.3.2002/197. It is available in Finnish and Swedish in the electronic collection of the Finnish legal acts at <http://www.finlex.fi> Access to its English language version is made on the Ombudsman's website <http://www.oikeusasiamies.fi/Resource.phx/ea/english/lawlinks/act-ombudsman.htx>

Supervision of the Lawfulness of the Official Acts of the Supreme State Authorities

The matters of the supervision of the lawfulness of the official acts of the Council of State and the President of the Republic have been regulated in the further provisions of the same chapter of the Basic Law. In accordance with § 112, if the Chancellor of Justice becomes aware that the lawfulness of a decision or measure taken by the Government, a Minister or the President of the Republic gives rise to a comment, he is obliged to present the comment, with reasons, on the aforesaid decision or measure. If the comment is ignored, the Chancellor of Justice must have the comment entered in the minutes of the Government and, where necessary, undertake other measures. The Ombudsman has a corresponding right to make a comment and to undertake measures. If a decision made by the President is unlawful, the Government, after having obtained a statement from the Chancellor of Justice, is obliged to notify the President that the decision cannot be implemented, and ask him to amend or revoke it.

The provision of § 113, related to the criminal liability of the President of the Republic, stipulates that if the Chancellor of Justice, the Ombudsman or the Government deem that the President of the Republic is guilty of treason or high treason, or a crime against humanity, they are obliged to communicate this matter to the Parliament. In this event, if the Parliament, by three fourths of the votes cast, decides that the charges are to be brought, the Prosecutor-General prosecutes the President in the High Court of Impeachment¹⁴, and the President abstains from his/her office for the duration of the proceedings. In other cases, no charges can be brought for the official acts of the President.

As far as the question of the legal liability of the Government members is concerned, it is regulated in § 114, providing a possibility to bring charges against them for unlawful conduct committed in office to be heard by the High Court of Impeachment. The decision to bring such a charge is taken by the Parliament, after having obtained an opinion from the Constitutional Law Committee concerning the unlawfulness of the actions of the Minister. Before the Parliament decides to bring charges or not, it allows the Minister an opportunity to give an explanation.

¹⁴ The High Court of Impeachment, as one of the authorities in the judicial system and wider comprehended justice, was established on the basis of § 101 of the Basic Law, for the purpose of examining the charges against the members of the Government, the Chancellor of Justice, the Ombudsman of *Eduskunta* and the judges of the Supreme Court for unlawful conducts committed by them in office. The Court also deals with the charges on the criminal liability of the President of the Republic. Additionally, the Constitution also determines the internal organization of the High Court of Impeachment. While more detailed regulations related to the composition, organization, the scope of competences and the proceedings before the Court on the legal liability of the Head of State and the members of the Government are contained in the Act on the High Court of Impeachment and the Proceedings on the Cases of the Ministers' Liability 25.02.2000/196. It is available in Finnish and Swedish in the electronic collection of the Finnish legal acts at <http://www.finlex.fi>

When considering a matter of this kind the Committee is empowered to take decision, having a quorum of all of its members present. The member of the Government is prosecuted by the Prosecutor-General.

The proceedings in the matter of the Minister's legal liability is started on the basis of § 115 of the Basic Law. An inquiry into the lawfulness of the official acts of the Minister may be initiated in the Constitutional Law Committee on the basis of: a notification submitted to the Constitutional Law Committee by the Chancellor of Justice or the Ombudsman, a petition signed by at least ten Representatives or a request for an inquiry addressed to the Constitutional Law Committee by another Committee of the Parliament. The Constitutional Law Committee may also open the inquiry into the lawfulness of the Minister's official acts on its own initiative (Grzybowski 2007: 136-137).

The conditions of bringing charges against the members of the Government are determined by § 116 of the Basic Law. A decision to bring charges against the Government member may be made if he/she has, intentionally or through gross negligence, essentially contravened his/her duties as a Minister or otherwise acted clearly unlawfully in office.

Accountability of the Civil Service Officials

The accountability of civil service official has been stipulated and regulated as the last matter by § 118 of the Basic Law. A civil servant is responsible for the lawfulness of his/her official actions, as well as for decisions taken by an official multi-member body that he/she has supported as one of its members. If the decision has been taken upon his/her presentation, being its rapporteur, he/she is also responsible for it, unless he/she has filed his/her objection to it. Moreover, this regulation provides a possibility to request punishment in a judicial proceedings and search for compensation of damages made by a civil servant. This is a strong accent and underlining of the legalism, which has been mentioned above, as well as the proof of the attachment of the Finns in their consciousness to the rules of good administration, being the characteristic feature of the legal culture of the Nordic states. Everyone, who has suffered a violation of his/her rights, or sustained a loss through an unlawful act or omission of a civil servant, or any other person performing public tasks, has a right to request this person to be sentenced to a punishment. Then the public organisation, official or any other person in charge of public tasks is held liable for damages, as provided by an Act (§ 118 of the Constitution). However, the matters of the charges which are to be heard by the High Court of Impeachment under the Constitution, are the only exception from this rule.

Additionally, it is worth to mention in this context, that according to § 21 of the Constitution everyone has a right to have his/her case dealt with appropriately and without undue delay by a legally competent court of law or other authority, as well as to have a decision pertaining to his/her rights or obligations reviewed by a court of law or other independent organ for the administration of justice. Provisions concerning the publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal, as well as the other guarantees of a fair trial and good governance are laid down by an Act.

Conclusions

In its historical traditions Finland has always been and still remains a state of a very high feeling of legalism and constitutional pathos. This reflections can undoubtedly be referred to the Finnish society, too. A particularly significant place in this context is occupied by the substance of the constitutional principles, including those which are connected with democracy and the rule of law, the protection of the fundamental rights and freedoms and the human rights guaranteed in the Basic Law, as well as the supervision of legality. These issues are situated on the highest level of the constitutional values and occupy the central place in the arrangements and decisions taken by the constitutional legislator related to the state's organization and functioning. Furthermore, these aspects play a very considerable part in the political discussions.

It ought to be underlined that a high level of the observance of the principles of democracy and the rule of law, the legalism in the public powers' activities and human rights in Finland are derived not only from a certain solidified historical tradition in this field, being strongly rooted in the mentality and the national consciousness of the Finns, but also from the legal instruments of their protection, sufficiently constructed by the state. The catalogue of their legal guarantees itself has been determined by the multi-aged Finland's traditions, formed by their own experiences, as well as also obtained from Sweden and other Nordic states.

Additionally, it is worth to emphasize a feature distinguishing Finland, i.e. the supervision of legality exercised by the non-judicial authorities of legal protection, which include very original in the world scale institutions , established on the grounds of the Eastern Nordic tradition. The speech is about the Chancellor of Justice of the Council of State and the Ombudsman of *Eduskunta*, who are entitled to submit motions to the Parliament to remove the contradictions in law, as well as bring charges against the supreme state officials, including the supreme judges, for their unlawful conduct in office.

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Mass Media Usage as the Quality of Life Index in Poland¹

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Political Preferences

2018, vol. 21: 41-53.

DOI: 10.6084/m9.figshare.7533140

journals.us.edu.pl/index.php/PP

Submitted: 23/09/2018

Accepted: 01/12/2018



Abstract:

The quality of life is an interdisciplinary issue. Hence, in Polish social sciences there are many different definitions for this term, which has its consequences in research. Nowadays, the topic of life quality is being analyzed through its objective and subjective indexes. The article presents results of various research on mass media usage in the context of spending free time and using modern information and communication technologies (ICT), since both these trends have dominated the field of analyzing objective and subjective dimension of life quality of Poles when it comes to using media. Unfortunately, using mass media is not regarded in research as one of the main indexes for life quality and its full utilization requires a correction of meaning and methodology.

Key words:

mass media usage, life quality, index (measurement), national Polish research

Problems with definitions and research consequences

The beginnings of scientific interest in the issue of the quality of life can be found already in the 1950s when this term was more and more frequently used in the studies of economy, social policy, medicine, psychology or sociology. In the 1960s and 70s the quality of life was mostly being analyzed from the quantitative point of view and the term itself was used in researching the level of meeting the needs of individuals and groups. There were attempts to determine the level of consumption of different goods, the so-called “minimal social standard”, necessary to meet the needs of a family (Trzebiatowski 2011: 26). Between the 1970s and 80s the term quality of life was more frequently used for sociological and psychological

¹ Quality of life index is an old term for what is now called Where-to-be-born index, however according to author's opinion the current term may cause some confusion among Polish readers, hence the old term is used in this article to provide better understanding of the discussed issue.

measurement. In social sciences the level of the quality of life was being analyzed together with such categories as: lifestyle, sense of material welfare, satisfaction with the conditions and possibilities of meeting the most important needs in life (Rybczyńska 1995: 16). Last thirty years mark a significant rise in the influence of mass media in all spheres of social life. This brings up a question: are the results of this process reflected in the research on the quality of life?. This article attempts to answer this fundamental question.

The term “quality of life” is therefore connected to many fields of social sciences, but first of all it is a philosophical category, which contains material, nonmaterial and spiritual values (Skrzypek 2001). The broad range of this term’s meaning causes difficulties in defining it, which is even increased by the usage of various terms such as: welfare, standard of living or the abovementioned quality of life (Włodarczyk 2015: 4-5). Some terminological order was introduced in the 1970s by Finnish sociologist Erik Allardt, who assumed in his concept that social welfare as a central term contains three spheres of human needs: possessing (*to have*), feeling (*to love*) and existing (*to be*). He divided social welfare to two main parts: standard of living (material needs), that is defined by the first sphere of human needs (*to have*) and the quality of life (nonmaterial needs) related to the other two spheres of human needs (*to love* and *to be*) (Allardt 1976: 227-229).

The interdisciplinary nature of researching the quality of life multiplies problems in defining this term. This difficulty is well reflected in the thesis of American researcher of life quality Rosalie L. Kane. She notices that: “(...) for some this is a very broad term, which means almost everything except from information on death of an individual, for others these are only some elements of life and there are some who stress the social and psychological aspects of life quality” (Kane 2002: 1003). This is why in Polish social sciences there are also various definitions of this term that can be divided up into four characteristic groups. The first one is made of definitions that have a visible existential dimension. For example, Stanisław Kowalik (1995: 75-85) thinks that the quality of life is in fact the quality of individual day-to-day experiences that have their source in the human cognitive system. The higher the cognitive abilities are, the higher the ability to experience, cumulate the experiences and eventually convert them into life experience, that may mean the high quality of life. And vice versa, the smaller the cognitive abilities of an individual are, the smaller the quality of his life.

The second group of definitions is related to accomplishing tasks that can be named developmental tasks or life tasks as they are the most important components of the quality of life. This stand is supported in global science by British researchers John Reaburn and Irving Rootman (1998: 53-128), and in Poland it is represented inter alia by Augustyn Bańka, who thinks that developmental tasks are linked to the individual development of a human. This is about the ability of internalizing and meeting the expectations connected to performing some defined social roles. Life tasks on the other hand, are being realized in such spheres of human existence as love, school or work. Both types of tasks may cause multiple crises in a life of a certain person, when there can occur "(...) intense experience of quality of life in a form of a continuum happiness vs. misery, satisfaction vs. dissatisfaction, sense of life vs. lack of sense of life, integration vs. alienation, etc." (Bańka 1995: 19).

The third group of definitions identifies quality of life with the level of satisfying one's individual needs. A sociologist Andrzej Kaleta is a supporter of this thesis and he says that quality of life is about the needs that each person considers to be the most important for their lives and about the opinion of an individual about the level of satisfying these needs. This is why in the research of the quality of life – regardless of the interdisciplinary differences – the index and level of satisfying various needs can be a bridge between connecting different analysis [Kaleta 1988: 19]. What is important, the quality of life refers also to the way of satisfying various needs, that may be divided into objective, subjective and behavioral. In terms of objective needs another division can be made – to relative and absolute needs (Gałęski 1977).

It is easy to see that the category of needs creates a theoretical basis for the definitions of this group. It is worth stressing that absolute needs are the ones that enable human organism to work correctly (hunger, thirst, lack of air). They are based on the biological structure of human organism and are seen as subjective needs, appearing automatically, without engaging the consciousness. In contrast, lack of satisfying the relative needs (safety, appreciation or self-realization) does not necessarily lead to disturbances in the functioning of an organism and can stay on the level of human consciousness in both reflective and unreflective form (Trzebiatowski 2011: 28).

The fourth group of definitions stresses the meaning of two factors. Firstly - subjective and objective indicators, secondly – the combination of them with evaluation of the level of satisfying various needs. That is why Janusz Czapiński proposes that the definition of the quality

of life should on the one hand include subjective and objective criteria and on the other hand analyze the level of satisfying different needs that contribute to the feeling of welfare and happiness. He also divides indicators of the feeling of happiness (level of satisfying one's needs) to the objective and subjective indicators. The former entails conditions of the existence of individuals and whole social groups both in material or health sense, that are being assessed socially (good-bad, better-worse, desired-undesired). The latter refer to the individual criteria of evaluating when it comes to the evaluation of life and its different aspects, individual experiences, value system or certain personal features that determine attitude towards life and the ability to adapt to social change (Czapiński & Panek 2001: 68).

The last group of definitions emphasizes the fact that while searching for measurements for the quality of life, two approaches should be distinguished: objective and subjective. If we indeed do, then two terms should be used: *quality of life* and *sense of quality of life* (Owsiński & Tarchalski 2008: 66-67). Quality of life concerns the outer sphere that is a source of various incentives and experiences of people. It is a result of an objective measurement of life and grasp of reality. Therefore, objective measurements are for example: income amount, number of children, education level or place of living. Objective indexes determine the level of processes and events that are outside of a person and do not indicate the satisfaction of people concerning changes in their lives.

The second, subjective measurement refers to feelings and emotions expressed by people. The sense of quality of life is merely saying that "something is ok". Subjective indexes do not point out to the real state of affairs (e.g. consumption pattern or its level) but to its assessment and perception by people. It can be assumed that objective indexes usually show different sides of the level (conditions) of life and subjective measurements show quality of life (felt or perceived).

Both aspects of the quality of life in Poland are consistently being used in scientific research of this issue, done from the second half of the 1980s (Piasny 1993: 76-79). The inclusion of both objective and subjective measurements of life quality can be noted in the surveys that have been conducted for years by Statistics Poland (Pol. GUS), which since 2011 have been using researching norms and procedures recommended by the European Union (GUS 2013: 7-8). Both types of indexes are also used in the research on changes in Polish society, done since 2000 under the name *Social Diagnosis* (Pol. Diagnoza Społeczna) (Czapiński & Panek 2015: 3).

The ongoing process of mediatization of all the spheres of social life should result in taking into account, while researching the quality of life, mass media – both the traditional media (press, radio, television) and the new ones (Internet, multimedia). Hence, the other research aim of this article is to show a place of the social reception of mass media, analyzed by both objective and subjective measurements, in Polish scientific research on this topic. There are two research questions connected with this aim: is the usage of mass media seen as an important index of the quality of life in Poland or perhaps its meaning in research is rather secondary and is the usage of mass media connected to objective or subjective sphere of life quality?

Mass media usage as the quality of life index in Poland

In the scientific research of the quality of life of Polish people, the social reception of mass media can be seen in two instances: firstly – while analyzing ways of spending free time and secondly – in using information and communication technologies (ICT). The amount of free time and way of spending it, as well as the individual assessment of both aspects is one of the elements of researching the level of life satisfaction. It can be assumed that the position given to these aspects in an individual assessment of the level of life satisfaction reflects their meaning for a subjective measurement of the quality of life.

Nationwide research on the level of life satisfaction done by Statistics Poland (GUS) in year 2015 among the respondents over 16 years of age showed that more than 78% of interviewed Poles are satisfied with their lives, 18% did not have any opinion on this and only 4% expressed their dissatisfaction (among them more than 32% were dissatisfied with their income) (GUS 2015: 1). However, if we look at the level of life satisfaction through its component parts (table no. 1), then it can be noted that almost 62% of respondents are satisfied with their amount of free time and 60.5% express their satisfaction with the way of spending their free time. Both of these indexes are high up in the ranking, as they are only behind three other categories: relations with other people (colleagues, friends) – more than 84% are satisfied, family situation (77%) and place of living (more than 75% are satisfied). What is worth stressing here, is that both factors connected to free time are more important than health, professional situation or material conditions. This proves that free time plays an important part in the hierarchy of the most important measurement of the level of life satisfaction in Poland.

Table 1. Satisfaction with different aspects of life in Poland in year 2015

Level of satisfaction with	Percent of satisfied people in the age of 16 years old and more
relations with other people (colleagues, friends)	84.3 %
family situation	77.1 %
place of living	75.6 %
amount of free time	61.9 %
way of spending free time	60.5 %
health	59.7 %
current professional situation	59.6 %
material life conditions (other than income)	57.4 %
education	57.1 %
current financial situation (including income)	37.4 %
life in general	78.3 %

Source: own elaboration on the basis of GUS (2015).

Mass media usage is one of the activities connected to spending free time. It is worth stressing its place among other ways of spending free time. Research conducted in year 2013 by Statistics Poland (GUS) among Poles over 15 years of age showed that there are four main ways of spending free time preferred by them (GUS 2014):

- 1/ using mass media – 91.1% of respondents engage in this activity
- 2/ social life and entertainment – 67.4%
- 3/ personal passions (hobby) – 36.4%
- 4/ sports and recreation – 26.3%

Therefore mass media usage is a dominating activity during free time, perceived as characteristic feature of lifestyle in Poland (GUS 2017a: 71-73).

It is interesting however what type of media and how often is being used by Poles in their free time. The answer can be found in a survey conducted by Statistics Poland (GUS) in 2015 in a group of almost 14 thousand respondents in the age of 16 years old and more on the topic of life quality in both objective and subjective dimension. The results of research on usage of mass media (mostly traditional ones) confirmed the leading role of television (see table no. 2), which is watched every day by 81% of respondents (among them more than 20% watch TV more than 4 hours a day). Second place was occupied by radio, listened to by 63% of respondents every day. The third place belonged to reading daily press in paper edition (almost 18%) and in electronic edition (17%). Almost 30% of respondents watch once a week or more often films and

movie series by using different mediums (DVD, Blue-ray, Internet). One can wonder why using the Internet is not present on this list but it should be noted that it is mainly used for work, education, services and group communication.

Table 2. Frequency of mass media usage in free time in 2015

Way of using	Frequency of usage (percent of users)			
	every day	a few times each week	less than once a week	never or almost never
watching television	81.1 %	10.8 %	3.2 %	4.9 %
listening to radio	63.2 %	14.9 %	8.7 %	13.2 %
reading daily press in paper edition	17.6 %	33.0 %	22.9 %	26.5 %
reading daily press in electronic edition	16.9 %	14.9 %	9.8 %	58.4 %
watching films on different mediums (DVD, Blue-ray, Internet)	no data	29.0 %	19.0 %	52.0 %

Source: own elaboration on the basis of GUS (2017a: 71-72).

However, if we look on this juxtaposition from the point of view of people who never or almost never use mass media in their free time, we can see that traditional media (television, radio, press) are still very popular. Groups of people who resign from using them are not too significant, although resigning from reading daily press in paper edition by close to 26.5% of respondents and in the same time rejecting the possibility of using electronic press by almost 60% confirms the raising crisis of reading newspapers.

To define the real meaning of mass media in the lives of Polish people, it is worth looking at this topic also through the prism of time dedicated everyday to using such media. Some interesting data in this respect was delivered by a nationwide research done in 2015 within research project *Diagnoza Społeczna* among inhabitants of Poland in the age of 18 years old and more (Czapiński & Panek 2015: 371-374). According to the results of this research, an adult Pole dedicates over 4 hours daily to using mass media and among them most of the time is dedicated to three types of media: television, Internet and press. The biggest group of media users uses television on a daily basis, although it has become during recent years a type of medium that accompanies different activities at home or at work. However, as many as 95% of Poles declare that they watch television every day. Among them only 11% dedicated to television less than one hour a day. More than a half of the respondents watch TV from 1 to 3 hours a day. The Internet is used every day by 66% of adult Poles and they spend on the average a bit more than one hour

(69 minutes) to do it. Paper issues of newspapers and magazines are read by 79% of respondents, but most of them do it irregularly. Close to 75% of the readers of paper press dedicate less than half an hour to it.

Still, the factor that influences everyday usage of mass media the most in Poland is social and demographic features, especially: sex, age and education (see table no. 3). These features cause a clear differentiation in the amount of time dedicated everyday to using television, Internet and press. The smallest differences in this respect are caused by sex: men use the Internet a bit longer (15 minutes) than women and women watch television and read press in paper issues a bit longer than men (respectively – 3 and 2 minutes longer).

Table 3. Time of daily use of mass media in Poland in 2015 based on selected social and demographic features

Categories of media users	Daily time of using media (in minutes)		
	Television	Internet	Press
media users in general	158	69	24
men	156	77	23
women	159	62	25
users at the age 18-24	134	142	18
users at the age 25-34	134	115	21
users at the age 35 - 44	139	84	23
users at the age 45-49	160	44	24
users at the age 60-64	183	28	29
users at the age 65 and more	199	12	30
education: basic or lower	191	11	18
basic training/ lower secondary school	170	33	20
secondary education	162	61	26
higher education	131	121	31
studying	130	155	19

Source: own elaboration on the basis of: Czapiński & Panek (2015).

However, if we consider influence of age, then two main regularities can be noted: the older the person, the longer he or she watches television and reads paper editions of newspaper and magazines. For example, young people (at the age from 18 to 24 years old) dedicate daily a bit more than 2 hours (134 minutes) to watching TV and only 18 minutes to reading press.

Older people however (at the age of 65 years and more), watch TV every day for more than 3 hours (199 minutes) and read press for the longest time – that is 30 minutes. Age also greatly influences using the Internet. Here, the youngest Internet users (aged from 18 to 24 years old) spend the most time with it – daily over 3 hours (142 minutes), whereas the oldest ones spend only 12 minutes using the Internet. This regularity is universal across the world – the Internet is a favorite medium of young people.

Visible differences occur also when we analyze the criterion of education. Again, two regularities can be noted: the higher the education, the more time adult Poles spend using the Internet and less watching television. In this case, the discrepancies are really big. People with basic or lower education spend over 3 hours (exactly 191 minutes) daily in front of a TV, while they use the Internet only for 11 minutes. On the other hand, people with higher education and those who study watch TV for over two hours daily (respectively 131 and 130 minutes) and their daily online activity exceeds 2 hours (people with higher education – 121 minutes) or even 2.5 hours (students – 155 minutes). People with basic or lower education dedicate the least amount of time to reading paper issues of newspaper and magazines (only 19 minutes daily), whereas people with higher education read press for almost twice as long (31 minutes). It can be concluded, that for the less educated Poles it is the television that is the most important medium, whereas the educated ones prefer using the Internet and reading press.

A lot of interesting data regarding the meaning of mass media for life quality in Poland has been provided through research on using information and communication technologies (ICT), which has been done since 2004. This research points out mostly to the objective factors of using media and technology that influence life quality of Poles. The first factor is the equipment of households with facilities and devices enabling the usage of mass media. Research done by Statistics Poland ([GUS 2017d](#)) showed that:

- 98% of households in Poland have at least one TV,
- 97% of households have a mobile phone (in case of 61% of households it is a smart phone),
- 87.5% of households have a modern TV (plasma TV or LCD),
- 76% of households are equipped with a PC (and 75% have Internet access),
- 69% of households have the necessary equipment to receive, record and reproduce sound,
- 26% of households have DVD player,
- 11% of households have home theater.

The above list shows that the vast majority of households in Poland have a TV, mobile phone, PC and equipment to receive, record and reproduce sound. These devices are a technological basis for using both traditional and modern media.

However, the new media and modern information and communication technologies have changed lives of people through providing them with the access to the Internet. To many of its users the Internet has become the most important medium for information, entertainment, communication and services and it is also a very important tool for work and education. In 2017 in Poland 72.7% (in 2016 – 69.9%) of people in the age of 16 and more were using the Internet regularly (at least once a week). This means that the popularity of the Internet among Poles is still growing and we cannot talk about saturation in this respect (GUS 2017c: 123). Hence finding an answer to the question of what is the Internet being used for seems reasonable. The research done in 2017 enabled creating a list of the most important reasons for using the Internet for personal matters in Poland in years 2013-2017, that have a significant meaning for the quality of life (see table no. 4).

Among ten most frequent reasons for using the Internet the prevailing ones concern getting various information (e-mail, information on products and services, reading electronic press, using tourism websites). What is important, the level of interest in these particular aspects of Internet use is visibly stable, only reading of e-press is still gradually gaining popularity. From the perspective of life quality this means that the Internet is attractive especially because its simplicity in reaching the needed information. In the second place the Internet users have put the communication advantages of the Internet (using social media, Internet calls, video conferences). Communication through the Internet replaces direct contact between people and this should be regarded not only as a sign of modern times, but also as an aspect of life quality. Another group of reasons for using Internet's resources are those connected to services and trade (e-banking, e-trade, downloading computer programs, searching for job, sending offers). In this case the Internet also helps in solving life issues and satisfying needs. To sum it up, from the perspective of the reasons for using the Internet it is a medium of information, communication, services and trade and it influences in a positive manner both the objective and subjective dimension of life quality in Poland.

Table 4. Reasons for Internet use in private matters in Poland between 2013 and 2017.

Reasons for using the Internet	Percentage [%] of Internet users in the following years				
	2013	2014	2015	2016	2017
using e-mail	81.9	79.5	79.4	78.8	78.6
searching for information on products and services	72.4	75.3	62.1	77.3	75.8
reading, downloading online press	43.7	70.8	68.6	79.1	79.3
using social media	56.2	55.3	60.9	60.3	63.2
using bank services	50.9	48.9	45.9	53.4	52.3
Internet calls, video conferences	38.3	41.3	40.6	38.5	41.8
using tourism websites	18.9	20.7	25.2	28.1	29.7
downloading computer programs	23.1	22.4	16.4	17.6	17.1
searching for job, sending offers	17.9	17.4	14.5	15.7	15.3
selling products, e.g. at auctions	12.0	17.4	17.8	21.3	20.4

Source: own elaboration on the basis of: GUS (2017d).

The meaning of mass media usage as the quality of life index in Poland

If we look at the abovementioned results of the research on using the mass media in the context of spending one’s free time and using modern information and communication technologies from the perspective of using them for measuring life quality in Poland, then we can notice a few regularities. First of all – in researching free time of Polish people, the usage of mass media as one of the nine basic elements shaping the term “life quality”² is not being systematically analyzed. This is proven by Statistics Poland (GUS) report from the research done in 2017, where this index was not included (GUS 2017a: 14-15), whereas in the research in year 2015 it was in fact analyzed (GUS 2017b: 71-72).

Secondly, in the research on using the modern information and communication technologies – using mass media is analyzed in the context of information society mostly as one of the objective indexes for its development. The aspect of the meaning of traditional and modern media as well as the ICT for the quality of life is not reflected in this research. The results of this research may only partly be used for the objective (sometimes subjective) aspect of life quality in Poland.

Thirdly, both described trends in research on using mass media are separated and done on the basis of different methodological assumptions. This means that the Polish research on life

² Other elements shaping the term „life quality” in Polish research are: material life conditions, work, health, education, economic and physical safety, subjective welfare, quality of environment in the place of living as well as the state and basic rights and civic activity. See: GUS (2017b).

quality lacks a common concept of utilizing the results of different surveys and analysis reflecting on various aspects of the social reception of both traditional and modern mass media.

Overcoming the weaknesses mentioned above becomes an important challenge for the research on life quality in Poland. Mass media usage in objective and subjective approach should become part of research categories connected to life quality for good. This demand concerns especially surveys conducted by Statistics Poland, an institution that has the biggest possibilities of research in the country, based on a methodology recommended by the European Union.

Thereby it can be concluded that the usage of mass media is not regarded as an important index in Polish research on the quality of life and it is visibly a secondary element concerning mostly the objective dimension of this topic. It is not a weakness of Polish research only, because also in the European research on the quality of life EQLS, conducted since 2003 mass media usage in analyzed only rarely and is not included in the group of main research categories (EQLS 2016). Therefore, it seems that a multidimensional analysis of life quality in Poland requires emphasizing and methodological correction when it comes to using traditional and modern mass media.

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**Leadership in Times of Populism: Selected
Examples of Italian Political Leaders**

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Political Preferences
2018, vol. 21: 55-70.
DOI: 10.6084/m9.figshare.7533152
journals.us.edu.pl/index.php/PP
Submitted: 25/08/2018
Accepted: 08/10/2018



Abstract:

The issue of leadership is becoming increasingly a phenomenon studied by specialists in political sciences. However, the emerging theoretical concepts call for constant changes and updates due to the political practice. This is supported by the changes in the political scene observed in many countries, generally referred to as the “populist revolution”. This phenomenon, with varying intensity, has been present on the Italian political scene for almost a quarter of a century.

The specificity of Italian populism should be expressed concerning three political leaders: Silvio Berlusconi, Beppe Grillo and Matteo Renzi. Although, there are many differences between them – the time of appearance, the scope of power and political culture, there are also common formal references regarding personal image and applied rhetoric. The distinct approach of leadership to populism has been further strengthened by the increasing use of new means of social communication. As a result, the intersection of technology and social change has had and will have a significant impact on the perception of politics in the future.

Key words:

Italy, populism, leadership, Berlusconi, Grillo, Renzi

The notion of leadership has become a problem analyzed more and more frequently by political science specialists in a broad sense. Thanks to the results of the recent studies, different dimensions of political leadership have been recognized, such as the definition of leader’s category, the description of both endogenous and exogenous conditioning of leadership or indication of evolution and directions of changes of political leadership (Kasińska-Metryka 2012: 17-81). The multitude of present conceptions of leadership is a proof that it is a complex phenomenon. The conceptions mentioned above include symbolic, conciliation, mobilization,

spiritual, ideological, pragmatic, disorganizing, heroic, charismatic or recessionary ones¹. Moreover, the offered exploration is of an interdisciplinary nature, which gives a universal dimension to the formulated assertions. However, in spite of a broad scope of the undergone research, the comment of James McGregor Burnes, saying that a more comprehensive knowledge about leaders is connected with the lesser understanding of the phenomenon that is developed along with constant changes of the previous conceptions, is still prevailing.

The difficulties connected with the problem of the notion of leadership are not exhausted only at the level of theoretical reflection. Contrarily, political practice does not only seem to falsify the existing theses, but also aspires more and undoubtedly to contribute to the ongoing discourse. The changes in the political scene are observed in many countries such as the USA, the UK, Turkey, Greece, France, Hungary or Poland (Rakusa-Suszczewski 2017: 33). The observed increase of populism is, in a large part, a reaction to the failure of traditional parties to respond adequately in the eyes of the electorate to the series of phenomena such as economic and cultural globalization, the direction of European integration, immigration, the decline of ideologies and class politics, exposure of elite corruption, etc. It is also a product of ‘political malaise’, manifested gradually in falling voter turnout, declining party memberships, and ever-greater numbers of citizens quoting polls for lack of interest in politics and distrust in politicians (Albertazzi & McDonnell 2000; Mastropaolo 2005). Joseph Nye (2016) calls this phenomenon “populistic revolution”. The same term was used in the comments regarding the results of the 2018 parliamentary election in Italy (Liddle 2018). Hence, the term ‘leadership’ is accompanied by, equally indistinct to define the term ‘populism’. Frequently, leadership is affected by the new kinds of populism, losing its former character and, as a result, demanding new definitions.

Term ‘populism’ that is used in so many contexts, often having assigned different contents, has a vastly polysomic character. An important exemplification of indistinctness of the term is the paper in which Cas Mudde (2007: 385) distinguishes as many as twenty-six different kinds of populism. On the other hand, Paul Taggart (2007: 111-117) describes the ideal type of populism as the one consisting of six components: 1) hostile attitude towards representational politics; 2) identifying with heartland; 3) a lack of indigenous values; 4) reaction towards a sense of strong crisis; 5) self-limiting; 6) variable character.

¹ More about the examples of leadership conceptions can be found here: Szklarski (2008); Sielski (2008); Rubisz (2004); Burns (1978); Wiatr (2008); Bailey (1988); Edinger (1967); Biernat (2000); Hartliński (2012).

Therefore, populism can be identified as an ideology whose features do not allow to describe it the same status as conservatism, liberalism or socialism. However, being a thin-centred ideology, it shows the society in genuinely Manichean way, divided, according to Mudde, into two homogeneous and antagonistic groups, «the commons» versus «corrupt elites», which, as a result, means that “politics should be the indication of *volonté generale* of the people” (Mudde 2004: 543). This definition must be replenished by two other elements, important in the context of eponymic meaning. The first one is populist rhetoric, expressed in, among others, exposed politics us-them, excessive linguistic emotionality, anti-elitism, and anti-intellectualism. The latter is a populist leader, who personating an utterer of the commons, constitutes “the most gracious way of authenticating and certifying their political role, coming to power which is arbitrary and unable to control in spite of democracy, and at the same time, assuring impunity to themselves” (Karwat 2006: 5)

The terms as mentioned above: ‘leadership’ and ‘populism’ constitute the basis of the analysis of the phenomenon focusing on the Italian political leaders. Its primary functions are to coapt the mechanisms of leadership formation and refer them to the phenomenon of populism. On this basis, two hypotheses have been formed. Firstly, despite the homogenous character of the Italian political culture, some distinctions in its creation by certain politicians can be noticed. Even though the leaders derive from various sides of the political scene, it appears that the offered direction of developmental or social changes is not the most critical *differentia specifica*, but so-called «fashion politics». Secondly, in times of populism, leadership is a subject to permanent evolution that is influenced by transformations of a way of practicing politics and new methods of communicating with the voter.

Since the research area for such formulated subject area remains extremely wide, it is necessary to confine to the most representative examples. Such figures are the three well-known Italian politicians: Silvio Berlusconi, Beppe Grillo, and Matteo Renzi. The analysis of their actions and interpretations in the context of the title terms will serve as a conceptual network co-created by the following categories: political system, leadership styles, political image, leadership competencies, media policy.

In the course of the analysis, the comparative method was adopted as the leading one. Its application in the space of one Italian political system allows to capture the differences between the examples of leadership discussed.

Italy – a case study

The aim of these considerations is the attempt to read the phenomenon of populism in the context of contemporary transformations characterizing the crisis of leadership. It is worth remembering that it is unreasonable to try to define populism as right-wing or left-wing. After all, as Margaret Canovan notes, populism “can be both one or the other – all depending on the combination of varieties that is currently under discussion” (Canovan 1981). This is an essential statement in the context of Italian political practice, so strongly marked in the last quarter of a century by the populist trends of different ideological provenance.

Although the phenomenon of ‘neopopulism’, strongly associated with economic processes, usually refers to such regions as Latin America and Central and Eastern Europe, the categories describing it are also applicable to the Italian context (Grassi 2004; Patiño Aristizábal 2007). Through the gradual delegitimization of traditional political institutions, neopopulism establishes a new form of representation and political identification. The crisis of representation, the weakness of the democratic system and the elimination of the model of the welfare state have made it possible for the “revival” of populist leaders. Supported by a personal charisma, they appear like the providences of the savior of the nation, the defender of the lost social order.

The phenomenon of neopopulism described in Italy thus occurs in the early and polymorphic form. What is more, the analysis of the process of the power alternation of recent years allows distinguishing three variants of the mentioned phenomenon between which dynamic succession occurs. Marco Revelli describes them with three “forms” and three “figures”, and their names derive from the names of the “eponymous heroes”: Berlusconiism, Grillism, and Renziism (Revelli 2017: 120). Although there are many differences between them – the time of appearance, the scope of power and political culture, there are also common formal references. Three of them seem to be the most important.

First of all, all three political “forms” are marked by a strong personalization. Confirmation is even the name used, inseparably connected with the person who, de facto, invents and plays the main role on the political scene. Also the scope of personalization has been significantly increased through the process of mediatisation of the political arena (Mazzoleni & Schulz 1999). Secondly, all three politicians have introduced a kind of «disintermediation» mechanism. He points to a specific style of communication and action based on a direct relationship with the audience; because it is undefined, it allows to expand traditional social and

cultural areas, limited by the existing political forces. In this way, the addressees are all “people” (*populos*), while the style of the message is popular (where “pop” refers to mass culture). Thirdly, the creators of these neo-populist forms try to present themselves and their groupings in the context of rupture, i.e., differentiation from existing elites and the indication of a new beginning. This is served by distancing oneself from the past or present and stigmatizing the existing order. This feeling is reinforced by the use of rhetoric, full of hyperbole and promises without coverage.

The references mentioned above make all three forms of Italian neopopulism similar to each other. However, it is worth pointing out and discussing the features that differentiate them, which will allow to understand the specificity of the Italian political scene to a greater extent in relation to the leadership and accompanying populist rhetoric.

Silvio Berlusconi: «telepopulism»

When, in March 1994, Silvio Berlusconi won the election, he was a completely unknown politician, both on the national scene and on the international forum. The support obtained at the level of 47% was more surprising, much less that none of the polls, analytical centers or the means of social communication expected such a scenario two months before the elections². Other example is his personal success in the 1999 European election. In spite of the fact that 30% of voters did not go to the polls, he received record 6 million personal votes. Berlusconi transformed the election into a national referendum on his personal leadership (Mazzoleni 2000: 327).

The political provenance of the new parliamentarians who were candidates from the Berlusconi's lists was also unknown. The created political being constituted of all the features that political scientists describe as an instant party: a party born of nothing but the will of efficient leaders who coagulate heterogeneous forces around them, transforming them into a massive base (Pela 2004: 266). Also, the leader of the new formation in politics was an absolute

² The result given concerns the center-right bloc concentrated around S. Berlusconi and his Forza Italia. The alliance also included the Christian Democratic Center emerging from the Christian Democrats and two new parties - the Union for the Center and the Liberal Democratic Pole. In the southern regions, the coalition started under the name of the Good Government pole (together with the National Alliance), while in the northern regions - the Freedom Pole (along with the Northern League). In some constituencies, the center-right letters were supported by radicals from the Marco Pannelli list.

beginner: a billionaire and entrepreneur who never worked in public administration, nor was he a member of any party.

The Forza Italia party, despite having undergone an evolution at different times, was basically on the right side of the political scene, with strongly marked anti-etatism and economic liberalism. The party referred to the concept of ideological Christian Democrats – social Catholicism, the traditional family model, and strong anti-communism. It was looking for potential voters among representatives of liberal professions, artisans, and traders. At the same time, along with the expanding program offer, it sought to expand its coverage of the ever-wider political space – from the right, through the center, to the center-left. This resulted in generalism in formulating program content and ideological indistinctness. Behind the complex character adopted by Berlusconi's party there was primarily the calculation resulting from the application of political marketing techniques. The economic and adaptive character has proven to be an apt response to the demand from “electoral clients”; besides, this was in line with the political consortia at the time, cultural changes and changes in the sphere of the value of Italian society (Bokszczanin 2014: 108-109).

The construct of Forza Italia was characterized as a “centrist, liberal-people's party and social liberal”. However, it did not have anything from the traditionally understood party, i.e., the model for all the grand parties of the so-called First Republic. Most of the deputies elected from its lists were the heads of the Public Advertising Agency, which ran the election campaign. A new, qualitatively political formation emerged, reminiscent of the organization of the post-political era. Ideological content remains then secondary to the “packaging”, which consists of an image built using political marketing techniques. They are used to create needs and win voters (product consumers) (Józwiak-Di Marcantonio 2011).

Berlusconi himself personified two characteristics typical for neopopulism – robust personalization and absolute novelty, which he brought to the world of politics. Rhetoric complemented it, an example of which is the “message to the Italians”: a carefully directed speech in which a known press magnate announces the decision to “step down into politics”³.

³ “Italy is a country that I love. This is where my roots are, my hopes, my horizons. This is where I learned, from my father and through life, my entrepreneur's craft. This is where I also made a passion for freedom. I decided to fight and deal with public affairs because I do not want to live in a non-liberal country ruled by immature groups and people attached to the political past”. Concerning the famous speech of S. Berlusconi (26th January 1994) and the history of its origin: [Barbacetto 2014](#).

In Berlusconi's political creation, a unique feature can be noticed, which distinguishes it from the previously known varieties of populism, which were called “tele-populism” (technologically modified populism) by Pierre-André Taguieff (2003). This is the effect of including the television into the political activity, which modifies the relationship between the leader and the people, between politics and the public. Thereby, traditional representative democracy was combined with a “video-policy”, as it was described by Giovanni Sartori (1999; 1989). The role of the «new demagogue» was primarily to celebrate one’s individuality; towards the people he became a man of all promises, reaching every kind of society, like television. Although Berlusconi was not the first or the only one, he showed a unique ability to use television in a political game. His political message was present not only in the news or debates, but also in entertainment programs, soap operas or commercials. He became an outstanding «hero of teleculture», able to place his strategy of subversion in a threefold exaggeration – of the events, images, and individualization (Augé 2000: 128-129).

The last of the features of Berlusconi's populism is the promise of immediacy, which is accompanied by the rejection of the complexity of the decision-making processes envisaged by the constitution (Biorcio 2015: 72); This is an example of the speed and effectiveness of the new class of non-professional politicians and especially their leader (Orsina 2013: 171). Berlusconi’s “party-company”, as noted by M. Revelli, brought together a different galaxy that combined former conformism with a new rebellion, the reactionary conservatism of the formerly silent majority, and futurism of modernists without principles. Election engineering has created a geographically different logic with all existing populisms: in the north with the ethnopopulism of the Northern League of Umberto Bossi, in the south with post-fascist populism and the late qualunquism of Gianfranco Fini. In this way, despite such significant heterogeneity, a relatively stable consensus was guaranteed (Revelli 2017: 128).

Beppe Grillo: «cyber-populism»

Twenty years after Berlusconi’s decision to enter politics, a new type of neopopulism appeared on the Italian political scene. In February 2013, also unannounced and contrary to the expectations and with unexpected sizes, *Il Movimento 5 Stelle*⁴ recorded the electoral success.

⁴ In the first start of the parliamentary election, the Five Star Movement received 25% support to the Chamber of Deputies (109 seats) and 23% to the Senate (54 seats). In 2018, with 35% support, to both chambers – 227 seats and 111 seats respectively.

When the majority of the population expected the victory of the Party of Democratic of Pier Luigi Bersani, Beppe Grillo⁵ was placed in the spotlight.

Epiphany of the Grillo's movement is to a large extent the effect of indifference to the existing right-left division and traditionally expressed political culture: it is preferably a natural movement, rather than a political one, seeking support from each side of the political scene. He managed to gather nearly 40% support, both among employees and employers, while at the same time almost monopolizing the voices of young voters. As a result, he marginalized the role of television as an instrument of creating consensus and managing election preferences. The virtual network took its place as a new type of media world. In this way, the dominating role of declining Berlusconiism was taken over along with the innovative cyber-population, which allowed the emergence and expression of a new *populos* – “people of the network”. Modern technological solutions and applied rhetoric have allowed for revolutionary changes in the approach to politics. The technical possibility of direct democracy emerged: snapshot, remotely participative, integral, and even – in some respects – integrating. The network has become the basis for organizational techniques, enabling informal meetups or local gatherings, in which unfamiliar people participated thanks to using social networks.

Particularly noteworthy is the idea of Vaffanculo Day (*Fuck-off Day*), also known as V-Day⁶. This day served public mobilization for collecting signatures under the social initiative of changes in the existing electoral law. In this way, Grillo continued the *Clean Parliament* initiative, initiated in 2005 on his blog, demanding to ban sentenced people from contesting a seat the parliament, the term of office for parliamentarians (two legislatures) and modification of electoral law by introducing a preferential vote. The first V-Day took place on September 8, 2007, in many Italian cities and front of embassies abroad. More than 336,000 were collected at that time. Signatures, with the required 50,000 on a universal initiative, were described as a huge

⁵ At this point, one should also mention Gianroberto Casaleggio, co-founder of the Five Star Movement, which was referred to as the “guru”. In addition, he was the head of an IT and publishing company dealing, among internet marketing and blog administration of Beppe Grillo and Antonio di Pietro, known primarily as the prosecutor who conducted the investigation in the nineties of *Mani pulite*, which revealed the scale of corruption at the tops of power (*Tangentopoli*), cfr. Di Majo 2013; Mello 2013.

⁶ The name had a fourfold reference: 1) the Allied landing in Normandy during World War II, which symbolized the “invasion” of Italian citizens for bad politics; 2) the film V for Vendetta (its symbol was used in the logo of the Movement), often referred to in the context of the principles of political renewal; 3) shout “Fuck you” directed towards bad politics; 4) reference to the Roman numeral five.

success⁷. The movement was bonded mainly as an opposition, and the applied rhetoric was based on postulates of breaking and renewing, grew in importance. The term ‘grillism’ began to appear in the proper circulation (Serra 2007).

V2-Day was organized on April 25, 2008, and the goal was to collect signatures for projects of three abrogation referendums. The questions were to address the liquidation of the financing of publications from public funds, the press law and the Gasparri Act determining the government's powers in the spheres of radio and television. The initiative, organized under the slogan *Free information in a free country* was held on nearly five hundred sites in Italy and abroad. As a result, almost 1,300,000 signatures were collected. Together with the social referendum initiative they were then submitted to the Court of Cassation. As in the case of the first V-Day the whole event was broadcast by the private satellite station EcoTv.

As Carlo Freccero notes, Grillo is not only a political entrepreneur who first invested in the network – in a duet with Casaleggio⁸ (Casaleggio & Grillo 2016) – but the one who managed to connect new media with the old (Freccero 2013). It is a kind of media hub, able to manage his blog, also playing its role as a TV comedian, skilfully attracting the attention of the media. His verbal excesses or arrogance presented to political competitors have become an essential part of everyday news. He skilfully combines three types of activity: virtual in cyberspace and real among people, being an ancient means of socializing politics, and media on the front pages of the most widely read newspapers. In this way he sanctions the Manichean division between the "pure people" and the corrupt "political class"; in the name of the appeal directed directly to the sovereign people, the official political society is marginalized. The expression of this is the famous “*Arrendatevi!*” (“Give up!”) shouted on the eve of voting (Revelli 2017: 133).

The movement of the Five Stars was replaced by the horizontal right-left distinction with the vertical up-down scheme, citing its demonstrative transversality. Often, by evaluating the tone of the speech, he took on the role of the advocate of the people expropriated by the power of bureaucratic, financial and party oligarchs. Confirmation is a series of battles conducted during the birth of the Movement, which concerned ecological, pacifist, anti-authoritarian or participatory issues. The primary goals are still focused on activities for the direct democracy of

⁷ The date chosen referred to September 8, 1943 and the Proclamation of Badoglio, which was to influence the subsequent escape from the country of King Viktor Emanuel II and the “death of the fatherland” in the last years of the war.

⁸ B. Casaleggio died on 12 April 2016.

citizens, a universal type of social state, protection, and strengthening of the common and public good (basic income, investment protection for the school, state health) (Biorcio 2015: 105). Noteworthy, the ideological diversity present in the content of the electoral program in many points remains different and even contradictory to those that can be found in the parties or movements of the populist European right.

Matteo Renzi: «top-down populism»

Matteo Renzi is an example of one of the most daring careers in the political history of Italy. At the age of 19, he served as the secretary of the Florentine department of the Christian Democrat *Partito Popolare Italiano*, and ten years later he became the chairman of the province of Florence. At the age of 34, he was elected mayor of Florence. At the age of 39, being the head of the Democratic Party, Renzi became the head of the government, thus becoming the youngest prime minister in the history of Italy⁹.

The idea that accompanied Prime Minister Renzi was as follows: use populist measures and at the same time take over the undecided electorate. It resonated with the desire to move away from the rigid party structures, the worn-out political and institutional system for the model of governance, corresponding to the systemic balance and social order of the European Community. This brings to mind the action, as Mario Draghi put it, under the control of an “automatic pilot”, providing political balance and a veil for mass consent. The broad social base was created by populist rhetoric and transgressive legitimizing attitudes (“downstairs”) of politics consistent with the main ideas desired and dictated “upstairs”. Institutional instruments could also be used for this purpose. This is the sense of Renzi’s experiment and his “government populism”. It is a new type of populism that Marco Revelli (2017: 136) calls post-twentieth-century, post-ideological and post-democratic.

Against the background of contemporary neopopulists, Renzi differs from the classical approach – it is preferably a hybrid form: partly fighting and partly ruling. It also combines elements of both above-described Italian forms. In the model of «telepopulism» Berlusconi directly addressed the citizens, all using a television or other media, and multiplying promises to resolve almost all the problems which the other parties and their leaders did not even undertake.

⁹ He held The Prime Minister Office from February 22, 2014, to December 12, 2016. More on the political biography of M. Renzi, see his book: Renzi (2011; 2012; 2013; 2017).

In turn, using the rhetoric proved to be close to the anti-cast approach of Grillism: as *il Rottamazione*¹⁰ aggressively opposed adversaries in his party. The “old guard” was accused of misunderstanding the modernity, which was expressed in the clinging to left-wing ideas. Renzi demanded a total abandonment of his former identity in favour of the “New Party”, open to the external electorate, both centrist and right-wing. He promised the “National Party” in which he designed for himself the role of a strong leader. In this way, a new style was created: the Florentine in the service of pop-politics brought to the border of the aesthetic product (Revelli 2017: 137).

The main character of the political scene subordinated to its main character. Like an American sitcom: rolled shirt sleeves, always on the run, with a smartphone in hand, chatting like a teenager; with management meetings arranged for 7:00 in the morning; obscene phrases spoken frivolously, like *enfant terrible*. His first speech, as the head of government at the Senate, went down in history when he made the impression of a man preparing for “scrapping”: a hand in his pocket, talking over his shoulder, not looking at the auditorium, but at television cameras and the invisible audience “outside”, low substantive value. The whole scenography revealed the intention of omitting the institutional representatives and addressing directly to the wide public whom he considered his people. In this way he humiliated the first (declassified to the caste considered to be ballast and destined for liquidation), to give satisfaction to the other, winking at them communicatively (“*strizzare l’occhio*”). As a result, the head of the executive addressed the nation directly against the part of the legislation suitable for dismissal (Revelli 2017: 138).

Renzi’s example highlighted the presence of a new kind of populism in Italy, which emerged not from the margins, but from the very centre of power – not “from below” (from the people), but “from above” (from the government). Thus, the most significant disadvantages of the Italian political system were confirmed: the crisis of trust and the sluggishness of politicians, the crisis of representation and its institutions, the crisis of the party and the political class. Diagnosis is not just about style or communication; it refers to the genetic problem of institutional structures and the political imagination that surrounds them. This is the result of the repeated practice and several of its creators, the effect of the process initiated by the appointment

¹⁰ Rottamazione in Italian means ‘scrapping’. Such a nickname was given to Renzio, suggesting that from the very beginning his program was reduced – in simple terms – to one slogan: the history of all previous generation politicians should be scrapped as soon as possible.

of the technical government of Mario Monti, the explosion of the Five Star Movement, the re-election of Giorgio Napolitano, until its end with the government of Renzi (Revelli 2015).

Conclusion

In the face of the above analyses, a legitimate question about the reasons for the increase in the importance of populism in contemporary democratic systems arises. Two factors, according to Pippa Norris and Ronald F. Inglehart, seem to be particularly important: the economic insecurity and cultural backlash (Norris & Inglehart 2016). The first one concerns economic inequalities that also affects the electoral behaviour of citizens. This is mainly the result of changes taking place in post-industrial societies in the fields of economics, the labour market and within social structures. These changes are often accompanied by a definite trend towards increasing income and growing inequalities in wealth. It is based on the assumptions of the economy of knowledge, technological automation of work, departure from the manufactory industry, globalization processes (flow of labour, goods, citizens, and capital), weakening of existing ties and neoliberal politics. The sense of uncertainty accompanying these phenomena has aroused by old resentment towards social and political decision-makers. Thus, the persistent divisions are destabilizing: the number of unskilled workers is growing steadily, the unemployment rate, dependence on social benefits, rental of flats, incomplete families and the spotted suppressed white population living in areas where the majority are anti-inclusive immigrants; nationalistic and xenophobic sentiments are intensifying, which is why extremist parties and populist movements are gaining. Aspiring to the position of leaders, they accuse “those” (so-far governing) of the collapse of economic growth, loss of job and shrinking social security.

In turn, the presence of the second factor proves that the social reactions against the progressive cultural change are also responsible for the increase in the populist wave. This applies to the so-called silent revolution referring to the change in values that gave citizens a sense of security in the post-war period. With time, however, there has also been a shift towards post/material values such as cosmopolitanism, multiculturalism, support for left-wing Libertarian parties (e.g., greens), human rights, gender equality, etc. The observed process was progressively moving towards continuous progress. Meanwhile, a new generation entering the stage, contesting progressive ideas and behaviours, revealed a desire to return to the state before which

rejected by the older generation. The younger have become more sensitive (and vulnerable) to populist rhetoric, which proposes a return to traditional values and behavioural patterns (Norris & Inglehart 2016).

These two, overlapping and at the same time, strengthening causes led to the emergence of new social divisions in Italy, for example, cosmopolitan liberals and populists facing the past and tradition. In turn, it has caused the emergence of new divisions in political parties, hitherto traditionally left-wing or right-wing (Gauchet 2017). Following the Taguieff classification, one can point to the bipolarity of Italian populism. On the one hand, the xenophobic identity-national pole, which, as a form of ethnonationalism, becomes an expression of the contestation of various varieties of progressive globalization – financial, cultural or communicative. On the other hand, there is a protest and social pole. While the former focuses on *ethnos*, the latter – on *demos* (Taguieff 2003: 177).

These processes directly influenced changes like leadership, creating new leaders on the Italian political scene. The differences between them are determined not so much by the direction or scope of reforms expected by society, but by personal style and applied rhetoric. Despite the fairly homogeneous character of Italian political culture, there are differences in the creation of leaders. This is confirmed by the conviction of Marco Tarchi, responding to the first of the hypotheses that Italy is a country of many populisms (Tarchi 2008). Their specifics are closely related to the most important actors of the Italian political scene in recent years, representing its different wings – Berlusconi, Grillo and Renzi.

The rise of populism causes the idea of leadership to constantly evolve which is a consequence of changes in the way that both the politics and the methods of communicating politicians with voters are practised. This conclusion confirms the second hypothesis. The distinct approach of leadership to populism has been further strengthened by the increased use of new social communication means. There is a visible phenomenon of the influence of media factors on populist movements, as well as populist movements on the media (Mazzoleni 2008: 59)¹¹. As a result, the crossroads of technology and social change have exerted and will continue to have a significant impact on the perception of policy in the future. In the context of an

¹¹ The comparison of populist phenomena confirms that the rise (and, in some instances, the fall) of populist leaders and movements is due to their ‘life-cycles’, what is affected by both the way the media portrayed their event and the success of their own media management strategy. Gianpietro Mazzoleni, analysing European populist phenomena, emits four separate phases of interaction: *ground-laying phase*, *insurgent phase*, *established phase*, *decline phase* (Mazzoleni 2008: 59-62).

apparent decline in the importance of almost all intermediate social and political structures (family, trade unions, parties), new technologies have asked *coup de grace* for all kinds of brokers. The «uberization» of politics has followed (Mény 2016: 22). The world in which Facebook, Twitter, Uber or TripAdvisor are increasingly important, shape social opinions and promote the exchange of experience, they allow direct contact between the “audience” and “actors”. As a result, more and more people are gaining the right to speak on the political forum; however, the dissemination of discourse is not always associated with its substantive value. The result is a change in leadership, the danger of populism falling short, which rarely sets high standards for itself (leaders) and its voters. Therefore, among the postulates to counteract the populist wave should lie a deepened reflection on such a model of democracy which will be in harmony with new threats, new technologies and new expectations of individuals and both small and large communities.

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**Between Czechoslovakia and 'mečiarism': Political
situation in the Slovak Republic in 1992-1994**

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Political Preferences

2018, vol. 21: 71-83.

DOI: 10.6084/m9.figshare.7533161

journals.us.edu.pl/index.php/PP

Submitted: 02/10/2018

Accepted: 04/12/2018



Abstract:

The article concerns the analysis of the political situation in the Slovak Republic and the formation of the party system. In the analysed period, the process of decomposition of the Czech and Slovak Federal Republic took place, or actually, the culmination of this process. The study is based on the assumption that in the analysed period there were many divisions observed on the political scene, which were the result of the lack of a stable political structure. In the article author uses the method of historical and institutional analysis.

Key words:

Slovakia, Czechoslovakia, Vladimír Mečiar, HZDS

Introduction

After the events described in Central and Eastern Europe as an autumn of nations, the political systems that functioned in the countries of the region that had been under the influence of the Union of Soviet Socialist Republics underwent decomposition. In the case of Czechoslovakia, in contrast to, for example, Romania, the "velvet revolution" did not result in bloodshed in the event of the fall of the existing system. The Czechs and the Slovaks followed the double way. In the years 1990-1992 not only the process of political transformation commenced, but also the decomposition of the Czech and the Slovak Federal Republic (CSRF) occurred.

Also in this case, in contrast to, for example, Yugoslavia, the disintegration of the federation was of a peaceful nature. This article concerns the analysis of the political situation that took place in Slovakia in the period from 1992, when the fate of the federation was already decided, until the 1994, when the coalition of the Movement for Democratic Slovakia (HZDS), the Slovakian National Party (SNS) and the Slovak Workers' Association (ZRS) took power.

Then, as a result of Vladimír Mečiar's policy, there were many instances of violations of human rights and freedoms, which had their consequences in marginalisation of Slovakia in the international arena. The analysed period has not yet received a detailed study, there have been mostly publications concerning either the process of Czechoslovakia's disintegration or the post-1994 period. This article is based on the assumption that in the analysed period there were many divisions on the political scene which resulted from the lack of a stable political structure. In the article author uses the method of historical and institutional analysis.

Elections to the Slovak National Council

As Marian Szczepaniak (1995: 51) noted, the electoral campaign for the Slovak National Council in 1992 was dominated by three main problems:

- the direction of economic reforms; it was accepted in the Czech Republic, while in the Slovaks' opinion it had the character of explicitly pro-Czech. It was connected with the recession, which to a large extent affected Slovakia, where the heavy and defense industries producing intermediate products had been prevalent. In the new reality, the demand for their products decreased. The reforms undertaken in 1991 deepened the difficult economic situation in Slovakia,
- implementation of the Decommunisation Act of 9 October 1991; Vaclav Havel's motion seeking to alleviate it, was rejected by the Federal Assembly. In contrast to the Czech Republic, where the law was implemented, in Slovakia it was received with indifference, and the authorities nominated after the 1992 June elections immediately announced its cancellation,
- unresolved Czech-Slovak dispute over the constitutional shape of the state: its result was the failure of the Federal Assembly to adopt the new constitution of the CSRF.

On June 5 and 6, 1992 general elections to the Slovak National Council were held. They fundamentally changed the political situation. HZDS won, obtaining 37.3% of votes and almost half of the seats. Such a high result was achieved mainly due to the fact that a large number of political parties did not get to the parliament, being unable to exceed the required threshold of 5% support. The Democratic Left Party (SDL) was also successful. The Christian Democratic Movement (KDH) received 13 seats fewer than in the previous election, SNS seven seats fewer, support for the Community coalition (ESWS)/Hungarian Christian Democratic Movement (MKDH) (Červený & Kmet' 2008: 254) remained at a similar level. The Social Democratic Party

of Slovakia (SDSS) suffered a failure, as it did not exceed the required electoral threshold. It considered itself an heir of the parties that had been active within Austro-Hungary and in Czechoslovakia. It was the legal successor of Czechoslovak Social Democracy (ČSD) operating in 1947-1948. The name SDSS has been formally in force since 1993. Alexander Dubček became the chairman of this party for a short period, and its other activists were: Ivan Paulička, Jaroslav Volf, Boris Zala. Politicians presented their group as an alternative to the Communist Party of Slovakia (KSS), however, the most votes of the left-wing electorate were collected by SĎĽ. Representatives of this party were in favour of the federation, they stressed the idea of self-government and social state (Zenderowski 2007: 303).

Table 1. Results of parliamentary elections in 1992

Party	Result (in%)	Number of seats
Movement for Democratic Slovakia	37.26	74
Democratic Left Party	14.70	29
Christian Democratic Movement	8.89	18
Slovak National Party	7.93	15
Community / Hungarian Christian Democratic Movement	7.42	14
Other	23.80	-
Total	100.00	150

Source: *Parlamentné voľby 1992 na Slovensku.*

Soňa Szomolanyi (2004: 152) believes that the elections in 1992 should be considered as those that „ended” the existence of the Czechoslovak state.

Appointment of the government of Vladimír Mečiar and the breakup of the Federation

After the parliamentary elections leading Czech and Slovak politicians came to the conclusion that politics at the republican level would be crucial, while the role of the federal level would be decreasing. So Václav Klaus became the Prime Minister of the Czech Republic and Vladimír Mečiar of the Slovak Republic. On the other hand, the politicians of the second plan were included in the federal government (Bankowicz 2003: 110). V. Mečiar then declared: *Enough. The state in its current form cannot and will not exist. We want a sovereign Slovakia, which is a subject of international law, which would form a kind of "defense and economic community" with the Czech Republic. Armed forces would be "coordinated centrally"* (Pleszaty 1992: 11).

The government set up by HZDS with Vladimír Mečiar as a leader could count in the beginning for the support of two independent deputies. He also had the support of the SNS, whose leader Ľudovít Černák was a member of the government, as well as of some of the politicians of SDL. It should be added that the newly formed coalition had 83 deputies in the 150-seat parliament. HZDS gained the status of hegemon due to the fact that it controlled over 49% of seats in the parliament and over 80% of ministerial positions. The composition of this coalition was surprising. HZDS originated from the Anti-Violence Society (VPN), which could suggest anti-communist and pro-reform orientation, while the SNS had the status of an extreme nationalist party (Herbut 1998: 164). When applying for a vote of confidence, Mr. Mečiar presented on 15 July 1992 a government program declaration. In the context of foreign policy, he stressed that one of the main goals was to promote objective information about Slovakia which would strive to improve the pluralistic political system and respect the principles of European and democratic political culture. The Slovak authorities declared taking action to cooperate with Hungary, Poland, Slovenia, Ukraine, Bulgaria, Romania and other southern European countries. In addition, they recognized as leading the association agreement of CSRF with the European Communities (EC) and guaranteed compliance with the provisions of all agreements concluded by the federal authorities. V. Mečiar in the program declaration assured that, recognizing the role of the United Nations (UN) and the Conference on Security and Co-operation in Europe (CSCE), Slovakia would be keen to participate in the forums of these organisations and all the other bodies acting for international agreement and cooperation. Parallel to the activities carried out by the federal authorities, the Slovak government announced efforts to develop its own international relations, among others in order to attract foreign investors and increase own exports (*Programove vyhlásenie...*).

The program declaration was presented at the moment when the future of CSRF had already been foredoomed – on February 14, 1992, the Presidium of the Slovak National Council did not accept the content of the Czech-Slovak agreement. The consequence of this decision was the proclamation of the sovereignty of the Slovak Republic on 17 July 1992. 113 deputies voted in favor of the declaration, 24 were against and 10 abstained (*Deklarácia Slovenskej...*). The Declaration recognized the supreme right of the Slovak nation to self-determination, it also ensured respect for the rights of every citizen, as well as of all representatives of national and ethnic minorities.

The dissolution of the Federation was also determined by the negative position of the HZDS regarding Václav Havel's candidacy for the post of president. As a result, on 3 July 1992 he did not obtain the required majority of votes in the Federal Assembly. In the Slovak part of the House of Nations, only 18 out of 75 MPs voted for him in the second round. This fact and perhaps first of all, as Bugusław Pytlik notes, the declaration of sovereignty of Slovakia caused that V. Havel withdrew his candidacy and resigned from the office on July 20. He stated that his continued duties as the head of state could become an obstacle to the systemic changes and independence efforts of the Slovaks initiated after the June 1992 elections (Pytlik 2013: 31). Subsequent attempts to find a person who would take over the president's seat failed until the end of the existence of Czechoslovakia. As a result, the function of the head of state was performed by the presidium of the Federal Assembly (Bankowicz 2003: 111).

Ewa Orlof (2003) pointed out that the role of the two parties, Václav Klaus's Civic Democratic Party (ODS) and Vladimír Mečiar's Movement for Democratic Slovakia, actually increased in this period. In fact, the decision to split the state was made by the two politicians who did not appeal to the citizens to express their opinion on the subject in a referendum. Michal Kováč presented his stance on the idea of calling a referendum. He stated that the Slovaks did not mind, but the Czechs would also have to agree to it. However, in his opinion, ODS did not want a referendum, because it was not interested in the dissolution of Czechoslovakia. He added, however, that such a referendum was not needed for the division of the state. The only thing that was important was that the decision would be voted by the Federal Assembly, not just the parliaments of both republics. And so it happened, although it was not obvious, because V. Klaus and V. Mečiar thought that since they got along and their parties had a majority in the parliaments of both republics, the matter was settled. The future Slovakian president had to convince V. Mečiar for a long time that voting in the Federal Assembly was necessary and eventually succeeded. Thanks to this, the division of the state took place in a way that the international community was forced to accept (Kováč 1998: 24). It should be remembered how, more or less in the same period, other multinational states: Yugoslavia and the USSR collapsed.

The Slovak Republic is a new state on the political map of Europe

On 22-23 July 1992 in Bratislava, Václav Klaus and Vladimír Mečiar signed an agreement on the disappearance of the federation. Ewa Orlof quoted the phrase that appeared at

that time in the media and that illustrated V. Klaus's philosophy: *Without the Slovaks to Europe or with them to the Balkans* (Orlof 2003: 256). A month later, on 26 August 1992, a meeting was held in Brno, where V. Klaus and V. Mečiar agreed that the CSRF would cease to exist at midnight on December 31, 1992. The Slovakian parliament adopted with a large majority a constitution of the Slovak Republic on September 1. On November 13, the Federal Assembly passed a law on the division of the Republic's property in a 2:1 ratio in favor of the Czech Republic (Pytlik 2013: 31). According to Rudolf Schuster, *the Czech Republic and Slovakia were like a tired marriage, expostulating each other about every penny. I only regretted that there was no referendum on this matter. Anyway, I'm not sure if the majority would like to divide the federation. If things were to be treated less emotionally, in a long-term perspective, economic and social analyses could take place, for example, the form of a confederation, without a definite separation of the Czech Republic and Slovakia, would have been better for both sides. Meanwhile, two prime ministers, Vladimir Mečiar and Vaclav Klaus, took part in the separation of the state, with no opinion from the nations.* (Schuster 1999: 36).

The head of the Czechoslovak Foreign Ministry, Jíří Dienstbier, stated that he himself was against the division, not because the Slovaks could not have their own state, but because he was aware of high esteem and authority enjoyed by Czechoslovakia in the world. In the West, the country was believed to be a stabilising factor, because it was the only multi-ethnic state that managed to move from communism to democracy (Čarnogursky & Dienstbier 2002: 9).

On January 1, 1993, two new states were created: the Czech Republic and the Slovak Republic. They took over the rights and obligations resulting from international agreements by which the CSRF had been bound. Already in the first week after the creation of the Slovak Republic, the authorities began a crackdown on journalists sympathising with the opposition. The management of the most popular daily *Smena* was dismissed. After the June 1992 elections, the daily was transformed into a sole proprietorship with a 100% share of the state treasury. The Supervisory Board consisted entirely of persons favorably disposed to HZDS. On January 4, the Council members denounced the editor-in-chief Karol Ježík and executive manager Jozef Weiss. The official reason for the dismissal was the difficult financial situation of the newspaper, but it seems that this was just an excuse, because their successors Gabriela Baranovičová and Ján Lukáčik had previously run the daily *Denní Telegraph* which brought losses of 3 million Slovak crowns. Meanwhile, *Smena* recorded profits of around 6 million. Former Prime Minister Ján

Čarnogurský said that this was the beginning of a new "normalisation", referring in this way to the Prague Spring. The Syndicate of Slovak Journalists, on the other hand, considered this decision an attempt to intimidate the entire professional environment (Jagodzinski 1993: 5).

The first presidential election in the post-war history of Slovakia was an important event. The MPs of the National Council of the Slovak Republic¹ during the 13th meeting on January 26, 1993, attempted to elect a presidential candidate from among Milan Ftáčnik (SDL), Roman Kováč (HZDS), Anton Neuwirth (KDH) and Jozef Prokeš (SNS). None of the candidates received the required 90 votes. A similar situation took place a day later, on 27 January. In the end, the vice-chairman of the HZDS Michal Kováč was elected the head of state. In the election on 15 February 1993 he was supported by 106 deputies (*Stenografická správa...* 1993).

After the election, Michal Kováč resigned as a deputy chairman of the HZDS and suspended his membership in the party, declaring that he wanted to be a cross-party president (Henderson 2002: 44). It was a defeat of V. Mečiar whose close collaborator Roman Kováč lost. During the inaugural speech on the day of the oath, on March 2, 1993, Michal Kováč also referred to the foreign policy of the Slovak Republic. He stressed that the priorities stem from the geopolitical location of Slovakia in the Central Europe and the fact that since the beginning of its history this country had belonged to the West European culture and had been an organic part of the Euro-Atlantic area. With regard to the immediate international environment, the President considered it appropriate to continue cooperation with the Czech Republic and the Republic of Hungary and expressed support for established forms of cooperation between the Visegrad Group countries, which could have a positive impact on Slovakia's accession to Euro-Atlantic structures. M. Kováč stressed that relations with the United States of America should be of key importance for foreign policy. He stated that his duties included creating the impression that Slovakia was a democratic state with a stable government and an open market awaiting foreign investors (Bajda 2010a: 257-258).

In the years 1993-1994, the actions taken by V. Mečiar had the greatest influence on the formation of the Slovak political system and foreign policy. It should be emphasised that the personality traits of this politician had a very strong impact on his decisions. The prime minister consistently sought to create the state according to his own vision. As Piotr Bajda points out,

¹ It was decided to change the name of the parliament from the Slovak National Council to the National Council of the Slovak Republic. One of the reasons was the fact that the first name was associated with the Slovak state dependent in the years 1939-1945 on the Third Reich).

V. Mečiar did not tolerate those who did not share his convictions, and any manifestations of protest against the practices used by the head of the government led to the escalation of conflicts and intensification of repression. For his purposes he used not very precisely formulated provisions of the Constitution in the area of demarcation of the powers of the supreme authorities and the lack of relevant jurisprudence of the Constitutional Court of the Slovak Republic or of adopted and respected principles of practicing politics (Bajda 2009: 34-46). In this situation, the outbreak of conflict at the highest levels of power was only a matter of time.

Already at the beginning of 1993 there were some disagreements between HZDS and SNS and SDL² which in exchange for their support in the parliament demanded their representation in government. As V. Mečiar did not agree to this request, they withdrew their support for the government. In March 1993, L. Černák resigned. During this period there was also a split within HZDS. It was caused by the conflict between V. Mečiar and vice-chairman Milan Kňažko, who was unable to accept the form of leadership in the party. The conflict had already broken out at the time of the presidential election. M. Kňažko, who was also the deputy prime minister and vice-president of HZDS, publicly stated that the first Slovak president should be a cross-party president and must not have a communist past. V. Mečiar accused him of the activities supporting the party split. At the beginning of February 1993, the government did not allow M. Kňažko to visit the Brussels seat of NATO as well as to participate at the Brussels meeting of foreign ministers of the Visegrad Group and the EC, and the Geneva conference devoted to human rights issues in March (Jagodziński 1993b: 5).

V. Mečiar accused his former associate of failing to manage the ministry entrusted to him and of conducting foreign policy in a way that would harm the state and the party. It should be added that neither the President nor the parliamentary foreign affairs committee disagreed with this opinion. In order to resolve the doubts, Mr. Kováč asked the Constitutional Court of the Slovak Republic if he could refuse to sign the motion submitted by the chairman of the Council of Ministers. However, before the verdict was issued, Mr. Mečiar demanded that the head of state signs the resignation, threatening that he would otherwise resign from his position himself. In this situation, on March 19, 1993, the President dismissed M. Kňažka from his positions. The new minister of foreign affairs was another HZDS politician, Jozef Moravčík (Bajda 2010b: 38). The quoted events were not only a foretaste of the style in which V. Mečiar intended to carry out his position in the future. They also showed that credibility of Slovakia on the international stage

did not have to be the basic task of the foreign policy of this government. In September 1993, one of the CSCE committees prepared a document: *Human rights and democratisation in Slovakia*. The document explicitly stated that V. Mečiar's government did not allow materials unfavorable for HZDS to be published. In addition, it was found that the state subsidy system served press titles that were loyal to the government (Madeira 2001: 179).

In November 1993, SNS entered the government, but it did not solve V. Mečiar's problems. In this situation, the government lost its political base in the parliament. The lack of stability on the Slovak political scene was manifested by the progressive polarisation and disintegration of political parties. First of all, the style in which the HZDS ruled, and especially of its leader V. Mečiar, became the reason for further splits of this political group. As a result of the conflicts, a group of eight MPs with Milan Kňažko left HZDS and formed the Alliance of Democrats (AD) (Bajda 2010b: 72). In February 1994, another group of politicians, gathered around J. Moravčík and R. Kováč, left the HZDS establishing the Alternative Political Realism (APR). By joining AD and Ľudovít Černák's² National Democratic Party, in April 1994 the Democratic Union of Slovakia (DÚ), a liberal-democratic party was founded. The leading activists of this party declared that their goal was to realise the objectives of HZDS while rejecting nationalist rhetoric and authoritarian way of practicing politics. It declared its support for Slovakia's aspirations to join the EU and NATO. As a result of the presented changes, V. Mečiar's government lost the parliamentary majority (Zenderowski 2007: 313).

The weakening of the political position of the collective executive body became a good opportunity for Michal Kováč to make a critical assessment of the political activities of the government and its chairman. On March 9, 1994, the President presented a State Status Report to the National Council of the Slovak Republic. In the part devoted to the internal political situation, M. Kováč described V. Mečiar's policy as confrontational and leading to social divisions. The President also supported the creation of a broad coalition that would not have to seek support in the parliament and fight for survival as a minority government. As a result of a three-day discussion on the report, MP Ladislav Pittner put forward a motion to pass a vote of no confidence in V. Mečiar's government. On March 11, 1994, the government was

² In March 1994, there was a division in the Slovak National Party, which decided to leave the government coalition. The chairman of SNS Ľudovít Černák resigned from the function of deputy prime minister. One of the reasons for the break-up of the coalition was the appointment of Imrich Andrejčák as defense minister by Vladimír Mečiar. The national Democratic Party – New Alternative (Narodno-demokraticka strana- Nova alternative NDS-NA) emerged, headed by the aforementioned L. Černák.

deprived of the confidence of the National Council of the Slovak Republic and thus forced to resign, which took place three days later (Jančura 2014).

The rule of Josef Moravčík's cabinet

On the same day the President, having dismissed V. Mečiar, appointed former Minister of Foreign Affairs, J. Moravčík, as the head of government. The new cabinet was very politically diverse, it was composed of SĎP, KDH and the groups formed as a result of leaving HZDS and SNS, which, as already mentioned, merged into the liberal DÚ. The government of J. Moravčík was supported by the Hungarian minority parties remaining formally in opposition (Cichosz 2010: 138).

On April 12, 1994, at the meeting of the National Council of the Slovak Republic J. Moravčík presented the program declaration of the new government. He criticised the activity of the previous cabinet, accused it of not being prepared to perform its tasks and of using authoritarian methods, which provoked tensions and political disputes. When assessing Slovak foreign policy, the Prime Minister pointed out that just after the creation of the state, its goals were appropriate and widely accepted by political parties. J. Moravčík announced that he would return to the activities leading to membership in the European Union (EU), the North Atlantic Alliance (NATO) as well as the active participation of the Slovak army as part of the United Nations (UN) peace-keeping forces. In addition, the Prime Minister emphasised the need to solve the problems of national minorities and ethnic groups in the Slovak Republic, developing cooperation with the Council of Europe and with the Slovaks in other countries, as well as coordinating foreign policy activities with the president, stating that the smaller the state, the more profitable it is to carry out serious and consistent foreign policy (*Stenografická správa...* 1994). The post of the Minister of Foreign Affairs was taken by Eduard Kukan, a politician of DÚ (Žarna 2015: 107). Despite the loss of power, HZDS had a relatively strong position. V. Mečiar started to become one of the architects of the creation of the Slovak Republic, which was met with dissatisfaction on the part of SNS politicians.

The activities of the coalition government formed by DÚ, KDH, and SĎP were temporarily limited by early parliamentary elections scheduled for September 30 and October 1, 1994. This fact meant that the second half of the activity of J. Moravčík's government came during the election campaign to the parliament. The largest opposition party, HZDS, criticised

the government enjoying the trust of the president. Paradoxically, the government's activities in the international arena were negatively evaluated as being limited to the implementation of foreign policy assumptions already postulated by V. Mečiar and contained in his government's program declaration. The criticism of the prime minister's cooperation with the president (Žarna 2015: 108) was not without significance for the future events.

The elections of 30 September and 1 October 1994 for almost four years shaped the political scene of Slovakia which was clearly polarised into a government coalition and a completely marginalised opposition. Again HZDS won, obtaining similar support as two years earlier (35%). The anti- Mečiar coalition proved too weak to compromise the position of HZDS. First of all, the animosities between KDH and SDE politicians contributed to the results (*Parlamentné voľby 1994...*).

Table 2. Results of parliamentary elections in 1994

Party	Result (in%)	Number of seats
Movement for Democratic Slovakia	35.0	61
Common Choice	10.4	18
Hungarian Coalition	10.2	17
Christian Democratic Movement	10.1	17
Democratic Union of Slovakia	8.6	15
Association of Slovak Workers	7.3	13
Slovak National Party	5.4	9
Democratic Party	3.4	-
Communist Party of Slovakia	2.7	-
Christian Social Union	2.1	-
Other	4.8	-
Total	100.0	150

Source: *Parlamentné voľby 1994 on Slovensko*.

HZDS this time took part in a coalition with the Slovak Agricultural Union (RSS) which was not very significant on the Slovak political scene. The second place was taken by the Common choice (SV) formed by SDE, SDSS and the Workers' Movement (HPRS). The electoral results obtained by KDH, the Hungarian Coalition created by the Hungarian Citizens' Party (ISO), MKDH and ESWS and DÚ – can be seen as confirmation of the stabilising position of these movements and political parties. The results of the elections confirmed the dominant position of HZDS (Bajda 2010b: 78-83).

Conclusion

The 1992-1994 were a period in which the common state of the Czechs and Slovaks decomposed. In the analyzed period, the fate of the Federation was already decided, therefore the author's purpose was not to discuss this process. This article presents the internal situation and the formation of the party system in the Slovak Republic. The analysis of this process allows us to clearly state that in the case of the Slovaks, the lack of a stable political structure is undoubtedly the result of the ongoing divisions on the political scene.

This is also the period in which the Slovak Democratic Movement with its charismatic leader Vladimír Mečiar dominated the Slovakian political scene. Vladimír Mečiar was considered to be one of the architects of the Federation's dissolution alongside Vacláv Klaus. The results of parliamentary elections show that the support for HZDS in elections in 1992 and 1994 remained more or less at the same level (37.26% and 35%). One can come to the conclusion that, as already mentioned, despite the more or less constant support from the electorate, there were many cases of departure of leading politicians from this party, the reason for which was primarily the style of exercising power by V. Mečiar. Politicians who did not share his opinion were marginalized, which resulted in the escalation of numerous conflicts.

The period 1992-1994 was a prelude to what took place after the elections to the National Council of the Slovak Republic, when after a short break he again took over the government becoming the head of the coalition of the Slovak Democratic Movement - the Slovak National Party - the Slovak Workers' Association.

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