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## THE PROCESSES OF DEMOCRATISATION AND TRUST IN POLITICAL INSTITUTIONS IN SLOVENIA: COMPARATIVE ANALYSIS

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### ABSTRACT

*After the collapse of the non-democratic regime in the early 1990s, public opinion surveys became important factor in the process of democratic decision-making. Authors are analysing the results of public opinion surveys, which bring together data on the attitude of the general public towards democracy, (dis)satisfaction with the political situation and (dis)satisfaction with most important political institutions; special emphasis is given to the general public's (dis)trust toward the judiciary. Based on the data obtained authors allocate Slovenia's position compared to other established European democracies as well as post-communist countries from Central and Eastern Europe (CEE) on the scale of the relationship of the dimensions of societal trust in political power.*

**Key words:** democratisation, trust, politics, institution, Slovenia.

## I PROCESSI DI DEMOCRATIZZAZIONE E LA FIDUCIA NELLE ISTITUZIONI POLITICHE SLOVENE: ANALISI COMPARATIVA

### SINTESI

*Dopo il crollo dei regimi non democratici negli anni 90, i sondaggi di opinione pubblica sono diventati un fattore importante del processo politico, che dimostra la (s)fiducia dei cittadini e da la legittimità per perpetuare le decisioni politiche adottate. Gli autori analizzano i risultati dei sondaggi di opinione per quanto riguarda l'atteggiamento del pubblico verso la democrazia, la (non)soddisfazione con la situazione politica e con le più importanti istituzioni politiche. Un'enfasi particolare enfasi è data la (s)fiducia del pubblico alla magistratura. Sulla base dei dati comparativi gli autori analizzano la (s)fiducia del pubblico nelle singole istituzioni politiche in Slovenia con il paragonabili paesi ex socialisti dell'Europa centrale e orientale e occidentale. Gli autori concludono che il grado di fiducia nelle istituzioni politiche in Slovenia è relativamente basso e mostra un trend negativo, mentre la Slovenia in questa dimensione non diverge significativamente dagli altri paesi ex socialisti.*

**Parole chiave:** democratizzazione, fiducia, politica, istituzioni, Slovenia.

INTRODUCTION: PROCESSES OF  
DEMOCRATISATION IN SLOVENIA

In all post-socialist countries, democratisation was a process that resulted in the establishment of a democratic political system similar to that of Western European countries. It is a process of changing the regime from the beginning to the end and includes the concepts of transition and consolidation. The consolidation of democracy is a process that encompasses the complete establishment of new democratic institutions, the adoption of democratic rules and procedures, and the general acceptance of democratic values. Political changes that stem from the top can also play an important role in accelerating democratic processes, yet they can also repress the political socialisation of citizens.

For countries in transition, transforming the administrative and political institutions is particularly important, because the positive outcome of the whole democratisation effort largely depends on how these institutions are seen to be successful in the eyes of the public. The transition itself is a unique process. For a successful transition towards a more effective society, every country first has to define two elements and then define a third one. Since every country has its own tradition, the realisation of its success lies, on the one hand, on the starting point of its development and the development of its surroundings and, on the other hand, on the capacity to understand the development of the society. The understanding and steering of these 'society flows' lies within the competence of public administration systems that are, in comparison to the established systems, under greater stress, since they have to adapt and reorganise the institutions of public administration (Brezovšek, 2000, 239).

When thinking of the legitimacy of democratic systems, we cannot avoid a discussion regarding the trust in political institutions. Since they focus on the institutionalisation of society's actions – which become more efficient, stable, and predictable under their influence – they represent the core foundations of society. Citizens rely on political institutions since there is a belief that not all of our fellow citizens can be trusted (Udovič and Bučar, 2008, 30). Institutions act as mediators that, within the legal framework, force all citizens to respect certain legal and ethical norms, which consequently results in a higher level of trust. The greatest threat to the trust established between institutions and citizens is the systematic misuse of democratic principles. According to Sztopmka (1999), citizens who live in a democracy develop trust in democracy that is the highest form possible for the system. When this basic trust is misused, the level of trust in all other ideals connected to democracy decreases. Our standpoint is that trust in political institutions and the legitimacy of the democratic system are closely dependent on each other.

Elster, Offe, and Preuss (1998, 307) point out that the concept of democratic consolidation is not identical to economic success, because economic effectiveness is also possible in non-consolidated democracies or even in non-democracies. Political scientists therefore focus above all on political indexes of democratic consolidation. Gasiorowski and Power (1998) offer three basic criteria of successful democratic consolidation: successful execution of second parliamentary elections, successful swap of the executive branch with the usage of constitutional means (peaceful exchange of political power), and successful survival of the democratic system for twelve straight years. Additional criteria are frequently added: for instance, the relationship of citizens with democratic institutions, wide concordance on the rules of the political game, and trust in democratic political institutions and political elites (Fink Hafner, 2000, 13–14). We will emphasise the latter in this paper, locating Slovenia among other comparable democratic European countries according to public opinion surveys concerning public (dis)trust in political institutions. This will allow the authors to assess Slovenia's position among other European countries on the scale of the relationship of the dimensions of societal trust in political power.

POLITICAL AND ADMINISTRATIVE INSTITUTIONS  
AS MEDIATORS OF TRUST

No government in the world enjoys the absolute trust of its citizens. Since the power of every government dwarfs that of any individual citizen, even the most benevolent government represents a threat to individual freedom and welfare. Still, for a government to operate effectively, it must enjoy a minimum of public confidence (Mishler and Rose, 1997, 418–419). Gamson (1968, 42) argues that trust in political and administrative institutions is important, because it serves as the "creator of collective power," enabling government to make decisions and commit resources without having to resort to coercion or obtain the specific approval of citizens for every decision. When trust is extensive, governments "are able to make new commitments on the basis of it and, if successful, increase support even more" (Gamson, 1968, 45–46), creating, in effect, a virtuous spiral. When trust is low, governments cannot govern effectively, trust is further undermined, and a vicious cycle is created (Muller and Jukam, 1977). Trust is especially important for democratic governments because they cannot rely on coercion to the same extent as other regimes and because trust is essential to the representative relationship (Bianco, 1994). In modern democracies, where citizens exercise control over government through representative institutions, it is trust that gives representatives the leeway to postpone short-term constituency concerns while pursuing long-term national interests (Mishler and Rose, 1997, 419). For example, when inflation is severe, citizens must have

sufficient trust in economic and political institutions to accept temporary economic pain in return for the promise of better economic conditions at some uncertain future date (Weatherford, 1984). Trust is necessary so that individuals may participate voluntarily in collective institutions, whether in political institutions or in civil society's institutions. Trust in civil institutions does not diminish democracy but completes it, enhancing the effectiveness of political institutions, creating what Dahl (1956, 83) refers to as the "social separation of powers," which checks the emergence of an overly strong state. Trust, however, is double-edged sword. Democracy requires trust but also presupposes an active and vigilant citizenry with a healthy scepticism of government and a willingness, should the need arise, to suspend trust and assert control over government by replacing the government of the day (Mishler and Rose, 1997, 419).

In the CEE post-communist countries, excessive trust was never a real concern. The immediate problem is overcoming the abiding cynicism and distrust that are the legacies of the half-century long non-democratic rule. Citizens in CEE have good reason to distrust political and social institutions. Most have lived their entire lives under authoritarian regimes, some more totalitarian than others, but all inclined to subjugate individual interests to those of the Communist Party (Clark and Wildavsky, 1990). The Communist system created a variety of civil institutions, but as Shlapentokh (1989, 9) has emphasized, "such organizations as the trade unions, the Young Communists' League could be regarded as pertaining to civil society, but in fact they are parts of the state apparatus" (see also Sartori, 1993). Instead of voluntary participation, citizens in CEE were forced to make a hypocritical show of involvement or at least compliance (Mishler and Rose, 1997, 420). The consequence was massive alienation and distrust of the Communist regime and a lingering cynicism toward both political and civil institutions.

The new democratic regimes of CEE have not existed long, but they have existed long enough for many citizens to differentiate contemporary institutions from those of the past and to form at least preliminary judgments about the differences. This, by itself, can create a measure of trust or, at least, a tempering of distrust. In the short term, popular trust in government may be inherited. In the longer term, however, trust must be earned; it must be performance-based. The extent of public trust in the post-Communist regimes of CEE is clearly important for democratic consolidation. It also is an empirical question, about which the supply of speculation greatly exceeds that of systematic research. Even less is known about the sources of trust and distrust in post-Communist societies, although an understanding of underlying causes is vital for assessing the prospects for establishing civil society and consolidating stable democratic rule (Mishler and Rose, 1997, 420). This paper draws upon survey data from the Eurobarometer and Eu-

ropean Social Survey research to examine the structure and determinants of public trust not only in Slovenia, but also in over twenty European countries, with some from CEE.

Political institutions should act as the representatives of certain values of society or, what is more, they sometimes even create a new set of norms and values. According to Offe (Warren, 1999, 71), the trust we have in others also generates the trust we have in institutions. He defines values that generate trust in institutions through two parameters: truth and justice. Consequent actions of both are categorised by their use: passive or active. Institutions generate trust based on interactive truth-telling, which means that the institutions create an assumption that they express only the truth (in contacts with citizens). When reacting actively, institutions change the truth-telling into promise-keeping, which is most profoundly expressed through jurisdiction or by realising a political programme. If we observe the role of institutions as representatives of justice in society, then institutions passively express justice when treating all individuals equally (fairness) and actively when they express some solidarity to marginalised individuals (Offe in Warren, 1999, 73).

If trust is generated through the trust we have in individuals who work in an institution, there are two options: either we trust every individual working for the institution that they will act according to the preset rules of the institution and in accordance with the law, or we trust that the rules and procedures within the institution will, in a way, force all employees (especially those in high ranking positions) to be trustworthy. None of the abovementioned options is possible in the trust relationship between citizens and contemporary political institutions. The complexity and number of employees in the institutions is too big for the first possibility, while the other option would require individuals' great knowledge of all administrative structures, their procedural rules and sub-structures, which is highly unlikely. The only legitimate reason for the citizens' systematic mistrust is evidence of the misuse of administrative power in institutions. When institutions are deliberately misusing their power or merely overseeing malfunctions in the administrative process, one can conclude that they are unable to fulfil their mission and are consequently not trustworthy (Offe in Warren, 1999, 75). Trust is closely linked to the phenomenon of (political) responsibility.

Responsibility in democratic systems is an obligatory derivative of power. Whoever are in power contracts themselves formally and informally that they will use this acquired power responsibly. Existing modern societies can be classified according to their relationship between administrative power and social trust, while taking into consideration trust in others and the level of political trust. On the basis of these parameters, we can determine the level of trust in society (Peters, 2001, 66). According to Peters (see Table 1), in societies where we

**Table 1: Relationship of dimensions of social trust to administrative power**

		TRUST IN OTHERS	
		<i>high</i>	<i>low</i>
POLITICAL TRUST	High	low administrative power	moderate administrative power (positive affect)
	Low	moderate administrative power (negative affect)	high administrative power

Source: Peters (2001, 66).

find high political trust and high trust in others, one can expect low administrative power. Moderate administrative power (a positive affect) can be found where the level of trust in others is low and the level of political trust is high and vice versa (moderate administrative power – a negative affect). If both kinds of trust are low, there is an expectation of high administrative power.

Since the phenomenon of trust involves a three-way relationship between the truster, trustee, and the defined goods, it could potentially cause a power-non-power relationship. The trustee (the one we trust in the relationship) gains potential power over the truster (the one who trusts), because the first handles the goods that the truster needs. It is important that this vulnerability of the truster is merely a risk and is not compulsory in this equation, since power and trust vary. When trust prevails, the truster usually anticipates that the trustee is acting in the trustee's best interests; however, when power prevails, the one in power can influence the trust and acts of the truster because he obtains rights over certain goods. Since the relationship of trust also means accepting a parallel structure, there is a risk that the trustee will use his power over the goods in a way that is contrary to the truster's interest (Warren, 1999). This form of trust relationship enables the existence of a risk factor that puts the power relationship before the trust relationship. Consequently, individuals entering into a relationship of potential trust will not reconstitute this kind of relationship if they anticipate a potential power relationship structure. From this point of view, we can conclude that the analyses of trust are inadequate from the moral social disposition perspective.

#### (DIS)TRUST IN POLITICAL AND ADMINISTRATIVE INSTITUTIONS

The public administration and civil servant system are components of governance that can also be analysed from this so-called political point of view; citizens most commonly perceive these components as a secondary structure of the government and usually as the least respectable structure (Brezovšek, 1997, 184). Public opinion can be an important source of bureaucratic power

within the public administration system, yet how public opinion affects the system of civil servants and public officials remains quite an under-researched area (Meier, 2000, 52). Some researchers even believe that public opinion has a prevailing influence on the work of civil servants. Page and Shapiro (1981) researched 357 major changes in public opinion. They compared those changes within the same timeframe for the work and outputs of public administration and concluded that as many as 87 percent of different public policies were adapted in line with the changes in public opinion. The findings of Gray and Lowery (1988, 121) are similar. They studied tax and education policies and concluded that both had adapted themselves to public opinion. Peters and Hogwood (1985) linked public opinion and the growth of the civil servant system<sup>1</sup> and proved that when public opinion expressed open support of a certain public policy, the civil servant system had strengthened.

One main characteristic of public opinion is its instability; it changes frequently and often in a short period. This characteristic is directly opposed to the characteristics of the civil servant system. For this system, stability and predictability are crucial for enabling quality in administrative work over a long period. However, it is true that some sub-systems of public administration can exploit public opinion support to promote their own policies. The importance of support for an individual policy is usually higher than the need to have an average high level of support for the whole public administration and the civil servant system.

The Eurobarometer research presented in Table 2 focuses on satisfaction with democracy as societal and political system in EU member states. If we compare the surveys over the years, then, some changes in satisfaction can be detected. In general, one of the most common observations is that in all new democratic systems (shaded rows) there is a high level of dissatisfaction with democracy itself, and trend is rather negative in recent period. Similarly, in Slovenia, more than two-thirds of citizens are dissatisfied with democracy in the country. The question remains as to how much of such dissatisfaction fragile post-socialist regime can withstand before this dissatisfaction changes into a denial of the legitima-

<sup>1</sup> Growth of the civil servant system mainly refers to quantitative growth and not so much to growth in the quality of the system.

**Table 2: Satisfaction with democracy in the EU member states (total satisfied; in percent)**

EU Member State	2004	2005	2006	2007	2009	2010	2011	2012
AUSTRIA	71	68	75	80	76	78	73	70
BELGIUM	70	65	68	66	62	56	61	57
BULGARIA	/	/	/	26	21	25	27	24
CYPRUS	63	68	63	61	60	54	44	33
CZECH REP.	45	48	58	51	48	45	31	30
DENMARK	91	92	93	94	91	92	92	90
ESTONIA	45	44	43	53	41	45	46	38
FINLAND	83	77	78	77	69	69	77	78
FRANCE	57	53	45	65	51	54	53	60
GERMANY	61	53	55	66	68	62	68	70
GREECE	68	53	55	63	49	31	17	11
HUNGARY	37	27	46	24	23	35	30	29
IRELAND	77	71	75	69	56	57	57	50
ITALY	46	44	53	40	44	47	34	27
LATVIA	45	44	41	43	21	32	38	42
LITHUANIA	34	24	23	24	18	17	23	21
LUXEMBURG	83	82	83	73	90	83	88	84
MALTA	48	48	48	53	49	45	50	49
NETHERLANDS	71	71	75	80	72	75	75	75
POLAND	30	29	38	48	44	54	59	48
PORTUGAL	39	41	30	36	40	29	29	25
ROMANIA	/	/	/	36	18	20	22	13
SLOVAKIA	25	26	25	35	40	36	33	29
SLOVENIA	57	56	54	48	37	38	31	26
SPAIN	64	67	71	77	58	53	45	32
SWEDEN	76	71	74	80	81	84	87	86
UNITED KINGDOM	63	60	60	62	58	59	60	60
<b>EU 25/27 AVERAGE</b>	<b>58</b>	<b>55</b>	<b>57</b>	<b>57</b>	<b>51</b>	<b>51</b>	<b>50</b>	<b>47</b>

Sources: Table of results. Standard Eurobarometer 62 (Autumn 2004): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb62/eb62\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb62/eb62_en.htm) (February 2013); Table of results. Standard Eurobarometer 63 (September 2005): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb63/eb63\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb63/eb63_en.pdf) (February 2013); Table of results. Standard Eurobarometer 65 (January 2007): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb65/eb65\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb65/eb65_en.pdf) (February 2013); Table of results. Standard Eurobarometer 68 (May 2008): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb68/eb\\_68\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb68/eb_68_en.pdf) (February 2013); Table of results. Standard Eurobarometer 72 (Autumn 2009): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb72/eb72\\_anx\\_vol1.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb72/eb72_anx_vol1.pdf) (February 2013); Table of results. Standard Eurobarometer 73 (November 2010): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb73/eb73\\_anx\\_full.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb73/eb73_anx_full.pdf) (February 2013); Table of results. Standard Eurobarometer 76 (December 2011): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb76/eb76\\_anx\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb76/eb76_anx_en.pdf) (February 2013); Table of results. Standard Eurobarometer 78 (November 2012): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb78/eb78\\_anx\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb78/eb78_anx_en.pdf) (February 2013).



**Table 3: Trust in political institutions (tend to trust; in percent)**

EU Member State	POLITICAL PARTIES					NATIONAL GOVERNMENT					NATIONAL PARLIAMENT				
	2004	2006	2008	2010	2012	2004	2006	2008	2010	2012	2004	2006	2008	2010	2012
AUSTRIA	23	38	38	40	33	45	55	50	54	49	51	56	54	52	50
BELGIUM	23	29	25	20	23	38	47	36	22	38	46	50	40	28	40
BULGARIA	/	/	7	15	14	/	/	15	43	25	/	/	8	25	18
CYPRUS	26	20	29	23	9	65	56	65	43	16	63	44	63	40	15
CZECH REPUBLIC	10	15	12	12	8	27	34	20	32	11	18	22	16	12	9
DENMARK	39	49	54	49	36	56	56	60	50	42	70	75	75	72	63
ESTONIA	17	21	19	20	16	47	54	48	53	35	41	41	37	39	29
FINLAND	26	36	36	30	36	67	65	68	49	62	68	69	71	55	66
FRANCE	13	10	13	14	12	29	20	31	25	30	38	31	36	36	32
GERMANY	13	22	22	19	21	33	39	42	32	41	39	40	41	39	46
GREECE	17	25	14	9	5	50	43	23	25	7	61	56	32	23	9
HUNGARY	18	29	8	29	18	40	48	16	40	27	38	47	16	41	29
IRELAND	18	32	23	17	12	39	42	33	21	18	40	44	36	22	18
ITALY	20	26	16	18	8	28	34	26	25	17	31	40	27	26	11
LATVIA	6	6	5	4	6	26	25	16	13	17	21	21	9	6	13
LITHUANIA	16	10	10	6	13	38	21	16	13	21	23	14	11	7	13
LUXEMBURG	35	41	39	40	22	67	65	60	66	57	64	58	56	52	48
MALTA	28	25	34	25	20	46	38	50	33	34	44	40	57	33	29
NETHERLANDS	34	42	51	45	33	38	42	66	47	47	49	55	64	54	53
POLAND	5	9	7	15	17	13	22	20	28	23	8	13	13	24	20
PORTUGAL	17	19	17	15	17	27	34	31	20	22	43	41	38	28	23
ROMANIA	/	/	14	10	9	/	/	25	12	20	/	/	19	10	13
SLOVAKIA	9	10	16	25	19	22	21	46	38	32	25	27	41	38	30
SLOVENIA	17	19	17	11	9	35	38	36	27	15	36	37	34	23	12
SPAIN	28	31	30	14	6	51	44	44	20	11	48	41	40	21	9
SWEDEN	24	23	34	37	35	41	36	56	57	59	56	56	64	66	68
UNITED KINGDOM	15	18	18	18	12	32	30	29	26	25	37	36	30	24	26
<b>EU 25/27 AVERAGE</b>	<b>20</b>	<b>24</b>	<b>23</b>	<b>21</b>	<b>17</b>	<b>40</b>	<b>40</b>	<b>38</b>	<b>34</b>	<b>30</b>	<b>42</b>	<b>42</b>	<b>38</b>	<b>33</b>	<b>29</b>
<b>CEE 8/10 AVERAGE</b>	<b>12</b>	<b>16</b>	<b>12</b>	<b>15</b>	<b>13</b>	<b>31</b>	<b>33</b>	<b>26</b>	<b>30</b>	<b>23</b>	<b>26</b>	<b>28</b>	<b>20</b>	<b>23</b>	<b>19</b>

Sources: Table of results. Standard Eurobarometer 62 (Autumn 2004): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb62/eb62\\_en.htm](http://ec.europa.eu/public_opinion/archives/eb/eb62/eb62_en.htm) (February 2013); Table of results. Standard Eurobarometer 65 (January 2007): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb65/eb65\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb65/eb65_en.pdf) (February 2013); Table of results. Standard Eurobarometer 70 (Autumn 2008): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb70/eb70\\_full\\_annex.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb70/eb70_full_annex.pdf) (February 2013); Table of results. Standard Eurobarometer 73 (November 2010): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb73/eb73\\_anx\\_full.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb73/eb73_anx_full.pdf) (February 2013); Table of results. Standard Eurobarometer 78 (November 2012): Public opinion in the European Union. Available at [http://ec.europa.eu/public\\_opinion/archives/eb/eb78/eb78\\_anx\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb78/eb78_anx_en.pdf) (February 2013).

cy of the whole societal and political system and when the legitimacy of various political institutions is at risk. Nevertheless, dissatisfaction could also be connected to the outcomes of the democratic transition and consoli-

dation processes and not democracy as a type of social-political relations itself.<sup>2</sup> In this case, dissatisfaction can also be expressed through the existing mechanisms like elections, referendums, political protests, and so forth.

<sup>2</sup> This emphasis is supported by a number of public opinion polls. For instance "Democracy in Slovenia" survey, carried out in March 2011 among 907 respondents across the country, asked whether democracy is the best possible form of governance and whether democracy in spite of its imperfections, is still better than other types of social-political relations. Respondents strongly agreed with both statements; on the scale from 0 to 4, where 0 represents "strongly disagree" and 4 "strongly agree", first statement got estimation 3.49 and the second one 3.38.

**Table 4: Trust in politicians, political parties, and national parliaments in Europe (1995 and 2010)**

Country	Trust in politicians (2010)	Trust in political parties (2010)	Trust in the national parliament (2010)	Trust in the national parliament (1995)
<b>BELGIUM</b>	3,86	3,85	4,46	5,0
<b>DENMARK</b>	5,04	5,17	5,83	6,2
<b>FINLAND</b>	4,43	4,54	5,38	5,8
<b>FRANCE</b>	3,19	3,07	4,15	4,5
<b>GERMANY</b>	3,29	3,26	4,18	4,5
<b>GREAT BRITAIN</b>	3,40	3,50	4,05	4,7
<b>ISRAEL</b>	2,95	2,95	3,64	4,7
<b>NEDERLANDS</b>	5,22	5,23	5,34	5,2
<b>NORWAY</b>	4,96	4,93	6,03	5,7
<b>PORTUGAL</b>	2,01	2,02	2,91	4,4
<b>SPAIN</b>	2,72	2,70	4,30	4,8
<b>SWEDEN</b>	5,04	5,11	6,28	5,9
<b>SWITZERLAND</b>	5,01	4,81	5,81	5,8
<b>BULGARIA</b>	1,99	2,01	2,38	-
<b>CZECH REPUBLIC</b>	2,63	2,69	3,27	3,6
<b>ESTONIA</b>	3,62	3,43	4,24	4,4
<b>HUNGARY</b>	3,12	3,14	4,22	5,0
<b>POLAND</b>	2,66	2,55	3,44	3,5
<b>RUSSIA</b>	3,09	3,11	3,58	-
<b>SLOVENIA</b>	2,25	2,24	2,98	4,0

Source: *European Social Survey*; <http://www.europeansocialsurvey.org> (January 2012). The question was as follows: "Tell me on a scale from 0 to 10 how much you personally trust each of the institutions. 0 means you do not trust institution at all, and 10 means you have complete trust."

Other research (Newton and Norris, 1999, 67–72) found out that there is positive connection between disintegration processes of contemporary societies (especially because of growing inequalities, that are with the impact of global economic crisis becoming even more evident), with drops of public trust towards key state political institutions.

If we take a look at the Politbarometer research,<sup>3</sup> the trust in Slovenian democracy was on the rise up to 2002 when it reached its historical peak of 44 percent. After 2002 it slowly started to decrease, while dissatisfaction slowly has been growing, peaking in 2012, when Slovenia is among EU member states where largest parts of population express strong dissatisfaction with democracy.

Sometimes, the distrust does not apply solely to the democratic system but the personification of democracy—the political institutions (parliament, government, and political parties). Besides dissatisfaction with political institutions, another very important factor is the economic climate in the country. After the end of socialism, the safety net of social care has more or less been

deteriorating, leaving many marginalised. However, in Slovenia, economic stability prevented any greater dissatisfaction with democracy all the way until 2009, when consequences of the global economic crisis hit the country and the safety net of social care started to crack.

General trust in the country is also reflected in the trust in major political institutions (Inglehart, 1999). Table 3 shows trust towards three main political institutions (political parties, national parliament and national government) in all EU member states in period from 2004 to 2012, and compares average trust in all EU member states with average trust in all ten new member states from CEE. We can also quite clearly observe that levels of public trust towards all three political institutions are lower in ten new members states from CEE compared with other, mostly older member states with longer democratic tradition. We can also see, especially in recent period, that there is major difference in term of public trust in three political institutions between northern Europe (i.e. Finland, Sweden, Denmark) and southern Europe (i.e. Italy, Greece, Spain). If we take

3 See Politbarometer research, available at [www.cjm.si](http://www.cjm.si) (December 2013).

another look at the data presented in Table 2, it is not hard to see the connection between the satisfaction with democracy and public trust into major political institutions in various (groups of) countries in the EU.

If we compare public trust in institutions measured in other European countries in 1995 and 2010 in another research, *European Social Survey*, the conclusion is that the level of trust is much lower in new democracies of CEE than the level of trust in established democracies of Western and Northern Europe. The survey covered a range of questions, and in Table 4 we can see the level of trust in national parliaments, political parties, and politicians in all of the observed countries. Even among CEE countries, there is a significant difference in levels of trust. In Slovenia, for example, the level of trust is among the lowest in the region. This indicates that the variations in levels of trust show how different the political systems are and that the level of trust in the region is much lower than in other Western and Northern European countries, probably because of the change in the regime (Kasse, Newton and Toš, 1999).

If we compare trust levels in the national parliament from data sets of 1995 and 2010, we can clearly ascertain that levels of trust have fallen quite significantly, except in Norway, Sweden, and the Netherlands, where trust in the national parliament was actually higher in 2010 than it was in 1995. The average level of trust to the national parliament was 4.63 in 1995 and 4.32 in 2010. Only two of the observed countries' parliaments scored a lower level of trust in 1995 than in Slovenia (Poland and the Czech Republic), with two such examples again in 2010 (Bulgaria and Portugal). Besides that, we can see that the Northern and some Western European countries, on average, have a much higher level of trust, which could also be linked to their high levels of social capital that could play some role in their relatively high trust levels in general.

Public opinion surveys can sometimes be used to lend political decisions some legitimacy. Politicians and the media can use them to influence the policy-making process, strategic decisions, or the outcome of elections. In connection to our paper, the question still remains whether the publishing of public opinion surveys that show relatively low levels of trust in administrative and political institutions itself influences a further drop in trust levels among citizens.

#### (DIS)TRUST IN THE INSTITUTIONS OF THE RULE OF LAW

In democracy, the confidence of citizens in repressive institutions such as the police and the judiciary is of paramount importance. In a democratic political system, these institutions not only have the function of deterrence and forced submission, but also are important for the maintenance of the rule of law and the defence of a democratic regime against its advertisers. The police

and the judiciary, which some label as the fundamental institutions of the rule of law (Linde and Ekman, 2005), refer in this case to the processes of informed consent, which is tied to trust in the political system rather than in the legal system alone. Namely, it is equally important that citizens embrace these institutions as those with a legitimate right to exercise authority. Confidence in these institutions obviously bears significance for the legitimacy of a political system. Citizens expect these institutions to be just, impartial, efficient, and effective, and their operation has to be based on professionalism, procedural justice, and the provision of equal justice and protection to all of society.

From a wider comparative aspect, Europeans trust the police (42 percent) and the judiciary (41 percent) more than political representatives (6 percent) and EU institutions (5 percent), as far as fighting corruption is concerned (Special Eurobarometer 374, 2011, 102). Compared to 2009, the police gained an additional 8 percent, whereas the judiciary lost 2 percent. Of all the bodies, the police enjoy the highest confidence in 14 EU member states, with the greatest level of trust in Denmark (65 percent) and the lowest one in Slovenia (27 percent). Apart from Denmark, only in Ireland do a majority of survey respondents claim the police to be the trustworthiest institution (61 percent). The percentage of respondents who mention the judiciary system as the body they trust the most regarding problem solving, varies from 62 percent in Denmark to 20 percent in the Czech Republic, with Slovenia being just ahead of the latter with 21 percent (Special Eurobarometer 374, 2011, 103). Other than Denmark, there are seven other EU Member States where a majority of survey respondents mentioned the judiciary, namely Germany (59 percent), Austria (57 percent), Sweden (53 percent), Luxembourg (53 percent), France (52 percent), and Finland (51 percent). The judiciary enjoys the highest levels of confidence in 13 EU member states, with the highest one recorded in Germany (59 percent) and the lowest one in Latvia and Lithuania (34 percent). As a rule, the degree of confidence in the aforementioned institutions of the rule of law is much lower in the CEE than in the northern and western European democracies.

It has already been mentioned that the percentage of respondents in the EU who trust the police has increased (by 8 percent) since 2009 and in this manner has left behind the judiciary, albeit only by 1 percent. In all but two EU member states, the percentage of respondents who say the police are the trustworthiest institution has increased. The greatest increase has been recorded in Great Britain (+21 percent), Ireland (+17 percent), Austria (+1 percent), Bulgaria, Italy, Spain and Malta (+2 percent), and in the Czech Republic (+3 percent). The two EU member states that have witnessed a decline in confidence in the police are Slovenia (-6 percent) and Portugal (-9 percent) (Eurobarometer 374, 2011, 104).

The differences in the degrees of trust in the police are to a great extent related to the differences between



states, historical roles of the police, social orientation of the states, financial resources available for the police, the performance of other state institutions, the stratification of societies, and so forth. The degree of confidence in the police is to a great extent influenced by levels of corruption in state institutions and the status of institutions in charge of citizen security within the system of public services as a whole. Additionally, the comparison of the average values of the estimated confidence in the police on a scale of 0–10<sup>4</sup> shows significant differences between individual parts of Europe. At the top, there are predominantly northern European countries (Finland 7.9, Denmark 7.58, Norway 7.04), followed by western and central European countries (Germany 6.58, Netherlands 6.34, Great Britain 6.24). The other half of the scale generally contains Mediterranean countries and new EU member states (Spain 6.1, Estonia 6.05, Cyprus 5.94; France 5.78) and at the lowest end of the scale, there are eastern European countries (Russia 3.7, Bulgaria 3.29). With an average value of 5.05, Slovenia does not significantly diverge from comparable states (Poland 5.12; Slovakia 4.8), as far as trust in the police is concerned.

According to the results of Slovenian public opinion polls (Political Barometer Survey, 2011), the police is ranked among those institutions where trust prevails over distrust, namely 34 percent versus 28 percent (the army enjoys an even greater level of confidence – 52 percent of trust versus 12 percent of distrust). According to the public opinion poll performed in 2009 by the School of Advanced Social Studies, trust in the police was fairly high, as police was trusted or completely trusted by 51.7 percent of all the respondents. Later on, the Political Barometer Survey (May 2011) showed greater percentage of distrust (31 percent) than trust (30 percent) in the police. The average values of responses concerning trust in the police (Political Barometer Survey, 2011) were calculated as follows: May 2010 (3.05), October 2010 (3.13), December 2010 (2.96), and March and May 2011 (in both cases 2.92, respectively), which showed a negative trend, similar to both trend observed earlier when analysing satisfaction with democracy and trust towards major political institutions.

Compared to the police, the judiciary ranks much lower; however, from among all three branches of power, the judiciary still enjoy the highest level of trust in Slovenia.<sup>4</sup> Considering the fact that there is usually no formal connection between judges and citizens, this is somewhat surprising. Contrary to the executive and legislative, the judiciary has no institutionalised mechanisms that would guarantee the accountability of judges. Thus, the legitimacy of the judiciary is not ensured through institutionalised procedures, but is based on individual trust (Buhlmann and Kuntz, 2011, 317). In any case, these

data show that the legitimacy of all three branches of power is extremely low. The bodies of all three branches of power are at the bottom of the (public opinion) scale of confidence, as are the political parties; therefore, political institutions have undergone an extremely deep plunge in Slovenia. However, this is not to say that there is ubiquitous distrust or that this is a general atmosphere in the society, as people are nevertheless able to express their trust, even their utmost trust in, for instance, fire-fighters, who were ascribed average marks of 4.60 (of the maximum 5.00) in December 2010 (Political Barometer Survey, 2010). Additionally, oversight institutions of the state, the educational system, the military, the police, and the President of the Republic also enjoy high levels of trust. "This nevertheless has something to do with the question of a predominant political culture and its proponents who are embedded in political institutions," (ibid., 23).

In spite of all this, the paradox remains that the number of new cases before the courts is inversely proportional to the rates of decline of trust in Slovenian courts. There were "only" 530,056 new cases in 2001, whereas 824,562 new cases were submitted to courts in 2009 and 969,955 in 2010 (The Ministry of Justice of the Republic of Slovenia, 2010). Together with judicial backlogs and delays accumulated over the preceding years, Slovenian courts had to deal with 1.45 million cases in 2010 alone. In the past, courts were unsuccessful in regular and timely resolution of cases, and the number of unsolved cases increased especially during the 1991–1998 period; the number of new cases, solved and unsolved alike, did not significantly change from 1998 to 2005; since 2005, the number of new and solved cases has been increasing, and the number of unsolved cases has been increasing somewhat faster, yet the total number of unsolved cases has been declining (Audit Report of the Audit Court of the Republic of Slovenia, 2011). Actually, the projects for the elimination of judicial arrears have been fairly successful in providing better conditions for the work of the courts, but they have not solved the problems of arrears as such. With the implementation of the projects for the elimination of judicial backlogs and the results they produce, the so-called systemic reasons for judicial backlogs have been diminishing and the subjective liability of the chairs of legal courts, judges, and judicial personnel has been coming to the forefront.

The mission of the judicial system – which should guarantee versatile, just, public, and timely legal services; the resolution of interests, obstacles, discord, or disputes; whose services would be accessible to everyone, performed by a due process of law, efficiently and within reasonable deadlines, protecting people's rights and freedoms, keeping and interpreting the law – is

4 Zero stands for "don't trust at all"; ten stands for "trust completely."

5 Judiciary 18 percent in 2010, 15 percent in 2011; National Government 12 percent in 2010, 8 percent in 2011; National Assembly 11 percent in 2010, 5 percent in 2011 (Political Barometer Survey 2010, 2011).

hence not implemented in the manner envisioned. The causes behind this are multiple; from judicial backlogs to unpredictability of judicial decisions, bad legislation featuring unclear procedures, and absence of practical measurement of the effects, negative images of the judiciary in the media, a lack of understanding of the roles of the courts on the part of the public, the strike of the judges, poor management, and mechanisms too weak to enforce accountability within certain sub-systems of the judiciary, and so forth. The fundamental long-term objectives of Slovenia as regards the judicial system, hence, include a maximum possible level of legal safety (reliability and predictability based on lawfulness and impartiality) and the assurance of the right to be judged within a reasonable period of time, plus the achievement of greater confidence in the judicial system through increased openness and transparency of operation and enhanced orientation towards service users.

As noted above, the degree of confidence in institutions of the rule of law in Slovenia has undergone drastic decline after 2007 and poses serious problems from the aspect of political and legal culture. A low level of trust in the judicial system can be problematic for the legitimacy of the democratic regime. The judiciary needs a high degree of legitimacy, that is, public trust, as this is its main political capital. The support of the rule of law is a presumption of any democratic regime, whereas confidence in the judiciary is essential for the implementation of the rule of law. Hence, it is no coincidence that the doctrine and the practice of the rule of law place trust in the institutions of the latter among the very top legal values. However, the rule of law does not exist solely by itself, since it is connected to society, and so the values of the former have to be as present as possible in the latter; merely referring to them on the part of legal experts is thus insufficient. The rule of law entails a rule of common laws, equal for each and everyone, whereas a jurist state stands for a condition in which those with enough money and power can buy legal services. The characteristic of the jurist state is its legal system that is more or less a reflection of some kind of, mostly political, voluntarism, that is, of a will dictating how reason should follow it. The degree of the judiciary's independence influences its legitimacy and the public trust it enjoys. The decisions of judges have to be based on the law and not on political and/or other interests. The

confidence in the judicial branch of power is based on its independence, that is, on the impartiality, autonomy, and power of judicial institutions to assure their own *de iure* and *de facto* independence.

## CONCLUDING THOUGHTS

The definite answer to the question of why trust in democracy and in various political institutions is decreasing in Slovenia and also in other EU member states remains hard to answer with high degree of confidence, although we can search for answers in recent drops of trust in political, judiciary, and administrative institutions in the global economic crisis that revealed majority of mishaps and deficiencies of contemporary democratic political and economic systems; later is especially true for Slovenia, where series of political scandals, corruption cases, cases of blunt political inefficiency and dubious role of media certainly contributed towards drops of public trust into political institutions and democracy as the form of political system itself.<sup>6</sup> One can also wonder if one of the impacts of the economic crisis is also decrease of the importance of democratic values in the society. Inglehard (1997) claims that societies that are increasingly critical of hierarchical authorities are at the same time more participative and claim a more active role in the policy-making process. Political leaders and senior civil servants are interacting with ever more active and more informed and educated citizens, who are simultaneously more critical of their actions. An alternative approach reveals that sympathy does not necessarily mean trust, but it can also be interpreted as some sort of obvious predictability, meaning that citizens do not *a priori* trust the institution but, since we can foresee its reactions and behaviour in the future, which should be consistent with those in the past, we trust the bureaucratic processes instead. The dimensions of trust between citizens and political institutions cannot be measured only through the parameter of trust/distrust, but at best as a relationship of "inductive anticipation" (Warren, 1999). We can conclude that the legitimacy of the system increases with the level of trust in political institutions. However, is complete trust in favour of democracy, or could it be that a constant ongoing critique and sober judgment of the everyday actions of political bodies is, in fact, in the best interests of a consolidated democracy?

6 In analysis made by Bovens and Wille on Dutch case of decrease of public trust towards political institutions, they analyse ten possible explanations, divided into two major groups, a) political variables and b) economic and socio-cultural variables. Political variables listed are government performance deteriorated, dissatisfaction with Balkenende cabinets and policies, rise of drama democracy and Fortuyn, increase of political scandals and changing political culture. Economic and socio-cultural variables listed are deteriorating economy, changing role of media, change in expectations and values, generational change and loss of social capital (Bovens and Wille, 2008, 287).

## PROCES DEMOKRATIZACIJE IN ZAUPANJA V POLITIČNE INSTITUCIJE V SLOVENIJI: KOMPARATIVNA ANALIZA

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### POVZETEK

*Po propadu nedemokratskih režimov v začetku 90. let prejšnjega stoletja so raziskave javnega mnenja postale pomemben dejavnik v političnem procesu, saj (lahko) prinašajo politični oblasti zaupanje državljanov in s tem pomemben del legitimnosti, ki ga le-ta potrebuje za sprejemanje – zlasti zahtevnejših – političnih odločitev. Da politična oblast lahko deluje učinkovito, nedvomno potrebuje vsaj neko minimalno stopnjo zaupanja državljanov in prav to zaupanje izmerijo raziskave javnega mnenja. Avtorja prispevka kot izhodišče svoje analize vzameta procese demokratizacije Slovenije, pri čemer temeljno pozornost namenjata predvsem odnosu državljanov do demokracije, politične situacije ter političnih in upravnih institucij, merjeno skozi raziskave javnega mnenja. Avtorja poseben poudarek v okviru svoje analize namenita (ne)zaupanju javnosti do sodnih institucij oz. sodne veje oblasti; gre za odnos, ki predstavlja enega temeljnih kamnov trdnosti vsake sodobne demokracije. Na osnovi dostopnih podatkov različnih raziskav avtorja primerjata (ne)zaupanje javnosti v nekatere ključne politične institucije tako v skupini nekdanjih socialističnih držav srednje in vzhodne Evrope, med katerimi je tudi Slovenija, kot tudi v skupini uveljavljenih zahodno in severnoevropskih demokracij. Avtorja ugotavljata, da je stopnja zaupanja v politične institucije v Sloveniji relativno nizka (enaka ugotovitev velja za sodno vejo oblasti, ki pa je, paradoksalno, kljub temu vedno bolj obremenjena z novimi primeri) in v zadnjih letih izkazuje negativni trend, hkrati pa se Slovenija v omenjeni dimenziji bistveno ne razlikuje od preostalih nekdanjih socialističnih držav, se pa seveda bistveno razlikuje od večine uveljavljenih zahodno in severnoevropskih demokracij.*

**Ključne besede:** demokratizacija, zaupanje, politika, institucija, Slovenija.

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