

DEMOCRACY AND HUMAN RIGHTS

THE NEGATIVE IMPACT OF POLARIZATION ON DEMOCRACY

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An analysis of the last 30 years of democracy research leads to the conclusion that that this relatively short period – in historical terms – was very turbulent. It began with the triumph of liberal democracy as a form of the government and ended with the widespread thesis of a democratic recession, for which there are many indications: from the unprecedented rise of right-wing populism through the declining confidence of citizens in democratic institutions and the increasing disregard for democratic norms and rules by many political actors to the negative impact of Covid-19, especially in the form of a strengthening of the executive branch and a restriction of political and civil rights. Nevertheless, there is little point in talking about a crisis of democracy in general because there are differently developed democracies in the world that have to deal with different problems and issues.

What, however, makes the aforementioned dynamics troublesome is the fact that it affects both the “new” and the “old” democracies. The political developments in them have shown that political polarization, which is defined as the ideological distance between opposing political camps, is a crucial part of this disturbing trend. The technological facilitator of this development is the rise of social media. They have significantly facilitated the interaction between the like-minded individuals in a bubble, thus consolidating their divisive image of society. However, this aspect would merit a separate analysis.

DIFFERENT LEVELS AND TYPES OF POLARIZATION

Political scientists distinguish between two levels of polarization: elite polarization, which refers to polarization among formal political actors – political parties and politicians – or institutions populated by these actors, and mass polarization, which refers to society as a whole.¹ In this context, however, it must be emphasized that not every form of polarization is harmful to democratic processes. A certain degree of polarization in a democratic system is not only normal, but also desirable, because it offers voters clear programmatic alternatives, which increases their interest in political processes, thus stabilizing the democratic system. According to Seymour Martin Lipset, political differences are the “lifeblood of democratic politics”.² A healthy polarization leads to a more honest political debate with clear alternatives, promotes political participation, and acts as a remedy against political dis-

enchantment.³ To put it in simple terms, “democracy requires conflict – but not too much”.⁴

The danger to democracy derives from a political dynamic in which a healthy polarization is transformed into a toxic one. Jennifer McCoy and Murat Somer define this kind of polarization as “a process whereby the normal multiplicity of differences in the society increasingly align along a single dimension, cross-cutting differences become reinforcing, and people increasingly perceive and describe politics and society in terms of ‘us’ versus ‘them’”.⁵ This type of polarization weakens respect for democratic norms, corrodes basic legislative processes, undermines the nonpartisan stature of the judiciary, fuels public disaffection with political parties, exacerbates intolerance and discrimination, diminishes societal trust, and increases violence throughout the society.⁶

Toxic polarization can occur for several reasons. It can be of a socioeconomic and ideological nature (values based), be based on an important divisive issue or polarizing individual (usually a president or prime minister), or be founded on pro or anti-government attitudes. However, the most perilous form of polarization for democracy is the one based on identity issues, because by its very nature it has the greatest potential to become toxic. In such conflicts, the political debate does not revolve around “more or less”, as with socio-economic issues, but around “either/ or”, as these types of identities are considered unchangeable and non-negotiable.⁷ Finding a compromise and agreeing on an acceptable middle ground is easier when discussing and negotiating, for example, fiscal policies, investment priorities, social spending or “cake-cutting”, than when discussing the questions of who belongs to the nation or topics like religion, race, ethnicity or language. “How does a policymaker divide up the “glorification” of the national language?”, as Donald Horowitz argues⁸, and the same applies to all other issues linked with national identity as well. This is also the case with moral debates around gender and sexual rights. According to Linda Skitka and Scott Morgan, those issues that have a moral component are “the most difficult on which to compromise”.⁹ A constellation based on the identity conflict is furthermore a fertile ground for the formation of two camps with mutually exclusive identities and interests and thus for the emergence of the “us-versus-them” relation, which is the most important feature of toxic polarization.

The conditions outlined above characterize many countries in the OSCE region. Polarization in them primarily relates to the criteria determining membership in the nation. This is, in fact, a struggle between two concepts that are intended to define the character of the state. On the one hand, there is an inclusive civic concept which emphasizes loyalty to the legal system and acceptance of the key values of society – such as tolerance, equality, pluralism, belief in a democratic system and in the secular state, great individual and civil liberties – as decisive criteria determining membership in the nation. It also tolerates a high level of non-integration and emphasizes the values that every citizen can share, regardless of race, religion, and ethnicity. Based on these ideas, most collective identities are “like shirts rather than skin”¹⁰, namely they are, in theory at least, optional, not inescapable.

On the other hand, there is an ethnic concept in which language, religion, traditions, descent, and ethnicity are at the fore. Ethnicity, above all, is a highly exclusive criterion. While religion, language, and traditions may theoretically be acquired, turning the “outsider” into an “insider”, the definition of a people based on ethnicity excludes this possibility, since it highlights genetic traits that cannot be “acquired”. This concept also emphasizes religious principles in politics, nationalist symbols, strong authority for the state, as well as order and stability.

Moreover, this fundamental issue regarding the character of the state has given rise to other key questions that are currently dominating debates in Western societies, such as one’s view of the country’s own history (critical assessment of its history, heritage, and collective memories vs. praise of the nation and playing down past mistakes) and of racism and equal opportunities for women (systemic and structural restrictions and discrimination definitely exist vs. everyone has equal chances of success and is treated equally by state institutions). In principle, supporters of the civic concept promote the first position, while supporters of the ethnic concept advocate the second. However, in more ethnically homogeneous societies of Central and Eastern Europe, immigration and multiculturalism are not the only issues belonging to identity conflict, but also the positioning regarding the influence of the alleged “gender and LGBT ideology” (so labeled by right-wing populists) on national identity. Western states are not spared of this development, but are affected by it to a lesser degree.

However, the simple existence of a social divide based on national identity alone does not give rise to toxic polarization. The identity divide would only transform into a toxic polarization if instrumentalized by political entrepreneurs so as to use exclusionary and demagogic rhetoric to introduce an “us-versus-them” categorization in the political system in order to benefit from it („an angry voter is a loyal voter”¹¹). Before outlining the actual mechanism of the negative impact which polarization has on democracy, let us first explain how the conditions that favor toxic polarization came into existence.

THE PATH TOWARD TOXIC POLARIZATION

Central and East European countries

The existence of national minorities within the state and disputed territorial claims have always fostered conflict over culture and identity in Central and East European countries. Moreover, for historical and structural reasons, identity politics has played an important role in that region. Contrary to many cases of Western nation building, Central and East European nations did not emerge in conjunction with a strong liberal movement or the establishment of liberal democracy.¹² The prevailing pattern was, rather, the building of an ethnic nation in the struggle for liberation from a dominant power. As a consequence, these states suffered from permanent insecurity regarding their identity and territory.¹³ As a result, ethnic nationalism as an ideology was incorporated in the mainstream of the political systems of Central and East European countries, and the democracy still suffers from it. In addition, due to the difficulties encountered in their countries’ simultaneous transition to a market economy and democracy, Central and East European political actors often tried to strengthen their weak legitimacy by putting national issues on the political agenda and to divert attention from the difficult socio-economic situation as well.

In other words, the issues related to national identity – citizenship, religion, language, and ethnicity – have always been present in the political systems of Central and East European countries, posing a constant threat to democracy. Such a focus on the question of who are “the people” led to hostility between cosmopolitan liberals and ethnic nationalists and caused deep polarization between these two camps. However, the European refugee crisis made identity issues politically even more important and, amid their potential for instrumentalization, more perilous for democracy. Although Central and East European countries are the destination countries of very few refugees, fear of the neighboring country has now been replaced by concerns about immigration and multiculturalism. As it turns out, the symbolic power of immigration issues is much stronger than the power of numbers. Moreover, in recent years, the region’s strongmen have discovered that emphasizing the alleged danger to society through Western inventions such as political correctness and “gender ideology” is politically beneficial to them (e.g. “Poland should not follow in Ireland’s footsteps”, as stated by PiS leader Jarosław Kaczyński¹⁴).

Western countries

Polarization based on identity issues arose not only in societies that had weaker institutions and a less established tradition of democratic pluralism. After ethnic nationalism was completely delegitimized in World War II, the West came to regard it as a relic of the past. This, however, does not mean that identity politics was alien to postwar Western political systems. Starting in the 1970s, a new and post-materialist left emerged which was characterized by a strong focus on issues of gender equality, sexual minority rights, and anti-rac-

ism. In addition, the importance of identity issues was further strengthened by two subsequent developments.

From the 1970s onward, the mainstream left succumbed to the pressures of globalization, abandoned many of its party positions from the 1950s and 1960s and adopted a more neoliberal economic program, thus eliminating longstanding significant differences between the mainstream left and the mainstream right on economic issues. Accordingly, neoliberal policies – privatization, deregulation, liberalization, and monetarism – have spread throughout Western Europe, regardless of whether the mainstream left or the mainstream right held political power.¹⁵ The later Third Way rebranding done by Bill Clinton, Tony Blair, and Gerhard Schröder only reinforced this trend. As a result, the mainstream left had to sharpen its profile to set itself apart from the mainstream right and thus began to promote cultural anti-discrimination measures, i.e., to emphasize identity issues such as gender and rights for sexual and other minorities.

Moreover, the radical left changed in the midst of processes brought about by globalization as well. The centrist trend among mainstream left-wing parties, an environment characterized by a declining attractiveness of class conflict, and the electoral threat from the “new” left (green parties) motivated the radical left to focus more strongly on non-economic issues (identity issues) in order to appeal to new leftist voters.¹⁶

Therefore, identity politics has a long tradition in Western party systems as well. For a long time, however, it was reduced to “minority issues”. As Ivan Krastev emphasizes, identity politics no longer concerns only minorities but majorities as well.¹⁷ The unprecedented rise of right-wing populist parties in many Western European countries has clearly shown that a new important issue has been integrated into the cultural dimension of party polarization: national identity. These parties have achieved electoral success primarily by emphasizing the alleged erosion of national identity.¹⁸

Ethnic and cultural heterogeneity

The fact that the struggle for membership criteria has become an important part of party competition is due to various factors. Some only concern one specific country, such as the civil rights movement in the United States, which made the issue of racial equality relevant again in the United States.¹⁹ There is, however, one common factor that is largely responsible for the rise of identity politics in Western states. For some time now, we have been experiencing a transformation of what were once predominantly mono-ethnic and mono-cultural (homogeneous) societies into multiethnic and multicultural (heterogeneous) ones.

Since 2000, the share of foreign-born citizens increased from 11% to 15% in Germany, from 9% to nearly 12% in the Netherlands, from 10% to 12% in France, from 11% to nearly 17% in Sweden, from nearly 7% to 10% in Denmark, from 10% to 18% in Austria, from 2% to 6% in Finland, from 8% to more than 13% in the United Kingdom, from 10% to

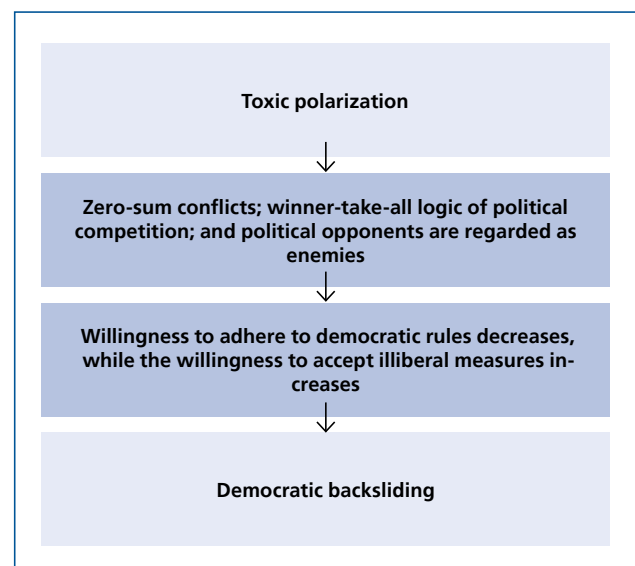
more than 16% in Belgium, from 6% to 15% in Norway, and from nearly 22% to 28% in Switzerland.²⁰ The United States is also characterized by this trend. At no time since the turn of last century has the U.S. had such a high percentage of foreign residents, and according to the U.S. Census Bureau, the majority of the population will no longer be white 30 years from now.²¹

Globalization has contributed greatly to this trend. Although globalization has generally reduced poverty rates, existing inequalities have also become much more visible, and this is one of the main drivers of increased immigration. “With humanity on the way to unification, inequality between peoples takes on the significance that inequality between classes once had,” Raymond Aron has pointed out.²² However, it should also be emphasized that besides globalization there are many other reasons accounting for mass migration, such as family reunification, humanitarian migration, and migration for education and training purposes. The same applies to wars, poverty, and political persecution, which is still a reality in many parts of the world. Climate change must also be seen as one of the causes of increased migratory movements, given that 25 million people leave their homes every year due to natural disasters, according to the International Organization for Migration.²³ Furthermore, the international debate on migration and development has changed in recent years. Emigration has been promoted both by the United Nations and by the migrants’ home countries. The fact that many of these reasons for migration are regulated by international conventions, such as the European Convention on Human Rights, the Geneva Conventions and the Convention on the Rights of the Child, limits the countries’ scope for action to reduce immigration.

Toxic polarization and democracy

The negative impact of toxic polarization on democracy occurs at two levels: the level of political actors and that of citizens.

Figure 1:
Toxic polarization and democratic backsliding



Level of political actors

How the growing salience of identity politics in party competition will affect the democratic system depends on the attitudes and discourse of the leading political actors. The existence of identity issues in party competition does not automatically lead to toxic polarization. This depends on whether the political actors see the identity conflict as an opportunity to promote polarization for their own interests so that they can mobilize their own voters more successfully and weaken their opponents by portraying them as a threat. If they choose this path, the following dynamics can be observed.

The key political actors – in the form of two or more parties belonging to two opposing camps – represent different narratives about national identity that are mutually exclusive and thus non-negotiable. In this case one cannot talk about the usual conflict between different policies, but rather between different world views. Political competition that is characterized by such a cleavage is dominated by a series of zero-sum conflicts, which are regarded as existential and have a winner-take-all logic.²⁴ Subsequently, the political actors no longer respect the difference between an enemy and an adversary, which is essential for democracies to work.²⁵ At the end they no longer agree on the rules of the game either and begin to disregard the basic norms of the democratic political system in order to win elections, because gaining power has become their top priority. As noted by Anna Lührmann et al., “once political elites and their followers no longer believe that political opponents are legitimate and deserve equal respect, ... they become less likely to adhere to democratic rules in the struggle for power”²⁶. In extreme cases, demonizing political opponents also leads to violence against them. A brutalization of words leads to a brutalization of deeds. And once such resentments have been mobilized, they are difficult to control. In other words, in a political system characterized by an existential conflict over identity-related issues, partisan rivals become enemies, political competition descends into warfare, and institutions turn into weapons, which altogether imperils democracy.²⁷

The illustrated dynamic is not limited to the young Central and Eastern European defective democracies such as Hungary, Bosnia-Herzegovina, Montenegro, North Macedonia, or Poland. The world’s oldest democracy, the United States of America, represents the best-known example of the described dynamic and shows that even a consolidated and stable democracy can erode due to toxic polarization. While the Democrats represent an inclusive concept of the nation that includes minorities, the Republicans have predominantly come to be a party of the “white” population²⁸ whose idea of national identity now strongly resembles the extreme right-wing Rassemblement National of France.²⁹ This toxic polarization paralyzed the political system and triggered a wave of norm breaches. In addition to long-established practices such as gerrymandering and voter suppression, the president’s lack of restraint, questioning of the legitimacy of the opposition and the elections, erosion of non-partisanship in judicial appointments, violence against individuals with dif-

ferent political views, and attacks on mainstream media have all been part of the American political system since the election of Donald Trump as president. The behavior of the Republicans following the recent presidential elections gives little hope that this trend will be reversed in the near future.

However, the United States is not the only example to be found among consolidated democracies. Brexit has split British society into two camps. The polarization now goes beyond people’s views regarding Britain’s membership in the EU and has become a conflict over national identity. Hence, Brexit became the catalyst for the struggle about the character of the country - civic concept based on values vs. ethnic concept based on tradition - to the detriment of democracy. Growing intolerance in society, violence against minorities and individuals with different political views, British prime minister Boris Johnson’s attacks against parliament, which was unwilling to fulfill his wishes regarding Brexit, attacks launched by the Tories against the judiciary, which granted parliament the powers in the Brexit dispute, and the Tories’ announcement that they planned to ignore court decisions related to Brexit and to limit the power of the courts as well are few examples of deterioration in the quality of democracy.

Although the polarization has significantly increased in many other countries, such as Germany, France, Sweden, and Spain, they are not characterized by toxic polarization because most parties still hold a moderate position based on key common societal values. This may, however, change with a potential strong shift to the right by the conservative parties, which could, for example, happen in Spain with the revival of Catalonia’s pursuit of independence, or in France with a deepening of the conflict over Islam’s role in society. As Daniel Ziblatt has argued, the consolidation of democracies in Europe depended crucially on the behavior of conservative elites.³⁰ According to him, democratic political systems survived only when conservatives adopted the virtues of pragmatic political action. In this context, the question arises as to whether conservative parties will adopt the populist radical right discourse, as Republicans did in the United States, or continue to base their policies much more on civic values. If they adopt a moderate position, which is still markedly different from the positions held by their main political opponents on the left, this would lead to healthy polarization and benefit democracy.

At the level of political actors, another development can be observed in the countries of Central and Eastern Europe. By presenting themselves as champions of national interests and protectors of their countries’ ethnic and cultural composition, many political actors have been instrumentalizing identity issues and promoting toxic polarization - and not only to win elections and remain in power. Stoking the resentment has been also used as a political strategy in order to seize the power. Undermining the constitutional order – especially by weakening checks and balances, concentrating power in the hands of the executive, and attacking an independent judiciary – is justified by these political actors as a measure to protect state interests and national sovereignty. All actors fight-

ing for liberal democracy, such as opposition parties, independent media, and civil society organizations, are branded as enemies of the nation, whereby their political and civil rights have been endangered.

The best-known examples are Hungary's Viktor Orban, Poland's Jarosław Kaczyński, and Serbia's Aleksandar Vučić. According to David Runciman, liberal democracy is a system that offers personal dignity and collective benefits to the populace.³¹ What he means by this is that a functioning democracy focuses on the common good rather than particular interests, and guarantees citizens' various rights. The new autocrats offer citizens a model that runs counter to Runciman's description of democracy: personal benefits for members and supporters of their party, made possible by the patronage networks that have been built up, and the promise of collective dignity based on the myth of national greatness and ethnic nationalism, with no place left for diversity.

Citizens level

As for the citizens level, Steven Levitsky and Daniel Ziblatt have argued in their bestselling book "How Democracies Die" that since the 1970s, democracies have rarely disappeared through armed coups, but have eroded more slowly through the subversion of elected officials. It is therefore of enormous importance that citizens curb the authoritarian ambitions of elected politicians. This precondition for the longevity of democracy does not exist in a political system characterized by toxic polarization. What we can observe is that due to tribalism – one characteristic of toxic polarization – a democracy of citizens has been replaced by a democracy of fans³², which knows only loyalty or uniformity and equates critical thinking with betrayal. Events are perceived only through the lenses of one's own political camp. Members are very loyal to their "team" and want to win at all costs, while they are strongly biased against the other group.³³

Milan Svoblik's study in which he reviewed several countries such as Turkey, Venezuela, and the USA, found that in such systems voters are prepared to trade off democratic principles for partisan interests: "When punishing a leader's authoritarian tendencies requires voting for a platform, party, or person that his supporters detest, many will find this too high a price to pay. Polarization thus presents aspiring authoritarians with a structural opportunity: They can undermine democracy and get away with it."³⁴ Partisanship beats democratic standards.

In addition, not only citizens in weak democracies but also citizens in a number of supposedly consolidated democracies have become more willing to express support for authoritarian alternatives.³⁵ Many of them are dissatisfied with the way democracy is working, and in countries like France, Spain, the UK, Bulgaria, Greece, and Ukraine, they even represent the majority.³⁶ The negative consequences of polarization – institutional inefficiency, instability, political stalemate, paralysis, and reform backlog – have contributed significantly to the perception that democracy is not capable of solving society's burning problems.

What to do?

Democracy works, as Adam Przeworski emphasizes, "when something is at stake in elections but not too much is at stake".³⁷ Toxic polarization thus poses a serious threat to democracy. As illustrated above, the degree of polarization depends on both the context of political competition and the behavior of political actors. Some issues are more polarizing than others. Some political actors focus more on the common good while others act as political entrepreneurs and prioritize particular interests. But when political opponents become political enemies and the political system has fully embraced Carl Schmitt's friend/enemy distinction, new approaches are needed to facilitate cross-party relations. Societies, therefore, need new ways to counteract polarization.

One solution, which has long been propagated by many political scientists, is to strengthen the deliberative component of democracy. In this sense, citizens' assemblies would be one option to be supported in the context of democracy promotion. These are groups of people selected by random lot, representative of the population as a whole, who meet over several weeks or months to discuss a specific topic. In principle, citizens' assemblies are intended to be a tool to increase citizen participation in the decision-making process. The aim is to strengthen citizens' relationship with the democratic system and to counteract political disenchantment. This participatory variant is increasingly being practiced. For a long time, however, it was limited to local and regional projects (urban planning and infrastructure) and did not address the ideological issues that affect the national level.³⁸

Recently, however, participative practices have been embraced more widely. Citizens' assemblies have begun to discuss issues of national relevance as well: from citizens' assemblies in France and the UK that discussed climate change through the debates about the future character of the country in Scotland to citizens' assemblies that deliberated on the reform of legislation essential to democracy, such as the Election Law and the Law on Political Parties, in Estonia and on electoral reform in Canada. However, the most prominent example is the citizens' assemblies in Ireland, which generated two referenda, on same-sex marriage and on abortion – issues that for a long time were regarded as too divisive.³⁹ The Irish citizens' assemblies paved the way for major reforms: in 2015, 62% of the population voted in favor of same-sex marriage, and in 2018, 66% said yes to legalizing abortion in the first 12 weeks of pregnancy. It is therefore not surprising that the Irish government has decided to hold a new citizens' assembly on gender issues.

In other words, citizens' assemblies should also be understood as a method to mitigate polarization by focusing on highly polarizing issues, thereby strengthening democracy. The studies showed that mini-publics – "small enough to be genuinely deliberative, and representative enough to be genuinely democratic"⁴⁰ – disregard the perspective of only aggregating votes, see through symbolic politics and elitist manipulation of public discourse, and empower participants to free themselves from the influence of populist public rhetoric.

ric.⁴¹ Such new forms of participation can also promote solidarity, social learning about the other side as well as mutual recognition of the legitimacy of different values, preferences, and judgments.⁴²

The experiences of citizens' assemblies that led to success show that five methodological criteria must be met for a citizens' assembly to be successful:

First, the deliberative model has to effectively inject into the political process all concerns as well as all perspectives of those affected by the decision.⁴³ Ideally, the group should have about 100 members and be largely representative of the population (by gender, age, socioeconomic status, religion, race, ethnicity, etc.). In addition to randomly selected citizens, the participation of politicians should not be excluded, as this would give greater legitimacy to the assembly. For example, the Irish assembly on marriage equality was composed of 66 citizens and 33 politicians from all political parties. Participants should also have access to a wide range of accurate, relevant, and accessible evidence and expertise, as well as the opportunity to request additional information.

Second, to avoid the danger of manipulation, impartial actors (e.g. NGOs) should form the organizing committee, which plays an important role in decisions about rules and procedures, and should also take on the role of facilitator. Moreover, the group must deal with a clear and precise topic. The Scottish citizens' assembly, for example, is dealing with the question of what kind of country Scotland should become. Although such a question is very important because, as shown above, identity issues can very easily turn into toxic polarization, it is too broad. It would be much more useful to ask on what specific characteristics Scottish national identity should be based. Experience has shown that engagement is less likely to end in hostility if the focus is on specific needs rather than general values.⁴⁴

Third, citizens' assemblies should not be seen as a substitute for political actors – parties or institutions – but should make their work easier and complement it. This process must not violate the foundations of the democratic system. Some fear that such assemblies could lead to the outsourcing of political decision making and undermine democratic accountability. In a representative democracy, elected politicians have the legitimacy to make decisions. However, citizens' assemblies can deal with issues on which politicians have failed. For example, the Swedish parties recently failed to reach a compromise when negotiating the issue of immigration. In this context, a citizens' assembly would be a next step.

Fourth, politicians must take citizens' assemblies seriously. They should promise to put their recommendations to the vote in parliament or, if necessary, in a referendum. Citizens' frustration with the political elites and political disenchantment may even increase if their work and results are not taken seriously.

Fifth, the debate in the context of a citizens' assembly should be accompanied by the media and thus be made accessible to many more people than just the 100 participants. The Irish

cases have clearly shown how important the role of the media is. The intense media interest surrounding the debate and recommendations of the assemblies forced the politicians to present their proposals to parliament, whereas the voters who were more aware of the assemblies were more supportive of their recommendations.⁴⁵

Many democracies around the world have been plagued by political polarization. Given that a shift toward identity politics is a pronounced trend in the democratic world, toxic polarization is likely to spread.⁴⁶ In other words, identity issues are here to stay and are becoming even more relevant to party competition, thus increasing the potential danger to democracy. To ensure its longevity, new approaches must be found to minimize the dangers. Citizens' assemblies could be one of them.

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THE NEGATIVE IMPACT OF POLARIZATION ON DEMOCRACY



The political developments in many countries have shown that political polarization, which is defined as the ideological distance between opposing political camps, is one of the reasons for the democratic recession.



Not every form of polarization is harmful to democratic processes. The most perilous form of polarization for democracy is the one based on identity issues, because by its very nature it has the greatest potential to become toxic.



Identity-based polarization characterizes many countries in the OSCE region. Societies, therefore, need new ways to counteract polarization.

Further information on the subject is available here:
<https://www.fes.de/en/stiftung/international-work>