

on the other hand, is more sympathetic to the view that policing is legally constituted, and therefore is potentially limited by judicial processes (145–68). Edited collections rarely agree with themselves, and this volume is no exception, though for the most part the disagreements remain productive tensions rather than outright contradictions.

A more serious problem for the essays, however, is raised by the question of what a “police science” means. Insights seem to come at the expense of rigor. In his essay on the “Theoretical Foundations of the ‘New Police Science,’” Mark Neocleous worries that a “science” implies precisely the narrow, power-serving orientation of the old police sciences, to which he opposes a “critical interrogation of police power” (18). What is most frustrating about the volume, however, is something of the opposite problem. Although the essays do a fair bit to “undermine. . . the narrow, commonsensical, and essentially liberal notion of police,” they do so at the expense of clarifying what a new science of the police might be (18). The concept of police is expanded to include so many disparate power relations that it lacks analytic precision. Neocleous notes that “as a conceptual tool ‘police’ is in danger of. . . being made to work in a catchall way” (20). In fact, despite Neocleous’ misgivings about the idea of a police science, his essay is the most scientific, and all the more welcome for that. Neocleous’ chapter reveals the way early modern regulations in England of work spaces, hours, wages, and non-cash payments served to produce a working class, willing to accept the wage form, where there had not been one before. The creation of capitalist social relations required more than mere force and expropriation, but new ways of understanding one’s relationship to time, work, and the means of subsistence.

More than mere historical insight, Neocleous’ argument is theoretically important. A new science of police must go beyond the minimal insight that there are various practices of power best understood as productive of social order: “if, broadly speaking, the object of police powers might be order, such a concept might be refined a little – given a little specificity” (25). A critical science must yoke the police concept to a broader social theory of the kind of order that police powers produce. Otherwise, there is a danger not merely of analytic vagueness, but of confusing a more accurate re-description with scientific analysis. And indeed, what is lacking from a book chalk full of illuminating observations about contemporary forms of governance is a historically and theoretically convincing (i.e. scientific) account of what underlies the myriad forms of “policing” that exist today. While a number of essays mention a generalized concern with safety, or gesture at the “risk-society,” the essential scientific task is overwhelmed by the lop-sided emphasis on critique. Of course, this is just an edited collection, whose main aim is to provoke rather than systematize. At that level it is successful.

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***From Elections to Democracy: Building Accountable Government in Hungary and Poland.***  
By Susan Rose-Ackerman. (Cambridge University Press, 2005).

The title of Rose-Ackerman’s book might seem paradoxical to some: it implies that representative governments created through elections are only a one step towards democracy, important but not sufficient. A full-fledged democracy does not exist unless governments are fully accountable to their constituents, but elections alone cannot secure this. Therefore, she argues, Poland and Hungary, two of the post-socialist countries that are usually hailed as the most successful to establish well-working institutions of democracy and the market, are still en route to “accountable and competent democracy” (3). What these two countries – and other new democracies around the globe – need is a vibrant civil society that not only represents citizens’ interests in policy-making, but also, and more importantly, promotes the recognition of the very need for the “increased openness [of] and public involvement” in government (13) and helps overcome the “unwillingness of citizens to engage in political action” (11).

Rose-Ackerman starts out by taking issue with Schumpeterian adherents of the minimalist view of democracy for whom contestation of power during regular elections is the only requirement for a democratic system. For her, on the other hand, democracy is not so much about power changing hands as a result of elections; it is about elected officials representing the public's interests – “both broad-based attitudes and those directed toward particular policy choices” (2) – in day-to-day policy-making. Unfortunately, she does not delve too deeply into why exactly transparency and accountability of government actions are a necessary component of a healthy democracy but she hints at the same dangers that Alexis de Tocqueville detected almost two centuries ago: “Men are not corrupted by the exercise of power or debased by the habit of obedience, but by the exercise of a power which they believe to be illegitimate, and by obedience to a rule which they consider to be usurped and oppressive.”<sup>1</sup> If citizens' input is sought only at the ballot box, “there is an increased risk of popular disengagement from political life based on disillusionment and distrust of the state and its officials” that might be detrimental to the very core of the “democratic forms the population [of Poland and Hungary] welcomed so warmly in 1989” (7, 11).

And there is plenty of evidence that Central and Eastern Europeans, including Poles and Hungarians, feel alienated from their new democratic governments and blame them for “the poor quality of many public services” (7). For example, only about a third of Central Europeans (43 percent of Poles and 31 percent of Hungarians) are satisfied with democracy, compared to 57 percent of Western Europeans; and like other Central Europeans, Hungarians and Poles are less inclined to trust most democratic institutions (parliament, the justice system, civil service) and fellow countrymen than their Western counterparts (25). They are also a lot less likely to take advantage of their newly acquired freedoms, to join or volunteer for nongovernmental organizations (167) or “engage in protest activities, including something as innocuous as signing a petition” (8). This leads Rose-Ackerman to a pessimistic conclusion that “dissatisfaction with the status quo led to passivity, not political involvement” (35).

Interestingly, she finds causes for citizens' passivity not only in the socialist past but in the democratic transition as well. The mandatory nature of many social organizations under socialism and pervasive state control over them might have made citizens skeptical about independence and the effectiveness of contemporary civic associations. At the same time, the groups that “were in the forefront of protests. . . and played a key role in the Roundtable negotiations” often have a hard time proving to the public their autonomy from organized parties which they often helped to found (34–35). Many independent groups and informal networks did exist before the collapse of socialism but they were “escapist, inward-looking micro-groups of individuals trusting each other, helping each other in coping with everyday problems and creating some space for intellectual survival” and now have a potential to both enable and impede effective civil society (33). It seems that thus far they have done the latter: as a result of market reforms, people have turned to these networks of friends and relatives to help them cope with the deterioration of many public services and growing inequality, “they are concentrating on family and private affairs” (28, 35). Here Tocqueville is relevant again when he talks about what Claus Offe describes as the tension between *citoyen* and *bourgeois*, political freedom and commercial life (read capitalism): the individualism of economic society has a serious danger of leading to “the atrophy of political competence and judgment in public affairs, anti-political tendencies and ‘the general apathy. . .’ a solitary view of life, and abandonment of public responsibility” when “[t]he discharge of political duties appears to [people] to be a troublesome impediment which diverts them from their occupations and business.”<sup>2</sup>

While Tocqueville hardly offers any economic remedies to curtail individualistic economic interests, Rose-Ackerman hints at some. She argues (very much in passing though) not only for democracy as government *by* the people through greater transparency of policy-making, but also as government *for* the people: she implies that a democratic polity – in a pursuit of “substantive goals for human well-being” (3) – should strive to develop policies that are not just competent, but also socially just. The author does not speak explicitly about the redistributive ends of a democratic state, but seems to indicate that “economic and social advantages” need to be curbed to provide equal access to political process and fair results of policy-making (3). And this can only be done by an active, not minimal, state. Here, Rose-Ackerman remonstrates against libertarian

economists and political scientists (who fifteen years earlier advocated for a “night watchman” to replace the Communist “big brother”) because the success of democracy, just like the success of liberal capitalism, at least in the countries of “new” Europe, to a large degree depends on a state that is robust and effective.<sup>3</sup>

The state itself, however, needs close oversight lest it does not reflect the interests of its citizens. According to Rose-Ackerman, there are five institutional options that can and have contributed to policy-making accountability (which is much broader and more substantive than performance accountability) in parliamentary systems like Poland’s and Hungary’s: international constraints, independent oversight agencies, devolution to lower-level bodies, social dialogue, and open-ended public participation. She spends most of the book painstakingly cataloguing the limitations – both inherent and specific to her two cases – of the first four and concludes that the fifth, public participation through the institutions of civil society, “ought to play an important role” because of the inadequacy of other options, but in practice “such participation is weak and biased” (21). She closes the book with recommendations of what Hungary and Poland, and by extension other new democracies, can learn from the rule-making experience and administrative law of the United States that can help them boost open-ended public participation.

The European Union, which Hungary and Poland joined in 2004, has been an important factor in creating local institutions that improve policy-making accountability but, Rose-Ackerman contends, its influence is limited. First, deference to external pressures undermines “local sovereignty and popular control” (37), the exact opposite of the intention to empower local civil society and foster its influence over national governments. Secondly, EU policy recommendations vacillate between “a desire to goad [member states]. . . into action and a commitment to decentralization and devolution” (39), which not only sends mixed signals to the locals, but also undermines EU’s own power to enforce reforms. Thirdly, the European Union’s limited financial help to the new members undercuts its powers and the constraints viability of its programs. More importantly, just like Hungary and Poland, the European Union is a consolidating democracy “where many basic structures are new and untried and subject to debate,” which creates the problem of moral authority over its new members (53). As such, the EU does not have more legitimacy to demand and the capability to enforce much change than national governments.

Independent oversight institutions – the presidency, constitutional tribunals, administrative and ordinary courts, ombudsmen, public prosecutors, and audit offices – by their nature are not good tools for improving policy-making accountability. Their primary function is oversight of performance accountability; they mostly focus on resolving individual cases post factum rather than policy-making and have limited mandates constraining their direct impact; and, more importantly, “their effectiveness depends on their often fragile independence” from the sitting parliamentary majority that they are supposed to oversee (98). Here Rose-Ackerman suggests that the underlying institutional design of Polish and Hungarian democracies – the parliamentary system – has an intrinsic flaw that is impossible to overcome without complete overhaul of the system: “the unitary nature of the legislative and executive branches limits the political incentives to create independent oversight bodies that may embarrass sitting governments” (97). Throughout the book, and especially in the conclusion, she favors the American-style presidential system as better equipped for policy-making accountability, but this preference seems somewhat misplaced or at least overstated: if parliamentary democracies are inherently less capable of ensuring independent oversight of their governments, then most Western European countries should suffer from this flaw, but she presents no evidence to that effect.

Theoretically, one of the best ways to boost public control over policy-making is to decentralize it “to lower level governments that are ‘closer to the people’” (100). However, Rose-Ackerman finds that in Poland and Hungary such devolution results in corruption, leads to service delivery that is often low-quality and uneven in different parts of the country, and – most importantly – produces less citizen involvement (125). Neither country has strong legal provisions that require local government to invite citizens and associations for public discussion or disclose information (109–110). Usually, “those in power [at the local level] try to isolate themselves as much as possible from citizen pressures” and thus consultations with civil society groups occur mostly when it is “politically valuable to get their opinions” (117). Furthermore, citizens and civic groups

are not necessarily more active at the local level than they are at the national level: NGOs tend to concentrate in larger cities and often focus on more visible, i.e. nation-wide, issues; those that exist in smaller towns and villages are typically heavily dependent on financial support from local agencies they are supposed to keep in check hence minimizing the independence of their input; while individuals are just as reluctant, if not more so, to participate in local initiatives as they are in the nation-wide ones. Further decentralization is unadvisable and counterproductive, Rose-Ackerman concludes, instead these countries need to bolster participation of citizens and civic groups at the national level but in a different way they have done so far.

Both Hungary and Poland do give independent associations opportunities to partake in policy-making, but Rose-Ackerman finds the two most common ways in which it is done – social dialogue and civic dialogue – too restrictive. Neocorporatist social dialogue (tripartite commissions bringing together the government, businesses, and labor unions) plays an important role in resolving labor-management issues, but both labor unions and business associations represent their members as economic subjects rather than citizens more generally and neither, the author suggests, is necessarily representative of their constituencies: only a minority of workforce is unionized while “[e]mployers’ associations may not be a balanced sample of the business community” (136). Some social groups are brought in for policy consultations through permanent commissions advising specific ministries – in the so-called civic dialogue – but the membership of these commissions is restricted by governing statutes and “[t]hose excluded. . . have no legal right to demand to be heard or to challenge the committee’s makeup” (128). Rose-Ackerman favors a model of public participation that is open to a greater number of civil society groups on a wider range of public policy issues. Thus far, this way of engaging the public in policy-making accountability is barely existent in both countries: On the one hand, Polish and Hungarian governments – because they are not obligated by law – are reluctant to publicize draft rules, hold hearings, and solicit public input. (Interestingly, in 1987, the last socialist government in Hungary passed a law mandating broad consultations with social groups regarding issues “affecting their daily life,” but the law was repealed soon after the Roundtable negotiations as “window dressing” that would “undermine efforts to create a functioning multiparty democracy” [147–148].) On the other hand, “groups that might provide competent advice and oversight are few and must struggle to remain financially viable” (129).

The author demonstrates the last point by a detailed analysis of environmental advocacy groups in Hungary and student and youth associations in Poland. She never explains why she focuses on these particular organizations (neither does she explain, for that matter, why she chose Poland and Hungary as her case studies and not, for instance, Slovenia, Czech Republic, or Latvia): Are they typical examples of Polish and Hungarian civil society? Are they more numerous and financially successful and yet struggling to make their voices heard by the government? The choice of Polish student groups is most bewildering: they are more like fraternities than advocacy groups; many openly discourage their members from even bringing up issues of policy-making; and they lack democratic legitimacy among their constituency, to name just a few problems. Besides, the author does not differentiate between professional NGOs and more informal grassroots groups – what Tocqueville would have called “free associations.” Undoubtedly, both are important avenues for public participation in policy-making, but their relationship with the government and the public, financial standing, and, last but not least, functions in democratic societies are decidedly distinct.<sup>4</sup> In any case, using these examples, Rose-Ackerman paints a pretty dire picture of the non-governmental sector in Poland and Hungary: the membership is low, the sector is strapped for cash and hence depends on public or foreign funds, and the survival of many groups and their influence on policy-making are questionable.

While Rose-Ackerman starts her book with an exciting premise that challenges many assumptions regarding democracy, her conclusions are somewhat unsatisfactory. She suggests that to fix the many problems of policy-making accountability emerging democracies, including Poland and Hungary, should adopt some of the features of the US model. This recommendation is very problematic. First, the author herself concedes “the limited transferability of [American] experience” because of the “differences in political structure and in the organization of society” (219). As mentioned above, she believes that policy-making in presidential systems is more

transparent and easier for civil society to influence. Regardless of whether this is true or not, many accountability arrangements specific to policy-making by an independent executive in a highly decentralized federation like the U.S. would be irrelevant to parliamentary systems of most emerging democracies in Europe that are unitary states; and Rose-Ackerman herself admits that piecemeal borrowing from American experience “may not have the expected consequences” (219). Secondly, as we know from Tocqueville, countless civic associations existed in the United States since the early days and might very well be responsible for today’s configuration of policy-making accountability and transparency. This “virtuous cycle [that] consists in a mutual strengthening of institutions, on the one hand, and, on the other, the customs, attitudes, habits, cognitive perceptions and incentives they have brought into being – in sum, the famous ‘habits of the heart,’” does not exist – at least yet – in the new democracies of Central Europe.<sup>5</sup> The institutional framework of American democracy might not transplant well into the soil unfertilized by deep-rooted democratic mores. Perhaps, if new European democracies do need to learn, they’d be better off doing so from countries with more comparable political structures and histories, like Germany for example.

Rose-Ackerman also seems to be more demanding of Poland and Hungary than is warranted. Of course, a two-hundred-year old democracy like the U.S. would be more streamlined and efficient than a democracy that is barely 20 years old. But it does not mean that the former is necessarily a standard by which every new democratic system should fashion itself. Younger democracies actually have a benefit of not replicating the flaws of their older counterparts and in turn can provide lessons for more established systems.<sup>6</sup> Rose-Ackerman’s own study points to at least two oversight bodies that have played an important, though yet limited, role in Poland and Hungary, but are either entirely absent or less involved in policy-making accountability process in the U.S. – the office of the Ombudsman and the Supreme Court. She also documents that, though far from perfect, accountability procedures in Poland and Hungary are flexible, self-correcting, and have been improving over time. Of course, she rightly points out that “partisan politicians will be uninterested in or opposed to certain efforts to improve accountability” (4), but her own recommendations to reform legal frameworks and practices can be carried out only by politicians and bureaucrats.

Despite all the shortcomings, *From Elections to Democracy* raises many important questions about democracy in general and in Poland and Hungary, the presumed post-socialist success cases, in particular. Rose-Ackerman vigorously advocates for more participatory policy-making, for a stronger civil society, and for a more substantive notion of democracy. Even if she sometimes fails to provide satisfactory solutions to the problems, this should not take away from the importance of her contribution to the debate about democracies, old and new alike.

#### NOTES

1. Alexis de Tocqueville, *Democracy in America*, ed. Phillips Bradley (New York: Vintage, 1990), 1:9.
2. Claus Offe, *Reflections on America: Tocqueville, Weber, and Adorno in the United States*. Translated by Patrick Camiller. Cambridge, UK: Polity, 2005), 21–22; Tocqueville *Democracy in America*, 2:141.
3. Lawrence P. King and Aleksandra Sznajder, “The State-Led Transition to Liberal Capitalism: Neoliberal, Organizational, World-Systems, and Social Structural Explanations of Poland’s Economic Success,” *American Journal of Sociology* 112, no. 3 (2006): 751–801.
4. Robert D. Putnam, “Bowling Alone: America’s Declining Social Capital,” *Journal of Democracy* 6, no. 1 (1995): 65–78.
5. Offe, *Reflections on America*, 13–14.
6. Some of these lessons are outlined in Andrew Arato, “The New Democracies and American Constitutional Design,” *Constellations* 7, no. 3 (2000): 316–340.

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