A Dissident Letter from "Slovenian Dictatorship"

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Exactly a year ago darkness has set on Slovenia. The process of constitutional erosion and decay has been let loose. The checks and balances have all collapsed over night as the new government came into power and started appointing its ministers and public officials. Furthermore, the epidemic has been exploited to undermine human rights and fundamental freedoms. We were on the verge of the dictatorship, whose grip has been reinforced with every additional wave of the epidemic. Exploiting this uneasy public health situation, the government stalled all protests, took full control over the police and public prosecutors' office, silenced the public media and forced the private media by way of intimidation into self-censorship. In short, Slovenia, after thirty glorious years of its brilliant record of an impeccable constitutional democracy, when it has carried the flag of the best disciple among the new EU member states, joined the ranks of Hungary and Poland. The process of orbanisation officially began in Slovenia, too. It is high time the EU took action, before it was too late.

This is the narrative that dominates in the political, economic and the most influential civil society circles which have wielded control in Slovenia over the last three decades. This is the narrative that they have exported to their European and international peers. This is the narrative that nowadays dominates the European media and the international press. And finally, this is the narrative that, consequently, most of my international academic friends, constitutionalists and rule of law supporters, have taken for granted. If something is dominant, it must be real, and if something is real, it is must also be true and right.

It is at this point, when everyone everywhere, including the academics, uncritically, without a degree of the prerequisite self-criticism and their own independent fact-finding, partake in the same, unequivocally shared narrative, that I taught myself to pause and take some distance from the frenzy of the masses. For I believe, that the academics, as public intellectuals, should be able, as much as it can be expected from the individuals made of flesh and blood, to take a critical, politically unengaged, non-instrumental approach to the public affairs and assess as persuasively as possible, living up to the highest professional standards of their disciplines, the state of affairs in a given polity and to tell the right from wrong. As we see it! All our biases, flaws and personal disadvantages factored in.

When one approaches the Slovenian situation with this disclaimer, she must recognize that the situation in this country is almost exactly the reverse of the image painted through the dominant narrative. Yes, the twitter engagement of the country's Prime minister, political and diplomatic ally of Mr. Orbán, is bizarre, unconventional, often inappropriate and not worthy of a statesman. But the actual state of a constitutional democracy in any country cannot be possibly measured by the helpless and hapless twitter excesses of its leaders. There is so much more that has to be taken into account, digging really into the sociology of a constitutional democracy, understanding and explaining a dense network of economic, political, familial, nepotistic, clientelistic, mafia, religious and other relations.

In Slovenia all these relations have been, from the time immemorial, but especially since the communist revolution and the civil war marked by a monopoly of a single post-revolutionary elite and their descendants that Djilas has described as the new class. These individuals and their structures wield power and influence, formal, but especially informal, with which they can essentially control all important spheres of democratic public as well as economic life. When these people and their monopoly are threatened, the state of emergency, the dictatorship and the authoritarian democracy, as it

is the case today, is normally declared and all possible forces, domestic and international, are mobilized to restore the status quo.

To make sure, I do not want to bore you with Slovenia. Those who are interested into what is actually at stake in this terra incognita on the sunny side of the Alps, are invited to consult this book and this article on the "independent" media in Slovenia. My point is much broader. It relates to the European Union and its capacity to ensure the values of constitutional democracy, stipulated in Article 2 TEU, both for itself and its member states. Without the respect of those values we cannot be a well-ordered society, there can been no fair political game in which we could all compete as free and equals with all our similarities and the differences that take us apart.

But to do so, those values have to be taken seriously, almost objectively *an sich*, and we have to stand and speak up in their defense irrespectively of our world views, ideological leaning or simple epistemic limitedness. This "We" is foremost academics. We should not deceive ourselves that, other than the Court of Justice of the European Union, all EU institutions have become political and further their particular, factional interests. This is a simple truth. Not problematic in and of itself, it is part and parcel of democracy, the fact that the EU has become a political animal too.

However, this politicization of the EU becomes problematic when it reaches all the way down to the fundamental values. In my conception, they should be pre-political, in a sense, that they set the rules for the political game, rather than being part of the game in which even the fundamental values themselves get squeezed or stretched, essentially instrumentalized for short term political gains. This is not just harmful for the values themselves, as they are turned into the tools of political power play and hence utterly relativized, it also works to the advantage of those who actually do grossly violate these values in practice.

If the values are just part of the political game, used and abused by the bitter political enemies on both sides of the political spectrum, then they lose their role of a benchmark of a well-ordered society. When this happens, then anything goes. The power is left unconstrained and at the disposal of influential forces in the society, irrespectively of their political color or creed. As this situation occurs, those who advocate for a liberal constitutional democracy, freedom and equality, human dignity, pervasive pluralism, checks and balances and all those virtues of the post WWII civilization, find ourselves between a rock and a hard place, can be tricked into playing a role of useful idiots for the powers that be or, much more insidiously, act as politicians in disguise. These are, admittedly, all unhappy choices, but it is luckily still on us to eschew them and to do what is not just good, but also right.

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