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Political Development of Lithuania: A Comparative Analysis of Second Post-communist Decade**

Abstract: The goal of this paper is to put into focus and explain distinctive features of the political developments in Lithuania during second post-communist decade, comparing them with other Baltic States (Latvia and Estonia) and those Central European countries with political systems which resembled most closely Lithuania (Poland and Hungary) by the end of the first post-communist decade. In all these countries, second post-communist decade witnessed the rise of the new successful populist parties. The author argues that this populist rise is the proper context for understanding of Rolandas Paksas' impeachment in Lithuania in 2003–2004. His Order and Justice Party has to be classified together with the Kaczynski twins Law and Justice Party and its even more radical allies in Poland, Viktor Orbán's *Fidesz* and Gábor Vona's *Jobbik* in Hungary, Juhan Part's *Res Publica* in Estonia and Einars Repše's New Era in Latvia. They all were right-wing populist parties, proclaiming in their anti-establishment rhetoric the war on corruption of the (ex-communist) elite and the coming of new politics. While the rise of right-wing populism did not change the political system in Estonia and Latvia, its outcome in Hungary and Poland was the breakup of the ex-communist and anti-communist elites pact which was the foundation of the political stability during first post-communist decade. The Kaczynski twins founded *Rzecz Pospolita IV* (4th Republic of Poland), grounded in the thorough and comprehensive lustration of the ex-communist cadres. *Fidesz* leader Orbán used the two-thirds majority in the Hungarian parliament to promulgate a new constitution. Lithuania is unique in that the ex-communist and anti-communist elites pact was not abolished, but preserved and consolidated thanks to the collaboration of all, by this time, established and left-of-center populist parties during the impeachment proceedings. The impeachment of Paksas can be considered as the stress test of the young Lithuanian liberal democracy just on the eve of the accession of Lithuania to the European Union and NATO. An unhappy peculiarity of the stress tests is that they sometimes break or damage the items tested. Preventing the transformation of liberal post-communism into populist post-communism in Lithuania, the impeachment as stress test was a success. However, against the expectation of many observers, it did not enhance the quality of democracy of

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Lithuania. The legacy of impeachment are disequilibrium of the balance of power between government branches in favor of the Constitutional Court, strengthening of the left-of-centre populist political forces and the interference of secret services into Lithuanian politics with the self-assumed mission to safeguard Lithuanian democracy from the perils of populism.

Keywords: right-wing populism; liberal post-communism; populist post-communism; presidential impeachment; quality of post-communist democracy

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1 Introduction

The goal of paper is to put into focus and explain distinctive features of the political developments in Lithuania during second post-communist decade, comparing them with other Baltic States (Latvia and Estonia) and those Central European countries with political systems which resembled most closely Lithuania (Poland and Hungary) by the end of the first post-communist decade. This contribution is sequel to analysis in the paper Norkus (2010), which was then elaborated in the book Norkus (2012). This analysis covered all post-communist countries and had the aim to disclose patterns of post-communist transformation, valid not only for empirically observed but also for the theoretically possible cases. These patterns were derived using multi-value qualitative comparative and disciplined counterfactual analysis.

Differently from this generalizing and more variable- than case-oriented analysis, the present paper focuses on one specific case (Lithuania), and uses the comparisons to validate descriptive and explanatory (causal) statements. However, this is no configurational idiographic single case analysis¹, but rather asymmetric comparative investigation of few cases. Asymmetry means that one of the compared cases (Lithuania) provides the focus of analysis, while the discussion of other cases serves as background and source of illumination to understand developments of Lithuania.² The selection of these background and illuminating cases was guided by two criteria.

1 See Eckstein (1992: 136–138).

2 Cp. Kocka (1999; 2003).

First, selected were the countries which are used as benchmarks by the inhabitants of the central case (country) for internal or emic cross-national self-comparisons.³ In Lithuania, these countries are Estonia, Latvia, Belarus and Russia. However, while Estonia and Latvia are included into the small population of cases for comparative analysis, Belarus and Russia are excluded despite the considerable attention paid to them in Lithuanian mass media. The reason for exclusion is that no fruitful insights can be expected from the comparison of Lithuania with these countries. The present paper is focused on the alternatives and crossroads in the political development of post-communist liberal democracies exemplified by the Lithuanian case, while Belarus and Russia exemplify quite different (authoritarian and semi-authoritarian) pathways of post-communist political development.

Second criterion is the theoretical relevance of cases.⁴ Although Lithuanians most frequently compare their country with Estonia, this does not mean that Lithuanian politics as defined by the constitutional rules of political game, socio-cultural cleavages, party and interest group systems, agenda of the political process is most similar to politics in Estonia or Latvia. I will argue that because of the common legacy of national communism the comparison of Lithuania with Central European countries Poland and Hungary has much more illuminating power, although the unrelenting and aggressive promotion of the Polish minority privileges in Lithuania by Poland's government creates disincentives for the sympathetic interest or learning from the social and economic developments in this country for Lithuanians.

Besides the introduction (1st section) and conclusion (5th section), this paper includes three middle parts. In the 2nd section, the differences and similarities in the political development during the second post-communist decade in all 5 countries are described to profile the exceptionality of Lithuanian case. Third section asks for the causes of this exceptionality (surviving liberal post-communism grounded in the pact of ex-communist and anti-communist elites), and argues that the successful impeachment of the right-wing populist President Rolandas Paksas in 2004 saved Lithuania from populist post-communism which was victorious in Poland and Hungary. The 4th section discusses the collateral damage for the quality of democracy in Lithuania caused by the victory over the right wing populism.

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3 On emic and etic distinction, see Goodenough (1970: 104–119); Harris (1980: 29–45).

4 See Lijphart (1975).

2 The Decade of Populism and its Outcomes

In their periodization of the political development in Estonia during 1988–2008, prominent Estonian sociologists Marju Lauristin and Peeter Vihalemm (2009: 12–15) distinguish 5 periods: (1) 1988–1991: breaking with the old system, the “Singing Revolution”; (2) 1991–1994: radical reforms, constituting a new political, economic and social order (extraordinary politics); (3) 1995–1998: economic stabilization, start of the period of integration with the EU and NATO; (4) 1999–2004: preparations for EU accession, growing inner tensions (development crisis); (5) 2005–2008: new challenges of the post EU accession period, identity crisis, the turn from economic growth to slowdown.

Designating the 1999–2004 period as development crisis, Estonian authors are referring to the wave of dissatisfaction with outcomes of the first post-communist decade. In the public discourse, this dissatisfaction was voiced in the discussions about the split of Estonia into two Estonias. In the politics, the manifestation of crisis was the rise of new parties proclaiming the coming of new politics. It reads as if the authors are writing not about Estonia, but about Lithuania at the same time. Importantly, Lauristin and Vihalemm (2009: 15) claim themselves that their country was not exceptional: on the back of growing popular disappointment with the policies of the first decade of transition, in many East and Central European countries populist parties took power.⁵ The same happened in Estonia. Here such party was *Res Publica*, which was founded in 2001, and invited to vote for new politics and for order. Led by the former General Accountant Juhan Parts, the party won the support of 24.6% of the electorate in March 2003 Estonian *Riigikogu* elections, sharing the position of the strongest party in parliament with the Centre party. (Both had 28 seats in the 101-strong parliament.) This was sufficient to secure for Juhan Parts the position of the prime minister of a coalitional government.

He just repeated the political success of the former president of Latvian Bank Einars Repše, who came to power with the same rallying cries a year ago. In the October 2002 Latvian *Saeima* election, his newly founded *Jaunais laiks* (New Era) party has won 24% votes and 26 seats in the 100-strong parliament, with the leader of party becoming the head of coalitional government. Among all stars of new politics, the Latvian is maybe most eccentric because of his expensive hobbies (e.g., like his Lithuanian cousin Rolandas Paksas, Repše is

⁵ For the analysis of the concept of populism and its variety, see e.g., Betz and Immerfall (1998); Decker (2004; 2006); Moroska (2010); Mény and Surel (2002); Mudde (2007); Rydgren (2004); Szacki (2005).

a pilot, although prefers to fly helicopters, not airplanes). Just before founding *Naujais laiks* party, he proclaimed a subscription asking Latvian people to compensate for his losses exchanging the well-paid job of Latvian Bank president for participation in politics to save Latvia by transferring 1 million USD to his personal account.⁶

The first Baltic State hit by the wave of populism was Lithuania, where political development during the first post-communist decade anticipated those in Estonia and Latvia by 1–2 years.⁷ However, here in 2000 Lithuanian *Seimas* election, the pro-populist votes were split between two politicians – Artūras Paulauskas (19.6% votes) and Rolandas Paksas (17.25% votes).⁸ Besides, differently from newly founded *Naujoji sąjunga* (New Union or Social Liberals), Liberal Union of Rolandas Paksas nominally was not populist and was no new party. It started in the early 1990s as classical *Weltanschauungspartei*, uniting a band of academic intellectuals, converted to liberalism by reading the books of Friedrich von Hayek, Karl Popper and the likes. However, Liberal Union became populist in the late 1990s, when its leaders made a deal with the paragon of Lithuanian populism Rolandas Paksas, who brought the votes of his electorate in exchange for the position of the Liberal Union chairman, helping the party outdo rival Center Union which also claimed the banner of liberalism.

In Estonia, the new politics was promoted by the famous Estonian-American political scientist Rein Taagepera.⁹ In Lithuania, the Lithuanian-American President of Lithuania Valdas Adamkus was the architect and ideologist of new politics, taking political patronage over Rolandas Paksas after his first resignation from the position of prime minister in 1999. President Adamkus had decided to use Paksas as the main instrument of his new politics, arranging the coalition of Liberals and Social Liberals and nominating Paksas in November 2000 as prime minister for the second time.

However, Paksas' second term as prime minister was even shorter (October 2000–June 2001) than those of his political kinsmen in Estonia (April 2003–April 2004) and Latvia (November 2002–February 2004). This term was so short because of the competition between Paulauskas and Paksas, which brought to expression on a personal level the differentiation of the Lithuanian populism into

⁶ See Ikstens (2002: 1013).

⁷ See Kreuzer and Pettai (2003).

⁸ Lithuania has mixed majoritarian-proportional election system, with about half (71) of the *Seimas* members elected in single constituencies, and the other half (70) elected in nationwide vote-by-party lists. Data about voting for nationwide vote-by-party lists are provided.

⁹ For comparison in detail of the rise of populist parties in all three Baltic States, see Sikk (2006).

left and right currents. The appointment of Paksas by Adamkus disappointed the ex-communist leader, former President Brazauskas, who worked hard to persuade *Naujoji Sąjunga* to defect from the Liberals and build a coalition with ex-communist Lithuanian Social Democratic Party. In summer 2001, this work bore fruit, and Paksas was forced to resign.¹⁰

The shares of votes won in 2000 *Seimas* election by Paksas (17.25%) and Paulauskas (19.6%), and in 2004 *Seimas* election by coalition of Paksas for Order and Justice (11.36%) and Labour Party (28.44%) founded by Viktoras Uspaskich just a year ago provide the evidence about the relative strength and its change of the right and left currents of populism in Lithuania.¹¹ So these numbers indicate that right-wing populism was not stronger than left-wing before the Paksas impeachment in 2003–2004 and that it was decisively overpowered by the populist left current.

The dominance of the left-wing populism in Lithuania is a peculiarity of Lithuanian politics in comparison not only with Latvia and Estonia, but also such countries of Central Europe as Poland and Hungary. During the first post-communist decade, Lithuanian politics was more similar to political processes in these two countries, than in other Baltic States. Lithuania, Poland, and Hungary were countries of national communism¹², exiting communism in the mode which transitologists designate as negotiated transition or refolution, to use the word proposed by Garton Ash (1989). The advantage of this artificial word is that it brings to immediate expression the idea that this mode for transformation of an authoritarian regime is intermediate between its democratization by reforms from above and revolution from below.

Democratization by reforms from above proceeded in the countries of patrimonial communism Bulgaria, Romania, Russia, Ukraine, Mongolia, and Belarus, where it was interrupted after Alexander Lukashenko was elected president in 1994. Democratization proceeded in the revolutionary mode in the former countries of bureaucratic authoritarian communism: East Germany, Czechoslovakia, Estonia, and Latvia. In these Baltic States, the communist party was forbidden after the failed August 1991 coup, Russian-speaking part of its nomenclature lost citizenship rights, and indigenous ethnic part of nomenclatura was *de facto* lustrated. Democratization proceeded by refolution in Lithuania, Poland, and Hungary. Here the foundation for democratic regime was laid by an explicit or

¹⁰ See Kašauskienė (2007: 484–538).

¹¹ The *Naujoji sąjunga* or Social Liberals of Paulauskas did not participate at the *Seimas* election 2004 as separate party, but as part of electoral coalition including also Lithuanian Social-Democratic Party. The coalition has won only 20.65% votes.

¹² See Kitschelt et al. (1999).

explicit pact between the ex-communist and anti-excommunist elites: in exchange for loyalty to new regime, former communist elite was allowed to privatize bulk of the former state property, and the lustration was limited to the scapegoats – former functionaries of secret service.¹³

In Lithuania such a pact was made, when in autumn 1992 the factions in the Restoration *Seimas* agreed to a compromise on a constitution of Lithuania, and the anti-communist forces abstained from the street action, after they lost the *Seimas* election in October of the same year.¹⁴ In fact, initially this pact was very fragile. However, it was robust enough to endure the stress test in the September 1993, when the servicemen of the Voluntary National Defence Service (VNDS; *Savanoriška Krašto Apsaugos Tarnyba*; *SKAT*) in Kaunas stopped obeying their command line, and following the example of the post-war anti-communist resistance movement fighters (the “Forest Brothers”), withdrew to the forest. However, the anti-excommunist opposition resisted successfully the temptation to support the rebellion to come back to power before the next *Seimas* election. The pact between ex-communist and anti-excommunist political elites of the same type secured the stability of the political systems of Hungary and Poland during the first post-communist decade.

In Poland, this pact survived 3–4, and in Hungary 5 electoral cycles. While it persisted, these countries were governed by the alternating coalitions, one of them led by an ex-communist party, and the next one by a political party which was a successor to its opponent during the time of extraordinary politics. Anti-communist revolutions in Estonia and Latvia moved the axis of this political process to the right. Restorative politics of citizenship granted citizenship rights only to persons who, or whose descendants were citizens of these Baltic States before June 1940. In this way, the potential electorate of the ex-communist political forces was eliminated, and the identity politics issues were moved on the top of the political agenda. The emerging party system crystallized along the line separating the right parties that were successors to the Citizens Committees movement, and right-of-center or center parties whose leaders came from the core of the former Popular Fronts.

¹³ For survey of the research literature on the modes of democratic transition, see Norkus (2008a:432–437; 2012: 88–94).

¹⁴ Otherwise, Lithuania could become a pioneer of colored revolutions. As a matter of fact, the very first colored revolution before colored revolutions took place in Albania, where in 1992 anti-communist forces after taking power of city streets compelled the ex-communists, a year after winning election recognized by observers as free and fair, to hold the new election. This time the anti-communists won. Such scenario was possible also in Lithuania in 1992.

To recall, the Citizen Committees movement was radically restorationist in its orientation, viewing Soviet institutions as illegitimate and considering the inter-war Estonian and Latvian states still existing as legal entities or to be restored as such after the withdrawing Soviet troops. The Popular Fronts took control over Soviet institutions after winning the election in spring 1990 and calculated using for the re-establishment of independence the article in the Soviet constitution allowing for the self-determination (including the secession) of the union republics. Because of the significant Russian speaking minorities, their influence was very strong (in Latvia with its near 50% Russian-speaking minority by 1989 – dominant) in the local Communist parties, and they were perceived by indigenous populations just as tools of Soviet-Russian occupation. Therefore, no strong ex-communist political parties emerged in Estonia and Latvia in the time of extraordinary politics. In Lithuania, ethnic Lithuanians prevailed both in the population and in the communist party. Therefore, due to timely separation from the Communist Party of Soviet Union in 1989, its local branch managed to establish as influential political force, taking the name of the Lithuanian Labour Democratic Party (in 1990), and then in 2001 amalgamating with Lithuanian Social Democratic Party.

The main cause for the rise of both right-wing and left-wing populism in all new EU member countries seems to be the very uneven distribution of the gains of the post-communist transformation in general, and those from the accession to the EU in particular. As a result, a plurality or even the majority of those who were decidedly against the communist system and expected to win from its abolition, felt themselves deceived and betrayed. New populist parties were most successful among the ageing population too old to try once more to find their chance and who were susceptible to moralizing conservative nationalist rhetoric; in the economically stagnating rural areas and regions and in the small towns with high unemployment rates.

However, in Estonia and Latvia, the wave of populism was surfed by the political forces which attacked the establishment from the right. During the first election to Estonian parliament (*Riigikogu*) in 1992, the coalition of the Right parties campaigned under rallying cry let's clean the house. It has won, and the house cleaning (e.g., the cleaning of the state apparatus from the elements unacceptable to winners) took place. In 2003, populist *Res Publica* demanded to clean the house once more. The election program of Einars Repše was very similar, with only one important difference: strong emphasis on the alleged competence of the founder of *Jaunais laiks* party to manage the economy. Although both political parties grounded their electoral rhetoric in the opposition between us (people, common folk) and them (elite, establishment), which is distinguishing feature of populism, their criticism was not systemic. New populist political forces on

the right did not demand constitutional reforms, and the targets of the attacks were not more concretely defined in terms of social categories. Using the concepts proposed by the Lithuanian political scientist Vaidutis Laurėnas (2004: 9), one can describe the populism in Estonia and Latvia as reformist, not as radical or extremist.¹⁵

Therefore, the invasion of the new populist parties into the party systems in making had no systemic effects in Estonia and Latvia. After some time, they were all outmaneuvered by their nominally younger coalition partners (traditional parties) and discredited by mass media that were mostly hostile to newcomers. Neither Parts nor Repše did preserve their prime minister jobs until the next parliamentary election, which both in Latvia (in 2006) and in Estonia (in 2007) were more successful for traditional parties. Even before the election in Estonia, *Res Publica* in June 2006 amalgamated with the traditional Right *Isamaaliit* (Homeland Union) party, which can be considered as Estonia sister of the Lithuanian *Lietuvos Konservatoriai/Tėvynės Sąjunga* (Lithuanian Conservatives/Homeland Union) party. After the strong meltdown, *Jaunais laiks* party did become one of minor Latvian parliamentary parties, sometimes used by the stronger partners to build governing coalitions.

The economic boom just after the rise of populist parties contributed to their neutralization and domestication. An important factor of the political stability of Estonia and Latvia was the constitutional form of the parliamentary democracy, including the election of the president by the parliament. Lithuania (and Poland) are different from these Baltic States, with their semi-presidential political systems including a popularly elected president. Despite impressive electoral victories of the new populist parties, they did not have sufficient seats to govern alone. After building a governing coalition, the new populist party had very limited possibilities to conduct independent policy. As a result, its voters became disappointed, as no promised new policy was in sight. However, a popularly elected populist president is much more difficult to tame. If Lithuania would have no institution of directly elected president, it would avoid the political crisis which followed after the Paksas victory in the election 2003. He or some other politician like him would have no chances at the parliamentary elections of a president.

The circumstances and outcomes of the rise of populist parties in Poland and Hungary were quite different in comparison with Estonia and Latvia. Poland was swept by a populist politics wave in the year 2005 which brought double electoral success (victory in the presidential and parliamentary elections) to the

¹⁵ See also Laurėnas (2005: 2006).

Polish equivalent of the Paksas Order and Justice party – Law and Order (*Prawo i Sprawiedliwość*) party, led by the twin Kaczyński brothers. However, although Lech Kaczyński became Poland's president and his twin Jarosław the prime minister, *Prawo i Sprawiedliwość* with its plurality of 155 from total 460 seats in the Polish *Sejm* (lower house in the Polish parliament) was not able to build the government which has ruled Poland in 2005–2007 alone. It had to invite as junior coalition partners two other favorites of the 2005 election: the League of Polish Families (*Liga Polskich Rodzin*) under Roman Giertych, which has won 8% votes and 34 seats, and Self-Defence of the Republic of Poland party (*Samobrona Rzeczpospolitej Polskiej*) under Andrzej Lepper with its 11.4% votes and 56 seats in *Sejm*.¹⁶

All three coalition parties can be classified as populist. However, while *Prawo i Sprawiedliwość* can be designated as reformist populist, its junior partners represent the radical or extremist variety of populism. League of Polish Families was formed in 2001 and collected the votes in the ultra-conservative Catholic milieu. The Self-Defence of the Republic of Poland was popular among sections of Polish farmers and in small towns with high unemployment rates. These parties are anti-Semite and fiercely Euro-sceptic, going as far as to describe the EU as a communist plot. So differently from Estonia and Latvia, where new populist parties were dependent on the more moderate traditional coalition partners, in Poland the leading populist coalition party was dependent on the more radical (extremist) populist partners.

This dependence is part of the explanation why the policies of the Kaczyński twins government were so radical. However, one should not exaggerate the differences between *Prawo i Sprawiedliwość* and its partners. The only real differences are related to foreign affairs, as the Law and Justice Party is only mildly Euro-sceptic. However, all of them shared anti-establishment rhetoric based on the contraposition of us (common folk) versus them (mainly ex-communist elite). Concerning internal affairs, they were completely unanimous about the culprit for real or alleged misery of post-communist Poland: This was Magdalenka deal in 1989.

Magdalenka is locality near Warsaw, where Poland's communist rulers negotiated with representatives of *Solidarność* (Solidarity) movement over how to exit from communism, meeting in the government owned mansion-house. The agreements made here – laid the foundation for the Third Republic of Poland (*Rzecz Pospolita III*),¹⁷ allowing to dismantle communist regime in the smooth and

¹⁶ See Markowski (2006).

¹⁷ *Rzecz Pospolita I* was ancient Polish-Lithuanian state, partitioned by the neighbors for the last time in 1795, and *Rzecz Pospolita II* was interwar Poland (1918–1939).

peaceful way. However, in exchange, the former communist elite was allowed to continue to participate in the country's political and economic life, preserving bulk of its power. On the other side, the representatives of *Solidarność* were accused by the extremist anti-communist opposition of betrayal and collusion with former opponents.

Populists in Poland target such accusations also at their main contemporary political opponents. After the crushing defeat of the ex-communist political forces in the 2005 Poland *Sejm* election,¹⁸ such opposition is liberal conservative Civic Platform (*Platforma Obywatelska*), led by Donald Tusk. According to Leszek Koczanowicz (2008: 17), in the 2005 election, both parties presented a mixture of left-wing and right-wing rhetoric: the Civic Platform Party was right-wing in economics while slightly left-wing in the cultural sphere, while Law and Justice, with its emphasis on social solidarity, was more left-wing in economics and right-wing in its politics of identity.

Polish populists set as their goal to undermine the power of the network of ex-communists and ex-functionaries of the communist security, which allegedly had under its control the post-communist Poland. The encompassing lustration of the state employees and mass-media workers was to become main mean to achieve this goal. After *Prawo i Sprawiedliwość* lost the support of its radical coalition partners, *Sejm* of Poland dissolved itself, and the next election in November 2007 was won by *Platforma Obywatelska* of Tusk. However, the ex-communists did not recover former position, and none from the two extremist populist parties did manage to take 5% hurdle to win seats in the *Sejm*. As a result, the outline of the Poland's party system did radically change. Formerly, it was shaped by the cleavage between the ex-communist Left and the Right claiming the legacy *Solidarność*. After 2007, it is structured by the cleavage separating two right-wing parties, both of them deriving themselves from the *Solidarność* tradition. These are liberal conservative *Platforma Obywatelska* and populist conservative *Prawo i Sprawiedliwość*. No more dependent on its radical populist partners, this Polish cousin of the Lithuanian Order of Justice Party of Rolandas Paksas still has the prospect to become a normal or traditional right-wing party.

One has strong reasons to expect such transformation, because the main goal of Kaczyński brothers was achieved during two years of populist rule: Republic of Poland III was replaced by the Republic of Poland III

¹⁸ Ex-communists did not really participate at the presidential election 2005, after their candidate Włodzimierz Cimoszewicz withdraw his candidature, increasing the election chances of Donald Tusk, who nevertheless lost to Lech Kaczyński.

(*Rzecz Pospolita IV*). In 2007, a new lustration law became effective. This law imposed the duty on the Institute of National Remembrance (*Instytut Pamięci Narodowej*), which was established in 1998, to conduct the lustration of the 53 categories of persons (including lawyers, journalists, workers of academic sphere). If the Polish Constitutional Tribunal would not disqualify some of the law's articles as non-constitutional, the lustration would have encompass some 700 000 persons, becoming cleansing action on the scale of Stalin's Great Terror in 1937–1938. Of course, such comparison cannot neglect the crucial difference that Stalin's terror was bloody, while lustrational "terror" was soft. However, their social outcomes were identical: the circulation of elites, which was considered by the great Italian sociologist Vilfredo Pareto as the sociological *raison d'être* of all revolution. Even if the lustration was implemented on the smaller scale than it was conceived, two years of populism in power fundamentally changed Poland.

Koczanowicz (2008: 138) describes this change as the transition from the post-communism to post-post-communism: "this post-post-communist formation can be labeled also as populist post-communism because it has a lot in common with populist ideology as developed at the end of the twentieth century in Western Europe. But what is peculiar to Poland is that the populists are in power. So populist post-communism is at the same time 'populism in power'". Early post-communism (with one prefix "post-") was liberal one, while the late (with two "post-") is populist. According to Koczanowicz (2008: 149), "post-post-communism with its combination of populist rhetoric, national values, and neo-liberal ideology in economics is a tempting alternative to liberal democracy, the universality of rights, and the plurality of cultures. Post-post-communism is an expression of the fear of losing identity in the face of globalization, immigration and the power of international institutions."

Of course, Koczanowicz's diagnosis contains a polemic exaggeration. Right-wing populists ruled Poland only two years, with growing middle class in Poland becoming increasingly allergic to this rule. High levels of its participation at the election 2007 sealed the defeat of *Prawo i Sprawiedliwość* despite the increase both in absolute and relative (at the expense of the extremist populist parties) numbers of the votes cast for this party. However, one can assert as a sure thing that after Kaczyński revolution the pact between ex-communist and anti-excommunist elites was denounced. This is the main political sociological outcome of the right populist tsunami in Poland.

As of 2012, one can assert the same about the outcomes of the still continuing rule of right-wing populists in Hungary. Only the Lithuania political system grounded in the pact between the ex-communist and anti-excommunist elites survived longer than in Hungary. The era of liberal post-communism came

here to its end in the spring 2010, after the electoral triumph of the populist right over the ex-communists and their coalition partners. Reformist populist *Fidesz* (this is Hungarian abbreviation of its initial name – Alliance of Young Democrats) party won 263 (from 386) seats, and extremist populist *Jobbik* (Hungarian abbreviation of the name The Movement for a Better Hungary) party with 47 seats became the third largest party, yielding only to ex-communist Hungarian Socialist party, which with its 59 seats was the big loser. (In the former election, socialists won 190 seats.) Winning two-thirds majority, *Fidesz* even did not need the support of *Jobbik* to work out a new constitution to replace the older one, which was inherited from the communist time. (It was just newly edited in 1989.) This constitution was adopted in March 2011, with all opposition parties (except *Jobbik*) boycotting the voting. New constitution went into force on 1 January 2012 to secure long-time political hegemony of the right-wing political forces.

3 The Salvation of Liberal Post-communism in Lithuania

Comparing political development in Lithuania during the second post-communist decade with those in Baltic and Central European countries, one can point out two exceptional features of Lithuanian case. First, Lithuania is only former national communism country where the pact between ex-communist and anti-ex-communist elites survives. Second, although the populist wave of the second post-communist decade was particularly strong in Lithuania, the left-wing populism is dominant in this country. This is exceptional, because elsewhere the right-wing populism prevailed.

The main thesis of this paper is that both these exceptional features of the Lithuanian politics are causally related to the success of the impeachment of President Rolandas Paksas in 2004. If the impeachment would failed, then right-wing populism would have prevailed over the left-wing populism, and Lithuanian politics would have moved in the same direction where Poland moved in 2005–2007, and Hungary after 2010. Following Leszek Koczanowicz, this change can be described as the transition from the liberal post-communism to the populist post-communism. It is difficult to say, how long this new state would have endured. However, it is a sure thing that the pact between ex-communist and anti-ex-communist elites which holds Lithuanian political system in the equilibrium up to now, would not have survived the failure of impeachment.

For the Lithuanian reader, the chronicle of the impeachment events is so well known that it does not need a rehearsal.¹⁹ However, for the convenience of the foreign reader, I am inserting into the original (Lithuanian) text most important information. Born in 1956, Paksas graduated in 1979 from the Vilnius Civil Engineering Institute with a degree in Industrial and Civil Engineering and then from the Leningrad Civil Aviation Academy in 1984 as an engineer pilot. After demise of communism, he made a fortune in construction business, and joined the Lithuanian Conservatives/Homeland Union party. In 1997, he was elected to Vilnius City Council and became the mayor of the Lithuanian capital. In May 1999, the leader of the Conservative Party Vytautas Landsbergis selected him as the successor to Prime Minister Gediminas Vagnorius, who had split with President Adamkus over how to cope with the impact of the Russian crisis of 1998 on the Lithuanian economy. In this way, Paksas became prime minister in June 1999, heading the ninth government after the restoration of independence. Five months later, he resigned because of a disagreement with the leaders of the Conservative Party over the sale of *Mažeikių Nafta* (Mažeikiai Oil), the Lithuanian oil processing company to the American oil company Williams.

The resignation of Paksas on 27 October 1999 was the act that overnight provided him with political capital, earning him the reputation of being uncompromisingly honest, maybe the only honest and at the same time economically competent politician in the eyes of broad parts of the population. He was courted by the leaders of the Liberal Union to become its head, and after the election success in 2000 already described in the first section, served as prime minister of Lithuania for second time in 2000–2001. After the failure of the new politics promoted by the President Valdas Adamkus, Paksas went to the presidential election in late 2002, winning 19.7% of the votes in the first round on 22, 2002 and soundly beating his former promoter and protector Adamkus in the second round on 5 January 2003 with 54.9% against some 45% of the votes.²⁰ The single greatest contribution to the Paksas election campaign – about US\$ 400,000 – was made by the ethnically Russian businessman Yuri Borisov, owner of the company Avia-baltika that repaired and traded helicopters in Kaunas.

This Borisov connection aroused the suspicions both in mass media and Lithuanian secret services about the possible involvement and interest of Moscow in the political success of Paksas. These suspicions proved to be fateful for his political career. When in late October 2003 Paksas announced his decision to appoint

¹⁹ See Lopata and Matonis (2004); Ganusauskas (2004); Savukynas (2004); Bielinis (2004). Laučius (2004); Norkus (2008b). For publication of the official materials of impeachment, see Vaičiaitis (2005).

²⁰ For the account of the presidential election of 2002 in detail, see Bielinis (2003).

the new chief of the one of the several Lithuanian Secret Services – *Valstybės saugumo departamentas* (VSD) or in English, the State Security Department (SSD), a secret SSD memo leaked into the mass media from the office of the chairman of Seimas Paulauskas. The memo contained the statement that some of Paksas' advisors had connections with mobsters from Russia. To investigate the misconduct of Paksas' advisors and that of his own, Seimas appointed a special investigation commission headed by the Social Democrat Vytautas Sakalas.

On 1 December 2003, the commission reported that there were six charges indicating that Paksas had committed impeachable acts and that there was a risk to Lithuania's national security. On 23 December 2003, the 12 person panel as prescribed by impeachment law was formed. On 19 February 2003, the panel concluded that most of the charges were justified to begin the impeachment. On the same day, Seimas voted to start the impeachment and passed the charges to the Constitutional Court. The Constitutional Court ended its part on 31 March 2004, indicting Paksas on 3 charges. All of them charges were approved by the Seimas voting on 6 April 2004. After removing Paksas, the chairman of the Seimas, Paulauskas took over as acting president until the outcome of the next election was known in June 2004. The impeachment clouded both Lithuania's entry into NATO on March 29th and into the EU that followed on May 1st.

For my thesis about the path-defining impact of the impeachment success for the political development of Lithuania during the second post-communist decade, two facts are of the uppermost importance. First, there was a consensus among all opponents of Paksas that third president of Second Republic of Lithuania was indeed a populist, while his rhetoric and symbolic had clear right-wing color. Of course, when some influential opinion-makers labeled him as the enemy of civil society and fascist implying that impeachment itself was antifascist resistance, this was just a polemic exaggeration.²¹ However, his similarity to Jörg Haider (1950–2008) and Jean-Marie Le Pen rather than to Hugo Chávez, Alexander Lukashenko, and other stars of the left populism is quite obvious.²²

Second, impeachment succeeded only by a close margin. Note impeachment charges and vote distribution:

1. Honoring Russian citizen Yuri Borisov with Lithuanian citizenship in violation of rules and procedure and as payback for his financial and other support during the 2002–2003 presidential election campaign (86 for – 17 against);

²¹ See Donskis (2004).

²² It is no accident that infamous Norwegian extremist and terrorist Anders Breivik recognized Paksas Order and Justice Party as a political kin. See Černiauskas (2011).

2. Inability to protect secret information by allowing Borisov to understand that his phone had been wiretapped and that he was under surveillance by the SSD (86–18);
3. Meddling in private business affairs – the president, via his advisers, pushed shareholders in a road-building company to sell their shares to businessmen who were Paksas' close friends (89–18).

The votes overwhelmingly disfavored Paksas. However, only 115 Seimas members participated in the voting, while at least 85 votes approving at least one charge were necessary to remove the president. So there were no heavy odds against Paksas, and the outcome of impeachment voting was even more open before the events on the 23 March 2004, which remain mysterious today. Just a week before the announcement by the Constitutional Court of its conclusion, Paksas announced his decision to appoint Borisov as his advisor. Under the circumstances, it was tantamount to political suicide. On that night, Paksas' closest advisors and leaders of the pro-presidential Liberal Democratic Party convinced him not to sign the decree appointing Borisov to his new position. But Paksas' reputation was irreparably damaged, causing even some of his closest associates to break with him. Obviously, the events on this dramatic day also had heavy influence on the attitudes of those Seimas members who were still undecided how to vote. Had this episode not happened, then the odds would be against the success of the impeachment.²³

Importantly, the events of 24th March 2004 and subsequent removal of Paksas by *Seimas* voting were not sufficient to neutralize the threat of populism in power in Lithuania, because broad parts of electorate were only hardened in their perception of Paksas as a victim of elite conspiracy. The critical point in the political process started by the impeachment was not 6th April 2004, when Paksas was removed from office, but on 25th May 2004, when the Lithuanian Constitutional Court stated that an individual who has been removed from office through the process of impeachment for breaking his oath of office may never

23 It remains unclear why Borisov was pressuring so obstinately Paksas for the appointment which had more of a symbolic value than provided real power – exactly at the critical moment during the entire impeachment procedure. Revealingly, after impeachment, Borisov was allowed to remain living and doing his business in Lithuania, despite the consensus among Paksas' opponents that he should be deported as soon as possible as too dangerous a hazard to the Lithuanian state. Borisov was able to control Paksas' behavior, but meanwhile received new controllers over himself. Suspected wile Russian secret services were replaced in this role by some benevolent (for Lithuanian *raison d'État*) agency who was able to propose to Borisov the deal: to allow him to work and conduct his business in Lithuania in exchange for imposing on Paksas some politically suicidal actions, e.g., his own appointment as advisor.

seek office requiring an oath, and this thereby ended Paksas' political career. If Paksas would have been allowed to run for presidency again, he would surely succeed to get into second round, and here his chances of success would not have been smaller than those of Kazimira Prunskienė, who was supported by Paksas. She collected 47.35% votes.

If Paksas would have been allowed to run for presidency again, the election would have become a referendum to ratify or reject the outcome of the Seimas voting on presidential impeachment, with the prospect of the severe political crisis in the case of Paksas success. Lithuania could anticipate the scenario of president's impeachment in Romania in 2007. On April 19, 2007 the Romanian Parliament voted in favor of Traian Băsescu's suspension with 322 votes for the impeachment proposal, 108 against, and 8 abstentions. (The minimum number of votes needed was 233.) So the 2004 *Seimas* voting in Lithuania was much more favorable for Paksas than that in 2007 in Romania for Băsescu, who like the former mayor of Lithuanian capital city Vilnius Paksas, accumulated his primary political capital in the position of the mayor of Romanian capital Bucharest.

However, according to the Romanian constitution, the suspension of a president should be confirmed by the parliament, if the incumbent does not resign. According to electoral law in power at this time, an absolute majority of all Romanians with the right to vote is required for a positive result in a dismissal referendum. On the eve of voting, the law was changed by stipulating that the impeachment process will be approved through the majority of votes for the participants at the referendum. However, the referendum voting on 19th May 2007 was an impeachment failure, because only 25% participants (with participation of 40% of electorate) supported the removal of Băsescu.²⁴ His suspension was cancelled, and in 2009, Băsescu was re-elected as Romanian president. Băsescu was suspended by the Parliament a second time on 6th July 2012, and a referendum on his impeachment being held on 29th July 2012. This time, about 87.5% of those who did participate had voted to impeach him, but Băsescu was saved by new change in the election law, setting the minimum threshold of more than half of eligible voters, while the 2012 referendum turnout was 46.23%. The decision of the Lithuanian Constitutional Court on 25th May 2004, preempted the Romanian scenario in Lithuania, saving this country from the Băsescu perplexity, plaguing the politics of this Balkan country already for a decade.

Băsescu together with his Bulgarian political cousin former (in 1943–1946) King Simeon Saxe-Coburg-Gotha can be considered as another two cases of the right-wing populism which swept over former communist countries during

24 See Stan and Zaharia (2008).

the second post-communist decade. However, both Romanian society and political system differ too much from Lithuania to use Romania as a model for guesses about the hypothetical development in Lithuania after the failure of Paksas impeachment or re-election as a president. However, it is not very difficult to infer its course using the real political development of Lithuania as a baseline. After several affairs involving SSD in the years after Paksas impeachment, including also failed attempts at the parliamentary investigation of its activities in 2006, it is established beyond reasonable doubt that this secret service played a very important and maybe autonomous role in removing the popularly elected president. During impeachment procedure months, carefully selected compromising bits from Paksas' wiretapped conversations were leaked to the mass media just to keep the public excited week after week. Obviously, the SSD was the sole agency capable of monitoring the Lithuanian resident's communications, and its workers followed very selectively the duty to keep the collected informations secret, acting upon the reasons of political expediency.

The very possibility of a Russian influenced agent sitting at the very top of Lithuanian government was perceived as an insult by many patriotically minded officials in the SSD, foreign, and other offices. They perceived themselves as guardians of Lithuanian state interests standing above the petty party politics, with a mission to direct and correct (if necessary) the mistakes of democratically elected politicians. Idealistic motivation of the SSD workers is beyond doubt. However, if there are strong reasons for suspicions about the meddling of SSD into politics during the impeachment story, the conduct of Paksas is not beyond reproach, if assessed by the same standard. He was even more obviously guilty of implicating into politics another Lithuanian secret service – *Specialiųjų tyrimų tarnyba* (STT) or in English, the Special Investigations Service (SIS).

The SIS is one of three Lithuanian secret service agencies, along with the SSD and military intelligence and counterintelligence. While the ambit of military intelligence and counterintelligence is rather narrow and precisely circumscribed, the duties of the SSD and SIS overlap. The SSD is the oldest Lithuanian secret service, established immediately after the formal restoration of Lithuanian independence in 1990 with Mečys Laurinkus as its first head. Its functions include intelligence and counterintelligence, anti-terrorist activities, protection of state secrets and that of the foundations of the national economy and strategic objects, socio-political analysis and forecast, and public information analysis. The SIS was established in 1997 to fight corruption among public officials. Both services work by like methods (the wire-tapping of phone conversations being most important) and during the years

accumulate materials (*compromat*) that has potential value for politicians to compromise their rivals.

Disposing over such materials, heads of secret services may be tempted to approach specific politicians to provide them with useful materials in exchange for political back-up. This enables politicians to play as patrons and use secret services under their patronage for their particular goals, while the heads of secret services are tempted to play political games as well. Political back-up was very much needed by the SIS because many officials whose activities were investigated sought protection by the membership in one of the strongest political parties. So the SIS was dependent on political support in its work. Under its chief Valentinas Junokas (in 2000–2004), the SIS sought the political back-up of the incumbent president who according to the Lithuanian constitution should be above the parties, suspending her or his party membership if elected.

After the election, Paksas inherited this patronage to collect evidence compromising his political rivals and to use it on the proper occasion. The events following the impeachment provide the evidence that Paksas prepared a counter-attack against the *Seimas* and the political parties that were behind his impeachment. Excluded from participation in the presidential race, Paksas supported one of the participants in the president's election – Kazimira D. Prunskienė, proposed by her Farmers' and New Democracy Party, and reputed to be a politician with pro-Russian leanings. Three days before the second round, on 24th June 2004, agents of the SIS conducted searches in the headquarters of four main parties (Conservatives, Centrist Liberals, Social Liberals, and Social Democrats), which had supported her rival Adamkus. What the SIS did for Prunskienė, it would surely have done for Paksas (and even more), if he had been allowed to participate in the election. The use of this weapon before the impeachment vote in the *Seimas* was tactically inopportune, as this would have led to further decrease his support in the Lithuanian parliament. If Paksas had been allowed to run for re-election, the compromising material against him surely would have surfaced at the decisive moment of the electoral campaign.

Assessing the chances for transformation of liberal democracy into populist democracy and that of liberal post-communist into populist post-communism in 2004, one should not forget that in this year Lithuania faced not only early presidential election, but also regular *Seimas* election, scheduled for autumn 2004. As long as Paksas was supported only by those members of Lithuanian Liberal Union who remained loyal and in 2002 joined his newly founded Lithuanian Liberal Democratic/Order and Justice party, rather restricted constitutional presidential powers provided for Paksas few levers to influence policy-making. However, in autumn 2004 the situation could essentially change.

This is how the situation was perceived by one of the most perceptive observers of the Lithuanian political scene Vytautas Radžvilas (2004: 21–22) just after the Paksas' victory at the presidential election:

“In this respect, the *Seimas* election which will take place after two years, will decide a lot. Before the election, Paksas will do everything to create the image of a President who is well-meaning but restricted by parties and therefore ‘powerless’, and will try to get a firm political support in the parliament. The success of his political party – ‘Liberal Democrats’ – at the *Seimas* election would signify the emergence of the strong ‘presidential’ party sufficiently powerful to prepare ground to referendum for enlargement of presidential powers. After the realization of this scenario, the structure of Lithuanian political life would swiftly come close to the model of imitative ‘governed democracy’, which is nowadays successfully consolidated in Russia.”

If Paksas would have survived the impeachment and (even more) if he would have been re-elected a President, then he would not miss the opportunity to compromise on the eve of the *Seimas* election in 2004 the traditional parties, competing with his Order and Justice party. Most probably, the ex-communist Lithuanian Social-Democratic Party would become the main target of this attack. The bulk of those votes which in the October 2004 were collected by the newcomer populist Labour party, would be collected by the Paksas' party or other parties friendly to him. With a broader support in *Seimas*, Paksas could have use for his goals rather broad constitutional powers²⁵ in appointing a prime minister after the parliamentary election. About what would have followed next, the events during two years of Kaczyński twins rule in Poland or Hungary after 2010 provide rather close picture.

On the final count, the outcome of Paksas impeachment and the fate of the right-wing populism of Lithuania was decided by the support of ex-communist LSDP, although his hottest opponents were his former party friends – Conservatives who considered Paksas a traitor, and Liberals resentful of their former leader. So Paksas' blood served to confirm and rejuvenate that pact between ex-communists and old (those from the epic times of the struggle for restoration of Lithuanian independence in 1988–1991) anti-communists, which was destroyed in Poland and Hungary by the success of the Paksas' political cousins. This experience of the united front against the right-wing populism created the conditions for the minority left-of-center government of Gediminas Kirkilas in 2006–2008, which could only remain in power due to the support of its nominal archrival – the Conservative party (Homeland Union). The image of the Homeland Union supporting the excommunist government was completely inconceivable before

²⁵ Described in the article 58 of the constitution of the Republic of Lithuania.

the impeachment. So the success of Paksas impeachment explains why in Lithuania the pact between ex-communist and anti-excommunist elites made during the “refolution” in 1988–1992 not only survived, but was consolidated, while it broke down in other former countries of national communism.

After the prohibition for Paksas to run for office requiring an oath to Lithuanian state erected the dam safeguarding liberal post-communism from right populism, the energy of social discontent turned into votes which were collected by the left-wing Labour party. According to Raimundas Lopata and Audrius Matonis (2004: 154), “it may be paradoxical, but analyzing party popularity ratings since early November 2003 it is difficult to avoid the conclusion that V. Uspaskich’s Labour party benefited most from the President Office scandal.” This statement is seconded by Virginijus Savykynas (2004: 89): “only ratings of those politicians who were not directly involved in the scandal did increase. People who were disappointed by R. Paksas did choose V. Uspaskich and not some other politician: this is how we can explain the exceptional rise of V. Uspaskich.” This is the most credible explanation of the second distinctive feature of the Lithuanian politics during the second post-communist decade described above (to recall, the prevalence of the left-wing populist parties over those from the right).

The presidential career of Paksas’ Polish counterpart Lech Kaczyński ended on 10 April 2010 with his death in a Polish Air Force plane Tu-154 crash in Smolensk. He was laid to rest in Wawel Cathedral, with a secure place among Polish kings and national heroes (including the founder of the *Rzecz Pospolita II* Józef Piłsudski) for the coming centuries. Even if, in 2006, Paksas became the first Lithuanian pilot to circuit the globe in a one engine motor plane, this did not improve his reputation as the greatest failure and loser among the first rank politicians in post-communist Lithuania. The Kaczyński twins founded *Rzecz Pospolita IV*, grounded in the thorough and comprehensive lustration of the ex-communist cadres. The *Fidesz* leader Victor Orban used the two-thirds majority in the Hungarian parliament to promulgate a new constitution, and thereby repeating the Kaczyński brothers feat. By 2012, he remains at the zenith of his political career.

The political cousins of Paksas in Estonia and Latvia were less successful than their counterparts in Central Europe. Part had to step down as prime minister on 24th March 2005, as it transpired that his Minister of Justice Ken-Marti Vaher had established a quota system for public prosecutors of how many civil servants had to be prosecuted every year (per county). Mass media compared these rules with the quota for liquidation of the enemies of people which were set in 1937 by Josif Stalin for his secret police.²⁶ However, after the amalgamation of the

26 See Pettai (2006: 1096).

populist *Res Publica* with the respectable Homeland Union (*Isamaaliit*), he remained an important political figure and was appointed a minister of economic affairs and communications after the election victories of the right-wing coalitions in 2007 and 2011. Einars Repše in Latvia was able to score the victories fighting corruption and tax avoidance until his political opponents accused him using his position to obtain loans on conditions better than those available to the general public. These accusations prompted Latvian special investigation service KNAB (*Korupcijas novēršanas un apkarošanas birojs*; The Corruption Prevention and Combating Bureau) to start criminal investigations. Although no wrongdoing was discovered, Latvian cousin of Paksas lost irretrievably the charisma of an exceptionally clean politician, although was not eliminated from the Latvian political Olympus.

The fall of Paksas was most fast and deep. How then to explain this spectacular debacle of Lithuanian right populism? Of course, the swift political catastrophe of the right-wing populism in Lithuania can be explained by personal qualities of the removed president. In comparison with Kaczyński twins in Poland, Victor Orban in Hungary, Einars Repše in Latvia, and Juhan Parts in Estonia, the Lithuanian circumstances elevated to the position of the leader of the rightist populist movement very weak person. The dramatic events on 24th March 2004, prompting many observers even doubt the very mental integrity of Paksas, demonstrated that Paksas was neither able to cope with challenges of his position, nor use its opportunities.

From all numerous mistakes of Paksas, the most fateful decision for the destinies of the right-wing populism in Lithuania was his infamous deal with Borisov. Through his contribution to Paksas' campaign, Borisov expected to buy a somewhat friendlier attitude toward his business from the Lithuanian state, to get appointed as Paksas' adviser, the help to destroy his competitor *Helisota* and to receive state decorations (Vaičaitis 2005: 178–179). It is revealing that the political career of Paksas' Latvian counterpart Einaris Repše was definitively undermined after it was found that his New Era party gained significant funds from Russian businessmen Valeri Belokon and Georgij Krupnikov. This happened in Latvia – country, where Russian minority dominates in the business. In Lithuania, the information about Paksas pre-election deal with his main sponsor Borisov was perceived as alarm signal by Lithuanian officials, responsible for the security of state, because Borisov was under reasonable suspicion of being connected not only with Russian military-industrial complex, but also to Russian secret service.

Kaczyński twins, Parts and Orban are not known to have any connections with Russian business. The publication of information about such connections is sure recipe to ruin the reputation of a politician in Baltic (with only

partial exception for Latvia) and Central European countries. If Paksas would have found sponsors among, say, American Lithuanian, or just among local ethnically Lithuanian businessmen to substitute for “dirty” Borisov’s money, the fate of right populism in Lithuania would have been different, with Lithuania becoming first post-communist country undergoing radical change in its political system on a par with Poland in 2005–2007 and Hungary since 2010. Liberal democracy in Lithuania was very lucky with his main right populist challenger Paksas so ineptly colluding with Russian Borisov and hiring cheap Russian public relations company “Almax” to direct his election campaign.²⁷

A controversial Lithuanian publicist and politician Romualdas Ozolas (2005) describes 2004 as a fateful year when Second Republic of Lithuania ended. As a matter of fact, differently from Poland in 2005–2007 and Hungary after 2010, liberal post-communist Second Republic of Lithuania was rescued.

4 The Price of Victory

During the impeachment, its observers and participants did not miss opportunities to point out that presidential impeachment in Lithuania is a unique event in the European political history. As the very catchword Paksasgate used by mass media discloses, the comparison of presidential impeachment in Lithuania with the infamous Watergate scandal in the U.S. in 1972–1974 was perceived as mostly suggestive. As a matter of fact, both successful and unsuccessful presidential impeachments as well as impeachment threats is an established part of the U.S. political culture. However, U.S. and Lithuania are different countries to expect any useful insights from the comparison of Paksas impeachment with three presidential impeachment cases in the U.S. history (Andrew Johnson in 1868, Richard Nixon in 1974, and Bill Clinton in 1998).

However, the assumption about presidential impeachments as U.S. exceptionality is by now dated. They became more frequent only with the arrival of the third wave of democracy in the 1970s (Huntington 1991). The incomplete list of recent presidential impeachments include those of Fernando Collor de Mello in Brazil in 1992, Carlos Andrés Pérez in Venezuela in 1993, Ernesto Samper in Colombia in 1996, Joseph Estrada in the Philippines in 2001, Albert

²⁷ Tellingly, during the preparations for the 2004 Seimas electoral campaign, Paksas “heir” (but also competitor) Uspaskich demonstratively hired famous American public relations advisor Joseph Napolitano for consultations. See Elta (2004).

Zafy in Madagascar in 1996, Raul Cubas in Paraguay in 1999, Roh Moo-hyun in South Korea in 2004, and Boris Yeltsin in Russia in 1998–1999. The source of this list is the collection of research papers edited by Jody Baumgartner and Naoko Kada (2003), which was published too early to include also the Paksas impeachment among its cases. After two Bănescu impeachments in Romania (in 2007 and 2012), the presidential impeachment in Lithuania in 2003–2004 ceased to be exceptional also among those new post-communist democracies which were certified as true liberal democracies by the accession to EU and NATO.

In her summary of above-mentioned collection, Kada (2003) concludes that changed international climate is the main cause for the multiplication of presidential impeachments. The international community displays decreasing tolerance for the open, crude violations of the constitutional rules of the democratic process. To be acceptable for this community, many *de facto* authoritarian regimes simulate democracy. In overthrowing a democratically elected president by the traditional military coup, his political opponents risk international isolation. In this context, impeachment is a convenient way to legalize the coup.

Some three or four decades ago, there was not a month without mass media report about another one coup (mostly military) somewhere in Latin America, Africa, or Asia. In Latin America, coups (*pronunciamento* in Spanish) was an established part of local political culture. American political scientist Aníbal Pérez-Liñán (2007) who limits the scope of his comparative investigation of the presidential impeachments to Latin America, claims that by now such news are exceptional from this part of the world. However, the decrease in number of coups is accompanied by the increase in the numbers of impeachments which substitute for coups as an extreme method of political struggle.

How to evaluate this trend? According to Kada (2003: 152), “one could even argue that impeachment is worse than coups in that while coups are clearly counter to democratic principles, impeachment is not, but lends a legal cloak to the protagonists who attempt to topple a president”. She argues (2003: 151) that impeachments can help to resolve a political crisis (usually, this is a conflict between executive and legislative branches of government), but in the long-term, they harm democracy by weakening the authority of the president and by undermining not just individual presidents, but the institution of presidency as such. One can compare this harm with that for monarchy as institution by violent removals of a bad kings.

Although Pérez-Liñán (2007: 205–206, 213) also considers presidential impeachments as a functional equivalent of the anti-presidential coups, in

evaluating them his focus is somewhat different. Coup always amounts to the breakdown of democracy. Impeachment has the advantage that it allows the saving of the democratic regime, but at the cost of instability of the democratically elected governments. In other words, for the preservation of democratic regime, one may have to pay the price of its lower quality.

In technical terms of constitutional law, Paksas' removal cannot be classified as a coup, because all legal formalities were painstakingly observed. Thomas Sedelius (2006: 150) expresses broadly accepted opinion in his argument: "The crisis flared up at a highly critical moment. At the time of the impeachment process, Lithuania entered both the EU and NATO. However, the ability to resolve the situation within the formal procedures and according to constitutional principles demonstrated a maturity of the still young democracy". Nevertheless, the conclusions of Pérez-Liñán from his comparative investigation of the presidential impeachments in Latin America are useful to answer the question which still puzzles many political analysts here in Lithuania: why the impeachment did not increase the quality of democracy in Lithuania, as was promised by the initiators of the impeachment?

The quality of democracy is a too complex concept, involving complicated measurement problems. Because of the limits of space, there is no possibility to discuss these complexities and problems.²⁸ So I will just limit myself to observation that Lithuania consistently trails behind all or almost all members of the EU on all standard measures of quality of democracy, including level of perceived corruption, trust in the various state institutions (government, legislature, judiciary) and overall satisfaction, measured by Eurobarometer and other surveys. In the Figure 1, the data about the changes in the overall satisfaction with the way democracy works in Lithuania are provided. So after going up and stabilizing in 1993–2003, the satisfaction falls for several years to an all-European low after the successful impeachment that was the triumph of democracy in formal terms.

I will argue that the impeachment of Paksas was the stress test of the consolidation of young Lithuanian liberal democracy, just on the eve of the accession of Lithuania to the EU and NATO. As such, it is interpreted using the core methodological principle of the German political theorist Carl Schmitt (1996) – *Ausnahmezustände* (state of emergency) –, which states that the most important insights about the nature of social phenomena are to be gained from the study of these phenomena in exceptional, extreme, and decisive

28 See Norkus (2008a: 448–471).

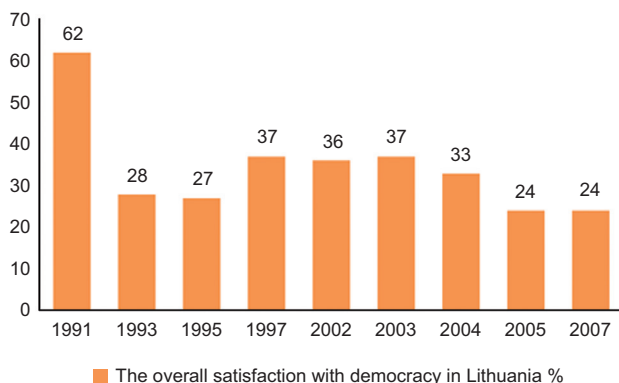


Figure 1: The changes in the overall satisfaction with democracy in Lithuania 1991–2007: percentage of answers “very satisfied” and “fairly satisfied” to the question “On the whole, are you very satisfied, fairly satisfied, not very satisfied or not at all satisfied with the way democracy works in Lithuania”.²⁹

conditions.³⁰ Generally, presidential impeachments are tests of the democracy’s consolidation under most unfavorable (extreme) conditions, when ordinary politics (resolution of interest conflicts by comprising, with the bargaining power of the compromising actors determining the content of a compromise) is replaced for time by extraordinary politics, when one side of a conflict attempts to eliminate another. Such tests can be compared to stretching, exposure to high temperature, pressure and other “shock treatments” to which the newly produced goods are exposed in industry and engineering.

The unhappy peculiarity of the stress tests is that they sometimes break the items tested. The damage may be reparable or not, but such tests only rarely improve the quality of the things tested. Those who expected that the impeachment would enhance the quality of democracy assumed the opposite: stress tests are usually beneficial for democracy. This assumption was false. Lithuanian democracy turned out to be quite an ordinary case: it did not break down, but suffered damage. This is the key to explain the puzzling dynamics of the satisfaction with democracy after the impeachment.

There were two causes for the decrease of the percentage of the satisfied with the working of democracy in Lithuania after the successful impeachment of

²⁹ Data source for 1991–2005: Ramonaitė (2006: 101). Data source for 2007: Eurobarometer 68.

³⁰ See Schmitt (1996), Norkus (2008b).

Paksas. First, the hardcore supporters of R. Paksas were hardened in their conviction that their idol once more became a victim of a system³¹, after rebelliously challenging it for the second time.³² Second, many impeachment supporters were also disappointed. This happened because of the discrepancy between the inflated expectations of how democracy will perform after the impeachment and its actual performance.

The expectations were inflated during the prolonged battle between Paksas' opponents and his supporters in the mass media. The opponents used a moralizing frame where the removal of Paksas was presented as the key to a pending moral revolution involving the raising of moral standards for the behavior of politicians and officials. This frame was difficult to avoid, given the scarcity of the evidence to incriminate Paksas transgressions against the law. So his smaller moral transgressions (e.g., use of curse words in the private statements, taped and leaked by the SSD), were used for Paksas' demonization. After his removal, just ordinary (Lithuanian) politics continued. Therefore, the expectations of coming "moral age" were bound to end in disappointment, depressing for a long time public perceptions about the state of liberal democracy in Lithuania.

The debacle of right-wing populism did not save Lithuania from populism as such, as the parliamentary election in October 2004 brought the near triumph (39 mandates in the 144 seat Seimas) of the left-wing populist Labour Party of Viktor Uspaskich, that was set up just a year before (in October 2003). Obviously, that part of former Paksas supporters which was disappointed with their former idol and perceived him now just as a loser, casted their votes for new savior. Although ex-communists lost votes, they managed to remain in power by making a left-of-center coalition with the participation of Uspaskich's party.³³ This government coalition remained in power until new elections in October 2008.

This government successfully survived the rearrangement within the coalition in 2006, when the Civic Democratic Party under Viktoras Muntianas, the former right hand of Viktoras Uspaskich, broke away from the Labour Party. This dissident party had sufficient votes to help the coalition preserve its majority in parliament. During its last two years of government, this government had

³¹ See Savukynas (2004: 91–106).

³² To recall, first rebellion of Paksas was his resignation from the prime minister position because of a disagreement with the leaders of the Conservative Party over the sale of *Mažeikių Nafta* (Mažeikiai Oil) in 1999.

³³ The coalition also included the Farmers' and New Democracy Party of Prunskienė and former populist coalition partners – Social Liberals of Paulauskas.

no stable majority in Seimas and could only remain in power due to the support of its nominal arch-rival – the Conservative party (Homeland Union). For 8 years, Lithuania managed to combine uppermost electoral volatility among EU countries with government stability, making void the very concept of vertical accountability, because from 2000 until 2004 the voices jointly collected by another two coalition partners – Social Democrats of Algirdas Brazauskas and Social Liberals of Artūras Paulauškas decreased more than by half (from 50.72% to 20.65%).³⁴

Importantly, there were no less reasons to worry about Labour party's and especially his leader Viktor Uspaskich's possible connections to Moscow than to be suspicious about Paksas. Uspaskich was an ethnic Russian who immigrated into Lithuania just before the restoration of independence in 1990. A former welder who worked in gas industry, he spectacularly succeeded as businessman, making a fortune importing natural gas from *Gazprom*. This Russian company is known not only as the largest extractor of natural gas in the world and the largest Russian company, but also as an instrument of Russian foreign policy. Therefore, democracy in Lithuania remained under self-assumed and allegedly benevolent guardianship of Lithuanian secret services that were eager to control populist political forces under suspicion of "Moscow connection". The use of "compro-mats" collected by the SSD and even provocations or "sting" operations became a part of political life in Lithuania in blatant contradiction to the expectations of the coming era of chastity and rectitude in Lithuanian politics after the frenzied bashing of Paksas.

Prominent Lithuanian opinion-makers Leonidas Donskis [2008; BNS inf. (2011)], Tomas Čyvas (2009, 2010), Darius Kuolys (2011) and Kęstutis Girmius (2008) deplored on many occasions these interventions of Lithuanian secret services into politics. However, meshing secret services into politics is a feature that is not uniquely peculiar to the real workings of liberal democracy in Lithuania. In the summer 2007, one of the Polish secret services launched a sting operation against the leader of the populist Self-Defence of the Republic of Poland party Andrzej Lepper, who was Minister of Agriculture in the coalition government under Prime Minister Jarosław Kaczyński, in order to implicate him in bribery activities.³⁵ The operation failed, leading to the breakdown of the ruling coalition and the arrest of the Minister of Interior Janusz Kaczmarek, who was accused of leaking information on the sting operation to Lepper. The outcome was the breakdown of the

³⁴ To recall, these are data about voting for nationwide vote-by-party lists. For analysis of the 2004 election in detail, see Jankauskas (2005); Jurkynas (2005).

³⁵ See Jasiewicz and Jasiewicz-Betkiewicz (2008: 1103–1104).

ruling coalition built by the Law and Justice party, early parliamentary elections in October 2007 and the ending of the coalition government of right-wing populists after only two years.

It remains not definitively clear, whether the operation against Lepper was initiated by the Prime Minister Jarosław Kaczyński (maybe to get leverage instruments over unruly coalition partners), or by the secret services on their own volition. Because the sting operation failed, also Lepper's rectitude remained open to question. The secret services and mass media known to have close connections with them may excel in patriotism and civic mindedness. The control of populism may be a laudable goal and the motives of the initiators of such operations may be idealistic (e.g., to defend Lithuania against the schemes of Russian imperialism), but they succeed only at the price of collateral consequences contradicting their intended goal. The tutelary or guided democracy under benevolent secret services is low quality democracy because of the obvious accountability problems.

The decreased accountability of the secret services to the parliament was not the only collateral damage to the quality of liberal democracy of Lithuania that can be considered as an side-effect of the stress test of successful presidential impeachment. An even more complicated problem remains the restoration of the balance of power between the branches of government. Lithuanian Constitutional Court has played an exceptionally important role in saving Lithuania from threat of right-wing populism by prohibition for Paksas to run for offices requiring an oath to Lithuanian state. However, then Constitutional Court was reluctant to limit its activities to the standard duties.

After impeachment, the Lithuanian Constitutional Court outpaced in its law-making activities its counterparts in other post-communist countries, and established the dominance of the judiciary in the system of separated powers. In some cases, the Lithuanian Constitutional Court made administrative decisions usually belonging to the competence sphere of the executive. In the period between Paksas' removal in April 2004 and the end of the term of Egidijus Kūris as the member and chairman of the Constitutional Court, the Lithuanian political system was rather similar to what critical political scientists call juristocracy.³⁶

What is paradoxical about Lithuania, the hypertrophy of the judiciary's power did not help to enhance the dimension in the quality of democracy known as the rule of law. According to Leonardo Morlino (2004: 22–23), there is no rule of law, “where there is widespread corruption or organized crime;

36 See Sweet (2000); Guarneri and Pederzoli (2002); Hirschl (2004).

limited independence of the judiciary; lengthy waits for the resolution of legal disputes; and expensive (and thus exclusive) access to the court system". Lithuanian experiences with juristocracy is an intriguing demonstration that independence of the judiciary bordering with unaccountability cannot protect from corruption, lengthy waits for the resolution of legal disputes or ensure cheap access to justice.

The transformation of the legal profession into the closed estate did cost much to democracy in Lithuania. After a few scandalous cases demonstrated the ineffectiveness of the law enforcement system, the trust in the courts declined to all-time abysmal lows. Most blatant among them was the pedophilia scandal which started in 2009 when Drąsius Kedys who was caught in a custody battle with the mother of his daughter, accused her of prostituting their child to a pedophile ring. After the Lithuanian justice system rejected his requests, he shot the three accused persons and went into hiding, and was found dead after some 6 months hiding. Then the death of an accused pedophile Andrius Ūsas followed, with Lithuanian justice going from one ineptitude to another, prompting public protests and calls for its entire overhauling. The protesters complain that law enforcement system (especially courts and public prosecutor office) display the most personal and institutional continuity from the Soviet time. Therefore, they are easy target for the heralds of something like the "orange revolution" in Lithuania.

After the death of main antagonists Kedys and accused pedophile Ūsas by June 2010, mass media continued to exploit the "pedophilia scandal" by focusing the attention of the public on the next custody battle involving mother Laimutė Stankūnaitė and Kedys' sister Neringa Venckienė, employed as judge herself in Kaunas. The case was resolved in favor of mother, but broad parts of population were outraged by the violent action of police while enforcing court's decision in the May 2012 by forcefully taking Kedys' daughter from Kedys parents' and Venckienė's house in Kaunas suburb Garliava to give over to her mother. The public opinion split, with many Lithuanians (called "kedophiles" by their opponents) remaining persuaded that law enforcement agencies were partial and substantively wrong or formally incorrect in their actions during the "pedophilia case".

With *Seimas* election in October 2012 in sight, numerous "kedophiles" are the part of electorate that is courted by new political forces which may help right-wing populism to succeed by second attempt. However, the electoral success (if any) of these new forces cannot be expected so spectacular as that of Parts or Paksas in 2003, Repše in 2002, Kaczyński twins in 2007, and Orban in 2010. Therefore, the prospects for populist post-communism and "Third Republic of Lithuania"

comparable to new Hungary of Orban and *Rzecz Pospolita IV* of Kaczyński twin remain rather bleak in this country.³⁷

5 Conclusions

1. Among former countries of national communism, Lithuania is exceptional in preserving for already third decade a political system grounded in the pact of the ex-communist and anti-communist elites, forged at the time of the exit from communism.
2. In comparison with other Baltic States and most similar Central European countries, where political developments during second post-communist decade were under heavy influence of the right-wing populism, Lithuania is exceptional due to preponderance of the left-wing populism.
3. Successful impeachment of the right-wing populist Paksas in 2004 preempted the transformation of the liberal post-communism into the populist post-communism, consolidated the pact between ex-communist and anti-communist elites, and secured the prevalence of the left-wing populism over its right-wing variety.
4. Testing the consolidation of post-communist liberal democracy in Lithuania under stress or emergency conditions of extraordinary politics, the impeachment made collateral damage to the quality of democracy in Lithuania by accustoming secret services to the role of the guardians of democracy from populist threats and by disbalancing the equilibrium of power between the branches of government in favor of the judiciary.
5. The emancipation of judiciary from democratic control contributed to its underperformance, causing the crisis of trust into the system of justice, which harbors the potential for the rise of the new wave of the right-wing populism.

37 The main reason for the scepticism about the prospects of the Third Republic of Lithuania after October 2012 election are splits in the kedophile camp with three different political groups attempting to surf the wave of discontent with Lithuanian justice system. Therefore, it still lacks a leader on a par with Orban, Kaczyński twins or even only Paksas in early 2000s. Although Neringa Venckienė serves as an icon or focal point for kedophiles, she has no political experience or competence to represent more than one issue agenda (reforms of justice system). Importantly, one cannot forget about the Lithuanian record of the left-wing populism's prevalence over the right-wing populism. Labour party with its record of prosecution by Lithuanian law enforcement system, perceived as unjust by its many supporters, preserves the ability to mobilize broad parts of protest voters.

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