

Assessing the impact of general culture on the robustness and strength of the Rule of Law

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Abstract: Just as “democratic backsliding”, the deterioration or even collapse of the Rule of Law (RoL) seems to be a widespread tendency worldwide and specifically in the CEE region. Whereas factors that may influence democratic qualities in a country, such as economic wealth (measured by GDP/capita), social cleavages, etc., have been investigated for well over half a century, the same does not stand for the RoL. RoL may be conceived as part of the democratic arrangement and analyzed as such by political scientists. In this case, the RoL, its specific institutions, and aspects are not addressed specifically. Recently, this approach is questioned both from scholarly (e.g. counter-majoritarian literature) and from pure political aspects; both emphasizing the potential contradiction between the the majority principle and the law limiting political actors allegedly serving the majority will. The quality of RoL, as an autonomous phenomenon, is usually addressed by lawyers. Lawyers are typically oriented on black letter law, which could be largely irrelevant in most cases when RoL is attacked in the practice while following most of RoL requirements on the surface. E.g., division of powers seem to be intact in Hungary, however, President, the Constitutional court, etc. the MPs are personally loyal to the prime minister, who practically have chosen tem.

The project is an attempt to analyze one major presumed precondition, namely the cultural background of a society, of the RoL. We have collected RoL indicators (e.g. World Justice Project, WB RoL indicators, Freedom House, etc.) and general cultural indicators (e.g. those of Hofstede's, Schwatz's, Inglehart's, Globe project's) and some control variables (like GDP/cap.) from most countries of the World. The presentation will provide preliminary results of our quantitative analysis exploring the relationship between general culture and the stability and robustness of the RoL as measured by the above-mentioned indicators. Our general hypothesis is that certain cultural compositions may support whereas others may hamper RoL.