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STUDIA POLITICA

Romanian Political Science Review

The end of the Cold War, and the extinction of communism both as an ideology and a practice of government, not only have made possible an unparalleled experiment in building a democratic order in Central and Eastern Europe, but have opened up a most extraordinary intellectual opportunity: to understand, compare and eventually appraise what had previously been neither understandable nor comparable. *Studia Politica. Romanian Political Science Review* was established in the realization that the problems and concerns of both new and old democracies are beginning to converge. The journal fosters the work of the first generations of Romanian political scientists permeated by a sense of critical engagement with European and American intellectual and political traditions that inspired and explained the modern notions of democracy, pluralism, political liberty, individual freedom, and civil rights.

Believing that ideas do matter, the Editors share a common commitment as intellectuals and scholars to try to shed light on the major political problems facing Romania, a country that has recently undergone unprecedented political and social changes. They think of *Studia Politica. Romanian Political Science Review* as a challenge and a mandate to be involved in scholarly issues of fundamental importance, related not only

to the democratization of Romanian polity and politics, to the “great transformation” that is taking place in Central and Eastern Europe, but also to the make-over of the assumptions and prospects of their discipline. They hope to be joined in by those scholars in other countries who feel that the demise of communism calls for a new political science able to reassess the very foundations of democratic ideals and procedures.

UNIVERSITY OF BUCHAREST
FACULTY OF POLITICAL SCIENCE



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ARTICOLI

DEMOCRACY AND ENVIRONMENTAL CARE IN LATIN AMERICA AND THE CARIBBEAN: A QUANTITATIVE STUDY OF THE GLOBAL ENVIRONMENT FACILITY (GEF) PROJECT DATABASE (1991-2023)

RENATO REVOREDO DE A. MACHADO¹
(University of Bucharest)

Abstract. This paper explores the relationship between democracy and environmental care in the Latin America and Caribbean (LAC) region, by presenting the variable-multilateral resources mobilized for environmental projects, mostly on a per capita basis. By analyzing data from the Global Environment Facility (GEF) database, which covers investment cycles from the early 1990s through June 2023, the correlation between amounts mobilized for environmental projects and political freedom scores across twenty-four countries in LAC is explored, under two dimensions: project generation, and project completion. The findings suggest that high-quality democracies have mobilized more GEF resources. However, the relationship is less clear for lower quality democracies. Smaller democracies display the best results, although the Caribbean cases excel at generating projects but show poor results in completing them. The largest LAC countries show disappointing results, which can be partly attributed to their political landscape complexity. Additionally, regression analyses were conducted to test some of the independent variables that influence the results, and the findings suggest that lower levels of corruption and higher number of environmental laws passed are statistically significant, explaining the superior GEF per capita mobilization results. Hence, the trio of a higher quality democracy, higher number of environmental laws enacted, and lower levels of corruption seem to be especially beneficial for environmental action.

Keywords: Latin America, Global Environment Facility, environmental projects, political freedom, comparative environmental care

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Introduction

The debate on whether democracy promotes environmental protection is a highly engaging topic. This paper focuses on whether democracy champions superior environmental care in the Latin America and Caribbean (LAC) region, by using a data analysis approach primarily based on economic and objective descriptors such as the resources mobilized by countries for environmental projects. More specifically, the study is focused on one of the main funding sources available in the multilateral space: the Global Environment Facility (GEF). The GEF is a multilateral fund, headquartered in Washington, D.C., dedicated to combating biodiversity loss, climate change, pollution, and the strain on land and ocean health. Ever since its creation, which developed its pilot cycle just prior to the 1992 Earth Summit in Rio de Janeiro, through 2023, the GEF has provided more than \$30 billion in grants and blended finance and has mobilized additional \$140 billion in co-financing (where funds from various sources participate, with government funds being more relevant) for more than five thousand national and regional environmental projects. GEF Council's approved funds are transferred through GEF agencies to government agencies, civil society organizations, private sector companies, research institutions, and a wide variety of other potential partners, in order to implement projects and programs in recipient countries.² The GEF occupies a central position in the debate on the Global North and the Global South in international relations. Its headquarters in Washington, D.C., a key political center of the Global North, has drawn criticism from some developing countries. These critics are wary of the GEF's role as "the operating entity for the financial mechanism to implement [the environmental] Agenda 21."³ However, it is important to emphasize that the GEF itself is "simply a «capital provider» that does not directly participate in project implementation."⁴ One of the key implementation

² *The Global Environment Facility*, accessed March, 30, 2023, <https://www.thegef.org/>.

³ Joyeeta Gupta, "The Global Environment Facility in its North-South Context," *Environmental Politics* 4, no. 1 (2017): 19-43.

⁴ Patrick Bayer, Christopher Marcoux, and Johannes Urpelainen, "When International Organizations Bargain: Evidence from the Global Environment Facility," *Journal of Conflict Resolution* (2014): 1-17.

agencies of GEF is the United Nations Environment Programme (UNEP). Management-wise, UNEP treats the Latin America and Caribbean regions as one, under the term "LAC," similarly to the ways in which Africa and (mainly Southeast) Asia are also approached.

Academic analysis of GEF figures is not new. Monika Figaj correlated GEF projects data from 1995-2006 with several variables, and poverty and environmental factors were more determinant in explaining higher levels of environmental aid received.⁵ A study by Patrick Bayer, Christopher Marcoux, and Johannes Urpelainen analyzed the GEF database of projects from 1991 to 2011 and concluded, among other findings, that economically important countries presented superior levels of resources mobilized by bargaining power with international organizations, especially when World Bank resources were involved.⁶ Lianbiao Cui, Yi Sun, Malin Song, and Lei Zhu also worked on the GEF database from 1991-2018 with a specific focus on the co-financing part of the projects, concluding that its ratio has almost doubled throughout the period in comparison to the GEF grants, which demonstrated an increased mobilization by non-GEF parties to contribute.⁷ Isabella Alcañiz and Agustina Giraudy analyzed the influence of human development factors on the allocation of GEF funds to the three largest countries in Latin America and the Caribbean (Argentina, Brazil, and Mexico) from 1997 to 2017. Their study highlighted that the size of these countries introduces a higher complexity of analysis due to the existence of more subnational levels, and of political conflicts over resource allocation, which in turn postpone or hinder more efficient action.⁸

Using the GEF projects database, which covers all investment cycles since its inception in the early 1990s, the paper primarily examines the GEF funds and accompanying co-financing funds that have been

⁵ Monika Figaj, "Who Gets Environmental Aid? The Characteristics of Global Environmental Aid Distribution," *Environmental Economics and Policy Studies* 12, no. 3 (2010): 97-114.

⁶ Bayer, Marcoux, and Urpelainen, "When International Organizations Bargain."

⁷ Lianbiao Cui, Yi Sun, Malin Song, and Lei Zhu, "Co-financing in the Green Climate Fund: Lessons from the Global Environment Facility," *Climate Policy* 20, no. 1 (2019): 95-108.

⁸ Isabella Alcañiz and Agustina Giraudy, "From International Organizations to Local Governments: How Foreign Environmental Aid Reaches Subnational Beneficiaries in Argentina, Brazil, and Mexico," *Environmental Politics* 32, no. 4 (2022): 663-683.

mobilized in the region, deriving per capita/per population indicators to form the basis of an environmental care index. Beyond the importance of this index, some independent variables are tested through regression analysis as part of the corroboration process. This analysis aims to identify the drivers behind the per capita results of GEF grants. Specifically, corruption levels and the number of environmental laws enacted by LAC countries over the past twenty-five years have been found to be statistically significant factors influencing the varying levels of GEF fund mobilization to these countries.

In addition to the GEF literature, other scholars have also examined the democracy-environment dichotomy with mixed, and oftentimes, conditional conclusions.⁹ Most of these studies focus either on large

⁹ Manus I. Midlarsky, "Democracy and the Environment: An Empirical Assessment," *Journal of Peace Research* 35, no. 3 (1998): 341-361; Daron Acemoglu and James A. Robinson, *Economic Origins of Dictatorship and Democracy* (Cambridge: Cambridge University Press, 2005); Matthew Cole, "Corruption, Income and the Environment: An Empirical Analysis," *Ecological Economics* 62, no. 3-4 (2007): 637-647; Raijev K. Goel, Risto Herrala and Ummad Mazhar, "Institutional Quality and Environmental Pollution: MENA Countries Versus the Rest of the World", *Economic Systems* 37, no. 4 (2013): 508-521; Stefan Wurster, "Comparing Ecological Sustainability in Autocracies and Democracies," *Contemporary Politics* 19, no. 1 (2013): 76-93; Marina Povitkina, Sverker C. Jagers, Martin Sjöstedt and Aksel Sundström, "Democracy, Development and the Marine Environment – A Global Time-series Investigation," *Ocean & Coastal Management* 105 (2015): 25-34; Wan-Hai You, Hui-Ming Zhu, Keming Yu and Cheng Peng, "Democracy, Financial Openness, and Global Carbon Dioxide Emissions: Heterogeneity Across Existing Emission Levels," *World Development* 66 (2015): 189-207; Samia Nasreen, Mahmood Ul-Hassan and Riaz Muhammed Faraz, "Relationship between Corruption, Income Inequality and Environmental Degradation in Pakistan: An Econometric Analysis," *Bulletin of Energy Economics (BEE)* 4, no. 1 (2016): 12-22; Jeong Hwan Bae, Dmitriy D. Li and Meenakshi Rishi, "Determinants of CO₂ Emission for Post-Soviet Union Independent Countries," *Climate Policy* 17, no. 5 (2017): 591-615; Muhammad Haseeb and Muhammad Azam, "Dynamic Nexus Among Tourism, Corruption, Democracy and Environmental Degradation: A Panel Data Investigation," *Environment, Development and Sustainability* 23 (2021): 5557-5575; Marina Povitkina and Sverker Carlsson Jagers, "Environmental Commitments in Different Types of Democracies: The Role of Liberal, Social-liberal, and Deliberative Politics," *Global Environmental Change* 74 (2022): 1-11; Smarnika Ghosh, Md. Shaddam Hossain, Liton Chandra Voumik, Asif Raihan, Abdul Rahim Ridzuan and Miguel Angel Esquivias, "Unveiling the Spillover Effects of Democracy and Renewable Energy Consumption on the Environment Quality of

samples of countries, or on developing regions of the world, with relatively little attention given to Latin America. The earliest of these papers, authored by Manus I. Midlarsky, states that there is not a uniform relationship between democracy and the environment.¹⁰ Stefan Wurster proposes weak and strong sustainability factors to study how they interact with different political regimes.¹¹ Similarly, Marina Povitkina used one of these factors, marine protection, in their study.¹² In a later study which did not focus on the democracy-autocracy dichotomy, Marina Povitkina and Sverker Carlsson Jagers examined different levels of democracy and concluded that more liberal types of it tend to be more beneficial for the environment.¹³

Jeong Hwan Bae, Dmitriy D. Li and Meenakshi Rishi focused on the post-Soviet Union independent countries (SUIC) and argued more firmly that democracies tend to harm the environment, as they associate their strengthening with rising CO₂ emissions.¹⁴ Muhammad Haseeb and Muhammad Azam tend to agree but point out that a country's pollution is highly dependent on the type of governance it has established.¹⁵ The latter two references worked with large data studies. Relying less on data and more on qualitative factors, Daron Acemoglu and James A. Robinson posited that democracies allow more citizens to express their preferences, and the government is supposed to represent that in its economic and environmental policies, as opposed to autocratic regime.¹⁶ Two other studies focused on democracy in relation to environmental concerns but included additional relevant factors/independent variables in quantile regression analyses. In a somewhat neutral stance, Smarnika Ghosh observed a two-way causal relationship between democracy and

BRICS Countries: A New Insight from Different Quantile Regression Approaches," *Renewable Energy Focus* 46 (2023): 222-235.

¹⁰ Midlarsky, "Democracy and the Environment."

¹¹ Wurster, "Comparing Ecological Sustainability in Autocracies and Democracies."

¹² Povitkina, Jagers, Sjöstedt, Sundström, "Democracy, Development and the Marine Environment."

¹³ Povitkina and Jagers, "Environmental Commitments in Different Types of Democracies."

¹⁴ Bae, Li, Rishi, "Determinants of CO₂ Emission."

¹⁵ Haseeb, Azam, "Dynamic Nexus Among Tourism, Corruption, Democracy and Environmental Degradation."

¹⁶ Acemoglu, Robinson, *Economic Origins of Dictatorship and Democracy*.

CO₂ emissions (in a kind of vicious cycle) for BRICS countries (Brazil, Russia, India, China, and South Africa) with varying degrees of political freedom.¹⁷ The authors conclude that democratic practices are beneficial, but other conditions such as the government promoting environmentally friendly projects and renewable energy sources, as well as control over population growth, are also conducive to a healthier environment. In turn, Wan-Hai You, Hui-Ming Zhu, Keming Yu and Cheng Peng claim that higher democracy (*i.e.*, greater political openness) appears to reduce emissions but financial openness acts in the opposite direction.¹⁸

Three other studies focused more on the corruption-environmental degradation conundrum, but democracy is also connected to them, at least indirectly. Matthew Cole concluded that corruption is estimated to have a positive direct impact on greenhouse gases (GHG) per capita emissions (meaning more corruption catalyzes more pollution), even though he acknowledges indirect effects, such as income per capita rising as corruption reduces, which could compensate or even negatively surpass that stand-alone impact in many countries, especially in the case of developing ones.¹⁹ As this author also posits that the level of democracy within a country tends to be negatively correlated with the degree of corruption, lowering corruption and strengthening democracy could serve as a positive means for better environmental care.²⁰ However, this would be more limited in the case of already developed countries. Samia Nasreen, Mahmood Ul-Hassan and Riaz Muhammed Faraz examined Pakistan's nexus of corruption-income inequality and environmental degradation and concluded that corruption causes superior levels of environmental degradation.²¹ Ultimately, Rajev Goel is more pragmatic to affirm that nations from the developing region of the Middle East and North Africa (MENA) tend to pollute more, given the high-carbon

¹⁷ Ghosh, Hossain, Voumik, Raihan, Ridzuan and Esquivias, "Unveiling the Spillover Effects of Democracy and Renewable Energy Consumption."

¹⁸ You, Zhu, Yu and Peng, "Democracy, Financial Openness, and Global Carbon Dioxide Emissions."

¹⁹ Cole, "Corruption, Income and the Environment."

²⁰ *Ibid.*, 643.

²¹ Nasreen, Ul-Hassan, Faraz, "Relationship between Corruption, Income Inequality and Environmental Degradation in Pakistan."

intensities of their industries.²² Highlighting the oil sector, the authors argue that results could ensue to be even worse in the case of countries that usually display higher levels of corruption and shadow activities (e.g., a polluting plant not registering its business), which hide the official recording of additional pollution. Considering this region to be more connected to the increasingly important and polluting oil-business and to both anocracies and autocracies, the rise in the degree of democracy could lead to higher officially recorded degrees of pollution in the short-term. This expected outcome could be balanced out by more knowledgeable governance geared towards environmental protection.

As all these studies show, there are many factors at play in the complex democracy-environment debate. There are numerous ways to quantify how a country damages the environment, while increasing their carbon footprint and all its various relationships, such as industry, transportation, energy, waste generation/recycling, individual lifestyles, meat and milk consumption, etc., usually being the main avenue of research. To analyze the GEF numbers and political freedom, this paper cross-checks the amounts mobilized through direct grants and co-financed funds for projects against political freedom scores for twenty-four countries. The period of analysis consists of the last thirty-two years, during which environmental awareness and politics have climbed up the international agenda.

Structurally, this paper draws on a somewhat similar classification of Latin American countries according to different degrees of political freedom, in the framework developed by Scott Mainwaring and Anibal Perez-Liñan, and proposes environmental care scores for the twenty-four selected LAC countries.²³ These environmental scores are composed of two quantitative elements: an assessment of project generation rating and of project follow-through, with criteria such as completing existing projects. The former qualitative element in this analysis has double the weight of the latter, as explained further in the section on *Operationalization* in this paper.

²² Goel, Herrala, Mazhar, "Institutional Quality and Environmental Pollution."

²³ Scott Mainwaring and Anibal Perez-Liñan, "Cross-Currents in Latin America," *Journal of Democracy* 26, no. 1 (2015): 114-127.

This paper is structured as follows: after this introduction, it presents a very brief overview of LAC democracy in recent times. Taking a 1991-2023 period perspective, it then presents the operationalization of the study, including (1) a reassessment of the political scores for LAC; (2) details on the GEF project database that have led up to the sample of LAC projects used; (3) the proposed environmental care ranking structure; the considerations and calculations for (4) the project generation rating and the follow-through assessment. The next section links the results of the previous sections, culminating in the construction of the environmental care ratings (for GEF projects). The following section employs regression analysis to examine factors, independent variables, that influence various levels of GEF funding being mobilized for LAC countries. Finally, this paper draws and expands on its conclusions.

LAC Democracy and Its Cross-current Politics

It would be fair to ascertain that Latin America and Caribbean are mostly a democratic region, especially in the context of the Global South. This assertion is corroborated by Freedom House's "Global Freedom Status," since the majority of LAC countries are either "free" or "partly free," which does not happen with the same intensity in the macro-regions of Africa and Asia.²⁴ Scott Mainwaring and Anibal Perez-Liñan aptly coined the term "cross-currents" to define Latin American politics, referenced as "M&P-L 2015" throughout this paper.²⁵ Mainwaring and Perez-Liñan divided the twenty countries of the region into five groups with differing levels of democracy, also considering the total absence in one of the described instances: (1) three cases of high-quality democracies – Chile, Costa Rica and Uruguay; (2) seven cases of stable democracies with several shortcomings – Argentina, Brazil, Dominican Republic, El Salvador, Mexico, Panama and Peru; (3) four cases of

²⁴ Freedom House, accessed March, 30, 2023, <https://freedomhouse.org/explore-the-map?type=fiw&year=2024>.

²⁵ Mainwaring, Perez-Liñan, "Cross-Currents in Latin America."

stagnant democracies with severe democratic deficits – Colombia, Guatemala, Haiti and Paraguay; (4) five cases of democratic erosion – Bolivia, Ecuador, Honduras, Nicaragua and Venezuela; and (5) one case of longstanding authoritarian regime – Cuba.²⁶ One of the objectives of this paper is to combine an updated analysis of political freedom for the region, including four countries – Antigua and Barbuda, the Bahamas, Jamaica and Trinidad and Tobago, with a comparative analysis of environmental care as measured through GEF projects funds mobilized to climate change mitigation and adaptation in LAC. These four Caribbean countries which are included in this assessment present relatively good scores for democracy and for environmental care, as measured by entering GEF projects.

Operationalization

This paper proposes a two-step approach and the creation of environmental care scores for all twenty-four LAC countries, to which their political freedom assessments are linked. In the first step, the Environmental care score is based on the following formula:

$$\text{Environmental care (GEF projects) score} = \text{GEF project generation score (weight 2)} + \text{GEF project completion assessment score (weight 1)}$$

The rationale behind the different weights given to the two dimensions (project generation and project completion) relies on the fact that the former activity demands more preparation and political willingness than the latter. The design and consequent approval of a project by the GEF implies a well-rounded, heavily discussed, and scrutinized process that a country undergoes in the first place. Execution is also important, but to a lesser extent.

The operationalization process to derive the environmental rankings for the twenty-four LAC countries follows three main steps:

²⁶ Ibid.

(1) reassessing democracy scores, (2) assessing the generation of GEF projects, and (3) assessing the completion of GEF projects.

The results of the first step include per capita ratios for GEF and cofinancing funds for each country. In a subsequent step, specific independent variables have been tested to examine their explanatory power regarding the GEF funds per capita ratio results. Thus, the overarching research hypothesis tested is whether higher levels of democracy and its underlying aspects are conducive to higher levels of resources mobilized for environmental projects in LAC.

Reassessing Mainwaring and Perez-Liñan 2015 Classification of LAC's Political Freedom

The first step is to re-evaluate Mainwaring and Perez-Liñan's 2015 classification of countries by political freedom and update it with ratings awarded through 2023. The primary institution that is used is Freedom House, which is considered in this paper to be a trustworthy source for comparing political freedom, or the "state of democracy," among countries. It uses a comprehensive methodology which encompasses meaningful elements being analyzed and scored to arrive to its results. One of the elements evaluated by Freedom House is corruption.²⁷ Additionally, to corroborate the appropriateness of this source, several cross-checks have been performed. Firstly, a correlation between Freedom House and Varieties of Democracy indexes is performed for 175 countries in the ten-year period from 2012 to 2021 and the R^2 found is a robust 0.90.²⁸ Additionally, "Regimes of the World" by Anna Lührmann is also used

²⁷ "Freedom House," accessed July 2023 and July 2024, at <https://freedomhouse.org/>. According to their score methodology, at <https://freedomhouse.org/reports/freedom-world/freedom-world-research-methodology>, corruption is an element specifically evaluated at sub-item B3 "Are the people's political choices free from domination by forces that are external to political sphere or by political forces that employ extrapolitical means?" of item B Political Pluralism and Participation and sub-item C2 "Are safeguards against official corruption strong and effective?" of item C "Functioning of Government".

²⁸ Varieties of Democracy, accessed July 2023; <https://ourworldindata.org/grapher/varieties-democracy-vdem>.

as a cross-check, as it employs a somewhat different approach, which classifies countries into four types: liberal democracy, electoral democracy, electoral autocracy, and closed autocracy.²⁹ Interestingly, in this study, Costa Rica and Uruguay emerge as the only two liberal democracies in the region—an outcome that aligns with the main findings in this paper, where both countries present the best results for environmental care through GEF resources. Four countries that have not been considered by Mainwaring and Liñan are subsequently included in the present study: Antigua and Barbuda, Bahamas, Jamaica, and Trinidad and Tobago. Considering the M&P-L 2015 classification as baseline, analyzing Freedom House's ratings from 1992 to 2023, and factoring in Anna Lührmann's "Regimes of the World," a reassessment is presented in the right column, see Table 1.

Firstly, comments on the new countries are added to the original twenty-country list. The Bahamas can be considered a "high-quality democracy," according to its political freedom scores presented in Table 1. In turn, the other three, Antigua and Barbuda, Jamaica and Trinidad and Tobago, can be deemed as "stable democracies with shortcomings." Jamaica and Trinidad and Tobago share the fact that they both have been consistently qualified by Freedom House as free countries – the former is considered "free" in all fifty observations from 1973-2023, while the latter forty-six times over the same time span. The main issues both Jamaica and Trinidad and Tobago face in achieving a higher democratic score relate to long-standing corruption, gang and vigilante violence, as well as harassment of LGBT communities.³⁰ Antigua and Barbuda is becoming more democratic, after being rated "partly free" for thirteen consecutive years, coincidentally since GEF began in the early 1990s.

At this stage, all the classifications made by M&P-L 2015 for the twenty countries are maintained. There are some controversial cases, such as Ecuador with degrees of democratic erosion, Colombia with

²⁹ Anna Lührmann, Marcus Tannenberg and Staffan I. Lindberg, "Regimes of the World (RoW): Opening New Avenues for the Comparative Study of Political Regimes," *Politics and Governance* 6, no. 1 (2018).

³⁰ "Freedom House 2018-2021 Individual Country reports," last modified July 2023, <https://www.freedomhouse.org>.

severe democratic deficits, Peru with several democratic shortcomings, and Venezuela also considered to have a certain degree of democratic erosion. According to political scientist Carlos Granés, three of these countries suffer from individual “curses,” which are violence for Colombia, authoritarianism for Peru, and militarism for Venezuela.³¹ Ecuador could perhaps be attributed with one curse, which is corruption. As observed by Catherine M. Conaghan, Ecuador leads Latin America in the number of former presidents who have been prosecuted for corruption.³² Or, in the words of the Ecuadorian social scientist Iván Fernández Espinosa, Ecuador has been historically marred by a quasi-complete ungovernability, oftentimes flirting to a failed state status, and where political arrangements have been done mainly through *caciquismo*, *caudillismo* and *populismo*.³³ These last three features are not atypical in South America but seem to have been especially pronounced in Ecuador.

The first three countries from the “debatable four” from Table 1 – Ecuador, Colombia and Peru - shared the same Global Freedom Score in the latest Freedom House report: 70/100. And all of them have gravitated between the “Partly Free” and “Free” orbits in the last few decades. More recently, Ecuador and Colombia have shown positive signs of democracy. The former country has been distancing itself from a fourteen-year period in which Rafael Correa had the key influence to designate himself or someone of his preference to the presidency. The latter country was able to elect a truly leftist president for the first time in its history when Gustavo Petro won the 2022 elections, in a relatively peaceful political climate. In contrast, Peru had a very troubled political year in 2022, when President Pedro Castillo was impeached and removed from office after attempting to illegally dissolve Congress. This presidential impeachment was the third such event to occur in Peru in less than five years, as Pedro Pablo Kuczynski and Martín Vizcarra

³¹ Carlos Granés, *Delirio americano - Una historia cultural y política de América Latina* [American Delirium – A cultural and political history of Latin America] (Barcelona: Taurus, 2022), 307.

³² Catherine M. Conaghan, “Prosecuting Presidents: The Politics within Ecuador’s Corruption Cases,” *Journal of Latin American Studies* 44, no. 4 (2012): 654.

³³ Iván Fernández Espinosa, *La Construcción del Estado en el Ecuador* [The Construction of the State of Ecuador] (Quito: Published by the author, 2021): 86-93.

experienced the same fate in 2018 and 2020, respectively. Considering these recent persisting political difficulties, Peru's status of having a more positive political freedom scenario could be challenged, especially when comparing its context to that of Ecuador or Colombia. Considering the analysis of this paper, it is unlikely that it could be questioned. Firstly, the dynamics of presidential impeachment exemplify an inherent feature of democratic systems, namely the "checks and balances" that serve to curtail the authority of the executive branch. It is important to recall that the Peruvian "curse" is authoritarianism, as it was stated above (per Carlos Granés). Secondly, when considering the long-term perspective of this paper, Peru is the country that has received the fewest "partly free" annual ratings from Freedom House during the 1992-2023 period, counting to just eleven, whereas Colombia and Ecuador exhibited considerably higher rankings, with 30 and 23, respectively. It is also pertinent to consider whether Ecuador could upgrade its status from "democratic erosion" to "stagnant democracy with severe deficits." In 2015, Mainwaring and Perez-Liñan posited that Ecuador shifted from weak democracy to semi-democracy.³⁴ In light of these observations and in retrospect to the end of *Correísmo* (2006-2017), this political period has been regarded as a competitive authoritarian one, where political competition was fundamentally unfair (Sanchez-Sibony 2017).³⁵ In August 2023, amidst a turbulent political climate that anticipated the presidential elections, candidate Fernando Villavicencio was assassinated, in a frontal attack on democracy. Given this more recent iteration of Ecuador, even though it has made strides away from the shadow of Correa, it still exhibits high levels of political instability and violence, and its classification of "democratic erosion" is likely to remain.

Venezuela is also another debated case. In 2015, Mainwaring and Perez-Liñan classified it as a case of democratic erosion. Ever since 2017, Venezuela has been given the rating "not free" by Freedom House. In the same year, Venezuela's membership in Mercosur was suspended due to human rights violations. The M&P-L 2015 classification only

³⁴ Mainwaring, Perez-Liñan, "Cross-Currents in Latin America."

³⁵ Omar Sanchez-Sibony, "Classifying Ecuador's Regime under Correa: A Procedural Approach," *Journal of Politics in Latin America* 9, no. 3 (2017): 121-140.

included Cuba in a special category, “longstanding authoritarian regime,”³⁶ while according to Freedom House, Cuba has always been “not free” ever since 1973. The term “longstanding” implies extended time, and to apply it to Venezuela might be an over-stretch. Nevertheless, Venezuela’s latest score attributed by Freedom House was a very low one, at 15/100, with political rights rated at the absolute bottom at 1/40 points.³⁷ This status is even worse than Nicaragua’s, at a rating of 19/100 points.³⁸ Its rating is also considerably lower than Haiti’s most recent Freedom House score: 31/100 points³⁹, a country that was never rated as a free country by Freedom House, although it was awarded the “partly free” rating twenty-four times, and the “not free” rating for another twenty-six times. Venezuela held elections in July 2024, which were highly contested by the international community and resulted in re-electing Nicolás Maduro. The overly complex political situation of Venezuela could generate a long debate about its democratic status. But one conclusion seems to be clear: Venezuela is very far from being a high-quality type of democracy. Given that most of the significant findings of this study pertain to higher-quality democracies, Venezuela’s status will continue to be classified as “democratic erosion.” However, the justification for reclassifying it as a “longstanding authoritarian regime” becomes more compelling as time passes and the country’s political situation remains largely unchanged.

Getting the GEF Numbers – A Quantitative Comparative Analysis

GEF fundraising and allocation operate in cycles. Since 1991, there has been a pilot phase and eight four-year replenishment cycles. Image 1 shows the years and amounts mobilized. It shows that the project pipeline has been consistently growing. The current GEF cycle we are in, GEF-8, runs from 2022 to 2026 and a record \$5.3 billion has already been approved as of 2022.⁴⁰

³⁶ Mainwaring, Perez-Liñan, “Cross-Currents in Latin America.”

³⁷ “Freedom House,” accessed July 2023 and July 2024, at <https://freedomhouse.org/>

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ The GEF website, <https://www.thegef.org/projects-operations/database>, retrieved June 2023.

Methodology and Sampling

From the GEF project database, multi-layered filters were applied to include all projects that individually belong to the twenty-four selected LAC countries. It is important to note that the GEF also has multi-country projects, which are usually referred to as “regional,” “global,” or “world” projects. The latter two labels are not included in the analysis. However, projects labeled as “regional” which involve only one country are taken into consideration. Data formatting has been executed for many projects that had broken text, and data quality control has been achieved through verification procedures – the extracted data filtered and pivoted results for each country have been cross-checked against the filter of the GEF website for each country. The numbers for the selected LAC region countries are presented in Table 2.

The calculated database for the LAC region amounts to just over \$21 billion (\$3.34 billion GEF grants plus \$17.70 billion of co-financing). However, the total resources analyzed in this paper aggregate to almost \$20 billion (\$3.16 billion GEF grants plus \$16.77 billion of cofinancing, because of registered projects cancellations amounting to \$1.1 billion (\$186 million GEF grants plus \$946 million of cofinancing). This “cancellation rate” of around five per cent is not very significant, therefore this issue has not been part of the primary analysis of this paper. Furthermore, the GEF website does not specify the reason why a project was cancelled. Therefore, it is not worthwhile to speculate on why exactly that may have happened.

Before moving on to the construction of sustainability indicators, it is important to mention possible limitations of the GEF data interpretations. The amounts reported by the GEF and used for the cross-country comparisons are budgetary ones. The actual amounts spent can vary. However, practical experience suggests that the GEF grant budgets are usually adhered to. The original GEF budget is set in stone from the beginning (*i.e.*, it cannot be changed under any circumstance), is heavily controlled by the implementing agency such as the UNEP or others – as the implementers need to periodically account for and justify all expenditure –, and in many cases it is independently audited. Regarding cofinancing amounts, actual variations from budget can be greater.

Notwithstanding this last comment, the budgeted cofinancing amounts are reasonable benchmarks to be considered, as the decisions to commit them, although not binding, are made after extensive discussions and as official letters from the cofinancing parties must be submitted to the GEF. These parties can be either governmental entities, or NGOs, foundations, or private entities, etc.

The GEF project data was retrieved and exported for analysis on June 30, 2023. The whole GEF database selected and processed for LAC – 854 projects plus twenty-four cancelled ones, as well as the original raw data and applicable comments on data quality control, are available at a public repository, see the Data Availability Statement section below.

Creating Environmental Care Indices for LAC Countries – Analyzing Project Generation

The amount of around \$20 billion funds dedicated to LAC environment is analyzed on a country-by-country basis. The unit of analysis used is the size of the population. Three GEF sustainability indices are proposed: (1) number of projects/100,000 inhabitants, (2) GEF grant/population, and (3) cofinancing/population. For all indices, larger means better. Countries are also classified by size according to three categories: small countries with a population below ten million inhabitants, medium countries with a population between ten and forty million inhabitants, and large countries with a population larger than forty million inhabitants. Microsoft Excel Conditional Formatting function applies, which establishes numerical scaling distribution for the indices. Four different project generation ratings are proposed: superior, intermediate, inferior, and large underachiever. The quantitative color-coded exercise with further explanations is available in Table 3.1. The results and the main qualitative considerations that support them are presented in Table 3.

Stronger Democratic Values Did Steer Superior grants and Cofinance Ratios (per Population)

Setting up each of the LAC countries through the GEF cycles as individual data points, and observing how they performed on the two GEF sustainability indices (GEF grant/population and cofinancing/population), charts 1.1 to 1.4 clearly show a trend in which countries with superior political rights and civil liberties, thus registering higher democracy levels, are able to attract higher amounts of resources directed to environmental projects.⁴¹ In opposition, countries with lower democratic values do not show cycles with higher or otherwise significant resources mobilized for GEF projects.

The Size Factor Stands Out at Generating Projects

Drawing from the results of Table 3, two countries stand out in particular: Antigua and Barbuda and Bahamas. These examples of SIDS (Small Island Developing States) are very small countries, in terms of size and population, and both are Caribbean islands that are more susceptible to sea-level rise and extreme weather events, so the need for action is important.⁴² Their ratios of GEF projects over 100,000 inhabitants are impressive, eighteen for Antigua and Barbuda, and four for Bahamas; the ratios of GEF grants/population and cofinancing/population exceed \$50 on a per capita basis. These are numbers situated very far from the figures for other countries in the Americas. Beyond necessity, what other factors underlie the success of these two countries?

⁴¹ Seven GEF cycles have been considered for this exercise: Pilot+GEF 1 (1991-1998), GEF 2 (1999-2002), GEF 3(2003-2006), GEF 4 (2007-2010), GEF 5 (2011-2014), GEF 6 (2015-2018), and GEF 7-8 (2019-2023).

⁴² Ellis Kalaidjian and Stacy-ann Robinson, "Reviewing the Nature and Pitfalls of Multilateral Adaptation Finance for Small Island Developing States," *Climate Risk Management* 36 (2022): 1-16; Matthew Lai, Stacy-ann Robinson, Emmanuel Salas, William Thao and Anna Shorb, "Climate Justice for Small Island Developing States: Identifying Appropriate International Financing Mechanisms for Loss and Damage," *Climate Policy* 22, no. 9-10 (2022): 1213-1224.

First, the fact that they are small in population and in size leads to a particular circumstance: their centers of power are small, less populated areas. The capitals of both countries, St. John's and Nassau, respectively, have populations of around twenty-five, and two-hundred thousand, and are the smallest in the LAC sample. Nimbleness to make faster decisions may be an important factor to consider, drawing from academic findings suggesting that local democracy generally performs better in smaller municipalities.⁴³ Second, remoteness, less distance between those who govern and those who are governed, and more open and flexible political processes are hypothesized to explain why democracy generally performs better in smaller nations.⁴⁴ Third, following Dahl and Tufte, they hypothesized that since the invention of democracy, the Greeks have found that a good polity must be small in territory and population, and the same reasoning progressed in time through Montesquieu and Rousseau.⁴⁵ The latter even posited that the decision-making process varies inversely with size: the larger the number of citizens, the smaller the average citizen's share in the decision. Thus, these historical observations helped make the case that size seemed to matter for more effective politics. Finally, Westminsterian and parliamentary democratic systems, which are the cases of Antigua and Barbuda, and the Bahamas, might also contribute to superior political nimbleness to generate a pipeline of environmental projects.⁴⁶ More important than the factors mentioned above, SIDS are regarded by the multilateral community as "special cases for environment and development."⁴⁷ Consequently, they receive special attention and dedicated resources.

Regarding the other twenty-two countries, the next best environmental caretaker in terms of generating new projects with GEF in the Americas

⁴³ Adam Gendzwill and Pawel Swianiewicz, "Does Local Democracy Perform Better in Smaller Jurisdictions? Survey Evidence from Poland," *Journal of Local Self-Government* 14, no. 4 (2016): 759-782.

⁴⁴ Dag Anckar, "Why Are Small Island States Democracies?" *The Round Table: The Commonwealth Journal of International Affairs*, 91 no. 365 (2002): 375-390.

⁴⁵ Robert A. Dahl and Edward R. Tufte, *Size and Democracy* (Stanford, CA: Stanford University Press, 1973), 4-6.

⁴⁶ Jack Corbett and Wouter Veenendaal, "Westminster in Small States: Comparing the Caribbean and Pacific Experience," *Contemporary Politics* 22, no. 4 (2016).

⁴⁷ Kalaidjian and Robinson, "Reviewing the Nature and Pitfalls of Multilateral Adaptation," 2.

sample would be Costa Rica. This is a country which, deservedly, carries an international brand related to the environment, through their slogan “pura vida” [pure life]. As mentioned earlier, it scored high on democracy indices as well. Carlos Granés highlights some

“surprising, disconcerting, very original measures, for a continent like Latin America, taken by Costa Rica, after its civil war in the middle of last century, that led to superior social achievements which were appropriately integrated within a solid democratic institutional system, which resists until our days.”⁴⁸

Neighboring Panama, Trinidad and Tobago, and Uruguay would come next, with superior performances relative to all the three proposed indices. This reinforces the sense that smaller democracies are indeed greener. This assertion may relate to empirical observations such as the ones of Kemal Derviş and Caroline Conroy, who argue that

“global markets are more important than national markets for smaller countries; and climate change is a successful example of a form of localized global politics,”⁴⁹

which is more common in small nations. Looking at the other superior environment care takers based on the indices, Jamaica comes next with similar performances, followed by Paraguay and Chile. The latter did not perform significantly well in the two first indices but presented an impressive index of cofinancing mobilized resources – over \$55 per capita. These examples would narrow down the group of LAC countries with superior environmental care in terms of generating new projects. Once again, it is worth reemphasizing the fact that these are all generally “smaller” countries.

The next group of countries is rated as “medium” on environmental care. They include Cuba, Ecuador, Haiti, Honduras, Nicaragua, and Peru. These countries basically perform in the middle of the sample in terms of the three proposed sustainability indices, related to GEF project generation. The relationship between the level of generating new environmental care projects and political freedom of these countries is not very conclusive. Cuba

⁴⁸ Granés, *Delirio americano*, 310.

⁴⁹ Kemal Derviş and Caroline Conroy, “Global Politics for a Globalized Economy,” *Project Syndicate* 7 August 2018. 1-3.

is a very closed political regime, Nicaragua has rapidly become so in recent years, and Haiti is not free either, per Freedom House. On the other hand, per the same source, Ecuador, Honduras, and Peru are partly free nations.

The other group is rated as the “inferior environmental care” one, and is comprised of Bolivia, the Dominican Republic, El Salvador, Guatemala, and Venezuela. The first three countries share, on average in the period of analysis between 1991 and 2023, very similar scores for political freedom and civil liberties, according to the Freedom House. Guatemala registers less political freedom in the same period, and Venezuela even less, in comparison with previous countries. As a side and negative remark on the environment, Venezuela is a country that over-relies on oil, a fossil fuel. As Catalina Lobo-Guerrero points out, at the zenith of *chavismo* (c. 2009), the state-owned oil company PDVSA contributed with a staggering ninety-four per cent of the country’s income, and this has not changed much; nevertheless, according to Lobo-Guerrero, what has been seen in Venezuela since then is a deepening of country’s petrol rentism.⁵⁰

In trying to establish a pattern for the countries which do not have a high level of environmental care, it would be reasonable to ascertain that they tend to be far from being well-established democracies. Looking again at the long-term perspective (1991-2023), the three most politically closed countries in the LAC sample, Cuba, Venezuela and Haiti, are rather far from being environmentally friendly when it comes to generating new GEF projects. Thus, a case can be made that autocracy is less concerned about the environment. However, there is another side to the coin. The majority of all the other countries from this “intermediate” and “inferior” environmental care groups tend to be “partly free” nations. Therefore, there is no clear direction as to how power is taken, either in the hands of the democrats or in the hands of autocrats. As defined by Marshall et al., these cases can be called “anocracies.”⁵¹ Barbara F. Walter theorized on the so-called “dangers of anocracy” to catalyze civil wars. According to Walter,

⁵⁰ Catalina Lobo-Guerrero, *Los restos de la revolución: crónica desde las entrañas de una Venezuela herida* [The Remains of the Revolution: Chronicle from Inside a Hurt Venezuela] (Bogotá: Penguin Random House, 2021): 379, 449.

⁵¹ M.G. Marshall, T.R. Gurr and K. Jaggers, *Polity5: Political Regime Characteristics and Transitions, 1800–2015* (dataset) (Vienna: Center for Systemic Peace, 2014), <https://www.dante-project.org/datasets/polity5>.

“leaders in an anocracy tend to be not powerful enough, and the government tends to be disorganized and riddled with internal divisions, struggling to deliver basic services (or even security).”⁵²

It would not be far-fetched to apply the same logic to environmental measures.

What about the four largest Latin American countries, Brazil, Argentina, Mexico, and Colombia? The figures show that these countries are only slightly better than, or on par with, the “inferior environmental care” ones, but their performances can certainly be considered disappointing. The fact that these countries are large in terms of territory and population should imply that their work on the environment can be relatively more complex than that of their smaller neighbors. As noted by Alcañiz and Giraudy, who analyzed Brazil, Argentina, and Mexico in more detail, a special complexity arises because more ramified governmental structures (states, provinces, municipalities, etc.) do exist, and more negotiations and political fights over allocations take place.⁵³ However, these factors do not exempt them from the comparative numerical finding that they are underperforming in terms of generating pro-environmental projects.

Testing Follow-through – Assessing the Completion Levels of Projects

Until now, the focus has been on the generation of projects. What about completing these projects? Generation can be understood as the most important task, but execution is also important. It is not unusual for projects to be delayed, to stall, and often to need extensions in order to continue with the planned activities. A typical GEF project takes around three to five years. It is important to emphasize that project cancellation implies a different course of action, one that is usually rarely taken while projects are underway. Some anecdotal occurrences in Latin America that affected the flow of GEF projects, supported by publicly available reports

⁵² Barbara F. Walter, *How Civil Wars Start - And How to Stop Them* (London: Viking, 2022), 15.

⁵³ Per GEF and UNEP publicly-available reports, GEF ID 9142 and 10465 Smart Cities Brazil projects, as well as the GEF ID 10466 Smart Cities Argentina project, all experience delays and postponements. These issues were primarily due to the complex interactions between municipalities, states, and provinces in supposedly “national” projects.

highlighting risks and consequences, can be cited: (1) the short-lived coup d'état that happened in Bolivia in 2019 delayed the execution of an important project the country has in energy efficiency, (2) the 2022-2023 Brazilian transition from Jair Bolsonaro to Luiz Inácio Lula da Silva delayed the execution of the main national project; and (3) the June 2022 assassination of the Dominican Republican Minister of the Environment Orlando Jorge Mera delayed the execution of a project by several months. These practical examples show how more turbulent, "cross-current"-type politics can affect the progress of projects. Therefore, following through does have its challenges, and its merits as well.

Analyzing Project Completion – Size Matters Less

Of the 851 projects in the LAC database, 513 of them have been completed, amounting to nearly sixty percent, according to the extracted data, at the end of June 2023. The percentages of these completions, for each LAC country, are presented and further explained in Table 4. By applying Microsoft Excel Conditional Formatting function, which established numerical scaling distribution for the indices, three different project completion assessments are proposed: superior, medium, and poor. This quantitative color-coded exercise with further explanations is available in Table 4.1.

An assessment of how each country completed its projects shows that the "the smaller, the better" reasoning observed for generating projects does not apply with the same intensity. Curiously, the Caribbean countries which have excelled in generating projects (Antigua and Barbuda, Bahamas, and Trinidad and Tobago), present rather disappointing percentages of completion of projects, GEF grants, and cofinancing values. On the contrary, the large "underachieving" countries identified in the project generation analysis show positive indicators. Argentina and Mexico are considered superior performers, while Brazil and Colombia medium performers.

Results. Bringing Democracy Scores Together with Environmental Projects' Generation and Follow-through

The results from the quantitative and comparative analyses of political score generation of new projects, and follow-through assessment on the latter are presented in Table 5. The resulting environmental rankings for GEF projects vary within a range of 3.0 (minimum) to 9.0 (maximum) points. Interestingly, small countries show better outcomes. A higher level of democracy is also an important factor. Two pairs of countries stand out in the comparison: firstly, Costa Rica and Uruguay, and then, Jamaica and Panama, all of them being small countries. Costa Rica and Uruguay share the fact that they are both high-quality democracies.

Regression Analysis on Independent Variables Influencing GEF per Capita Mobilized Funds to LAC

The quantitative validity of the results outlined above has been established. However, to achieve further and more robust corroboration, the per capita per population indicators have been tested against some independent variables that help explain them. Taking care of the environment obviously involves more than simply obtaining GEF and cofinancing funds for projects. The array of influencing factors is enormous, but four national variables are examined: (1) corruption levels, (2) environmental laws passed, (3) carbon footprints (*i.e.*, CO₂ emissions on yearly tons per capita), and (4) share of terrestrial and marine protected areas.⁵⁴ Aiming to cover the same GEF period (1991-2023), data was researched and was available for most, but not all, of these years.

⁵⁴ Transparency International corruption levels (1998-2015), extracted in November 2023 at <https://www.transparency.org/en/>; Climate Change Laws of the world (from first year available until June-2023), extracted in November 2023 at <https://climate-laws.org/>; UNSD marine protected areas (1990-2009), extracted in October 2023 at <https://unstats.un.org/unsd/envstats> and World Bank Terrestrial and marine protected areas (% of total territorial area) index (2016-2022), extracted in October 2023 at <https://data.worldbank.org/indicator/ER.PTD.TOTL.ZS>; World Bank CO₂ emissions (metric tons per capita) (1992-2021), extracted in October 2023 at https://data.worldbank.org/indicator/EN.ATM.CO2E.PC?most_recent_value_desc=true.

The four variables were tested. GEF grants per capita represented the dependent variable, and cofinancing per capita was used as a control variable. With regards to the data treatment of the tested independent variables, every single LAC country in each of the designated seven GEF cycles, when GEF funds were mobilized, was set up as an individual data point. As an initial result, the last two variables tested above did not show statistical significance in explaining GEF per capita funds mobilization per country. However, in a more recent test, the level of corruption and environmental legislation showed statistical significance. As shown in Table 6, the regression yielded an R^2 of 0,53 and corruption and environmental laws showed statistically significant p -values of up to 0,05. There was a total of 129 data points in the regression, meaning there were 129 occasions on which there was data for all the variables, with twenty-seven cases showing a zero-value (no laws passed or no cofinancing awarded for the specific country within a selected GEF cycle). These results support the idea that lower corruption levels and a higher number of environmental laws passed influenced the GEF decision to allocate funds to certain countries. Similarly, Freedom House data on political rights and civil liberties, measured as averages for each of the seven GEF cycles analyzed, did not show statistical significance. Therefore, the Environmental care index was adjusted to include these new variables – corruption and environmental laws enacted in a quantitative and qualitative ranking (Table 7). The results support the case that high-quality democracies, such as Costa Rica, Uruguay, and Chile, demonstrate superior environmental care based on GEF funds per capita. Importantly, these countries' lower levels of corruption, and the higher number of environmental laws enacted over the past few decades seemed to have served as important catalysts for this positive outcome. Curiously, Brazil appears with the "ideal" combination on the two factors – stressing the fact that this assertion is made for LAC realities: lower corruption level and the largest number of environmental laws enacted, but its size and political complexities seem to hinder a better performance.

Conclusion

This paper proposed the operationalization of a comparative environmental care ranking for a 24-country LAC sample, based specifically on the

countries' adoption of GEF projects, in all GEF cycles' numbers available from the early 1990s until the first half of 2023. The combined project portfolio analyzed amounted to around \$20 billion. This ranking encompassed two dimensions of the projects that LAC countries undertake with GEF: generation and completion. The conclusions from this ranking were connected to a reassessment of the political freedom of the countries for the same period. The main findings suggest that a high quality democracy and a smaller population have led to a higher take-up of environmental projects by the GEF. Costa Rica and Uruguay are the best performers according to the comparative analysis proposed in this paper. Based on the Freedom House data, both are high-quality democracies, with smaller populations; also, they are the only two countries in the region qualified as liberal democracies (Lührmann et al., 2018).⁵⁵ Both countries are the only ones in this study that have achieved quantitatively superior ratings for both generation and completion of GEF projects. Following this pair of champions, two other small countries with higher-quality democracies, Jamaica and Panama, also qualified very well in the comparative rankings.

As a general trend observed, higher-quality democracies and the size of their population index contributed to better qualification in the ranking. The democracy-sustainability relationship becomes less clear for lower-quality democracies, even though a perhaps moderate, direct, tendency for the nexus surfaces. Larger countries also exhibit disappointing performances in generating new projects, even though their comparative follow-through is generally positive. The lower per capita generation of projects in larger countries can be partially attributed to their wider and more complex political ramifications⁵⁶, which impact negotiations and the subsequent generation of projects within the GEF framework.

Analyzing the successful cases in the Caribbean, the heightened focus on environmental issues is driven by necessity, particularly for low-lying countries, and is further enhanced by the special treatment afforded to Small Island Developing States (SIDS) by multilateral

⁵⁵ Lührmann, Tannenbergh and Lindberg, "Regimes of the World (RoW)."

⁵⁶ Isabella Alcañiz and Agustina Giraudy, "From International Organizations to Local Governments: How Foreign Environmental Aid Reaches Subnational Beneficiaries in Argentina, Brazil, and Mexico," *Environmental Politics* 32, no. 4 (2022): 663-683.

organizations.⁵⁷ The size of a country seems to matter, as nimbler political processes seem to catalyze faster action through the adoption of more projects through GEF. But the success in generating more environmental projects has not been accompanied by adequate follow-through, as the cases of Antigua and Barbuda, the Bahamas, and Trinidad and Tobago portray. Countries located in South or Central America such as Chile, Ecuador, Nicaragua, and Paraguay present a more balanced score between project generation and completion, allowing them all to qualify for the upper part of the ranking. As a short conclusion to these last observations, “Westminsterian” Caribbean countries are very good at generating projects, but are not good at implementing them, and the opposite is true for the larger countries not located in the Caribbean.

Finally, some factors were tested to examine their potential explanatory power regarding the GEF funds per capita ratio results. The findings suggest that lower levels of corruption and a higher number of environmental laws enacted throughout the majority of the GEF cycles have enabled countries to mobilize greater amounts of funds for environmental projects. High-quality democracies Costa Rica and Uruguay emerged as the top performers in the initial quantitative exercise on environmental performance in Latin America and the Caribbean (LAC). The statistical regression analysis confirms the significant influence of these two factors on their successes. Regarding the other high-quality democracies, as proposed by Mainwaring and Perez-Liñan and validated in this paper, Chile is a country well-positioned in the proposed environmental ranking which also enjoys superior GEF funds due to the higher status of its democracy per se, but also due to lower corruption and higher number of environmental laws passed. In turn, the Bahamas seemed to enjoy the same benefits with the difference that this is a country which has not enacted a high number of environmental laws.

The conclusions above add to the debate on the democracy-environment relationship by presenting an approach based on relevant economic figures being mobilized in GEF projects towards the environment in Latin America and the Caribbean, in the last three decades. The results of this approach were statistically tested, and the findings suggest that higher levels of

⁵⁷ Kalaidjian and Robinson, “Reviewing the Nature and Pitfalls of Multilateral Adaptation.”

enacted environmental laws and lower levels of corruption are significant catalysts for these outcomes. This is especially valid for LAC's high-quality democracies. The acknowledgment that smaller, oftentimes high-quality, democracies tend to dedicate comparatively superior resources for GEF environmental projects can be instrumental to provide lessons on how the nimbler political processes underlying them could be applied not only to bigger and less politically open geographies, but also to larger, multilateral or national, political arrangements for the environment. Costa Rica and Uruguay walk off this study as the champions of high democracy and high environmental care for GEF projects in the LAC region, and their lower levels of corruption and higher number of environmental laws enacted seem to enhance a virtuous cycle which benefits the environmental cause.

Data availability statement: The retrieved and worked data are available at: <https://osf.io/4whav/>

Table 1

Latin America and Caribbean democracy assessment.

(*) Political Rights (PR) and Civil Liberties (CL) are ranked from 1.00 (free) to 7.00 (not free). These data were retrieved in November 2023, from the Freedom House website, Data section at: <https://freedomhouse.org/report/freedom-world>

Country	Freedom House		Political Rights Average score (1992-2022)*	Civil Liberties Average score (1992-2022)*	Luhmann et al. 2018 (Row)	2023 Reassessment
	Monitoring and Perspectives in 2018	2019				
Costa Rica	High-Quality Democracy	1.00	1.37	1.37	High-Quality Democracy	High-Quality Democracy
Cuba	Longstanding Authoritarian Regime	7.00	6.33	6.33	Dictatorship	Longstanding Authoritarian Regime
Dominican Republic	Stable Democracy with Shortcomings	2.50	2.57	2.57	Electoral Democracy	Stable Democracy with Shortcomings
Ecuador	Stable Democracy with Shortcomings	2.75	3.07	3.07	Electoral Democracy	Stable Democracy with Shortcomings
El Salvador	Stable Democracy with Shortcomings	2.20	3.10	3.10	Electoral Democracy	Stable Democracy with Shortcomings
Guatemala	Stagnant Democracy with Severe Democratic Deficits	5.57	4.13	4.13	Electoral Democracy	Stagnant Democracy with Severe Democratic Deficits
Haiti	Case of Democratic Erosion	3.33	3.47	3.47	Electoral Democracy	Case of Democratic Erosion
Honduras	Stable Democracy with Shortcomings	2.03	2.73	2.73	Electoral Democracy	Stable Democracy with Shortcomings
Jamaica	Not rated				Electoral Democracy	Not rated
Mexico	Stable Democracy with Shortcomings	4.00	3.67	3.67	Electoral Democracy	Stable Democracy with Shortcomings
Nicaragua	Case of Democratic Erosion	1.37	2.23	2.23	Electoral Democracy	Case of Democratic Erosion
Paraguay	Stagnant Democracy with Severe Democratic Deficits	3.30	3.10	3.10	Electoral Democracy	Stagnant Democracy with Severe Democratic Deficits
Peru	Stable Democracy with Shortcomings	2.67	3.33	3.33	Electoral Democracy	Stable Democracy with Shortcomings
Trinidad and Tobago	Not rated				Electoral Democracy	Not rated
Uruguay	High-Quality Democracy	1.10	1.27	1.27	High-Quality Democracy	High-Quality Democracy
Venezuela	Case of Democratic Erosion	4.27	4.37	4.37	Electoral Democracy	Case of Democratic Erosion

Note: Trends in PR and CL ratings are shown in more detail in expanded Table 1.1. Source: This table was made by the author based on the data collected and analyzed.

Table 1.1.

Latin America and Caribbean democracy assessment – includes trends

(*) Freedom House ratings: NF= not free, PF= partly free, F=free.
(**) Political Rights and Civil Liberties are ranked from 1.00 (free) to 7.00 (not free).
(Source: This table was made by the author based on the data collected and analyzed)

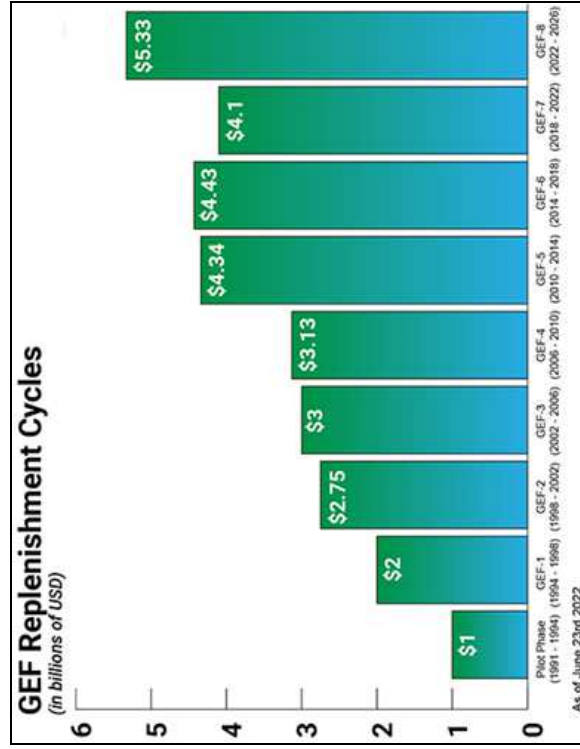


Image 1. GEF Replenishment cycles

(Source: The GEF website, <https://www.thegef.org/projects-operations/>, retrieved June 20, 2023)

Table 2

LAC Grants and Cofinancing

Country	Sum of GEF Grants (US\$)	Sum of Cofinance (US\$)	Count of Projects	Project(s) cancelled?	% GEF Grant Cancelled	% Cofinance Cancelled
Antigua And Barbuda	19,993,775	43,572,406	17	No	N/A	N/A
Argentina	187,845,187	897,641,897	46	Yes	1.5%	2.3%
Bahamas	23,493,026	48,847,119	17	No	N/A	N/A
Bolivia	85,405,512	256,483,331	27	Yes	10.5%	13.0%
Brazil	700,463,168	3,322,010,821	78	Yes	12.5%	8.2%
Chile	127,132,084	1,082,447,240	46	Yes	7.9%	22.8%
Colombia	252,884,697	1,180,946,733	59	Yes	5.7%	5.0%
Costa Rica	100,629,265	449,780,279	41	No	N/A	N/A
Cuba	81,940,282	456,413,834	37	Yes	12.3%	13.8%
Dominican Republic	31,336,164	135,913,523	16	No	N/A	N/A
Ecuador	166,961,484	730,531,928	57	No	N/A	N/A
El Salvador	22,284,592	68,410,312	19	No	N/A	N/A
Guatemala	56,808,948	195,153,208	28	Yes	12.3%	19.6%
Haiti	67,232,625	341,464,406	24	No	N/A	N/A
Honduras	74,737,166	405,251,250	30	No	N/A	N/A
Jamaica	29,833,249	104,805,936	23	Yes	2.3%	1.3%
Mexico	583,568,109	3,845,991,567	80	Yes	0.9%	0.1%
Nicaragua	62,488,007	311,752,897	28	No	N/A	N/A
Panama	67,953,211	253,143,587	33	No	N/A	N/A
Paraguay	56,927,912	450,776,780	23	No	N/A	N/A
Peru	222,554,774	1,558,808,692	59	Yes	0.4%	0.1%
Trinidad and Tobago	15,407,624	69,256,328	13	Yes	30.5%	26.0%
Uruguay	51,209,678	247,708,487	34	No	N/A	N/A
Venezuela	71,044,863	284,086,102	19	Yes	17.2%	16.5%
Grand Total	3,160,135,402	16,771,198,683	854			

Note: GEF Project database, Sums of Grants, Cofinancing and Projects are net of cancelled projects.

Source: The GEF website, <https://www.thegef.org/projects-operations/database>, retrieved June 2023. The author's own elaboration, based on the data collected and analyzed.

Table 3

LAC GEF portfolio (1991-2023) – project generation rating

Country	Population (thousands) *	Projects	Projects /100k inhabitants	GEF Grant/Per capita	Cofinance/Per Capita	Proposed project generation rating
Antigua And Barbuda	93	17	18.24	214.48	467.42	Superior
Argentina	45,277	46	0.10	4.15	19.83	Large underachiever
Bahamas	408	17	4.17	57.59	119.75	Superior
Bolivia	12,079	27	0.22	7.07	21.23	Inferior
Brazil	214,326	78	0.04	3.27	15.50	Large underachiever
Chile	19,493	46	0.24	6.52	55.53	Superior
Colombia	51,517	59	0.11	4.91	22.92	Large underachiever
Costa Rica	5,154	41	0.80	19.52	87.27	Superior
Cuba	11,256	37	0.33	7.28	40.55	Middling
Dominican Republic	11,118	16	0.14	2.82	12.22	Inferior
Ecuador	17,798	57	0.32	9.38	41.05	Middling
El Salvador	6,314	19	0.30	3.53	10.83	Inferior
Guatemala	17,608	28	0.16	3.23	11.08	Inferior
Haiti	11,448	24	0.21	5.87	29.83	Middling
Honduras	10,278	30	0.29	7.27	42.35	Middling
Jamaica	2,828	23	0.81	10.55	37.06	Superior
Mexico	126,705	80	0.06	4.61	30.35	Large underachiever
Nicaragua	6,851	28	0.41	9.12	45.51	Middling
Panama	4,351	33	0.76	15.62	58.18	Superior
Paraguay	6,704	23	0.34	8.49	67.24	Superior
Peru	33,715	59	0.17	6.60	46.23	Middling
Trinidad and Tobago	1,526	13	0.85	10.10	45.39	Superior
Uruguay	3,426	34	0.99	14.95	72.30	Superior
Venezuela	28,200	19	0.07	2.52	10.07	Inferior
Total	648,474	854	N/A			

Note: Population, GEF grants and Cofinancing indices are in US dollars.

(*) *Source:* Author's own elaboration based on UN Population Division – Department of Economic and Social Affairs, as of 1 July, 2022³; the GEF website, retrieved June 2023.

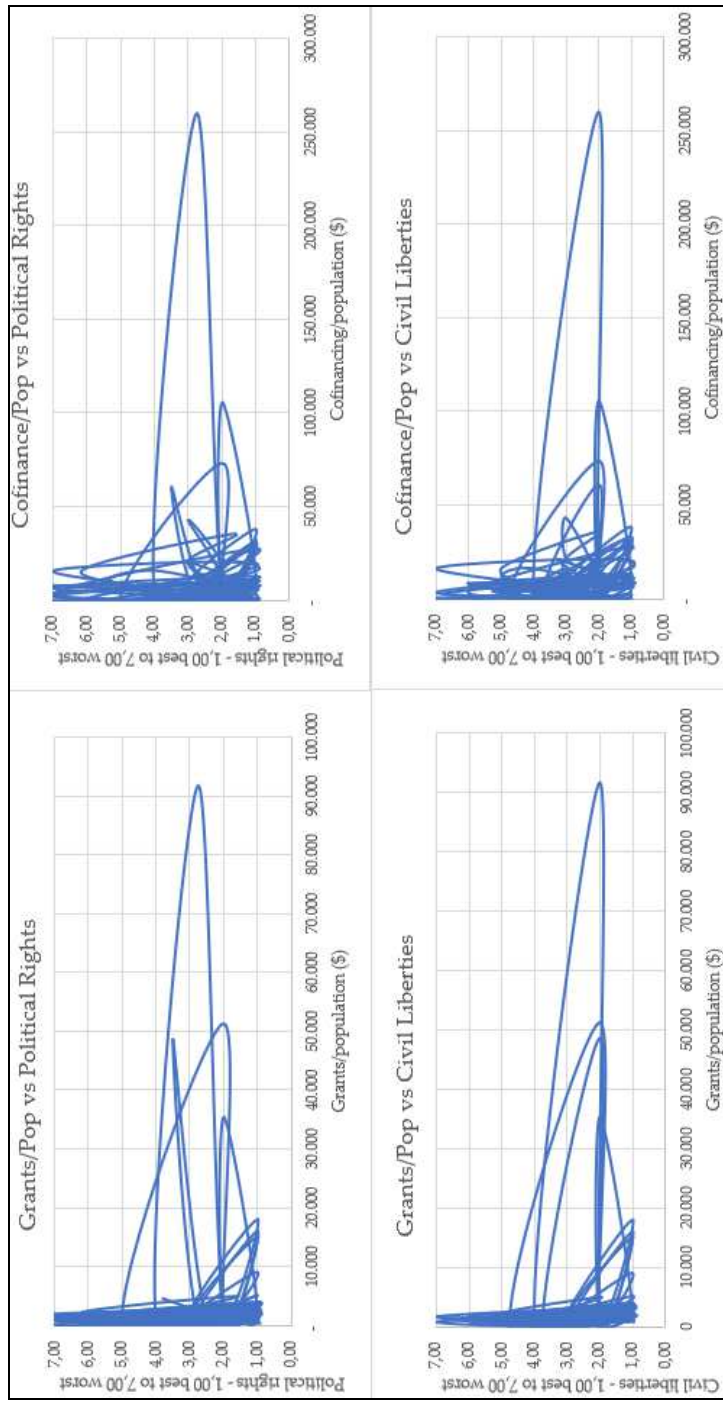
Table 3.1.

Project generation rating vs political freedom

Country	Projects/100k Inhabitants	GEF Grant/Per capita	Corruption/Per capita	Environmental Ranking		Political Ranking
				Superior	Inferior	
Antigua And Barbuda*	18.24	214.48	467.42	Superior	Superior	Stable Democracy with Shortcomings
Argentina	0.70	4.15	19.83	Large underachiever	Large underachiever	Stable Democracy with Shortcomings
Bahamas**	4.17	57.59	119.75	Superior	Superior	High-Quality Democracy
Bolivia	0.22	7.07	21.23	Inferior	Inferior	Case of Democratic Erosion
Brazil	0.01	3.27	15.50	Large underachiever	Large underachiever	Stable Democracy with Shortcomings
Chile	0.24	6.57	55.53	Superior	Superior	High-Quality Democracy
Colombia	0.11	4.91	22.92	Large underachiever	Large underachiever	Stagnant Democracy with Severe Democratic Deficits
Costa Rica	0.80	19.52	87.27	Superior	Superior	High-Quality Democracy
Cuba	0.33	7.28	40.55	Middling	Middling	Longstanding Authoritarian Regime
Dominican Republic	0.14	2.82	12.22	Inferior	Inferior	Stable Democracy with Shortcomings
Ecuador	0.32	9.38	41.05	Middling	Middling	Case of Democratic Erosion
El Salvador	0.30	3.57	10.83	Inferior	Inferior	Stable Democracy with Shortcomings
Guatemala	0.16	3.23	11.08	Inferior	Inferior	Stagnant Democracy with Severe Democratic Deficits
Haiti	0.71	5.87	79.83	Middling	Middling	Stagnant Democracy with Severe Democratic Deficits
Honduras	0.29	7.27	42.35	Middling	Middling	Case of Democratic Erosion
Jamaica	0.81	10.55	37.06	Superior	Superior	Stable Democracy with Shortcomings
Mexico	0.06	4.61	30.35	Large underachiever	Large underachiever	Stable Democracy with Shortcomings
Nicaragua	0.41	9.72	45.31	Middling	Middling	Case of Democratic Erosion
Panama	0.76	15.62	58.18	Superior	Superior	Stable Democracy with Shortcomings
Paraguay	0.34	8.49	67.24	Superior	Superior	Stagnant Democracy with Severe Democratic Deficits
Peru	0.17	6.60	46.23	Middling	Middling	Stable Democracy with Shortcomings
Trinidad and Tobago	0.85	10.10	45.39	Superior	Superior	Stable Democracy with Shortcomings
Uruguay	0.94	14.95	72.30	Superior	Superior	High-Quality Democracy
Venezuela	0.07	2.52	10.07	Inferior	Inferior	Case of Democratic Erosion

Notes: (*) and (**): Numbers for Antigua and Barbuda and the Bahamas were not colored because they are clear outliers in the sample, but the ratings of project generation apply. All other 22 countries were colored according to numerical scaling by Microsoft Excel Conditional Formatting tool. The results presented by this Excel function derived the creation of three comparative performance indices: superior, intermediate and inferior, as well as a fourth category, which encompasses the four largest countries in LAC, and that have also shown inferior results.

Source: Author's own elaboration based on the aforementioned sources.



Charts 1.1 to 1.4. Indices vs democratic aspects.

Note: each individual point means a country within a GEF cycle.

Source: Author's own elaboration based on previously mentioned sources.

Table 4

LAC GEF portfolio (1991-2023) – project completion assessment

Country	Population (thousands)*	Size	Completion of Projects	Completion of GEF Grants	Completion of Cofinance	Assessment of following-through of projects
Antigua And Barbuda	93	Small	35%	23%	14%	Poor
Argentina	45,277	Large	62%	50%	39%	Superior
Bahamas	408	Small	35%	7%	6%	Poor
Bolivia	12,079	Medium	48%	49%	23%	Poor
Brazil	214,326	Large	60%	51%	37%	Medium
Chile	19,493	Medium	52%	45%	28%	Poor
Colombia	51,517	Large	66%	50%	33%	Medium
Costa Rica	5,154	Small	73%	68%	58%	Superior
Cuba	11,256	Medium	46%	42%	27%	Poor
Dominican Republic	11,118	Medium	56%	48%	37%	Medium
Ecuador	17,798	Medium	67%	60%	50%	Superior
El Salvador	6,314	Small	63%	66%	54%	Superior
Guatemala	17,608	Medium	64%	48%	34%	Medium
Haiti	11,448	Medium	54%	37%	26%	Poor
Honduras	10,278	Medium	67%	45%	40%	Medium
Jamaica	2,828	Small	57%	49%	32%	Medium
Mexico	126,705	Large	65%	68%	68%	Superior
Nicaragua	6,851	Small	68%	70%	61%	Superior
Panama	4,351	Small	48%	55%	26%	Medium
Paraguay	6,704	Small	52%	43%	10%	Poor
Peru	33,715	Medium	66%	52%	33%	Medium
Trinidad and Tobago	1,526	Small	38%	31%	42%	Poor
Uruguay	3,426	Small	71%	67%	59%	Superior
Venezuela	28,200	Medium	63%	55%	38%	Superior
Total	648,474					

Note: Completion of projects refers to number of projects completed over total GEF projects; completion of GEF Grants and Cofinance refer to budgets utilized versus original budgets.

(*) *Source:* UN Population Division – Department of Economic and Social Affairs, as of 1 July, 2022; the GEF website, retrieved June 2023. This table was made by the author based on the data collected and analyzed, retrieved from previously mentioned sources.

Table 4.1.

Project follow-through assessment vs political freedom

Country	Completion of projects	Completion of GEF Grants	Completion of Cofinancing	Project Follow-through assessment	Political Ranking
Antigua And Barbuda	35%	23%	14%	Poor	Stable Democracy with Shortcomings
Argentina	63%	50%	39%	Superior	Stable Democracy with Shortcomings
Bahamas	35%	7%	6%	Poor	High Quality Democracy
Bolivia	48%	49%	23%	Poor	Case of Democratic Erosion
Brazil	60%	51%	3%	Medium	Stable Democracy with Shortcomings
Chile	52%	45%	28%	Poor	High-Quality Democracy
Colombia	66%	50%	33%	Medium	Stagnant Democracy with Severe Democratic Deficits
Costa Rica	73%	68%	58%	Superior	High-Quality Democracy
Cuba	46%	42%	27%	Poor	Longstanding Authoritarian Regime
Dominican Republic	56%	48%	37%	Medium	Stable Democracy with Shortcomings
Ecuador	67%	60%	50%	Superior	Case of Democratic Erosion
El Salvador	63%	66%	54%	Superior	Stable Democracy with Shortcomings
Guatemala	64%	46%	34%	Medium	Stagnant Democracy with Severe Democratic Deficits
Haiti	54%	37%	26%	Poor	Stagnant Democracy with Severe Democratic Deficits
Honduras	67%	45%	40%	Medium	Case of Democratic Erosion
Jamaica	57%	49%	32%	Medium	Stable Democracy with Shortcomings
Mexico	65%	68%	68%	Superior	Stable Democracy with Shortcomings
Nicaragua	68%	70%	61%	Superior	Case of Democratic Erosion
Panama	46%	55%	20%	Medium	Stable Democracy with Shortcomings
Paraguay	52%	43%	10%	Poor	Stagnant Democracy with Severe Democratic Deficits
Peru	66%	52%	33%	Medium	Stable Democracy with Shortcomings
Trinidad and Tobago	38%	31%	42%	Poor	Stable Democracy with Shortcomings
Uruguay	71%	64%	54%	Superior	High-Quality Democracy
Venezuela	63%	55%	38%	Superior	Case of Democratic Erosion

Note: All three completion indicators of the 24 countries presented above were color-distributed, according to numerical scaling by Microsoft Excel Conditional Formatting tool. However, for the final assessment of the Project Follow-through, an auxiliary calculation was performed considering a weight of 1 for the project's indicator, and a weight of 2 for the GEF Grants and Cofinancing ones.

Source: This table was made by the author based on the data collected and analyzed, retrieved from previously mentioned sources.

Table 5

Environmental Ranking (GEF projects) for LAC

Country	Population Size	Political Ranking	Project Generation Index (Weight 2)	Project Follow-through assessment (Weight 1)	Environmental Ranking
Costa Rica	Small	High-Quality Democracy	Superior (3 pts)	Superior (3 pts)	9.0
Uruguay	Small	High-Quality Democracy	Superior (3 pts)	Superior (3 pts)	9.0
Jamaica	Small	Stable Democracy with Shortcomings	Superior (3 pts)	Medium (2 pts)	8.0
Panama	Small	Stable Democracy with Shortcomings	Superior (3 pts)	Medium (2 pts)	8.0
Antigua And Barbuda	Small	Stable Democracy with Shortcomings	Superior (3 pts)	Poor (1 pt)	7.0
Bahamas	Small	High-Quality Democracy	Superior (3 pts)	Poor (1 pt)	7.0
Chile	Medium	High-Quality Democracy	Superior (3 pts)	Poor (1 pt)	7.0
Ecuador	Medium	Case of Democratic Erosion	Middling (2 pts)	Superior (3 pts)	7.0
Nicaragua	Small	Case of Democratic Erosion	Middling (2 pts)	Superior (3 pts)	7.0
Paraguay	Small	Stagnant Democracy with Severe Democratic Deficits	Superior (3 pts)	Poor (1 pt)	7.0
Trinidad and Tobago	Small	Stable Democracy with Shortcomings	Superior (3 pts)	Poor (1 pt)	7.0
Honduras	Medium	Case of Democratic Erosion	Middling (2 pts)	Medium (2 pts)	6.0
Peru	Medium	Stable Democracy with Shortcomings	Middling (2 pts)	Medium (2 pts)	6.0
Argentina	Large	Stable Democracy with Shortcomings	Large underachiever (1 pt)	Superior (3 pts)	5.0
Cuba	Medium	Longstanding Authoritarian Regime	Middling (2 pts)	Poor (1 pt)	5.0
El Salvador	Small	Stable Democracy with Shortcomings	Inferior (1 pt)	Superior (3 pts)	5.0
Haiti	Medium	Stagnant Democracy with Severe Democratic Deficits	Middling (2 pts)	Poor (1 pt)	5.0
Mexico	Large	Stable Democracy with Shortcomings	Large underachiever (1 pt)	Superior (3 pts)	5.0
Venezuela	Medium	Case of Democratic Erosion	Inferior (1 pt)	Superior (3 pts)	5.0
Brazil	Large	Stable Democracy with Shortcomings	Large underachiever (1 pt)	Medium (2 pts)	4.0
Colombia	Large	Stagnant Democracy with Severe Democratic Deficits	Large underachiever (1 pt)	Medium (2 pts)	4.0
Dominican Republic	Medium	Stable Democracy with Shortcomings	Inferior (1 pt)	Medium (2 pts)	4.0
Guatemala	Medium	Stagnant Democracy with Severe Democratic Deficits	Inferior (1 pt)	Medium (2 pts)	4.0
Bolivia	Medium	Case of Democratic Erosion	Inferior (1 pt)	Poor (1 pt)	3.0

Source: This table was made by the author based on the data collected and analyzed.

Table 6

Regression analysis

SUMMARY OUTPUT

Regression Statistics	
Multiple R	0.726674439
R Square	0.528055741
Adjusted R Square	0.508871015
Standard Error	1734.566713
Observations	129

ANOVA

	df	SS	MS	F	Significance F
Regression	5	414072309.3	82814462	27.5248	1.2893E-18
Residual	123	370072767.1	3008721.7		
Total	128	784145076.4			

	Coefficients	Standard Error	t Stat	P-value	Lower 95%	Upper 95%	Lower 95.0%	Upper 95.0%
Intercept	-66.36141321	860.4965273	-0.0771199	0.9386535	-1769.661528	1636.938701	-1769.661528	1636.938701
PR	32.03577896	268.8801303	0.1191452	0.9053547	-500.1959525	564.2675104	-500.1959525	564.2675104
CL	-184.1572208	325.6316901	-0.5653384	0.5727378	-828.7251853	460.4107437	-828.7251853	460.4107437
Corruption	30.98669643	14.3040733	2.1662848	0.032218	2.672660393	59.30073246	2.672660393	59.30073246
Laws	-81.36790127	41.94228927	-1.9399967	0.054669	-164.3900912	1.654288649	-164.3900912	1.654288649
Cof/Pop	0.177846966	0.019465452	9.1365445	1.631E-15	0.139316298	0.216377634	0.139316298	0.216377634

Notes: The dependent variable is GEF funds/population. "PR" means Political Rights and "CL" means Civil Liberties, both dimensions of Freedom House assessment of political freedom of countries. Other sources: the GEF website, retrieved June 2023, Transparency International and Climate Change Laws of the world websites, retrieved November 2023.

Table 7

Environmental Ranking (GEF projects) for LAC with additional data

Country	Population size	Political Ranking	Environmental Ranking Score	Corruption score	Corruption level	Environmental laws passed	Environmental level level
Costa Rica	Small	High-Quality Democracy	9.0	51.80	Lower	22	Higher
Ecuador	Small	High-Quality Democracy	9.0	61.13	Lower	39	Higher
Panama	Small	Stable Democracy with Shortcomings	8.0	38.13	Lower	3	Medium
Panama	Small	Stable Democracy with Shortcomings	8.0	35.32	Middling	17	Medium
Antigua And Barbuda	Small	Stable Democracy with Shortcomings	7.0	NA	NA	3	Lower
Bahamas	Small	High-Quality Democracy	7.0	67.69	Lower	8	Lower
Chile	Medium	High-Quality Democracy	7.0	70.56	Lower	31	Higher
Ecuador	Medium	Case of Democratic Transition	7.0	28.29	Higher	14	Medium
Nicaragua	Small	Case of Democratic Transition	7.0	25.54	Higher	11	Lower
Paraguay	Small	Suggest Democracy with Shortcomings	7.0	23.87	Higher	18	Medium
Trinidad and Tobago	Small	Stable Democracy with Shortcomings	7.0	39.45	Lower	7	Lower
Uruguay	Medium	Case of Democratic Transition	6.0	25.46	Higher	14	Medium
Peru	Medium	Stable Democracy with Shortcomings	6.0	37.40	Middling	14	Medium
Argentina	Large	Stable Democracy with Shortcomings	5.0	32.96	Middling	53	Higher
Cuba	Medium	Longstanding Authoritarian Regime	5.0	43.99	Lower	10	Lower
Haiti	Small	Stable Democracy with Shortcomings	5.0	37.08	Middling	28	Higher
Mexico	Medium	Suggest Democracy with Severe Democratic Deficits	5.0	16.33	Higher	2	Lower
Venezuela	Large	Stable Democracy with Shortcomings	5.0	32.84	Middling	23	Higher
Venezuela	Medium	Case of Democratic Transition	5.0	20.24	Higher	10	Lower
Brazil	Large	Stable Democracy with Shortcomings	4.0	38.28	Lower	71	Higher
Colombia	Large	Suggest Democracy with Severe Democratic Deficits	4.0	36.16	Middling	38	Higher
Dominican Republic	Medium	Stable Democracy with Shortcomings	4.0	30.27	Middling	16	Medium
Guatemala	Medium	Suggest Democracy with Severe Democratic Deficits	4.0	27.56	Higher	18	Medium
Bolivia	Medium	Case of Democratic Transition	3.0	26.64	Middling	21	Medium

Notes: Corruption score refers to the simple average of annual corruption scores awarded to each country by Transparency International in the 1998-2015 period (retrieved from Transparency International website, <https://www.transparency.org/en>, retrieved in November 2023). Environmental laws passed are the absolute number of such laws enacted, per data extracted and handled from the Climate Change Laws of the World website (retrieved from Transparency International website in November 2023). For both assessments, the classifications into lower, middle, and higher categories were based on a simple mathematical division of the results into top third, middle third, and lower third segments. The shaded boxes in the table indicate the more "ideal" results for corruption and environmental laws enacted: lower, and higher, respectively.

Source: This table was made by the author based on the data collected and analyzed.

THE CZECH PARTY SYSTEM AFTER THE 2021 ELECTION – DEVELOPMENT CONTINUITY AND THE NOVELTY OF BLOC COALITIONS

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Abstract. The aim of the article is to make a typological determination of the Czech party system after the 2021 parliamentary elections. The change in election format, and the increase in the number of relevant actors in the previous elections in 2017 and the subsequent formation of two electoral coalitions for the 2021 elections confront analysts with the question of how to deal with these phenomena in the context of long-term trends in the Czech party system. Based on Leonardo Morlino's typology, we conclude that the Czech party system in the reviewed period exhibits characteristics of its neo-polarized pluralism type and, according to Steven Volinetz's typology, which works with the involvement of electoral coalitions alone, of the bipolar extended multipartism type.

Keywords: Czech Party System, Election, Typology, Competition, Multipartism, Morlino, Wolinetz

Introduction

The Czech party system underwent a fundamental transformation after the elections in 2010, 2013 and especially 2017, and witnessed a limited continuity after 2021 elections. The partial replacement of the existing systemic actors and the change of their configuration, combined with the gradual increase in the overall number of actors up to the highest number of nine achieved following the October 2017 parliamentary election, marked

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a crucial element of discontinuity in the systemic format. By contrast, at the mechanism level, partial but significant elements of continuity may be observed, especially in the form of a one-dimensional simplification of partisan competition, and the tendency towards bipolar power alternation. The emergence of new actors has also multiplied the relevant systemic cleavages, but it has not resulted in the multidimensionality of the political competition among parties or centripetal tendencies.

Following the latest parliamentary election in 2021 we observe continuity and deepening of these tendencies, but under the circumstances of a quite radical change, which manifested itself in the relevant system actors forming coalitions; this confronts us with the question as to whether it is the individual parties or their electoral coalitions who have become the new relevant system actors. However, in connection with a complete change of government after the election at the end of 2021, another possible and more permanent phenomenon of Czech politics is coming to the fore in the form of party actors forming blocs based on the principle of systemic bipolarity. While this tendency is new in terms of execution, favorable conditions for its emergence have been present in the system for a long time, since the 2006 parliamentary election at the latest, albeit in a completely different system format.

These facts may confuse us when trying to classify the Czech party system after the last two Chamber of Deputies elections, but they are not inexplicable from the point of view of political theory. We try to explain them using concepts proposed by renowned authors, building on the hegemonic approach of Giovanni Sartori, a classic of world political science, and his analysis of party systems. As far as typological determinations are concerned, the approaches of Peter Mair, Leonardo Morlino and Steven Wolinetz are applied for their ability to complement the Sartorian perspective, where it reaches its limits in terms of its explanatory power *vis-à-vis* empirical reality.

Evolution of the Actors and Functional Characteristics of the Czech Party System until 2021

For a long time, specifically since the initial stable format emerged during the 1996 elections, the Czech party system could be described as being on the borderline between Sartori's moderate and extreme multipartism types in terms of the number of relevant parties (five to seven) and, as for the mechanism, right between the logic of moderate and polarized pluralism as conceived by Sartori.² The smaller number of relevant actors, and the tendency towards right-left bipolarity had long implied moderate pluralism.³ By contrast, polarized pluralism is characterized by the great ideological distance between the two strongest parties and the existence of an isolated relational anti-system actor in the form of the Communist Party (KSČM).⁴

The changes in the party-system format that began with the 2010 Chamber of Deputies election and gained far greater traction after the early elections in October 2013 were prompted by a revision of these conclusions, especially in terms of the assessment of the relevant actors and their numbers.⁵ After the 2013 election and the subsequent formation of Bohuslav Sobotka's government that relied on a coalition of the ČSSD (*Česká suverenita sociální demokracie*, Czech Sovereignty of Social Democracy), ANO (Yes), and KDU-ČSL (*Křesťanská a demokratická unie – Československá strana lidová*, Christian and Democratic Union – Czechoslovak People's Party), it was emphasized that even the presence of a seemingly centrist coalition and a hypothetical both-sided opposition in the form of the right-wing parties TOP 09 (*Tradice Odpovědnost Prosperita*, Tradition Responsibility Prosperity) and ODS (*Občanská demokratická strana*, Civic Democratic Party) on the one hand and the relatively isolated actors KSČM and Okamura's Úsvit (Dawn) with minimal coalition potential on the other hand did nothing to strengthen the logic of polarized pluralism; the connection between the parties consisted of

² Giovanni Sartori, *Strany a stranické systémy* [Parties and Party Systems] trans. Jiří Kohoutek, Petr Tomáš (Brno: CDK, 2005).

³ Pavel Pšejja, *Stranický systém ČR* [The Party System of the Czech Republic] (Brno: CDK, 2005).

⁴ Giovanni Capoccia, "Anti-System Parties: A Conceptual Reassessment," *Journal of Theoretical Politics* 14, No. 1 (2002): 9-35.

⁵ Stanislav Balík and Vít Hloušek, "The Development and Transformation of the Czech Party System After 1989," *Acta Politologica* 8, No. 2 (2016).

their opposite position to the previous Nečas's government and its restrictive budget policy, which does not mean, however, that there were not significant ideological differences and personal differences between the parties involved.⁶ Firstly, until the 2017 election there was no massive voter outflow from the ruling parties to the opposition parties; on the contrary, we can talk about dominant voter shifts especially between the parties of the ruling coalition, especially from the ČSSD to ANO, but there was no massive strengthening and radicalization of the right-left opposition.⁷ By contrast, from the formal point of view, one actor was partially replaced (Úsvit was formally replaced by SPD, *Svoboda a přímá demokracie*, Freedom and Direct Democracy) in an highly similar ideological and systemic position, and the emergence of completely new formations with no ideological equivalent (especially the Czech Pirate Party) not only meant an outflow of votes from the ruling parties, but also from the opposition parties.⁸

At the same time, it should be noted that in terms of the characteristics of the actors, there was virtually no radicalization toward isolated anti-system positions on the account that the two most prominent candidates for such a position (SPD and KSČM) were involved in the formation of the government majority after the 2017 election.⁹ SPD was founded by Tomio Okamura, former leader of Úsvit, in 2015 and is based on the nationalist appeals and rhetoric and could be categorized as nationalist populist party. It is therefore necessary to pay more detailed attention to the evolution of the format and mechanism of the Czech party system after this election

⁶ Lubomír Kopeček, and Petra Svačinová, „Kdo rozhoduje v českých politických stranách? Vzestup nových politických podnikatelů ve srovnávací perspektivě“ [Who decides in Czech political parties? The rise of new political entrepreneurs in a comparative perspective] *Středoevropské politické studie* 17, no. 2, (2015): 178-211.

⁷ Michal Škop, „Babiš a Okamura vysáli levici, od TOP 09 se přebíhalo k ODS, míní analytik,“ [Babiš and Okamura swiped the left, from TOP 09 it switched to ODS, says the analyst] October 23 2017, *iDnes.cz* (online), accessed November 24, 2024, https://www.idnes.cz/zpravy/domaci/presuny-hlasu-volici-strany-volby-2017-ekologicka-inference.A171023_153934_domaci_ale.

⁸ Sartori, *Strany a stranické systémy*, 135-151.

⁹ Perna Singh, „Populism, Nationalism and Nationalist Populism,“ *Studies in Comparative International Development* 56 (2021): 250-269, DOI: 10.1007/s12116-021-09337-6.

taking into the account the two fundamental functional characteristics, namely the dimension and direction of inter-party competition (Table 1).

The Competition Dimension

Until 2013 many observers agreed that the right-left socio-economic axis was in essence the only crucial dimension of inter-party competition. The other party options amounted to specific cleavages, representing the *cul-de-sacs* of party competition.¹⁰

The first relevant actor of the Czech Party System based on the populist split (elite/anti-elite) was Věci Veřejné Party (Public Affairs Party) in 2010 with 10,88% but it did not become a dominant part of the system. In 2013, for the first time, the *establishment versus anti-establishment* protest axis made a significant impact in the form of the ANO movement establishing itself as the second strongest party in the system.¹¹ The subsequent entry into government of the ANO (which would be categorized as a business-firm or entrepreneurial party according to the concept of Jonathan Hopkin and Caterina Paolucci) movement alongside the victorious ČSSD, however, temporarily neutralized the ANO movement's position in terms of its ability to disrupt the dominance of the right-left socio-economic axis, as the dominant inter-party center continued to be situated between the parties of the ruling coalition, especially the ČSSD and ANO, and the right-wing opposition, which during 2014-2017 was already dominated by the TOP 09, led (*de facto* and later formally) by Miroslav Kalousek.¹² Nonetheless, the efforts of Kalousek's TOP 09, aimed in particular at the axis of the main inter-party conflict, against the then Finance Minister and ANO 2011 chairman Andrej Babiš, attempting to make him and his controversies the central theme determining the dominant dimension of the inter-party competition, were essentially to no avail in the 2017 election as the ANO movement had effectively assumed the position previously held by left-wing parties within the right-wing socio-economic spectrum and its competition with the right-wing opposition thus in

¹⁰ James Toole, "Government Formation and Party System Stabilization in East Central Europe," *Party Politics* 6, No. 4 (2000): 441-461.

¹¹ Andreas Schedler, "Anti-political-establishment Parties," *Party Politics* 2, No. 3 (1996): 291-312.

¹² Jonathan Hopkin, and Caterina Paolucci, "The Business-firm Model of Party Organisation: Cases from Spain and Italy," *European Journal of Political Research* 35 (1999): 307-339.

most part took place in the same dimension as the until then dominant conflict between the left and the right.¹³ The dominant electoral shifts between the existing relevant parties took place within the two notional blocs of the right-left socio-economic axis, *i.e.*, from the ČSSD and KSCM to ANO 2011 and from the TOP 09 to ODS. On the electoral shifts between parties in the 2017 election. It can be said that in 2017 the *establishment versus anti-establishment* axis in 2017 was mainly felt on the left side of the spectrum, while the right side was only partially affected. However, this did not change anything about the fact that the dominant electoral agenda of the victorious ANO movement meant such a significant shift to the left in 2017 that the dominance of Babiš' movement did not in any way disrupt the main dimension of the inter-party competition in the form of the right-left socio-economic axis.

The presence of other brand-new actors in the party system and the divides from which they sprang have not (as of yet) changed anything about the dominance of the right-left socio-economic axis. The *nationalism versus cosmopolitanism* line is essential for SPD's electoral gains, the *materialism versus post-materialism* line for the Pirates, *religion versus secularism* for the KDU-ČSL, and the ideological concept of *politics versus anti-ideological technocracy* (supplemented by regionalism) for the STAN (*Starostové a nezávislí*, Mayors and Independents). STAN has been represented in the parliament since 2010, for the first time STAN was a member of the TOP09 candidate group, the members of the STAN movement were nominated by TOP 09. However, neither of these dimensions fundamentally affected the competition between other political parties in other dimensions and therefore did not undermine the dominance of the right-left socio-economic axis.¹⁴

Direction of Competition

¹³ Cf., Skop.cz (online), "Electoral maps 2017", accessed November 24, 2024, www.skop.cz.

¹⁴ Otto Eibl, Miloš Gregor, Vlastimil Havlík, Petr Voda, Peter Spac, Jakub Šedo, Veronika Dostálová, Petr Dvořák, *Volby do Poslanecké sněmovny v roce 2017* [Elections to the Chamber of Deputies in 2017] (Brno: CDK, 2019).

As conceived by Sartori, spatial competition is characterized by the configuration of actors and the ideological distances between them, or by the space of electoral expansion. In the case of the Czech party system, it has long been pointed out that there is a relatively high degree of polarization within the party system. The one-dimensional simplification, *i.e.*, the narrowing down of the dominant framework of inter-party competition to only one spatial determination, means that only competition in this spatial plane determines the evolution of the party system mechanism. Sartori also pointed to the fact that the scope of inter-party competition is a function of the length of the space; in other words, the competition takes place in a space as large as the ideological distance of the relevant actors forming the extreme poles of the party spectrum.¹⁵

In the Czech case, the conflict that dominated up until 2013 was the centripetal competition between the two pillars of the system, *i.e.*, the ČSSD on the left and the ODS (supplemented, after 2010, by the TOP 09) on the right. After the 2013 election, the metric center of the competition space was optically narrowed because of the ANO movement assuming control over this part of the continuum. Until about 2016, it can be said that the boundary between the position occupied by the ČSSD on the left of the spectrum, the electorate of the ANO movement was relatively strictly defined, and the interaction of these two parties did not disturb the dominantly right-left direction of the competition.¹⁶ Starting from early 2017, however, there was an extensive electoral expansion of the ANO movement to the left, coupled with a massive outflow of voters from the ČSSD (and also the KSČM) to the ANO movement, the ČSSD proving unable to defend itself against that outflow or to replace the electoral losses by expanding into other parts of the spectrum. As a result, the party's falling electoral support resulted in a single-digit gain (7.2%) in 2017, which accounted for the largest contribution to the increase in volatility across the party system brought about by that

¹⁵ Sartori, *Strany a stranické systémy*, 349.

¹⁶ Vladimír Hanáček, "Český stranický systém po roce 2013 v sartoriánské perspektive" [The Czech Party System After 2013 in a Sartorial Perspective] August 17, 2025, *E-polis.cz* (online), accessed August 20, 2024, http://www.e-polis.cz/clanek/cesky-stranicky-syst-vm-po-roce-2013-v-sartorianske-perspektive.html#_ftn34.

election.¹⁷ The electoral decline of the ČSSD, however, did not mean a shift in the main dimension of the competition space; rather, it can be said that this result meant the ČSSD vacated this spatial set, which removed any actual competition inside it. By contrast, the ANO movement took over a significant part of the space previously occupied by the ČSSD and began to opt for similar logic and tools of inter-party competition in a centripetal mode towards the competition on the right side of the spectrum. Notwithstanding, ANO's assumption of this position also meant that the right-left socio-economic axis as the main dimension of the competition effectively overlapped with the thematic fissure that was then significantly structuring the party spectrum, *i.e.*, the relationship to the ANO chair Andrej Babiš, his political style, and the controversies he stirred up.

At the same time it should be noted that the centripetal competition in the dominant dimension of the competition space was further strengthened by the fact that the traditional actors positioned from the center to the right of the spectrum, who represented the traditional self-declared right-wing opposition to Babiš and his allies (ODS, TOP 09 and KDU-ČSL), were joined by two new actors in the system after the 2017 election: the Pirates and the STAN. The presence of these actors meant further spatial gains by the centers of the right-left continuum, and the narrowing of the space for competition within it. In particular, the presence of the Pirates significantly limited the room for electoral expansion of all three traditional center-right parties. STAN's independent position, *i.e.*, as an actor that had not acted independently in the past but had been present in the system, first through its long-term electoral alliance with the TOP 09 and then through a short-term and unsuccessful but highly publicized and visible coalition project with the KDU-ČSL, primarily meant competition for these two traditional parties.

None of these factors changed the current direction of the inter-party competition, because the spatial expansion of any opposition actor into the center space primarily meant interaction with the ANO movement; in other words, the often discussed topic among the general public on how to take away part of Babiš' voters in favor of the opposition, was in

¹⁷ Eibl, *Volby do Poslanecké sněmovny v roce 2017*.

fact a question as to how to reduce the space for voter support for the ANO movement in the metric center of the continuum in favor of the opposition parties. The main centripetal direction of the competition therefore remained the same (Table 2).

Typology of the Czech Party System before the 2021 Election

The aforementioned typological determination of the Czech party system as standing between the Sartorian polarized and moderate pluralism types in terms of the evolution of the party-system format took a new direction towards the extreme multipartism format after the Chamber of Deputies election in 2013 and especially in 2017, due to the increase in the number of relevant actors from five to seven or even nine. At the same time, in June 2018, a so-called breakthrough option was exercised in the form of the involvement of the previously isolated Communist Party in the formation of a government majority in the Chamber of Deputies, when Andrej Babiš' second minority government, composed of representatives of the ANO movement and ČSSD, began to rely on the votes of the Communists in important Chamber votes.

From the point of view of the long-term development of the system, the new situation was paradoxical in two respects: on the one hand there was further fragmentation of the systemic format, but on the other hand the tendency toward a bipolar configuration of actors and the formation of two completely non-overlapping coalition blocs strengthened. Having said that, it should be noted that the internal situations inside the two notional blocs were quite different. While in the case of the governing bloc we see clear dominance of the ANO movement with the concurrent weakening of the two traditional left-wing parties, the ČSSD and KSČM, the opposition bloc was formed by a considerably fragmented spectrum of five political parties proposing a relatively wide range of ideas, with some parties enjoying a moderately strong position (gaining between 10 and 20% of the vote) and other oscillating around the 5% threshold required to enter the Chamber. It should be emphasized that voter shifts within the ruling bloc manifesting themselves by further ongoing outflows of voters from both left-wing parties towards the ANO movement affected both the second-order elections (EP election in May 2019, regional and

Senate elections in October 2020) and regular voter preference polls and published electoral models between 2018 and 2021. An exception to the bipolar configuration rule, one that may not be crucial for changing this systemic tendency, is the more or less isolated position of Okamura's SPD, which was formally an opposition party in 2017-2021, but with zero coalition potential *vis-à-vis* the other opposition parties.

The bipolar configuration and the tendency towards coalitions within the two blocs meant that the Czech party system was perhaps the closest in its history to Peter Mair's model of a closed party system in terms of the nature of party competition.¹⁸ However, in order to confirm such inclusion, the mechanism would have to continue in the same format for at least two more terms. From the mechanism perspective, however, the fundamental step towards complete power alternation and party-system bipolarization brings the Czech party system even closer to Sartori's moderate pluralism, without the condition of the limited multipartism defined in terms of the system format being met.¹⁹

From this perspective, when attempting to make a typological determination, we have to rely on the theories of other authors who follow Sartori but try to eliminate this analytical drawback by adding another type that could capture the combination of these characteristics. The most interesting and useful approach for the analysis of the Czech situation seems to be that of the Italian political scientist Leonardo Morlino, who in his treatise on the crisis of political partisanship and the changes in the Italian party system in connection with the fall of the First Republic in the early 1990s defined the so-called "neo-polarized pluralism" type.²⁰ The symptoms of the Italian crisis in the late 1980s and early 1990s described by Morlino correlate in many ways with the phenomena brought about by the development of the Czech party system and Czech politics in general in the last ten years. The factor of the economic crisis and the associated social upheavals, as well as the multiplying corruption cases and criminal affairs of politicians belonging to the established parties, created

¹⁸ Peter Mair, *Party Systems Change, Approaches and Interpretations* (Oxford: Clarendon Press, 1997), 207-214.

¹⁹ Sartori, *Strany a stranické systémy*, 185-193.

²⁰ Leonardo Morlino, "Crisis of Parties and Change of Party System in Italy," *Party Politics* 2, no. 1 (1996): 5-30.

a breeding ground for the emergence of protest political formations and “party-firms.”²¹ Their presence led to an increase in the number of relevant actors and aggravation of the party spectrum fragmentation. At the same time, it also strengthened polarization, *i.e.*, the ideological distance between the actors, which tends to reformat the long-standing polarization along the right-left socio-economic axis and strengthens the dividing line between traditional parties and new protest actors.

Notwithstanding, this polarization already in its first phase of strengthening significantly overlapped with the previously dominant right-left socio-economic axis.²² In the era of Bohuslav Sobotka’s government from 2014 to 2017, the strongest ruling party, the left-wing ČSSD, which then held the seat of the Prime Minister, was not dominantly criticized by the right-wing opposition (especially the TOP 09, which was formally the strongest right-wing party at the time, and by its then-chair Miroslav Kalousek) but rather by Babiš’ anti-establishment ANO movement, whose presence in the government ultimately strengthened the conflict relationship between the government actors themselves (the ČSSD and the KDU-ČSL on the one hand and the ANO on the other). Babiš’ critical attitude toward his coalition partners, especially toward the ČSSD led by Czech Prime Minister Bohuslav Sobotka, gradually strengthened, and the divide between the established governing parties and the ANO movement widened.²³

The 2017 election brought an increase in the number of actors and thus significantly more fragmentation of the spectrum. A total of three new actors appeared in the system. Even if we took into account the similar sources of voter legitimacy for the SPD in 2017 and *Úsvit přímé demokracie* four years before that, thus seeing Okamura’s new party as the functional equivalent of the previous formation, and if we considered the STAN movement to be more or less present in the system as a *de facto* part of the TOP 09 before 2017, we would still be left with the emergence of one completely new actor, the Pirates. The strengthening of the systemic

²¹ Vít Hloušek, Lubomír Kopeček, and Petra Vodová, *The Rise of Entrepreneurial Parties in European Politics* (London: Palgrave Macmillan, 2020).

²² Alan I. Abramowitz, Kyle L. Saunders, “Is Polarization a Myth?” *The Journal of Politics* 70, no. 2 (2008): 542-555.

²³ Eibl, *Volby do Poslanecké sněmovny v roce 2017*.

semi-polarization elements is then, in the spirit of Morlino's interpretation, also facilitated by the high level of electoral volatility and the transformation of the system format in terms of the position of individual actors according to electoral gains.²⁴

Notwithstanding, from the standpoint of the subsequent post-election developments and further evolution of the systemic mechanism, it can be stated that on the contrary, the semi-polarization phenomenon weakened both through the formation of an almost complete bipolar configuration in the Chamber of Deputies and, above all, through the exercise of the aforementioned breakthrough option in the form of the KSČM's involvement in the formation of the government majority. This effectively vacated the space of the metric center of the party continuum, resulting in the absence of any (even hypothetical) pivot of the system and of the two-sided opposition. In this context it should be mentioned that the SPD's formally oppositional role was already significantly weakened at the beginning of the election period as a result of the party winning important parliamentary positions for some of its prominent representatives, particularly the Deputy Speaker position in the Chamber of Deputies for the SPD chairman Tomio Okamura. The SPD has repeatedly functioned in the lower house as a reserve party in case of a change in the government majority for the ANO movement. Its role can be described as "semi-oppositional," even taking into account the positions of its representatives on some important issues of government policy. In any case, the party was not getting any stronger in terms of the number of voters as a result of the outflow of voters from the ruling parties to the opposition.

Unlike in Morlino's Italian case, we did not see the phenomenon of territorial pluralism associated with significantly different voting in different parts of the country in the Czech parliamentary election in 2017, as the ANO movement won the strongest position in all regions.²⁵

However, the tendency towards a two-bloc bipolar configuration, the absence of isolated actors and two-sided opposition on the one hand

²⁴ Tim Haughton, Kevin Deegan-Krause, *The New Party Challenge: Changing Cycles of Party Birth and Death in Central Europe and Beyond* (Oxford: Oxford University Press, 2020).

²⁵ The Czech Statistical Bureau, Výsledky voleb a referend [Results of elections and referendums], accessed August 20, 2024, *Volby.cz* (online), <https://www.volby.cz/pls/ps2017/ps311?xjazyk=CZ&xkraj=1>.

is added to by a high number of actors and mutual radicalization on the other hand. The widening ideological divide between the two notional blocs was then reinforced by such factors as the law governing the Chamber of Deputies elections, which gave an advantage to large political parties by applying the D'Hondt vote-to-mandate conversion mechanism, denying small actors sufficient maneuvering room for potential coalition promiscuity. The long-standing criticism of the current system of Chamber election, which gained traction after the 2017 Chamber of Deputies election due to the greater representation of smaller political parties that had felt aggrieved by the existing method of recounting votes into mandates, resulted in a petition by a group of senators primarily from the STAN club to the Constitutional Court to repeal part of the electoral law. By its ruling of February 2, 2021, the Court abolished both the existing method of converting votes into seats using the D'Hondt divisor method and the summative entry clause for coalitions.²⁶ It is, however, significant for the Czech situation that the new design of the electoral system agreed and subsequently approved in spring 2021, which involved converting votes into mandates through the so-called Imperiali quotas, instead of bringing about a more proportional electoral process, amounted to treading into the unknown with regard to the very limited empirical evidence of the effects of this version in the world and its potential Majority-enforcing impact associated with further added fragmentation of the spectrum.²⁷

The introduction of a popular vote of the president of the Republic and the course and outcomes of the elections in 2013 and 2018 were, of course,

²⁶ "Ústavní soud zrušil část volebního zákona. Koalicím bude stačit pro vstup do Sněmovny pet procent hlasů" [The Constitutional Court Annulled Part of the Electoral Law. Coalitions Will Only Need Five Percent of the Vote to Enter the House], February 3, 2021, *iRozhlas.cz* (online), accessed August 20, 2024, https://www.irozhlas.cz/zpravodomov/ustavni-soud-navrh-zakona-snemovna-snemovni-volby-senatori_2102030920_dok.

²⁷ Pavel Otto, "Politolog Lebeda: Roztříštěné politické scéně nový způsob rozdělení poslaneckých křesel pomůže" [Politolog Lebeda: A New Way of Dividing Seats for the Fragmented Political Scene Will Help] April 4, 2021, *E15.cz* (online), accessed August 20, 2024, <https://www.e15.cz/domaci/politolog-lebeda-roztristene-politicke-scene-novy-zpusob-rozdeleni-poslaneckych-kresel-pomuze-1379317>; Tomáš Lebeda, "The Proportionality of Electoral Formulas for Systems of Proportional Representation," *Czech Sociological Review* 42, no. 5 (2006): 883-912.

another important institutional incentive for strengthening polarization on the Czech political scene dominated by the two-bloc scheme.²⁸

The trend of Morlino's neo-polarized pluralism materializing in the Czech environment after 2017 was confirmed by many developments in Czech politics in the era of the Babiš government, especially the increasing public budget deficit, the continued de-legitimization of poorly institutionalized party actors and, last but not least, the deepening criticism of the country's governance by the civil society; in this context mass demonstrations took place in Prague in 2018-2019, organized by the *Milion chvilék pro demokracii* (*Million Moments for Democracy*) association. Therefore, it can be stated that the Czech party system, even before the 2021 Chamber of Deputies election, clearly (with a few exceptions) showed the traits of the *neo-polarized pluralism* type as described by Leonardo Morlino in reference to Sartori's typology.

Changes to the Czech Party System after the 2021 Election

The Chamber of Deputies election held on October 8-9, 2021, did not represent as significant an element of discontinuity in terms of electoral outcomes as the previous three elections. After three electoral periods, there were no formal changes in party-political actors, and no increase in the number of relevant parties represented in the system. As a matter of fact, after periods of increase, the number of relevant parties decreased from nine to seven.

Two significant elements of discontinuity could be observed: first, two actors traditionally present on the political scene for virtually the entire existence of the Czech party system saw their voter support drop below the five percent threshold, *i.e.*, the two left-wing parties, the ČSSD and the KSČM. Although their electoral support stagnated since the 2017 election, in which they both only achieved single-digit results for the first time in history, in the next period they still had a significant role to play as they were either represented in the coalition government with the ANO movement (ČSSD), or provided tacit support for the government in the Chamber of

²⁸ Jakub Šedo, a kol., *České prezidentské volby v roce 2018, Jiný souboj, stejný vítěz* [The Czech Presidential Election in 2018: Different Fight, Same Winner] (Brno: CDK, 2019).

Deputies (KSČM). Their departure from the scene can thus be identified in a way as a partial demise of the left part of the ideological spectrum.²⁹

The second element of discontinuity in the evolution of the party system was the unusual phenomenon of two successful electoral coalitions with a total of five parties. Before that, electoral coalitions were success stories in only two periods in the Czech political scene. The first came in the early 1990s at the onset of the development of a pluralistic Czech party system. The first parliamentary election held in June 1990 was the successful electoral bid of the *Christian and Democratic Union* (KDU) coalition, then comprising the Czechoslovak People's Party, Benda's Christian Democratic Party, the Free Peasant Party and the Slovak Christian Democratic Movement. They received over 8% of the vote in both houses of the Federal Assembly and the Czech National Council. Other successful coalitions included the alliance of the ODS and Benda's KDS in the 1992 elections, which emerged as the formal winner in the elections to all three parliamentary bodies at the time. It should be noted, however, that the alliance was also notably skewed in favor of Klaus' ODS in terms of the representation of candidates and their proportions.³⁰ The other successful electoral coalition in that election was the *Liberal Social Union* (LSU), which brought together the National Socialists, the Green Party, the Agricultural Party and the Movement of Farmers and Independents. It won around 6% of the votes and made it into both parliaments at the time.³¹ The other period of success for electoral coalitions came with the Chamber of Deputies

²⁹ Michel Perottino, Martin Polášek, Vilém Novotný (eds.), *Mezi masovou a kartelovou stranou: možnosti teorie při výkladu vývoje ČSSD a KSČM v letech 2000-2010* [Between the Mass and the Cartel Side: Theoretical Possibilities for Interpreting the Development of the ČSSD and KSČM in the Years 2000-2010] (Prague: SLON, Sociologické nakladatelství, 2012).

³⁰ Jakub Šedo, "Křesťanskodemokratická strana" [The Christian Democratic Party] in *Politické strany. Vývoj politických stran a hnutí v českých zemích a Československu v letech 1938 – 2004* [Political Parties. Development of Political Parties and Movements in the Czech Lands and Czechoslovakia in the Years 1938-2004], eds. Jiří Malíř and Pavel Marek (Brno: Doplněk, 2005), 1557-1561.

³¹ The Czech Statistical Bureau, *Výsledky voleb a referend* [Results of elections and referendums], *Volby.cz* (online), accessed August 20, 2024, <https://www.volby.cz/pls/ps2017/ps311?xjazyk=CZ&xkraj=1>.

election ten years later, when the KDU-ČSL and US-DEU joined together in an electoral coalition and achieved a result of almost 15% of the votes.

In all three of these cases, the elections yielded the following results, in which only one of the original coalition parties succeeded on their own, and the others either ran in a different coalition or failed to succeed and thus definitively fell into oblivion. In 2021, however, it was the first time that only parties that had become relevant actors in the system on their own in previous periods and were represented in the Chamber of Deputies independently after the last parliamentary election in 2017 took part in the election as part of successful coalitions. What does the presence of electoral coalitions mean in terms of the evolution of the Czech party system, regarding the nature of the actors?

Electoral Coalitions in the Party-system Theory

Classical theories of party systems operate with individual party actors, which they believe also encompass the electoral coalitions themselves.³² However, electoral coalitions may not be self-sustaining, to the extent that they can be considered relevant entities *sui generis* without any link to the sources of electoral legitimacy of the respective parties which form them. In other words, electoral coalitions may primarily represent the sum of the electoral support of the respective coalition parties, and only for a limited part of the electorate may they represent a self-sustaining alternative. The question that becomes crucial from the viewpoint of the evolution of the party system format is, for how long and in what mode of stability the electoral coalitions have been functioning, and whether they constitute predictable actors in terms of post-election coalition ties. Again, this confirms that the party-system mechanism cannot be ignored when evaluating the format development.

The first author to incorporate the aspect of electoral coalitions into a theory of the party system, in an attempt to typologically define the aspect, is the Canadian political scientist Steven Wolinetz. His attempt to

³² Sona Nadenichek Golder, "Pre-electoral Coalition Formation in Parliamentary Democracies," *British Journal of Political Science* 36, no: 2 (2006): 193-202.

reformulate the starting points for the typological determination of party systems in the face of changes in the party-political systems of individual countries after the fall of the Iron Curtain is in a similar vein to Leonardo Morlino's aforementioned concept. Even Wolinetz realized that Sartori's moderate and polarized pluralism types were too exclusive for practical application in the context of the empirical reality, especially in newly democratized countries, and explained little about the specific nature of party systems. Wolinetz points to the fact that in the vast majority of cases, when applying Sartori's typology rigorously, one is forced to conclude that almost everything falls under the moderate pluralism type, and that polarized pluralism, on the contrary, is almost non-existent today in its pure form (according to the Italian and Weimar-German model).³³

Wolinetz rejects the contributions of many authors who tried to define a new typology of party systems based entirely on Sartori, although he acknowledges the analytical quality of two similar attempts: the *effective-number-of-parties* and the *effective-number-of-parliamentary parties* concepts as proposed by Markku Laakso and Rein Taagepera and the modification of Jean Blondel's typology by Alain Siaroff.³⁴ However, instead of abandoning the original Sartorian framework of analysis, Steven Wolinetz tries to enrich it with other factors which, in his opinion, are not sufficiently represented in it.

In relation to Sartori's framework of analysis, Wolinetz stresses the importance of the *number-of-relevant-parties* criterion. At the same time, however, he adds that the criterion is not the most important one when assessing the configuration of actors within a system format, as increasing the number of relevant actors does not necessarily imply a change in the system logic. In other words, it cannot be mechanically argued that increasing the number of actors automatically leads to polarized pluralism. In the

³³ Steven Wolinetz, "Classifying Party Systems: Where Have All the Typologies Gone?," (Annual Meeting of the Canadian Political Science Association, Winnipeg, Manitoba, 2004), 5.

³⁴ Markku Laakso, Rein Taagepera, "Effective Number of Parties: Measure to Application to Western Europe," *Comparative Political Studies* 12 (1979): 3-27; Alain Siaroff, "Two-And-A-Half-Party Systems and the Comparative Role of the 'Half'," *Party Politics* 3, no. 3 (2003): 267-290.

1960s, the American political scientist Douglas Rae pointed out that an increasing number of actors in a system does not imply a change in the mechanism of the system unless the actors in question all compete with each other to the same extent. The upshot of this was distinguishing “fractionalization” from “multipartism.”³⁵ Wolinetz builds on this thesis by pointing out that, especially in the 1990s, we observe changes in the systemic format in some countries, accompanied by a reduction in the degree of polarization between these actors, allowing them to be more easily combined into broader electoral blocs.³⁶ This means that what is important is not just how many parties there are in the system, but rather the degree of polarization between them. This brings us to the systemic format and the competition dimension: whether it is unipolar or centripetal, bipolar versus multipolar, and whether clustering occurs, *i.e.*, whether permanent or semi-permanent electoral coalitions exist in the system.³⁷

According to Wolinetz, the degree of polarization does not constitute a distinction between moderate and polarized pluralism, but rather an expression of the nature of inter-party competition. Polarization can be extensive, but it depends on whether the axis of competition is composed of one party or whether the competition is bipolar, and whether there are multiple parties in competition in multiple dimensions, or whether they compete as two opposing blocs but within one dimension (the system is then formally a multiparty system, but effectively a two-party system). Among the illustrative examples of the latter type, Wolinetz includes Poland after the emergence of a democratic party system in the 1990s, but also Italy after the collapse of the First Republic system and the emergence of new party actors after 1993.³⁸

In an attempt to come up with his own typology, Wolinetz thus differentiates Sartori’s moderate pluralism type according to the following three aspects: the first two as he himself admits are based directly on Sartori’s perception of the important functional characteristics of the system: the number of relevant parties and the degree of polarization,

³⁵ Douglas Rae, “A Note on the Fractionalization of Some European Party Systems,” *Comparative Political Studies* 1, no. 3 (1968): 413-418.

³⁶ Wolinetz, “Classifying Party Systems,” 2.

³⁷ *Ibid.*

³⁸ *Ibid.*, p. 13.

conceived both broadly and loosely. However, he himself adds a third aspect to the two, which he refers to as the aforementioned “clustering,” *i.e.*, the grouping of parties into blocs in a bipolar configuration. He refers to this type as *extended multipartism*. Wolinetz then divides both moderate and extended multipartism into unimodal, bipolar, or multipolar. Unimodal distribution of actors implies competition in only one dimension. The bipolar configuration means the possibility of competing in multiple dimensions, but in two blocs. A multipolar distribution means multiple actors competing in multiple dimensions.³⁹ Based on contemporary knowledge, Wolinetz assigns the Czech Republic to the unimodal moderate multipartism type. It should be noted here that Wolinetz does not go too far terminologically distinguishing between the moderate multipartism class and the moderate pluralism type in the spirit of Sartori, essentially treating the terms “multipartism” and “pluralism” as synonyms instead.

Typological Classification of the Czech Case in 2021

Having classified the Czech party system as being of the Morlino’s type, we can assess to what extent the Czech case came close to the Wolinetz extended multipartism type in the period under review. Morlino’s neo-polarized pluralism is closest to the bipolar or multipolar extended multipartism type in Wolinetz’s scheme. These types are primarily characterized by a larger number of relevant actors (six or more), as well as a high degree of polarization between actors along either one or several dominant axes. This subsequently makes it possible for us to determine the bipolar or multipolar configuration. Unlike Morlino, Wolinetz adds the clustering aspect, *i.e.*, the formation of blocs of ideologically close actors, typical especially of the bipolar configuration. Although there are more actors in the system, in fact the ideological distance between actors is large along the main axis between the two party blocs, not within the coalition blocs themselves. Thus, the length of the competition space is rather small, because as Wolinetz himself points

³⁹ Ibid, 15.

out, while the length of the space is crucial for the number of parties, the number of parties does not imply the presence of radical subjects. It is the complete or partial absence of isolated anti-system parties that predetermine the system for the dominant direction of inter-party competition to be centripetal. However, the competition between the two dominant blocs is characterized by a high degree of polarization, and so there are no centripetal tendencies. This touches on the important observation that the dichotomy of centripetal versus centrifugal electoral competition may not be sufficient for the extended multipartism type, since it is more about the intensity of electoral expansion in the relevant direction than its elementary presence.

It is precisely the type of bipolar extended multipartism presented by Wolinetz that seems to be suitable for explaining the Czech party-system realities after the 2021 Chamber of Deputies election. The following three conditions seem to corroborate this conclusion: first, the bipolar configuration and the weakening of centripetal competition, combined with the concurrent absence of centrifugal tendencies. Second, the number of relevant actors remains above six: seven to nine. This means that small parties that have been less relevant in the 2021 elections are, however, potentially usable in future electoral alliances with the current opposition. And third, the parties forming coalitions and the alliance-like bipolar logic clearly speak in favor of the above type. The situation in the current Czech Republic is reminiscent of the historical example of Italy in the 1990s, but also of the long-term tendencies of the party systems in Israel or in Poland, which culminated in the double Polish elections in 2019. The May 2019 European Parliament elections pitted the *United Right* bloc (the ruling PiS and its marginal satellites) against a united opposition called the *European Coalition*. In the Polish parliamentary elections in October this year, a bloc of liberal parties called the *Civic Coalition*, a bloc of left-wing parties in alliance with the dominant SLD, and a bloc of Polish People's Democrats with the movement of the rocker Paweł

Kukiz on the ticket of the established PSL joined forces against the *United Right*.⁴⁰

In what ways, however, is the Czech case different from the Wolinetz type defined in this way? First of all, the bipolar two-block structure is highly asymmetric. While in the case of the right portion of the spectrum, the clustering of smaller center-right parties into two coalitions is in principle consistent with this theoretical definition, the notional left part of the spectrum has only one actor, namely the ANO 2011 movement. The full symmetrical fulfilment of the two-bloc structure would only occur if the ANO movement formed an electoral coalition with at least the ČSSD as its former government coalition partner, as President Miloš Zeman suggested to Andrej Babiš before the 2021 election.⁴¹ At the same time, an ANO/ČSSD coalition would mean that votes for the Social Democrats (regardless of the actual gain) would not be forfeited, *i.e.*, they would translate into actual gained seats. Such a coalition would have been very likely to win the Chamber elections in October 2021.

By contrast, despite all the pre-requisites for possible cooperation, the ANO movement and Okamura's SPD cannot be regarded as forming a homogeneous bloc, even though the two parties remained in opposition after the center-right government of Petr Fiala assumed power. The SPD formally stood in opposition to Babiš' government from 2017 to 2021, and although for most of that period it was common knowledge that Babiš' government was far less hostile to the SPD than to the other opposition parties (and vice versa), the SPD never became part of the official government majority, and with the onset of the Covid-19 pandemic and its criticism of the restrictive measures adopted, the party more or less ideologically distanced itself from Babiš' government.

⁴⁰ Petr Jedlička, "Vítězství PiS potvrzeno, může vládnout sama" [Victory of PiS confirmed, it can govern alone], October 14, 2019, *Deník Referendum* (online), accessed August 20, 2024, <https://denikreferendum.cz/clanek/30280-volby-v-polsku-vitezstvi-pis-potvrzeno-muze-vladnout-sama>; Marcin Ślarzyński, "The Emergence of Right-Wing Partisanship in Poland, 1993–2018: Reconciling Demand-Side Explanations of the Success of Illiberalism," *Perspectives on Politics* 22, no. 3 (2024): 692–716, DOI: 10.1017/S153759272300275X.

⁴¹ "Zeman: ANO a ČSSD by měly uzavřít koalici" [Zeman: ANO and ČSSD should form a coalition], January 21, 2021, *Novinky.cz* (online), accessed August 20, 2024, <https://www.novinky.cz/domaci/clanek/zeman-ano-a-cssd-by-meli-uzavrit-koalici-40348482>.

Yet, such considerations are not essential in terms of the typological classification of the Czech party system in its post 2021 election setting, because the resulting configuration did not change the bipolar position of the actors and the corresponding direction of party competition, with the number of party actors, regardless of the coalitions, remaining relatively high at seven, and the future hypothetical return of at least one of the two left-wing parties could increase it even further.

Let us now look at the fundamental functional characteristics of the Czech party system after the 2021 election through the prism of the theories mentioned in the introduction to this paper.

Conclusion

In this paper we focused on the evolution of the Czech party system with an emphasis on its shape after the last Chamber of Deputies election in 2021 in terms of stability and change. According to Giovanni Sartori's classical typology, the Czech party system oscillated for a long time between the polarized and moderate pluralism types, while the more fundamental changes in the system format after the last three elections, associated with the emergence of new system actors and a significant increase in voter volatility, have increased the Czech party system's propensity to the polarized pluralism type. Nevertheless, the importance of the other dimensions of competition is not being strengthened and it is mainly the right-left socio-economic axis that remains dominant, with the *establishment versus anti-establishment* divide overlapping with this axis almost completely since the 2017 elections at the latest. The strengthening tendency towards systemic bipolarity, the absence of one strong centrist actor, but also the absence of strengthening of the extreme poles of the system and of centrifugal competition with the concurrent increase in the number of relevant actors above the threshold of six brings the Czech party system closer to the neo-polarized pluralism type as defined by Leonardo Morlino. In addition, the last election in 2021 saw the rise of the electoral coalition phenomenon and the tendency towards bipolar blocs. Although this is a completely new phenomenon whose future

forms are difficult to predict, the trend is clearly reminiscent of Steven Wolinetz's bipolar extended multipartism type.

The second possible typology is the now classic concept developed by Peter Mair. His distinction between a closed system, characterized by either no or complete rotation of government actors, and an open system, characterized by partial but disorderly rotation of government actors, correlates with the concepts of many analysts about the normative stability of the party system. A closed system as conceived by Mair implies stability, orderliness and predictability, while an open system implies a greater degree of uncertainty, instability and unpredictability.

Through this analysis, we concluded that despite the seeming notion of fundamental instability of the Czech party system, associated with changes in the system format, elements of stability and continuity of the system's development still prevail at the mechanism level in its direction that appears predictable and therefore unsurprising. The stability of the system, normatively conceived in this way, is a positive finding, especially in the sense that changes to the party system leading to greater power uncertainty and instability are traditionally perceived as crisis factors for the democratic political system as such. In this respect the development of the Czech party system, and thus of Czech democracy today, can be seen as relatively favorable.

Table 1

Czech Electoral Results 2017

Party	Votes (%)	Seats	Ideological position ¹
ANO 2011	29,64	78	No family
ODS	11,32	25	Conservative
Pirates	10,79	22	No family
SPD	10,64	22	Far-Right
KSČM	7,76	15	Radical Left
ČSSD	7,27	15	Socialist
KDU-ČSL	5,8	10	Christian-Democratic
TOP 09	5,31	7	Conservative
STAN	5,18	6	Liberal

Source: CHES Data Trend File 2019.

Table 2

Czech Electoral Results 2021

Party	Votes (%)	Seats	Ideological position ²
SPOLU (coalition ODS, KDU-ČSL, TOP 09)	27,79	71	Conservatives and Christian Democrats
ANO 2011	27,12	72	No Family
Pirates and STAN	15,62	37	Coalition Liberals and No Family
SPD	9,56	20	Far-Right

Source: The Czech Statistical Bureau, Výsledky voleb a referend [Results of elections and referendums]; CHES Data Trend File 2019.

¹ Ideological position of each party is defined by the Chapel Hill Expert Survey Europe 2019, <https://www.chesdata.eu/ches-europe> (6.8.2024)

² Ideological position of each party/coalition is defined by the Chapel Hill Expert Survey Europe 2019, <https://www.chesdata.eu/ches-europe> (6.8.2024)

THE RULE OF LAW AND POPULISM INTERDEPENDENCIES: THE PERSPECTIVE OF POLITICAL STABILITY

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Abstract. This paper sheds new light on comprehending populist politics and its relation to the rule of law. Dealing with the fact that populist parties are competing and struggling with the courts, one can say that the tension between judicial and legislative institutions is a crucial element of contemporary liberal democracy condition. The following article proposes a new approach to be used as an analytical tool for surveying the interdependencies between the rule of law and populism. According to this view, dialectical analysis should replace the axiological analysis of judicial/democratic dualism. The purpose of this shift is to regard the tension between given elements of a political system in a mechanical way rather than in terms of a clash of values. Using the pendulum metaphor, one can track the relations between static and dynamic elements of a given political system.

Keywords: the rule of law, populism, political stability, judicial politics, separation of powers

Introduction

There are three possible paths of thinking about the relationship between the Rule of Law and populist politics these days. The first approach goes along with blaming populists for abusing the will of people, acting against legal standards and procedures, and dishonorably treating law

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in general and courts in particular.² The second approach takes the opposite position and says that we are dealing with the judicialization of politics, which means that courts go beyond their competencies and make policy instead of being guardians of justice and procedures.³ In his latest book, Martin Loughlin presents the third possible approach, which we find very elucidating and fresh. The crucial point of his critiques toward the idealization of constitutionalism reads:

“Many if not most of these populist movements have arisen in opposition not to constitutional democracy but to the way it has been reshaped by constitutionalism. Consider, for example, the rise of populism in central and eastern European states that have undergone a rapid transition from Soviet-style socialism to market capitalism. Here, the growth of populism seems directly linked to the imposition of constitutionalism.”⁴

What we found most interesting in this perspective is the accentuation of interdependencies between two elements – the populist and the constitutional one. The relation of these elements is based on some feedback loop. The increasing intensity of populist politics makes the courts more willing to adopt extraordinary means of securing the rule of law. The overdevelopment of judicative power, which leads to the judicialization of politics, influences the strategy that populists employ. That said, one should agree with Loughlin’s observations:

² Máttyás Bencze, “Everyday Judicial Populism in Hungary,” *Review of Central and East European Law* 47, no. 1 (2022): 37-59, DOI: 10.1163/15730352-bja10062; Dimitros Giannouloupoulos and Yvonne McDermott (eds.), *Judicial Independence Under Threat*, (Oxford: Oxford University Press, 2022), DOI: 10.5871/bacad/9780197267035.001.0001; Jan Petrov, “(De-) Judicialization of Politics in the Era of Populism: Lessons from Central and Eastern Europe,” *The International Journal of Human Rights* 26, no. 7 (2022): 1181-1206, DOI: 10.1080/13642987.2021.1931138; Sergiu Mișcoiu, „Introducere” [Introduction] in *Partide și personalități populiste în România post-comunistă* [Populist Parties and Personalities in Post-communist Romania] eds. Sergiu Gherghina, Sergiu Mișcoiu (Iași: Institutul European, 2010): 9-52.

³ Ran Hirschl, *Towards Juristocracy. The Origins and Consequences of the New Constitutionalism* (Cambridge, MA: Harvard University Press, 2004); Thomas M. Keck, *Judicial Politics in Polarized Times* (Chicago: The University of Chicago Press, 2014); Christine Landfried ed., *Judicial Power. How Constitutional Courts Affect Political Transformations*, (Cambridge: Cambridge University Press, 2019).

⁴ Martin Loughlin, *Against Constitutionalism* (Cambridge, MA: Harvard University Press, 2022): 200.

“The solution commonly touted to threats associated with the rise of populism is to strengthen the institutional mechanisms of constitutionalism. Having wrongly diagnosed the ailment, what is proposed as a remedy is an intensification of the treatment that is one of the main sources of the original disorder.”⁵

Based on Laughlin’s observations, we shall be developing this way of thinking toward a dialectical approach. Whereas he grasped the action and reaction, we are going to consider the situation as a dynamic, ongoing process that happens before our eyes in the case of controversy between democratic principles and constitutional requirements.

The paper’s primary purpose is to comprehensively analyze the structural conditions of the interdependencies and discrepancies between populist politics and the rule of law principles. This problem is also recognized as a problem of integrity of the rule of law and democratic constitutionalism. As we read in the literature:

“Critics argue that populist-nationalist regimes have undermined constitutional norms and the rule of law based on a particular notion of illiberalism and popular sovereignty. In response, populists assert the democratic legitimacy of their governments, contest judicial overreach, present alternative views on law and human rights, and strategically utilize constitutional mechanisms to their advantage, such as appointing sympathetic judges and implementing hard-to-repeal policies. They reject claims of opposing the rule of law and, at times, put forth their own conceptions of the relationship between democratic governance and constitutional structure.”⁶

The research problem has the shape of a question: What is the reason behind the structural tension between democratic and judicial bodies in contemporary political systems affected by the crisis of the rule of law? The argument proposed as a tentative answer to the question reads that the main reason for such a state of affairs consists of the temporal conditioned dialectical tension between static and dynamic elements, determining the degree of political stability in the systems affected by the separation of powers idea. We will reach the philosophical level of investigation to clarify this argument and descend toward the legal (constitutional) and institutional dimensions. An essential element of the analysis is the multifaceted approach to political stability, which can be

⁵ Loughlin, *Against Constitutionalism*, 199.

⁶ Eszter Bodnár, Jeremy Webber, Oliver Schmidtke, “Special Issue of the Hague Journal on the Rule of Law on Populism, Democracy, and the Rule of Law in Central and Eastern Europe,” *Hague Journal on the Rule of Law* 16 (2024): 220, DOI: 10.1007/s40803-024-00241-4.

identified as a paradigm for studies on political systems operations. As an initial point, we should look at the antinomy of political theory, which is related to the split between judicial and other branches of power. Thus, the following research seeks dynamic and static elements within the remit of populism and rule of law relations. These elements reflect on several levels of comprehension of the structure of a political system and its stability. It is worth mentioning that this dynamism of populist politics is reflected in literature as an ability to adjust to the circumstances and conditions, which is a kind of chameleonic character thereof.⁷ That is another reason for analyzing the accommodation strategies of populists and the reactions of the judicial branch against it.

On the Antinomy of Political Theory

In his study on the notion of authority, Alexandre Kojève expresses the purpose of the research in the following way:

“It is a study of this kind that will allow us to resolve in a definitive fashion the problem of «Separation of Powers» and that of the «Constitution,» as well as the structure of the State in general.”⁸

Assuming this purpose, he paid particular attention to the temporal background of each branch of power. Four main approaches to political power are distinguished as follows: (1) theological (based on the authority of the father over the child); (2) Aristotelian (reflected in the authority of the leader over the band); (3) Platonian (manifested most accurately in the authority of the judge); and (4) Hegelian (having its core in the authority of the master over the slave). Each type of power (except for the power of the father, which is more general and embraces all other types) can correlate with a branch of political power, that is, respectively, judicial (Authority of Judge), legislative (Authority of Leader), and executive

⁷ Sergiu Gherghina, Sergiu Miscoiu, Sorina Soare, “How Far Does Nationalism Go? An Overview of Populist Parties in Central and Eastern Europe,” in *Political populism*, eds. Reinhard C. Heinisch, Christina Holtz-Bacha, Oscar Mazzoleni (Frankfurt-am-Main: Nomos, 2021): 205.

⁸ Alexandre Kojève, *The Notion of Authority* (London: Verso, 2014): 31.

(Authority of Master).⁹ Taking into account the temporal aspect of power, he has arrived at the conclusion which needs to be clearly emphasized:

“[...] the Authority of the Master (Present) and the Leader (Future) must therefore necessarily come into conflict with the Authority of the Judge (Eternity). If, however, the Eternity that has come into conflict with Time – or more precisely, has been separated from it – no longer has any reality, Justice separated from the Authority of the Leader and the Master also loses all real Authority.”¹⁰

Hence, the temporal aspect of power is crucial in distinguishing types of authority. That allows us to perceive politics as a matter of peculiar dialectics: “Eternity setting itself against Time, the Authority of the Judge sets itself, by virtue of its essence, against the other three.”¹¹ Many contradictions could appear since the judge assumes a timeless perspective of dealing with authority. In contrast, other branches of political power are focused more or less on time dimensions, which is reflected in theories of authority: Past (the theological theory of authority), Future and Past (Aristotelian account), and Future and Past (Hegel’s theory). This temporal split affects all political systems, and the situation has its roots *a priori* the idea of politics as such. As Kojève has concluded: “We are therefore in the presence of a («Kantian») antinomy of political theory.”¹² This antinomy constitutes the perspective of analysis that shall be going toward grasping a mechanism of political stability in this paper. To formulate it in a definite way, judicial power is to be perceived as an anchor launched in eternal that is timeless, not a dynamic sphere of authority. It is a static perspective that should be immune to contingent factors. That perspective is congruent with the principle of impartiality as a central feature of justice. A contrary perspective should be imposed on legislative and executive powers, which are consistent with dynamic operations in the political sphere. This Kantian antinomy is of an *a priori* character, which is why it can be used as a lens through which empirical studies can be done.

Judicative *versus* Legislative Dualism

⁹ Ibid., 28-30.

¹⁰ Ibid., 68-69.

¹¹ Ibid., 73.

¹² Kojève, *The Notion of Authority*, 73.

The split between judicative and legislative power is also present in the institutional dimension of politics, and it influences many essential phenomena in the public sphere. Using some simplification, Ronald Dworkin gave a clear explanation of the structure of the political system based on the idea of separation of power, where the two main pillars of that system comprise judicative and legislative power. In both sections, there are different levels to be analyzed. As Dworkin points out, we can trace a specific dualism of the political system.¹³ On the one hand, some policies express goals to be pursued by the community. By their nature, they lay in the legislative body's competencies, that is, Congress. On the other hand, the Supreme Court is an institution in charge of securing individual rights and justice. These are phenomena entailed by the principles, that is:

"[...] a standard that is to be observed, not because it will advance or secure an economic, political, or social situation deemed desirable, but because it is a requirement of justice or fairness or some other dimension of morality."¹⁴

Again, these two judicial and legislative perspectives seem to have discrepancies. One is dynamic, while the other is to be static. Although this approach could be criticized because of the imposing perspective, which is somehow black and white, it displays the main problem. There are two sections in the political system; what is really at stake is the question of adequately assigning given issues to a particular section. The question of fundamental importance is which institution should be in power to decide over the most relevant social issues. For example, reproductive freedom as a factor of significant social impact should be concerned with judicial power (which lacks democratic legitimacy), or it should belong to legislative power (which has no competence to defend individual rights). Some reflections of this problem are to be found, of course, in reversing *Roe v. Wade* in the USA, but also in other countries, amongst which there is the most recent case of Poland where the

¹³ Ronald Dworkin, *Taking Rights Seriously* (London: Bloomsbury, 2013): 38-45.

¹⁴ Dworkin, *Taking Rights Seriously*, 39.

Constitutional Tribunal brought the abortion law into consideration¹⁵ and made a controversial decision which caused a blatant social disagreement. It seems to have become some competition between political bodies where the wages of the game are competencies that a given subject of power might colonize. Thus, the question is how it can be adequately diagnosed and elaborated. First and foremost, one should figure out that the system structure mentioned above is based on peculiar dualism. Although this description is valuable as a preliminary approach to the subject matter, it should be developed to obtain a more precise picture of how the political system operates. Many doubts exist about the proper shape and prerogatives assigned to particular system sections. These are the questions about the legitimacy and justification of some visions of politics. It also depends on the way of defining given social problems. If one expresses a security problem regarding individual rights, then it should belong to the judiciary. However, in many cases, the same problem might be defined in terms of political goals and demands. This situation leads to confusion and misunderstandings. What is the reason for such a state of affairs? As we will argue in the following part of this paper, the problem has its source in merely static instead of dynamic perspective in analyzing stability and interdependencies of particular elements within a political system. To put it as shortly as possible: one should replace the perspective of dualism with the dialectic perspective. Dualism is deprived of the dynamic functional process-tracing analysis that appears in the functioning of political systems. Moreover, dialectic includes a more comprehensive view of stability, which can be understood as invariability and flexibility.

From Dualism to the Dialectic

¹⁵ Karine Coen-Sanchez, Basseyy Ebenso, Ieman Mona El-Mowafi, Maria Berghs, Dina Idriss-Wheeler and Sanni Yaya, "Repercussions of Overturning Roe v. Wade for Women Across Systems and Beyond Borders," *Reproductive Health* 19, no. 184 (2022), DOI: 10.1186/s12978-022-01490-y; Marta Bucholc, "Abortion Law and Human Rights in Poland: The Closing of the Jurisprudential Horizon," *Hague Journal on the Rule of Law* 14 (2022): 73-99, DOI: 10.1007/s40803-022-00167-9; Aleksandra Kustra-Rogatka, "Populist but not Popular: The Abortion Judgment of the Polish Constitutional Tribunal," *VerfBlog*, November 3, 2020, <https://verfassungsblog.de/populist-but-not-popular/>, DOI: 10.17176/20201103-235627-0.

Although many other interesting conclusions can be inferred from Kojève's research on authority, one of extreme importance is the fundamental split between the legislative/executive and judicial powers. Suppose legislative power is meant to be an instrument for dealing with many incentives and factors that play an essential role in the political dimension. In that case, the judicative power is set as a counterbalance to dynamic legislative/executive activity. The case is purely dialectical. The tension between *Eternity* and *Time* is fueled by friction between timely and timelessly comprehended attitudes to reality as such. It is worth noticing that this dichotomy is a fundamental one. So, it means that the classical account of the tripartite of powers should not be regarded as a fundamental of thinking about the polity of the modern state, but rather as a consequence of a deeper assumption of the actions based on power in the frame of temporality. That way of thinking is valuable in the political philosophy dimension, but it can also be utilized to explain phenomena occurring at the institutional level of politics. These dialectical tensions are based on interactions between constitutionalism and the democratic approach. Allan Hutchinson correctly draws the context of the problem by analyzing the split between a constitution and a democracy.¹⁶ Considering the role of the constitution in democratic societies, he asserts that:

"Consequently, constitutionalism is also characterized by an obsession with permanence, a resistance to constitutional change, and a suspicion of constituent assemblies. Underlying many constitutionalist theories is the idea that once the constitution contains the right abstract principles and the correct balance of institutional safeguards, it is a good and finished constitution. [...] Indeed, the claim is that to alter the constitutional arrangement in significant ways is to look for political trouble to play with the stability of the governance system, and to risk the precious ideal of Rule of Law."¹⁷

As we can see, it aligns with the argument presented above. Namely, the tension between judicative and legislative power could be constancy and variability. Hutchinson perceives this way of comprehending the political system as a mistake that diminishes people's role in political

¹⁶ Allan C. Hutchinson, *Democracy and Constitutions. Putting Citizens First* (Toronto: University of Toronto Press, 2021).

¹⁷ *Ibid.*, 36.

decision-making. To solve this problem, he proposes making courts more democratic by, for example, providing parliamentary oversight of judicial appointments or election of judges to give them better democratic legitimacy.¹⁸ On the other hand, a constitutional convention, which is strictly democratic, could be organized in a recurring cycle every twenty-five years.¹⁹ It is worth noticing that some constitutions had this kind of expiry date, like, for example, the Constitution of May 3, 1791 in Poland (it was set for twenty-five years and after this period could be revised or amended – article VI). By dealing with scopes of institutional flexibility and correlation between given political institutions one can find a proper balance, that is the balance which can provide an adequate response to current needs of the political system. What is interesting from the perspective of our analysis is not only related to normative postulates but, above all, the diagnosis. As Hutchinson points out:

“At the bottom, the constitutionalist response comes down to the unedifying and self-serving notion that the judiciary’s very unaccountability and unrepresentativeness actually works to ensure that fundamental and contested matter of political justice are addressed and resolved in the impartial, detached and principled way.”²⁰

Dealing with openly partial issues by using an impartial perspective seems to be a crucial problem in social justice. However, one should remember that it is only one possible manifestation of the antinomy of political theory introduced by Kojève. That antinomy becomes more problematic if we look at the constitutional binding process and constraints that might be imposed from a temporal perspective on political bodies. A very important view in connection to this topic is presented by Jon Elster, who displays the problem of constitutional binding. Considering his account, we want to address the following questions: How is this possible, and what are the consequences of the binding ongoing activity of legislative power by constitutional instruments set in the dimension of eternity, that is, timeless perspective? His account refers to the metaphor of Ulysses, which has been introduced in the context of the rule of law by Baruch Spinoza:

¹⁸ Hutchinson, *Democracy and Constitutions*, 145.

¹⁹ *Ibid.*, 174.

²⁰ *Ibid.*, 143.

“Kings, too, commonly follow the example of Ulysses, and instruct their judges to practice justice without giving special consideration to anyone, not even the King, if he commands something in a particular case which they know to be contrary to the established law.”²¹

Elster elaborates on the binding logic using the options matrix, where reasons for precommitment are crossed with devices for precommitment. The interesting point from this article’s perspective lies in the field where separation of powers is used as a device and overcoming strategic inconsistency is perceived as a reason.²² The core of the analysis conducted by Elster is based on the metaphor of Ulysses’ decision to self-bind himself in order to protect himself from decisions that can be made in the future.²³ This metaphor is applied to constitutional thinking and understanding the time factor in the dialectical approach proposed in our investigations. Elster changed his mind on the justification for taking individual and collective decision-making as equivalents.²⁴ Moreover, one of his critiques reads as follows:

“In short, constitutionalization is often not merely, or even mainly, a form of Ulysses-like self-binding against one’s own desires, but rather a self-interested binding of other credibly threatening actors who advance rival worldviews and policy preferences.”²⁵

One should agree with the assertion that constitutionalism might be a field of struggle between political factions. Nonetheless, even in this kind of bargaining, the time perspective is utilized as a reason for arguing. Even if the outcome is a purely interest-oriented form of political confrontation, some subjects are still trying to impose, out of time, a conservative frame on the one based on tendencies toward changing reality more dynamically. The controversy goes along with discrepancies in perceiving time preference; on the one hand, there is a preference to anchor the position in the perspective

²¹ Benedictus de Spinoza, *The Collected Works of Spinoza*, vol. 2, trans. E. Curley (Princeton: Princeton University Press, 2016): 544.

²² Jon Elster, *Ulysses Unbound* (Cambridge: Cambridge University Press, 2000): 91.

²³ Jon Elster, *Ulysses and the Sirens: Studies in Rationality and Irrationality* (Cambridge: Cambridge University Press, 1984).

²⁴ Elster, *Ulysses Unbound*.

²⁵ Ran Hirschl, *Comparative Matters. The Renaissance of Comparative Constitutional Law* (Oxford: Oxford University Press, 2014).

of eternity (which means a lack of changes and modifications). On the other hand, changes and modifications can be superior to principles of reasoning out of time. To elucidate this dichotomy that has a crucial impact on the dialectical approach, one should look at two concepts of political stability, which are included in the multifaceted approach to political stability.

A Multifaceted Approach to Political Stability

A multifaceted approach to political stability analysis has been widely presented in research papers that preceded the research stage presented here.²⁶ The main discovery that has been made in this field consists in the refutation of the thesis according to which stability is to be seen as a universal, homogenous feature of the political system. On the contrary, it is impossible to gain the momentum of total stability, understood as the stability of the whole object or all its parts. Moreover, endeavors toward obtaining the state of ideal stability may lead to the collapse of the political system.²⁷ Not to go deeper into these theoretical findings, it is worth noticing the consequences of this account for approaching dialectical studies on the role of judicial and legislative/executive powers. Assuming that there are many elements in the political system and each element may operate on different degrees of stability, it is easy to conclude that what is most relevant in considering stability mechanisms is related to the relation and rules of intertwining given elements. How is the stability of a given political institution dependent on the stability of another? What looks paradoxical at first glance makes more sense when looking closer at a multifaceted approach to political stability. To elucidate these issues, one should distinguish between static and dynamic elements of the system. In every operating system, two types of elements are mutually conditioned and set as counterbalancing factors. Static elements are characterized by invariability, rigidity, and steadiness, whereas dynamic elements are oriented toward resilience by being equipped with flexibility and responsiveness. According to the multifaceted approach, many elements

²⁶ Radu Carp and Łukasz Perlikowski, "Notes towards a Multifaceted Approach to Political Stability," *Polish Political Science Yearbook* 53 no. 2 (2024): 5-14, DOI: 10.15804/ppsy202413.

²⁷ Łukasz Perlikowski, *Teoretyczne podstawy badania stabilności politycznej* [Theoretical Foundations of the Study of Political Stability] (Torun: Nicolaus Copernicus University Press, 2023), DOI: 10.12775/978-83-231-5278-1.

can be regulated by many factors in every political system. What can be regarded as a principle is that the system's well-being is constituted by the composition of stable and unstable elements reflected in the set of static and dynamic institutions.

The Metaphor of the Pendulum

The abovementioned elements allow us to conclude that the elements of political systems operate according to the logic inherent in dynamism. This logic is dialectical, meaning that the dynamic of one element presupposes a lack of dynamic in the other elements. It is now clear that the antinomy mentioned at the outset of the paper is, at the same time, problematic but needed if one regards a political system in terms of stability. It is crucial to notice that modern politics is inextricably related to a movement, which can be adequately understood using dialectics as an explanatory device. That is to be explained more clearly using the pendulum metaphor. Much research in physics, mathematics, and other related sciences is designed to inquire about different forms and modes of stability using pendulums.²⁸ A pendulum is used as an experimental device in these kinds of works. These experiments consist of obtaining data that is subsequently utilized for analyzing estimations, probability, setting of order, analysis in chaos theory, *etc.* Our paper aims to provide more modest and apparent reasons for different natures. Nonetheless, it is not without any background to link pendulums and stability.

Thus, the pendulum is intended to be used as a metaphor depicting some mechanism of stability instead of being strictly a tool of experiment. Speaking to the imagination of the reader, it is clear that every kind of pendulum must contain two elements, of which one is static and the second is dynamic. The latter is somehow conditioned by the former, but the swinging mechanism presupposes feedback of both elements. Let us assume that the political system with both elements in its structure can maintain stability by some swinging. Shortly speaking, it is impossible to have exclusively static or only dynamic elements. If

²⁸ Gregory L. Baker and James A. Blackburn, *The Pendulum: A Case Study in Physics* (Oxford: Oxford University Press, 2005).

that could happen, then any swinging would be impossible. In terms of our research, there are two swings to be indicated.

Populism Swinging

First, there is a populist type of swinging, which manifests itself in preserving the attitude of the populist movement. This attitude is based on presumptions that the role of politics is to restore a lost order, or to return to the natural state of affairs. Thus, it is hard to find any progressive elements in populism since it is usually established as a response toward rotten elites, detached from the people regarded as an origin and source of political power and legitimacy. In the case of populist swinging, the situation's structure is set as a play between the democratic (populist) element and a judicial (perceived as undemocratic) element. In this context, the former can be described as static, whereas the latter is more dynamic. It allows us to conclude that in terms of the pendulum metaphor, legislative power is, in some sense, static. At the same time, the judiciary is overloaded with activities that generally belong to law-making institutions. The competence of judicial power increases due to the urge for response to preserve the attitude of the legislative body. What is very important here is to make a caveat that one should look not only at values like human rights, lawfulness, justice, moral issues, *etc.* The activity of both sections of the political system is to be grasped from a different angle. The issue is how far the decisions of a given political body deviate from the status quo. Then, the inclination toward the progress of a particular body can be counted by analyzing the number of decisions that have been made beyond the regular field of competencies. To conclude, the populist type of swinging could be depicted by the pendulum, in which the tendency to prevent change and progress is related to legislative power (static element), and the judicial power can be characterized as a proactive and dynamic element that presents itself as a defender of values and principles. What is of extreme interest is that the legislative/executive body is conditioning the judicative activity. The

latter is superior and dependent to the former, as seen in the example of taking control over some judicial institutions (e.g., Constitutional Tribunals).

Rule of Law Swinging

In the case of the rule of law swinging, the issue is even more evident than in populist swinging. According to the classical concept of the rule of law, the role of judicial power was reduced to the guardian of rule and principles. The law should be applied to resolve a given legal problem, and judges are nominated to supervise this process. The logic behind the idea of the rule of law is to prevent the legal system and adjudication process from being arbitrary. Thomas Bingham, enumerating the main principles of the rule of law, asserts that one of the most relevant is the principle that reads: "Questions of legal right and liability should ordinarily be resolved by application of the law and not the exercise of discretion."²⁹ Moreover, the core idea of the rule of law may be summarized as follows:

"[...] all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefit of laws publicly made, taking (generally) in the future and publicly administered in the courts."³⁰

This means that the activity of the judicial body is to be limited by the reasonableness of the balance between discretion and procedures anticipated by the legal system. This assumption leads us to another essential element in thinking about the rule of law. Namely, there is a necessary presumption of the formal character of the idea of the rule of law. It is formulated most clearly in Joseph Raz's observation:

"A non-democratic legal system, based on the denial of human rights, on extensive poverty, on racial segregation, sexual inequalities, and religious persecution may,

²⁹ Tom Bingham, *The Rule of Law* (London: Penguin Books, 2011).

³⁰ *Ibid.*, 8.

in principle, conform to the requirements of the rule of law better than any of the legal systems of the more enlightened Western democracies [...]."³¹

We found this argument very telling. It makes sense from the perspective of dynamic analysis. All political potential or character issues have their place at the forum of the legislative body, where democratic decisions are to be made by the people or the representatives of the people. In this view, the static element is manifested in judicial power, whereas the dynamic element should be associated with legislative power. Again, the question of values seems to be of secondary importance. What is at stake is mainly the scale of activity measured by the extent of departing from the status quo. Although it lies beyond the scope of this paper, it is worth noting that the distance between the status quo and the state of affairs created by political decision-making could be measured in terms of qualitative and quantitative research methods.

Both concepts mentioned above deserve further explanation. This is due to the urge to be precise about what we think about populism and the rule of law when framing it in the set dynamic-static dichotomy. As an additional theoretical background, one can assume a distinction between political and populist constitutionalism. On the basis of empirical studies focused on Hungarian and Polish populist activity, the authors describe the problem as follows:

“Political constitutionalism prevents the concentration of power in the hands of one person or group. However, constitutions alone cannot restrain a dictatorship. [...] Political constitutionalism guarantees equal votes, majority rule, and competitive party elections. Political constitutionalism likewise makes courts use constitutional law as a benchmark to reach impartial judgments and even resist pressures from democratic governments that may be prone to populist sentiments among the majority. Yet, populist constitutionalism disagrees with this duality of law and politics in political, constitutional states such as the United States and the United Kingdom since it rejects the authority of the law over legislative power that

³¹ Joseph Raz, *The Authority of Law: Essays on Law and Morality* (Oxford: Oxford University Press, 1979): 211.

represents popular will. The disappointment with the structural problems of liberal democracies has thus escalated the populist criticism of liberal constitutionalism."³²

These two visions of constitutionalism are contradictory, and strategies or agendas must oppose each other. One must prevail over the other since it is a zero-sum game.

What is to be proven is the static character of judicial power in the rule of law design, and the dynamic way of proceeding in response to populist politics. On the other hand, we need to find out if the populist approach presupposes static, that is, reactionary, the role of legislative power. In contrast, legislative power is designed as a dynamic element by the design of the rule of law. Before going into details, it is worth presenting a graphical depiction of this problem, making it more transparent and valuable in further interpretation steps (Figure 1).

Application

The theoretical framework introduced above serves a primary purpose: to go beyond the eye of the beholder. The crucial point of analysis is to grasp interdependencies instead of seeking a cause that could lay upon one side of the conflict or tension. The legislative/executive-judicative dichotomy can be grasped on many different levels of thinking, whereas the Time-Eternity approach is perhaps the highest level of abstraction. The other one is institutional, and nowadays, it is said that we are witnessing an unprecedented shift in the functioning of the political systems of European Union member states. They are no longer framed by the tripartite model of the separation of powers but rather a bipartite one. This change goes vertically instead of horizontally. One of the most recent Polish commentaries on the system of European law reads:

"Currently, we are witnessing the evolution in the way of understanding the separation of power. Modern separation of power does not consist of tripartite but a bipartite.

³² Sanem Özer, Asiye Gün Güneş Gülal, and Yusuf Kenan Polat, "The Rule of Law in the Grip of Populist Authoritarianism: Hungary and Poland," *Politics & Policy* 51, no. 5 (2023): 950-951. DOI: 10.1111/polp.12554.

The sole counterbalance to the executive-legislative section of power (political power) is a judicative power whose function and role are determined by the rule of law.”³³

Adjusting our theoretical framework to the context of this new bipartite, one can grasp interesting findings related to the mechanism of political stability. In this particular context, we are dealing with the blatant controversy between member states of the EU (particularly with populist governments in power) and the core of the EU judiciary, the Court of Justice of the European Union (CJEU). Amongst many available examples from contemporary European politics, we shall focus on the Polish example, which is of the utmost importance nowadays. Our interest in this case can be justified because the Third Republic of Poland has been experiencing one of the most severe constitutional crises in history due to the confrontation of Law and Justice party politics with the requirements of the European Union legal system. The crisis has gone as far as to hinder the Polish Constitutional Tribunal through controversial judges' nominations of party provenance.³⁴

The core of controversy from the perspective of legal dimensions lies in the clash of two views of legal system validity. On the one hand, there is a principle of EU law supremacy and the direct effect doctrine.³⁵ Both make the EU's legal and institutional system superior to member states' governments and constitutional orders. On the other hand, particularly in the case of Poland, there was an explicit dissent toward this superiority, expressed in the Constitutional Tribunal's decision. On July 14, 2021, the Constitutional Tribunal ruled that CJEU decisions on the judiciary do not apply in Poland. As the ground for this decision, the following articles of the Polish constitution have been pointed out:

“Article 7: The organs of public authority shall function based on, and within the limits of, the law.

Article 8: The Constitution shall be the supreme law of the Republic of Poland. [...]

³³ Leszek Leszczyński, ed., *Wykładnia prawa Unii Europejskiej* [Interpretation of European Union Law] (Warszawa: Wydawnictwo C. H. Beck, 2019): 79-80.

³⁴ Wojciech Sadurski, *Poland's Constitutional Breakdown* (Oxford: Oxford University Press, 2019): 58-95.

³⁵ Paul Craig and Gráinne de Búrca, *EU Law. Text, Cases, and Materials* (Oxford: Oxford University Press, 2011): 183-186.

Article 178: Judges, within the exercise of their office, shall be independent and subject only to the Constitution and statutes."³⁶

In the eyes of Constitutional Tribunal judges, these articles provide sufficient rationale for treating a European legal system as a secondary source of law with a rather facultative character. It is necessary to understand the statement of the Constitutional Tribunal as an expression of the will of the legislative/executive section of the political system determined by the ruling political party, which was Law and Justice. As we can see in the case elaborated above, we are dealing with different approaches toward comprehending democratic systems. Taking the concept of sovereignty into consideration, Ramona Coman and Cécile Leconte observe that:

“Contesting the authority of the EU on issues related to the organization and the independence of the judiciary, the Hungarian and Polish governments do not only embrace classical sovereigntist arguments. They also pretend to be acting in the name of a different understanding of democracy, which they depict as a possible model for other EU countries. For instance, commenting on the adoption of a non-liberal Constitution in Hungary in 2010, Prime Minister Orbán proudly declared that his government sought to build «an illiberal democracy in the heart of Europe» (Interview with PM Viktor Orbán, Kossuth Rádió, 5 July 2013). The Hungarian and Polish governments indeed claim that there are different models of democracy and different ways to organize the functioning of the judiciary.”³⁷

Hence, *illiberal democracy*, which could be identified with a populist account, is focused on combating judicial activism, which is a concept used for describing elements normally belonging to the Rule of Law.

As we can see in this example, the model that is described by populist swinging leads to a situation where the judicial power is focused on extending judicial as well as political competencies. In contrast, member states ruled by populists are about to provide counterbalances. Bojan Bugarić observes,

³⁶ The Constitution of the Republic of Poland, accessed November 22, 2024, <https://www.sjm.gov.pl/prawo/konst/angielski/kon1.htm>.

³⁷ Ramona Coman, Cécile Leconte, “Contesting EU Authority in the Name of European Identity: The New Clothes of the Sovereignty Discourse in Central Europe,” *Journal of European Integration* 41, no. 7 (2019): 41- 861, DOI: 10.1080/07036337.2019.1665660.

“Aggressive judicial activism inevitably raises the issue of counter-majoritarianism and democratic accountability of independent institutions like courts.”³⁸

Member states’ politics are determined by executive-legislative power and are anchored on a specific static ground. We are dealing with a peculiar shift according to which member state authorities take the perspective of *Eternity* while European courts are close to a dynamic *Time* perspective characterized by constant changes that must be managed. Thus, the Kojevian approach might be utilized to comprehend the problem of the ideological content of populism. There is a relevant question about the direction of actions undertaken by populists. They are somehow oriented toward the past (reactionary), but this past is rather imagined or invented instead of particular traditional thinking. They are also, in some sense, progressive since their political strategy is revolutionary. In the literature, the ideal state of affairs, which is a purpose toward which all efforts should be directed, is called *retrotopia*.³⁹ This is the state: “Vision is located in the lost/stolen/abandoned but undead past, instead of being tied to the not-yet-unborn and inexistent future.”⁴⁰ Although Bauman’s observation is adequate, it can also be described in Kojève’s theory as the timeless perspective of eternity. If so, then our dialectical proposition works also in this context. The legislative-executive body takes the position that normally is occupied by judicial power, and the judicial power takes what normally belongs to legislative institutions. Marek Safjan, a judge of the CJEU, directly expresses the tendency of judicative power toward expansion and being a dynamic rather than static subject of power. Moreover, his approach is openly affirmative and normative in this case. He argues,

“Contemporary legal culture is marked by dynamism, indispensable flexibility, and the need to adapt to rapidly incoming changes and constantly emerging challenges. [...] Constitutional dynamism, peculiar flexibility of constitutional standard, become the subject of highly justified claims.”⁴¹

³⁸ Bojan Bugarcic, “Populism, Liberal Democracy, and the Rule of Law in Central and Eastern Europe,” *Communist and Post-Communist Studies* 41, no. 2 (2008): 191–203.

³⁹ Zygmunt Bauman, *Retrotopia* (Chichester: Polity, 2017).

⁴⁰ *Ibid.*, 4–5.

⁴¹ Marek Safjan, *Wyzwania dla państwa prawa* [Challenges for the Rule of Law] (Warszawa: Wolters Kluwer, 2007): 79.

This quote would not evoke doubt if used to describe political institution activity. According to an a priori analysis, these are designed to deal with dynamic circumstances, which take place in temporal dimensions determined by future, past, and present factors. Thus, so-called constitutional dynamism breaks some ordinary views and casts new light on the political activity of courts. Our task is not to condemn or criticize this approach but rather to examine the consequences of this state affair in connection with other elements that occur in the context of political stability.

Conclusions

To recall the main research problem, the reason behind the structural tension between democratic and judicial bodies is based on dialectical relations of given sections of the political system. This tension is to be found on many levels of consideration. Starting from the most abstract, we can refer to the temporal conditioned dialectical tension between static and dynamic elements. Binding temporal issues from the perspective of eternity is, as Kojève pointed out, one of the crucial issues in balancing legislative and judicial. Hence, we can name this level of investigation a metaphysical one that works *a priori*.

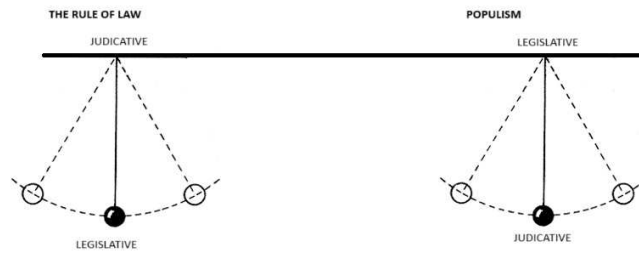
Another level of thinking about this particular dialectic is institutional, which fits with the regime's structure, which Hutchison pointed out in his work on democratizing constitutionalism. The constitution is usually invented as imposed from the outer perspective. As proof of coherence between the levels of research, we can evoke some elements of the constitution that openly refer to timeless perspectives like the so-called eternal clause.⁴² Thus, this level of investigation can be called institutional, where democratic will is bound by constitutional force.

The third and most detailed level is based on a constitution and its legal dimension. An adequate understanding of constitutionalism at this

⁴² Silvia Suteu, *Eternity Clauses in Democratic Constitutionalism* (Oxford: Oxford University Press, 2021).

level should appeal to constitutionalism as a rule for governments instead of constitutionalism as an ideology, which Loughlin elaborated. Here, we are dealing with the legal level on which the dialectic is palpable.

This shows that interdependencies and discrepancies stem from the primary split, which comes from antinomy in political theory. The main advantage of this way of thinking is the avoidance of axiological bias in researching phenomena of populism. Instead, we are proposing a dynamic analysis of legislative-judicial relations. The interdependencies of populism and the rule of law are exposed in the above theoretical framework. Populism might be interpreted as an attempt to replace judicial position by setting democratic power above the political system in space where temporal aspects are, so to speak, reformulated. On the other hand, the reaction of judicial bodies, which manifests itself in judicial activism, can be perceived as an outbreak in the separation of powers, according to which courts play a political role in decision-making processes. It goes like that because of dialectical tension, which determines the dynamic of both elements. We found this mode of thinking about subject matter attractive and fresh, and foremost, one of promising potential for further research.



*Figure 1. Pendulums of political stability
(Source: author's own elaboration)*

POLICY PLANNING AND COORDINATION: THEORY AND PRACTICE FROM THE GEORGIAN PERSPECTIVE

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Abstract. The aim of this article is to study, from a Georgian perspective, the theoretical foundations of policy planning and coordination and its practical characteristics. The latter is an integral aspect of public administration and one of the most crucial components and principles of the methodological framework of public administration of the European Union and its Neighbourhood Policy. Georgia intends to implement this framework by synthesizing evidence-based policy (EBP), results-based management (RBM), and whole-of-government models (WGA). Through a theoretical examination, in-depth interviews, and document analysis methods, the research uncovers that the characteristics of policy planning and coordination in Georgia are characterized by inconsistencies between theory and practice. The insufficient level of implementation of EBP, WGA, and RBM models and the root causes of this misalignment include factors such as an administrative and political culture incongruent with the implementation of these models, bureaucratic tradition, system readiness, and political will.

Keywords: Public administration reform, evidence-based policy, results-based management, whole-of-government, policy implementation

Introduction

One of the key components and tenets of the European Union's methodological framework for public administration is policy planning and coordination.²

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² OECD/Sigma, "Methodological Framework of the Principles of Public Administration" (Paris, 2019), 1-263, <https://www.sigmaweb.org/publications/Methodological-Framework-for-the-Principles-of-Public-Administration-May-2019.pdf>.

At the same time, this issue occupies a fundamentally important role in the methodological framework of public administration of the European Neighborhood Policy which the Georgian government is yet to harmonize after signing the Association Agreement with the European Union in 2014.³

The international academic society demonstrates a profound interest in matters pertaining to policy planning and coordination. These academic trends, which developed mainly in the second half of the twentieth century, have not lost their relevance, with particular emphasis on areas or topics such as: the major traditions and politics of planning theory and its paradigms; the failures of policy planners; the challenges of policy coordination; general methods for policy planning and analysis; policy planning as desired symbolic and substantive outcomes; policy planning and the role of planners; national administrative styles and their impact upon administrative reform, and its neo-institutional approaches; generic problems of planning and processes; policy planning and polity, knowledge, and intervention as aspects; planning and coordination issues in economic policy, etc.⁴

In the Georgian context, empirical research on policy planning and coordination is scarce due to several factors. Firstly, the novelty of the

³ Karen Hill, "Methodological Framework for the Principles of Public Administration: ENP Countries." (OECD/SIGMA, 2018); European Union, "Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part," *Official Journal of the European Union* 57 (2014), https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.261.01.0004.01.ENG.

⁴ John Friedmann, *Planning in the Public Domain: From Knowledge to Action*, (Princeton, NJ: Princeton University Press, 1987); Aaron Wildavsky, Aaron, "If Planning Is Everything, Maybe It's Nothing," *Policy Sciences* 4, no. 2 (1973): 127-153; Jonathan Boston, "The Problems of Policy Coordination: The New Zealand Experience," *Governance* 5, no. 1 (1992): 88-103; Carl V. Patton, and David S. Sawicki, *Basic Methods of Policy Analysis and Planning* (London: Pearson, 1993); John M. Bryson and Barbara C. Crosby, "Policy Planning and the Design and Use of Forums, Arenas, and Courts," *Environment and Planning B: Planning and Design* 20, no. 2 (1993): 175-194; Frank Fischer, and John Forester, eds., *The Argumentative Turn in Policy Analysis and Planning*, (Duke University Press, 1993); Michael Howlett, "Understanding National Administrative Styles and Their Impact Upon Administrative Reform: A Neo-Institutional Model and Analysis. Policy, Organisation and Society," *Policy and Society* 21, no. 1 (2002): 1 – 24; J. Barry Cullingworth, *Planning in the USA: Policies, Issues and Processes*, (London: Routledge, 2004); Maarten Hajer, "Policy Without Polity? Policy Analysis and the Institutional Void," *Policy Sciences* 36, no. 2 (2003): 175-195; Dermot Hodson, and Imelda Maher, "The Open Method as a New Mode of Governance: The Case of Soft Economic Policy Coordination," *JCMS: Journal of Common Market Studies* 39, no. 4 (2001): 719-746.

issue in scientific discourse and the limited number of researchers contribute to this shortage. Additionally, public administration and state policy issues in Georgia are predominantly studied within a normative discourse, limiting the coverage of the field by political science representatives. Moreover, the separation of political science and public administration within Georgian higher education exacerbates this divide, leading to negative outcomes. Despite existing studies on the public administration system and specific policy problems, none of them focus on policy planning and coordination from a theoretical perspective and subsequent practice. However, the significance of policy planning and coordination is highlighted as a priority direction of public administration reform in Georgia.⁵

The Georgian Public Administration Reform (PAR) development process began in 2015, with leadership and coordination at the discretion of the government administration of Georgia. The public agencies responsible for each area or direction of the reform were defined.⁶ At the same time, an inter-agency coordination council for public administration reform was established on the basis of the Prime Minister's order N135 to coordinate and monitor the implementation of the reform.⁷ It is important to note that the goal was declared at the level of state policy and that the priority established for the government was to implement an effective and fair policy to further strengthen the public administration and policy system while establishing a flexible and effective public administration focused on challenges.⁸ This trend was noted in other governmental and state documents too,⁹ in which effective and transparent public administration was highlighted as a matter of importance and was included in policy priorities.

⁵ Ekaterine Akobia, "Public Administration in Countries in Conflict: The Case of Georgia," in *Public Administration in Conflict Affected Countries*, eds. Juraj Nemeč and Purshottama S Reddy (London: Palgrave Macmillan Cham, 2021), 235.

⁶ Government of Georgia, "Public Administration Reform Action Plan 2019-2020", 2019, https://www.gov.ge/index.php?lang_id=ENG&sec_id=425&info_id=78221.

⁷ Order of the Prime Minister of Georgia No. 135, "Approval of the Statute and Composition of the Public Administration Reform Council," May 3, 2016.

⁸ Food and Agriculture Organization of the United Nations, Freedom, Rapid Development and Welfare – Government Program for 2018-2020 (FAOLEX), <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC185567/>.

⁹ Government of Georgia, Ordinance No 400 "Resolution on Approving Socio-Economic Development Strategy of Georgia – 'Georgia 2020' and Associated Activities," accessed January 17, 2014, <https://matsne.gov.ge/en/document/view/2373855?publication=0>.

In 2015, a reform guide was approved in which policy planning and coordination was the main issue to be approached in the field of public administration.¹⁰ This has been maintained in the reform action plans throughout 2015-2016, 2017-2018, and 2019-2020.

In 2016, the Public Administration Reform Council was established, initially under the management of the head of government administration. By 2020, it had transitioned into an independent body. Concurrently, the Public Administration Division, operating under the Policy Planning and Coordination Department, assumed the role of Secretariat (2019), facilitating the Council's activities and overseeing action plans and strategies.

The state emphasizes the primary goal of policy planning and coordination: to enhance system development, to introduce results-based management, and to refine coordination through improved monitoring, evaluation, and reporting systems. However, the state also acknowledged existing challenges outlined in the 2015 guide, including issues with policy coordination, evaluation, and planning. These challenges, such as a flawed legal framework and fragmented policy planning systems, have been addressed through internally developed action plans.¹¹

Following this, in 2015-2018, policy planning, monitoring, and evaluation standards were created.¹² Also, an important achievement was the creation of the *Policy Planning, Monitoring, and Evaluation Guide* accompanied by eleven supporting detailed attachments.¹³ At the same time, the Government of Georgia adopted Resolution N629, which establishes the procedure for initiating policy documents.¹⁴ This is an important attempt to improve the system, but what the state declares is one thing, and what it does is another. At this time, it was determined that policy development (planning)

¹⁰ Government Administration of Georgia, "Public Administration Reform Guide 2020," accessed 2015, [https://www.gov.ge/files/425_49309_322150_15.07.21-PublicAdministrationReformRoadmap2020\(Final\)\(1\).pdf](https://www.gov.ge/files/425_49309_322150_15.07.21-PublicAdministrationReformRoadmap2020(Final)(1).pdf)

¹¹ Government Administration of Georgia, 2015, 7.

¹² Government Administration of Georgia, "Guidelines for Policy Planning, Monitoring, and Evaluation" (2019).

¹³ Government Administration of Georgia, Policy Planning, Monitoring and Evaluation Handbook (UNDP, 2019) <https://georgia.un.org/en/45442-policy-planning-monitoring-and-evaluation-handbook-2019>.

¹⁴ The Government of Georgia, "Approval of the Rules for Development, Monitoring, and Evaluation of Policy Documents, Order No. 629. (2019)."

and coordination, as a field, includes aspects such as (1) policy development, coordination, and implementation; (2) monitoring and evaluation of policy implementation; (3) coordination of anti-corruption policy; and (4) Regulatory Impact Assessment (RIA). It should be highlighted that the design of policy planning and coordination in Georgia is based on three models: Results-Based Management (RBM), Evidence-Based Policy (EBP), and Whole-of-Government Approach (WGA). This article will delve into the examination of these three models within the realm of political and administrative science theory, exploring their implications and applications in practical components. Thus, the following chapters will deal with their study, and interpretation of the latter.

Theoretical Review

Effective policy planning and coordination are crucial for advancing a state's capacity in the field of public administration and governance. Like many other countries, Georgia has realised how critical it is to improve its policy-making procedures in order to handle the complex problems of the twenty-first century and bring them into compliance with modern international standards. Georgia has used a multimodal strategy in this endeavour, combining the ideas of Whole-of-Government Approach (WGA), Evidence-Based Policy (EBP), and Results-Based Management (RBM). The state's commitment to attaining more open, effective, and outcome-focused policymaking and execution is based on these models.

The intertwining of RBM, EBP, and WGA forms the framework for this theoretical review, which aims to provide a comprehensive understanding of Georgia's policy planning and coordination mechanisms. By exploring these models individually and in synergy, we can delve deeper into the strategies and initiatives that Georgia has adopted to improve the quality and impact of its public policies.

Results-based Management (RBM) represents a commitment to focusing on tangible outcomes and measurable results, thereby shifting the emphasis from mere processes to their actual impact. Evidence-based policy (EBP), on the other hand, prioritizes the use of empirical data and rigorous analysis to inform policy decisions. It emphasizes the necessity

of making informed choices and crafting policies based on a robust foundation of evidence. Lastly, Whole-of-Government Approach (WGA) emphasizes the importance of a cohesive and coordinated approach, with all government agencies and departments working collaboratively towards common goals, often across traditional bureaucratic silos.

In the Georgian context, these models have been embraced as guiding principles for policy planning and coordination.

Evidence-based Policy

Evidence-based policy includes policies, programs, and practices that are grounded on empirical evidence.¹⁵ The basis of empirical evidence is philosophical evidentialism, which is a set of views entailing that the epistemic justification of belief is determined by the level of evidence of the believer's belief.¹⁶ Empirical evidence may be quantitative or qualitative, representing information and data collected directly or indirectly through observation and/or experimentation, which can be used to confirm or disprove a scientific theory or view, or help to support a given belief. Therefore, a belief is empirically justified if there is sufficient evidence to support the belief.

Social movements for evidence-based policy originated in the health sector in the United Kingdom, in the context of medical practice. This has subsequently spread to various policy areas outside of medicine in the United States of America and Australia.¹⁷ It is important to emphasize that evidence-based policy has suffered from a lack of justification in public policy and empirical research, and the latter movement itself can be seen as a push for greater accountability on the part of public organizations in the 1960s and 1970s.¹⁸

¹⁵ *Encyclopaedia Britannica* (online), (2018), s.v. "Evidence-based Policy."

¹⁶ *Encyclopaedia Britannica* (online), (2023), s.v. "Empirical Evidence;" Richard Feldman and Earl Conee, "Evidentialism," *Philosophical Studies* 48 (1985): 15-34, DOI: 10.1007/bf00372404.

¹⁷ Ray Pawson, *Evidence-Based Policy: A Realist Perspective*, (London: Sage Publications, 2006), 1-208.

¹⁸ Antonio Bar Cendón, "Accountability and Public Administration: Concepts, Dimensions, Developments," in *Openness and Transparency in Governance: Challenges and Opportunities*, ed. Michael Kelly (Maastricht: EIPA, 1999), 22-61.

According to evidence-based policy reviews, there is a prospect that policymakers should consider the needs and values of the population. In this discourse, it is one thing to know what kind of evidence exists in the policy planning process, and another one to know what kind of values and challenges exist in society. For example, evidence-based policymaking is often hindered by a lack of budget, and often the evidence itself is lacking, which sometimes prevents the implementation of necessary policies.¹⁹ Another hindering factor is that evidence derived from local knowledge, such as the on-the-ground experience of participants in the investigated situation, is unsuitable for evidence-based policy, and it relies entirely on positivist methodologies. There are also cases where decision-makers intervene inappropriately in the policy planning process, and times when the decision-makers require more evidence than is readily available at the extraction level. In such cases, the policy process is linear and incremental, reflecting entrenched political, bureaucratic, and professional interests, leading to the paradox of policy analysis.²⁰

In a critical examination of evidence-based policy, it is important to highlight that although it is widely accepted that policies can be grounded in proof, the controversy lies in determining what qualifies as appropriate evidence within the policymaking process.²¹ There is a risk that evidence-based policy becomes a mechanism for political elites to strengthen their strategic control over what constitutes evidence and knowledge in different sectors. Such hidden forms of knowledge and evidence as professional judgment, practical wisdom, and proofs put forward by ordinary citizens may be devalued. Also, the shift to evidence-based policy does not mean that research or rational policy would automatically be implemented,

¹⁹ John A. Muir Gray, "Evidence-Based Policy Making," *BMJ* 329, no. 7473 (October 28, 2004): 988-989.

²⁰ Ken Young, Deborah Ashby, Anette Boaz and Lesley Grayson, "Social Science and the Evidence-Based Policy Movement," *Social Policy and Society* 1, no. 3 (June 24, 2002): 215-224; Nancy Shulock, "The Paradox of Policy Analysis: If It Is Not Used, Why Do We Produce So Much of It?," *Journal of Policy Analysis and Management* 18, no. 2 (January 1, 1999): 226-244.

²¹ Greg Marston, and Rob Watts, "Tampering with the Evidence: A Critical Appraisal of Evidence-Based Policy-Making," *The Drawing Board: An Australian Review of Public Affairs*, no. 3 (April 30, 2003): 143-163.

and that such a policy approach would have the greatest impact when there is sufficient political will and an appropriate organizational culture that can evaluate and re-evaluate all types of evidence. In this perspective, *what works* is about *what* works, *when*, *where*, *how*, and *for whom*, and thus the narrative of this critique raises two questions: What evidence is needed to verify reality? What evidence is available?²²

Evidence-based policymaking in the academic literature leaves thought-provoking and unanswered questions whose synthesis with reality further illustrates the challenges of an ideal model.

To begin with, it is crucial to emphasize that sufficient political will and appropriate organizational culture are issues that are equally important, both for policy planning elaboration and for its implementation. A conceptually difficult phenomenon is the issue of political will, as it is difficult to measure it as a phenomenon or variable. From this point of view, in the example of Georgia, it is helpful to ask the following question: how can we understand whether the government has real political will in the background, when the declared policy is sometimes absolutely opposite to what we face at the practical level?²³

The consideration of cultural compatibility at the administrative, systemic, or organizational levels is crucial for both planning and implementation. Frequently, the specific culture, encompassing a set of values, plays a decisive role in shaping the stated narrative and its alignment with actual circumstances. For example, the institutional design of the public administration of Georgia is based on the principles of good governance, however, as a result of the study of the system, there is a tendency to reveal patron-client relations and the practices of the Weberian model are at hand,²⁴ which is an important predictor of the importance of culture, highlighted by the study of academic literature.

Concerning matters of pertinent evidence in policy planning, it is justifiable to merge two inquiries: what qualifies as evidence, and what

²² Wayne Parsons, "Modernising Policy-Making for the Twenty-First Century: The Professional Model," *Public Policy and Administration* 16, no. 3 (2003): 93-110.

²³ Bacho Bitari Khuroshvili, "State Policy and Administration Challenges in the General Education System of Georgia," *Public Administration and Law Review* 1 (2023): 4-11.

²⁴ Bacho Bitari Khuroshvili, "Public Servants' Policy-making in the Modern Georgian Public Administration," *Politics/პოლიტიკა* 5, no. 4 (2021).

implications arise in the absence of adequate evidence? In the case of Georgia, the legal situation of students is a problematic issue, although there are very few studies in this area.²⁵ Therefore, from an evidentialist perspective, the question could be formulated as follows: what are the known problems in the field of students' rights, and what is the need to plan a policy aimed at solving these issues? Accordingly, the unit responsible for the planning of the given policy should obtain this evidence and/or data, which is related to large financial and human resources. At the same time, data mining in this sector is quite risky due to the complexity and reliability of data mining itself. Firstly, if we conduct a survey in the secondary school systems, on the order of the state and the results do not reveal the corresponding indicators of a violation of the student's rights, it turns out that this expenditure has been inappropriate, since there is no such data on the basis of which to develop the above-mentioned policy. Secondly, it should be understood that conducting research in secondary schools requires special specificity and ethics in order to protect the respondents from external influences (the teachers' influence on the students, and the hierarchical influence of the principal over the teachers). There are many difficulties concerning the appropriate instruments, sampling, settings, and other aspects. Thus, if appropriate efforts are not made to collect the data and conduct research, the whole analysis risks inaccurate and therefore invalid data with a high margin of error. This alone constitutes an important challenge of evidence-based policy.

In principle, this is why the already reviewed literature highlights the problematic nature of evidence-based policy planning, and the fact that this type of planning may sideline professional judgment, practice-based wisdom, and evidence from ordinary citizens.

²⁵ UNICEF, *National Study on School Violence in Georgia (English)*, 2008, <https://www.unicef.org/georgia/reports/national-study-school-violence-georgia>; The Council of Europe, European Commission Against Racism and Intolerance (ECRI), *ECRI Report on Georgia (Fourth Monitoring Cycle)*, 2010, <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/georgia>.

Results-Based Management (RBM)

Results-based management practices have actively become a crucial component of public management since the 2000s.²⁶ This model is used for performance measurement and evaluation in areas such as budgeting, reporting, and management. The development of these trends is related to public administration reforms.²⁷ RBM is based on clearly defined results and aims to change the way an organization operates by achieving defined goals in a timely and appropriate manner at all levels. These changes concern its values, operational systems, and decision-making procedures which can be considered one of the important challenges of its implementation.²⁸

A pivotal contribution to the model of Results-Based Management (RBM) is made by John Mayne, who articulates the perspective that the effective adoption of RBM often necessitates substantial transformations across all levels of management.²⁹ Mayne indicates that the model applies to such areas as strategic planning, operational management, personnel evaluation, budgeting, etc. He highlights the importance of cultural factors and makes it clear that the introduction of this model is accompanied by “unforeseen cultural change,” which requires appropriate management. Mayne also identifies several crucial components in his overview of RBM. First, it requires fundamental changes. Second, it takes years to plan and implement. Thirdly, the latter has its difficulty. fourthly, RBM requires that the organizations develop the model based on experience and best-practices that need to be learned.

²⁶ The World Bank, *Better Measuring, Monitoring, and Managing for Development Results (English)*, Board Report, (Washington, D.C.: World Bank Group, 2007), <http://documents.worldbank.org/curated/en/173341468779946663/Better-Measuring-Monitoring-and-Managing-for-Development-Results>.

²⁷ Christopher Pollitt and Geert Bouckaert, *Public Management Reform: A Comparative Analysis - New Public Management, Governance, and the Neo-Weberian State*, 3rd edition, (Oxford: Oxford University Press, 2011).

²⁸ Addmore Pazvakavambwa and G.M. Steyn, “Implementing Results-Based Management in the Public Sector of Developing Countries: What Should Be Considered?,” *Mediterranean Journal of Social Sciences* 5, no. 20 (2014): 245.

²⁹ John Mayne, “Challenges and Lessons in Implementing Results-Based Management,” *Evaluation* 13, no. 1 (2007): 87-109.

In addition, the author proposes two types of challenges concerning results-based management, the first related to organizational issues and the second related to technical issues. Organizational challenges include specific components: fostering the right climate through strong leadership, incentives, a learning culture, and evidence-based decision-making. Realistic expectations for RBM, strategic implementation, outcome alignment with strategy, selectivity in information use, prevention of distorted behaviour, and accountability for results are also crucial. In addition, the technical issues, as outlined by Mayne, encompass measurement, attribution, financial information connection, data quality, and credible reporting. These considerations collectively provide a comprehensive foundation for effective performance management and improvement in organizations. With this in mind, and in the case of Georgia, it is critical to understand the challenges that an inexperienced system may face when transitioning to this model.

Furthermore, Mayne critiques and sets aside certain issues. Given that an evidence-based and results-oriented approach is seen as eroding traditional management, this may be uncomfortable for employees. This is also because implementing such a model requires a cultural change and therefore a change in behavior, which demands effort. Also, "other factors," such as changes in government pose challenges to policy planning and implementation. Finally, time is a significant challenge, with the author noting the lengthy process of determining genuine data and the dynamic nature of data relevance over time. At this point, managers may feel pressured by limited time and resources to implement RBM. All things considered, the systemic approach has inherent difficulties and calls for organizational preparation. Taking this into account, from the perspective of Georgia, whose public administration system is fragile, this type of reform may be bound to fail.

When it comes to RBM, there is a vision that the model of an effective management information system should be introduced and developed simultaneously. This is because the public sector often does not have readily available information and mechanisms for describing the performance of activities, so the management information system provides an effective response scheme to the organization's performance, which can provide timely feedback on the organization's performance.³⁰

³⁰ Arunaselam Rasappan, *From Vision to Reality: Managing for Development Results using the Integrated Results-based Management System*, (n.p.: Ankara, 2010).

When considering the RBM model as a policy transfer in the context of Georgia³¹ several suggestions should be considered. These include value alignment, system knowledge, support for experimental methods, training, stakeholder and beneficiary participation, and sufficient time and resources are a few examples of these issues.³² In principle, this is why the implementation of this model implies additional resources and efforts.

Another author, Burt Perrin, connects the results-oriented management model to meritocratic principles.³³ In this discourse, the success of the above is related to the merit system, personnel selection, remuneration, and career management. This view is based on the logic that if an employee feels valued and satisfied with his career development, one should work effectively and better adapt to the new model. However, it is impossible to prove this in all cases and we can accept it as only a logical assumption.

Examining this model through a Georgian lens and considering its connection to the concept of meritocracy, it seems that, in the current situation, there would be immediate issues associated with its implementation. This is a consequence of the discrepancy between the stated meritocratic ideals, and the way the system operates in policy documents. Essentially, the Georgian public administration system is devoid of strong meritocratic mechanisms in practice, which presents a major obstacle to the effective implementation of this kind of model and according to this, it was a predictable threat from the beginning.³⁴

³¹ Sandro Tabatadze, "Policy Transfer in Georgia: Lessons Drawn from NAEC," *Environment and Society* 7, no. 7 (2023).

³² Janet Vähämäki, Martin Schmidt, and Joakim Molander, "Review: Results Based Management in Development Cooperation," Riksbankens Jubileumsfond [The Royal Swedish Academy of Sciences] (Stockholm, 2011).

³³ Burt Perrin, *Moving from Outputs to Outcomes: Practical Advice from Governments Around the World*, IBM Center for the Business of Government, (Washington, D.C.: The World Bank, 2006).

³⁴ Institute for Development of Freedom of Information (IDIFI), "Challenges of Civil Service and its Policy in the Public Administration System of Georgia," January 22, 2022.

Whole-of-Government Approach (WGA)

One crucial factor in the rise of the whole-of-government approach (WGA) was a response to the adverse effects of New Public Management (NPM) reforms such as structural devolution, performance management and the “single purpose organization.”³⁵ In contrast to the NPM reforms, which were dominated by the logic of economics, a second generation of reforms was launched, initially called “Joined-up government” (JUG) and later known as “Whole-of-Government Approach” (WGA).

WGA originally developed in Anglo-Saxon countries such as the United Kingdom, Australia and New Zealand. Those who were previously seen as supporters of NPM believed that it had led to significant fragmentation within the public sector, a lack of coordination, and the emergence of self-centered authorities, which hindered the effectiveness of policies and efficiency, creating the need for a unified approach to government.³⁶

In addition, several factors have contributed to the evolution of WGA. First, natural disasters and crises such as tsunamis, earthquakes, or pandemics. They have led to the tightening of government policies and centralization of government measures. Another important threat was terrorism. This highlighted the importance of avoiding conflicting outcomes between governments and sharing information between agencies, which further helped to strengthen the unified approach of government.³⁷

Whole-of-government approach refers to the unity of public agencies working across portfolio boundaries to achieve a common goal and an integrated government response to specific issues. WGA takes into account the characteristics of negotiations at different levels. These can take place between ministries and departments, within the cabinet and between agencies. These structures are involved in sectoral and cross-

³⁵ Tom Christensen and Per Lægreid, “The Whole-of-government Approach to Public Sector Reform,” *Public Administration Review* 67, no. 6 (2007): 1059-1066.

³⁶ Jonathan Boston and Chris Eichbaum, “State Sector Reform and Renewal in New Zealand: Lessons for Governance (Part 1),” *Köz-gazdaság-Review of Economic Theory and Policy* 3, no. 1 (2008): 121-137.

³⁷ Thomas Hammond, “Why Is the Intelligence Community So Difficult to Redesign?,” The 20th Anniversary Conference of the Structure and Organization of Government Research Committee of the International Political Science Association, Smart Practices Toward Innovation in Public Management, (Vancouver, June 2004): 15-17.

sectoral working groups, programs or projects, or specialized agencies that are joint service providers.

The review of the WGA describes a wide range of coordinated and integrated public sector management mechanisms, and identifies the types of connections and the following operational levels in the public sector: Inter-agency, intergovernmental, and cross-sectoral.³⁸

The WGA faces major obstacles. First and foremost, the problem of accountability arises throughout the structure-coordination process. Its centralization and substantial political component create a difficulty and the reality that political executives bear a disproportionate share of the blame for mishaps due to their high level of responsibility.³⁹ These threats also exist in the perspective of Georgia, because the system was already centralized before the introduction of this model, which may have caused its further centralization.⁴⁰ It should also be noted that WGA is a selective project that is not appropriate in all circumstances, or suitable for all public sector activities.⁴¹ The creation of the above-mentioned system is a long-term project, the implementation of which requires a significant amount of time and appropriate resources. In the case of Georgia, the transition to this model was relatively quick.

Another risk of the WGA has is that it is based on the pursuit of coordination, although it may create a potential tension between horizontal cooperation and the task of ensuring vertical accountability, and therefore between structures. Another concern is the knowledge and attitude of civil servants towards the system, posing a significant hurdle to the effective implementation of the whole-of-government approach.

³⁸ Sue Hunt, "Whole-of-government: Does Working Together Work?," Policy and Governance Discussion Papers 05-1, Asia Pacific School of Economics and Government, The Australian National University (2005).

³⁹ Christopher Pollitt, Christopher, *The Essential Public Manager*, (Maidenhead, Berkshire: Open University Press/McGraw-Hill Education, 2003); Christopher Hood, "The Risk Game and the Blame Game," *Government and Opposition* 37, no. 1 (2002): 15-37.

⁴⁰ Archil Abashidze, "აბაშიძე, არჩილ. "საჯარო სამსახურის რეფორმა საქართველოში: ძირითადი მიმართულებები და გამოწვევები" [Public Service Reform in Georgia: Main Directions and Challenges] PhD thesis., ილიას სახელმწიფო უნივერსიტეტი [Ilia State University] 2016, <https://eprints.iliauni.edu.ge/6594/>.

⁴¹ Christopher Pollitt, "Joined-up Government: A Survey," *Political Studies Review* 1, no. 1 (2003): 34-49.

Additionally, Sue Hunt highlights several critical aspects and risks in her review of WGA such as fragmentation.⁴² Although WGA is aimed at defragmentation, the opposite effect may occur within the system, increasing confusion. The second critical risk in the author's view is the issue of accountability. This includes the issue of a new understanding of responsibility and accountability. Hunt believes that the pursuit of real accountability is sometimes replaced by the tendency to work on reporting. In this case, the focus shifts to broader indicators designed to measure the progress of agreed-upon goals and outcomes in the programs rather than developing real accountability. Furthermore, in the author's view, clearly defined functional departments also reinforce departmentalism, while making them easily identifiable targets of interest groups. Ambivalently, departmentalism is considered the antithesis of the WGA, which develops on the basis of a culture of interdependence. In practice, this model involves breaking down barriers between departments and promoting inter-departmental cooperation and coordination. It facilitates the sharing of information, resources and expertise between different units to achieve common goals and effectively resolve cross-cutting issues. Departmentalism and the concept of WGA are interrelated in this sense. While departmentalism emphasizes the autonomy and distinct responsibilities of individual departments, the concept of a unified government approach seeks to promote cooperation, coordination, and coherence across government departments and agencies, although the extent to which these two concepts can co-exist at the systemic level in practice is unclear.

In addition, there are successful practices that demonstrate the desirability of the whole-of-government approach. For example, due to the fact that this model implies high commitment and cooperation from agencies to agencies, according to the authors, it is an effective tool for promoting the development of e-government.⁴³ There are also practices where interagency coordination and WGA have helped manage the COVID-19 pandemic, which can be considered as an affirmative trend.⁴⁴

⁴² Hunt, "Whole-of-government."

⁴³ Mohamed Hairul Othman and Rozilawati Razali, "Whole of Government Critical Success Factors Towards Integrated e-Government Services: A Preliminary Review," *Jurnal Pengurusan* 53 (2018): 73-82, <https://doi.org/10.17576/pengurusan-2018-53-07>.

⁴⁴ Chih-Wei Hsieh, Mao Wang, Natalie WM Wong, and Lawrence Ka-ki Ho, "A Whole-of-nation Approach to COVID-19: Taiwan's National Epidemic Prevention Team,"

Research Design and Methodology

The research aims to study the theoretical foundations of policy planning and coordination and its practical characteristics from the Georgian perspective. Taking this into account, the research objectives were defined as follows: to provide an overview of policy planning and coordination from the discourse of political and administrative science; to study the body of policy planning and coordination in Georgia, identifying administration problems and review of failures; to analyse the policy planning models of the RBM, EBP, and WGA and to critically review them from the Georgian perspective; to analyse and to evaluate the legal framework, reports and policy documents in order to study the practice of the above-mentioned models; to conduct in-depth interviews with experts on the research topic, representatives of the public service system and decision-makers to empower the empirical part of the research.

Having considered these research objectives, two research questions are formulated: Q1. What and how do theoretical paradigms shape policy planning and coordination within Georgia?; Q2. What are the root causes of the inconsistency between theory and practice in shaping the characteristics of policy planning and coordination in Georgia?

In order to answer these questions, the research relies on the qualitative methods of social science research, specifically, document analysis and in-depth interviews.

In the case of the document analysis method, thematic analysis and content analysis have been applied, including the review, analysis, and evaluation of state policy action plans, government decrees, laws and reports, where the smallest unit of analysis – the word and the largest – the provision, as well as main codes (*i.e.*: planning, implementation, deficiency, etc.) and thematic categories have been distinguished. (*i.e.*: WGA, EBP, RBM, coordination challenges, planning challenges, policy failures, etc.). In the case of interviews, guided by units of analysis such as words and phrases, relevant transcripts have been prepared and processed through coding and categorization.

Within the framework of the research, a non-probability, purposive type of sampling was used. In the case of document analysis, the legal and political documents, reports, and action plans covering the issue of policy planning and coordination in Georgia were selected. As for the in-depth interviews, the selection was based on the issue of specialization of the experts' field (public administration, public policy, political science), and in the second case on the relevance and availability of the decision makers. A total of twelve in-person interviews were conducted from April to August 2023. Ten of them with experts, two with former decision makers. The distribution is influenced by the limited access and the small number of decision makers in Georgia. However, including a larger number of experts offers diverse perspectives and more comprehensive insights into the issue under study.

The research may pose a risk and prompt more inquiries from the respondents since it provides evidence of ill practices, which the respondents recognize to the best of their knowledge and experience. With this in mind, their identities have been concealed and encrypted in the text using appropriate codes.

It is important to note that collecting data and conducting research should adhere to relevant standards. research ethics were upheld by following the five guiding principles of the American Psychological Association (APA), which allowed us to get each respondent's informed permission.⁴⁵ No personal beliefs and opinions were disclosed by the researcher during any of the interview settings. Every source and document included in the study was sourced in compliance with Georgian law and the principles of intellectual property protection.

Practical Applications, Challenges and Insights

A theoretical review has shown possible risks inherent in the design of policy planning and coordination. The latter was related to the challenges associated with implementing WGA, EBP, and RBM. This chapter will primarily focus on providing an overview of these practical challenges.

⁴⁵ David Smith, "Five Principles for Research Ethics," *Monitor on Psychology* 34, no. 1 (January 2003): <http://www.apa.org/monitor/jan03/principles>.

In 2019, the Government of Georgia adopted Resolution No. 629, which declares that the implementation of evidence-based and results-oriented policy planning, monitoring, and evaluation, as well as the establishment of quality assurance mechanisms in these directions are the main goals.⁴⁶ The development of unified procedures, methodology, and standards is also emphasized. However, the question of how and with what methods, tools and policies the state ensures the achievement of the above is a separate issue.

The policy planning, monitoring, and evaluation guide of 2019 opens with William Thomson's statement: "What we cannot measure, we cannot improve."⁴⁷ Nevertheless, a distinct consideration arises: How do policy planning and coordination determine the measures – what, when, how, and in what qualitative manner to conduct the methodology, and with what tools? Additionally, who, with what competence, qualification, effort, degree of neutrality, autonomy, and professionalism, is involved in policy planning and coordination measurement?

The interviewed experts (respondents 4, 7, 8, 9, 11, 12) point to the problem of the real will and effort of the government, the deficit of competencies and qualifications, the problem of resources, neutrality and autonomy, which first of all turned out to be an obstacle to the implementation of the above three models in the Georgian public administration system.

Policy planning, according to Resolution No. 629 and the principles of RBM, EBP and WGA, is a rather complex issue and it takes into account many factors, which require significant competencies from public servants. In this regard, one of the experts noted that,

"During the training process, when I had a meeting with officials, some of them for the first time understood about searching systems from which to get evidence, but in some cases, they did not feel the attitude and motivation to learn something new." (Respondent 5).

⁴⁶ Resolution No. 629, "On the approval of the procedure for development, monitoring, and evaluation of policy documents" (2019).

⁴⁷ Administration of the Government of Georgia, "Guidelines for Policy Planning, Monitoring and Evaluation" (2019).

This in itself emphasizes the practice of the previous theoretical review, that when there is a systemic type of change, employees are often skeptical towards the alternatives, and this process of transition from one model to another is associated with difficulties, especially when we face problems of competence and readiness.

A respondent highlighted that,

“It is a very problematic issue that sometimes evidence is not obtained at all, and in this case, the public official should know how to conduct research to obtain this evidence as primary data. Carrying this out requires separate competence and resources, otherwise evidence-based policy does not work.” (Respondent 4)

This view was also presented in the theoretical overview section of EBP.

As per Resolution No. 629, the responsibility lies with the government administration to assess the initiated documents and to determine whether a particular policy document aligns with the prevailing standards. The interviewed former decision maker noted in the interview:

“The fact is that none of these reforms goes smoothly, and such things have steered some people against the government administration. Even though you were the institution that stands higher in the hierarchy and controls the ministries in our system, certain relationships were still personified. For example, if the Minister of Economy was in a hurry to approve a strategy that did not meet the standard and failed to pass the assessment, and the document was returned, at first it was like he would pick up the phone and call the Prime Minister to get a score for the document.” (Respondent 6)

This interview sample highlights significant risks and recognises the fragility of Georgia’s public administration system. Additionally, it demonstrates that the state was not prepared to completely implement the EBP, RBM, and WGA systems due to administrative and political culture. It should be noted that in this direction only one case is visible, but since there is a precedent, no one can determine whether it happened once or many times, or with what intensity this influence was exerted on the government administration by any minister or specific other person.

The same interviewee noted:

“In response to these actions, we mitigated this risk so that this would not happen, when we decided that the ministry would be suspended for the loan because it

had a low score in two indicators, we decided that in January every month, we would consider which strategies and documents would come in this year. If a total of thirty strategies were introduced and we knew that, for example, the Ministry of Health was going to introduce two strategies, we immediately put our employee in their working group, who started by explaining and teaching the 629 standards, so that the minister would already be informed about this strategy, and everything would be well written there. That is why we started strengthening from the bottom, and having our employees in their work group was a prevention." (Respondent 6)

The latter is a sharing of the former decision maker's working practices of how respondents handled existing efforts, although this in itself cannot be taken to mean that the system is functioning properly today. Also, the previous excerpt from the interview highlights a practice from several years ago that would have been implemented by the decision maker – who is no longer employed there. Thus, we have no information on how protected the official is today from pressure, or how the current decision maker responds to such actions.

One of the experts was critical of this issue:

"In our administrative culture, it will not even be necessary for the minister to pick up the phone and call about the increase of the score, as the situation in the country is now." (Respondent 2)

This excerpt once again emphasizes the (lack of) readiness of the system and the cultural incompatibility with the implemented models.

Another crucial challenge in policy planning and coordination is staffing and bureaucracy. The interviewed former decision maker noted that,

"From the beginning, we started retraining the employees of the Ministry and eventually all of them were retrained, although this training needed to be permanent because there was an outflow of personnel." (Respondent 7)

This challenge was also mentioned by the representative of the donor organisation:

"When we invest funds in the educational training of an official, to teach fifteen individuals for instance, there are instances where, upon requesting information about them, we discover that out of the fifteen retrained individuals, only two are currently working in the ministries. This poses a significant problem, necessitating another round of educational training for the staff." (Respondent 9)

In the process of interviews on RBM and WGA respondents noted that:

“Working within the framework of results-based management and a whole-of-government approach model can pose significant challenges for individuals when they do not understand the content of these models at all.” (Respondent 1)

They also remarked that:

“How to work with WGA when the government does not have a unified approach. Ministries work in an absolutely fragmented manner, and if, for example, one public agency wants to request information from another or to assign some task, it causes conflicts.” (Respondent 11)

These excerpts indicate the problem of departmentalism and, once again, the inconsistency of the models within the Georgian reality.

In this context, one of the experts pointed out:

“I can tell you from my working practice that when one public agency subordinate to the ministry is strong and fully autonomous, it is possible to plan policy independently, and the fact that it needs to communicate with the ministry and the policy planning unit about this is problematic, and some ministries do not have such a department at all but have one or two specific persons who emphasise that policy planning is not a priority.” (Respondent 10).

This excerpt shows us that there is a significant incompatibility between the stated goals and the practice. This means that EBP, RBM and WGA exist only on paper and have a tenuous connection to practice.

The Gap Between Theory and Georgian Practice: Should Incremental Intervention Be Deemed a Success?

This section examines the issues and challenges acknowledged, either consciously or unconsciously, by the state in its policy documents.

According to the 2019-2020 action plan implementation monitoring annual reports, the state considers its main achievement to be the number of civil servants trained in policy planning, monitoring, and evaluation. The number of trainees in the course has increased to 227 and has been increasing every year since it started. The declared success is that the

first stream of civil servants has been trained in the Regulatory Impact Assessment (RIA) module of legislative acts. It was also noted that a new policy planning and coordination system had been put in place, although the implementation of the latter had already been reviewed in the paper. The increase in the number of training modules from nine to twelve was also identified as an achievement.

The given results directly indicate the practice of incrementalism,⁴⁸ because none of these results can be considered a thorough solution to the issue, and an achievement of the goals that the state declared (development of policy planning and coordination system, establishment of result-oriented management, monitoring and evaluation, reporting systems and improvement of coordination).

Conducting training for civil servants is not an activity at the state policy level. This can be done by an educational organization. Therefore, this effort cannot be evaluated as a systemic and/or societal policy course. This implies that status quo has been achieved in the results, and this is best demonstrated by the 2023-2026 public administration reform strategy, where the state itself declares that in this aspect challenges remain. This implies that ambitious values are declared only at the level of institutional design and policy documents.

In the 2023-2026 public administration reform strategy, the low level of implementation of the evidence-based and result-oriented policy planning and coordination system is considered as the first problem.⁴⁹ The word low level in the strategy was later corrected to mean insufficient level. However, to declare this as the first problem in the strategy is to admit that the previous interventions have failed, because otherwise the implementation of EBP, RBM and coordination would not be considered to be "low level." However, there is an alternative perspective in this context, that the government administration used "low level" in the document only to change it during public consultations. The latter is similar to the fact that public consultation is only conducted formally and procedurally, and has no practical consequences.

⁴⁸ Charles E. Lindblom, "The Science of 'Muddling Through,'" *Public Administration Review* 19 (1959): 79-88.

⁴⁹ Government of Georgia, "Public Administration Reform Strategy 2023-2026," 2023, 19.

The next recognition is that

“the full functioning of the policy-making and coordination system continues to face several challenges. The low level of implementation of new approaches is indicated by the low quality of policy documents submitted to the government for approval.”⁵⁰

In this direction, three data points have been found in the strategy, namely the average scores of policy documents approved by the government: 2019 – 62.75; 2020 – 81.6; 2021 85.9. If the score of these documents was so low for the government administration, then how is the learning outcome of the conducted trainings measured? It turns out that claiming the main achievement has been the training of officials is false because they had went beyond the learning outcomes that the training sessions identified as an achievement. Another issue is that if officials cannot help themselves in writing these documents independently, it correlates with the fact that they will have difficulty working under RBM, EBP, and WGA models.

The next recognition regarding the training and education of civil servants is that,

“even though about 300 civil servants have been trained in the direction of policy planning, monitoring and evaluation, the lack of human resources and relevant competencies (skills) is still a challenge. Accordingly, policy documents are largely prepared with the help of external resources, support from donor organizations and the mobilization of experts.”⁵¹

With this provision, the state again confirms the existing serious problem of human resource management, which may be related to the quality of teaching and training.

In the same document, the government administration mentioned that:

“the experience of agencies in terms of using engagement mechanisms is significantly fragmented and heterogeneous.”⁵²

⁵⁰ Government of Georgia, “Public Administration Reform Strategy 2023-2026.”

⁵¹ Government of Georgia, “Public Administration Reform Strategy 2023-2026,” 20.

⁵² Government of Georgia, “Public Administration Reform Strategy 2023-2026.”

This highlights a shortcoming of the WGA model. It has already been reviewed in the article that WGA should not contribute to fragmentation, but to defragmentation in terms of content. This provision is proof that the “unified approach of the government” needs appropriate implementation and development.

The strategy identifies another critical issue, which is of utmost importance:

“The challenge is access to regularly updated, reliable and segregated statistical data and the lack of the necessary skills for data collection, analysis and interpretation.”⁵³

This implies that evidence-based policy development faces a significant challenge, to the extent that the efficacy of the same model is cast into doubt under these circumstances.

Conclusion

This research aimed to study the theoretical foundations of policy planning and coordination and its practical characteristics from the Georgian perspective. As a result of in-depth interviews, document analysis, and theoretical study of the issue, it is determined that the theoretical foundations of policy planning and coordination from the Georgian perspective encompass a synthesis of three distinct models: Evidence-Based Policy (EBP), Results-Based Management (RBM), and Whole-of-Government Approach (WGA). The characteristics of the latter are defined by the inconsistency between theory and Georgian practice, which is expressed by the insufficient level of implementation of EBP, WGA, and RBM models.

This inconsistency is caused by several factors, including an administrative and political culture incompatible with the implementation of these models, bureaucratic tradition, system readiness, and political will. The research uncovers that these root causes directly affect the practical implementation of policy planning and coordination in Georgia, leading to the observed misalignment between theoretical frameworks and actual practices.

⁵³ Government of Georgia, “Public Administration Reform Strategy 2023-2026,” 21.

The findings and conclusions presented in this article can serve various purposes. Primarily, the paper holds the potential to serve as an academic reference for researchers and individuals interested in delving into theoretical studies on policy planning and coordination. The second advantage is that the paper examines policy planning and coordination models and their practice in Georgia, which has not been researched before. Also, the article has the potential to develop academic discussion and contribute to the development of additional research and related issues both in general and in Georgia. Since the paper identifies practical problems in the field of policy planning and coordination, it may be used by policy planners and decision makers themselves.

Furthermore, in addition to shedding light on the theoretical foundations and practical characteristics of policy planning and coordination within the Georgian context, this research offers valuable insights that contribute to the broader theoretical and empirical literature in several ways. Firstly, by synthesizing three distinct models—Evidence-Based Policy, Results-Based Management, and Whole-of-Government—we provide a nuanced understanding of how these models interact and manifest within a specific national context. This synthesis not only enriches the existing theoretical framework but also offers comparative insights for scholars and practitioners studying policy processes in other contexts.

Moreover, our identification of the inconsistency between theory and practice, and the underlying factors contributing to this misalignment, adds to the empirical evidence base on challenges faced in policy implementation. By highlighting the role of administrative and political culture, bureaucratic tradition, system readiness, and political will in shaping policy outcomes, our findings resonate with scholars and policymakers grappling with similar issues in diverse socio-political environments.

**THROUGH THE LENS OF MEDIATIZATION:
GOVERNANCE LEGITIMACY
IN THE WAKE OF BULGARIAN PROTESTS
IN 2020 AND 2021¹**

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Abstract. Although there is ample literature on discursive aspects of legitimation invoked by different actors aiming to justify particular policies or activities, few studies examine the role of the media and the ensuing (de)legitimation of the processes of governance. This article seeks to redress that gap by providing an empirical account of the discursive aspects of (de)legitimation by the media at the time of societal turbulence. Focusing on Bulgaria, the author traces the ways by which the media attempted to (de)legitimize the governance processes in the wake of public discontent in 2020. Combining critical discourse analysis and constructivist grounded theory, the article elaborates on three de-legitimation narratives – violated democracy, crisis and left-behindness – and (de)legitimation strategies and the lexical choices that formed the basis for such (de)legitimation. The findings suggest that these narratives contribute to the activation of the feelings of hopelessness, and the imaginary of “common” Bulgarians that are at the mercy of “the others” or some external forces from which it is impossible to break free.

Keywords: critical discourse analysis, legitimation strategies, de-legitimation, Bulgaria, governance, mediatization

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Introduction

Over the past two decades, the fact that the media has increased its significance for politics has been widely discussed by both political scientists and media scholars.³ With minor differences in the descriptions of relations between media and politics, the current literature stresses that media have become an unavoidable component of political and social life. As media have become the most important source of political information for the broad public, the relations between political actors and media have intensified in a way that not only does the media need politics for news, but also the political actors need media to reach their citizens.⁴ This interpenetration of media into all spheres of social life has substantially changed the way how politics is done.⁵ Indeed, the increased efforts of public communication on the part of governance actors reflect that media are attributed a vital role in the processes of governance as such. Concretely, scholars have emphasized that the media function as a forum which allows the actors to legitimize themselves and their activities in the public sphere.⁶ Timothy E. Cook and Maarten A. Hajer have taken this further when they conceptualize media as being a political institution while arguing that

³ W. Lance Bennett and Robert M. Entman, eds., *Mediated Politics: Communication in the Future of Democracy* (Cambridge: Cambridge University Press, 2000); Timothy E. Cook, *Governing with the News, Second Edition: The News Media as a Political Institution* (Chicago: University of Chicago Press, 2005); Jesper Strömbäck, "Mediatization and Perceptions of the Media's Political Influence," *Journalism Studies* 12, no. 4 (August 2011): 423–39; Maarten A. Hajer, *Authoritative Governance: Policy Making in the Age of Mediatization* (Oxford: Oxford University Press, 2009); Frank Esser, "Mediatization as a Challenge: Media Logic Versus Political Logic," in *Democracy in the Age of Globalization and Mediatization*, eds. Hanspeter Kriesi, Sandra Lavenex, Frank Esser, Jörg Matthes, Marc Bühlmann, Daniel Bochsler (London: Palgrave Macmillan, 2013), 155–76.

⁴ Hajer, *Authoritative Governance*.

⁵ Daniel Kübler and Hanspeter Kriesi, "How Globalisation and Mediatization Challenge Our Democracies," *Swiss Political Science Review* 23, no. 3 (2017): 231–45.

⁶ Mark Bovens, "Analysing and Assessing Accountability: A Conceptual Framework," *European Law Journal* 13, no. 4 (July 2007): 447–68; Martino Maggetti, "The Media Accountability of Independent Regulatory Agencies," *European Political Science Review* 4, no. 3 (November 2012): 385–408; Gergana Dimova, *Democracy Beyond Elections: Government Accountability in the Media Age* (Cham: Palgrave Macmillan, 2020).

“the divide between news-making and policy-making becomes blurred and news-making practices become a key form of external and internal meaning production.”⁷

An implication from this literature is that the media provides a communicative framework through which politics is represented and presents itself to the public. This is particularly interesting, especially when the scholarship on discursive legitimacy is considered. To be clear on the use of the term legitimacy, the author refers to the definition proposed by Benno Netelenbos that conceives political legitimacy as “subjective normative agreement with objective politics.”⁸ Under this perspective, legitimacy is a relational property determined by the beliefs and perceptions of individuals about politics. These beliefs and perceptions are the outcomes of social processes wherein individuals are constantly exposed to legitimation and de-legitimation that they might find appealing depending on their own norms and values arising out of the complexity of social reality and their life experience.⁹ In this way, understood as a communicative act, legitimation is about imposing one’s interpretation of reality on others whilst cultivating a positive picture of oneself to (re)gain authority. There exists ample literature on these discursive aspects of legitimation invoked by different actors aiming to justify policy or activity, cultivate their legitimacy in the public sphere or, on the contrary, question the actions or positions of one’s opponents.¹⁰ By contrast, research on the role of the media and the

⁷ Cook, *Governing with the News*; Hajer, *Authoritative Governance*, 39.

⁸ Benno Netelenbos, *Political Legitimacy beyond Weber: An Analytical Framework* (London: Palgrave Macmillan, 2016), 4.

⁹ Netelenbos, *Political Legitimacy beyond Weber*; Jonas Tallberg and Michael Zürn, “The Legitimacy and Legitimation of International Organizations: Introduction and Framework,” *The Review of International Organizations* 14, no. 4 (1 December 2019): 581–606, <https://doi.org/10.1007/s11558-018-9330-7>.

¹⁰ Luisa Martín Rojo and Teun A. van Dijk, ““There Was a Problem, and It Was Solved!”: Legitimizing the Expulsion of ‘illegal’ Migrants in Spanish Parliamentary Discourse,” *Discourse & Society* 8, no. 4 (1997): 523–66; Theo Van Leeuwen and Ruth Wodak, “Legitimizing Immigration Control: A Discourse-Historical Analysis,” *Discourse Studies* 1, no. 1 (1 February 1999): 83–118; Eero Vaara, “Struggles over Legitimacy in the Eurozone Crisis: Discursive Legitimation Strategies and Their Ideological Underpinnings,” *Discourse & Society* 25, no. 4 (1 July 2014): 500–518; Vaia Doudaki and Angeliki Boubouka, *Discourses of Legitimation in the News: The Case of the Economic Crisis in Greece* (London:

ensuing (de)legitimation of the whole process of governance remains relatively scant. Indeed, there exist a few studies that examine the micro-mechanism at play that contributes to the (de)legitimation of governance.

This article aims to redress that gap by providing an empirical account of the discursive aspects of de-legitimation in and by media at the time of societal and political turbulence. By doing so, it sheds light on the discursive dynamics of legitimation struggles through the prism of media. Although important on its own, such analysis allows integrating insights from discursive legitimation in critical discourse studies with governance mediatization in governance studies.¹¹ Taking the Bulgarian unhinged political situation as my empirical focus, the author traces the ways by which the media attempted to (de)legitimize the governance processes in the wake of public discontent in 2020. By drawing on previous works on discursive legitimation, the focus lies on two levels of analysis. First, the variety of discursive legitimation strategies and their presence are examined. Second, lexical choices and their configuration that together form legitimation strategies are explored. This is done by analyzing the media discussions about the problems of governance in the wake of the protests in 2020. At one level, this discussion focused on whether the prime minister, his government and the chief prosecutor should resign or not, while at another level, that is of interest of this article, the debate focused on the sustainability of the ways the politics was done especially in relation to democratic principles which most of the society formally endorse. Bulgaria is particularly

Routledge, 2019); Sandra Simonsen, "Discursive Legitimation Strategies: The Evolving Legitimation of War in Israeli Public Diplomacy," *Discourse & Society* 30, no. 5 (1 September 2019): 503–20; Sten Hansson and Ruth Page, "Legitimation in Government Social Media Communication: The Case of the Brexit Department," *Critical Discourse Studies*, 4 April 2022, 1–18.

- ¹¹ Rojo and van Dijk, "There Was a Problem, and It Was Solved!"; Van Leeuwen and Wodak, "Legitimizing Immigration Control;" Theo Van Leeuwen, "Legitimation in Discourse and Communication," *Discourse & Communication* 1, no. 1 (1 February 2007): 91–112; Vaara, "Struggles over Legitimacy in the Eurozone Crisis;" Hajer, *Authoritative Governance*; B. Guy Peters, "Information and Governing: Cybernetic Models of Governance," in *The Oxford Handbook of Governance*, ed. David Levi-Faur (Oxford: Oxford University Press, 2012), 113–28; Thomas Schillemans and Jon Pierre, eds., *Media and Governance: Exploring the Role of News Media in Complex Systems of Governance* (Bristol: Policy Press, 2019).

interesting for the analysis of legitimation struggles and strategies because of two reasons. First, it has long been perceived as a troubled democracy oscillating between democratic progression and regression.¹² Second, Bulgaria finds itself in a deep socio-political crisis that lasts for the past years. More particularly, in October 2024, Bulgarian citizens casted their votes in the parliamentary elections for the seventh times in three years. The origins of the long-lasting deadlock over the formation of a government and the connected socio-political crisis can be traced back to the outbreak of the protests in July 2020. This study of de-legitimation of governance processes in and by media at a times of Bulgarian turbulences of 2020-2021 can therefore add to our understanding of democratic backsliding that the Central- and South-eastern Europe faces and help us to comprehend discursive aspects of governance (il)legitimacy more generally.

This article proceeds in four sections. In the next section, building on research on the role of the media in governance and discursive legitimation, the author outlines a critical discursive perspective on governance legitimacy in the context of mediatization. The third section presents relevant background information for the case study. This is followed by an introduction to the methodology and empirical material used. The fifth section presents the findings. The conclusion reflects on the broader implications of these findings that add to the understanding of governance de-legitimation through the prism of media and discusses the implication for potential future studies.

Critical Discursive Perspective on Governance Legitimacy Through the Prism of Mediatization

The concept of legitimacy has attracted the extensive attention of social scientists who have aimed to understand and interpret the socio-political reality arising from power relations. As noted elsewhere, political power and legitimacy are permanently at risk of being challenged by political

¹² James Dawson and Seán Hanley, "The Fading Mirage of the 'Liberal Consensus,'" *Journal of Democracy* 27, no. 1 (January 2016): 20–34; Ivan Krastev, "Liberalism's Failure to Deliver," *Journal of Democracy* 27, no. 1 (2016): 35–38.

opponents, public institutions, or society at large.¹³ To maintain the position of holding power, authority or legitimacy, the actors have to constantly engage in legitimation.¹⁴ From a discourse analytic perspective, legitimation refers to communicative acts by which the speaker seeks to justify his actions in terms of the rights and duties associated with his role or position. By focusing especially on the linguistics analysis of the texts and talks, critical discourse researchers have elucidated the importance of discursive practices and distinguished several legitimation strategies.¹⁵ In their view, the main objective of legitimation is to create a sense that some course of action or decision is right and just within the given legal, political or moral order.¹⁶ Put more broadly, by engaging in legitimation, the actors seek to provide explanations on “why we should do this?” or “why should we do this in this way?” and by specifying “why should this not be done (in this way)?” the actors aim to question the validity and legitimation, hence facilitating de-legitimation.¹⁷

Most of the works on legitimation perceive news media to act as one of the main fields where the political actors present themselves, their activities, policies, and where the legitimation struggles between various actors take place. They conceive them to be a major forum of the public sphere in which the major legitimation arguments are juxtaposed and mediated.¹⁸ However, as Nico Carpentier and Benjamin De Cleen

¹³ Rojo and van Dijk, “There Was a Problem, and It Was Solved!”

¹⁴ Achim Hurrelmann, Steffen Schneider, and Jens Steffek, *Legitimacy in an Age of Global Politics* (London: Palgrave Macmillan, 2007).

¹⁵ Rojo and van Dijk, “There Was a Problem, and It Was Solved!” Van Leeuwen and Wodak, “Legitimizing Immigration Control;” Van Leeuwen, “Legitimation in Discourse and Communication.”

¹⁶ Teun Van Dijk, *Ideology: A Multidisciplinary Approach* (London: SAGE, 2000).

¹⁷ Van Leeuwen, “Legitimation in Discourse and Communication,” 93; Maria Rieder and Hendrik Theine, ““Piketty Is a Genius, but...“ An Analysis of Journalistic Delegitimation of Thomas Piketty’s Economic Policy Proposals,” *Critical Discourse Studies* 16, no. 3 (27 May 2019): 248–63.

¹⁸ Sebastian Haunss and Steffen G. Schneider, “The Discursive Legitimation of Political Regimes: A Network Perspective,” *SSRN Electronic Journal*, 2013; Achim Hurrelmann, Anna Gora, and Andrea Wagner, “The Legitimation of the European Union in the News Media: Three Treaty Reform Debates,” *Journal of European Public Policy* 20, no. 4 (April 2013): 515–34; Steffen Schneider, Frank Nullmeier, and Achim Hurrelmann, “Exploring the Communicative Dimension of Legitimacy: Text Analytical Approaches,”

pointed out, media function hardly as a site for the utterances to exist but rather “as specific machineries that produce, reproduce and transform social phenomena.”¹⁹ This aligns with what media and political science scholars have accentuated with respect to the changed nature of relations between media, politics and society. They point to the trend of moving away from a functionally differentiated order in which media played the role of “reporters” informing about what happened in politics or “mediators” neutrally transmitting political communication while stressing increasing importance of media and their spill-over effects on political and societal processes.²⁰

Mediatization, as most of the literature refers to this trend, denotes a dynamic process whereby the media have increased their influence on both general and more systemic levels of social and political life. Media have always been part of politics, yet the new mediatized environment is characterized by the fact that news media is a system composed of a multiplicity of competing actors with their own goals and preferences.²¹ There is an intricate network of influence in place, implying that, in a way, the media represents multiple voices in society. Regarding the role of media themselves, there is a prevailing agreement in the literature that media can function as watchdogs, gatekeepers, public representatives, advocates of people or marketplace of ideas.²² At the same time, some

in *Legitimacy in an Age of Global Politics*, ed. Achim Hurrelmann, Steffen Schneider, and Jens Steffek (London: Palgrave MacMillan, 2007); Vaara, “Struggles over Legitimacy in the Eurozone Crisis.”

¹⁹ Nico Carpentier and Benjamin De Cleen, “Bringing Discourse Theory into Media Studies: The Applicability of Discourse Theoretical Analysis (DTA) for the Study of Media Practises and Discourses,” *Journal of Language and Politics* 6, no. 2 (21 December 2007): 274.

²⁰ Hajer, *Authoritative Governance*; Kübler and Kriesi, “How Globalisation and Mediatisation Challenge Our Democracies;” F. Esser and J. Strömbäck, *Mediatization of Politics: Understanding the Transformation of Western Democracies* (London: Palgrave Macmillan, 2014). Stig Hjarvard, *The Mediatization of Culture and Society* (London: Routledge, 2013).

²¹ Kübler and Kriesi, “How Globalisation and Mediatisation Challenge Our Democracies.”

²² Clifford G. Christians, Theodore L. Glasser, Denis McQuail, Kaarle Nordenstreng, and Robert A. White, *Normative Theories of the Media: Journalism in Democratic Societies*, 1st ed., (Urbana: University of Illinois Press, 2009); Dimova, *Democracy Beyond Elections*; Hanspeter Kriesi, Sandra Lavenex, Frank Esser, Jörg Matthes, Marc Bühlmann, Daniel Bochsler, *Democracy in the Age of Globalization and Mediatization* (London: Palgrave Macmillan, 2013).

scholars argue that media could be understood as institutions independent of other social and political actors in a way that they exert an influence over a social sphere through the constant intrusion of media logic into the fields where other rules have guided and influenced the actions of actors.²³ In addition, by theorizing media as institutions, the authors imply that media not only influence the actors, but may also constitute the identities and affective ties, as well as the conceptions of reality, norms and values of a given societal group.²⁴

In the context of legitimation, Sebastian Haunss and Steffen G. Schneider assert that news media may fulfil a double role.²⁵ On the one hand, they serve as an important platform through which the actors present, justify and legitimate themselves or their activities for the public. On the other hand, they are important participants to legitimation themselves because they cherry-pick what to cover, whose voice would be heard, and, importantly, how it would be covered. Vaia Doudaki and Angeliki Boubouka similarly emphasize this dual role when they underline the media's importance in both constructing social phenomena and mediating the public debate over the social issue and its dimensions. By claiming that the media, whose cultural products, such as the news, hardly offer a neutral account of events but rather (re-)defining and (re-)shaping it while simultaneously serving "as a carrier of dense cultural and ideological symbols reflecting popular belief and the power dynamics of societies," they suggest that media may be considered both fields and active agents of legitimation.²⁶

In spite of these advances, works focusing on how the media contributes to governance (il)legitimacy have been scarce and marginal in the broader context of mediatization. Assuming the role media play in the political

²³ Cook, *Governing with the News*; Esser and Strömbäck, *Mediatization of Politics*; Hjarvard, *The Mediatization of Culture and Society*; Strömbäck, "Mediatization and Perceptions of the Media's Political Influence."

²⁴ Johan P. Olsen, "The Institutional Basis of Democratic Accountability," *West European Politics* 36, no. 3 (1 May 2013): 447–73.

²⁵ Haunss and Schneider, "The Discursive Legitimation of Political Regimes."

²⁶ Vaia Doudaki, "Discourses of Legitimation in the News: The Case of the Cypriot Bailout," in *Cyprus and Its Conflicts: Representations, Materialities, and Cultures*, eds. Vaia Doudaki and Nico Carpentier (New York: Berghahn Books, 2018), 143.

sphere, the question of how it portrays political reality is especially important. Thus, in addition to focusing on the specific case of Bulgaria, this article aims to contribute to this stream of research by examining the discursive dynamic of the struggles over governance (il)legitimacy in and by media.

Bulgaria as a Case Study

This study takes the Bulgarian unhinged political situation of 2020-2021 as its empirical focus. The popular unrest of 2020-2021 did not unleash out of the blue. Tensions in society had been growing for some time especially due to the alleged intertwined relations between political, business and media elites, and the judiciary, for which the term *zadkulisie* or *behind-the-scenes* is adopted in Bulgaria.²⁷ What nevertheless led to the immediate eruption of the large-scale protests in July 2020 was a series of scandals that highlighted the problems of corruption and the fragile rule of law. Starting with the proclamation of entrepreneur Vasil Bozhkov about the necessity to bribe the officials to be able to do serious business, continuing with the leaked records and photographs of what seemed to be Boyko Borisov misconducting his post of Prime Minister, but the confluence of events intensified when Hristo Ivanov raised a public alarm about the employees of National Security for Protection (NSO) securing the private property of both the former MP and honorary chairman of the Movements for Rights and Freedoms, Ahmed Dogan, and media mogul Delyan Peevski. In reaction to this, president Rumen Radev asked the chief of NSO to review the decisions to protect both Dogan and Peevski. A few days later, the Prosecution's office raided the Bulgarian Presidency and detained two advisors of the President. Immediately after the raids became public, thousands gathered in front of the Presidency in support of the president, who came out to the protestors, thanked them for their support while calling for a redoubled effort to rid the country of what he called the mafia. Consequently, large-scale protests erupted around the country, lasting for almost one year.

²⁷ \ Maria Spirova, "Bulgaria: Political Developments and Data in 2020," *European Journal of Political Research Political Data Yearbook* 60, no. 1 (December 2021): 49-57.

Although this protest movement did not bring about any substantial change in the country's politics, it managed to unite the Bulgarians along the common antipathy towards the way the country is governed despite different socio-economic orientations or age. Consequently, the outcry pointed to the deeper structural problems that the country faces. Having said that and conceiving media's role in orienting society's conception of reality, value, norms and thinking patterns, it is for this reason that looking at the media debate about Bulgarian governance seems valuable, as it can help us better understand the empirical organization of governance illegitimacy in general and in Bulgaria in particular.

Research Design and Methodology

This analysis focuses on how the media texts legitimized governance in Bulgaria in the aftermath of the protests in 2020. The text corpus was created based on the search for the terms "Мафия" (mafia), "корупция" (corruption) within the scope of nine months after the protest began, that is between July 9, 2020, when the largescale popular unrest erupted, and April 16, 2021, when the four-year term of the GERB government terminated and the protests ended. This yielded a database of 1,291 newspaper articles. The material was not collected in a genre-specific way thus including news-reporting and opinion or editorial items. To get an accurate corpus, the data was manually cleaned to exclude any reprints and duplications. The final set included 833 newspaper articles.

The articles were taken from six major Bulgarian news media outlets: *168 Chasa*, *24 Chasa*, *Dnevnik*, *Kapital*, *OFF News*, and *Focus News*. These different media outlets were broadly divided into three main categories, based on the type of their content – (1) hybrid newspapers, (2) quality newspapers, and (3) news agency – and three main categories based on their attitudes towards the political authorities – (1) rather positive, (2) negative, (3) N/A. When it comes to the categorization based on the news type, the first category comprises the so-called hybrid newspapers that combine both tabloid and quality newspaper content.²⁸

²⁸ Lada Trifonova Price, "The Post-Communist 'Hybrid' Tabloid: Between the Serious and the 'Yellow,'" in *Global Tabloid. Culture and Technology*, eds. Martin Conboy and Scott Eldridge II (London: Routledge, 2021), 137–52.

The two outlets that were assigned to this category are *24 Chasa* and its sister, *168 Chasa*. The second category concerns the so-called quality newspapers offering analytical content, and a balanced point of view with a lot of analysis and investigation directed at highly educated readers. *Kapital*, *Dnevnik*, and *OFF News* were categorized as such. Finally, the last category involves the news agency that, rather than creating its own content, monitors other media and collects the news from them. *Focus News* was included in this category.

The categorization based on the news' attitudes towards the authorities was indicative and performed based on the comparative in-depth study of Bulgarian media as part of the large project *Mediator 2: Bridge between ethical journalism and society* implemented by the Association of European Journalists-Bulgaria and/or the European Press Roundup project and/or Wikipedia page of each outlet.²⁹ The news outlets that were categorized as negative due to their critical stance towards the then political authorities, Prime Minister Borisov and GERB particularly, are *Dnevnik*, *Kapital* and *OFF News*. On the contrary, two sister news outlets, *24 Chasa* and *168 Chasa*, were categorized as providing a rather positive picture of the prime minister, and GERB. The last news outlet, *FocusNews*, was not part of any of the studies, and its Wikipedia page does not contain any information regarding its political orientation, hence the use of the notion of N/A in the table.

The selected newspaper articles that constitute the corpus were analyzed through several rounds of close reading and coding, integrating the NVivo coding software. The first step involved close reading of all the corpus texts with the scope of mapping the patterns of meaning, with the particular aim to shed light on what formed the ground for governance (de)legitimation. The research findings point to three narratives that were enacted in the media debates: (1) violated democracy, (2) crisis, (3) left-behindness. Besides identifying discourses of (de)legitimation, the author established the discourse-conceptual connections related to the identified discourses.³⁰ In the second step, the author investigated how

²⁹ Print Media Report, "3a پروژه" [The Project] <https://printmediareport.aej-bulgaria.org/about/>; euro | topics, "European press roundup," <https://www.eurotopics.net/en/149270/european-press-roundup>.

³⁰ Michał Krzyżanowski, "Brexit and the Imaginary of 'Crisis': A Discourse-Conceptual Analysis of European News Media," *Critical Discourse Studies* 16, no. 4 (8 August 2019): 465–90.

the identified ideas related to, added to, and facilitated the governance (de)legitimation at large in the media debate. Building on Theo Van Leeuwen, Eero Vaara, and Vaia Doudaki and Angeliki Boubouka, the author explored what strategies were used for legitimation and de-legitimation.³¹ Notwithstanding the assumed interconnectedness of legitimation and de-legitimation and the intensification of the former during the times of turbulence, the analysis revealed the omnipresence of governance de-legitimation in the media texts. The following section provides a detailed description of each of the narratives, complemented by the analysis of how it was used for legitimation and de-legitimation. Any direct or indirect quotations originally in Bulgarian were translated to English by the author and are referenced in brackets by the name of the media and by the date and month of publication (*e.g.*, 24 *Chasa*, 07/08).³²

Research Findings: (De)legitimation Narratives

The analysis revealed that, when it comes to frequency, three narratives dominated – democracy and, in particular, its violation –, crisis, and a sense of left-behindness. These three were central and formed a common background for the whole debate surrounding governance (il)legitimacy. Table 2 specifies the number of total occurrences, *i.e.*, all appearances across all the articles, and the number of unique occurrences in articles, *i.e.*, more than one occurrence in the article was counted as one of the three narratives. The Table shows that the notion of *violated democracy* was the most frequent, followed by the crisis narrative and left-behindness.

Figure 1 displays the percentage of occurrences of each of these narratives in an individual news outlet compared to the total number of articles in that outlet.³³ What the figure shows is that regardless of the news media type or its socio-political orientation, they all extensively

³¹ Van Leeuwen, "Legitimation in Discourse and Communication;" Vaara, "Struggles over Legitimacy in the Eurozone Crisis;" Doudaki and Boubouka, *Discourses of Legitimation in the News*.

³² It should be noted that such translations are not unproblematic because many of the nuances are unavoidably lost.

³³ In case that there were more occurrences of one narrative within one article, it was counted as one occurrence.

enacted the narrative of violated democracy. This is interesting especially in the two cases of *24 Chasa* and *168 Chasa* which had generally been providing rather positive pictures of political elites, with GERB representatives in the foreground. To be more explicit, the information agency *Focus News* has the largest share of this narrative, with 69% of the articles employing the *violated democracy* narrative, followed by the online quality newspaper *OFF News* with 63%. The observation that the violated democracy narrative was amongst the most recurrent in the corpus might indicate to the idea of Bulgarian democratic governance being distorted or under a threat of being distorted was omnipresent in media debates without a great difference across the type of the media.

A closer look at the Figure, however, reveals that the two hybrid newspapers – *24 Chasa* and *168 Chasa* – while relying largely on the narrative of violated democracy, made similar use of the other two narratives of crisis and left-behindness. This comes perhaps not as a big surprise given the format of these two outlets, which focus on providing rather sensational news that would attract a wide audience. What is somewhat more surprising is that *Kapital* built on the crisis narrative to a great extent too. One possible answer to the question of why such a quality newspaper invokes the notion of crisis can be found in the fact that Bulgaria, during the examined period, as other countries across the globe, was dealing with the consequences of the COVID-19 pandemic. Yet, a detailed look into what kind of crisis *Kapital* was referring reveals that the crisis narrative activated by this outlet heavily builds on hyperbolic rhetoric with a vaguely defined meaning of what kind of crisis Bulgaria is dealing with. I hold that this might be tightly connected to Ruth Wodak's and Andreas Musolff's assertions about the great tendency of contemporary media, regardless of their type or main focus, for sensationalism with the aim of catching the readers' attention.³⁴

Now that we have examined which narratives were the most frequent in the corpus together with their distribution across the analyzed news media outlets, it is time to provide more qualitative analysis of these. I

³⁴ Ruth Wodak, *The Politics of Fear: What Right-Wing Populist Discourses Mean* (London: SAGE, 2015); Andreas Musolff, *Political Metaphor Analysis: Discourse and Scenarios* (London: Bloomsbury Academic, 2016).

follow Marco Caracciolo's understanding of narratives as being evaluative of reality.³⁵ Narratives operate in a two-way direction: they need some experiential input so that they can evoke the imaginary, but they also produce some output as they can affect our experiential background, and by doing so they can restructure our beliefs and values. In order to get a better understanding of governance legitimation and de-legitimation, it is, thus, necessary to look into what narratively form ground of such processes, since this can provide us with information on underlying cultural or societal norms and values, and hence on societal fabrics on what is perceived as legitimate.

Violated Democracy

The analysis revealed that across all media articles democracy and its violation was central and formed a common background for the whole debate surrounding governance legitimacy. It constituted a crucial discourse-conceptual element, and it provided a basis for both legitimation and de-legitimation. In both cases it formed a solid ground for the cosmological argumentation that implied inevitability. Such notion of inevitability was often characterized by deontic modality in terms of a clear necessity for action or non-action because that is the "only choice", as illustrated in Example 1.

Example 1

"The systemic defects of the governance model in our country and of the relations between the state and society can only be solved with a deep reform that empowers citizens and imposes mechanisms for transparency and real administrative responsibility." (24 *Chasa*, 18/10)

From Figure 2, it is visible that the construction of the concept of democracy runs along five main dimensions: the rule of law, civil rights and freedom, separation of powers, popular sovereignty, and free and fair elections. Each of those dimensions comprised several other ideas, of which it is important

³⁵ Marco Caracciolo, *The Experientiality of Narrative: An Enactivist Approach* (Berlin: De Gruyter, 2014).

to mention above all: the freedom of media, political independence of the judiciary and public prosecutor's office, accountability, responsibility, and transparency of politics. As shown in the Figure, none of these dimensions work in isolation, but rather, they intersect and mutually reinforce the conceptualization of democracy in media debate.

The first idea of the rule of law was the widest of all deployed in the analyzed corpus. It was either very explicit through the utilization of the terms rule of law or, alternatively, state of law, or implicitly referred to through the emphasis on the problems of impunity, corruption and related political unfairness and inequality. The explicit deployment of the term rule of law was, in most cases, linked to the broader debate on the fundamental principles of the European Union and how these are threatened or should be strengthened. In these cases, the EU, its institutions and representatives served as primary reference points for the (de)legitimation strategies of authorization. It is emphasizing that the role played by the EU as a whole has not been straightforward, especially when zooming at the way(s) that the debates on the state of the rule of law in Bulgaria and the member states in general have been portrayed. On the one hand, the European Commission's rule of law report and the European Parliament resolution on the rule of law and fundamental rights in Bulgaria were, in some cases, used as evidence that the governance processes are distorted as they "found obvious problems lasting for years for Bulgarians" (24 *Chasa*, 01/10) and "state that the problems of the rule of law and media freedom that have been pointed out for years continue to exist or are even worsening" (*Dnevnik*, 30/09). On the other hand, they were also presented as "positive, objective" (*Dnevnik*, 30/09), considering the progress and achieved results and hence serving legitimation purposes. Noteworthy are also recurrent references to "unclear definitions of the powers of the chief prosecutor" (24 *Chasa*, 18/10), who has, as a consequence, almost "unlimited power" (*Dnevnik*, 09/09).

The second idea, which the author referred to as civil rights and freedoms, evolved primarily around the accentuated importance of freedom of expression, the associated freedom of media, the right to protest, and the protection from discrimination on any grounds as essential to a well-functioning democracy. Amongst the most emphasized was the substantially undermined freedom of media grounded in the non-

existing transparency in media ownership, utilization of state advertisements to keep smaller media under political control, and exerted pressure on journalists “through threats, harassment lawsuits and political or administrative constraints” (*Dnevnik*, 30/09). This was not surprisingly used solely for governance de-legitimation as it pointed to the inefficient, malfunctioning, or even non-existent structures and processes that would guarantee both media autonomy as well as journalists’ political independence. In this case, de-legitimation was again based heavily on the authorization on the part of international organizations such as the EU, Transparency International, or the international media such as Financial Times, Deutsche Welle, etc.

The third, separation of powers, was heavily built on the necessity of the judiciary and public prosecutor’s office to be politically independent. The fact that the judiciary is exposed to great pressure from both the political and intertwined economic elites was prevalently emphasized in the analyzed texts. These assertions were strengthened again by the authorization from the international organizations or experts within them, while rational argumentation supplemented by factual evidence or examples was rather absent. At the same time, two countervailing tendencies were to be observed. On the one hand, the prosecution and prosecutor’s office were presented as working independently, but under an “unprecedented political-partisan pressure from the President of the Republic of Bulgaria and political formations serving him” (168 *Chasa*, 10/07) and serving as a victim of the battles between various political entities that attempt “to place the prosecutor’s office in a situation of political dependence” (24 *Chasa*, 02/10). On the other hand, this institution was simultaneously portrayed as one of the least independent, having close ties with the political elites and influential businessmen on which it is heavily dependent.

Connected to the preceding and closely tied to the following, the fourth idea of popular sovereignty drew on the premise that citizens are the fundamental source of political legitimacy. For this to be achieved, the accountability and responsibility of political actors as well as transparency of political processes were presented as indispensable. Drawing primarily on the strategies of factual rationalization, authorization, and moralization, the former served especially legitimation aims. It is noteworthy that the

notion of accountability evolved primarily around the idea that the political elites are obliged to inform the public, explain or justify their actions and decisions, and are ready to resign in case of serious misconduct. Obviously, legitimation through the accentuation of accountability was most often interdiscursive in nature. It is important to add that despite the relatively high frequency of references to the unwillingness of Prime Minister Borisov and Chief Prosecutor Ivan Geshev to be held accountable, which undoubtedly suggests de-legitimation, when looking at the political realm as a whole, including local politics, public administration, the judiciary *etc.*, the overall picture is exactly the opposite, pointing to the legitimation of governance based on the democratic standard of accountability. The latter, the notion of transparency, has in most cases, been used for de-legitimation purposes. Specifically, the texts pointed to the various unclear, shady and questionable activities, processes or exchanges within politics while often relating these transactions to the influence of oligarchs “who behind the scenes pull the strings of the state and use it for their own purposes” (*Dnevnik*, 31/07). As implied in the excerpt, the concept of transparency departed from the term *behind-the-scenes* that has been adopted in the public debate for depicting the alleged intertwined relations between the political, business, media elites and the judiciary.³⁶

The last idea of free and fair elections departed from the pragmatic conception of democracy that reduces citizen’s involvement to electoral participation. While free and fair elections were presented as the fundamental basis of functioning democracy, they themselves were not assumed as a guarantee of the democratic-ness of the country. On the one hand, the election results were granted significant weight when the need to respect them was frequently repeated. This was often complemented by the instrumental arguments, statistical evidence and quantification showing the relative long-term popularity of the governing party (GERB), the decreasing support for the second largest party (BSP), and the weak potential of oppositional parties to form a (coalition) government after the elections. The framing also involved mythopoeitic and consequentialist argumentation claiming that although it is important to take into

³⁶ Spirova, “Bulgaria.”

account public discontent and respect the voice of the people, it is just as important to uphold the electoral results – one of the key principles of democracy – and not to make significant political changes that could throw the country into great chaos and subsequent instability anytime the people feel outraged. On the other hand, what was accentuated a number of times was the way in which the elections may be manipulated through vote buying and other forms of dependencies, including the threat of losing a job or bankruptcy of one's own business.

Omnipresent Crisis

The second most frequently occurring discourse was the one evoking crisis. This is perhaps not a big surprise given that the first wave of the COVID-19 pandemic had passed, leaving behind huge negative effects on the whole country, and the second wave was expected to come only in autumn. Interestingly, the notion of crisis was not entangled solely with COVID-19 and the associated health crisis, but rather transcended to other allegedly presented problems that Bulgaria was facing.

Figure 3, which summarizes the core crisis elements in all the analyzed articles, presents the semantic field of the notion of crisis along with the key crisis-related frames employed in the media articles. As the Figure suggests, the crisis narrative runs along five main dimensions: political, economic, health, social, and normative. Each of these dimensions further comprised several other frames, including parliamentary and institutional crises, financial crisis, demographic and corruption crisis, crisis of morality, trustworthiness, and democracy.

It is important to emphasize the ambiguous character of what the crisis entails. For instance, the realization of the political framework of the crisis was mainly grounded in two presuppositions. First, the government and its members were viewed as violating legislative rules and behaving illegally, and the sole solution to this was supposed to be government resignation and new elections. Second, the oppositional parties, politicians, and the president were presented as disregarding democratic principles, polarizing society and hence disrupting the country's political stability. What exactly the political crisis meant remained unspecified and unclear, yet the urgency of the situation was frequently accentuated: "all the

signs of a deep political crisis are present," "Bulgaria faces an acute political crisis" (*Kapital*, 17/07), "it is indispensable to find the way out of the political crisis" (*Kapital*, 21/07). The same ambiguity applied to the economic crisis that drew on the future projections of a "bad economic situation awaits us" (*Dnevnik*, 13/07), or "the crisis that is about to come will be greater than that of 2008-2009 and greater than the Great Depression" (*168 Chasa*, 12/08). The only thing that was clear enough was that everything would get worse, and nobody could predict how bad it would be. Such conceptualizations were vague enough to be difficult for the general audience to grasp and simultaneously concrete enough to create a sense that the country is facing serious problems and difficulties.

As illustrated in Example 2, the crises were presented as being closely intertwined with one triggering the other while being simultaneously overlapped with another one. The COVID-19 pandemic and associated health crises generated socioeconomic problems and difficulties that accumulated to the degree that economic crisis emerged. Most notably, these events were further suggested to either cause or fuel the existing vaguely defined political crisis.

Example 2

"The overlapping health and economic crises combined with low trust in governing are likely to lead to a political crisis before the parliamentary crisis. The political crisis could continue even after the election, considering the expected distribution of seats in the National Assembly. At worst, this could make crisis management unfeasible." (*Dnevnik*, 03/08)

Noteworthy is that the health crisis was not the one that suddenly put the country into severe troubles, but it was projected as yet another one that adds to the existing crisis circularity in which the country finds itself. Eventually, the boundaries between the particular crisis and its aftermath became blurred. While one crisis might seem to be "over" by some sort of solutions and measures, the other one would be only about to consequently emerge. This closely relates to what Bob Jessop pointed out – that crises are "objectively overdetermined and subjectively indetermined."³⁷ This subjective indeterminacy has opened the crisis to strategic use as

³⁷ Bob Jessop, "Crisis Construal in the North Atlantic Financial Crisis and the Eurozone Crisis," *Competition & Change* 19, no. 2 (1 April 2015): 95–112, 97.

part of the top-down process of imposing or (re-)shaping the meaning with the aim of changing the social reality.³⁸ Instead of emerging merely as a discursive construct that allows the creation of new ways of engaging with the past and the present while enabling articulation of a possible future that challenges traditional ideas, crisis was frequently presented as an undisputed given that must be solved.³⁹ To be sure, such deployment of crisis as a given is certainly far from being completely new. Political actors have used the notion of crisis for their strategical motives for some time, conjuring the crisis from nowhere, exaggerating the depth of an actual crisis or, on the contrary, downplaying or disclaiming its critical importance.⁴⁰ The shift in operationalization or, to use the words of Michał Krzyżanowski, discursive shift, however, entails making real the imaginary – the socially constructed perceptions of crisis.⁴¹ These imaginaries or perceptions of uncertainty, threat and urgency were strategically created and mobilized in order to pre-legitimize ideological positions or policy choices, legitimize one's past actions or delegitimize oppositional politicians, their ideological positions or the existing political order (Example 3).⁴²

³⁸ Krzyżanowski, "Brexit and the Imaginary of 'Crisis.'"

³⁹ Gustavo Cardoso and Pedro Jacobetty, "Surfing the Crisis: Cultures of Belonging and Networked Social Change," in *Aftermath: The Cultures of the Economic Crisis*, eds. Manuel Castells, Joao Caraca, and Gustavo Cardoso, 1st ed. (Oxford: Oxford University Press, 2012).

⁴⁰ Jessop, "Crisis Construal;" Michał Krzyżanowski and Natalia Krzyżanowska, "Narrating the 'New Normal' or Pre-Legitimising Media Control? COVID-19 and the Discursive Shifts in the Far-Right Imaginary of 'Crisis' as a Normalisation Strategy," *Discourse & Society* 33, no. 6 (1 November 2022): 805–18.

⁴¹ Michał Krzyżanowski, "Normalization and the Discursive Construction of 'New' Norms and 'New' Normality: Discourse in the Paradoxes of Populism and Neoliberalism," *Social Semiotics* 30, no. 4 (7 August 2020): 431–48, <https://doi.org/10.1080/10350330.2020.1766193>.

⁴² Verena Brinks and Oliver Ibert, "From Corona Virus to Corona Crisis: The Value of An Analytical and Geographical Understanding of Crisis," *Tijdschrift Voor Economische En Sociale Geografie* 111, no. 3 (2020): 275–87; Michał Krzyżanowski and Natalia Krzyżanowska, "Narrating the 'New Normal' or Pre-Legitimising Media Control? COVID-19 and the Discursive Shifts in the Far-right Imaginary of 'Crisis' as a Normalisation Strategy," *Discourse & Society* 33, no. 6 (2022): 805–818, <https://doi.org/10.1177/09579265221095420>.

Example 3

"The rulers are not offering a national plan to get out of this crisis. They are offering piecemeal measures. This is not the way to lead Bulgaria out of the crisis. They don't have a strategic view. A visionary plan with a long-term view is needed." (*OFFNews*, 31/07)

This pre-legitimizing, legitimizing, and de-legitimizing character of the use of crisis was further reinforced by the urgency to intervene immediately: "now is the moment when the choice is made between crisis and catastrophe" (*Kapital*, 26/10). Such messages did not lay out specific propositions for change but spelt out the unavoidable necessity for crisis response. They, thereby, contributed to the facilitation of legitimizing path-dependencies to the more encompassing and pressing discursive actions.⁴³

Eventually, this added to the culture of constant effort to find the culprits or blame someone for the existing problems and crises: "Boyko Borisov and his clan eat our country" (*Dnevnik* 16/09), and "GERB inherited problems from the children of communists" (*OFFNews* 08/10). This crisis discourse further added to the enactment of a sense of insecurity and fear, as illustrated in Example 4:

Example 4

"The overlapping health and economic crisis combined with a low trust in governing are likely to lead to a political crisis before the parliamentary crisis. The political crisis could continue even after the election, considering the expected distribution of seats in the National Assembly. At worst, this could make crisis management infeasible." (*Dnevnik*, 03/08)

Left-behindness

The last recurring theme related to governance (il)legitimacy in the corpus was the notion of left-behindness. In particular, this served especially de-legitimation since, in most instances, it suggested that governance is illegitimate because it is unable to rescue Bulgaria from its perpetual backwardness. This was, to a great extent, dominated by comparisons of

⁴³ Van Leeuwen, "Legitimation in Discourse and Communication."

what made Bulgaria worse than other countries. It included overt references to Western countries and the European Union as the major ontological and ideological frame. Looking more closely at these comparisons, Bulgaria was portrayed in the texts as having “the lowest average salary in the European Union” (*OFFNews* 01/10), being “the poorest and most corrupt country in the European Union” (*24 Chasa*, 15/07) and, ultimately, as “lagging behind” (*168 Chasa*, 19/07) and being a “periphery of Europe” (*24 Chasa*, 19/07).

Figure 4 summarizes the semantic elements that add to the conceptualization of the feeling of left-behindness. As shown in the Figure, the concept of left-behindness departs from three main ideas: economic backwardness, institutional backwardness, and socio-political backwardness. Each of those ideas further comprises several other frames, namely poverty, low standards of living, slow or no modernization, high levels of criminality, widespread corruption, no democratic opposition, high levels of children illiteracy and low levels of morality.

The left-behindness narrative was substantially dominated by the economic framings coupled with frequent references to feelings of embitterment and hopelessness.⁴⁴ A closer look at the discursive node around the economic backwardness reveals that this idea was recurrently related to the grinding poverty that afflicts both personified Bulgaria, which “is getting poorer every year” (*24 Chasa*, 13/08) and is “the poorest ... in Europe” (*FocusNews*, 02/12), as well as Bulgarian citizens who are and get poorer at the expense of the wealthy oligarchs.

Important highlighting is the cleavage made between the citizens who are attributed “the Bulgarianness” and the oligarchs, mafia or “oligarchic-mafia circles” who are deprived of such a quality despite holding the Bulgarian nationality. Noteworthy is that the elites are considered as being either part of these oligarchic-mafia circles or closely tied and heavily dependent upon them and, as a result, are often associated with them. Such a delimitation adds to the widespread

⁴⁴ Matthias Hannemann, Sebastian Henn, and Susann Schäfer, “Regions, Emotions and Left-Behindness: A Phase Model for Understanding the Emergence of Regional Embitterment,” *Regional Studies* 58, no. 6 (2024): 1–12, <https://doi.org/10.1080/00343404.2023.2218886>.

feeling of the great distance of people from the elites because of both political neglect and socio-economic exclusion. In addition to being portrayed as distant from ordinary people, the elites and oligarchs were often presented as a threat to people's lives, contributing to a loss of socio-economic status. The people were thus often put into the center of attention – as the righteous ones of Bulgaria whose wellbeing should be the first priority of governance. This construction of a homogenous and national people or imagined community, to use the concept of Benedict Anderson, facilitates the activation of the “us” versus “them” dichotomy and contributes to the socio-political antagonism.⁴⁵

What we labelled as institutional backwardness refers to both formal and informal institutional settings that together constitute the backbone of social, economic and political relations.⁴⁶ Here, obviously, two dimensions are to be distinguished. The first comprises written laws, policies and regulations enforced by official authorities, while the second includes socially shared norms and codes of conduct, morals, habits, and values. Worth noting is that neither of these exists absolutely independently of the other as they, in many ways, intersect. Such interrelations can be well illustrated by widely accentuated problems of criminality and corruption. In the text, these were mostly linked to the inefficient formal institutions that are unable to prevent such pernicious misbehaviors. If one builds on Douglass C. North's definition of informal institutions, corruption and crime can be considered examples as they provide an informal “rule of the game” that influences people's behavior.⁴⁷ Eventually, Bulgaria was portrayed as being behind in both directions – lacking a strong legal framework that would tackle the problems of corruption and crime and not having firmly embedded norms, habits or values that would naturally eliminate such practices. It is noteworthy that both corruption and crime were systematically reified in representation by news media. In particular, corruption often appeared as an autonomous entity that led its own life, causing difficulties for Bulgaria.

⁴⁵ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 2006).

⁴⁶ Douglass C. North, *Institutions, Institutional Change and Economic Performance* (New York: Cambridge University Press, 1990).

⁴⁷ Ibid.

Closely related to the previous, socio-political backwardness draws upon the three major frames: morality, demographic decrease, and illiteracy. The former occurred, in most cases, in relation to the low levels of social standards for honest, right or good behavior in politics. Such a “lack of morality in the way the country is governed” (*Dnevnik*, 02/09) by a “morally failed government” (*24 Chasa*, 09/10) led by the prime minister who “has no morals” and is a “moral disgrace for Bulgaria” (*FocusNews*, 201/09) are presented as fueling the dissatisfaction and anger of citizens. Interestingly, the young generation of Bulgarians was especially accentuated in its immense determination to “fight for a new morality in politics” (*FocusNews*, 15/07). Young Bulgarians were also frequently mentioned as “leaving the country due to the lack of perspective” (*OFFNews*, 04/08). More particularly, the problem of the so-called *brain drain* phenomenon was implied in a number of instances. This great outflow of Bulgarians makes progress in a whole range of sectors unfeasible, causing substantial damage to Bulgaria and its potential for its breakout of the spiral of backwardness. Connected to that is the many-times mentioned rising illiteracy of children in certain groups of Bulgarians that, linked with the brain drain phenomenon, distances the country further from the knowledge economies of Western Europe.

Important mentioning are the assumed causes of such a behindness that, in most cases, were attributed to the difficult past: the communist regime and the troublesome transition to democracy and market economy. What was, in a number of instances, underlined was that the country has not undergone real democratization due to the lack of lustration of the nomenclature cadres of the Bulgarian Communist Party and the State Security. As a consequence, the Bulgarian political scene is portrayed as being, to a great extent, tainted by the presence of the representatives of the former regime “who today disguise themselves as liberals and limit us to think freely” (*OFFNews*, 03/07). The second aspect closely related to the insufficient breaking of the ties with the previous regime, which was frequently mentioned, was the interconnectedness of business, organized crime, and politics created in the turbulent 1990s. This was either related to the general continuation of such dependence or clientelist practices, or to the more specific references to the concrete actors involved in these. To give some examples, the DPS (Movement for Rights and

Freedoms) and its honorary president Ahmed Dogan are often presented as “one of the most significant sources of corruption in Bulgaria” (*OFFNews*, 15/07) that substantially contributed to the embeddedness of such a practice in politics. In relation to Boyko Borisov, his dubious activities of the 1990s were emphasized as they have “carried over to the management of the state” (*FocusNews*, 16/07). A similar accentuation of the professional past was made with reference to Rumen Radev, who is portrayed as a “usual Bulgarian politician of the transition” (*168 Chasa*, 10/07). Last but not least, it is important to mention the recurring emphasis on the fact that BSP is, though renamed, the successor of the Bulgarian Communist Party.

Conclusion

The central aim of this article was to explore the narrative explanations on “why we should do this?” or “why should we do this in this way?” with respect to Bulgarian governance, understood broadly as the process of steering economy and society. By doing so, the article explored in-depth the key argumentative frames that are constructed for or against making governance legitimate. The main finding emerging from the analysis is the recurrence of the apparent hopelessness of the socio-political situation in which Bulgaria finds itself in the public space. This manifested itself in two ways. First, regardless of the socio-political orientation and news media type, Bulgarian mainstream news media recognized a far-reaching, negative and critical impacts of the way country is governed within an array of dimensions. In this analysis, the author identified three main narratives, namely (1) violated democracy, (2) crisis, and (3) left-behindness, which grounded governance de-legitimation and offered the audience the frames through which the complicated political situation could be understood. Second, the analyzed discursive representations showed a strong tendency to externalize the responsibility for the state of the affairs in which the country found itself. More precisely, the results of my media analysis point to the imaginary of *common* Bulgarians that are at the mercy of some external forces from which it is nearly impossible to break free. This external agency is attributed to either someone outside

the state boundaries, *i.e.* other states, international institutions or their representatives, or the actors inside the state who are deprived of *Bulgarianness* and portrayed as the Others. Concretely, this means that news media facilitate the creation of an imagined community that holds no responsibility for the way the country is governed and the resulting socio-political and socio-economic situation in which the country finds itself.

Besides identifying the recurrent narratives, the author looked at key argumentative frames, which allowed to construct specific semantic fields of the central concepts tied with these narratives and unveil the underlying ideas attached to them. As the analysis indicates, the semantic dimensions attached to the concept of democracy were pertained to how the EU refers to or use them, pointing to the normative power the European Union has over its member. In the case of crisis imaginary, the identified discursive frames were built on the past-to-future connections. Importantly, the projections of future scenarios were linked to fear rather than hope of what is expected to happen, which gave rise to the imaginary made of uncertainty or threat, opening the crisis narrative to strategic use. Finally, the imaginary of Bulgaria lacking behind resided in the frequent, albeit implicit, comparisons of Bulgaria with other EU's member states, pointing out especially to the features in which the country is worse off. Another important aspect of the construction of such an imaginary was in facilitating the path-dependency projections. This means that the media texts drew on the idea that just as Bulgaria was backward on many levels in the past, it is backward now and is deemed to remain so. Considering these findings, the author believes it is essential to think about the presence of Orientalist discourses and narratives in societal thinking patterns.

To sum up, the results of this analysis show that the bad governance narrative is firmly engrained in media discourse. This was manifested in the corpus by the prevalence of de-legitimation that created the affordances for the configuration of the societal narrative of bad governance. Although one could expect that the news media, that have had a long-term tendency to portray the GERB government rather positively, would legitimize the way the country is governed, the results of the media analysis revealed the prevalence of governance de-legitimation regardless of the news' socio-political orientation. This means that the bad governance narrative

does not involve enforcing restrictive imaginaries about the current governmental structures but transcend it, encompassing everything political from the government, members of the parliament including the opposition, the Presidency, the judiciary and the political parties and political actors in general. Importantly, such de-legitimation was facilitated by overt references to democracy as central ontological frame. More precisely, Bulgarian governance was frequently compared to and contrasted with the democratic principles that, eventually, served as a fulcrum of de-legitimation. Assuming that (de)legitimation is deemed to be valid in so far as it is related to more general beliefs and worldviews, an important implication stemming from this is that democracy and its underlying principles form a crucial part in society's conviction about how things ought to be.

The findings remain subject to certain limitations. Because the study focused on the discussion in Bulgarian news media, it cannot make any generalization about the discursive patterns and strategies in the whole region. In this sense, it would be interesting to conduct a comparative study to explore whether there exists any common pattern in the region that could help us to understand the democratic backsliding phenomenon more generally. Furthermore, focusing merely on textual analysis, this study makes no claims about whether (de)legitimation in and by media succeeded in achieving resonance and hence influenced the actors in any way. In this way, for instance, audience reception analysis would be useful for discovering the resonance. It would further be interesting to look at the role of social media or other platforms in (de)legitimation, as their role in shaping the public attitudes has become more significant.

Acknowledgments

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Table 1

Composition of the corpus of media articles

News outlet	News type	Attitude towards the authorities	Number of articles
<i>Dnevnik</i>	Quality newspaper	Negative	224
<i>Kapital</i>	Quality newspaper	Negative	104
<i>OFF News</i>	Quality newspaper	Negative	172
<i>Focus News</i>	News agency	N/A	163
<i>24 Chasa</i>	Hybrid newspaper	Rather positive	131
<i>168 Chasa</i>	Hybrid newspaper	Rather positive	39
Total			833

Source: author's own elaboration.

Table 2

Narrative frequency in the corpus

	Number of total occurrences	Number of unique occurrences in articles
Violated Democracy	1,222	452
Crisis	178	123
Left-Behindness	136	100

Source: author's own elaboration.

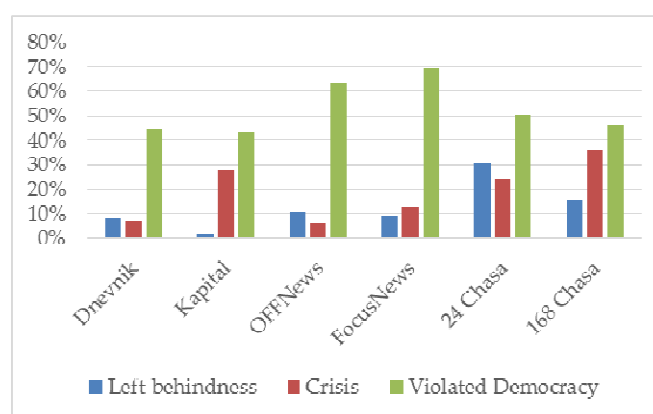


Figure 1. Occurrences of narratives within news outlets
(Source: author's own elaboration)

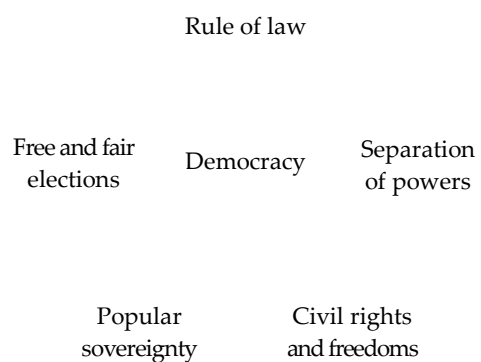


Figure 2. Semantic field of the concept of democracy in the analyzed media discourse
(Source: author's own elaboration)

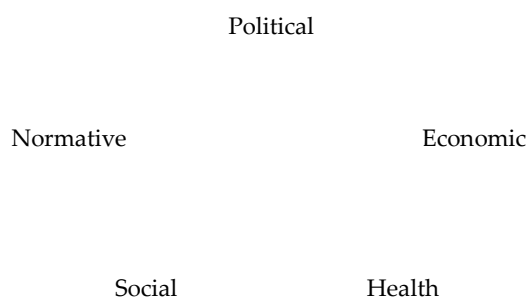


Figure 3. Semantic field of the notion of crisis in the analyzed media discourse
(Source: author's own elaboration)

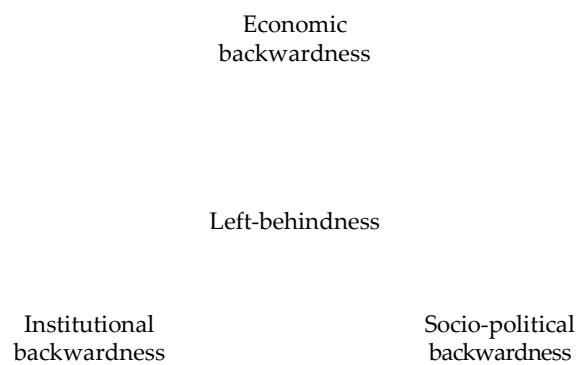


Figure 4. Semantic field of the concept of left-behindness in the analyzed media discourse
(*Source:* author's own elaboration)

THE POLITICAL INSTRUMENTALIZATION OF THE COLLECTIVE MEMORY OF THE COMMUNIST PAST AGAINST THE RULE OF LAW IN ROMANIA BETWEEN 2017-2019

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Abstract. The present paper analyzes how the collective memory of the Romanian people about the Securitate is used by the political leaders of the governing parties between 2017-2019 with the aim to alter the criminal law and the anticorruption strategy. This paper employs the concepts of illiberalism, collective memory, and populism to explore how the “anti-anticorruption” narrative was constructed. A qualitative analysis was conducted on a selection of speeches delivered by leaders of governing parties and Prime Ministers. The findings indicate that political figures seeking to undermine anticorruption efforts attempted to redefine the identity of the Romanian people, portraying them as a nation oppressed and monitored by the so-called “Parallel State.”

Keywords: collective memory, illiberalism, populism, Securitate, rule of law

Introduction

This research paper explores how the collective memory of communist repression in Romania was utilized in the speeches of leaders from the governing coalition – the Social Democratic Party (PSD) and the Alliance of Liberals and Democrats (ALDE) – during the 2017–2019 period. It examines how these references were employed to justify and promote

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an illiberal agenda aimed at undermining the rule of law. Despite the fact that the meaning of the term illiberalism is an intuitive one, as it is described in most of the dictionaries, illiberalism is an emerging concept in political science. It is Fareed Zakaria who in 1997, in his theory about illiberal societies, associated democracy with illiberalism for describing the post-communist transition in some East European and Asian countries.² However, during the last decades, a whole field of research was developed around the concept of illiberal democracy, researchers like Ivan Krastev and Stephen Holmes or Jan-Werner Muller trying to explain the challenges encountered by liberal democracy in the twenty-first century.³ But, it is Marlene Laruelle who tackled the fuzziest use of the term and settled a classification of the definitions of illiberalism and a conceptual framework.⁴ For the purpose of the present paper, Wolfgang Merkel and Matthijs Bogaards's vision of illiberalism corresponds better and it will serve as a theoretical ground.⁵ In their perspective, illiberalism is characterized as a flawed form of democracy where civil rights are compromised. This is evident in the erosion of judicial independence, unequal treatment of citizens before the law, and insufficient protection against abuses by the state or private entities.

The hypothesis of this paper is that, between 2017 and 2019, leaders of the governing parties used collective memories of the Securitate and its abuses to oppose justice and the rule of law.⁶ In this respect, they

² Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76, no. 6 (Nov -Dec 1997), <https://doi.org/10.2307/20048274>.

³ Ivan Krastev and Stephen Holmes, *The Light That Failed: Why the West Is Losing the Fight for Democracy* (New York: Pegasus Books, 2020); Jan-Werner Muller, "The Problem with 'Illiberal Democracy'," *Social Europe* (January 2016), accessed March 27, 2024, <https://www.socialeurope.eu/the-problem-with-illiberal-democracy>.

⁴ Marlene Laruelle, "Illiberalism: A Conceptual Introduction," *East European Politics* 38, no. 2 (2022), <https://doi.org/10.1080/21599165.2022.2037079>.

⁵ Wolfgang Merkel and Felix Scholl, "Illiberalism, Populism and Democracy in East and West," *Czech Journal of Political Science* 25, no. 1 (2018), <https://doi.org/10.5817/PC2018-1-28>; Matthijs Bogaards, "How to Classify Hybrid Regimes? Defective Democracy and Electoral Authoritarianism," *Democratization* 16, no. 2 (2009), <https://doi.org/10.1080/13510340902777800>.

⁶ The *Securitate* was the secret political police in Romanian during the communist regime. The *Securitate* was responsible for the investigation and abusive conviction of tens and hundreds of thousands of people considered political opponents. During this

compared the repression of the communist regime orchestrated by the Securitate, namely abusive interceptions and rigged trials, with the anti-corruption strategy implemented by judicial institutions such as the Supreme Court and the National Anti-Corruption Directorate (DNA), but also by the Romanian Information Service (SRI) intelligence agency.

For a better understanding of the challenges surrounding the topic of anti-corruption it should be mentioned that in 2005 the Supreme Defense Council of the Country (CSAT)⁷ included the threat of corruption among the national security issues.⁸ This was one of the fundamental themes of Traian Băsescu's 2004 electoral campaign. One of the main arguments of President Băsescu for the inclusion of corruption among national security issues was that with the accession in 2004 to NATO, the classified information to which Romania would have had access would have been in danger of being disclosed to potential enemies due to corruption. Another argument, equally important, was that the accusations of corruption received by Romania during the process of joining the European Union would have jeopardized the completion of the process and the accession to the European Union.⁹

regime not only the political elite of the interwar was convicted and imprisoned but also a lot of innocent people who expressed their opposition.

⁷ CSAT (The Defence Supreme Council) is an administrative authority with attributions in the coordination of national security and defense policies and activities. The CSAT is formed by the president of the country, who is also the president of the CSAT, the presidential adviser on security issues, the Prime Minister, the relevant Ministers on security issues, the directors of the intelligence services and the Chief of Defense Staff.

⁸ "BBC: corupția amenință securitatea națională [BBC: Corruption threaten the national security]," Hotnews, March, 2005, accessed March 29, 2004, <https://www.hotnews.ro/stiri-arhiva-1238761-bbc-coruptia-ameninta-securitatea-nationala.htm>; Dora Vulcan, "Infracțiunile de corupție, eliminate de coaliție din mandatele de siguranță națională" [Corruption crimes, eliminated by the Government coalition from national security mandates] *Europa Libera*, April, 2023, accessed March 29, 2024, <https://romania.europalibera.org/a/coalitie-coruptie-siguranta-nationala-eliminarea-mandate-sri/32349194.html>.

⁹ Horațiu Pepine, "Combaterea corupției ca strategie de Securitate [Combating Corruption as a Security Strategy]," *Deutsche Welle*, February 28, 2005, accessed April 17, 2024, <https://www.dw.com/ro/combaterea-corup%C5%A3iei-ca-strategie-de-securitate/a-2633456>; Dan Tăpălagă and Cristian Sutu, "'Continuitate' vs. 'Corupție'" ['Continuity' vs. 'Corruption'] *Hotnews*, November 2, 2004, accessed April 17, 2024, <https://www.hotnews.ro/stiri-arhiva-1252527-continuitate-coruptie.htm>.

Theoretical Framework and Existing Literature

The topic of corruption and the rhetoric of anticorruption were widespread throughout the post-communist transition in all East European countries. Leslie Holmes identifies four criteria that define political corruption:

“First, it must be carried out by an individual or a group of individuals occupying a public office, usually a state position [...]. Second, the public office must involve a degree of decision-making or law-enforcing or state-defensive authority [...]. Third, the officials must commit the act at least in part of personal (vested) interest. Fourth, the officials must be aware that their action or non-actions either are or might be considered illegal or improper [...].”¹⁰

Based on the definition of political corruption, many researchers examining the post-communist transition during the 1990s and early 2000s regarded the staggering corruption, particularly within governments, political administrations, and public institutions of these countries, as a legacy or leftover of the communist regimes.¹¹ Authors such as Leslie Holmes, Jacques Rupnik, or Rasma Karklins argue that the widespread corruption observed during the post-communist transition stemmed from uncertainty, the failure to replace communist institutions with democratic ones, and, most significantly, the enduring influence of the informal networks that had dominated governance under the communist regimes.¹² Because of the magnitude of the phenomenon, this topic was intensely politicized and used during the electoral campaigns.¹³ However, the researchers

¹⁰ Leslie Holmes, “Corruption and the Crisis of the Post-communist State,” *Crime, Law and Social Change* 27, (1997): 277-278, <https://doi.org/10.1023/A:1008271702238>.

¹¹ Holmes, “Corruption,” 278-279.

¹² Leslie Holmes, “Postcommunist Transitions and Corruption: Mapping Patterns,” *Social Research: An International Quarterly* 80, no. 4 (2013): 1163-1186, <https://doi.org/10.1353/sor.2013.0074>; Jacques Rupnik, “Eastern Europe a Decade Later: The Postcommunist Divide,” *Journal of Democracy* 10, no. 1 (1999): 57-62, <https://doi.org/10.1353/jod.1999.0016>; Rasma Karklins, *The System Made Me Do It: Corruption in Postcommunist Societies* (London: Routledge, 2005).

¹³ *Anticorruption in Transition: A contribution to the Policy Debate* (Washington DC: World Bank, 2000), accessed April 2, 2024, https://pdf.usaid.gov/pdf_docs/pnacs018.pdf; According to Corruption Perceptions Index published by Transparency International since 1995, accessed April 4, 2024, <https://www.transparency.org/en/cpi/2000>; Alexandra

agreed that the levels of corruption among former communist countries in Eastern Europe differ from one country to another, with some performing well in implementing reforms towards achieving liberal democracy, while others failing or making no progress in implementing those reforms that would reduce the levels of corruption.¹⁴ Examples from the latter category include Romania and Bulgaria, which, despite implementing anti-corruption legislation and adhering to the Cooperation and Verification Mechanisms (CVM) agreed upon with the European Commission as a condition for their EU accession, have made limited progress in combating corruption.¹⁵ In the context of the politicization of the anti-corruption fight, meaning the exposing acts of corruption only with the aim of attacking political opponents, the public pressure in favor of anticorruption policies and the condemnation of corrupt politicians, like a “Robiespierrist temptation,” and the “over-zealous anti-corruption struggle” of the judiciary institutions like National Anticorruption Directorate (DNA), a counter-narrative of “anti-anticorruption rhetoric” has emerged.¹⁶

Iancu, “Questioning Anticorruption in Postcommunist contexts. Romanian MPs from Commitment to Contestation,” *Comparative Southeast European Studies* 66, no. 3 (2018): 394-395, <https://doi.org/10.1515/soeu-2018-0030>; Sarah Engler, “‘Fighting Corruption’ or ‘Fighting the Corrupt Elite’? Politicizing Corruption Within and Beyond the Populist Divide,” *Democratization* 27, no. 4 (2020), <https://doi.org/10.1080/13510347.2020.1713106>.

¹⁴ Michellie Hess, “Confronting the Past: Corruption in Post-Communist Hungary and Romania,” Honors Program Theses (2016), accessed April 11, 2024, https://soundideas.pugetsound.edu/honors_program_theses/19.

¹⁵ Cosmina Tănăsioiu and Mihaela Racoviță, “Post-Accession (Anti-) Corruption Record in Romania and Bulgaria,” *L’Europe en Formation* 2, no. 364 (2012): 243-244, <https://doi.org/10.3917/eufor.364.0243>; Conley Heather, “The Romanian Anti-Corruption Process: Successes and Excesses,” Center for Strategic and International Studies (2017), accessed April 11, 2024, <https://www.jstor.org/stable/resrep37593>.

¹⁶ Ivan Krastev, *Shifting Obsessions: Three Essays on the Politics of Anticorruption* (New York: Central European University Press, 2004), 75; Vincent Henry, “La lutte contre la corruption en Roumanie, un éternel recommencement ? [The fight against corruption in Romania, an eternal beginning?],” Institut de Relations Internationales et Stratégiques (March 2017), accessed April 11, 2024, <https://www.iris-france.org/wp-content/uploads/2017/03/Note-de-IIRIS-Roumanie-VH-mars-2017.pdf>; Martin Mendelski, “15 Years of Anticorruption in Romania: Augmentation, Aberration and Acceleration,” *European Politics and Society*

One of the main ideas of the “anti-anticorruption rhetoric” was that the anti-corruption fight threatens precisely the ideological foundation of representative democracy in Romania and the stability of this regime by undermining the popular will.¹⁷ Between 2017 and 2019, the leaders of the governing coalition parties employed a strategy to reinforce the narrative of representative democracy being under threat. They invoked Romanians’ collective memory of communist-era persecution, including abusive arrests and convictions, drawing parallels between these historical injustices and the anti-corruption measures and policies implemented in Romania following its integration into Euro-Atlantic structures. According to the archives and documents at CNSAS and ICCMER, the scale of communist repression – marked by hundreds of thousands of Romanians being arrested and sent to prisons or labor colonies in the 1950s and 1960s, often without trial and based solely on arbitrary decisions by Securitate officers, or by the millions being harassed by the Securitate in the 1970s and 1980s – suggests that many Romanians had close relatives, such as parents or grandparents, who suffered under the communist regime.¹⁸ The extent of the repression with the millions of families affected by the investigations and harassment of the Securitate, as well as the testimonies of those affected by this totalitarian persecution, led to the formation of a collective memory about the communist repression. In other words, as stated by Maurice Halbwachs and Henry L. Roediger,

22, no. 2 (2021): 1, <https://doi.org/10.1080/23745118.2020.1729051>; Iancu, “Questioning Anticorruption,” 395.

¹⁷ Iancu, “Questioning Anticorruption,” 395, 411.

¹⁸ CNSAS, the National Council for the Study of Securitate Archives, was founded in 2000 and is an institution under the political control of the Romanian Parliament. Of the eleven members of the Council’s leadership, with the rank of State Councilors, who are nominated for a six-year mandate, nine are nominated proportionally by the parties represented in Parliament, and then one each by the Prime Minister and the President. According to the 2023 activity report presented by CNSAS to Parliament, in the CNSAS archive there are approximately 2,500,000 individual or group files, apart from the documentary ones, meaning roughly twenty-eight kilometers of archival material, accessed April 15, 2024, <http://www.cnsas.ro/documente/rapoarte/Raport%20CNSAS%202023.pdf>; ICCMER, the Institute for the Investigation of the Crimes of Communism and Romanian Exile, was founded in 2009 and is subordinate to the Prime Minister of Romania, who appoints the President of the Institute for a five-year term.

the memory of individuals cannot be conceived outside society, because each individual belongs to different social groups, starting with the smallest ones such as the family and ending with the largest ones such as the nation.¹⁹ It can therefore be argued that collective memory emerges from the interplay between an individual's personal memories and the influence of their surroundings, particularly the groups to which they belong. Individuals who interact and live together in various groups – ranging from the most intimate unit of family to broader and more diverse groups of colleagues at work or school, ultimately extending to the largest collective of the nation – cultivate a specific state of collective consciousness, or the so called "l'âme collective."²⁰ In summary, as Halbwachs claims, memory is a social construct. But, as Barbie Zelizer mentioned, the construction of memory is a dynamic process in which the memory of the past of one group prevails over the memory of the past of another group, and this conflict process and the supremacy of one memory over others has as purpose its imposition as public memory.²¹ Moreover, as well observed by John Bodnar, this conflicting dynamic that appears between the memories in competition, does not dispute the past itself but the present vision of the collective public memory and the impact it would have from a cultural or political point of view.²² However, in Romania, during the post-communist transition of the 1990s and 2000s, two confronting visions about the communist past emerged: one representing the collective memory about the communist repression, and another representing the silence about the communist past and then its oblivion.²³

¹⁹ Maurice Halbwachs, *On Collective Memory* (Chicago: University of Chicago Press, 1992), 43; Henry L. Roediger, "Three Facets of Collective Memory," *American Psychologist* 76, no. 9 (2021): 1388-1400, <https://doi.org/10.1037/amp0000938>.

²⁰ Emile Durkheim, *The Rules of Sociological Method* (New York: Free Press, 1982), 8.

²¹ Barbie Zelizer, "Reading the Past Against the Grain: The Shape of Memory Studies," *Critical Studies in Mass Communication* 12, no. 2 (1995): 217, accessed April 16, 2024, https://blog.richmond.edu/memorializing/files/2017/01/zelizer_reading-the-past.pdf.

²² John Bodnar, *Remaking America: Public Memory, Commemoration, and Patriotism in the Twentieth Century* (Princeton University Press, 1992), 15.

²³ Mirela Luminița Murgescu, „Romanian Perceptions of Communism,” *Euxeinos* 3 (2012), accessed April 16, 2024, https://gce.unisg.ch/fileadmin/user_upload/HSG_RO_OT/Institut_GCE/Euxeinos/3/Murgescu_Euxeinos_3_2012.pdf; Kristine Avram, "Narrating

This ambiguity regarding the attitude of the Romanian society towards the communist past allowed the manipulation of the communist memory for political purposes, thus creating the premises for the formulation of the comparison between the anti-corruption strategy of the years 2000 and 2010 and the communist repression. According to Peter Verovšek, manipulating the memory of the past serves to legitimize political actions.²⁴ In the case discussed in this paper, this involves discrediting institutions and anticorruption policies. In line with this idea, political leaders who embrace populist rhetoric are often the most likely to manipulate the past. This is because populism focuses on “the people” and the narratives surrounding their identity, portraying them as a unified and homogeneous group in opposition to an equally unified and homogeneous elite.²⁵ To construct this idealized notion of “the people,” populist political leaders, or those who use populist rhetoric as a political strategy, manipulate the past and collective memory. This is done to reinforce a sense of community and to clearly define the boundaries of the idealized group. However, the manipulation of the past and history by the populist political leaders does not have as its only objective the construction of that ideal people, but also the recreation of historical confrontations that will advantage the political leader as the saviour hero of the people.²⁶ Moreover, the recreation of historical confrontations also has the role of portraying a feeling of crisis and the need for urgent intervention to restore truth and justice. It must be said that the crisis and the need for urgent intervention to bypass

Communist Repression in and Outside the Courtroom: The Case of Former Prison Commander Alexandru Vişinescu and its Resonance with (Societally) Available ‘Narrative Worlds,’” *Social & Legal Studies* 33, no. 1 (2023): 82-103, <https://doi.org/10.1177/09646639221144001>.

²⁴ Peter J. Verovšek, “Collective Memory, Politics, and the Influence of the Past: The Politics of Memory as a Research Paradigm,” *Politics, Groups, and Identities* 4, no. 3 (2016): 529, <https://doi.org/10.1080/21565503.2016.1167094>.

²⁵ Jan Werner Muller, *Qu’est-ce que le populisme ?* [What is Populism?] (Paris: Gallimard, 2016); Pierre Rosanvallon, *Le siècle du populisme* [The Century of Populism] (Paris: Éditions du Seuil, 2020).

²⁶ Meral Ugur Cinar, “Populism and Memory,” in *The Populism Interviews. A Dialogue with Leading Experts*, ed. Luca Manucci (London: Routledge, 2022), <https://doi.org/10.4324/9781003250388>.

democratic constraints are central elements of populism. Besides, as Benjamin Moffitt states in his theory about populism as a new political style, populist leaders often create crises, exacerbating conflict situations, because the crisis represents the “stage” on which they perform the political show.²⁷

Between 2017 and 2019, Romanian political leaders from the governing parties employed populist rhetoric to manipulate the past, specifically the collective memory of communist persecution, in order to push for illiberal changes in the rule of law. They achieved this by reinterpreting and reimagining the concept of “the people.”

For the purpose of this research paper, a qualitative analysis was conducted on a selection of five speeches held by top leaders of the governing parties and by Prime Ministers between 2017 and 2019 in Romania. The aim of the qualitative analysis is to decipher how the “anti-anticorruption” narrative is constructed by using the memory of a traumatic past. The analysis approach is a deductive one, looking in the selected speeches for elements of memory about the communist political repression remembered as a current threat to contemporary political freedom in analogy with the anticorruption policies adopted after EU integration. The time frame analyzed, 2017-2019, is relevant for the research because of the intensity of the popular protests triggered by the Emergency Ordinance 13/2017.²⁸ The wave of protest triggered by the adoption of the Emergency Ordinance 13/2017 was the largest protest movement against the Government since the anticommunist Revolution.²⁹ Also, the speeches selected are relevant to the research precisely because in their message the narratives about the communist repression were mixed with anti-anticorruption narratives. First of the speeches selection

²⁷ Benjamin Moffitt, “How to Perform Crisis: A Model for Understanding the Key Role of Crisis in Contemporary Populism,” *Government and Opposition* 50, no. 2 (2015): 189-217, <https://doi.org/10.1017/gov.2014.13>.

²⁸ Ordonanță de Urgență nr. 13 din 31 ianuarie 2017 [Emergency Ordinance no. 13/ January 31, 2017] *Monitorul Oficial* 92 (February 1, 2017), <https://legislatie.just.ro/Public/DetaliiDocument/186333>.

²⁹ Meda Mucundorfeanu, “Framing the Largest Recent Romanian Protests: A Content Analysis of European Online Newspaper,” *Romanian Journal of Political Science* 21, no. 1 (2021): 28-47; Alexandru-Sabin Nicula, Mihnea-Simion Stoica, Elena-Manuela Birsanuc and Titus Cristian Man, “Why Do Romanians Take to the Streets? A Spatial Analysis of Romania’s 2016-2017 Protests,” *Romanian Journal of Political Science* 19, no. 2 (2019): 201-222.

criteria was the moment when they were given, meaning before the adoption of the Emergency Ordinance 13/2017 when the politicians claimed electoral legitimacy in order to justify the planned changes on the Criminal Law, and then after the adoption and withdrawal of the Emergency Ordinance when the same politicians tried to justify that they are the victims of a repressive political system like the interwar elite under the Communist regime. The second criterion considered for the selection of the speeches was the size of the audience in terms of power and number, that is, in front of the members of the Romanian Parliament and that of the European Union or in front of their own party supporters.

Despite the relevance of the selected speeches for the present research, the rarity of this type of speech built on analogies with the past can be a sign of an “official and total allegiance to the European project” of the Romanian politicians, but it can also indicate the difficulty of building such a speech or the ineffectiveness of this type of speech to persuade the audience.³⁰

The Political Background

The December 2016 legislative elections in Romania took place against the backdrop of a major corruption scandal that emerged at the end of 2015, following the Colectiv tragedy.³¹ Colectiv and the subsequent crisis management exposed the deep-rooted corruption within Romania’s public institutions. More importantly, it highlighted that corruption is not merely an abstract political issue, it can have devastating, random consequences on anyone.³²

³⁰ Mattia Collini and Sorina Soare, “The Romanian Hidden Tandem Between Populism and Euroscepticism: The Case of 2018 Referendum on the Definition of Family in the Romanian Constitution,” *Est-Europa* (2021): 140; Constantin Trofin, “Politics and Television in Romania,” *Studia Universitatis Babeș-Bolyai Ephemerides* 60, no. 2 (2015): 75-91, <https://studia.reviste.ubbcluj.ro/index.php/subbephemerides/article/view/4608>.

³¹ The Colectiv tragedy represents a tragic fire in Bucharest’s Club Colectiv on 30 October 2015 in which fifty-three people died that night. The fire was sparked by use of a pyrotechnic display during a concert in the club. The tragedy revealed that the club was operating despite the absence of safety permits.

³² Marius Ionuț Ungureanu, Adrian Gheorghe & Ștefan Adrian Voinea, “Patients Are Denied Care Because of Corruption in Romania,” *Lancet* 390, no. 10108 (2017),

In October 2015, mass protests erupted against widespread corruption, including practices such as businesses operating without safety permits in exchange for bribes, as well as the poor state of the medical system. As a result, the PSD government was forced to resign, taking responsibility for the systemic failures that contributed to the tragedy.³³ Despite corruption remaining a prominent issue throughout 2016, following the scandal, PSD won both the local and legislative elections that year, enabling it to form the government. In early 2017, the newly formed PSD-ALDE government's first major initiative was the adoption of an emergency ordinance that amended criminal legislation to favor individuals under investigation for corruption. Emergency Ordinance 13/2017 introduced significant changes to the Criminal Codes, including the decriminalization of negligence and abuse of office when the resulting damage was less than LEI 200,000. Additionally, the penalty for abuse of office was reduced, lowering the maximum prison sentence from seven years to three years. Furthermore, abuse of office was no longer applicable in cases involving the issuance of normative acts, effectively placing legislators above the law.³⁴ This emergency ordinance sparked a wave of protests in Romania that had not been seen

[https://doi.org/10.1016/S0140-6736\(17\)32811-8](https://doi.org/10.1016/S0140-6736(17)32811-8); Remus Crețan & Thomas O'Brien, "Corruption and Conflagration: (In)justice and Protest in Bucharest After the Colectiv Fire," *Urban Geography*, 2020, vol. 41, no. 3: 368-388, <https://doi.org/10.1080/02723638.2019.1664252>; Anita Sobjak, "A #Colectiv responsibility to fight corruption: Romania's Nightclub Fire protest singe the system," *Polish Institute of International Affairs Bulletin*, 2015, http://www.pism.pl/files/?id_plik=20906.

³³ "Ponta demisionează după manifestația anticorupție [Ponta resigns after the anti-corruption demonstration]," *Deutsche Welle*, November 4, 2015, accessed April 17, 2024, <https://www.dw.com/ro/ponta-a-demisionat-azi/a-18825106>; "Victor Ponta a demisionat" [Victor Ponta Resigned] *Digi24*, November 4, 2015, accessed April 17, 2024, <https://www.digi24.ro/stiri/actualitate/politica/victor-ponta-a-demisionat-454264>.

³⁴ Sorana Stănescu, „Ce ar trebui să știi despre Ordonanța de Urgență care a scos oamenii în stradă [What you should know about the Emergency Ordinance that brought people to the streets],” *DOR*, February 2, 2017, accessed April 17, 2024, <https://www.dor.ro/ce-ar-trebuie-sa-stii-despre-ordonanta-de-urgenta-care-a-scos-oamenii-in-strada/>; Cristi Dănilă, "Ordonanța de urgenta de marți noapte pe înțelesul tuturor [Tuesday night's Emergency Ordinance for everyone to understand]," *Juridice*, February 2, 2017, accessed April 17, 2024, <https://www.juridice.ro/491720/ordonanta-de-marti-noapte-pe-intelesul-tuturor.html>.

since the anti-communist Revolution of 1989. Although the ordinance was eventually repealed in response to public pressure, the PSD government continued to attempt to modify criminal law throughout its mandate from 2016 to 2019.

Despite the concerns expressed by the European Commission or the Venice Commission regarding the intended changes in criminal law and the public protests, the PSD-ALDE coalition pressed ahead with its agenda.³⁵ They frequently justified these changes by claiming an urgent need to amend the law and address deficiencies in the Criminal Code.³⁶ The sense of urgency and the fabrication of a crisis situation is, as shown above, a populist strategy used to extend the power outside democratic limitations. Another argument put forward was that the European Commission required these changes to align Romanian laws with European legislation. However, as was later revealed by the media, the arguments were false or partially true, which confirms that the use and spread of false information is part of the populist strategy.³⁷

³⁵ Robin Emmott, "European Commission calls on Romania to halt judicial overhaul," *Reuters*, November 13, 2018, accessed April 28, 2024, <https://www.reuters.com/article/us-romania-politics-eu-idUSKCN1NI1WY>; "EU warns, Romania against judicial reforms," *Deutsche Welle*, January 24, 2018, accessed April 28, 2024, <https://www.dw.com/en/eu-warns-romania-against-planned-judicial-reforms/a-42294820>; Alina Grigoraș, "Venice Commission Issues Tough Report on Romania: Amendments on Criminal Justice Laws weaken anti-corruption fight, they should all be re-assessed," *Romania Journal*, October 19, 2018, accessed April 28, 2024, <https://www.romaniajournal.ro/politics/venice-commission-issues-tough-report-on-romania-amendments-on-criminal-justice-laws-weaken-anti-corruption-fight-they-should-be-all-re-assessed>; A.M. Luca, "Romania's Justice Reforms Slated by Venice Commission," *Balkan Insight*, October 19, 2018, accessed April 28, 2024, <https://balkaninsight.com/2018/10/19/coe-body-warns-romania-against-justice-law-changes-10-19-2018>.

³⁶ "Cum explică Liviu Dragnea ideea unei OUG pe Codurile penale [How does Liviu Dragnea explain the idea of an OUG on the Criminal Codes]," *Digi24*, December 12, 2018, accessed April 17, 2024, <https://www.digi24.ro/stiri/actualitate/politica/cum-explica-liviu-dragnea-ideea-unei-oug-pe-codurile-penale-1046550>.

³⁷ Dan Tăpălagă, "Două cazuri de false argumente aduse în susținerea amendamentelor devastatoare propuse de PSD-ALDE [Two cases of false arguments brought in support of the devastating amendments proposed by PSD-ALDE]," *Hotnews*, December 15, 2017, accessed April 17, 2024, <https://www.hotnews.ro/stiri-esential-22179253-doua-cazuri-false-argumente-aduse-sustinerea-amendamentelor-devastatoare-propuse-psd-alde.htm>; Jana Laura Egelhofer, Ming Boyer, Sophie Lecheler and Loes Aaldering, "Populist Attitudes

The Main “Anti-anticorruption” Arguments

The central argument presented by political leaders like Dragnea and Tăriceanu for amending the criminal law was largely philosophical. It emphasized the sovereignty of the Romanian people in legislative matters, asserting the supremacy of the Romanian Parliament and the Constitutional Court over European law and the European Commission. Consequently, they argued for the freedom of elected representatives to legislate in line with the interests of the Romanian people, who had entrusted them with their votes. This type of argument is very common among populist leaders being often invoked by Viktor Orbán, Jarosław Kaczyński or Recep Tayyip Erdoğan, but the present research will focus on a much more specific argument: the role of memory.³⁸

Indeed, the argument for the sovereignty of the people, used to justify illiberal changes to legislation, is one of the most accessible strategies employed by many populist leaders in power. This approach is appealing because it does not require a complex cause-and-effect rationale. This argument is the most accessible because it only involves the principle of the majority – an assumed a homogeneous majority composed of a lot of identical individuals – as it gains weight in the populist discourse and gives legitimacy to the discourse. However, the argument of the people’s sovereignty bestowed by a majority is itself illiberal and comes into conflict with the liberal democracy on which the Romanian people embarked after the anti-communist Revolution of 1989. This type of majority and sovereignty instrumentalized by populist leaders is illiberal because its imaginary occupies the “empty place” of democracy exposed by Claude Lefort in his theory on the

and Politicians’ Disinformation Accusations: Effects on Perceptions of Media and Politicians,” *Journal of Communications* 72, no. 6 (2022): 619-632, <https://doi.org/10.1093/joc/jqac031>; Andrea LP. Pirro and Paul Taggart, “Populist in power and conspiracy theories,” *Party Politics* 29, no. 3 (2023): 413-423, <https://doi.org/10.1177/13540688221077071>.

³⁸ Nadia Urbinati, “The Populist Substantialization of Popular Sovereignty,” *Rivista Italiana di Filosofia Politica* 1 (2021): 31-53, DOI: 10.36253/rifp-1435; Erin K. Jenne, “How Populist Governments Rewrite Sovereignty and Why,” Central European University, accessed April 17, 2024, <https://www.ceu.edu/sites/default/files/attachment/event/15587/erinjennepolberg-consec-2016.pdf>

essence of democracy.³⁹ More precisely, the majority and the sovereign people mentioned by populist political leaders refer to a national group made up of individuals with identical opinions, aspirations, desires and needs, and a single culture. In this type of political projects, minorities and opposition have no place, and this homogeneous majority, the “populist people” is the sole holder of sovereignty, invading thus the “empty place” of Claude Lefort’s democracy and evacuating from society the conflict of interests and principles leading to the formation and dissolution of political majorities.

The use of collective memory for amending the criminal law is a much more specific argument, more elaborate and often exploiting a fear from the past - the memory of a traumatic event or period. If populism in the West exploits the fear of an uncertain future compared to current threats, such as migration or multiculturalism, the populist leaders in Eastern European countries exploit the fear of the future by comparison with the traumatic past.⁴⁰

The Romanian case is emblematic for the way in which the traumatic memory of the communist past was manipulated for political purposes in the entire region of Eastern Europe, especially in Hungary and Poland. Thus, the Polish conservative populist leader, Jarosław Kaczyński, recalled the memory of a traumatic past in which Moscow imposed politics in Poland and dominated economically and culturally and compared the Moscow domination with Brussels common policy. Furthermore, he accused the judicial body about the betrayal of the ideals of the anti-communist Revolution of 1989 and of constituting itself in a “caste.”⁴¹ It can be seen in Kaczyński’s speech how he builds the

³⁹ Claude Lefort, *L’invention démocratique: les limites de la domination totalitaire* [The Democratic Invention: The Limits of Totalitarian Domination] (Paris: Fayard, 1994).

⁴⁰ Ionut Valentin Chiruta, “Using the Past in Populist Communicational Strategies: How the Memory of Securitate is Instrumentalized in Romanian Politics,” *Populism* 3, no. 2 (2020): 223-256, <https://doi.org/10.1163/25888072-BJA10013>.

⁴¹ Daniel Tilles, “‘There is a problem with the Rule of Law in Poland,’ says ruling party chief”, Notes from Poland, September 9, 2020, accessed April 28, 2024, <https://not.esfrompoland.com/2020/09/09/there-is-a-problem-with-the-rule-of-law-in-poland-says-ruling-party-chief/>; “Kaczynski calls for shake-up of Polish Judiciary,” *Deutsche Welle*, July 14, 2017, accessed April 28, 2024, <https://www.dw.com/en/top-polish-politician-kaczynski-calls-for-shake-up-of-judiciary/a-39702022>; Gareth Jones, “PM Morawiecki

argument of the need for reform in the judicial system by recalling the memory of the past, freedom and democracy.

In similar fashion, Viktor Orbán, the Hungarian populist leader who has been in power since 2010, motivates the legislative changes in the criminal field using references to the memory of a tragic past, namely the Soviet domination. Orbán draws a parallel between the Soviet domination and the membership to the European Union when he commemorates dramatic moments such as the anti-communist revolt of 1956, suggesting the right of the Hungarian people to build their legislation in opposition to the directives of the European Commission.⁴² Orbán, like Kaczyński, uses the memory of the communist dictatorship to justify the illiberal changes brought to the rule of law, but in a rhetoric which equates the liberal requirements of the legislation adopted in Brussels with the authoritarian imperatives of Moscow. Orbán and Kaczyński appeal to the memory of the communist dictatorship to justify the adoption of illiberal rule of law under the pretext of defending democracy.

In the Romanian case, the populist leaders Liviu Dragnea or Călin Popescu Țăriceanu also called to the memory of the communist dictatorship in their attempt to illiberally modify the rule of law.⁴³ Regarding the existing research on communist memory in Romania, it focused rather on the discourse on memory or on the way in which the memory of the communist past is felt in society, rather than on the way in which it has been instrumentalized for political purposes.⁴⁴

raps Poland's top court ahead of EU visit," Reuters, June 15, 2018, accessed April 28, 2024, <https://www.reuters.com/article/us-poland-eu-judiciary-idUSKBN1JB20V/>.

⁴² Laura Hulsemann, "Orban slams Brussels as a 'bad contemporary parody' of Soviet Union," Politico, October 23, 2023, accessed April 18, 2024, <https://www.politico.eu/article/hungary-viktor-orban-brussels-is-a-bad-contemporary-parody-of-soviet-union/>; Lili Bayer, "Orban calls Brussels 'a bad parody' as he pokes fun over EU's rule of law measures against Hungary during speech – as it happened," The Guardian, October 23, 2023, accessed April 28, 2024, <https://www.theguardian.com/world/live/2023/oct/23/viktor-orban-hungary-eu-parliament-funding-europe-latest-news>.

⁴³ Ionut Valentin Chiruta, "Challenging the Rule of Law in Romania: The Metamorphosis of Political Discourse towards Populism," *Problems of Post-Communism* 70, no. 1 (2023): 76-93, <https://doi.org/10.1080/10758216.2021.1958690>.

⁴⁴ Alexandru Gussi, "Political Uses of Memory and the State in Post-communism", *Studia Politica: Romanian Political Science Review* 13, no. 4 (2013): 721-732, accessed April 18,

Unlike their counterparts, Kaczyński and Orbán, the two Romanian leaders did not compare Brussels with Moscow. Instead, they suggested parallels with the Securitate, the former political police of Romania's communist regime. Essentially, they blamed the rule of law reforms enacted by previous governments, along with the judicial institutions and their personnel, as well as the Romanian Information Service (SRI) – an intelligence agency also responsible for combating state corruption – comparing the current situation to the communist repression imposed by the former Securitate.⁴⁵ Thus, the defenders of the rule of law, as well as the institutions charged with its enforcement and compliance, were labelled as *securiști* and the new *Securitate*.⁴⁶ Basically, as some researchers show, one of the cleavages on which the post-communist Romanian political system was formed is the *communist - anti-communist* cleavage.⁴⁷ Despite this cleavage, Romania failed in confronting the past. Simply put, the *Tismaneanu Report*, a symbolic condemnation of the communist regime, was adopted only in 2006, and in the absence of a lustration and transparency regarding the archive of the former *Securitate*, throughout the transition, accusations and suspicions of collaboration with the former Securitate constituted genuine political disputes.⁴⁸ From this perspective,

2024, <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-447862>; Lavinia Stan, ed., *Transitional Justice in Eastern Europe and the former Soviet Union: Reckoning with the Communist Past* (New York: Routledge, 2009).

⁴⁵ The Romanian Domestic Security Service.

⁴⁶ Dan Tăpălagă, "Cine au fost securiștii, frate? [Who were the securisti, bro?]," *Hotnews*, December 23, 2011, accessed April 28, 2024, <https://www.hotnews.ro/stiri-11017431-audio-cine-fost-securistii-frate.htm>; Dragoș Paul Aligică, "Despre servicii și securiști [About security services and securisti]," *Contributors*, October 21, 2010, accessed April 28, 2024, <https://www.contributors.ro/despre-servicii-si-securisti/>.

⁴⁷ Jean-Michel De Waele, ed., *Les clivages politiques en Europe Centrale et Orientale* [Political divisions in Central and Eastern Europe] (Brussels: Universite de Bruxelles, 2004); Cristian Preda and Sorina Soare, *Regimul, Partidele și Sistemul Politic din România* [The Regime, the Parties and the Political System in Romania] (Bucharest: Nemira, 2008).

⁴⁸ Kieran Williams and Dennis Deletant, eds., *Security Intelligence Services in New Democracies: The Czech Republic, Slovakia and Romania* (London: Palgrave, 2001); Lavinia Stan, "Lustration in Romania. The story of a Failure," *Studia Politica: Romanian Political Science Review* 6, no. 1 (2006): 135-156, <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-56150-8>; Comisia Prezidențială pentru Analiza Dictaturii Comuniste din România, "Raport final" [Final Report] *Președintele României* (online), 2006, https://www.presidency.ro/static/ordine/RAPORT_FINAL_CPADCR.pdf (web page removed by December 22, 2024).

the label *securiști* or descendants/heirs of the Securitate, even thirty years after the anti-communist Revolution, is like an anathema. The mystification of the past through silence, and the use of the former Securitate's archives as a political weapon have left the issue unresolved, creating an environment where anyone can be subjected to suspicion.

Thus, the speeches of Romanian political leaders Dragnea and Tăriceanu advocating for changes to the criminal law – while denouncing their opponents as *securiști* and collaborators of a new Securitate – should be understood within the context of a mystified and unacknowledged past, whose collective memory remains influential today. What was characteristic of the repression under the communist regime was the arbitrary nature of persecution, marked by unpredictability, a vast number of individuals being targeted, and the restriction of even the most fundamental rights, such as the freedom to discuss news from Radio Free Europe without fearing denunciation to the *Securitate*. This memory of random repression was recovered by the Romanian political leaders mentioned above through populist rhetoric to spread the fear that an antidemocratic repression and freedom restrictions can happen again, even thirty years after the Revolution.

In a way, the Romanian populist leaders of the governing parties between 2017-2019, Liviu Dragnea and Călin Popescu Tăriceanu, built a political crisis out of the need to change the criminal legislation, whose effects could have randomly affected all Romanians, hence the need to intervene as quickly as possible to solve the crisis through an emergency ordinance. As Benjamin Moffitt states in his theory, populism perceived as a political style draws its strength and energy precisely from the permanent dramatization of the crisis outcomes.⁴⁹ The use of conspiracies becomes a necessity in the populist discourse. In the face of the perils unveiled by the populist leader, the need to act quickly is presented as the justification for calling into question the main mechanisms of control and limitation of the executive, and more generally the separation of powers.

Thus, in the investiture speech in Parliament of the new government on January 4, 2017, designated Prime Minister, Sorin Grindeanu, stated:

⁴⁹ Benjamin Moffitt, *The Global Rise of Populism. A New Political Style* (Redwood City, CA: Stanford University Press, 2016), 13-14.

“[...] If we want a normal Romania, we must ensure the total independence of the judges who will dispense justice in the letter and spirit of the law and according to their own conscience, without any pressure from anyone. In a normal country, the guilty are punished and the honest are protected.

The fight against corruption and those who steal must be very firm, but we must be equally firm in protecting fundamental human rights, so that every fair citizen feels protected by the law in the face of any possible abuse [...].⁵⁰”

In his speech, Grindeanu presented the idea that the liberties of Romanians were under threat from external pressures on judges, suggesting that every Romanian was at risk of experiencing injustice and having their fundamental rights violated. Throughout his lengthy and comprehensive investiture speech, he emphasized the concept of the Romanian people and the importance of their rights and freedoms.

Then, on the same day, after Prime Minister Grindeanu’s speech in front of the assembled Chambers of the Parliament, Senate President Călin Popescu Țăriceanu stated the following regarding the danger of Romanians losing their freedom due to the abuses of criminal legislation:

“[...] on December 11, Romanians sanctioned those parties that did not understand that respecting the rights and freedoms of citizens is not a fad [...]. In recent years, Romanians have realized that if the presumption of innocence is not applied in the Judiciary, it is only a matter of time until it will be ignored in the actions of other state institutions.

Romanians voted for a country where the rights and freedoms of citizens are respected. A country where major decisions are made by elected leaders and not dictated from outside or influenced by institutions of force.⁵¹ [...] Decisions in a democratic state are made neither against the institutions of force nor in favor of the institutions of force. But outside their influence. Their role is to serve the state and the citizen. Not to become centers of power outside any framework of democratic control.

I would not want us to reach the period when these institutions functioned according to the logic of the comrade Stalin: «There is no such thing as an innocent man, there are only people we haven’t investigated enough» [...]. I tell you openly: less than a month has passed since I looked Romanians in the eyes and promised them that I would fight from Parliament for their rights and freedoms.

What does this mean? Among other things, it involves modifying the Criminal Codes, to bring them in line with the decisions of the Constitutional Court. It

⁵⁰ Sorin Mihai Grindeanu, Speech delivered at the investiture in Parliament (January 4, 2017), accessed April 18, 2024, <https://gov.ro/ro/stiri/discursul-sustinut-de-prim-ministrul-sorin-mihai-grindeanu-la-investirea-in-parlament>.

⁵¹ By force institutions is meant the Domestic Intelligence Service (SRI) or the National Anti-corruption Division (DNA).

means much stricter regulation of how law enforcement agencies can listen to citizens' conversations [...]"⁵²

In this speech, Tăriceanu talks about the injustice of the judicial system and the danger for Romanians to lose their freedom and be victims of a repressive system of tragic memory, as happened during the Stalinist communist regime. In the same speech, Tăriceanu talks about the sovereign right of those elected by the people to legislate in their interest and the duty of the majority to correct the errors in the Penal Codes considered to be abusive to the entire Romanian people. Basically, from a private interest, that of the political leaders threatened by the anti-corruption legislation, Tăriceanu, in his speech, transformed the need to change the criminal legislation into national interest.

In the speech held on the occasion of the rally of PSD supporters in June 2018, in front of the Government headquarters, Liviu Dragnea declared the following regarding the rule of law:

"[...] I was asked what the Parallel State means. The answer is simple: it is exactly as the name says, an illegitimate system that uses the institutions of the state, outside and in parallel with democracy, and the will expressed in the vote. All these things can be summed up in one word, *Securitatea* [...]. What are the tools: the corrupt prosecutors remained. You saw them on TV making files. The undercover magistrates remained. The habit of using the secret services and justice for political purposes, to put political heads at the president's feet, remained. Six million Romanians intercepted, blackmailed and threatened [...]. The *Stalinist Securități* want to turn us all into a people of whistleblowers, we are blackmailed into filing complaints against relatives, friends, people we have never seen [...]. Look at the one on your left, on your right, at least one of them has been tapped or intercepted. It may have been both. You yourself have probably been intercepted or are being intercepted. It is possible that you are among the six million Romanians whose rights and freedoms were violated [...]. You should not be under the illusion that only high dignitaries are targets, or those with public positions. You can all become live targets of this hateful system [...]"⁵³

⁵² "Călin Popescu-Tăriceanu: Dacă prezumția de nevinovăție nu se aplică în Justiție, este doar o problemă de timp până când va fi ignorată și în acțiunile altor instituții ale statului" [Călin Popescu-Tăriceanu: If the presumption of innocence is not applied in the Judiciary, it is only a matter of time until it will be ignored in the actions of other state institutions] *Juridice*, January 4, 2017, accessed April 18, 2024, <https://www.juridice.ro/486478/calin-popescu-tariceanu-daca-prezumptia-de-nevinovatie-nu-se-aplica-in-justitie-este-doar-o-problema-de-timp-pana-cand-va-fi-ignorata-si-in-actiunile-altor-instituti-ale-statului.html>.

⁵³ "Miting PSD. Piața Victoriei albă de manifestanții PSD-ALDE/ Gabriela Firea: bine ați venit de bunăvoie la București/ Tăriceanu: simt vînt de libertate/ Dragnea: albul simbolizează

In this speech, Liviu Dragnea focuses primarily on the *Parallel State* concept because this concept is important in the construction of the reasoning against the anticorruption strategy.⁵⁴ The concept is part of the populist rhetoric, because, according to Liviu Dragnea, under the Parallel State can be found the enemies of the people, the elites enslaved to foreign interests and the national security institutions, notably the Romanian Domestic Information Service. It is a populist rhetoric because the Parallel State is not only against corrupt politicians, but, according to the same political leaders, Tăriceanu and Dragnea, is against all the Romanians and notably the politicians who defend and represent the interests of the Romanian people.⁵⁵ For the purpose of the above, Dragnea makes the definitive connection between private and common interest when he talks about millions of intercepted Romanians and the danger in which every citizen finds oneself. Dragnea also uses the distinction between the *securiști* and the ordinary citizens and the victims of the Securitate, making a parallel between the repression during the communist period and what is happening thirty years after the Revolution. In a similar way, as Moffitt also mentions in his theory on

curățenia și noi asta facem. Curățăm țara de mizeria împrăștiată de șobolani” [PSD rally. Piata Victoriei white with PSD-ALDE demonstrators/ Gabriela Firea: welcome to Bucharest/ Tariceanu: I feel the wind of freedom/ Dragnea: white symbolizes cleanliness and that's what we do. We are cleaning the country from the mess spread by rats] *Mediafax*, June 9, 2018, accessed April 18, 2024, <https://www.mediafax.ro/politic/miting-psd-piata-victoriei-alba-manifestantii-psd-alde-gabriela-firea-bine-ati-venit-bunavoie-bucuresti-tariceanu-simt-vant-libertate-dragnea-albul-simbolizeaza-curatenia-asta-facem-curatam-tara-17248582>.

⁵⁴ Alexandra Codău, “The ‘Parallel State’ Metaphor in the Discourse of Romanian Online News and Political Analysis Platforms,” *The Annals of Ovidius University of Constanța: Philology Series* 30, no. 2 (2019): 345-360, accessed April 18, 2024, https://litere.univ-ovidius.ro/Anale/volumul_xxx_2_2019/27.%20Alexandra%20Cod%C4%83u_The%20Parallel%20State%20Metaphor%20.pdf.

⁵⁵ “Doar eliminând statul paralel, România va fi puternică în UE” [Only by eliminating qaccessed April 18, 2024, <https://www.cotidianul.ro/doar-eliminand-statul-paralel-romania-va-fi-puternica-ue>; Valentin Busuioc, “STRANSOAREA HIDREI [Hydra’s Grip],” *Lumea Justiției*, September 20, 2018, accessed April 18, 2024, <https://www.luju.ro/stransoarea-hidrei-deputatul-liviu-plesoianu-avertizeaza-asupra-riscului-ca-statul-paralel-sa-acapareze-din-nou-romania-sclavii-noii-securitati-vor-sa-puna-mana-pe-psd-pe-ntru-ca-au-inteles-foarte-bine-cum-opereaza-noua-securitate-cum-se-fac-dosarele-de-po>.

populism as a political style, Dragnea uses various conspiracies and false information, such as the six million intercepted Romanians or the *Deep State*, to maintain that sense of siege and the need for urgent measures: the adoption of a new criminal law and the suppression of the rule of law.⁵⁶

Also, in a speech held by Tăriceanu in front of the presidents of the Senates of European countries, he likened the justice system and criminal legislation in Romania after joining the European Union to the communist repression of the 1950s:

“[...] In Romania, after the integration into the European Union, a repressive system similar to the *Securitate* model of the 1950s was created [...]. Justice and equity are important aspects of cohesion at the national level, aspects that must be protected from dangerous influences, piloted by the exponents of a so-called Deep State.”⁵⁷

In the last speech chosen for this research, Viorica Dăncilă, the Prime Minister of Romania in 2018, resumes before the European Parliament the topic of abuses and repression to which the Romanian people are subjected due to a corrupt legislation and a repressive judicial system:

“[...] It is legitimate to ask ourselves: in what way did the CVM⁵⁸ protect Romanian citizens from the serious violation of their rights? The CVM reports talked a lot about institutions, about the appointments of magistrates, about the anti-corruption fight. It is very good! But I didn't see anything about the violations of human rights, about the secret protocols between the intelligence services and the judicial institutions. Based on these protocols, millions of Romanians were under the surveillance of the secret services, in the name of the anti-corruption fight [...]. The Venice Commission said that «in the Soviet system, the prosecutor's office represented a powerful means of controlling the judiciary. » In the last four years, more than 3,000 magistrates were investigated by the DNA. Practically, half of the

⁵⁶ Moffitt, *The Global Rise of Populism*, 113.

⁵⁷ “Tăriceanu, discurs furibund împotriva ‘statului paralel’: În România a fost creat un sistem represiv asemănător cu modelul Securității din anii 1950. Atac la Comisia Europeană” [Tariceanu, furious speech against the ‘Parallel State’: In Romania, a repressive system similar to the Securitate model of the 1950s was created. Attack on the European Commission] *G4Media*, June 15, 2018, accessed April 18, 2024, <https://www.g4media.ro/tariceanu-discurs-furibund-impotriva-statului-paralel-in-romania-a-fost-creat-un-sistem-represiv-asemanator-cu-modelul-securitatii-din-anii-1950.html>

⁵⁸ Cooperation and Verification Mechanism established by European Commission at the accession of Romania to the European Union.

magistrates in Romania had, for years, files, through which they were probably influenced to give solutions established outside the courtroom.”⁵⁹

Just like in the previous speeches of Dragnea or Tăriceanu, Prime Minister Dăncilă takes up the theme of random Stalinist terror, of the Deep State, but also of the abused Romanian people. Also, Prime Minister Dăncilă’s speech uses both the theme of Stalinist repression and false information to maintain the feeling of crisis and danger for the Romanian people, such as “millions of Romanians intercepted” or “3,000 judges investigated by DNA.”⁶⁰

Conclusion

The selected speeches are significant in illustrating how the tragic collective memory of Romania’s communist past was utilized during the period from 2017 to 2019 to justify illiberal policies. As Verovšek states, in their speeches, political leaders often mobilize memory of the past, especially its popular understanding, as a political tool.⁶¹ Also, as Robert Hayden

⁵⁹ Elena Dumitrache, “PREMIERUL ROMANIEI L-A NENOROCIT PE TIMMERMANS – Viorica Dancila ii calca in picioare pe #rezistentii din Parlamentul European [...]” [THE PRIME MINISTER OF ROMANIA DESTROYED TIMMERMANS – Viorica Dancila tramples on the #resisters in the European Parliament] *Lumea Justitiei*, October 3, 2018, accessed April 18, 2024, <https://www.luju.ro/premierul-romaniei-l-a-nenorocit-pe-timmermans-viorica-dancila-ii-calca-in-picioare-pe-rezistentii-din-parlamentul-european-in-ce-fel-a-aparat-mcv-cetatenii-romani-de-incalcarea-grava-a-drepturilor-lor-nu-am-vazut-nimic-despre-incalcarile-drepturilor-omul>.

⁶⁰ Vasile Popa, “Dezvăluiri surprinzătoare din Comisia SRI! Câte persoane au fost interceptate în realitate în 10 ani” [Surprising revelations from the SRI Commission! How many people were actually intercepted in 10 years] *Capital*, March 13, 2019, accessed April 18, 2024, <https://www.capital.ro/dezvaluiri-surprinzatoare-din-comisia-sri-cate-persoane-au-fost-interceptate-in-realitate-in-10-ani.html>; “‘Verdict: Fals!’ Am verificat cât adevăr este în afirmația premierului Dăncilă făcută la PE: ‘În ultimii 4 ani, peste 3.000 de magistrați au fost cercetați de DNA’ [‘Verdict: False!’ I checked how much truth there is in Prime Minister Dăncilă’s statement made at the EP: ‘In the last 4 years, over 3,000 magistrates have been investigated by the DNA’] *Republica*, October 3, 2018, accessed April 18, 2024, <https://republica.ro/zverdict-fals-am-verificat-cat-adevar-este-in-afirmatia-premierului-dancila-facuta-la-pe-zin-ultimii-4>

⁶¹ Verovšek, “Collective Memory,” 529-530.

and Tony Judt observe, as part of political strategy, political leaders can use significant moments in their people's past by manipulating the memory of these moments in order to legitimize their actions.⁶² From this perspective of the political use of the memory of the past, the speeches of the leaders of the PSD-ALDE governing coalition, Dragnea and Tăriceanu, use the manipulation of the memory of the past as a political tool to legitimize their own policies regarding the rule of law.

Furthermore, because they manipulated not just the collective memory about the communist past, but also current facts and information about the anticorruption strategy, stating that millions of Romanians were surveilled by the Parallel State, that no Romanian is safe anymore, that that anyone can be arrested at any time as politicians were arrested, they attempted to build a new concept of Romanian people: the surveilled, deprived of rights and freedoms people. This manipulation of the memory of the past enters the realm of illiberalism when it is used against the rule of law. On the one hand, it is about the argument of the majority of the people and their sovereignty, which comes to replace the rule of law.⁶³ In this sense, in the speeches of Dragnea, Tăriceanu or Dăncilă, one can distinguish the claim that they speak in the name of the Romanian people who voted for them and of the millions of Romanians who suffered the abuses of "Stalinist justice" after joining the European Union. On the other hand, as it was defined by Bogaards, it is about the quality of democracy and the impact on civil rights as "individual protection against state and private actors and the right to equal access to and treatment by courts."⁶⁴ In other words, manipulating the memory of communist repression to advocate for changes in criminal legislation regarding corruption leads to unequal treatment in the courts. Although Dragnea and Tăriceanu claimed in their speeches that any Romanian could become a victim of judicial abuse – not just politicians or officials – the actual changes to criminal legislation have an illiberal character.

⁶² Tony Judt, "The Past is Another Country: Myth and Memory in Postwar Europe," *Daedalus* 121, no. 4 (1992): 83-118, accessed April 18, 2024, <https://www.eastjournal.net/wp-content/uploads/2018/05/judt-1992.pdf>; Robert M. Hayden, "Balancing Discussion of Jasenovac and the Manipulation of History," *East European Politics and Societies* 6, no. 2 (1992): 207-212, <https://doi.org/10.1177/0888325492006002006>.

⁶³ Wolfgang and Scholl, "Illiberalism," 38.

⁶⁴ Bogaards, "How to Classify Hybrid Regimes?," 403.

ANNALES

CHRONOLOGY OF THE ROMANIAN POLITICAL LIFE, APRIL 01 – SEPTEMBER 30, 2024¹

April 01

- Starting March 31, Romania joins the Schengen Area for air and maritime borders.

April 02

- During a meeting in Vienna with Romanian Minister of Internal Affairs Cătălin Predoiu, following Romania's accession to the Schengen Area for air and maritime borders, Austrian Minister of Internal Affairs Gerhard Karner states that it would be inappropriate to set a specific date for Romania's accession to the Schengen Area for land borders. He also emphasizes his commitment to further cooperation to improve the Schengen system.

April 03

- Romanian President Klaus Iohannis states that he has no intention of withdrawing his candidacy for the position of NATO Secretary General or negotiating for another European-level position, despite some foreign officials expressing their support for Dutch Prime Minister Mark Rutte for the role.
- The strike by Romanian Post Office employees, which began on April 1, ends after just one day. Negotiations between the Trade

¹ Under the coordination of Domnica Gorovei, Teodora Lovin and Alexandru Găzdaru, the following students of the Faculty of Political Science, University of Bucharest, have contributed to the chronology (press monitoring and/or translation): Bălan Oana Doriană, Cosma Anca-Mălina, Iacob Maria Matilda, Teodor Andreea, Tivdă Radu-Alexandru, and Vasiliu Diana. The main sources of information used were the online editions of: Mediafax, RFI România, Agerpres, Spotmedia, Biziday, Digi24, Revista 22, G4Media, Romania-Insider.com, Press One.

Union of the Romanian Post Office and the Ministry of Research, Innovation, and Digitalization resulted in an agreement for a salary increase in two stages: the first on July 1, coinciding with the minimum wage increase to 3,700 LEI, and the second with a gross raise of 420 LEI starting September 1. Employees who participated in the strike will not be paid for the days they were on strike.

- Cristian-Gabriel Pascu is removed from his position as Vice-President, with the rank of Undersecretary of State, at the National Gambling Office by decision of Prime Minister Marcel Ciolacu, just two days after his appointment. The dismissal followed Pascu's admission that he had no experience in the gambling sector and no knowledge of the relevant legislation.
- The Central Electoral Bureau (BEC) adopts a decision allowing electoral alliances to support independent candidates for mayor, local councils, and county councils in the June 9 elections.

April 04

- The Government issues an Emergency Ordinance (GEO) exempting oncology patients, with oncological diseases, mothers with sick children, and pregnant women from paying social security contributions for sick leave allowances. The ordinance also includes a provision for a one-time grant of 2,000 LEI for each newborn child until 2027, aimed at disadvantaged, low-income mothers and mothers in life-threatening situations.
- The High Court of Cassation and Justice (ÎCCJ) dismisses the Romanian Government's appeal (dated August 23, 2023), in a dispute with businessman Puiu Popoviciu. The Government had sought to overturn a decision of the Bucharest Court of Appeal of June 20, 2023, which annulled two Government Decisions (HGs) of 1999. These decisions had transferred a 224-hectare plot of land in northern Bucharest – where IKEA, the Băneasa Mall, and the US Embassy are located – into public state property. The ÎCCJ ruled that the land is not part of the public domain of the state. The National Anticorruption Directorate (DNA) had previously sentenced Popoviciu to seven years in prison, based on allegations that between 2000 and 2004, the then rector of the University of Agronomy, Alecu Ioan Niculae, transferred the land to SC Băneasa Investments SA, a company

controlled by Popoviciu, at a price significantly below market value. At the time, the DNA considered the land to be public property. After his final conviction in 2017, Popoviciu became an internationally wanted man, and Romania sought his extradition from London. However, in 2023, Judge Adriana Pencea of the Bucharest Court of Appeal granted Popoviciu's request for a case review, suspending his seven-year sentence and ordering a retrial. Judge Liana Arsene, who handled the civil aspect of the case, withdrew the European Arrest Warrant, and the UK Court of Justice rejected the extradition request. The criminal retrial is scheduled to resume on May 31, 2024.

April 05

- The Social-Democratic Party and the National Liberal Party Alliance (*Alianța electorală Partidul Social-Democrat-Partidul Național Liberal/ PSD-PNL*) submits its joint list of candidates for the European Parliament elections to the BEC. The list is headed by Mihai Tudose (PSD) and Rareș Bogdan (PNL), and it includes Gabriela Firea (PSD), Dan-Ștefan Motreanu (PNL), Claudiu Manda (PSD), Ioana Vălean (PNL), Victor Negrescu (PSD), Vasile Dîncu (PSD), Buda Daniel (PNL).

April 08

- The United Right Alliance (*Alianța Dreapta Unită – ADU*, including the *Save Romania Union/Uniunea Salvați România/USR*, the *People's Movement Party/Partidul Mișcarea Populară/PMP* and the *Force of the Right/Forța Dreptei/FD*) submits its list of candidates for the European Parliament elections to the Central Electoral Bureau. The list includes 43 candidates, starting with Dan Barna (USR), followed by Vlad Voiculescu (USR), Eugen Tomac (PMP), Vlad Marius Botoș (USR), Cristina Maria Prună (USR), and Violeta Alexandru (FD).
- The Senate tacitly adopts the GEO to merge the European and local elections, scheduled for June 9. Candidates will be allowed to run simultaneously for the European Parliament and for positions such as local councilor, mayor, county councilor, or president of the County Council.
- The European Commission (EC) approves the reintroduction of a Romanian state aid scheme worth approximately 2.5 billion euros

(12.5 billion LEI) to support companies affected by Russia's war against Ukraine. The scheme is approved under the Temporary Crisis and Transitional State Aid Framework, which was adopted by the EC on March 9, 2023, and amended on November 20, 2023. The support, provided in the form of loan grants, will be available until June 30, 2024, benefiting approximately 11,500 Romanian companies through the IMM INVEST PLUS state aid scheme.

- The Alliance for the Union of Romanians (*Alianța pentru Unirea Românilor/AUR*) submits to the BEC its list of candidates for the European Parliament elections to be held on June 9, 2024. The list includes 43 candidates, starting with Cristian Terheș, Claudiu Târziu, and Gheorghe Piperea, followed by Maria Teodorescu, Adrian Axinia, and Șerban Sturdza.

April 09

- Gabriela Firea is unanimously re-elected as president of the PSD Bucharest branch at a PSD congress, receiving the support of 591 of the 631 social democratic delegates in attendance.

April 10

- The Democratic Alliance of Hungarians in Romania (*Uniunea Democrată a Maghiarilor din România/UDMR*) submits to the BEC the list of candidates for the June 9 elections to the European Parliament (EP). In the top ten positions are Winkler Gyula, Vincze Loránt-György, Szilágyi Dóra-Emese, Szilágyi Zsolt, Zazula Béla, Faragó Péter, Lőrincz Helga, Szilágyi Róbert-István, Bors Béla, Turos Lóránd.
- The Renewing Romania's European Project Party (*Reînnoim Proiectul European al României/REPER*) submits its list of candidates for the European Parliament elections to the BEC. The list is led by MEP Dacian Cioloș, followed by the two party presidents, Ramona Strugariu and Dragoș Pîslaru. The list also includes Oana Cambera, Andrei Lupu, Andreea Leonte, and Cristian Presură.

April 11

- According to the BEC, fifteen parties and alliances and seven independent candidates have submitted their candidacies for the

European Parliament elections. The parties and alliances are: (1) the PSD-PNL electoral alliance, (2) the ADU, (3) AUR, (4) REPER, (5) UDMR, (6) S.O.S Romania Party, and (7) The Social Liberal Humanitarian Party (*Partidul Umanist Social-Liberal/PUSL*). The seven independent candidates are Octavian Jurma, Paula Pîrvănescu, Vlad Gheorghe, Ilie Mustăţea, Nicolae Ştefănuţă, Petru Mîndru, Dumitru Şoşoacă.

- The Coordination Committee of the PNL in Bucharest validates the new Bucharest Political Bureau, with Sebastian Burduja as president, Stelian Bujduveanu and Diana Baciuna as first vice-presidents, and Valentin Ştefan as secretary general.
- The presidents of the PSD and PNL Bucharest branches, Gabriela Firea and Sebastian Burduja, sign a protocol for cooperation for the electoral alliance between the two political organizations in Bucharest for the local elections.

April 13

- The ADU calls for the resignation of Toni Greblă, President of the Permanent Electoral Authority (AEP), for publishing the personal data of more than 1,300 electoral experts and potential heads of polling stations, in violation of GDPR regulations. In response, Toni Greblă states that he would take all appropriate measures against those responsible for the incident.

April 15

- USR MP Emanuel Ungureanu files a complaint with the DNA against independent candidate Cătălin Cîrstoiu, who is supported by the PSD-PNL alliance in the race for the General City Hall of Bucharest. The complaint accuses Cîrstoiu of abuse of office, using his position to favor certain individuals, and fraud. Additionally, Ungureanu filed a complaint with the National Integrity Agency (ANI), suspecting Cîrstoiu of incompatibility and conflict of interest. The complaint follows a report by Hotnews journalists, alleging that Cîrstoiu used his position to appoint his wife as head of an electoral section.
- Political parties, alliances, organizations of citizens belonging to national minorities, and independent candidates are able to submit

their candidacies for the June 9 local government elections from April 16 to April 30, 23:59, with the electoral offices.

April 16

- The BEC invalidates the candidacies of the United Diaspora Party and Paul Octavian Jurma for the European Parliament elections, as they failed to collect the required number of signatures. Additionally, the BEC validates the candidacies of the ADU, the Socialist Romania Political Alliance, the Alternative Right Party, the PUSL, the REPER, and the independent candidate Paula Marinela Pîrvănescu.
- Mihai Enache, the AUR candidate for mayor of Bucharest, files a complaint with the DNA against his opponent Cătălin Cîrstoiu, the independent candidate supported by the PSD-PNL Alliance. Enache suspects Cîrstoiu of incompatibility and tax evasion.
- The BEC decides that voters residing abroad who registered their residence in Romania after April 11, 2024, will not be able to vote in the local elections. However, those who registered their residence before April 11, 2024, will be eligible to vote in the local elections in the administrative-territorial units on the supplementary lists.

April 18

- The Bucharest Court of Appeals rejects the appeals of Cristian Diaconescu concerning the PMP Congress held for the appointment of the leadership. As a result, the party's Congress organized in March 2023, in which Eugen Tomac was elected President by a majority vote, is validated.
- PNL President Nicolae Ciucă states that Romania will not be able to introduce a compulsory army in the next two years due to the lack of the necessary infrastructure to support it.

April 19

- The current mayor of Sector 5 in Bucharest, Cristian Popescu Piedone, submits his candidacy for mayor of Bucharest on behalf of the PUSL party to the BEC.

April 20

- The first Congress of the FD party elects Ludovic Orban as president, with 1,203 votes in favor. The Congress also elected twenty-six vice-presidents, including Violeta Alexandru, Marius Arcăleanu, and Bogdan Bola.

April 21

- The incumbent mayor of Bucharest, Nicușor Dan, requests a poll on the local elections. According to the survey, to the question “If the local elections were held next Sunday,” 46.1% of the respondents would vote for Nicușor Dan, 41.1% for Cristian Popescu Piedone, and 10.01% for Cătălin Cîrstoiu. The survey was conducted by *Verifield* between April 10 and April 17, using the CATI method, with a sample of 1,800 people, and a maximum margin of error of +/- 2.31%, at a confidence level of 95%.
- Gabriel Resources and Roșia Montană Gold Corporation (RMGC) file lawsuits against the Alba National Commercial Registry Office (ORC), the National Agency for Tax Administration (ANAF), and RMGC itself. These lawsuits challenge the seizure of RMGC shares by the Alba Commercial Registry in a resolution issued on April 1, 2024, for a debt of approximately ten million dollars owed by Gabriel Resources to the Romanian State. This debt represents damages awarded to the Romanian State following a victory in a lawsuit in Washington. At the end of March, ANAF requested that the ORC impose an attachment on RMGC’s 80.69% stake in the company, preventing the mining company from selling or transferring the shares. The first trial date has not yet been set for any of the four cases.

April 22

- A five-judge panel of the ÎCCJ orders the termination of the criminal proceedings against Mircea Roșca, a National Liberal Party (PNL) deputy for Prahova, who was accused of influence peddling. The court ruled that the offenses for which Roșca was accused are time-barred. In 2011, while serving as vice-president of the party’s Prahova County organization, Roșca allegedly demanded 20,000

euros from a company administrator in exchange for using his influence on the president of the local organization in Azuga, Prahova County, to facilitate the acquisition of land in the area by the complainant's company.

April 23

- The PSD-PNL alliance decides to withdraw Cătălin Cîrstoiu, its candidate for the mayor of Bucharest, from the race. The decision is made due to his low chances of winning, as indicated by the polls. As a result, the alliance will run separately in the upcoming elections: PSD will support Gabriela Firea, while PNL will back Sebastian Burduja.
- The Romanian government approves the "Electric Up 2" funding program, with a budget of 450 million LEI, aimed at supporting small and medium-sized enterprises (SMEs) as well as Hotels, Restaurants, and Catering (HORECA) businesses. The program will provide financial assistance for the installation of photovoltaic panels and electric vehicle charging stations.
- The Ministry of Finance, led by Marcel Ioan Boloș, publishes data on the execution of the general budget. In the first three months of the year, the execution of the consolidated general budget ended with a deficit of 35.44 billion LEI, which represents 2.06% of Romania's GDP. In comparison, for the same period in 2023, the deficit was 1.42% of the GDP. Additionally, the expenditures of the consolidated general budget increased by 22.7% compared to the same period of the previous year, now accounting for 9.66% of the GDP.
- The Government adopts decisions to start or continue investments in the fields of transport and environment sectors, with projects totaling 260 million LEI. Most of these investments are funded by the National Recovery and Resilience Plan (PNRR) and are managed by the Ministry of Environment, the Ministry of Development, and the Ministry of Transport. The primary goal of these investments is flood protection, specifically by improving the conditions for the safe operation of the permanent reservoir Solești on the Vaslui River and the hydro-technical junction on the Mureș River in the municipality of Târgu Mureș.

April 24

- The BEC is challenging the violation of electoral laws concerning the drawing of lots for the presidents of district electoral bureaus and their deputies. The BEC highlights the unlawful expansion of the category of magistrates eligible for selection, as per the legal provisions, by including legal specialists assimilated to magistrates and other individuals. As a result, the BEC decides to resume the drawing of lots in the counties of Alba, Argeş, Buzău, Dolj, Giurgiu, Ialomiţa, and Mureş.

April 25

- The incumbent mayor of Sector 1 of Bucharest, Clotilde Armand, submits her candidacy for a renewed mandate, on behalf of the ADU.
- The incumbent mayor of Bucharest, Nicuşor Dan submits his candidacy for a renewed mandate, as an independent candidate, supported by the United Right Alliance (ADU) and the REPER party.
- The Government approves the memorandum on the conclusion of financing contracts for 225 infrastructure projects financed by the PNRR. Failure to sign the contracts will result in financial penalties. The signing of the contracts is necessary to achieve the milestones and targets set by the PNRR. This memorandum also approves the use of the uncommitted amount from the over-contracting related to the first call for projects necessary for the realization of 148.6 km of water supply networks in order to reach the final indicator of 1,282 km.

April 26

- The District Electoral Office of the Municipality of Bucharest decides to register the agreement on the dissolution of the PSD-PNL Electoral Alliance, concluded at the municipal level, and approves the protocols on the establishment of the PSD-PNL Electoral Alliance at sector level. According to the BEC, the protocols for the dissolution of electoral alliances can be registered until April 26. The coalition will have joint candidates for the sector mayors and local councils but will run separately for the general mayoralty of the capital, where the PSD candidate is Gabriela Firea, and the PNL candidate is Sebastian Burduja.

April 28

- Gabriela Firea submits her candidacy as the PSD candidate for mayor of Bucharest to the Bucharest District Electoral Office.
- The candidacy of Marin Voicu, the incumbent mayor of the Prahova municipality of Ciorani, who is on trial for fraud in the 2020 local elections and indicted in another case for similar offenses related to the parliamentary elections of the same year, is accepted by the Communal District Electoral Office. The Electoral Bureau's decision states that Marin Voicu meets "all the underlying and formal conditions" required by law to run as a candidate.

April 29

- For the EP elections, the BEC accepts twelve out of the fifteen candidacies submitted by electoral alliances, political parties, and independents. The final candidates include those submitted by the following political organizations: The Electoral Alliance PSD-PNL, ADU, Socialist Romania, AUR, S.O.S. Romania Party, Alternative Right Party, PUSL, REPER, UDMR, Great Romania Party (*Partidul România Mare*/PRM), Patriots' Party, United Diaspora Party. Additionally, the independent candidates are Paula-Marinela Pîrvănescu, Gheorghe Vlad-Dan, Nicolae-Bogdănel Ștefănuță and Dumitru-Silvestru Șoșoacă. Two Romanian MEPs, Vlad Gheorghe and Nicolae Ștefănuță, are running as independent candidates for a new mandate in the European Parliament after leaving the USR due to internal conflicts. Paula Marinela Pîrvănescu, an economist and president of Romania's Chamber of Business, has also entered the race. The BEC also validates the candidacy of Silvestru Șoșoacă, the former husband of Senator Diana Șoșoacă, who is the president of the S.O.S. Romania Party.

April 30

- The BEC decides that the electoral alliances formed for the EP elections will be represented in the Electoral Bureau for Polling Stations Abroad by a single member, regardless of the number of political parties within the alliance. This decision aims to simplify the process of representation of alliances in the polling stations abroad during the elections.

- President Klaus Iohannis promulgates the law aimed at hastening the presidential elections. The law amends Article 5 of Law No. 370/2004, which governs the election of the President of Romania. The new provisions stipulate that presidential elections must be held no later than three months before the end of the current president's term. Additionally, the election date must be set at least 75 days before the voting day through a Government Decision.
- Mihai Enache, the AUR candidate for the General Mayoralty of Bucharest, files a criminal complaint with the DNA, against Nicușor Dan, the incumbent mayor and candidate for re-election. Enache alleges that Dan's electoral campaign financing is not transparent, particularly regarding the funding of his street billboard campaign. Enache claims that Nicușor Dan secured hundreds of billboards, many of them in highly visible locations across Bucharest, ahead of other candidates. He also claims that the actual cost of Dan Nicușor's campaign exceeds the amount publicly declared and calls for an urgent investigation into these matters.

May 01

- Diana Șoșoacă's candidacy for mayor of Bucharest is accepted by the Bucharest District Electoral Office (BEM) after she submitted additional lists of supporters. Initially, her candidacy was rejected due to irregularities in the signature lists, where 1,462 out of a total of 19,344 supporters were removed because of errors found in the list's drafting. After correcting the issue and providing the necessary additional signatures, her candidacy was validated by the BEM.

May 02

- The PMP appeals to the ÎCCJ the Decision 93 of the BEC on the representation in polling stations abroad and asks for its annulment, arguing that, for polling stations abroad and for district electoral bureaus, electoral alliances will not have only one representative. Thus, the PMP demands that the BEC establish a uniform practice for all polling stations.
- The Electoral Bureau of Bucharest validates 9 candidates for the office of General Mayor of Bucharest, namely: Gabriela Firea (PSD),

Sebastian Burduja (PNL), Nicușor Dan (Independent candidate), Cristian Popescu Piedone (PUSL), Diana Iovanovici-Șoșoacă (S.O.S Romania), Dorin Iacob (Alternative Right Party), Mihai Adrian Enache (AUR), Alexandru Pânișoară (Romanian Ecologist Party), Filip Constantin Titan (Independent).

May 08

- The PSD and PNL majority in the Chamber of Deputies rejects a bill in the plenary session that aimed to extend Parliament's control over the work of the Romanian Intelligence Services (SRI). The proposed bill would have barred SRI personnel from working in the media, justice sectors, and in the Romanian parliament. The bill was rejected after brief debates in the Defense Committee. Opposition parties accused PSD and PNL of preventing a real debate on the bill to avoid the declassification of information regarding the involvement of secret services in politics.

May 10

- President Klaus Iohannis promulgates a new law aimed at strengthening the capacity to combat tax evasion and amending certain normative acts. Under the new law, tax evasion offenses involving damages of less than one million euros will not be penalized if the damages are fully covered by actual payment, along with a 15% penalty. However, outside of this exception, tax evasion will remain a criminal offense, punishable by imprisonment from 1 to 5 years, or a fine. Prime Minister Marcel Ciolacu, one of the initiators of the law, described it as "an intermediate solution" designed to improve state budget revenue, explaining that, for years, detected tax evasion has not resulted in any significant recovery of funds for the state.
- The electoral campaign for the local and European Parliament (EP) elections officially begins. The campaign will run until 7:00 PM on June 8. However, the audiovisual campaign, which includes TV and radio advertisements, will conclude one day earlier, on June 7, at 7:00 PM.
- Adina Vălean, the European Commissioner for Transport, announces that Romania has secured 80 million euros in the latest tranche of European Union funding. This amount is on par with France, but

exceeds the funds received by Italy, Spain, and the Netherlands. Over the past five years, Romania has benefited from a total of 12 billion euros in European funding for infrastructure development.

May 11

- The Ministry of Foreign Affairs (MFA) has organized 915 polling stations abroad for the upcoming European Parliament elections. This marks an increase of 474 polling stations compared to the number organized five years ago.

May 13

- The National Strategy against Human Trafficking for the 2024-2028 period is launched. The strategy aims to create a comprehensive system based on cooperation between central and local institutions, as well as non-governmental organizations. Its primary objective is to implement effective measures to reduce human trafficking in Romania, focusing on prevention, protection of victims, and the prosecution of traffickers.
- During discussions held in Washington between President Klaus Iohannis and U.S. President Joe Biden, as well as within NATO, the importance of providing a Patriot missile defense system to Ukraine was highlighted. Romania was among the countries asked to contribute. However, Romania's Defense Minister, Anghel Tîlvăr, expressed strong reservations about the country donating a Patriot system to Ukraine. Prime Minister Marcel Ciolacu stated that the final decision regarding the donation would be made within Romania's Supreme Council of National Defense (CSAT).
- European Investment and Projects Minister Adrian Căciu announces that contracts worth 36 billion euros are currently being concluded under Romania's PNRR. However, since Romania's allocation is only 28.5 billion euros, the remaining difference will be covered through co-financing.

May 14

- The Constitutional Court of Romania (CCR) rejects the appeal filed by the ÎCCJ regarding the GEO on the organization of the June 9 elections. This decision came after representatives of the REPER party filed

an application with the CCR, challenging the constitutionality of the provisions of the GEO 21/2024. The ordinance merged local elections with the parliamentary elections, and the REPER party argued that this merger violated constitutional principles. However, the CCR upheld the validity of the ordinance.

- Adrian Căciu, Minister for European Investments and Projects, states that tax evasion in Romania amounts to approximately 10% of the GDP, which translates to around 32-33 billion euros.

May 15

- The Ministry of Finance announces that in April, the National Agency for Fiscal Administration (ANAF) successfully reduced tax losses by 430 million LEI. This achievement followed nearly 5,000 checks, and the agency issued almost 3,000 notifications to taxpayers, highlighting fiscal/tax risks totaling 2 billion LEI.
- President Iohannis promulgates the law on aid to agriculturists and farmers within the context of the war in Ukraine. The law establishes state subsidies for total farmers worth approximately 28.7 million euros.

May 16

- Around 200 supporters of the AUR party, led by party president George Simion, stage a protest in front of the AEP, in response to its decision to close several polling stations in the diaspora. The protesters expressed their dissatisfaction, claiming that the AEP's decision restricts the voting rights of Romanians living abroad by limiting their access to polling stations and forcing them to vote on a single day.

May 20

- The Expert Forum NGO presents data based on the AEP regarding the funding of electoral campaigns for the upcoming EP (European Parliament) and local elections. According to their findings, the total campaign expenses for the EP elections are 11 million LEI, and for local elections over 3.8 million LEI. The expenses by parties: PSD has the highest expenses, amounting to 9.3 million LEI, primarily

for “clothing.” USR spent 411,343 LEI on the production and online broadcasting of electoral propaganda, plus 135,000 LEI for other campaign-related expenses, while AUR spent 1.19 million LEI on online propaganda. Additionally, the NGO analyzed the gender representation among local election candidates. They found that the percentage of female candidates at the local level remains low, at around 24%, although there is a 2% increase compared to the 2020 local elections. The parties with the highest representation of female candidates are SOS Romania with 35% and REPER party, with 33%.

May 23

- The Government adopts an GEO that provides for a 10% wage increase in two phases for various categories of employees in the public administration sector. The first phase will take effect in June, while the second will begin in September. The ordinance also allows employers to cover the cost of eyeglasses for employees who frequently use display screen equipment for extended periods during the working day, with a reimbursement of up to 500 LEI per person.
- The Government approves an increase in the monthly allowances for children and adults with severe disabilities, starting in June. For severely disabled adults, the monthly allowance will increase from 70% to 80% of the social reference indicator (ISR), while for severely disabled children, the allowance will increase from 60% to 70% of the same ISR.
- The Government approves the National Strategy for the Prevention and Combat of Anti-Semitism, Xenophobia, Radicalization, and Hate Speech for the 2024-2027 period.

May 24

- The BEC accredits CURS (Center for Urban and Regional Sociology), Avangarde Socio-Behavioral Studies Group, and Sodiso Research SRL to conduct exit polls. The "Bureau of Social Research" Foundation will conduct polls in Râmnicu Sărat, while Sodiso Research SRL will conduct polls in Mureș County. The poll operators will be permitted to remain within a 500-meter radius of the polling stations, but they will be prohibited from entering the polling stations.

- A diplomat from the Embassy of the Russian Federation in Bucharest is declared *persona non grata* on Romanian territory for engaging in activities that violate the 1961 Vienna Convention on Diplomatic Relations. This decision follows the arrest by the Directorate for Investigating Organized Crime and Terrorism (DIICOT) of a Romanian citizen accused of treason for sending to the Russian Embassy in Romania images of military objectives, either belonging to Romania or NATO, near Tulcea, as well as images of a military convoy heading towards Ukraine.

May 27

- The Ministry of Finance announces that the execution of the consolidated general budget for the first four months of 2024 ended with a deficit of 57.29 billion LEI, or 3.24% of the GDP. This represents a significant increase compared to the deficit of 27.35 billion LEI, or 1.70% of the GDP, recorded during the same period in 2023, effectively doubling the amount from last year.
- Radu Mazăre, the former mayor of Constanța, will be released on parole after serving five years in prison, following a final decision by the Ilfov Tribunal. Mazăre was convicted in 2022 for taking bribes and for abuse of office in the Polaris case, receiving a five-year sentence. Additionally, in 2019, he was sentenced to nine years for abuse of office in the illegal retrocession case and for forming a criminal group.

May 28

- The AEP announces that 207,389 candidates have registered for the June 9 local elections, while 494 candidates are running for the EP elections. The total number of eligible voters is 18,025,324. A total of 18,995 polling stations will be set up within the country, with 915 polling stations organized abroad.

May 29

- Most NATO countries believe that President Iohannis should withdraw his candidacy for the top position in the alliance. The following day, the North Atlantic Alliance's foreign ministers will meet in Prague in order to outline decisions for the July Washington Summit and to endorse Mark Rutte as the next NATO Secretary General.

- PM Ciolacu confirms the proposal for Romania to provide Ukraine with a Patriot System, stating that if one such a system covers part of Ukraine, it does not mean that it would not cover Romania as well. He expresses his conviction that the final decision will not undermine Romania's security.

May 30

- PM Ciolacu announces that the Government will allocate 1.85 billion LEI to finance European projects in the transportation sector, including major road projects in Romania, such as the Sibiu-Pitești Highway, the Transylvanian Highway, and the Târgu Mureș-Iași Highway.
- The Government approves a draft law amending Law No. 290/2004 on criminal records, which allows individuals to obtain their criminal record certificate online through the HUB services platform of the Ministry of Internal Affairs (MAI).
- The Government approves a 50 million LEI project, coordinated by the Ministry of Research, Development, and Digitization, aimed at standardizing the websites of 1,000 municipalities and county councils and enabling their integration with electronic payment platforms such as Ghișeul.ro.
- The Government approves an GEO that amends and supplements Law No. 255/2010 on expropriation for public utility purposes, necessary for the realization of national, county, and local interest projects. This ordinance allows the Ministry of Economy, Entrepreneurship, and Tourism to initiate and carry out expropriation procedures for public utility purposes, specifically for projects related to the construction, modernization, expansion, and conversion of production and/or service capacities in the national defense industry, aimed at defending national strategic interests.

May 31

- Environment Minister Mircea Fechet announces that more than a half a billion PET bottles, cans, and bottles have been collected so far through the Guarantee Return System (SGR) launched on November 30, 2023.

- Several hundred doctors working in outpatient clinics protest in front of the Government, criticizing the inadequate funding of their sector and expressing dissatisfaction with the 4.5 LEI per service point paid to their offices by the Health Insurance House.
- Protests are held in front of the Government's headquarters, with union members from the administrative and cultural sectors taking to the streets. They are protesting the Government's decision last week to implement only a 10% wage increase. The proposed increase in the minimum wage to 3,700 lei is still pending, as the Government has yet to decide on the situation of employees in the agricultural and construction sectors, which have differentiated minimum wages.

June 02

- The Ministry of Finance (MoF) plans to borrow 6.2 billion LEI from commercial banks in June 2024, with the possibility of an additional 750 million LEI through supplementary non-competitive bidding sessions linked to bond auctions.

June 05

- The European Court of Justice (ECJ) rules that Romania must recognize the right of residence for same-sex spouses of European Union (EU) citizens, without the need to legalize same-sex marriages.

June 06

- The Government adopts a draft law amending the Romanian Citizenship Law to facilitate joining the Visa Waiver Program. Key amendments include the digitization of the citizenship application process, allowing applicants to track their file status online. Additionally, the identity of the citizenship card holder will be confirmed biometrically through facial recognition and fingerprints, replacing the paper certificate.

June 08

- The electoral campaign for local and European Parliament (EP elections) elections, which started on May 10, ends at 7:00.

June 09

- Local and EP elections are held. Polling stations open at 07:00 and close at 22:00. If there are queues at the entrance, the polling stations may exceptionally remain open until 23:59 at the latest.
- The leaders of the ADU and members of the AUR accuse the elections of "massive fraud" and claim that there are irregularities in the voting process. They claim that ballots were used that had already been stamped and handed to the voters.
- CURS and Avangarde conduct an exit poll for both the Bucharest mayoralty and the EP elections. In the mayoral race, Nicușor Dan, the independent candidate supported by the ADU, is leading with 45% of the vote, while Gabriela Firea, the PSD candidate, is in second place with 24%. In the EP elections, the PSD and the PSD-PNL Alliance is in first place with 54% of the votes, followed by the AUR in second place with 14%, and the ADU in third place with 11%.
- In the EP elections, the national turnout was 52.40%. In Bucharest it was 44.31%. At the county level, Giurgiu had the highest turnout with 62.83%, followed by Olt with 62.42% and Teleorman with 61.24%. The lowest turnout was recorded in Vaslui with 37.77% and Iași with 42.42%. In the diaspora, 216.002 people voted for the EP elections.

June 10

- According to the final results announced by the BEC, the turnout in the local elections on June 9, 2024, was 49,55%. The party with the most mayors was PSD with 2,900, followed by PNL with 2,856 and AUR with 1,898. As for the county councils, PSD won the most county council presidents with 24, followed by PNL with 11 and UDMR with 4.
- In the EP elections, the PSD-PNL alliance got the most votes with 48.55%, followed by AUR with 14.93%, ADU with 8.71%, UDMR with 6.48%, SOS 5.03% and the independent Nicolae Ștefănuță got 3.08% and entered the EP.
- Cătălin Drulă, the President of the USR, resigns from his position following the party's disappointing performance in the local and EP elections. As a result, new elections for the party's leadership will be organized.

- The incumbent mayor of Timișoara, Dominic Fritz (United Timișoara Alliance), won the elections with 49% of the vote, while his main challenger, Nicolae Robu, supported by the PSD Social-Democratic Party and the PSD-PNL Alliance, secured 35%.
- According to parallel counts by political parties in Iași, the winner of the city mayoral elections is National Liberal Party (PNL) candidate Mihai Chirica, with 32.6% of the vote. Meanwhile, Costel Alexe secured a new mandate as president of the County Council with 34.3%.
- The Fair Vote Coalition (Coaliția Vot Corect), consisting of civic organizations focused on democracy and human rights (such as Expert Forum, Politica la Minut, Asociația Civică, and Code for Romania), presents its preliminary conclusions from monitoring the June 9 elections. The coalition highlights that the elections lacked competitiveness, the electoral legislation had limitations, and voters were not adequately informed about specific voting procedures. A small number of violent incidents were reported during the election campaign. The coalition also identifies several irregularities in the electoral process, including non-compliance with electoral procedures, pressure on voters, and denial of access to accredited observers at polling stations.

June 11

- The incumbent mayor of the Sector 1 in Bucharest, Clotilde Armand, the ADU candidate for this year's local elections, announces that she has submitted a request for a vote recount and has notified the authorities about attempted fraud at several polling stations.
- The AEP announces that a total of 22,131,414 LEI was transferred to the parties' accounts in June. The party receiving the highest amount was the PSD, with 8,521,038 LEI, followed by the PNL with 7,223,695 LEI, and in third place, the USR received 3,894,141 LEI.

June 13

- PM Ciolacu highlights at the opening of the weekly cabinet meeting that inflation has decreased to nearly 5%, emphasizing the government's ongoing efforts to protect the purchasing power.

- The government extends through an GEO the deadline for approving the income and expenditure budgets for economic operators under the authority of the central public administration until October 31. This extension is contingent upon an analysis of the causes of the delay by the chief authorizing officers. The ordinance also stipulates the suspension of state budget funds for operators that exceed the approval deadline, prohibits the allocation of funds if the budget is not approved by October 31, and introduces sanctions starting in 2025 for failure to meet the deadlines.

June 14

- A report by the NGO Expert Forum (EFOR) reveals that invalid votes in the June 9 elections accounted for 5.1% of all votes cast, marking one of the highest percentages relative to the number of voters. Out of a total of 9,440,962 votes, 488,261 were deemed invalid. In comparison, in 2019, 274,415 out of 9.3 million votes were invalid, representing 2.89% of the total votes.

June 15

- The AUR National Leadership Council unanimously decides that the party's president, George Simion, will be the party's candidate for the office of President of Romania.
- Aurelian Pavelescu, President of the Christian Democratic National Peasants' Party (*Partidul Național Țărănesc Creștin-Democrat/PNȚCD*), announces his candidacy for the Presidency of Romania.

June 16

- The BEC rejects the ADU's request to annul the elections in Electoral District Sector 1, as well as the REPER's requests to recount votes from 117 polling stations in Mureș County and 82 polling stations in Iași County.
- Radu Mihaiu, the USR candidate for mayor of Sector 2, announces that the Electoral Office of Sector 2 has decided to recount the votes from polling stations 195 and 265, but has rejected the recount requests for 34 other stations.
- Elena Lasconi, the mayor of Câmpulung municipality, announces that she is running for the presidency of USR, following the resignation of Cătălin Drulă.

June 17

- Ten USR members are running for the position of party president: Elena Lasconi, Cristian Seidler, Radu Hossu, Gabriel Dumitrescu, Vasile Dinca, Luiza Oancea, Adrian Dudu, Eduard Ene, Doru Ilie, and Vasile Filip

June 18

- The Chamber of Deputies adopts, with 216 votes in favor, one vote against, and 40 abstentions, a draft law outlining the procedures for the valuation of properties wrongfully seized during the communist regime in cases where no decision has been issued, or the decision has been appealed. The draft law amends Law No. 165/2013, which addresses measures to finalize the process of restitution, in kind or equivalent, for properties illegally taken during the communist regime in Romania. The Chamber of Deputies is the decision-making body in this matter.
- The BEC announces the official results of the EP elections. In first place is the PSD-PNL Alliance with 48.55% of the votes, securing 19 seats in the EP. In second place is AUR with 14.93% of the votes and six seats, followed by ADU with 8.71% and three seats, UDMR with 6.48% and two seats, SOS Romania with 5.03% and two seats, while the independent candidate Nicolae-Bogdănel Ștefănuță enters the PE with 3.08%. The following members are elected from the PSD-PNL Alliance: Adrian Benea, Rareș Bogdan, Daniel Buda, Gheorghe Cârciu, Vasile Dîncu, Gheorghe Falcă, Gabriela Firea, Maria Grapini, Mircea Hava, Claudiu Manda, Roxana Mînzatu, Dan Motreanu, Siegfried Mureșean, Ștefan Mușoiu, Victor Negrescu, Dan Nica, Virgil Popescu, Mihai Tudose, and Adina Vălean. From AUR, the elected members are Adrian Axinia, Gheorghe Piperea, Șerban Sturdza, Claudiu Târziu, Georgiana Teodorescu, and Cristian Terheș (Romanian National Conservative Party/*Partidul Național Conservator Român/PNCR*). On the ADU side, the elected candidates are Dan Barna, Eugen Tomac, and Vlad Voiculescu. From the UDMR, Loránt Vincze and Iuliu Winkler are elected, whereas from SOS Romania, Diana Șoșoacă and Luiz Lazarus become members of the EP.

June 20

- The CSAT holds a meeting where it is decided that Romania will donate a PATRIOT long-range surface-to-air missile system to the Armed Forces of Ukraine.

June 21

- The Government adopts an GEO extending the use of e-invoicing to transactions between companies and final consumers. As a result of this change, taxable persons issuing invoices to consumers will be required to report them in the RO e-Invoice system. This measure is optional until the end of the year and will become mandatory starting January 1, 2025.
- The AEP announces that a new mayoral election will be held in the municipalities of Chețani in Mureș County and Poșaga in Alba County. A new round of elections is required in both municipalities because two candidates tied for the first two positions.

June 24

- The National Committee of S.O.S. Romania unanimously decide, through a vote held in Poiana Brașov, that the party's president, Diana Iovanovici-Șoșoacă, will be the party's candidate for the Romanian Presidency.

June 25

- The BEC has canceled the elections for the mayor of the Costinești commune and ordered a repeat of the elections on July 7 at the request of the PSD Constanța, as it was found that several invalid ballots were actually valid, and that two Ukrainian citizens voted in these elections despite not having the right to do so.

June 26

- The Romanian President promulgates the law amending and completing the Penal Code. According to this law, the suspension of the execution of a sentence under supervision can no longer be ordered for offenses listed in the articles 209-211, which include slavery, human trafficking, and trafficking in minors.

- Elena Lasconi, the mayor of Câmpulung, has become the new president of the Save Romania Union (USR). She was elected with 7,701 votes out of the 25,607 USR members with voting rights, which represents almost one-third of the votes cast. The results of the election for the USR leadership: Elena Lasconi – 7,701 votes – 68.14%, Cristian Siedler – 1,873 votes – 16.57%, Radu Hossu – 1,471 votes – 12.54%, Gabriel Filip – 310 votes – 2.74%. There were 32 invalid votes (0.28%).

June 28

- The Government spokesperson announces that the value of meal vouchers or food allowances will be excluded from the calculation of the 4,000 LEI threshold for granting salary benefits. Additionally, RCA prices will remain capped until the end of September 2024, and the fine point will remain at 165 LEI until December 31, 2024.

June 29

- Elena Lasconi is elected as the USR's candidate for the presidential elections at the extraordinary congress with 94.31% of the votes (531). Octavian Berceanu received 4.44% of the votes (25), and Dumitru Stanca received 1.24% (7). USR validates the new National Bureau of the party. The new leadership includes, among others, Clotilde Armand, Allen Coliban, Dominic Fritz, Stelian Ion, Radu Mihaiu, Ionuț Moșteanu, Claudiu Năsui, Cristina Prună, and Vlad Voiculescu.

July 01

- Prime Minister Ciolacu initiates consultations with political parties to establish the calendar for the presidential and parliamentary elections.

July 04

- The PSD-PNL ruling coalition sets the election dates: the first round of the presidential elections on November 24, 2024, the second round on December 8, 2024, and the parliamentary elections on December 1, 2024, which coincides with Romania's National Day.

July 10

- The BEC announces the final results of the local elections. The PSD has the highest percentage of mayors, with 34.74%, followed by the PNL with 29.07%, and the ADU with 6.28%.

- The ANI announces that the mayor of Timișoara, Dominic Fritz, has been found to be in an administrative conflict of interest. ANI claims that Dominic Fritz took out a loan from an individual during the electoral campaign and, while serving as mayor in November 2020, he drafted an administrative act benefiting the company represented by this individual, which violates the legal regulations on conflict of interest.
- The ÎCCJ rejects REPER's request to recount votes in several polling stations both in Bucharest and across the country, after the Bucharest Court of Appeal had decided to recount the votes. The ÎCCJ's decision upholds the appeal filed by the BEC.
- The Romanian Parliament has adopted amendments to the Electoral Law, introducing measures to facilitate postal and electronic voting for citizens in the diaspora.
- President Iohannis withdraws his candidacy for the NATO chairmanship, after all member states, except Romania, declared their support for Mark Rutte as NATO Secretary General.

July 13

- Claudiu Târziu, president of the National Leadership Council of AUR, calls on President Iohannis to appear before Parliament to explain the decision to donate a PATRIOT missile system to Ukraine, arguing that this action makes national defense vulnerable and requires justification before both the legislature and the citizens.

July 15

- President Iohannis promulgates a law stating that individuals who are to become military officers must sign contracts with the Ministry of National Defense (MAPN) upon admission to an educational institution for the training of officers, military majors, or non-commissioned officers. These contracts are valid for a period of eight years from the date of their appointment to their first position.

July 17

- In Bucharest, the local elections are won by Nicușor Dan (independent candidate supported by ADU and REPER) for the General City

Hall of Bucharest. In Sector 1, the elections were won by the PSD candidate Gheorghe Tuță, while in Sector 2, the winner was the PSD candidate Rareș Hopincă. In Sector 3, Robert Negoită (PSD) emerged victorious, and in Sector 4, Daniel Băluță (PSD) won. In Sector 5, the winner was Vlad Popescu Piedone from PUSL, and in Sector 6, Ciprian Ciucu from PNL won. Dominic Fritz from ADU won the mayoral election in Timișoara, Emil Boc (PNL) won in Cluj Napoca, Mihai Chirica (PNL) won in Iași, Vergil Chițac (PNL) won in Constanța, and George Scripcaru (PSD) won in Brașov.

July 18

- Prime Minister Ciolacu announces the launch of the "Qualify Romania" campaign, which aims to include Romania in the Visa Waiver Program, thereby eliminating the need for visas for travel to the United States. This will be contingent on the condition that the refusal rate for visa applications does not exceed 3%.

July 22

- George Simion, president of the AUR party, has launched "Plan Simion," a housing program. Under this program, he signs contracts with Romanian citizens in which he commits to building housing for them if he wins the presidential elections.

July 25

- The charge d'affaires of the Russian Embassy in Bucharest is summoned to the MFA following the discovery of Russian drone fragments on Romanian territory.
- The USR officially launches its political program for the parliamentary elections, outlining its legislative priorities and proposed reforms. The program, titled "Politics = Involvement!" includes the following key directions: reducing taxes, eliminating political influence in education, focusing the healthcare system on prevention, and "debaronizing" the judiciary to ensure its independence.
- The Government issues GEO No. 98/2024 which provides measures for the organization and conduct of the 2024 presidential and parliamentary elections.

July 29

- The USR calls for the establishment of a parliamentary committee of inquiry to propose concrete measures in the case of sexual assaults in the education system. The request follows the case of university Professor Alfred Bulai of the National School of Political and Administrative Studies (*Școala Națională de Studii Politice și Administrative/SNSPA*), who is accused of sexual harassment.

July 30

- Representatives and supporters of the AUR protest in front of the Financial Supervisory Authority (ASF) against the “discriminatory pricing” of moto vehicle liability insurance (*asigurare de răspundere civilă auto/RCA*) for drivers from Bucharest and Ilfov. The ASF wants to introduce different rates for RCA policies depending on the residence of the driver. Drivers from Bucharest and Ilfov County will have to pay higher RCA premiums than drivers from other regions of the country because of the increased traffic in the capital.

August 4

- The Protocol on the establishment of the National Alliance of Greater Romania is signed. This alliance operates under the umbrella of the PRM, and ten political parties have signed the protocol.

August 7

- PUSL’s Executive Office appoints Cristian Popescu Piedone president of the Bucharest branch and vice president for public administration of the PUSL, thus deciding the termination of his position as executive president.

August 8

- The President of AUR, George Simion, files a criminal complaint with the General Prosecutor’s Office against the President of PNL, Nicolae Ciucă, for embezzlement of public funds for the illegal use of subsidies for public purposes. The complaint concerns the use of political billboards in public spaces during the May 10-June 9 electoral campaign, to promote the party leader’s book “In the service of the country” (*Un ostaș în slujba țării*).

- The Romanian Government approves an increase in the budget of the Ministry of Finance for 2024, by a total of 286,305 million LEI. Of this amount, 150 million LEI is allocated for the further implementation of state aid, and the remaining amount is allocated for the purchase of more X-ray scanners.
- The Government approves the Government Debt Management Strategy for the period 2024–2026.

August 14

- The AEP transfers 133 million LEI to six parties between January and June 2024, while the parties, in turn, have spent 198 million LEI. PSD receives the most, amounting to 52.1 million LEI, followed by PNL, with 44.1 million LEI, and USR, with 23.8 million LEI.

August 21

- The Government spokesperson Mihai Constantin declares that the Government is approving a program through which approximately 1.9 million children attending kindergarten or school will receive fresh fruits, vegetables, dairy products, and baked goods in the coming school year. This program has a total budget of more than 760 million LEI, of which more than 86 million will be provided by the EU.

August 22

- The United States of America approves the sale of AIM-120 AMRAAM missiles to provide the Romanian Air Force with advanced air-to-air capabilities. The initial sale is valued at approximately 180 million U.S. dollars, with the option to purchase additional missiles in the future. The missiles are compatible with Romania's F-16s and other aircraft, including the F-35.

August 24

- The PSD Congress re-elects Marcel Ciolacu as President of the party and nominates him as the candidate for the 2024 presidential elections. He had no opponents either for the position of party president or in the race for the presidential election candidacy.

August 26

- The mayor of Sector 1, Clotilde Armand, files a complaint with ANI regarding the sums received by the president of the AEP, Toni Greblă, after journalists from Snoop.ro reveal that he has signed an illegal order, increasing his salary by 50%.

August 28

- The Romanian Government is extending for two years the National Local Development Program, which supports investment in local communities are supported, by two years. PM Ciolacu states that over 3,000 projects from the National Local Development Program are currently underway, which would expire either on December 31, 2024, or December 31, 2025, thus making the extension necessary.
- The National Alliance of Student Organizations in Romania, the Romanian Youth Council, and the National Council of Students launch the “We Know What We Want, But Who’s Taking Responsibility?” campaign, aimed at bringing the needs of students and youth to the attention of candidates in the parliamentary and presidential elections.

September 2

- The Romanian Government promulgates the normative act aimed at cancelling the interest and penalties for taxpayers who settle their debts by November 25. Furthermore, taxpayers who pay their taxes up to date will receive a 3% bonus starting in October.
- The AUR announces that it has notified the People’s Advocate of the inequities created by Law 360/2023 on the public pension system. The AUR claims that the law reduces the pensions of approximately one million retirees, especially for those who worked under hazardous conditions or have disabilities.

September 3

- The AEP announces that as of August 31, there are 18,974,516 citizens registered with voting rights, 3,931 fewer than the previous month.

September 4

- The Ministry for Development, Public Works, and Administration announces the financing of new projects through 68 contracts under

the “Anghel Saligny” National Investment Program, worth over 715 million LEI.

September 5

- President Iohannis promulgates the law providing for the transfer of a PATRIOT anti-aircraft missile system to Ukraine.
- The BEC composition for the elections to the Senate and Chamber of Deputies is established: AEP President Toni Greblă, AEP Vice Presidents Zsombor Vajda and Cosmin-Gabriel Popp, five ÎCCJ judges (Adrian Glugă, Bogdan Cristea, Dorina Zeca, Irina Alexandra Boldea, Adina Oana Surdu), and representatives of the political parties in Parliament (Viorel Mocanu-PSD, Cristian Ene-PNL, Emil Dugnea-USR, Oana Anghel-USR, Laurențiu Plăeșu-AUR, Valentin Drăgoi-AUR, Maria Kolumban-UDMR, Eduard Manciu-FD, Vlad Măntoiu-FD, Ivan Truțer, representative of the Parliamentary Group of National Minorities in the Chamber of Deputies).

September 6

- UDMR President Kelemen Hunor is designated by the Union Representatives' Council as the presidential candidate.

September 11

- Mircea Geoană, former NATO Deputy Secretary General (2019-2024) and the PSD candidate in the 2009 presidential elections, announces his candidacy for Romania's Presidency as an independent candidate.
- The Government allocates 573 million LEI from the Budgetary Reserve Fund for projects in the transportation sector, for projects within the National Recovery and Resilience Plan – Component 4, for Sustainable Transport. The funds will ensure up to date payments for the Buzău-Focșani, Ploiești-Buzău, Buzău-Pășcani, Focșani-Bacău, Buzău-Pășcani Highways, and the Nădășelu-Poarta Sălajului section of the Transylvania Highway.
- The Government approves the increase of the tax exemption threshold for pensions in the National System for Public Order and Safety, allowing for the exemption of pensions up to 3,000 LEI.

September 13

- The MFA strongly condemns the attack by the Russian Armed Forces on a commercial vessel transporting grain in the Black Sea. The Ministry also condemns the Russian Federation's violation of the United Nations Charter through the systematic and irresponsible bombing of ships transporting grain.

September 15

- The National Council of the PNL unanimously validates Nicolae Ciucă as candidate for Romania's Presidency.

September 16

- The PMP and FD announce a political alliance for the 2024 parliamentary and presidential elections. The alliance's presidential candidate is Ludovic Orban, president of the FD, who announces his candidacy on this occasion.

September 17

- The President of the Chamber of Deputies, Daniel Suciuc, announces that a person has set fire inside the Parliament building, in the visitors' access area, using gasoline. There were no casualties as a result of the incident, although one woman suffered a panic attack.

September 19

- According to a poll conducted by INSCOP Research, 69% of Romanians intend to vote in the first round of the presidential elections. As far as their voting intention is concerned, Mircea Geoană, an independent candidate, leads the race with 21.4%, followed by Marcel Ciolacu (PSD) with 20.3%, and Elena Lasconi (USR) with 14.2%. The survey was commissioned by the Institute for Freedom and Democracy, conducted between September 11-16, and it was based on a sample of 1,102 people with a margin of error of 3% and a degree of confidence of 95%.

September 23

- The PNL requests a decision from the BEC on a proposal to amend Law 208/2015, which would allow President Iohannis to run in the

parliamentary elections. The proposal enables the Romanian president to run as an independent on the list of a party or alliance during the last three months of his mandate. This project amends article 52 of the Law on the election of the Senate and the Chamber of Deputies. Members of the National Standing Bureau of the PSD unanimously oppose the proposed amendment.

September 25

- Following the floods that affected important areas in Galați County, the Government allocates 15,000 LEI per family to those affected, to replace destroyed belongings or purchase heating fuel. Furthermore, an additional 10,000 LEI have been allocated, and local authorities in Galați receive 62 million LEI to repair the roads, bridges, and culverts destroyed or severely damaged by the floods.
- The Government extends the cap on RCA insurance prices until the end of 2024.
- The Government approves a decision to supplement the budget of the Ministry of Finance by 251.4 million LEI from the Budgetary Reserve Fund for the State Aid Program.

September 26

- The AEP announces that for this year's presidential elections, 6,751 diaspora voters have submitted requests to vote at polling stations and 4,562 have requested to vote by mail. For the parliamentary elections, 6,067 diaspora voters have requested to vote at polling stations, and 4,278 have requested to vote by mail.

September 27

- The Ministry of National Defense, Angel Tîlvăr, announces the deployment of four fighter jets to monitor the situation at the Ukrainian border, where Russian forces have attacked port infrastructure using drones.
- The USR notifies the EC, arguing that the new pension law (Law 360/2023) violates the principle of contributions for workers in labor groups. The party claims that the new calculation formula

excludes the additional contributions paid by these employees who have worked in labor groups.

- The BEC admits the candidacies of ten national minority organizations for the Chamber of Deputies elections on December 1: the Union of Bulgarians in Banat, the Cultural Union of Ruthenians in Romania, the Lipovan Russian Community in Romania, the Union of Ukrainians in Romania, the Union of Armenians in Romania, the League of Albanians in Romania, the Union of Poles in Romania, the Union of Serbs in Romania, the Federation of the Jewish Communities in Romania, and the Democratic Forum of Germans in Romania.

RECENSIONES

RICHARD WOLIN

Heidegger in Ruins: Between Philosophy and Ideology

(New Haven: Yale University Press, 2023), 488 pp.

Richard Wolin's *Heidegger in Ruins: Between Philosophy and Ideology* unveils the intricate ties between Martin Heidegger's philosophical work and his political affiliations. By dismantling the long-held separation between Heidegger's abstract ideas and his entanglement with National Socialism, Wolin reveals unsettling truths that challenge our understanding of the philosopher, offering a fresh and critical perspective on his enduring legacy.

Richard Wolin, a distinguished professor of political science and a leading scholar in political theory and philosophy, has made significant contributions to the analysis of political ideologies, democracy, and totalitarianism. Known for his work on the key figures and foundations of late 20th-century postmodernism, including Nietzsche and Heidegger, as well as his extensive research on the Frankfurt School, Richard Wolin offers an authoritative analysis of Martin Heidegger's legacy.

As the latest installment in Wolin's long-standing effort to confront the troubling legacy of Martin Heidegger, *Heidegger in Ruins* seizes the moment presented by the release of Heidegger's *Schwarze Hefte* (Black Notebooks)¹ to reassess the philosopher's work. Wolin exposes the deep connections between Heidegger's thought and his political sympathies, beginning the book with a note on sources that emphasizes Heidegger's correspondence as a critical resource (2). While he focuses primarily on the published versions of Heidegger's letters, his analysis remains insightful; access to the recently available handwritten originals could have added further depth to his engagement with the material.

¹ For the complete release of Heidegger's *Schwarze Hefte*, see Heidegger *Gesamtausgabe*, ed. Peter Trawny, vols. 94–102 (Verlag Vittorio Klostermann, 2014–2021). All footnotes use GA as an abbreviation for this reference.

Wolin asserts that Heidegger's existentialism is no mere abstract endeavor but a deliberate tool deployed in service of National Socialism's pernicious aims (12; 29; 46). *Heidegger in Ruins* is not an idle academic inquiry but a forceful confrontation with the lingering indulgence afforded to Heidegger's political and philosophical errors. While acknowledging the moral corruption in Heidegger's work, Wolin argues that there are valuable philosophical elements worth preserving. By challenging the view that Heidegger's philosophy is irredeemable (12), Wolin suggests that while the larger structure of Heidegger's thought is compromised, the individual "bricks"² may still be useful. This calls for a careful reassessment of Heidegger, advocating for a nuanced separation of philosophical insight from political entanglement – though, in light of Heidegger's more controversial positions, such as his calls for an end to philosophy in favor of a "Metapolitics" (103), it is difficult to determine what criteria could reliably distinguish the philosophical from the ideological.

In the introduction, aptly titled "Heidegger in Black," Wolin guides the reader through some of the most damning passages from the *Black Notebooks*, including a 1934 seminar where Heidegger speaks of the "total extermination" of enemies rooted in the soul of the people (5). Additionally, Wolin analyzes Heidegger's assertion that philosophy should be replaced by "Metapolitics," arguing that this shift only intensifies the ideological darkness surrounding his thought (7–9). Wolin's account is thorough – indeed, exhaustive – tracing Heidegger's philosophical path and his "philosophical Kehre" (turn) with precision (149, 271-275). He argues that this was no innocent intellectual shift but a deliberate realignment with the swelling tide of nationalism, which would soon crest with Nazi ascendancy (149).

Central to Wolin's case is Heidegger's tenure as rector of the University of Freiburg in 1933, during which Heidegger gave a speech and authored a manifesto for a Nazi-inflected academic order (16). Wolin demonstrates how Heidegger's hallmark ideas – *Dasein* and *Being* – were hijacked to serve the volkish, nationalist ends of the Nazi regime. In Heidegger's philosophy, *Dasein* refers to human existence, emphasizing our awareness of and engagement with the world around us – a way of being rooted in one's specific context. However, Wolin critiques how Heidegger's concept of *Dasein* was co-opted to justify Nazi ideology by linking it to nationalist

² Nietzsche, *Human, All Too Human* (1878).

and racist ideas (I). Similarly, Being (*Sein*) in Heidegger's thought refers to the fundamental nature of existence, an ontological inquiry into what it means to be. Wolin argues that Heidegger's exploration of Being became intertwined with dangerous political commitments, using Being to elevate nationalist and exclusionary principles central to Nazi ideology (17-45).

At the heart of this critique is Heidegger's unsettling proximity to Nazi glorifications of work, most notoriously encapsulated in the phrase "Arbeit macht frei" at Auschwitz. Heidegger's own philosophy asserts that the capacity for work distinguishes human existence, showing parallels to this slogan later used by the Nazi regime (IV).³ Through Wolin's analysis, it becomes clear that Heidegger's rhetoric was not just passively entwined with Nazi ideology – it was weaponized to serve its aims.

In the first chapter, Wolin examines the post-1945 alterations of Heidegger's texts, drawing on Sidonie Kellerer's research to highlight these manipulations.⁴ He reveals that editors of Heidegger *Gesamtausgabe* (Complete Works,) including family members, have frequently sought to obscure certain views. For example, in the 1980s, Heidegger's literary executors pressured editors to quietly remove controversial phrases such as "it would be worthwhile inquiring into world Jewry's (Judentums) predisposition toward planetary criminality," with these omissions only being uncovered years later (36).⁵ Consequently, Wolin contends that Heidegger's "philosophical legacy has been systematically manipulated by a coterie of well-disposed literary executors." (26) The second chapter delves into the destructive elements of Heideggerian thought, connecting

³ Martin Heidegger, "Labor Service and the University" and "The Call to Labor Service," in *The Heidegger Controversy: A Critical Reader*, ed. Richard Wolin (Cambridge, MA: MIT Press, 1991); Heidegger, "Der deutsche Student als Arbeiter," ["The German Student as Worker,"] in *Reden und andere Zeugnisse eines Lebensweges*, [Speeches and Other Testimonies of a Life's Path] GA 16 (Frankfurt: Klostermann, 2000).

⁴ Marion Heinz and Sidonie Kellerer, eds., *Heideggers "Schwarze Hefte": Eine philosophisch-politische Debatte* [Heidegger's "Black Notebooks": A Philosophical-Political Debate,] (Berlin: Suhrkamp, 2016); Sidonie Kellerer, "Philosophy or Messianism?," in *Confronting Heidegger: A Critical Dialogue on Politics and Philosophy* (Lanham, MD: Rowman and Littlefield, 2019); Sidonie Kellerer, *Zerrissene Moderne: Descartes bei den Neukantianern, Husserl, und Heidegger* [Fragmented Modernity: Descartes among the Neo-Kantians, Husserl, and Heidegger] (Konstanz: Konstanz University Press, 2013).

⁵ Martin Heidegger, *Die Geschichte des Seyns*, [The History of Being,] ed. Peter Trawny (Frankfurt: Klostermann, 1998).

his ideas to influential cultural critics like Oswald Spengler. Wolin illustrates how they collectively redefined the concept of *Arbeit* (work), which was once a leftist, internationalist ideal, and recast it as a nationalist imperative, redirecting the working class's loyalties toward the far right. As Wolin reveals, these texts expose Heidegger's endorsement of Nordic racial theory, his justifications for the Nazi euthanasia program, and his embrace of scientific racism (59).⁶

Wolin's strengths lie in his meticulous research and his talent for weaving together historical and philosophical threads into a seamless, persuasive argument. His examination of the *Black Notebooks* is nothing short of revelatory, furnishing the reader with undeniable proof of Heidegger's ideological complicity with National Socialism. Yet, for all its merits, Wolin's work is not without fault. At times, his reading of Heidegger's private correspondences veers into the speculative, leaving some readers perhaps justifiably clamoring for more substantial evidence. Furthermore, while Wolin is masterful in exposing Heidegger's ideological leanings, his critique might benefit from a more nuanced engagement with counter-arguments and a fuller exploration of the complexities that Heidegger's philosophy presents.

The critical discourse surrounding Heidegger is not a recent phenomenon; in fact, the debate began almost immediately after his public association with National Socialism in 1933, when he was appointed rector of the University of Freiburg – a post he attained upon joining the Nazi Party. The controversy over Heidegger's Nazi affiliations intensified after his posthumous *Spiegel* interview titled "Only a God Can Save Us," where he notably failed to express any real remorse for his Nazi sympathies, attributing his actions to misguided intellectual conviction rather than moral failure (30).⁷ This debate over Heidegger's complicity in Nazi ideology raged throughout the 20th century, with a significant portion of scholarship attempting to downplay his political affiliations

⁶ For the relevant background, see Eggert Blum, "Die Marke Heidegger," [The Heidegger Brand,] *Die Zeit* 47 (27 November 2014); Trawny, *Heidegger und der Mythos einer jüdischen Weltverschwörung* [Heidegger and the Myth of a Jewish World Conspiracy] (Frankfurt: Klostermann, 2014).

⁷ Martin Heidegger, "Nur noch ein Gott kann uns retten," [Only a God Can Save Us Now,] interview by *Der Spiegel*, 1966, published posthumously 1976, *Der Spiegel*, no. 23 (1976).

as a pragmatic move aimed at preserving philosophical integrity rather than a true ideological alignment with fascism. For years, defenders of Heidegger posited that his Nazi membership was merely a means to protect academic autonomy at Freiburg, not a wholehearted endorsement of Nazi principles. Wolin's work, however, decisively refutes this interpretation, revealing a deeply embedded nationalist worldview in Heidegger's philosophy.

In Chapter Three of *Heidegger in Ruins*, Wolin examines Heidegger's critique of "biologism" and its relationship to National Socialist racism, suggesting that Heidegger sought to frame race as an existential concept tied to *Stimmung* (pre-reflective emotional state, mood or attunement). However, Wolin questions whether this truly signifies a major ideological shift, pointing out Heidegger's earlier references to the "German race" and the indirect manner in which he addressed racial issues prior to 1933. Moving to Chapters Four and Five, Wolin addresses the intertwined ideas of work, land, and soil within both Heideggerian philosophy and National Socialist ideology. These chapters lay bare the profound political significance of Heidegger's embrace of concepts like *Bodenständigkeit* ("rootedness-in-soil") and his rejection of Western rationality. Wolin dissects how these ideas were weaponized to legitimize Nazi policies of racial purity and authoritarian rule. Heidegger's notion of the "Metapolitics of the historical Volk" provided the intellectual scaffolding for the Nazi project to reshape German society, purging it of so-called "rootless" elements (90). The relevance of Wolin's exploration extends beyond Heidegger's time, as his ideas continue to exert influence on contemporary far-right movements both in Germany and globally.

In the book's final chapter, Wolin examines how Heidegger's philosophy has been adopted by New Right movements across France, the United States, Germany, and Russia (VI). For example, the far-right leader of Germany's Alternative für Deutschland (AfD), Björn Höcke, on May 28, 2020, proudly posted a photograph of himself reading *Die Kehre*⁸ – a publication inspired by Heidegger's philosophy and edited by a member

⁸ Julian Jasper Göppfarth, *Querdenker: Local Intellectuals, Far-Right Populism and the Politics of Aesthetics of Kulturturnation in Germany* (PhD diss., London School of Economics and Political Science, 2020), 180.

of the Identitarian Movement (342-347). The magazine purports to reclaim environmentalism for nationalist and traditionalist causes, framing ecological concerns within a nationalist agenda. This is no mere coincidence. Heidegger's emphasis on national *Dasein* – the collective being rooted in shared tradition, spirit, and locality – has been co-opted by modern populists, providing a philosophical underpinning for their rhetoric of national identity, tradition, and resistance to perceived external threats.

The fusion of intellectualism and populism within Germany's far-right is clearly embodied by the German New Right (GNR), a movement that exemplifies how these two traditionally distinct elements can intertwine. Wolin holds that Heidegger's philosophy provides a rich intellectual bedrock for these far-right movements, offering both academic respectability and populist allure (VI). His concepts of Volk and nation serve as a platform to reimagine German nationhood, forming the ideological glue that binds the GNR's civil society networks, which unite populist and intellectual actors in a common cause.⁹ Heidegger's idea of a national *Dasein* – a mutual national existence – gives GNR intellectuals a means of legitimizing an exclusionary nationalism, cleverly navigating the legal and social constraints imposed in post-war Germany. By shifting away from the crude racial discourse of earlier decades to emphasize cultural and historical heritage, these movements propagate an ideological narrative centered on the protection of "ordinary white people" (307) and the preservation of the national homeland against what they portray as global technocratic elites and a racialized "Other."¹⁰ This focus on cultural and historical identity resonates deeply with far-right intellectuals and activists, who cast themselves as defenders of a beleaguered national identity. Furthermore, Heidegger's thought is strategically employed by the GNR to link environmentalism with nationalism, creating a counter-narrative to mainstream ecological movements, which they deride as disconnected from national identity. By reframing environmentalism as

⁹ See Martin Sellner and Walter Spatz, *Gelassen in den Widerstand: Ein Gespräch über Heidegger* [Calm in the Resistance: A Dialogue about Heidegger] (Kaplaken 47, Verlag Antaios, 2015).

¹⁰ See Stuart Hall, *The Fateful Triangle: Race, Nation, Ethnicity*, ed. Kobena Mercer (Cambridge, MA: Harvard University Press, 2017).

a matter of *Heimat* – homeland – protection, the far right presents itself as the authentic guardian of local and cultural landscapes.¹¹

Heidegger's critique of modernity and emphasis on authenticity have indeed transcended Germany's borders, appropriated by far-right leaders and intellectuals around the world (324). His rejection of universalism offers these figures a potent rhetorical weapon to champion national sovereignty and traditional values. Concepts like *Volk* and *Dasein* are repurposed to bolster populist arguments against globalization, multiculturalism, and the perceived erosion of liberal democracy. Wolin contends that Heidegger's *völkisch* ideals have been revived by populist leaders such as Donald Trump, Vladimir Putin, Narendra Modi, Recep Tayyip Erdoğan, Viktor Orbán, Andrzej Duda, and major aspirants to authoritarian right-wing rule in France and Austria (325): these leaders push for a "pure" national identity, rail against the forces of globalism, and seek to reclaim sovereignty from supranational entities (327).

The resurgence of Heideggerian thought among far-right advocates highlights the philosopher's continuing influence on populist and nationalist ideologies. For many, his philosophy has become a blueprint for existential nationalist ideologies that now fuel populist movements on a global scale.

Overall, Richard Wolin's *Heidegger in Ruins: Between Philosophy and Ideology* offers a fresh perspective on Heidegger's ties to Nazism, building on earlier studies like Hans Sluga's *Heidegger's Crisis* and Pierre Bourdieu's *The Political Ontology of Heidegger*, which thoroughly examined Heidegger's Nazi affiliations and their philosophical implications. Wolin extends this discussion by exploring Heidegger's influence on modern far-right movements and providing his own philosophical insights. In comparison to Günther Anders' more critical *The Pseudo-Concreteness of Heidegger*, Wolin updates the analysis by placing Heidegger's legacy in contemporary contexts.¹²

¹¹ Arguably, this rapport of the Volk to its *Heimat* is "politics in the highest and most authentic sense." Martin Heidegger, *Hölderlin's Hymnen "Germanien" und "Der Rhein,"* [Hölderlin's Hymns "Germania" and "The Rhine,"] GA 39, 214, quoted in Adam Epstein, "Blood and Soil: The Meaning of the Nazi Slogan Chanted by White Nationalists in Charlottesville," *Quartz*, August 13, 2017.

¹² Hans Sluga, *Heidegger's Crisis* (Cambridge, MA: Harvard University Press, 1993); Pierre Bourdieu, *L'Ontologie politique de Martin Heidegger* (Paris: Editions de Minuit,

Although Wolin does not deeply engage with primary sources, he makes complex issues accessible to a broader audience, emphasizing the lasting impact of Heidegger's philosophy on today's political ideologies.

Wolin presents a researched critique of Martin Heidegger's ideological affiliations, confronting the uncomfortable truths about his support for National Socialism and his enduring influence on far-right ideologies, dismantling the myth of Heidegger as an apolitical philosopher, emphasizing the ethical responsibility intellectuals bear in shaping political discourse. The book stands as both a scholarly achievement and a stark warning against the uncritical embrace of intellectual figures. Highly recommended for academics in political philosophy, history, ethics, and German studies, as well as for students and practitioners keen on exploring the ethical responsibilities of intellectuals within political landscapes, Wolin's work offers invaluable lessons for contemporary discussions on the role of philosophy in societal and political contexts. Anyone intrigued by Heidegger's profound philosophical ideas – or drawn to the works of his most prominent followers – should make it a priority to read Wolin's book.

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1988); Günther Anders, "On the Pseudo-Concreteness of Heidegger's Philosophy," *Philosophy and Phenomenological Research* 8 (1948).

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HASSAN ARABI AND AZEDDINE ETTAHRI

Diplomacia cultural y deportiva. Nuevos conceptos y horizontes [Cultural and sports diplomacy. New concepts and horizons].

(Madrid: Diwan Mayrit, 2024), 455 pp.

The 2030 FIFA World Cup takes place for the first time in six countries across three continents. A century after the inaugural tournament, Spain, Portugal, and Morocco are embarking on the tripartite organization of one of the world's most significant sporting events. This collaboration, commemorating the centenary of the competition, also includes the symbolic and inaugural participation of Argentina, Paraguay, and Uruguay. In this context, twenty-two authors from various disciplines, coordinated by Hassan Arabi from the Mohamed I University in Nador and Azeddine Ettahri from the Mohamed V University in Rabat, have co-edited a joint book that offers an in-depth exploration of sports diplomacy. Prologued by Mohamed Mehdi Bensaid, Morocco's Minister of Youth, Culture, and Communication, the book analyzes the intersecting interests and perspectives arising among the three organizing countries, representing a vital link between the countries of Europe and Africa. This academic work delves into the complexities and opportunities presented by the collaboration among the participating nations, highlighting how sports can serve as a strategic tool in diplomacy and international relations, fostering understanding and cooperation among diverse cultures.

Culture and sports are gaining prominence in the realm of diplomacy, being considered strategic instruments of soft power, a term coined by political scientist Joseph Nye. It refers to the ability to influence other countries through attraction and persuasion rather than coercion. In this sense, culture and sports have become essential vehicles for transmitting ideas, promoting mutual understanding, and strengthening international cooperation. Aware of the increasingly important role that culture and

sports play in national and international policies, countries around the world are adapting their infrastructures and orienting their government policies to position themselves among advanced or emerging nations. Cultural initiatives, such as festivals, exhibitions, and high-profile sporting events, are used to showcase a country's achievements, creating a positive image that can influence global perception and diplomatic relations.

In this context, the three neighboring countries, Morocco, Portugal, and Spain, are working together for the upcoming 2030 FIFA World Cup. This collaboration not only showcases the organizational capacity of these countries but also underscores their commitment to promoting values such as tolerance, respect, and solidarity through sports. The 2030 FIFA World Cup, with Morocco, Portugal, and Spain as joint hosts, represents a unique opportunity to demonstrate how sports can serve as a bridge between cultures and nations. This event has the potential to bring people from around the world together, fostering cultural exchange and mutual understanding. Moreover, organizing an event of this magnitude requires meticulous coordination and transnational cooperation, strengthening diplomatic ties and promoting regional stability. The joint bid of Morocco, Portugal, and Spain for the 2030 FIFA World Cup not only reflects their passion for sports but it also demonstrates their strategic vision for diplomacy and inter-cultural exchanges. This joint effort can act as a catalyst for infrastructure investment, job creation, and economic growth, benefiting local communities and promoting sustainable development. Furthermore, by collaborating on the organization of the World Cup, these countries can share best practices and learn from each other, further strengthening their bilateral and multilateral relations.

In this collection of essays, various authors analyze the power of the diaspora as a cohesive element, highlighting the unifying role of the 2030 World Cup for the Iberian Peninsula and Morocco, serving as a gateway and bridge between two continents and, beyond that, between two worlds. Barbolla Camarero emphasizes how this sporting event will mark a turning point in the relationship between these regions, underscoring their capacity to represent a shared space. Ben Ayad focuses on the strengthening of bilateral relations that will emerge from organizing the World Cup, while Kissami Mbarki argues that the diaspora will be a guarantor of stability and security between Morocco and Spain, introducing

the concept of cultural diplomacy. Meanwhile, Parraca and Fernández directly address the heart of the matter: the diaspora in football and how the sport can serve to unite and bring cultures closer together. Thus, a multifaceted analysis is presented, exploring the diaspora not only as a social and cultural bond but also as a vehicle for diplomacy that can transform international relations and foster cooperation between nations through sports. This interdisciplinary approach allows for a better understanding of the dynamics at play in the context of such a significant event and its potential impact on social cohesion and diplomacy.

The second section presents Vázquez-Atochero's analysis of the strategic position of Morocco and of the Iberian Peninsula as a transit zone between two worlds. This geopolitical advantage, combined with the tripartite organization of an event as significant as the 2030 World Cup, can act as a powerful magnet for attracting investments that can stimulate the economy during the tournament and also create opportunities for long-term infrastructure development. Vázquez-Atochero emphasizes that improvements in infrastructure, transportation, communications, and services can profoundly transform these regions, facilitating not only the flow of tourists and fans during the World Cup but also boosting long-term economic and social development. This perspective highlights the potential of sports to be a catalyst for positive change, with benefits that extend beyond the immediate and that sustainably integrate into the territorial and economic framework of Morocco and the Iberian Peninsula. The joint organization of the 2030 World Cup thus emerges not only as a sporting opportunity but also as a catalyst for progress and international cooperation in a key area of the global map.

Three authors introduce the readers to sports diplomacy in its most subtle form. Arabi and Ymlahi discuss soft power as a cohesive element and a system for shaping new realities. While Nye's original concept of soft power had a somewhat sly undertone, these authors highlight its more amiable side. They argue for a more positive approach, arguing for the media attention garnered by the World Cup, effectively broadcasting intrinsic and distinctive cultural elements of each of the three host cultures. A month of television coverage at peak viewing times will be infinitely more effective than years of conventional office diplomacy. This approach harnesses the power of sport to unite people and foster

intercultural understanding, transforming the World Cup into a powerful platform for public diplomacy. The extensive media coverage and global interest that football generates facilitates a form of soft power that not only promotes the culture and values of the host countries but also encourages cooperation and mutual respect on the international stage.

This brings us to the concept of sports diplomacy, the central theme of this book. Through its media coverage, it represents a new type of diplomacy, more widespread and popular than [...], and the ability to reach audiences at times of heightened receptivity due to the release of endorphins triggered by sports entertainment. Ben Ayad and Martínez-Otero present the concept and weigh the impact of sport as a unifying element and mass diplomatic agent. Ettahri, on the other hand, views it as a strategy to bring continents and cultures closer together. Khamlichi considers that, in this way, sport serves the relationships between the organizing countries. Jeffali expands on this idea, describing how the organization of the event can help build a new space in the Western Mediterranean. Rodríguez Macia balances the macro-micro dimensions, noting that large investments and movements will benefit the local sphere, cities, and their people.

Amrouche highlights the challenges and prospects of Moroccan diplomacy in cooperating in the organization of the event. Junquera analyzes the role of Moroccan players in the Spanish league, focusing on the case of Larbi Ben Barek. To conclude this section, Karzazi makes room to advocate for the role of women in sports, focusing on the Gazelles of the Strait. This comprehensive approach demonstrates how sports diplomacy not only fosters international cooperation but also positively impacts local communities, creating a lasting legacy beyond the sporting event itself.

A final group of authors focuses on non-sporting cultural diplomacy, offering a diverse and profound perspective. Bucarruman highlights the moment as a key tool for the construction of the new Hispanism in Morocco, emphasizing how historical and cultural ties can be revived and strengthened. Naciri addresses cultural dialogue as a fundamental element for Morocco-Portugal relations, suggesting that this exchange is essential for lasting and fruitful cooperation. Gonçalves extends this need for dialogue to the three organizing countries, highlighting the importance of mutual

understanding and close collaboration in the context of the sporting event. Matos Pereira illustrates the example of Ibero-Moroccan dialogue through the medium of tiles, showing how this traditional art can serve as a bridge between cultures and contribute to a shared identity. In turn, Reis analyzes the evolution from typography to calligraphy in the tripartite scenario, exploring how visual and textual elements can reflect and reinforce cultural connections among the three countries. This final section provides a rich and varied view of how cultural diplomacy can complement and enhance sporting cooperation, promoting a deeper and more lasting understanding between the nations involved.

In conclusion, culture and sports are proving to be essential components of soft power in modern diplomacy. By jointly organizing the 2030 FIFA World Cup, Morocco, Portugal, and Spain are not only showcasing their ability to host large-scale international events but are also promoting universal values and strengthening their diplomatic ties. This initiative underscores the importance of international cooperation and the power of sport to unite nations, break down barriers, and foster a more peaceful and cohesive world. By working together, these countries are demonstrating an impressive organizational capacity while reaffirming their commitment to promoting tolerance, respect, and solidarity. The 2030 World Cup represents a unique opportunity to illustrate how sport can serve as a bridge between cultures and nations, bringing people from around the globe together and encouraging cultural exchange and mutual understanding. Furthermore, the meticulous coordination and transnational cooperation required to host such a grand event strengthen diplomatic relations and promote regional stability. The joint bid reflects not only a passion for sports but also a strategic vision of using sports as a tool for diplomacy and development. This joint effort acts as a catalyst for infrastructure investment, job creation, and economic growth, benefiting local communities and promoting sustainable development.

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