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100 YEARS OF THE COMMUNIST PARTY IN THE CZECH LANDS: A COMPARISON OF THE INTER-WAR AND POST-TRANSITION SITUATION

Peter POPÁLENÝ and Ladislav CABADA¹

During inter-war Czechoslovakia, the Communist Party of Czechoslovakia (KSČ) profiled itself as an anti-system revolutionary political party, which after 1935 managed to strengthen its relatively stable position in society via antifascist rhetoric. With the support of the Soviet leadership, it unconstitutionally seized power and established a totalitarian regime after 1948. The events of 1989 meant a fall of the undemocratic regime, though surprisingly they did not mark the end of the Communist Party. This status did not change even after the breakup of Czechoslovakia, and the Communist Party of Bohemia and Moravia (KSČM) still figures in the Czech political scene as a relevant actor. A hundred years of existence brings the opportunity to look back at the party development. The logical question presents itself about whether, and how, KSČM is comparable to KSČ and what differentiates them. Our analysis focuses on the ideological basis, the membership base development, voter support and the international anchorage. Specifically, we focus on the nostalgic character of KSČM and its reform rejection, which was, after 1989, a significant factor in securing the support of nostalgic voters. However, as the decline of the membership base and support during elections show, this unwillingness towards reforms can lead to its marginalisation. This was confirmed in the 2021 elections, when the KSČM did not reach the electoral threshold and abandoned the parliament.

Key words: KSČ; KSČM; Bolshevism; The Comintern; anti-system party; Czechoslovakia; Czech Republic.

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1 INTRODUCTION²

Only a handful of Czech political parties have figured in the political scene for a hundred years. At the time of writing, these are two left-wing and typically mutually antagonistic left-wing parties – the Czech Social Democratic Party (ČSSD) and the Communist Party of Bohemia and Moravia (KSČM), which share common historical roots and in the last decade also a relatively intense drop in voter support. Surveys of public opinion during 2021 indicated that in the parliament elections to be held at the latest in early October 2021, one or both parties should obtain less than 5% of votes, therefore not achieving the minimal threshold for obtaining a mandate). This was really confirmed by the electoral results and the centenary of the formal establishment of the Communist Party in Czechoslovakia became also the year of the departure of KSČM, which has survived all turbulence including its loss of hegemonic position after 1989, into political marginality.

Since its institutional establishment in 1921, the Communist Party of Czechoslovakia (KSČ) has represented a specific constituent of the First Czechoslovak Republic.³ In the inter-war period, it was an integral and devoted national section of the Communist International (Comintern, Third International), which was established in Moscow at the beginning of March 1919. The goal of this organisation was to coordinate individual Communist parties perceived as national sections subordinate to Soviet leadership. The Comintern was one of the cornerstones of Soviet foreign policy and significantly influenced the events in individual countries and, in the first place, the character of the individual parties including KSČ.

The extinction of Czechoslovakia and the beginning and course of the Second World War in many ways deepened the ties of KSČ to the Soviet Union. The end of the war not only resulted in a change in the geopolitical situation in Central Europe, it also impacted the perception of the Communist Party by post-war Czechoslovak society, which tried to cope with traumatising war experiences as well as with the feeling of certain betrayal by its pre-war allies (Tesař 2000). The Soviet Union in many ways seemed not only like a liberator, but also a guarantor of independent Czechoslovakia. For the Czechoslovak Communists, a unique opportunity arose to take power in the state and establish a dictatorship. Indeed, we agree here with Wiatr (2018, 8) that “in none of the Central European states communists came to power on their own” and “their victory resulted from the Soviet political and military hegemony”. The four decades after February 1948 brought about a number of changes and intra-party struggles along with an attempt at liberalisation, which was terminated in August 1968 by the Soviet occupation. During this entire period, the regime established by KSČ was subordinate to the interests and directives of Soviet leadership, but also utilised its power support. This was evident until November 1989, when, among other things, the passivity of Gorbachev’s leadership opened space for a transition to democracy even in Czechoslovakia.

² This article is the outcome of the project ‘One hundred years of the Communist Party in Czechia’ (E63-82) carried out through the Internal Grant Agency at the Metropolitan University in Prague. We are grateful to the university for the support.

³ In the study we use common designations for three different political systems in Czechoslovakia before the onset of the communist dictatorship: the First Republic denotes the period 1918-1938, the Second Republic 1938-1939 and the Third Republic 1945-1948.

However, the collapse of the Soviet bloc, compared to most other post-communist countries, did not also mean a (gradual) demise of the Communist Party. Czech Communists continued to be a part of the political system and their electoral profit did not fall below 10% until 2017. Rather surprisingly, not only the continuity, but also the name 'Communist', was preserved in the Czech Republic. This indicates that KSČ/M represents in many ways a unique political party stemming from a specific social cohort and adeptly reacting to often dramatic changes in the political system and other societal subsystems.

2 ARTICLE RATIONALE

The main objective of the presented study is a comparative analysis of the main dispositions and performance of the Communist Party (CP) in Czechoslovakia, or later the Czech Republic, in two fully democratic periods of modern state history, i.e., during the First Republic and after 1989.⁴ These periods are considered for a differential comparison in combination with a diachronic comparison. The subject of the comparison is the Communist Party, where the aim is to ascertain whether and how KSČ/M changed during the selected periods. In the comparison we focus mainly on the party structure and party leadership selection, party ideology and its political and electoral agenda together with anti-system displays. The study utilises the content analysis of individual party and period documents, as well as secondary political science analyses of the party profile, position in the party system, ideological profile and agenda, as well as the development of party-voter nexus. From the field of quantitative methods, statistical methods associated with the analysis of the election results or the development of the membership base and a number of other relevant areas are used. Our goal is to describe and explain the changes in the attitudes of KSČ/M towards key topics, which, for the purposes of our analysis, are democratic values represented by the right to life, property, personal freedom, a fair trial, as well as the right to vote. As the main research question, we ask what the main objectives and factors are that make the CP a stable part of the party system. Furthermore, we search for the main characteristics that were shifted through the century of the party's existence. Specifically, we search for the response to the question of which factors enabled the CP's survival after the democratic transition, as well as what the limits are of such survival.

The first part of the article is devoted to the institutional formation of KSČ and its profiling and activities within the First Republic. The development of the party was influenced by an intra-party struggle for power, the domestic and international political situation and especially the interventions of the Comintern leadership together with several contradictory directives. The result was a mixture of unpredictable and often opposing steps by the leaders of KSČ. Their objective was, on the one hand, to satisfy the demands of the Moscow leadership, and on the other hand, to attempt to respond to actual political and social developments in Czechoslovakia in a pragmatic way. From the moment of its

⁴ The democratic character was clearly unfulfilled during the totalitarian war regimes of the Protectorate of Bohemia and Moravia, resp. the quasi-independent Slovak Republic (1939–1945), and also during the communist dictatorship (1948–1989). There were also a number of undemocratic restrictions during the Second Republic (e.g., the transfer of legislative activity to the government and thus suspension of the principle of separation of powers), and the system during the post-war period of 1945–1948 was not a fully democratic one either. In all mentioned cases, there was a significant limitation of civil rights and the competitiveness of the elections, or within the party system.

formation, KSČ displayed anti-system signs including a distinctive attitude towards the state system and societal events of the time. However, democratic Czechoslovakia was one of the few countries that accepted the legal existence of the Communist Party. Regardless of the minimum coalition potential, KSČ interacted with other political parties and significantly influenced events on the left side of the political spectrum. The goal of the analysis in this part is, among other things, to find a possible correlation between the varying intensity of anti-system attitudes and confrontational rhetoric and the development in the number of party members, possibly also the electoral results. After its establishment in 1921, KSČ saw a gradual decline in its membership base throughout the 1920s, but the 1930s brought change. In this period, the onset of fascism and Nazism noticeably changed the rhetoric of Czechoslovak Communists. The policy of popular fronts, adopted by the Comintern, seemingly enabled the Communists to reconsider their attitude towards the existence of the First Republic and towards September 1938 (the Munich Agreement and secession of border areas), and the subsequent end of independent Czechoslovakia put the Communists in position as leading protectors of the republic. However, this did not signify a change in their ideology and commitment to the Comintern, as well as to Moscow leadership.

The second part of the article focuses on the transformation of KSČ after the fall of the undemocratic regime, during which it was the (post)totalitarian hegemonic party. The Czechoslovak Communists were inevitably confronted with questions to which not only they, but the whole society, sought answers, such as 'Should the Communist Party cease to exist?'; 'Do the Communists have a place in the party and political system of the emerging democracy?'; 'What agenda and ideology can the communists offer to the voters?'; 'Will they be an anti-system party as in the First Republic?'

The post-November development associated with social, economic and legislative changes had an additional national dimension, which culminated in the disintegration of the joint state of Czechs and Slovaks in 1993. National issues did not evade even the Communists, in fact it was an important topic in the period of their absolute dominance – the most apparent preserved result of the Prague Spring was the federalisation of the state, next to which there had been a noticeably unbalanced situation in the existence of the nationwide party (KSČ) and the Communist Party of Slovakia (KSS) since the 1940s. In December 1989, the extraordinary congress of KSČ adopted a decision on the establishment of organisations in Bohemia and Moravia, on the basis of which KSČM was established in the spring of 1990; subsequently, KSČ transformed into a federation of two national parties. In Slovakia, the Communists underwent a transformation and, in the autumn of 1990, KSS changed to the Party of the Democratic Left (SDL'), a typical successor party of the social-democratic orientation. The Federation of the KSČ and SDL' parties ceased to exist on 7 April 1992, i.e. before the last elections within the Czechoslovak federation. Our analysis thus focuses primarily on KSČM as the direct successor of KSČ.

3 KSČ IN THE INTER-WAR PERIOD

The result of the global war that ended in the autumn of 1918 fundamentally transformed the map of Europe. The disintegration of the defeated empires gave rise to new state formations, including multinational Czechoslovakia. The hardships of war, the difficult economic and social situation of the population and the questioning of Christian and Enlightenment values all contributed to the

revolutionary frame of mind. The Bolshevik revolution in Russia at the end of 1917 also had in many aspects a fatal impact on the formation of a 'new' Europe. Communist ideology promised the masses not only social justice based on fundamental changes of ownership, but also a trivialising yet relatively appealing explanation of the reasons for the war frenzy of the past years.

In the Czech lands, which underwent significant modernisation and industrialisation during the second half of the 19th century, there had been a very strong leftist movement represented primarily by the Social Democrats, next to whom were also left-wing national socialists rejecting the idea of revolution (Cabada 2010, 7–27). However, the integrity of the social democratic movement was significantly affected by the success of the Russian Bolsheviks in 1917; the result was a split in most developed democracies and a disintegration of national parties. The results of the parliamentary election in Czechoslovakia in 1920 meant a significant victory for social democracy (in the Czech lands the Czech Social Democrats won 22.2% of votes, in Slovakia 38.1%, more than 10% of the votes were recorded by the German Social Democrats in Czechoslovakia), but they also revealed more inner ambivalence. There were a number of Marxism-oriented party members within the Social Democrats who actively adopted and promoted the Leninist model of communism closely connected with Soviet Russia (Galandauer 1986, 1701; Cabada and Šanc 2005, 34). We cannot omit the fact that the idea of communism found a positive response across society and several intellectuals saw it as an opportunity to actively take a stance against the former monarchies and especially the conservative values they represented (Kolenovská 2007, 15–20). The positive attitude of a large part of society to the unifying idea of Slavism and the still present Russophilia with which Soviet Russia was initially associated (Beneš 1988, 264–277; Hejret 1944, 50–52, 66–78; Šimová 2017, 51) also had an evident influence. In this environment, it was only a matter of time before the institutional establishment of a Communist party in Czechoslovakia took place.

Despite the strong position of the left and the communist stream within it, the institutional establishment of the Communist Party occurred with a certain time delay.⁵ The reasons can be seen in the general enthusiasm for the establishment of an independent republic, which also showed relatively strong tendencies towards a welfare state. It was also important that the leading representatives of social democracy, albeit supporters of the communist stream, preferred a gradual transformation in an effort to gain as many social democratic members as possible. These justifications were also mentioned by the key representative Bohumír Šmeral at the founding congress of the Communist Party in 1921 (KSČ 1958, 106–110). Last but not least, the nationality factor also came into play, which was reflected in the individual founding congresses⁶ and was also the topic of the merging congress held in Prague between 30 October and 11 November 1921, which gave rise to a united Communist Party (Slučovací sjezd 1922, 14–21).

⁵ In neighbouring countries, the communist parties were formed primarily in 1918, namely in Germany, Austria, Poland and Hungary.

⁶ The congress for Slovakia and Subcarpathian Ruthenia took place in Lubochňa on 16–17 January 1921, the founding congress of KSČ (the German section) met in Liberec on 12–15 March 1921 and the congress of the Czech section took place on 14–16 May 1921 in Prague in parallel with the founding congress of the Jewish Communist Party in the Czechoslovak Republic (Štverák 2010, 21).

From the beginning, the Communist Party profiled itself into the image of a party whose structure and organisation were unique within the First Republic party system. The determining factor was the fact that it had already accepted the terms of the Comintern⁷ when it was established and became a part of it with all the obligations arising from it. Let us recall that the Comintern was built as a centralised organisation, but also a movement aiming to unite a wide range of radical left-wing groups and to influence their direction. In practice, it operated as a Federation of Communist parties and as the only integrating political party seeking to determine a unified strategy for the global communist movement. Strengthening ties between member parties and the Comintern, in particular its executive body (EKI), was a very important issue. Evidence of this is the fact that at the III. Congress of the Comintern in 1921, in order to ensure a smooth and efficient course, EKI was expanded and the institute of authorised representatives in the individual parties was established. These and other steps strengthened the close ideological and political ties to the Moscow leadership, supported by the economic dependence of the individual national sections of the Comintern (Adibekov, Šachnazarova and Širiña 2002, 11–14).

When analysing the development and profiling of KSČ, its congresses have an undeniable place, as they reflected not only what was happening within the party, but also the reactions to domestic and international political events. The I. Congress in 1923 already indicated a problem that was present within KSČ throughout the war, namely the social democratic past of many members and the resulting reluctance to accept Bolshevik methods. The transformation to a Bolshevik party was thus repeatedly declared a key item on the KSČ agenda (Reimann 1931, 126–139). A similar challenge was overcoming inter-ethnic tensions and organisational problems connected with plurilingualism (the absence of internal documents and guidelines of some languages). Data collected for the purposes of preparing a report for the II. Congress of KSČ showed that the Czechs made up 65.45% of the membership base, followed by the Germans with 23.33% and the Slovaks with 6.06%. The rest consisted of Hungarians, Poles, Ruthenians and other nationalities. The report also showed that the goal of controlling the trade union movement was not being achieved. Forty five percent of KSČ members were registered in the Red Unions, 16.9% in the non-communist ones and as many as 38.1% were not registered anywhere. Efforts for active ideological activity also suffered from the reality that 31.3% of party members did not subscribe to any party press, which was to be the main communication channel and link with the membership base. The membership base included only 31.6% of members under the age of 20 – thus KSČ was far from a revolutionary party for young people. A full 73.2% of the membership was made up of former members of the Social Democrats (KSČ 1924, 5–16).

The II. Congress of KSČ in 1924 brought about a number of changes that had an impact on the party structure. The congress resolutions stated that the party's highest level is the congress, which is convened by the Central Committee in agreement with EKI once a year (however, this rule was later not abided by). The fundamental organisational unit became a cell whose establishment was conditioned by the participation of at least three members of the party, which in turn allowed the creation of a whole network of factory and street cells. Equally important was the element of democratic centralism, which was mandatory for all national sections of the Comintern. The strictest discipline was required and for the MPs it was supposed to be even stricter. Among other things, MPs could

⁷ The founding congress accepted the terms of the Comintern and applied for admission. Of the 569 delegates with votes only 7 of them were against. (KSČ 1958, 169)

be removed at any time and each member of the party was obliged to sign a statement allowing these steps (KSČ 1983, 313 320).

KSČ entered its further development stage even more closely connected with the Comintern, and its directives as well as its structure deepened the undemocratic intra-party system. In practice, however, many directives did not work. The III. Congress of KSČ held in September 1925 thus stated that the party was still lagging in Bolshevisation and that no specific corrective measures were being set. The party cell still did not become an essential element of the organisational structure. Furthermore, the Communists failed to effectively address the young population and workers in agriculture (KSČ 1925, 84–89). Another topic that resonated at the congress was the issue of elections, when the congress stated that 'membership in self-governing bodies is not the goal or purpose of the Communist party and its members, only a means of communist agitation and propaganda' (KSČ 1983, 321). The Communists perceived the elections as an opportunity to destabilise the system and induce a crisis. Therefore, it was the duty of each member to make every effort for the electoral success of KSČ (KSČ 1925, 75). The election campaign thus became only one of several instruments leading to the takeover of power and the establishment of a dictatorship. Therefore, for KSČ, democratic elections did not have that much value in comparison with other political parties, for which elections were an opportunity to participate in the government (Duverger 2016, 35–36). The parliamentary elections on 15 November 1925, however, were a significant success for the still non-bolshevised KSČ, which became the most successful left-wing political party with 13.7% of votes. However, it had a coalition potential of next to none and it continued to occupy a completely anti-system position.

At the same time, after 1925, the limits of the notions about rapid Bolshevisation of the party and the monopolisation of the left under the leadership of KSČ began to show. The declared principle of regular annual congresses was soon violated and the IV. Congress of KSČ did not take place until 1927. Among the main topics of the IV. Congress in 1927 was the trade union issue. The trade union movement undoubtedly had the potential to be a fundamental instrument of KSČ policy, but the Communists' ideas about its control ran into a number of problems. The unions were not united and consisted of several organisational streams. Some of them were tied to a political party, such as in the case of the communist *Red Unions*, but the overwhelming part required political neutrality (KSČ 1927, 54–55). Most unions, not only in Czechoslovakia, preferred rapid and effective reforms to a vision of changing social order (Duverger 2016, 50). The union activity required by the Comintern also encountered the persistent non-involvement of 26.1% of party members in this movement. Therefore, the congress stipulated that every member of the party must be obligatorily registered in the unions (KSČ 1927, 62). The importance of controlling the unions is documented by the fact that at the end of the congress, the possibility of liquidating the Red Unions if individual organisations unified came up (Zápotocký 1927, 93). However, this appeal came across more as frustration with the developments so far.

For the further development of the party, it was crucial to adopt a new organisational code, confirming the main principles accepted by EKI, which remained in effect without major changes until the VIII. Congress in 1946 (Bieliková 1984, 215). However, this did not mean that there was no continuous development in the interpretation of this document. Also, the concept of the cell and its possible variants (factory, street) was no exception and after this congress its factory form was no longer to be preferred, due to, among other things, the high proportion of unemployed workers among party members (Beuer 1928,

124–128). For the supporters of a strictly Bolshevik lineage, the congress was mostly proof of the inconsistent and slow Bolshevisation and opportunistic attitude of former Social Democratic members (Reimann 1931, 181–188).

The development and direction of KSČ continued to be significantly influenced by the events in the Comintern. The third development period in 1928–1933 is associated with the radicalisation of the working masses, increasing attacks on the non-communist left and, last but not least, the beginning of the uncompromising Stalinisation of the communist movement (McDermott and Agnew 2011, 14; 94–130). In the evaluation by the Comintern, KSČ found itself among the sections in crisis, which needed to be resolved. The EKI leadership feared growing differences in opinion between the key bodies of KSČ – the Central Committee and the Central Inspection Committee – which could lead to a duality of power (Degras 1971a, 449, 453). However, as can be seen from Protocol VI. of the Congress of the Comintern from 1 September 1928, the Czechoslovak Communists in a written statement expressed their agreement with the line of the Soviet Communist Party and the decision of EKI (Degras 1971a, 548). It is apparent that with these steps KSČ voluntarily accepted a vassal position within the multinational organisation of the Comintern.

The dissatisfaction with the development of KSČ, which was voiced at the VI. Congress of the Comintern, concluded in the form of an open critical letter to Czechoslovak Communists. The congress also approved the establishment of an investigating committee to resolve the crisis in KSČ, on the grounds of which the devoted Bolshevik Klement Gottwald called for strong Bolshevisation. It was no coincidence that he was elected by the congress as a member of EKI (Bielková 1984, 224). The required intra-party discussion stemming from the open letter had only one goal and that was to complete the Bolshevisation of the party and decidedly remove opponents of this direction (Zápotocký 1928a, 792–795). The Bolshevik self-criticism was to have an irreplaceable position within the whole party, including its leadership. The new party leadership appropriated the right to take directive decisions regardless of the proclaimed intra-party democracy and the right to criticise (ibid., 855–858). The required changes in KSČ were meant to be confirmed at the V. Congress in early 1929. The results of the congress confirmed the victory of the uncompromising Bolshevik stream led by K. Gottwald. In reality, the congress marked the beginning of the fight against opportunism and all members of the party who were and should have been labelled as destructive elements (Fried 1971, 421). The required party cleansing is best documented in the material on the KSČ agenda which states: ‘Seven years have passed since the establishment of KSČ. These 7 years of the development of communism in the Czechoslovak Republic proved that our party can mature into a Communist party only by overcoming the greatest difficulties, only by ruthlessly fighting and exterminating strong social democratic traditions’ (Reiman 1971, 657). The purges in KSČ must be seen as a part of a complex process within the Comintern as a whole. Meanwhile, such party expulsions took place not only in Czechoslovakia, but also, for example, in Italy, Switzerland and, of course, among the Soviet Communists. The campaign against social democracy and ‘opportunism’ intensified and the Bolshevik course set in place was supposed to guarantee that no communist movement would be possible outside the Comintern (Degras 1971b, 27–36).

The tough Bolshevik course together with aggressive rhetoric had a devastating effect not only on the numbers of KSČ members – from 139,000 in 1925 to 81,500 in 1929 (Degras 1971b, 38) – but also on the sympathisers among workers, officials and intellectuals. The loss of support of a number of intellectuals and artists significantly weakened the reputation and ability to present the ideas of

communism to the general public. All of this was reflected in the results in the elections of 1929, when the support of KSČ fell by a third, i.e. to 10%. However, the new KSČ leadership attributed the loss of support to the previous leadership, which pursued an inconsistent Bolshevik policy (Reimann 1931, 265). Let us stress that despite the partial loss of voters the CP evinced geographically stable electoral support in Central Bohemia, Czech Silesia as well as urban parts of South Moravia (Král 2013, 58–62), all these regions being not only industrialised, but also densely populated.⁸

The further development of the communist movement, including KSČ, was fundamentally affected by the global economic crisis. The key task was to mobilise and gain the support of a wide range of the society; KSČ prospered among the unemployed but attempts to control the unions were still deemed unsuccessful (KSČ 1931, 29–36). The group of small merchants, craftsmen, small businessmen and farmers was perceived almost at the level of laborers under the pressure of the economic crisis. A paradoxical initiative emerged to address this hitherto forbidden class, often referred to as a representative of a petit bourgeois way of life and values. The Proletariat, led by KSČ, was to actively gain the support and alliance not only of these groups of the population, but also of officials and the intelligence in order to combat exploitation by large companies (Konrad 1931, 143–154). However, anti-system and aggressive policies continued in accordance with the directives of the Comintern, complemented by the fight against the so-called social fascists (other left-wing parties) and constant attacks on the foundations of democratic Czechoslovakia. The result was a situation in which a part of the society and the state administration began to perceive KSČ as a danger equal to, or bigger than, fascism. The Communists gradually found themselves in a completely schizophrenic situation. The changing domestic political situation, the onset of heightened nationalism⁹ and the events in neighbouring countries all revealed fundamental contradictions between the demands of the Comintern and reality.

These circumstances led some members of KSČ to reconsider their tactics, especially to reduce aggressive rhetoric and attacks on social democracy and non-communist unions. The changes brought apparent success in organising the strike held in Most in the spring of 1932. Both the Communists and the Social Democrats joined the strike movement. For the Communists, this was an unprecedented step, as not only did they abandon the principle of social fascism, but for the first time since 1929 they did not condition their participation by leading the strike and the need to form a united front (McDermott and Agnew 2011, 119). The reasons for these steps had their simple justification when it was not possible to create enough factory cells. From 15,000 new members (only 588 of them were women, most in the household), only 1,557 related to the factory

⁸ After WWII, we can observe important changes in the spatial character of the CP's support. In the parliamentary elections in 1946, KSČ had already extended its support to the borderlands. The new residents that replaced the expelled and transferred Czech (Sudeten) Germans reflected the CP as the main positive element of their economic and societal upswing. As far as the post-November KSČM presents itself as a mainly nostalgic party (below), it is not surprising that also after 1989 the CP still maintained the main support in the borderlands (Král 2013).

⁹ During this period, KSČ was also confronted with a dangerous outflow of workers to the extreme right. The economic crisis and political developments occurring since the early 1930s bolstered radical streams in the German minority. Deutsche nationalsozialistische Arbeiterpartei (DNSAP) and subsequently Sudetendeutsche Partei (SdP) had a significant share of workers in their ranks. We cannot forget the fact that the membership base of the Czech National Fascist Community (NOF) also consisted of workers and the so-called 'lumpenproletariat' (Pasák and Pasáková 1999, 105–114). Also in Slovakia, the dominant Hlinka's Slovak People's Party (HSĽS) was able to address many workers with growing nationalism.

cells. The KSČ membership base was 65% made up of workers, but only 16% of them were organised in factory cells (Bruno 1932, 91–96).

Partial success stemming from the weakening of the social fascist narrative led to criticism of this approach. The main representative Josef Guttman criticised the policy of social fascism at the XII. plenary of EKI held from August to September 1932. A realistic and daring evaluation of this nonsensical guideline found a cautious positive response even from some of his fellow party members (McDermott and Agnew 2011, 119). Guttman was initially supported by the KSČ leader Gottwald, who, together with the leader of the French Communist Party Maurice Thorez, in a joint telegram from 4 April 1933, appealed to EKI to negotiate with the II. International. However, Stalin's decision was completely different, to begin the fight against the II. International instead (ibid., 132), which evidently shaped the positions of the EKI leadership, according to which the process of fasciation of social democracies took place (Manuilskij 1932, 245–262). Gottwald quickly re-evaluated his position and, in accordance with the Comintern and EKI, stated: '...to anticipate the temper and prejudice of the socially democratic working class, when we approach them, does not mean a weakening of the fundamental fight against social democracy. On the contrary, close contact with the social democratic workers and the mutual struggle with them just makes the task of breaking social democracy easier for us' (Gottwald 1933, 333).

The commitment to the Bolshevik paradigm and subordination to the Moscow leadership persisted with the Czechoslovak Communists even in 1934, even though some party members had growing doubts about whether the party guideline was reasonable and feasible. The Guttman case (he was expelled from KSČ in January 1934) was an active reminder of the party's handling of the differing opinions and criticism. A united front was to continue to be an instrument for indoctrinating the social democratic masses, and the united front was to be purged of social democratic functionaries, workers and sympathisers whose attitudes contradicted the ideas and practices of communist ideology (Nedvěd 1934, 28–29). However, the tension between the member sections and the Comintern persisted. While the KSČ leadership waited, the developments in other Communist parties were aimed at cooperating with the socialist parties in the fight against the danger of fascism. The difference in the development and attitudes of other European Communist parties in comparison with KSČ is evidenced by the agreement of the French Communists with the Socialists from 27 July 1934, followed by the Italian Communists on 17 August of the same year (Bieliková 1984, 282–283).

The period of 1935–1938 was full of events on which KSČ built its political positions and reputation in the following decades. In the second half of the 1930s, foreign policy issues became domestic policy, and the very existence of Czechoslovakia was threatened. The Nazi threat led Czechoslovak representatives to recognise the Soviet Union *de iure* (July 1934) and subsequently to sign a treaty on the Czechoslovak-Soviet alliance on the evening of the May 1935 parliamentary elections. In the elections, KSČ got 10% of votes, i.e. about the same percentage as six years prior.

In this period, also under the influence of a worsening internal political situation and an increasing fascist and Nazi threat, there was a shift in the reception of the Soviet Union by the non-communist part of society. The fundamental impetus was the VII. Congress of the Comintern in autumn, where Georgi Dimitrov presented the concept of the Popular Front and incited a crucial change. The cooperation of Communists with Social Democrats that had been forbidden until

this time was no longer to be as strict under certain conditions. The condition of the partnership with non-communist left-wing parties was conditional to the prevention of the onset of fascism and the consequent threat for Communist parties and the Soviet Union. The goal of the Communists – i.e. installation of a dictatorship of the proletariat – remained, however, unchanged and the possible co-operation within the Popular Front had to be only an intermediate step in this course (Dimitrov 1935, 79–80). Besides, one of the key instruments to gaining dominance for Communists was the infiltration of other left-wing parties, which the VII. Congress of KSČ in 1936 approved. In addition, it was just during this period that Stalin's purges also focused on some national sections of the Comintern.

Even in his opening speech of the congress, Antonín Zápotocký (1936, 14–15) emphasised the subordination of KSČ to the Comintern and the position of the most powerful man of the communist movement: 'We are proud that we are a part of the only global party. The Communist International that is led by the heroic anti-fascist fighter, comrade Stalin's closest collaborator, comrade Dimitrov'. KSČ still perceived Czechoslovakia as a capitalist and imperialist state that is a part of the anti-Soviet opposition. In his speech, Gottwald justified the change in attitude of the party leadership with a new approach of Czechoslovakia to the Soviet Union together with the need for a common fight against the fascist threat. An important argument for the cooperation with the non-communist left was also the threat of a war conflict of Nazi Germany with the Soviet Union (Gottwald 1936, 31).

KSČ was a loyal section of the Comintern but its representatives were aware of the fact that there was only a very fine and often changing line, beyond which they could be accused of betraying Bolshevism. The already schizophrenic situation was further complicated by the circumstances in the Soviet Union – the political trials and Stalin's Terror associated with them had even been gradually transferred into the structures of the Comintern (Hedeler 2004, 39). The impact of the trials was devastating even outside of the communist movement and the extent and atrocity of repressions evoked a legitimate resistance from a large part of socialists and liberals. The credibility of Communists and the willingness of other political parties to closely cooperate was considerably limited by these events, if not totally thwarted.

The implementation of the Popular Front's strategies was a crucial topic of the ÚV KSČ session in May 1937. The priority was the defence of the republic and the attempt to address large masses. All party print was to join the campaign as actively as possible. Their rhetoric was completely different in comparison to former years, and it appealed to new target groups.¹⁰ The rapid course of activities in KSČ was surprisingly affected by Gottwald's absence from party leadership as he stayed in Moscow from the May session all the way until autumn. One of the possible reasons was Stalin's ongoing purges in the ranks of the Comintern, which took absolute priority over the happenings in the individual sections. A special committee headed by Dimitrov was to carry out a thorough purge within EKI and to prevent subversive activity and anti-Soviet espionage. The result was the elimination of sixty-five representatives of national sections from the Comintern (Firsov 2004, 75) and another wave of fear. The Soviet Union

¹⁰ E.g. *Haló noviny* – a reportage and information newspaper for all was published as a version with the subtitle 'Special edition for the self-employed.' Among the many slogans, the phrase: 'When the self-employed, workers, farmers shake hands, they will unite in the Popular Front, the times will be different, the times will be better!' (*Haló noviny* 1937, 1–2).

was no longer a safe haven for foreign Communists in case of prosecution in their home countries.

The last year of the First Republic was characterised by a number of crises events whose development and direction was difficult and almost unrealistic to significantly influence by the government, authorities or political parties including Communists. The relations with neighbouring states (except for Romania) were quite problematic or even hostile in this period. In Moscow, Stalin's purges continued and hitherto privileged members of the party were suddenly convicted within the framework of exemplary trials. Some Czechoslovak Communists had ties to many Communists convicted during Stalin's purges (Nedvěd 1938, 5). Relations between KSČ and a portion of society developed in this period particularly based on common activities and expressions of mutual sympathy, regardless of the directives connected with the concept of popular fronts and the efforts of the KSČ leadership to manage them, though under the Comintern's supervision. In the last months before the Munich Agreement was adopted, the Communists became, in several areas, rhetorically the most active defenders of independence and their attitude brought them sympathies from a part of society. A definite end to the activities of KSČ in the First Republic brought about the events connected with the Munich Agreement and the following ban of the Communist Party, which meant a dive into illegality.

After 1921 KSČ became an integral part of the party and political life of the First Republic. A key step for its development was the voluntary entry into the Comintern, to which KSČ became a subordinate national section. The consequence of this step was a unique situation in which KSČ acted like a sovereign subject on the domestic political scene, including elections, but perceived itself as well as functioned organisationally, as a part of a single 'global' Communist party. It transformed its organisation structure in accordance with the demand of the Comintern and its cornerstone became the party cells. Also, another specificity was based on its membership in the Comintern that demanded the existence of only one Communist party in any given country; therefore, KSČ merged the different nationalities of Czechoslovakia and was in fact the only such party in the country. The attitude of the society towards KSČ copied to some extent its development and gradual Bolshevisation. The party was supported by many intellectuals who were enchanted with the chance of making a new just society, although many of them left their sympathies towards the idea of communism when the party adopted the Bolshevik-Stalin course. KSČ finished its legal existence as a party defending the existence of the independent state, rights of workmen, as a fighter against fascism and Nazism and last but not least as a supporter of Slavic mutuality whose fundamental ally was the Soviet Union.

4 THE COMMUNIST PARTY AFTER 1989

The rise of reformists led by M. Gorbachev to the leadership of the Soviet Union and the international political development in the late 1980s resulted in the fall of communist regimes in Central and Eastern Europe including Czechoslovakia. The fall of the communist regime meant not only the end of a leading role for KSČ guaranteed by the constitution but the return to a democratic system. The immediate post-November changes found the Communists in deep isolation and misunderstanding that the political developments in the country were completely beyond their influence. To react to a rapidly increasing resistance of

the society after the brutal repression of the demonstration on 17 November¹¹ the Central Committee convened a session on 24 November at which, surprisingly, it dealt primarily with the party's personnel policy and not with what was really going on in society. The session of the Central Committee of KSS at the end of November had a similar course (KSČS 1990, 24–27). The misunderstanding of the significance of the escalating Velvet Revolution was an essential contribution to the fact that KSČ as a party almost did not participate in the negotiation of the transition. Only some pragmatic individuals were negotiating with the representatives of the Civic Forum (OF) and civic society who then distanced themselves from KSČ in a short time. Just one month after the start of the transition, on 20 and 21 December 1989, the extraordinary congress was convened. The delegates stated that if the existence of the party was to be preserved it was not only necessary to adopt personnel changes in the leadership of the party but also to outwardly declare a change. The Communists apologised to the entire society for the conditions that KSČ had caused (KSČS 1990, 29–30).

The first democratic elections in June 1990 also had its own symbolic expression in the form of a plebiscite about the existence of the Communist Party as such. The victory of OF (in Slovakia Public Against Violence – VPN) with almost 50% of votes confirmed the public's support for democratic changes. As a surprise to many, the Communists – though well behind – were the second most successful political party with 13% of votes. On the other hand, the election ended with a considerable flop for Social Democrats (ČSSD) who with 4% of votes did not step over the electoral threshold. We can see the reasons not only in the support for OF from many Social Democrats but also in the internal disunity caused by different lines of opinion when the party was being restored (Profant 2010, 19–20).

The Communists in a surprising role of the strongest left-wing party organised their regular XVIII. Congress on 3–4 November 1990. The question of continuity of the party bearing the acronym KSČS with the former KSČ was solved within the framework of its conversion into a democratic party. The party documents adopted from 1948 till 17 November 1989, were to be considered only as historical and thus irrelevant from then on. The congress refused the relicts of Bolshevisation and Stalinisation, though some principles of democratic centralism were approved. In the future, the position of the Communists was to be based on the humanistic principles of Marx's theory including his dialectical-materialist methodology of perception of the world. As for the organisation, the federalisation of the Communist Party was introduced – the federal level was represented by KSČS and the national one by KSČM and KSS-SDL (KSŠ 1990, 47–50).

If we evaluate the first year of the Communists' activities within the new regime, they succeeded in defending their existence and despite their sharp drop in membership base (if KSČ had 1.7 million members in January 1989, in mid-1990 there were fewer than half of this – about 750 thousand members, KSČS 1990), they were not a marginal political power at all. The attitude of society expressed by the poll of the first half of 1990 found that 59% of respondents did not ask for the ban of the Communist Party and 79% of them were convinced that this entity should have identical rights and duties as other political parties. The Communists were, however, perceived as a non-reformed anti-system element (Fiala and Mareš 1999, 184–186). As for the prospects of Czech-Slovak cohabitation, KSČM

¹¹ That symbolically reflected the 50th anniversary of the beginning of Nazi reprisals against Czech universities.

firmly rejected a division of the federation while the situation on the Slovak side was rather different. Most of the MPs for SDĽ in autumn 1992 voted for the adoption of the Declaration of Independence of the Slovak Nation (Hirtlová and Srb 2010, 51–52). The end of the common state of Czechs and Slovaks was the end of KSČS, which was a direct successor of KSČ. Of the two national parties, only the party in the Czech lands retained the name 'Communist' and it has officially and repeatedly embraced its roots and heritage in the form of KSČ (KSČM 2000, 50–54).

The reason for why the Czech Communist Party did not undergo any fundamental reform is usually reflected by the limited presence and strength of the reformists in the party before the transition (Ishiyama 1995, 154–155; Wiatr 2000, 44). If we consider the fact that when the Prague Spring was suppressed, one third of members were excommunicated from the party and that the rigid leadership virtually did not allow for the creation of a pro-reform ideological fraction, it is obvious that from the very beginning, KSČ(M) congenitally struggled to generate strong reformers from within the party. Moreover, the position of the party was naturally complicated because of the establishment of an authentic Social Democratic Party (Cabada 2015, 19). After autumn 1990, the attempt to liberalise the party and domesticate it in the new democratic system was personalised by the new party chairman Jiří Svoboda. Indeed, the effort to change the party's name, to distance the party from its past more clearly and to accept the new system as better than the one before 1989 failed (Mareš 2005, 131; Kopeček and Pšeja 2007, 42). 'After this non-success, Svoboda and the leaders close to him left the party and made space for a soft version of standpatters, led by a nostalgic chairman Miroslav Grebeníček' (Cabada 2015, 20).

The rise of ČSSD and its real coalition potential supported by the election results¹² of the second half of the 1990s pushed KSČM more and more to the background within the left-wing political spectrum. On the contrary, the leaders of KSČM still officially insisted on a mixture of Marxism-Leninism, former regime nostalgia and efforts to build socialism (Grebeníček 2000, 5–14). At the V. Congress in 1999 the guidelines, with which the Communists entered the 21st century, were officially confirmed. The character of KSČM was communist and this was to be kept in the future.¹³ The Communists considered this ground crucial for securing the unity of KSČM and preventing the party's social democratisation and dogmatic voluntarism (KSČM 2000, 16). The Communists saw themselves as protectors of national sovereignty, which is, according to them, threatened by foreign capital as well as by membership in NATO and other organisations. The goal of the opposition policy was to step up against neo-conservative and neo-liberal theories and against the compromise attitude of the Social Democracy. The policy of KSČM was based on the Marxist and socialist ideal and was inspired by Lenin's theory and strategy. The Communists professed their revolutionary character, which was not supposed to mean a violent take over; the party 'intended to be present when people took to the streets and squares. It did not want to passively follow or wait until the right-wing coalition and later Social Democracy compromises themselves and thus is defeated in democratic elections' (KSČM 2000, 24–25).

¹² In the Parliament election held in 1996, ČSSD won 26.4% of votes, while KSČM got 10.3%. In 1998 the difference was even more noticeable, when there were 32.3% of votes for ČSSD, while 11% were for KSČM (ČSU 2008, 111–118).

¹³ In its report, ÚV KSČM, referring to the opinions of the members, opposed the insufficiently justified proposals connected – among other things – with the change of the party's name (III. Congress of KSČM in 1993 confirmed 'Communist' in the name) and its policy (KSČM 2000, 54). The V. Congress confirmed the conservative orientation of the party, which began with the defeat of reform representatives in 1993.

The position of KSČM within the system of political parties has been and still is limited from the point of view of anti-communism (Cabada 2015; Koubek, Buben, and Polášek 2012, 53) and the perception of this party as an anti-system element from the point of view of left-wing subjects including ČSSD (KSČM) 2000, 26).¹⁴ Similarly, KSČM is perceived by a huge part of the society as the polarizing actor. Good evidence represents the absence of the party in the second parliamentary chamber, Senate, elected based on two-round majoritarian system.

The party in 1999 presumed that 'in ten years we will have the predominance of members of working age with a strong participation of young people' (KSČM 2000, 52–54). This was a very ambitious goal as in this period the average age of the party members was 63.6 years, only 3,700 were younger than 35 years and 2/3 had been party members for 40 years or more (ibid., 52–54). It is evident that a large number of the members have historical ties to KSČ.¹⁵ This situation can be perceived as one of the crucial factors for the rigidity of the Communist Party and its unwillingness to carry out real changes (Perottino and Polášek 2012, 116). It is no surprise that the reality of 2020 is totally different from the plans and wishes of KSČM.¹⁶ A considerable problem is also the gradual weakening of the membership base as from 1992 to 1999 the number of members decreased from 354,549 to 136,516 (KSČM 2000, 52) and at the end of 2020 in an interview Chairman Vojtěch Filip mentioned 30,000 as the number of members (Dubničková 2020). The next objective was to gain the influence over the trade union movement and to address the factory workers and workers in agriculture. The workers, however, only made up 14.2% of the party members in 1999, while the workers in agriculture made up only 1.9% (KSČM 2000, 54). The effort of KSČM did not find a response from the trade union centres that insist on them being apolitical (KSČM 2012, 96).

The question of the KSČM electorate is quite complicated. If our analysis is based on opinion polls and voting preferences, the voters of the Communist Party are not different from others, but they are very reluctant to express their voting preferences at these polls. As for the age, they are mainly older voters, very often retired (Fiala et al 1999, 184–188) who perceive KSČM as a bearer of the socialist system values often substantially idealised and connected with nostalgia (Bureš 2010, 55; Matejová 2018). As for their education, they are voters particularly with a basic education (38.4%) or apprenticeships (35.5%) with low income (Fiala et al 1999, 188–189). These voters belong to a non-privileged group of the population in contrast with the party leadership, which have successfully established themselves in local and regional councils as well as in the Parliament. The position of these party members of course influences their social and economic status (Bureš 2010, 56). The electorate core is made up not only of party members and ideological supporters (Fiala et al 1999, 189) but also of citizens who respond to the tribune role of KSČM that lies in its criticism of the current society (Perottino and Polášek 2012, 113).

¹⁴ The situation on a regional level is a little different as KSČM cooperates with independent candidates. A coalition with other political parties in local councils is not exceptional (KSČM 2000, 42), though on the national level they forbid it.

¹⁵ The official data dealing with age structure and number of members are not published by KSČM but the estimated age is over 70 years.

¹⁶ See, for example, this intra-party information: 'Dear comrades, for several last years, most of basic organisations of the party in our region have not been able to organize – in accordance with the articles of the party – a member let alone an annual session. Not to mention other activities. There are many reasons. The main reason is the old age and health condition of our members' (Duník and Havlíček 2020).

5 CONCLUSION

Despite the anti-communist rhetoric of several political parties and a part of society, KSČM was one of the stable political entities within the Czech Republic 30 years after the transition. However, since the end of the 1990s, when the party underwent stabilisation, its development has stagnated not only in ideology, but also in membership and electoral base. At the national level, it remains largely isolated. Sporadic support of other parties in the legislative process or the selective support of the government does not enable its ideological and factual demands to be applied. Its stagnation, the constant loss of membership base and the absence of internal reform have an inherent impact on electoral success. Although it was the only political party that has always won mandates in the Chamber of Deputies of the Parliament of the Czech Republic starting with the 1990 elections (Perottino and Polášek 2012, 110–112). Nevertheless, as shown by the Senate elections in 2020, and above all by the 2020 regional election results when the party reached the 5% threshold in only 4 of 13 Czech self-administrative regions, this situation may not be permanent. Paradoxically, for a long time the unreformed KSČM attracted its supporters with ideological rigidity and references to the advantages of the regime before 1990 (Bureš 2010, 60). But it is this encapsulation which brought success, and which also led to the marginalisation of this party in 2021 parliamentary elections, when KSČM won only 3.6% of votes and did not overcome the threshold.

In many aspects KSČ and KSČM are identical entities. They represent communist ideology, although it is sometimes purposefully partially obscured. The fundamental ideological grounds are the same, although the rigid Bolshevik and Stalinist variants were officially renounced by KSČM. However, the aim of KSČM, which was expressed in the Declaration of the IV. Congress in 1995, continues to be the formation of a socialist society built on communist grounds. Problems with the membership base have accompanied the Communists in both democratic periods. In both cases, but for different reasons,¹⁷ there has been a decline in the membership base and its already low activity, and an insufficient representation of working people who are to form the core of the party. In relation to the workers in both democratic systems, the Communists failed to fulfil one of their primary goals, namely, to control the trade union movement.

Till 2017, the electoral results – within elections of primal importance – were similar, i.e. about a 10% success rate regardless of the minimal coalition potential. However, the reasons for the election into the Parliament are somewhat different. In the case of KSČ, people who were interested in the idea of a better and just society voted alongside the party members. KSČM also assembles its electorate from party members, but a large group is made up of people with nostalgic memories of the previous regime, paradoxically regardless of the fact that it did not represent the desired justice and humanity.

The existence of the Comintern and participation in this organisation, together with close ties with the Moscow leadership, is one of the fundamental differences when comparing the Communist Party of the First Republic and KSČM. The membership in the Comintern had a major influence on KSČ, which became its national section and logically limited its autonomy. However, in the event of

¹⁷ In the case of KSČ, it is mainly the departure of the original Social Democratic members. After 1990, there was a massive outflow of KSČ members who were in the Communist Party often for economic and social reasons. In the case of KSČM, the main reason can be seen in the aging of the membership base and the young generation's lack of interest to join.

problems (prosecution, etc.), the Moscow leadership allowed the Czechoslovak Communists to find exile and was also a welcome source of funding. However, KSČ had to unconditionally support the line and interests of the Soviet Union. KSČM is not a member of the multinational organisation, and the mentoring position of the Soviet Union has to some extent been replaced by Russia and China (in addition, KSČM has repeatedly presented itself as an advocate of the regimes in North Korea, Cuba and Vietnam). If we rid ourselves of possible personal and economic ties, today's situation is partly comparable to a certain mixture of Slavic mutuality and Russophilia as forms of protection of the nation and national interests.

The Communist Party in the Czech lands has undergone several dramatic changes and historical events; it unconstitutionally took over power after World War II and established a dictatorship lasting over 40 years. Though surprising to many, it even survived its downfall and integrated into the newly emerging democratic system. Its reluctance to implement fundamental reforms, including ideological ones, brought the party certain popularity. However, as the development of the last decade shows, its reluctance to reform is the reason for the drop in its membership base and public support. After a hundred years, the Communist Party became a marginal party at the central level and with unclear prospects.

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100 LET KOMUNISTIČNE PARTIJE NA ČEŠKEM: PRIMERJAVA MEDVOJNEGA IN POTRAZICIJSKEGA STANJA

V času medvojne Češkoslovaške se je Komunistična partija Češkoslovaške (KSČ) profilirala kot protisistemska revolucionarna politična stranka, ki ji je po letu 1935 z antifašistično retoriko uspelo okrepiti svoj relativno stabilen položaj v družbi. S podporo sovjetskega vodstva je protiustavno prevzela oblast in po letu 1948 vzpostavila totalitarni režim. Dogodki leta 1989 so pomenili padec nedemokratskega režima, a presenetljivo niso pomenili konca komunistične partije. Ta status se ni spremenil niti po razpadu Češkoslovaške; Komunistična partija Češke in Moravske (KSČM) pa še vedno nastopa na češkem političnem prizorišču kot pomemben akter. Sto let obstoja prinaša priložnost, da se ozremo na razvoj stranke. Pri tem se postavlja logično vprašanje, ali in kako je KSČM primerljiva s KSČ in kaj ju razlikuje. Naša analiza se osredotoča na ideološko osnovo, razvoj baze članstva, podporo volivcev in mednarodni položaj. Posebej se osredotočamo na nostalgичnost KSČM in njeno zavrnitev reforme, kar je bilo po letu 1989 pomemben dejavnik pri zagotavljanju podpore nostalgичnih volivcev. Vendar, kot kaže upad članske baze in podpore med volitvami, lahko ta nepripravljenost na reforme vodi v njeno marginalizacijo. To se je potrdilo na volitvah leta 2021, ko KSČM ni dosegla volilnega praga in je zapustila parlament

Ključne besede: KSČ; KSČM; boljševizem; Kominterni; protisistemska stranka; Češkoslovaška; Češka.

A HYBRID STRATEGY OF RESTRICTING FREEDOM OF ASSEMBLY IN MODERN MILITANT DEMOCRACIES. EXPERIENCES FROM AUSTRIA, FINLAND, AND SWEDEN

Maciej SKRZYPEK¹

This comparative study draws on empirical analysis of restrictions on freedom of assembly implemented in national legislation and used in practice. The study aims to identify and account for how in consolidated democracies, authority states implement a hybrid strategy of restricting freedom of assembly since the economic crisis of 2008 triggered a wave of social mobilization across Europe. The final turning point is 2019, the moment before the outbreak of the COVID-19 pandemic. Comparative studies draw on qualitative analysis of sources: national legislation and NGOs' reports. This research uncovers restrictions on public assemblies implemented in consolidated democracy and evaluates their scope and effectiveness in combating social groups recognized as enemies of democracy. Moreover, it determines how they changed over time, which is significant to explain the distinction between national legislation and protection provisions. This comparative study contributes to the research on the limitation of the above-mentioned civil rights and freedoms in consolidated democracies.

Key words: neo-militant democracy; quasi-militant democracy; freedom of assembly; restrictions; public gatherings.

1 INTRODUCTION²

Freedom of assembly, as one of the fundamental principles in democratic regimes, allows citizens to express their values and demands in public space. During their legal protection development, this freedom became part of the catalogue of constitutional rights protected by national regulations. Nowadays, numbers of public gatherings in consolidated democracies confirm that civil society's level of self-organization is very high and became a common practice to manifest political demands (e.g., 15-M Movement in Spain, Yellow vests protests

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in France), especially after the economic crisis in 2008, which was an economic storm that has upended European finance and politics. Moreover, economic collapse increased pressures to reduce discretionary governmental spending (Prebilič 2013, 62). However, protests concern not only socio-economic issues but are still used to express adherence to history and tradition (e.g., Independence March in Poland). In the face of probably the highest civil society's awareness and using freedom of assembly in history, it is necessary to reflect on why and how in consolidated democracies, the homeland of human rights and freedoms protection, governments decided to limit this freedom. It must be recognized that guaranteeing freedom of assembly does not exclude adopting some restrictions to protect public health, public order, and institutions of democracy. The most vivid examples of abusing freedom of assembly are the attempts of anti-democratic forces to organize public gatherings to undermine rules and foundations of liberal democracy. To combat enemies of democracy, authority states may use restrictions to guarantee democratic self-preservation in national legislation and practice. On the other hand, they may use restrictions to limit citizens' opportunities to manifest their opinions and demands, which they recognize as a danger to a democratic system. Restrictions on freedom of assembly are a characteristic means of neo-militant democracy that allow officers of public administration and local municipality to limit some fundamental rights and civil freedom in the act of self-defence against enemies of democracy. However, when restrictions are used to limit citizens' sovereignty, these measures should be classified as quasi-militant democracy instruments, as they are used to reduce political nation sovereignty (Bäcker 2020). The study aims to identify and account for how authority states in consolidated democracies implement a hybrid strategy of restricting freedom of assembly, as a hybrid of neo-militant democracy and quasi-militant democracy. Research is based on experiences from Austria, Finland, and Sweden following the 2008 economic crisis. Since the economic regression, there has been a wave of social mobilization across Europe, which has had a significant impact on forms of contentious politics and the formation of new social movements (Della Porta 2015; Peterson et al 2015; Grover 2011; Grasso and Giugni 2016; Kern et al 2015). New forms of social mobilization required the adoption of new measures by European governments, e.g., restrictions on simultaneous gatherings. Moreover, regulations of participation in gatherings became stricter, e.g., the use of selected materials was banned. The final point is 2019, just before the outbreak of the COVID-19 pandemic. During the next waves of the pandemic, the extraordinary situation-imposed restrictions on public gatherings. The latter was implemented to protect public health. The study uncovers restrictions on public assemblies implemented in consolidated democracy and evaluates their scope and effectiveness in combating enemies of democracy. Moreover, it determines how they changed over time, which is significant in explaining the distinction between national legislation provisions and protecting this freedom in practice.

This study is based on a comparison of restrictions of freedom of assembly in Austria, Finland, and Sweden. In the moment of accession to the European Union (EU) in 1995, these states had stable institutions that guaranteed democracy, the rule of law, human rights, and respected and protected minorities. Meeting the condition for accession was the effect of stability development and consolidation of the rules of liberal democracy after World War II. Therefore, all of these states should be recognized as examples of how the political community made solid foundations for protecting fundamental rights and freedoms while limiting effective participation in public life by anti-democratic forces. Apart from their shared experience with European integration, the validity of the proposed comparative analysis is supported by the Democracy Index report, which recognizes these three states as full democracies (Democracy Index 2019). The

term 'full democracy' should be interpreted as synonymous with a *consolidated democracy*, which Juan Linz and Alfred Stepan (1996) understood as a situation when "democracy is the only game in town," and its survival is not endangered. A surviving democracy means that certain rights and freedoms, including the freedom of assembly, are well-protected.

Considering the above observations, the author formulated research questions such as: in reference to freedom of assembly, which rules of neo-militant democracy and which instruments of quasi-militant democracy were implemented and fixed in consolidated democracies? This question allows for the formulation of a hypothesis that implementing a hybrid strategy restricting freedom of assembly is especially dangerous for consolidated democracies. The hybrid approach uses both neo-militant democracy and its opponent, quasi-militant democracy. On 'a hybrid trap' of limiting certain rights and freedoms are mainly exposed consolidated democracies, where legal provisions are complied with rules of neo-militant democracy – limiting anti-democratic force's rights and freedoms. However, in the face of taking overpower by populists, new restrictions are used 1) against selected social groups, like ethnic/sexual/religion minorities, 2) to deteriorate democratic institutions for expanding the power of ruling elites. The difference between these ideal types is the result of the aim of restrictions. Neo-militant democracy measures are used to protect the political system against enemies of democracy. In turn, instruments of quasi-militant democracy allow ruling elites to expand the scope of their power to reduce the level of the sovereignty of a political nation, especially their political opponents. Mixed approaches led to violations of freedom of assembly in practice, at different levels in each country, despite legal frameworks protecting it, by wavering between combating enemies of democracy and reducing citizens' possibilities of manifesting their opinion and demands.

2 LITERATURE REVIEW AND THEORETICAL BACKGROUNDS

Implementing restrictions on public gatherings was postulated by Karl Loewenstein, a German émigré scholar and the father of studies on militant democracy, who claimed that these regulations allow the government to combat enemies of democracy. Lowenstein (1937) introduced this theoretical category in two articles published in the *American Political Science Review* in 1937, as an explicit reaction to fascist threats in Europe. He postulated equipping democracies with means, which would enable them to stand up against their enemies. His research was continued inter alia by Alexander S. Kirshner (2014), who claimed that the restrictions of certain rights and freedoms take place solely to defend democratic values while respecting the right to participate in public life. In referring to restrictions of freedom of assembly, Kirshner argued that these practices should respect citizens' right to participate in public life, but he didn't formulate any detailed solutions. In turn, Giovanni Capoccia (2013) proposed understanding militant democracy as the "use of legal restrictions on political expression and participation to curb extremist actors in democratic regimes". In his approach, restrictions of freedom of assembly may be adopted only to combat extremist groups. Carlo Invernizzi Accetti and Ian Zuckerman (2017, 195) criticized this idea for the alleged use of militant democracy to cover authoritarian politics and expand executive power by political elites. In their view, restrictions of freedom of assembly may put citizens' sovereignty in jeopardy and eliminate opportunities to oppose the government during public gatherings.

Roman Bäcker and Joanna Rak (2019, 65) assumed that the essential features of militant democracy rest on the self-defence ability of democracy from being destroyed by anti-democratic forces. A comprehensive catalogue of militant democracies' significant features includes legislative measures abusing freedom of peaceful assembly. Bäcker also stated that this category legitimizes the use of legal measures limiting the scope of the sovereignty of a political nation by limiting political rights and freedoms (Bäcker 2020). Moreover, in the context of modern research on militant democracies, Rak (2020, 63) recommends using the adjective "new" to keep modern regimes separate from those analysed by Loewenstein in the 1930s. Conceptually embedded in Bäcker's and Rak's approaches, the analysis draws on the differentiation between the declaratory and practical aspects of neo-militant democracy implementation.

The ideal types of neo- and quasi-militant democracy allow researchers to define the consequences of limitations of freedom of assembly more precisely. Bäcker and Rak (2019) explained that the essential features of neo-militant democracy derive from the self-defence ability of political regimes from being destroyed by anti-democratic forces. In turn, quasi-militant democracy attempts to expand the power competencies of the ruling elite while reducing the level of the sovereignty of the political nation (Bäcker 2020). This approach differentiates between the real intentions of enemies of democracy and its defenders. Restrictions on freedom of assembly, in the case of neo-militant democracy, serve the defenders of democracy in combating political groups that are the enemies of democracy. In quasi-militant democracy, the same restrictions are used to expand the power competencies of the ruling elite while reducing the level of the sovereignty of the political nation. It is worth noting that linking these ideal types is possible in practice because 1) a border between them is thin and fluid; 2) recognizing instruments as neo- or quasi-militant democracy based on remarks about their consequences for functioning democratic system. So, I called the phenomenon of linking opponents' approaches in consolidated democratic regimes the "hybrid strategy of restrictions in modern militant democracy". Growing its use results from the increasing popularity of populist politicians, which prefer illiberal governance and reduce protection of certain rights and freedoms. At the same time, they are incapable of introducing institutional changes to the political system. Therefore, it is worth introducing another sub-category to a conceptual framework of militant democracy studies for identity subtypes located between quasi- and neo-militant democracy, because of changes in approaches to limiting certain rights and freedoms within modern political structures.

To sum up, militant democracy is defined as a set of tools used to ensure the survival of democratic systems against anti-democratic forces in fear of annihilating the political regime. In turn, neo-militant democracy is understood as a modern type of militant democracy with a broad catalogue of instruments to protect democracy. Its opposite, quasi-militant democracy, is a strategy of using these instruments to consolidate the power of ruling elites by reducing political nation sovereignty. In the context of freedom of assembly, in consolidated democracies, authorities use neo-militant democracy, including restrictions on public gatherings, considering anti-democratic forces. Abusing power by limitations and adopting extra duties on these freedoms by the ruling elite to reduce the opportunity to manifest against their policy is typical for quasi-militant democracy. However, after the economic crisis, we observe the growing possibilities of occurring hybrid strategy by using similar restrictions with different consequences for democratic regimes.

3 MATERIALS AND METHODS

After the literature review, it is necessary to indicate how to identify and account for the effectiveness of implemented restrictions in Austria, Finland, and Sweden. The author decided to use comparative studies drawn on qualitative analysis of sources: national legislation and NGOs' reports – Freedom House and Right of Peaceful Assembly, collation of declarative level, presenting in legal frameworks, with practical level, displaying documents of independent NGOs working on the protection of certain rights and freedoms and monitoring it globally. In total, 14 legal acts and 7 reports were analysed. In the context of regulations, the study rests on the purposeful selection of acts that regulate freedom of assembly. The starting point is 2008, when the economic crisis triggered a wave of social mobilization across Europe, giving rise to anti-austerity movements (Rak 2018). The final point is 2019, just before the outbreak of the Coronavirus crisis. Then, restrictions on public gatherings, as a globally common practice, were imposed to protect public health and were extorted by the extraordinary situation. Therefore, the phenomenon during the pandemic period necessitates separate research. The results of my study may be a valuable reference for analysing limitations on freedom of assembly in the face of a global pandemic.

Adopting neo-militant democracy measures in national legislation does not guarantee their use in practice. Max Steuer (2019, 5) explained that the result of using militant democracy means depends on the values of the political community. This statement motivated the following questions: (1) What is the scope and effectiveness of the implementation of neo-militant democracy measures? (2) Who can be excluded from participation in public gatherings? (3) Under what conditions can a gathering be classified as illegal? An answer to Question 1 allows me to set the scope and level of the effectiveness of these regulations in practice. According to the main principles of militant democracy, restrictions can only be used against enemies of democracy. An answer to Question 2 helps to verify who is classified as an enemy of democracy in these countries in the context of public gatherings. Finally, an answer to Question 3 allows me to determine the conditions under which an assembly is cancelled or dissolved. For these questions, it is necessary to point out that restrictions on freedom of assembly, which serve only to eliminate the democracy's enemies, including extremist groups and anti-democratic forces, are regarded as neo-militant democracy solutions. In turn, those limiting the possibility of issuing public claims by using freedoms of assembly are means of quasi-militant democracy. The study differentiates between neo-militant democracy and its opposite, i.e., quasi-militant democracy. A continuum with the extreme points of neo- and quasi-militant democracy serves to differentiate between the consequences of implementing given measures of militant democracy.

4 FREEDOM OF ASSEMBLY AS A FUNDAMENTAL RIGHT AND CIVIC FREEDOM

Freedom of assembly, alongside freedom of speech and expression, is an attribute of citizens that allows them to participate in the democratic decision-making process. Its importance for contemporary democratic systems is evidenced by its foundation in international law (Universal Declaration of Human Rights of 10 December 1948, Art. 20). Karl Vašák, a French lawyer, classified the right to assembly as one of the first-generation human rights. According to Art. 21 of the International Covenant on Civil and Political Rights, demonstrations promoting military activities, national, religious, and racial hatred should be

forbidden. Given such incidents, it is reasonable to apply obligatory restrictions. Optional limitations applied in other cases are considered justified when required to protect and maintain security and public order. In democratic systems, it is generally recognized as the duty of authorities to protect society against anti-democratic forces. Therefore, the right to assembly is often restricted in the event of initiatives organized by extremist circles. This practice takes the form of preventive measures typical of neo-militant democracies.

Venice Commission and OSCE, in their last report of Freedom on Peaceful Assembly, defined assembly as a means of the intentional gathering of several individuals in a publicly accessible place for a common expressive purpose. The definition includes planned and organized assemblies, unplanned and spontaneous assemblies, static and moving assemblies (OSCE 2020, 7). The term 'peaceful' covers the conduct that may annoy or give offence to individuals or groups opposing the ideas or claims that the assembly seeks to promote (ibid., 8). In the context of restrictions, the Venice Commission and OSCE claimed that any restrictions imposed on assemblies must have a formal basis in law and be based on at least one legitimate ground prescribed by relevant international and regional human rights instruments. The legal criteria include national security, public safety, public order, the protection of public health or morals, and the protection of the rights and freedoms of others. These grounds should not be supplemented by additional provisions in domestic legislation and should be narrowly interpreted by the state authority (ibid., 11). Public assemblies are of particular importance during political tensions or when citizens make demands for social change. Participation in public assemblies is a political right, the realization of which can give a public voice to those without access to their legislative bodies, those who lack representation through elections, or those with little or no opportunity to voice their opinions through the media.

To sum up, neo-militant democracy means, such as restrictions of freedom of assembly, may be adopted only to combat enemies of democracy, which is consistent with international law. Other purposes of restrictions are indicative of quasi-militant democracy, as their use violates the right to peaceful assembly by limiting opportunities to make public demands.

4.1 Freedom of assembly in Austria

In Austria, the Constitution guarantees the right to association and assembly (Austria Federal Constitutional Law, 10.7). Federal authority is responsible for preserving the rights of the Länder (countries) to assemble (Art.13). Detailed regulations are introduced by the Assembly Act (Versammlungsgesetz). According to Art. 2, meetings and assemblies whose purpose violates criminal laws or whose holding endangers public safety or the public good is to be prohibited by the authority (Versammlungsgesetz 1953, 2. 1). Moreover, armed persons cannot take part in assemblies (ibid., 9a). Meetings held against these provisions must be prohibited by the authority and dissolved according to circumstances (ibid., 12.1). As soon as a meeting has been declared dissolved, everyone present is obliged to leave the meeting place immediately and disperse. In the event of disobedience, dissolution can be enforced using coercive means (ibid., 14). This Act was amended many times, but in 2018-2019, the Austrian authority adopted two amendments particularly important for freedom of assembly. In 2012, legislative authority changed the wording of Art. 19 and implemented imprisonment for up to six weeks or a fine in the case of the act's provisions violation (Sicherheitsbehörden-Neustrukturierungs-Gesetz – SNG). In 2014, Austria added Art. 19a. As stated, anyone who attends a meeting contrary

to the prohibition in Art. 9 Paragraph 1 and is armed or has other items with them under Section 9a will be punished by the ordinary court with up to six months imprisonment or a fine (Verwaltungsgerichtsbarkeits-Anpassungsgesetz-Inneres).

In 2015, the Human Rights Committee addressed the right to peaceful assembly in Austria briefly. It expressed its concern that: *some provisions of the 2015 Amendments to the Law on the Recognition of Islamic Religious Communities may be discriminatory and unduly restrict the enjoyment of the right to freedom of religion in community with others, as well as the rights to association and assembly* (Human Rights Committee 2015). In fact, Art. 25 of Islam Law states that *the authority may prohibit gatherings and events of religious purposes, which pose an immediate danger to the interests of public security, order or health or national security or the rights and freedoms of others* (Islam Law 2015, 27). However, these restrictions result from other regulations and meet international standards about freedom of assembly. Therefore, they are the traditional means of neo-militant democracy. Before 2008, practices of restricting freedom of assembly in Austria were appealed to the European Court of Human Rights (ECHR), inter alia in 2006. The case of Öllinger against Austria concerned the banning of a gathering at a cemetery on All Saints' Day intended to counter another gathering in memory of the killed SS soldiers by commemorating Jews killed by the SS (Austria 2020). The police prohibited the meeting, but the organizer claimed that it was a spontaneous event and appealed this decision. In 2000, the Constitutional Court dismissed a complaint by the applicant, which emphasized that the main purpose of his assembly was to remind the public of the crimes committed by the SS and to commemorate the Salzburg Jews murdered by them. The meeting was classified as a counterdemonstration to the ceremony of Comradeship IV. In justification, ECHR emphasized that the Austrian authority gave too little weight to the applicant's interest while giving too much weight to the interest of cemetery users and failed to strike a fair balance between the competing interests. Moreover, ECHR noted that *the violation appears to constitute a single incident resulting from the particular circumstances of the case* (Resolution CM/ResDH/ 2010/36). These restrictions limited the political nation's sovereignty and were peculiar to quasi-militant democracy measures. Although it is outside the scope of this paper, the ECHR's decisions were precedent and significant for other allegations against restrictions of freedom of assembly.

According to Freedom House' reports, in Austria, freedom of assembly is protected in the constitution and in practice (Freedom House Austria, 2020). In their general remarks, the organization did not point to its abuses. Nevertheless, in 2017, the SPÖ's (Sozialdemokratische Partei Österreichs) opposition criticized the strong police presence and tactics during the anti-government protests in December 2017. Ruth Simsa (2019, 6), resting on information from her interviewees, noticed that freedom of assembly had been restricted by the extension of the notification period for assemblies and the establishment of the so-called protected zones. It is indicative of quasi-militant democracy measures since it limited opportunities to organize spontaneous gatherings in their area.

To sum up, in Austria, national regulations implemented neo-militant democracy measures and were used in practice. By drawing on Steuer's thesis about the relation between militant democracy and values of political community (Steuer 2019, 5), it can be pointed out that authority in Austria respects and protects freedom of assembly. However, the cited NGOs' reports and media reports uncover violations of freedom of assembly. It shows that quasi-militant democracy means were also used in practice, which allows formulating a conclusion about occurring an above hybrid model in Austria. Local and state

authorities used quasi-militant measures to limit opportunities to issue citizens' demands that might have delegitimized the rulings' agenda and actions. When the effectiveness of implemented restrictions is concerned, it is worth highlighting that NGOs pointed to the strong protection of the political group that wanted to undermine legal provisions. Austria's legislation excluded peaceful assembly participants, which endangered public order and health, including armed people. These provisions indicate that enemies of democracy were the armed participants and others who put public order and health at risk. Finally, when the character of the assembly was recognized as dangerous to public order, the gathering could be dissolved, which may have led to the violation of freedom of assembly by arbitrary decisions of authority. The category of "endangering public order" is broad and establishes possibilities of abuse by local and state authorities, which is conducive to quasi-militant democracy means. However, it is not only in Austria's case but a common practice in consolidated democracies, international law, and a result of state authority' decisions.

4.2 Freedom of assembly in Finland

The Constitution of Finland guarantees the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them (The Constitution of Finland, 13). More details are established in the Assembly Act. A public meeting is defined as a demonstration, or other assembly arranged for the exercise of the freedom of assembly, open for participation or observation also to persons who have not been expressly invited to it (Assembly Act, 2.2). Gatherings shall be arranged peacefully, without compromising the safety of the participants or bystanders and without infringing their rights. When arranging an event, care shall be taken that the assembly does not cause significant damage to the environment (ibid., 3.1). The public authority shall promote the freedom of assembly by protecting the right to assembly (ibid., 4). For public meetings, the organizer must notify the local police at least six hours before the meeting begins. Late notification is possible if the organization of the meeting does not cause significant disruption to public order (ibid., 7.1). In a public assembly, banners, insignia, loudspeakers, and other regular meeting equipment may be used, and temporary constructions can be erected. Several public gatherings cannot take place in the same location at the same time. Public meetings must not compromise human safety, cause significant damage to the environment or damage to property, unjustified inconvenience to bystanders, and traffic (ibid., 10). Provisions of the Assembly Act are compliant with international law and fall into the pattern of neo-militant democracy measures because restrictions implemented by this law do not abuse freedom of assembly, according to constitutional provisions. Moreover, the Assembly Act guarantees the effective protection of these freedoms, which was proved by NGOs' reports. Its provisions allow the police to exclude participants that endanger public order and health from an event. The Assembly Act allows for cancelling gatherings only in the case of violating constitutional order.

In December 2018, the Finnish government rejected its own proposal to amend the Act on Assemblies following complaints by opposition political parties. The ruling camp proposed that the organizers of public assemblies are obliged to notify the police of the meeting at least three days, rather than six hours, in advance. Finally, the amendment lengthens the advance notification period from six hours to one day (Lag om ändring av 7 § i lagen om sammankomster). The lengthened time to three days for assembly notification may be the basis for the rejection of several applications and reducing the numbers of official meetings, which is a quasi-militant democracy means. Considering the opposition's opinion

resulted in shortening this time to one day. It reduced opportunities to abuse freedom of assembly, but still expanded power competencies of the authority.

The Assembly Act also regulates the duty of the police to safeguard the exercise of the freedom of assembly. The police shall monitor whether the arranger and chairperson carry out their duties under this Act and, if necessary, take measures to maintain order and security at a public meeting or event (Assembly Act, 19.1). Detailed regulations about the duty of the police were implemented in the Police Act. According to Art. 27, the police have the right to use the necessary forms of force, which may be considered justified as a dangerous situation develops, including public gatherings (Police Act, 27.1). Other regulations about freedom of assembly were adopted in the Public Order Act. The latter prohibits organizing a performance in a public place if it violates the law, poses a risk to human health or property, or causes significant disruption to public order (Public Order Act, 7. 3).

The authors of Freedom House reports stated that freedom of assembly in Finland is fully respected (Freedom House Finland 2018–2020). According to the Right of Peaceful Assembly's data, the Human Rights Committee in its 2013 Concluding Observations did not indicate any violations of this freedom in Finland. Similarly, in 2017, UN Human Rights Council also did not address the right to peaceful assembly (Finland 2020). These remarks show that freedom of assembly is well-protected and guaranteed in practice. Accordingly, neo-militant democracy means were effective as long as they reduced opportunities for violations. To summarize, in general, restrictions on freedom of assembly in national regulations and practice took the form of neo-militant democracy means in Finland. However, provisions on banning counter manifestations in the same place and time were a quasi-militant democracy means because they limited opportunities to enjoy the freedom of assembly without violating other provisions of the Assembly Act. There is no doubt that this provision can be used against enemies of democracy, inter alia, extremists, but Finland's legislative does not guarantee using it only in that way. The dismissal of the amendment to the Assembly Act in its original wording in 2018 confirmed that attempts to implement quasi-militant democracy decreased, but that the potential threat to reduce opportunities to organize spontaneous gatherings in the future might occur, resulting in a hybrid strategy of modern militant democracy. NGOs reports confirmed the effectiveness of provisions about public gatherings and pointed out that Finland did not violate this freedom. Exclusion from assembly and dissolving public gatherings occur in the regulations of public order protection. If participants cannot guarantee to obey the domestic law, the local authority can exclude them and/or dissolve the gathering. The situation is identical to that of Austria. Finland's regulations were not more detailed, but serious abuses of power by the authority in practice did not emerge in 2008-2019, which shows that, unlike Austria, quasi-militant democracy means were used in Finland, and the effectiveness of neo-militant democracy measures was higher in Finland than in Austria. Finland's case confirms that militant democracy restrictions of public gatherings may be adopted when a political community respects and seeks to protect freedom of assembly.

4.3 Freedom of assembly in Sweden

The Basic Laws of Sweden guarantee freedom of assembly and protest. Restrictions may be adopted to preserve public order and safety at a meeting or demonstration or regarding the circulation of traffic. These freedoms may otherwise be limited only to protect public security or to combat an epidemic (The Basic Laws of Sweden, ch. 2.24). Limits on the personal freedoms mentioned above may only be imposed if the measure meets objectives acceptable in a democratic society. A limitation may never exceed what is necessary or goes so far as to “constitute a threat to the formation of opinions or one of the foundations of democracy” (ibid., ch 2.21). More detailed regulations were implemented by the Order Act (Ordningslagen). The rights to assembly and protest may be limited only as prescribed by law, mainly on the grounds of public order and safety, and only if necessary and proportionate. According to Art. 4, public meetings and public events may not be organized in public places without permission (ibid., 4). This does not apply to spontaneous events.

In 2009, the Swedish legislative authority amended Art. 20 of these regulations by stating that pyrotechnics may not be used without the permission of the police in a public assembly (Lag om ändring i ordningslagen 1993, 1617, 2009, 2). Subsequent amendments were adopted in 2015. Art. 62 of this law changed the wording of Art. 4 of the Order Act by establishing that an application for permission to organize a public assembly must be submitted to the police authority at least one week before the meeting. Notifications to the relevant authority must take place at least five days before the scheduled meeting (ibid., 1617, 62), which shortened the time to notify public gatherings. The last amendments to the Order Act were made in 2019. Amendment to Art. 18 prohibits the consumption of alcohol during public gatherings. This prohibition may be lifted by the relevant authority. According to the amendment to Art. 29, in the absence of consent to the organization of the meeting, the organizer may be punished by imprisonment of up to six months (ibid., 1617, 2). NGOs reports noted that freedom of assembly is respected in Sweden (Freedom House Sweden 2018–2020; Sweden 2020). However, Freedom House drew attention to the sporadic use of violence against far-right demonstrators and counter-protesters (Freedom House Sweden 2018–2020). It shows that despite general respect for freedom of assembly, in a consolidated democracy, sporadic examples of abusing power and violation of this freedom may occur. It is necessary to determine when sporadic cases become common practice and what leads to this situation.

To sum up, in Sweden, neo-militant democracy means were implemented in national legislation and used in practice. No NGOs reported serious violations of freedom of assembly. Lack of complaints to ECHR or other courts confirms the high effectiveness of the regulations whose scope did not infringe this freedom. It is a result of a well-developed political community, inter alia, political elites that do not misuse their power competencies. Accordingly, regulations limiting public gathering drew upon political nation’s values and democratic standards. Excluding participants from the gathering is possible in the case of danger to public order, using illegal materials, such as pyrotechnics without permission, as well as weapons. These circumstances also justify dissolving an assembly. The catalogue contains the duty of formal authorization and time to apply for it, i.e., five days before assembly. In practice, these provisions could lead to violations of freedom of assembly, but it did not happen. It reveals that quasi-militant democracy means are not used in Sweden. However, organizing gatherings without permission may be punished, which may pose a real threat to freedom

of assembly. Finally, in line with Steuer's (2019, 5) thesis, the Swedish political nation respects and seeks effective protection of freedom of public assembly in national legislation, adopting measures of neo-militant democracy and using them in practice without the risk of a hybrid model of modern militant democracy occurring.

5 CONCLUSIONS

The study, especially in Austria's case, uncover the possibility of using both instruments of neo- and quasi-militant democracy measures. In practice, this strategy reduces the possibility of exercising the right to assemble. The risk of existing hybrid forms increased when the effectiveness of neo-militant democracy measures declined, and ruling elites were convinced about the need to introduce new restrictions. In this case, it is necessary to point out factors that influence their ineffectiveness. This study shows, that the values recognized by the members of the political nation play an important role. Compliance with the provisions of the laws that implement neo-militant democracy derives from these values. When members of the political nation do not recognize the protection of freedom of assembly as a principle, ruling elites and members of public administration may violate it to expand their power competencies. Another significant factor is the presence of institutions that ensure effective protection and adherence to national legislation.

Neo-militant democracy restrictions are consistent with international law and guarantee the peaceful character of gatherings. In the context of militant democracy studies, the participants who violate the rules are classified by authority states as enemies of democracy, like extremist entities. Despite the provisions that guarantee the protection of freedom of assembly in national legislations, in practice, ruling elites might use quasi-militant democracy means. The tendency was noted in Austria and Finland. Moreover, Austria's case confirmed the analytical utility of the distinction between neo-militant democracy and quasi-militant democracy. The distinction allows a researcher to differentiate between the structures' aims. Finland's case confirmed that measures peculiar to quasi- and neo-militant democracy might exist at the same time and are not mutually exclusive. Thus, it is necessary to differentiate between them by taking into account their objectives and consequences for the political nation's sovereignty.

Furthermore, violations of freedom of assembly in Austria were indicative of quasi-militant democracy performed, despite implementing the idea of neo-militant democracy in national regulations. They aimed to expand the ruling elite's scope of power competencies. Experience from Austria allows the formulation of conclusions about the main essential feature of a hybrid strategy of modern militant democracy: using quasi-militant democracy in practice, despite national legislation convergent with neo-militant democracy rules. These practices reduced opportunities to put forward public demands and limited the sovereignty of the political nation. The risk of hybrid forms arising in Finland and Sweden in the future is real, but it is dependent on government policy. Counterdemonstrations were prohibited as part of these states' quasi-militant democracy measures. Nevertheless, the state authority did not misuse their power. Those who used weapons and forbidden materials, or who may have jeopardized public order, security, or health, may be barred from public gatherings, in accordance with international standards in democracies. Such participants were classified as enemies of democracy. The same conditions may

result in dissolving public gatherings. Lack of detailed regulations about violating public order, security, and health may be conducive to the abuse of power by the police and state authority.

In 2008-2019, the acts that regulated freedom of assembly were amended six times in all these countries. In Austria, two amendments (in 2012 and 2014) were typical of neo-militant democracy because their provisions did not violate freedom of assembly and limited opportunities to endanger this freedom. In Finland, the amendments in 2009 lengthened the time to one day for assembly notification. Since it may reduce the number of public gatherings, it should be classified as a quasi-militant democracy means; even though NGOs reports did not note the abuse of its provisions. Finally, in Sweden, the parliament passed three amendments. Since 2009, using pyrotechnics without the permission of the police is forbidden. In 2015, the Swedish parliament passed the law that introduced the duty to apply for permission to organize a public assembly at least one week before the meeting. Since 2019, the consumption of alcohol during public gatherings is prohibited. These provisions were typical of neo-militant democracy measures in that they did not prohibit the exercise of this freedom but only limited its abuse. In a consolidated democracy, where the political nation's values contribute to the freedom of assembly, the right to gather peacefully is guaranteed and protected, despite adopting restrictions characteristic for neo-militant democracy. In Austria, the level of political rights protection was the lowest, which allowed a hybrid model of modern militant democracy used by ruling elites at the state and local levels. The study confirms the relationship between the sovereignty of the political nation and the adequate protection of freedom of assembly. In the case of strengthening the sovereignty of a political nation, the effectiveness of protecting the freedom of assembly increases. Austria's case draws attention to the increasing possibility of using quasi-militant democracy means in practice, as the level of effectiveness of neo-militant democracy means implemented through national legislation has declined. Why should members of the political nation oppose the use of quasi-militant democracy instruments in consolidated democracies? Beyond the mentioned democratic values, constitutional provisions and court judgments based on constitutional law, play a significant role in stopping that process. My study confirms that a hybrid model of modern militant democracy can emerge in the face of attempts to implement rules typical of illiberal policy, particularly against minorities and anti-government entities. In practice, violating freedom of assembly in this model does not necessitate the abolition of the legal framework that protects it. Finally, why might a hybrid strategy of restricting certain rights and freedoms pose a threat to established democracies? Because it may be implemented by populists, entities with a broad catalogue of protection in their political regime's functioning. Selected cases allow me to conceptualize one subtype of modern militant democracy's hybrid model – restrictions imposed on various types of minorities and opponents of ruling elites.

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HIBRIDNA STRATEGIJA OMEJEVANJA SVOBODE ZBIranJA V SODOBNIH MILITANTNIH DEMOKRACIJAH. IZKUŠNJE IZ AVSTRIJE, FINSKE IN ŠVEDSKE

Ta primerjalna študija temelji na empirični analizi omejevanja svobode zbiranja, ki se izvajajo v nacionalni zakonodaji in se uporabljajo v praksi. Namen študije je ugotoviti in pojasniti, kako v konsolidiranih demokracijah oblasti izvajajo hibridno strategijo omejevanja svobode zbiranja, saj je gospodarska kriza leta 2008 sprožila val družbene mobilizacije po vsej Evropi. Zadnja prelomnica je leto 2019, trenutek pred izbruhom pandemije COVID-19. Primerjalne študije temeljijo na kvalitativni analizi virov, in sicer nacionalne zakonodaje in poročil nevladnih organizacij. Ta raziskava razkriva omejevanje javnih zbiranj, ki se izvajajo v konsolidirani demokraciji, ter ocenjuje njihov obseg in učinkovitost v boju proti družbenim skupinam, ki so prepoznane kot sovražniki demokracije. Poleg tega določa, kako so se omejevanja javnih zbiranj skozi čas spreminjala, kar je pomembno za pojasnitev razlike med nacionalno zakonodajo in določbami o njihovi zaščiti. Primerjalna

študija tudi prispeva k raziskavi omejevanja zgoraj omenjenih državljskih pravic in svoboščin v konsolidiranih demokracijah.

Ključne besede: neomilitantna demokracija; kvazimilitantna demokracija; svoboda zbiranja; omejitve; javna zbiranja.

“ONE FLEW OVER THE STORK’S NEST”: NEO-PATRIMONIAL POPULISM OF CZECH PRIME MINISTER ANDREJ BABIŠ

Ondřej STULÍK and Vladimír NAXERA¹

Following the discussion on the relation of populism, its typology and neutral bureaucracy, this text examines the communication practice of the former Czech Prime Minister Andrej Babiš regarding the European subsidies. Using the mixed content analysis of several years of Babiš’s statements, we shall verify two theses: Babiš’s rhetoric is dominantly populist and Babiš’s rhetoric is neo-patrimonial. The analysis results imply Babiš’s case to be a new and not yet described form of populism that we identify as “neo-patrimonial populism” and that complements the standard populist communication with practices not distinguishing between the public and personal interest, property, and status.

Key words: populism; neo-patrimonialism; Czech politics; populist communication.

1 INTRODUCTION

The discussion on populism and populist communication strategies of different political actors is one of the most important debates in contemporary comparative politics (Meijers and Zaslove 2021; Mudde and Rovira Kaltwasser 2018; Rooduijn 2019; Zulianello 2020). The communication of populist politicians is studied in the connection to some other concepts which allow to analytically grasp a given specific case. One of these often-used perspectives is so-called technocratism (Reiser and Hebenstreit 2020). Technocratic principles are mentioned, among the others, also in the case of Andrej Babiš, the former Czech Prime Minister (prior to 2021 parliamentary elections) and one of the richest entrepreneurs in the country. In this paper, we will try to grab Babiš’s communication from perspective that goes beyond the principles of technocratic (or other; see below) populism – we discuss to possibility of studying his political activities as populist and the same time as neo-patrimonial.

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As we argue in the text, we believe that Babiš's communication consists of a mixture of traditional populist communication rules (hereinafter also "populist order") and the stylisation of a populist into the role of a ruler-patron (neo-patrimonial rhetoric) whose private well-being is also the national well-being, and vice versa – a phenomenon so far undescribed in the Central European context (see below).² There is only one paper dealing with the neo-patrimonial tendencies within the Babiš's communication during unprecedented Covid-19 pandemic crisis (Naxera and Stulík 2021). Contrary to this specific research, we aim to discuss so-called "neo-patrimonial populism" based on the data representing longer period (before the political debate was overruled by the pandemic issues) and using quite different design of algorithm driven computer assist content analysis (with emphasis on its repeatability) enabling to investigate the issue more consistent.

In his person, Andrej Babiš connects the political, economic, and media activities to an extent that probably cannot be observed among other constitutional actors of European democratic regimes. This connection led the European Commission to temporarily suspend the payment of European subsidies to companies owned by Babiš during 2019–2021. Andrej Babiš is described in the scholarly literature as a "centrist" (Hanley and Vachudova 2018), "managerial" (Čísař 2017), "technocratic" (Buštková and Baboš 2021; Buštková and Guasti 2019; Guasti 2020; Havlík 2019), "centrist technocratic" (Maškarinec 2019) or "valence" populist (Zulianello 2020; Zulianello and Larsen 2021). Occasionally, he is also labelled as "ethnopolitist" (Vachudova 2020). However, as we will show, he also speaks about his running the country in a way that can be described as neo-patrimonial and thus not in line with the modern concept of an authority relying on the separation of public finances and private property of the official as well as on the separation of private and public affairs (Weber 2006).

As we argue, the communication of Andrej Babiš correspond to the neo-patrimonial way of management since he does not distinguish between his position as PM and entrepreneur (private person). Babiš uses his public position to defend³ his private economic interest, which is, at least in the context of the Czech Republic, an innovative "state capture" act, and thus denies the ethos of the unbiased bureaucratic apparatus of the modern state not properly described in theory yet. What is mainly innovative about Babiš's rhetoric is that (unlike many politicians in other contexts in which we can talk about state capture) he does not disguise the use of state resources (Baez-Camargo and Ledeneva 2017), but rather legitimizes it with a specific mixture of populist and neo-patrimonial communication practices. In this regard, our text follows a broader discussion on the incompatibility of populism and liberal democracy (e.g., Baggini 2015; Canovan 1999; Havlík 2019), to which the ethos of the unbiased bureaucratic apparatus of the modern state necessarily belongs.

² Neo-patrimonialism is rarely associated with populism, and mostly in connection with Latin America (López Maya 2018) or South Europe (Edwards 2005; Tarchi 2015). In connection with post-communist space, neo-patrimonial principles (without the populist element that we add to the new concept) are dealt with primarily in connection to Russia (Becker and Vasileva 2017; White 2018) and other post-Soviet countries (Robinson 2013) or the Balkans (Kopecký and Spirova 2011). In connection with the region of Central Europe, however, this theoretical concept is not used.

³ Both with his political practice and political communication. The latter is the dimension more important for our research.

Regarding the above-mentioned, we shall verify two theses: 1/ Andrej Babiš's statements concerning the subsidies correspond to the model of statements (*n*; *countable*) of the populist order of communication (for our approach to the populism, see the methodological part) in more than 50 percent of their occurrences compared to his other statements, and therefore, the communication is dominantly populist. Although we have stated that many studies label Babiš as a populist, we consider it necessary to verify this assumption in our text as well. Numerous studies classify Babiš as a populist without performing a rigorous analysis, often based on only a few statements. In addition, other studies (e.g., Naxera 2021) show that Babiš's rhetoric is largely however not dominantly populist. 2/ Andrej Babiš's rhetorical practices are neo-patrimonial, even in more than 50 percent of populist statements, and lead to the denial of the ethos of a neutral bureaucratic apparatus with Babiš not distinguishing between public and private interests and simultaneously not distinguishing between his roles as Prime Minister and private person regarding the content of created practices.

The purpose of testing the sustainability of statements that are formulated in the theses is to verify the assumptions they contain, but mainly to identify the original stylisation of this actor and his rhetoric and discuss adding a new phenomenon of a patrimonial legitimization of a ruler-patron of all people to existing theories of populism and populist communication. To fulfil this purpose, we will focus on the research case of the Stork's Nest and the allocation of European subsidies, and we will adhere to some principles of mixed content analysis and grounded theory.

On the contrary, it is not our intention to claim that Babiš's communication cannot be grasped as an example of valence populism (or through other concept of populism often applied to Babiš), we merely believe that adding the dimension of neo-patrimonialism will allow us to understand an important aspect of the examined actor's rhetoric that is not fully comprehensible with the concepts mentioned above. At the same time, we do not intend to create a new type of populism that would be on the same level as centrist/technocratic/valence/managerial populism. The proposed category of "neo-patrimonial" populism is more of an extension (or sub-type) of the existing concept of valence populism (which is more appropriate than centrist/technocratic/managerial) than a completely new type standing next to valence/left-wing/right-wing populism.

2 NEO-PATRIMONIAL AND POPULIST PRINCIPLES OF BABIŠ'S POLITICAL PRACTICE

Babiš's persona and the whole ANO movement established and led (in fact "ruled" and "owned") by Babiš are studied from various perspectives. In addition to the forms of populism mentioned above, numerous papers deal with the internal organization structure, especially with Babiš's position as a political entrepreneur (Brunnerová 2019) or from the perspective of person-based politics (Cabada and Tomšič 2016). At the same time, Babiš's political practice is well documented in the literature, both internally towards his party and externally towards society and the political system, often from the already-mentioned perspectives of populism (Buščíková and Guasti 2019; Hanley and Vachudova 2018; Naxera and Stulík 2021). For our research, the important aspect is also the similarity of how Babiš controls his party and the way he tries

to control the whole political system. Although Andrej Babiš has long stylized himself in the role of the ruler-patron of his movement, he has attempted to expand these principles to the whole of society. This stylization as a ruler-patron is further supported with the populist communication strategy.

It is Babiš's (rhetoric) stylization into the position of a "populist ruler-patron" that is our main interest. Although Babiš's political practice is also important for our research, we focus on the stylization, that is, on the investigation of communication practices. We understand neo-patrimonial populism with both its components (populism and neo-patrimonialism) primarily as a specific way of communication. From this perspective, what is determining for us is not "what Babiš does" but "how he speaks about it" and "how he legitimizes it". We consider populism a specific communication strategy (see Aalberg and Vreese 2017; Bonikowski and Gidron 2015; Jagers and Walgrave 2007; Laclau 2005) based on people-centrism and anti-elitism (see the following parts). From the above-mentioned forms of populism applied to analyse Andrej Babiš, we consider the concept of valence populism (Zulianello 2020) to be most suitable since it includes a technocratic aspect and aims at non-positional issues such as the fight against corruption, democratic reform, transparency, etc. In this respect, we believe that the concept of valence populism is even more appropriate than centrist populism because "centrist" points out to a specific position or tendency in positional term (Zulianello and Larsen 2021).

Although we do not question the fact that valence populism is applicable to Babiš and his communication, we also believe that it cannot cover one key phenomenon – Babiš's stylization into the role of ruler-patron of the whole society⁴ and his behaviour and communication, which in a routine manner exceeds (and de facto fails to understand or acknowledge) the formal rules and procedures of modern bureaucracy in a liberal-democratic establishment. It is therefore our assumption that the optimal concept is neo-patrimonialism.

We interpret neo-patrimonial rhetoric as rhetoric which reflects the principles of neo-patrimonialism, which is a model of government based on undefined borders between an office and the person who holds it under a regime in which modern bureaucratic institutions do not formally exist (Bach 2011, 276–277). However, modern institutions and formal rules coexist with governing based on personal relationships and the personal authority of the holder of office (Charrad and Adams 2011), who sees the state as his patrimonium, i.e., as his property and in many cases handles it as such (Hanson 2011). In Babiš's case, the principle of utilizing the state (formal institutions) to defend and reproduce personal wealth is evident (see below), as well as a routine violation of standard procedures and norms of rule of law and political acts based on the personal power (see Naxera and Stulík 2021). At the same time, it must be said that Babiš's political practice inevitably differs from other examples of neo-patrimonialism that are known, for example, from Africa or post-Soviet space. It is evident that the legal framework

⁴ This could be observed for example during the 2018 local elections campaign – the main message on billboards in all cities was that the candidate for mayor has Andrej Babiš's telephone number. This logic can be understood as neo-patrimonial – if the local government wants to achieve something, there is no need to take the burden of formal procedures, simply contact the Prime Minister, who will "just arrange it" (which is one of the ANO election slogans). The relations between the mayor and the Prime Minister shall thus work on an exemplary patron-client principle, in other words, based on a reciprocally advantageous (albeit asymmetrical) relationship. Babiš regularly uses the "I will just arrange it" rhetoric even in relation to the citizens – personal intervention of the Prime Minister therefore replaces formal procedures allowing the Prime Minister to act as a patron for all members of society.

for the functioning of an EU member state limits the actions of a political representative, however, the principle *de facto* remains. We will return to the examples of non-distinction between public and private status (in terms of political practice and, especially, in terms of communication) in the following sections.

Based on our approach, we will return to the blending of the concepts of populism and neo-patrimonialism into the form of “neo-patrimonial populism” and its specifics compared to the “ordinary” valence populism in the final section as part of the discussion on the results of our research.

3 BABIŠ’S BUSINESS: A PROBLEM?

Regarding the political engagement of Andrej Babiš, it is impossible not to mention his economic activities, which are strongly linked to the political ones, and their defence largely determines the form of the policy pursued. This link can be observed on several levels – the first is the personal connection of Babiš’s business with institutions under his influence. The second way of linking politics and business is the direct use of state institutions – already in the period when Babiš was the Minister of Finance (2013–2017), for example, he began to use subordinate institutions to bully his economic competition (Hanley and Vachudova 2018, 287–288). At the beginning of 2020, government documents and documents associated with Agrofert also showed that government officials were instructed to evaluate the business offers Agrofert was receiving. These practices demonstrate not only the connection of politics and business, but directly the use of state institutions as a service to private business, or in fact, the absence of distinction between public and private. But once again, we must remember that while this political practice is important as a context of our analysis, our research focuses exclusively on communication practices in which we uncover populist and neo-patrimonial principles.

The most visible problem is associated with using state or European subsidies, subventions, tax reliefs, etc. The volume of public money that Agrofert and its components received in this way increased significantly after 2013, when Babiš became the Minister of Finance.⁵ However, simultaneously building Babiš’s economic empire and pursuing political activities is not free of problems, it is often on the edge of the law and trying to circumvent legal restrictions. This mainly concerns the case of the Stork’s Nest – the research subject of our case study.

Stork’s Nest is a farm containing a hotel and a restaurant, which operates as a company within the Agrofert group. Current criminal prosecution of Andrej Babiš is associated with this very company – according to the law enforcement authorities, Stork’s Nest was purposefully removed from the Agrofert group in 2007 to reach European subsidies for small and medium-sized enterprises in 2008 in the amount of 50 million crowns (to which it was not entitled as part of a large corporate group). At that time, the company was registered under anonymous owners (later, they turned out to be the members of Babiš’s family),

⁵ The annual reports of the group itself show, for example, that while in 2012, before Babiš’s entry into politics, Agrofert’s subsidies amounted to less than one billion crowns, in 2017, after four years at the Ministry of Finance, it was almost two billion. According to rankings compiled by the Forbes magazine, the wealth of Andrej Babiš in 2013, when he entered politics, amounted to 48 billion crowns. In 2017, however, already 95 billion.

but according to the lawsuit, Babiš never ceased to effectively control the company. Shortly before the 2017 elections, the police asked the Chamber of Deputies of the Parliament of the Czech Republic to extradite Andrej Babiš for criminal prosecution. The elections took place shortly after and Andrej Babiš was re-elected, gaining a new parliamentary immunity; as a result, the law enforcement authorities made a second request for the extradition before the end of 2017. At present (January 2022) the prosecution is still ongoing.

Although the Stork's Nest case is a visible public issue, it is part of a wider problem associated with using subsidies in general. In 2017, the Act on Conflict of Interest was amended, with one of its sections stating that companies at least 25 percent owned by a member of the government may not apply for public subsidies, incentives, etc. For this reason, Andrej Babiš transferred Agrofert in a trust fund, and *de iure*, ceased to be its owner. However, according to the findings of the European Commission from 2019, Andrej Babiš did not cease to be the recipient of the final benefits resulting from the fund being active, thus remaining the *de facto* owner.⁶ The European Commission therefore decided to suspend the provision of EU subsidies to all companies associated in this corporate group until the matter was investigated, with retroactive effect. The decision of the European Commission is also related to the finding of the Czech Constitutional Court, which at the beginning of 2020 responded to the initiative submitted by a group of deputies of Babiš's ANO movement and President Miloš Zeman, who is one of Babiš's allies – they challenged the Act on Conflict of Interest arguing that it restricts Babiš's property rights. In its judgment, the Constitutional Court clearly defines how to understand the controlling person of the company, and in its conclusion, it supports the audit of the European Commission.

Nevertheless, the Czech institutions did not stop granting subsidies to companies associated in Agrofert (although it was not certain whether they would be reimbursed by the European Commission), and at the beginning of February 2020, the Babiš-led government decided to sue the European Commission for suspending the payments. Here we find another example of patrimonial behaviour – the whole government becomes a tool for defending the business interests of their Prime Minister. During February, the situation was immediately investigated by a commission composed of members of the European Parliament, which also included two Czech MEPs, whom Babiš described as traitors fighting Czech interests and the Czech government. Even in this case, we find the demonstration of neo-patrimonial rhetoric – the interest of a private company is declared to be the interest of the state. In their final report issued at the end of April 2020, the commission composed of MEPs declares that the EC should not reimburse Agrofert until the possible conflict of interest is investigated, and at the same time investigate whether Agrofert is not reimbursed by the Czech government. Based on the report of the committee of inquiry, the responsible committee of the European Parliament adopted a resolution in early May 2020, according to which the European Commission should immediately and completely stop paying all subsidies to Agrofert and other companies associated with the Prime Minister, who is currently the largest Czech recipient of EU subsidies. In their report from November 2020, the EC continues to insist on stopping the subsidies in Andrej Babiš's trust funds due to conflicts of interest. This was confirmed by the EC's final report of 2021.

⁶ There are different ways, in which Andrej Babiš comments on this matter. For example, at one of the meetings of the Chamber of Deputies at the beginning of 2020, he restated several times that he did not own Agrofert, but also stated several times that he himself employed 35,000 people.

Babiš's communication strategy is populist and neo-patrimonial (see the analysis below). In terms of his statements, it is necessary, among other things, to check whether he uses the rhetoric in such a way as to publicly normalize this state and thus shift the liberal democracy towards the populist neo-patrimonial democracy. For the analysis, we chose not only the most visible case of the Stork's Nest, which has been publicly discussed for quite some time. The visibility and media appeal of the Stork's Nest case is enhanced by police investigation. At the same time, however, it is not an isolated act – the Stork's Nest is an example of repetitive patterns. As this is the most watched case, Andrej Babiš actively comments on it at various levels (see the data description below). On the other hand, we must admit that this event, i.e., the granting of subsidy, preceded Andrej Babiš becoming the Prime Minister. It might therefore seem that Babiš as the Prime Minister “only” defends from his position the act he made as an entrepreneur before entering politics. According to our assumption, however, Babiš's communication transcends this dimension, and in his statements the Prime Minister blurs the line between a politician and a businessman. To verify our assumptions unquestionably, we decided not to limit the analysis to statements related to the Stork's Nest – we extended our scope to the whole problem that the Stork's Nest symbolizes, that is to European subsidies as such. These subsidies were being granted to Babiš's companies even during his premiership. For this reason, it is impossible to speak of a current politician “merely” defending his previous business steps. The decision to link a more general issue to a specific case is also convenient for the analysis – subject of our interest defined in such a way provides enough data and the possibility of thematically narrowing the analysis. This case enables to combine the examined context of populism and/or neopatrimonialism with specific arguments regarding this issue.

4 METHODOLOGY AND QUANTITATIVE DATA CREATION

4.1. Input data

The input data, from which we subsequently created the empirical corpus, have two components. These are 1/ the official stenographic records of meetings of the Chamber of Deputies of the Parliament of the Czech Republic, and 2/ the official presentation of Andrej Babiš on social networks, specifically on Facebook. The stenographic records cover all meetings of the Chamber of Deputies of the Parliament of the Czech Republic from the first meeting after the 2017 elections to the end of 2019. A total of 39 meetings took place in the monitored period and the total length of the stenographic records is 7,014,332 words. The scope of the input data was reduced by the fact that we continued with focusing only on the parts containing the speeches of Andrej Babiš. The input data from the stenographic records are thus formed by 174,171 words. Andrej Babiš's presentation on Facebook is examined from October 2017, when the Chamber of Deputies elections took place, to the end of 2019 (the “standard political period” before pandemic). The input data from Facebook contain all statuses with a total length of 170,243 words.

4.2. Preparation of empirical corpus and identification of data relationships

Babiš's communication is given by the populist order and stylisation into the role of a ruler-patron. To confirm or rebut the assumption, it is necessary to build on methods and procedures that respect the linguistic order of the communication strategy and use the principles of mixed content analysis. The following description of the methodology is based on the just-mentioned first point, (1) determining the order of the populist communication strategy by means of defining characteristic populist statements. The order of the populist communication strategy consists of interconnected meanings of triplets: (a) the people are good (innocent, pure, etc.) (b) the elite (or "the others") are bad, (c) Andrej Babiš is the speaker/part of the people. Triplets must comply with all three indicated contents of populist strategy to be labelled as populist statements. Statements that lack one of the contents of populist strategy were not labelled as populist and were not included in the count. An example of a populist statement is: "Well, those who were responsible in 2011 for our country having to return 34.5 BILLION to the European Union for misused subsidies, and they took all this money from taxpayers, from all of us." The triplet which outlines the context of the quoted sentence is: elites (responsible; *subject*) caused financial loss (*object* – to whom; it also applies here that Babiš is presented as a part of the people thanks to the use of "our"). Such populist order corresponds to the primary theoretical framework of contemporary populism as a communication strategy, on which we are building and to whose theoretical tradition we adhere (see above).

The next step is (2) determining the keywords whose occurrence will be recorded by text's machine reading (see the search algorithm below; machine reading was performed using the MaxQda software). The choice of keywords depends on the topic of the research. In this regard, the key words are subsidies (in the sense of using the EU subsidies); Europe (in the sense of the EU and its political elites); (Stork's) nest; enterprise (meaning the Agrofert company); Andrej Babiš (in the position of Prime Minister – a politician, but also a private person and entrepreneur); (conflict of) interests (of Andrej Babiš as Prime Minister and entrepreneur). In line with the specified research subject, the following collocations were found (in approximately five sentences): (a) Europe – subsidies, and (b) Prime Minister/entrepreneur – (conflict of) interests. Both collocations were created axially according to the pattern of *the actor – acting – towards what/whom*. Using the structure of such a triplet allows capturing the subsequent meaning that results from the specific occurrence in the context (see Aslanidis 2018; Popping 2018; Stulík 2019).

The first collocation was created according to the logic of Europe (see above) providing subsidies to actors. The actor (recipient of the subsidy) was not specified for searching for collocations due to the need to ex post analyse Andrej Babiš's attitude to subsidies in general regardless of their recipient (and thus to determine whether he is primarily populist or non-populist when referring to European subsidies). The second collocation of Prime Minister/entrepreneur – (conflict of) interests was created based on the actor's self-presentation (Prime Minister/entrepreneur Andrej Babiš) who is/is not in conflict of interests (with respect to his position as Prime Minister and entrepreneur in the context of EU subsidies). This second collocation is semantically connected to the first, and to cover all the necessary meanings, we also included the isolated occurrences of

the lemma “nest” to the occurrences of the collocations. An overview of the algorithms can be seen in Table 1.

TABLE 1: OVERVIEW OF ALGORITHMS FOR MECHANICAL READING OF DATA BY KEYWORDS, BASED ON AUTHORS' OWN ANALYSIS

Collocation and lemma	Algorithm
Europe – subsidies	<„Evropa“ (Europe) OR „Unie“ (Union) OR „Brusel“ (Brussels) OR „EU“ AND „dotace“ (subsidies) OR „čerpát“ (a word meaning “to use (subsidies)”, but only in this specific context) AND NOT „dotaz“ (query, question, inquiry)>
Prime Minister/entrepreneur – (conflict of) interests	<„Premiér“; „předseda“ (Prime Minister) OR „podnik“ (enterprise/business/company) OR „Agrofert“ AND „zájem“ (interest)>
(Stork's) nest	< „hnízdo“ (nest)>

The third step of the procedure, which shall bring analytical results, is (3) determining the content of the context in which keywords appear, also considering the content of five sentences before and after the sentence with collocations according to the algorithm (or lemma “nest”) in the input data. The result of the third step is the division of contexts into the “populist” and “non-populist”⁷ sets. Contexts unrelated to the research subject were removed from the empirical corpus, and within the non-excluded contexts, we counted the occurrences of the code in the required context of five sentences before and after the occurrence (other codes within the text defined like this were deleted). An overview of the number of occurrences can be seen in Table 2.

TABLE 2: TOTAL NUMBER OF OCCURRENCES WITHIN THE „POPULIST” AND „NON-POPULIST” SET, BASED ON AUTHORS' OWN ANALYSIS

Populist (N_p)	$N_p = 85 \Sigma$
Non-populist (N_{np}) ⁸	$N_{np} = 22 \Sigma$
N_p / N_{np}	$N (108) = N_{np}(22) < N_p(85)$

This quantification allows to claim that Andrej Babiš uses populist communication in relation to the subsidies and the Stork’s Nest, since the non-populist statements in Andrej Babiš’s communication make up only about 24 percent of all statements included. The above-defined thesis that “the statements of Andrej Babiš (N_{AB}) correspond to the populist order of communication (N_p) in more than 50 percent⁸ of their occurrences compared to his other statements (ΣN_{np})” was confirmed ($N_{AB} = \Sigma N_p > \Sigma N_{np}$).

⁷ Other meanings that do not correspond to the order but include Andrej Babiš as the actor as well as at least “the elite” or “the people”, or where applicable, also “the people” together with “the elite” including equivalent triplet subjects.

⁸ There are two reasons for the 50 percent limit: 1/ a percentage lower than 50 percent can confirm the contextual validity of the premise only if the median between the reference points can be determined. In our case, such reference points would be “no neo-patrimonialism” and “complete neo-patrimonialism”. The median cannot be determined because data on the measurement of neo-patrimonialism are not available, which is logical since we are still in the process of creating the framework for its measurement (through identification); 2/ 50 percent and more is the absolute limit regardless of the median.

5 DESIGNING QUALITATIVE CODES – INTERCONNECTED CONTEXT OF POPULISM AND NEO-PATRIMONIALISM

After the quantitative analysis, we evaluated the above-identified contexts qualitatively and recorded their form determined according to the context (see Table 3). When evaluating the context and categorizing, we respected the following framework: 1/ codes were now created only from the “populist” data set; 2/ content of Babiš's communication strategy (simplified into triplets according to the context, see above); 3/ position of the Babiš towards the context.

We take this context as data, and sentences as data units. We simplified the context of all sentences into triplets (see above): Babiš is the speaker who creates the context where he presents himself as either the Prime Minister, or an entrepreneur (private person). Whether he speaks from the position of the Prime Minister or businessman is evident from the context of the whole paragraph (in approximately five sentences; see also above) where he speaks of himself and styles himself into the role of either the PM⁹, or an entrepreneur.¹⁰ However, we must note that the boundaries between the two categories are not completely strict (which is not essential for the qualitative evaluation and interpretation of the key content of created practices; see below).

The contexts recorded in the table indicate some initial conclusions related to thesis no. 2. Evidently, based on Babiš's rhetoric, there is no distinction between the position of two different speakers that, in a normally functioning bureaucracy, should be distinguished – i.e., the position of Babiš as the Prime Minister, and Babiš as an entrepreneur (or more generally, a private person). Although it is possible to distinguish and quantify when Babiš speaks of himself more as the Prime Minister and as an entrepreneur, regarding the content of created practices, this difference is not significant (we would like to clearly emphasize that).

⁹ Example: “Lex Babiš. This is the big guns. They thought that if they tampered with the company that I have been building for over 21 years, I would leave politics. Well, I surprised them. I gave priority to the interests of the people who elected me and put their trust in me. I gave up the company. I followed the Act written against me by traditional, democratic parties. Although renowned lawyers have declared it unconstitutional and against the European law. It has taken almost 3 years for the Constitutional Court to decide what it actually is. Both the President and some of the deputies filed a lawsuit against this Act. But I still obeyed, I gave up the company. So, if I come to the Agrofert general meeting now, they will throw me out the door. I simply have no influence on the company.” Interpretation of the inclusion of this statement in “AB = Prime Minister”: Babiš first speaks of himself as an entrepreneur who built the company and at the same time entered politics when he owned it. He was put in the position of choosing between his business and political office. He has chosen a political position and continues to talk about himself only as a politician who has no influence on his company (i.e., the conflict of interest does not exist).

¹⁰ Example: “It is absolutely unbelievable that in 2006 I started setting up a subsidy fraud in relation to subsidies, when no one knew anything about the operational programme in question. The operational programme was announced on December 20th, 2007, and the police claim that I set up something already in 2006 because I probably knew that there would be a programme. Incredible nonsense.” Interpretation of the inclusion of this statement in “AB = entrepreneur”: Babiš describes his role in the above-mentioned accusation from the time he was an entrepreneur and as a private person he is currently commenting on his business activities. In addition, he questions the work of the police in terms of condemning all the elites that oppose him as an entrepreneur when they cannot defeat him politically.

TABLE 3: SCHEME OF RECORDED CONTEXTS, BASED ON AUTHORS' OWN ANALYSIS WITH TRIPLETS' COUNT

Position of the actor towards the context (ad. 3)	Content of created practices (ad. 2)
AB = Prime Minister (populist Andrej Babiš acting as PM; <i>ppm</i>) $N_{ppm} = 38 \Sigma$	- elites are either Czech or those of the EU – the Czechs (meaning Czech elites) are informers (and Czech journalists are activists), and Czech elites exploit the subsidies and the system; the EU elites (OLAF and actors connected with the audit) are amateurs and/or attack the Czech Republic (and the Prime Minister), we are being dictated by the EU elites = the Stork's Nest is a campaign, but no one is concerned anymore, the conflict of interest does not exist and the subsidies will not be returned
AB = entrepreneur (populist Andrej Babiš acting as a private person and/or entrepreneur; <i>pe</i>) $N_{pe} = 47 \Sigma$	- the authorities (OLAF and the Czech Police) do not work adequately - political elites lead the „Stork's Nest” campaign and exploit the subsidies and the system = the Stork's Nest and the subsidies are a pseudo-problem
Populist triplets in sum (for cross-checking data): $85 = N_{ppm} (38) + N_{pe} (47)$	

The narrative structure of both contexts can be interpreted (except for some deviations, which we will describe below) within a similar line. Since we are building on the analysis of the “populist” data set, the statements and the context of the analysed sentences contain all the necessary components of the populist order, which we can now specify when interpreting the content of statements. We shall add that we also verified the statements from the “non-populist” data set, and it is noteworthy that this set did not contain any context that could be associated with neo-patrimonial practices. This fact speaks for the connection between populist and neo-patrimonial rhetoric (see below).

Regarding the positions of “both” speakers (Prime Minister and entrepreneur/private person), the topic of the Stork's Nest and the subsidies is downplayed (in the sense that “Stork's Nest is a pseudo-case”, “Stork's Nest is a campaign against me”, “Stork's Nest is a topic not interesting anyone”), claiming that they are “purposefully” used against Andrej Babiš by variously defined “bad elite” (representatives of “traditional” political parties, EU representatives) and actors who are helping them in this matter (OLAF, Czech journalists, Czech Police). Babiš presents his business as exemplary legal (“The Czech Republic will definitely not need to return any subsidies.”) and his political activities as anti-corruption motivated and directed against the representatives of “traditional” parties who “were involved when billions were stolen here, banks, insurance companies, and funds stripped of assets.” He presents himself as the protector of the good people from the bad political elite (“We are truly an anti-corruption movement.”). At the same time, he presents himself as an actor whose actions directly help people – both political and economic actions – Babiš's profits are reflected in the profits of the whole (“I employ 35 thousand people”, “I pay big taxes to public budgets”, “I save bankrupting companies”).

In sum, combining the position of a politician and entrepreneur is *not problematic* for him – if an individual succeeds, even in the office of Prime Minister, it is beneficial to the whole. Moreover, he rhetorically *defends* and *legitimizes* his private business interest as a public interest (“attack against the Czech Republic”). This is an exemplary neo-patrimonial rhetorical practice (also evident from a series of statements, such as “Czechs inform on the Czechs in Brussels.”, etc.). Drawing the attention to the potentially illegal activities of the Prime Minister and entrepreneur Babiš (a specific individual) is thus presented as “betraying the whole” – in line with the neo-patrimonial logic, the private interest is thus raised to the level of the public interest. These “traitors” (representatives of the

“traditional” parties) are understood as enemies serving the transnational elite, whose goal is to attack the Czech Republic or the entire political community. Babiš puts himself in the role of a selfless protector (“And I work for people for free from morning till night, I pay for everything.”) against these activities.

To summarize, we can describe Babiš’s rhetorical practice as both populist (“elites of traditional parties are bad”, “Brussels is evil”, “I act in the interests of the people”) and neo-patrimonial (not distinguishing between private and public). As a typical populist, Babiš presents himself as the protector of the good people in whose interests he fights against evil (“we are an anti-corruption movement”, “I fight in the EU for Czech interests”). He then reinforces this populist rhetoric with neo-patrimonial practices that prevent him from distinguishing between private and public – his private interest equals the public interest, his personal well-being and wealth helps the well-being and wealth of the society, etc. With these rhetorical figures, he connects himself as a private person with the state approaching it in the terms of private economic (and de facto ownership) relations. Similarly, if the EU’s criticism of the Prime Minister’s private business activities is an “attack against the Czech Republic”, we are not finding any difference between private and public. The logic of the statements analysed above shows that Babiš does not really distinguish between what is really his and what he administers from the position of a supreme representative of the executive power. He thus treats the state (and the citizens) as his own patrimony. He styles himself as a ruler-patron, who “manages the state as a company”, treats it as private property and builds relationships with citizens based on mutual (albeit asymmetric) reciprocity according to the patron-client relationship pattern.

The combination of populist statements and neo-patrimonialism is evident from the qualitative evaluation of the content of created practices. Now, we are expressing the quantification of the ration of neo-patrimonial statements to be able to confirm or refute the second thesis. Neo-patrimonial statements have had to meet the following criteria based on the above-introduced theory:

1/ the statement does not indicate a strict distinction between private and public¹¹

2/ despite the formal procedures, the exercise of power is in many respects replaced using personal relationships and personal interventions of the one in power towards the rest of the political field and the public (or at least by promising such interventions)¹²

¹¹ An example of such statement could be: “What would you say here? Stork’s Nest. Yes, regarding the Stork’s Nest the money was returned, because if my former company sued, they would sue against Schillerová, and I could not do that to her.” The context of this statement being that Babiš comment on the return of money to the public budget and ties his actions to personal sympathy for the Minister of Finance.

¹² An example of such statement can be: “In 13 years, my former company paid 33 billion 470 million into public budgets and received 4.22 from the Czech budget. And in 11 years of investment, it has invested 101 billion and those investments, those subsidies from Europe and the Czech budget, are 3.3 percent... Yeah, so little, 3.3 percent. And of course, these are things that can be traced. But I understand, everything was pulled off before the election. Toast bread. Scandal! What about the fact that someone here invested 517 million in a toast bread line and received a subsidy of 100 million, and employed a lot of people? No?” In this case, Babiš links the formal procedures of receiving a subsidy and of the purpose of the subsidy with his own interest of investments and he defends it with a public interest of employment. In addition, as we would like to emphasize, Babiš, even as the Prime Minister, defends the interests of his former company (which also appears in other neo-patrimonial statements).

TABLE 4: TOTAL NUMBER OF OCCURRENCES WITHIN THE „NEO-PATRIMONIAL” AND „NON-NEO-PATRIMONIAL” SET, BASED ON AUTHORS’ OWN ANALYSIS

Neo-patrimonial (N_{n-p})	$N_{n-p} = 34 \Sigma$
Non-neo-patrimonial (N_{n-n-p})	$N_{n-n-p} = 51 \Sigma$
N_{n-p}/N_{n-n-p}	$N (85) = N_{n-p} (34) < N_{n-n-p} (51)$

The second thesis was not partly confirmed as the ratio of neo-patrimonial statements was “only” 29 percent. However, the question is whether the percentage-wise limit of “confirmation” of quantified statements should be 50 percent to determine whether the actor tends toward neo-patrimonialism or not. Comparative data are lacking in this area, and until the data are available, it is not possible to set a relevant contextual (not absolute) threshold (which, on the other hand, calls on other scientists to make such comparisons) or median. In any case, we believe that almost 30 percent of neo-patrimonial statements is not an insignificant number. In addition, we confirmed the presence of neo-patrimonialism based on qualitative content analysis.

6 CONCLUSION

The former Czech Prime Minister and one of the richest businessmen in the country, Andrej Babiš, uses a specific mix of populist (thesis 1) and neo-patrimonial (thesis 2) rhetorical practices. He presents his actions as conventional, which we have proved based on the analysis of the context of his rhetoric. The dangers of neo-patrimonial behaviour and its legitimization are apparent.

Andrej Babiš, as a populist and neo-patrimonial politician, does not respect the basic liberal democratic mechanisms, the principle of the rule of law and the neutrality of the modern bureaucracy. This behaviour fits into the discussion on the incompatibility of populism and the liberal democratic establishment. The addition of the adjective “liberal” to the word democracy is necessary in this case – most authors agree that populism is not the antithesis of democracy as such (Mudde and Rovira Kaltwasser 2012) but is based on a different concept of democracy (Canovan 1999) and, above all, is hostile towards its liberal form. Therefore, populism is not undemocratic, but it is illiberal. Today’s Central Europe is facing a weakening of liberal democratic principles, with the trend most noticeable in Hungary; although other countries in the region are also unable to face illiberal challenges. Technocratic or valence populism is often described as the main challenger of liberal democracy in the region, and its growth is not a manifestation of ordinary political dissatisfaction, but rather an overall transformation of party politics (Havlík 2019).

Similar principles apply in the case of Andrej Babiš. In our analysis, however, we went a step further and connected the populist challenge to liberal democracy and the issue of neo-patrimonialism, which is rarely associated with populism, and mostly with respect to Latin America (López Maya 2018) or South Europe (Edwards 2005; Tarchi 2015). Our goal was not to reject the existing concepts that are often used to describe Andrej Babiš and ANO, especially valence populism (Zulianello 2020), but to link them with another concept that would allow us to grasp the communication practices incomprehensible by conventional approaches to populism.

As we have shown, in the case of Andrej Babiš, neo-patrimonialism manifests itself primarily by not distinguishing between public and private interests (or ownership) and public and private persons. Andrej Babiš does not distinguish between these positions – from the position of Prime Minister he treats the public property in the same way as an entrepreneur treats the private one. This is not a case of mere state capture, i.e., taking over the state by private actors. Andrej Babiš does not conceal the connection of these two positions; he presents it in various contexts as normal and even beneficial. His private welfare is linked with the welfare of the whole; that is a clear conclusion of the analysis of his rhetoric in the case of the Stork's Nest and the related cases of European subsidies.

Populism is traditionally associated with the principle of the unity of the people, the general will and the direction towards fulfilling the common good. Populist politicians are styled in the role of an actor who can recognize and fulfil this common good. Let us now combine this principle with the logic of neo-patrimonialism, according to which, if the ruler-patron succeeds, the whole succeeds. Recognition and fulfilment of the public well-being is linked to the fulfilment of the private well-being of the individual at the forefront. Above, as one of the principles of Andrej Babiš's rhetoric, we identified that political competitors drawing attention to the potential illegality of Babiš's activities in Brussels are referred to as "traitors" by the Prime Minister. In the perspective of Babiš's model, they are also actors who, by their actions, damage the common good.

We can consider Andrej Babiš as a representative of the specific category of neo-patrimonial populism we have described. The combination of these concepts opens wide possibilities for research on the communication of populists within oligarchic circles in each regime and their mutual comparison. New category of populism anticipates new ways of populist communication. In contrast to traditional people-centrism and anti-elitism, which are typical of valence populism, neo-patrimonial populist communication is more complex and can be described by the following features: (1) do not rhetorically or factually separate their own private interests from the interests of the state, (2) use the state structures to pursue their own private interests, (3) normalize (legitimize) their actions by defining themselves against traditional elites, and (4) promote their interest as the interest of the whole, that is, of all the people.

The credibility of the new populism category must be tested both by analysing other topics addressed by Andrej Babiš and by other cases of populism in Central Europe (e.g., Szabó 2020; Naxera et al. 2020) or elsewhere. Although our concept was built on extensive and solid data, it is based on only one case study which, on the other hand, concentrate Babiš's rhetoric modus. We are fully open to a possible debate on the partial reformulation of the created category based on other data or other case studies. We believe that it would be interesting, for example, to analyse Viktor Orbán's rhetoric in the case of the constitution he enforced, which entered into force in 2012, and which, among other things, introduces greater control of the government regarding public budgets. As we mentioned, the linkage between populism and patrimonialism is analysed also in some South European cases (Edwards 2005; Tarchi 2015). We suggest forming a new comparative criterion applicable for those variety of cases.

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"LET NAD ŠTORKLJINIM GNEZDOM": NEOPATRIMONIALEN POPULIZEM ČEŠKEGA PREDSEDNIKA VLADE ANDREJA BABIŠA

Izhajajoč iz razprave o odnosu do populizma, njegove tipologije in nevtralne birokracije, ta članek obravnava komunikacijsko prakso nekdanjega češkega premierja Andreja Babiša glede evropskih subvencij. S pomočjo mešane vsebinske analize večletnih Babiševih izjav preverjamo dve tezi: prvič, Babiševa retorika je dominantno populistična in drugič, Babiševa retorika je neopatrimonialna. Rezultati analize kažejo, da je Babišev primer nova in še neopisana oblika populizma, ki jo identificiramo kot »neopatrimonialni populizem« in ki standardno populistično komunikacijo dopolnjuje s praksami, ki ne razlikujejo med javnim in osebnim interesom, lastnino in statusom.

Ključne besede: populizem; neopatrimonializem; češka politika; populistična komunikacija.

COMPARISON OF 20 YEARS OF REGIONAL SELF-GOVERNMENT IN THE CZECH REPUBLIC AND SLOVAKIA

Karol JANAS and Barbora JÁNOŠKOVÁ¹

The article aims to compare the regional level in Slovakia and the Czech Republic two decades after the regionalisation process started. The comparison is devoted to the election of the highest representative, the current competence framework at the regional level, and finding out which competence the heads of the Slovak and Czech regions consider to be the most important and examples of good practices too. Besides this, the article is devoted to the comparison of regional financing systems in Slovakia and the Czech Republic, regional competencies in crisis situations, and challenges for Slovak and Czech self-administration units. The answers to these topics are based on the analysis of the questionnaire sent to the Association of Self-Governing Regions SK8 and the heads of the Czech regions. After 20 years, the regions have been a fixed part of the public administration system and they are proof that the decentralized solution strengthens the stability of Slovakia and the Czech Republic.

Key words: regional self-government; regions; comparison; representatives.

1 INTRODUCTION

As we mentioned in the abstract, the main aim of the article is to compare the regional level in two countries of central Europe through the analysis of primary and secondary data. The subjects of the comparison are the basic characteristics of the regions as example the election of the highest representatives, the competence framework, financing systems, and competencies during crises. In this article, the comparative method was primarily used to compare regional levels in two states.

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Before proceeding with the context, it is necessary to define the most relevant terms used in the text. The multidisciplinary scientific discipline of Regional Studies is devoted to defining the term region. According to Michael Keating, the region acquires various forms in different places and relates to different spatial levels. Examining the essence of the term, Keating pointed to the location of the region somewhere between the level of the nation-state and the local level. He defines the regional level as a space for the intervention of many actors of all levels, from supranational to local (Rýsová 2009). For a long period of time, Viktor Nižňanský's research has been focused on the definition of the region. In the view of the plenipotentiary of the Government of the Slovak Republic for Decentralization of Public Administration in 1999-2001 and since 2003, the region represents an area that is internally cohesive, appropriately economically and culturally self-sufficient, and thus capable of adequate autonomy (Nižňanský 2006, 54).

Now the definition of the region mainly reflects the characteristics of the territory set aside for political and territorial administration, which points to the prevailing trend emphasizing the need to transfer from the centre to lower hierarchical levels. Therefore, regional and local authorities achieve independence to a certain extent in a limited range of matters, which is also supported by primary European Union law to apply the principle of subsidiarity as widely as possible. Nowadays, the definition of the region is approached as an administrative unit, which is perceived as a space providing opportunities for broad civic participation (Čajka et al. 2005; Čajka 2020).

In the year 2020, the Czech regions commemorated twenty years from the first regional elections that were held in December 2000. In Slovakia, the first regional elections took place in December 2001. The adaptation to the set competence framework, as well as the allocated financial volume, is typical of the Slovak and Czech regions' operation over a twenty-year period. The regions of Slovakia and the Czech Republic are the implementers of selected public policies representing a wide range of activities, with certain similarities and differences. Each region in Europe represents local socio-economic, cultural, or natural specifics. The effort to develop the territory is a recurring feature. The regional level in both states is still largely unknown to the public. Its competence framework is often mistaken by the inhabitants of the regions with the competencies of municipalities or the state level. According to the representatives of the Slovak and Czech regions, the knowledge of the competence framework from the side of the regional inhabitants and their identity with the existence and functioning of the regional self-government is a never-ending story. However, because the regions have been a permanent part of the public administration system for the past 20 years, it is necessary to work on a continuous process of knowledge of regional competencies. Effective and improved communication of the regions' irreplaceable tasks is important for the direction of regional development. The inhabitants must understand how they can contact the regions and how the self-governments can assist them.

Using the method of self-observation² and experiences at the regional level, the

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authors offer an insight into the main differences of functioning at the regional level in Slovakia and the Czech Republic. These states had a long joint history in the 20th century. The first administrative structure was created in the scope of the First Czechoslovak Republic in 1923. Within it, regions in the Czech part and counties in the Slovak part were established. This structure was exercised for several years. The territory of Slovakia was divided into six counties, and the administrative structure was in place until 1928 when it was replaced by a regional establishment valid throughout Czechoslovakia, while Slovakia formed one country. The subsequent change came in 1938 when Hungary seized the frontier districts in southern and south-eastern Slovakia after the Vienna Arbitration. After 1940, the two-stage political administration was reinstated; the territory of an independent Slovak State reverted to a six-county structure, with 59 districts. After the Second World War, the structure of the countries was restored. In 1949, the regional classification was established, with 14 regions on Czech territory and six regions in Slovakia. A new reorganization of the territorial division of Czechoslovakia took place in 1960, creating eight regions in the Czech Republic and three in Slovakia. Since the end of the 1960s, Bratislava was added as a separate entity. This system lasted until 1990 (Bardovič et al. 2018; Gurňák and Lauko 2007).³ For the period after 1990 is typical the absence of the regional level.

In the year 1989, the wave of democratic revolutions took place. This significant moment in history enabled the recognition of the political party's system. The changes took place in many areas, ranging from the political to the economic to the social area. The Czech and Slovak Federative Republic was no exception. The changes had an impact on the regional level because ineffective public administration slowed the overall reform of the economy and political system (Slavík 2022). The decentralization was a helpful tool for democratization in the countries of central and Eastern Europe. The reforms of the public administration⁴ were the key component typical for the transformation process in the mentioned countries. Based on the reforms, the territory governance authorities were created, not only on the local level but also on the regional level. The establishment of the regional level in the Czech Republic and Slovakia (as in Poland and Hungary as members of the Visegrad Group) was determined by the effort to enter European Union. The significant point was the process of the redeployment of the part of the competencies from the state administration bodies to the self-government. Thanks to the decentralization, the quality of the governance in the country is improving. The decision is closer to those who will be affected by it (Krnáč 2007).

Modern public administration can be defined as the state of the company's organization in which competence, powers, and responsibilities are divided among public administration institutions. In addition, it is characterized by good legislation, compliance, and law enforcement capabilities. It is also characterized by the high professionalism and ethics of public administration employees. These characteristics were only partially met in the V4 countries following the 1990s public administration reforms. It could be understood because of a decades-long

Association of the Self-Governing Regions SK8, consisting of all eight Slovak self-governing regions.

³ The summary can be also found in the document of the Ministry of Interior of the Slovak Republic (Ministerstvo vnútra Slovenskej republiky 2007).

⁴ In general, public administration reforms are being implemented to create a rational and efficient system of organization of state administration and self-government. The goal of these steps is a simple and efficient organizational structure. Equally important in this process is the gradual simplification of organizational fragmentation (Slavík 2022; Janas 2007).

totalitarian system in which public administration was seen as an instrument of power and not as a service to the citizen. The reasons were the unfinished model of its organization, insufficient control or growth and inefficiency of its expenditures. Public administration problems also stemmed from the poor legislative environment, inappropriate governance, confusion, non-incentive, and unfair funding (Nižňanský 2006; Novotný 2017). They were often joined by inappropriate territorial and administrative arrangements, neglective employee training, and a low level of knowledge of public administration. The aim was, therefore, to address these problems, as only “an efficient, and flexible public administration, oriented towards public service, can create the conditions for valuing the human, natural and productive potential of regions, in favour of increasing the quality of life of citizens” (Nižňanský 2006, 36).

Despite many years in the joint state, the Czech and Slovak Federative Republic was dissolved in 1993 into two individual states –Slovakia and the Czech Republic. These new states needed to establish domestic governance and approached the creation of public administration and governance principles. Although the constitutions of the Slovak Republic and the Czech Republic, adopted in the 1992, reckoned to the creation of the self-governing regions, the highest authorities in both states approached this step after the new millennium. The establishment of this level of self-government requested the approval of additional laws for the specification of the problematic of the territorial self-administration units.⁵ The aim of both states was the accession to the European Union, and the creation of the regional level represented one of the conditions. In Slovakia, eight self-governing regions were established, while fourteen regions were established in the Czech Republic (Buček 2011; Leška 2015).

According to Act no.302/2001 Coll. on Self-Government of Higher Territorial Units, the so-called Act on Self-Governing Regions, the mentioned self-administration unit in Slovakia represents an independent territorial self-governing and administrative unit. In this act, regional self-government is defined as a legal entity that independently manages its property and income under the conditions laid down by law. Besides this, it secures and protects the rights and interests of its inhabitants. According to this act, the chairman of the self-administration unit and the council of the self-governing region belong to the bodies of the Slovak regions. Their main task consists of securing the universal development of its territory and the needs of its inhabitants (Act on Self-Governing Regions 2001).

According to Act no.129/2000 Coll. on Regions, the region in the Czech Republic is defined as the territorial community of citizens who have the right to self-government. Besides this, the region is a public corporation with its property and income. In contrast to the Slovak self-governing regions, the Czech regions have more bodies; apart from the highest representative and the regional parliament, there is also the regional council and the regional office. They together are responsible for the overall development of the regional territory and the needs of its citizens (Act on Regions 2000).

The difference resides in the expressed number of representatives in the regional parliament. According to relevant acts, the determinative factor is the size of the regional population. In Slovakia, the number of deputies is determined by the regional parliament in the range of 12 thousand to 15 thousand inhabitants per

⁵ Act no. 221/1996 Coll. on Territorial and Administrative Division of the Slovak Republic 1996; Act no. 222/1996 Coll. on the Organization of Local State Administration 1996.

deputy (Act on Self-Governing Regions 2001). According to Act no.129/2000 Coll., the Czech region, with a population of 600 thousand inhabitants, has 45 members in the regional parliament. The unit with a population of 600 to 900 thousand inhabitants has 55 members in the regional parliament. The regional parliament has 65 members from the self-government, which has a population of over 900 thousand inhabitants. The regional office headed by the director carries out the administration of the region. In contrast to the Slovak regions, the director is named by the chairman with the approval of the minister of interior. The regional parliament sets up three obligatorily committees; the financial, controlling, and the education and employment committee. The regional parliament can also establish controlling and initiative committees, as well as other specialized committees (Act on Regions 2000; Grejták et al. 2002). The regional parliament in Slovakia establishes the financial and mandate commission and other commissions as its constant or temporary consultative, initiative, and controlling bodies. The regional office headed by the director is responsible for ensuring administrative and organizational affairs of the parliament, chairman, and other bodies (Act on Self-Governing Regions 2001).

To defend the interests of the regions and their inhabitants, the formation of interest associations comprised of individual territorial self-administration units was initiated. In Slovakia, the Association of Self-Governing Regions SK8 was founded in Bratislava in 2006. It has always been a voluntary, interest-based, and independent association (Jánošková 2020; Jánošková 2021). In the Czech Republic, the Association of the Regions of the Czech Republic was formed only one year after the regional level was implemented.

Both associations fulfil the role of the speaker and the representative of all units towards the national level and their bodies - legislative and executive. They promote the regions' joint interests and help the regions in actively developing their self-governing functions. Moreover, when carrying out their competencies, their impressive task is the unification of various opinions, ideas, and processes. The Association of the Regions of the Czech Republic perceives itself as the collective voice of the regions (Association of Regions of the Czech Republic 2022). Besides this, both organizations offer the opportunity to share concrete examples and exchange experiences in many areas of public administration. The sessions of both organizations are held four times a year. They create the organizational scheme with the chairman and the highest joint body consisting of representatives of all regions. The secretariats or offices were established for effective operation. In both cases, it is possible to create initiative and consultative bodies. Apart from many similar characteristics, the length of the term in office differs. The chairman of the Association of Self-Governing Regions is elected for two and a half years, whilst the chairman of the Association of the Regions of the Czech Republic is elected for two years (Statutes of the Association of the Self-Governing Regions SK8 2006; Statutes of the Association of the Regions of the Czech Republic 2002).

In the Czech Republic, the effective legislative also recognizes the so-called cohesion regions in connection with the implementation of European Structural and Investment Funds. In this case, their territorial districts coincide with one or more territorial districts of the regions. There are a total of 8 cohesion regions. In each, the regional council of the cohesion region is established and holds the status of a legal entity. At the same time, the regional council acts as the managing authority of the regional operational program of the respective cohesion region. The council sets up three bodies - the committee, the chairman, and the office.

Committee members are elected by the regional parliaments. The key criterion for filling the committee's positions is whether the cohesion region is made up of the territory of a single region or several. If it consists of the territory of one region, the committee has 15 members; if it consists of two or three territorial self-administration units, the concerned regional parliaments elect eight members (Klimovský 2010).

2 THE COMPARISON OF SLOVAK AND CZECH REGIONAL LEVELS; THE DIFFERENCES IN THE ELECTION OF THE HIGHEST REPRESENTATIVE OF THE REGIONS

The highest representatives of the regions in Slovakia and the Czech Republic, who are responsible for the administration of the region and its representation internally and externally, are elected differently. The direct choice method is used in Slovakia to elect regional heads, whereas the indirect choice method is used in the Czech Republic. Both have their advantages and disadvantages.

According to the representatives of the regional level in Slovakia, the advantages of direct election lie mainly in the fact that they obtain votes in a direct mandate from voters to whom they are responsible for decisions and performance of their functions. The heads of the regions represent the self-governing regions externally, act as their statutes, and at the same time decide on matters related to the rights and obligations of natural and legal persons if the decision has been entrusted by law to the higher territorial unit.

The highest representative of the regional level in Slovakia is elected directly by the citizens of the regions, not by regional parliaments and deputies. His removal is possible based on a referendum initiated by regional deputies. In this case, at least 50% of voter turnout is necessary. Most of them must speak out in favour of dismissing the chairman, which may seem to be a disadvantage of direct election. However, it should be added that regarding the current turnout in the Slovak regional elections,⁶ this is an unrealistic possibility.

Based on the above, it is possible to conclude that the advantage of direct selection of Slovak regional heads is greater legitimacy than indirect selection. The direct, secret, and equal election of the chairman of a self-governing region, as opposed to indirect choice, avoids stalemate situations that may arise if the regional parliament is unable to agree on a joint candidate or the proposed candidate is not elected by members of parliament.

In contrast to the elections of chairmen of Slovak regions, regional elections in the Czech Republic use an indirect choice of regional heads. In the election, the inhabitants vote for political parties, and the 5 percent limit must be met. After the elections, the chairman is elected as the highest representative by the regional parliament, and the council is elected. We can state that the position of the highest representative is weaker; only crisis situations are an exception. In these situations, the act confers more important competencies to the chairman. The Integrated rescue system falls under the competence of the chairman, and it

⁶ The last regional elections were characterized by low voter turnout; almost only 30% of eligible voters came to the polls (Horváth and Urc 2021). According to Haydanka (2021), "elections to the Regional Assembly have never been a priority for Slovaks, as is traditionally the case in the post-socialist countries" (Haydanka 2021, 9).

requires cooperation with the bodies at the central level (Act on Integrated Rescue System 2000).

The chairmen themselves perceive the advantage of indirect election. They can rely on a coalition majority in the decision-making process of the parliament. However, there must be consistency in the direction of the regional bodies between the highest representative, the regional parliament, and the regional council. As a disadvantage, the election of the chairman is the result of political agreements, which may be different from the majority opinion of citizens. However, according to own experiences of the highest representatives, the indirect choice is an advantage. The rationale of the statement is the fact that it is the only possible way to prevent a situation when the chairman bears a great deal of responsibility but does not have a real opportunity to influence the matters. The head needs to have the majority on his side in the regional parliament. It is a proven principle.

According to the chairmen, the direct election divides society at all levels, including at the regional level. If the directly elected chairman, as the highest representative of the region, did not have a majority in the regional parliament, he would not be able to administrate the region. The regional representatives themselves are inclined to believe that the indirect election system has proved its worth for more than 20 years, and therefore when something works for a long time, there is no reason to change it. However, the representatives of the Czech regions also agree that direct election would have a major disadvantage in suppressing the importance and influence of smaller political entities, which have a coalition potential. The prevailing opinion is that the direct election of the regional heads would strongly polarize the political situation in the regions.

3 THE DIFFERENCE IN THE COMPETENCE FRAMEWORK OF SLOVAK AND CZECH REGIONS

The regions in Slovakia and the Czech Republic function according to the competence framework laid down by the Act no.302/2001 Coll. on Self-Government of Higher Territorial Units and Act no.129/2000 Coll. on Regions.

In Slovakia, the current competence framework covers essentially all areas except defence and security. These competencies include road management and maintenance of roads of the II. and III. classes, specialized social care secured through social service facilities, health care and the administration of the outpatient and pharmacy network, secondary education and training, regional culture, regional development, and tourism.

After 20 years, representatives of Slovak higher territorial units see room for a new redistribution of competencies between the state, regions, and municipalities. This reallocation could be a part of a further public administration reform. Those competencies in which the regions are effective should be strengthened. It includes, in particular, the services at the supra-local level i.e. at the level between the municipality and the entire state. The strengthening of competencies would affect secondary education and social care. Transport could be another area of consolidation of the competence framework. Following the example of the Czech Republic, the provision of integrated public transport, not only suburban bus transport but regional rail transport too, could be added to the competencies of the regions.

TABLE 1: BASIC CHARACTERISTICS OF THE REGIONAL LEVEL IN SLOVAKIA AND THE CZECH REPUBLIC

	Regional level in Slovakia	Regional level in the Czech Republic
First regional elections	2001	2000
Number of regions	8	14
Average size of regions	6 129,25 km ²	5 632,75 km ²
Average population of regions	682 234 inhabitants	763 853 inhabitants
Main finances	single-source funding based on personal income tax revenue	share of the revenues of common taxes set by an act
Regional bodies	2 – Regional parliament and chairman	5 – Regional parliament, Regional Council, chairman, office and special regional authorities
Elections of the highest representative	Direct electoral choice	Indirect electoral choice
Regional association	Association of Self-Governing Regions SK8	Association of Regions of the Czech Republic
Bodies of the regional association	Chairman, assembly, sections and office	Chairman, council, commissions and office
Term of the chairman of the regional association	Two and a half years	Two years
Number of vocational commissions / sections	9	15

Sources: own processing based on the data of the Statistical Office of the Slovak Republic (Štatistický úrad Slovenskej republiky 2020), Czech Statistical Office (Český štatistický úrad 2020), Act on Self-Governing Regions, Act on Regions, Statutes of the Association of the Self-Governing Regions SK8 and Statutes of the Association of the Regions of the Czech Republic.

In the field of culture, the self-governing regions grouped in the Association of Self-Governing Regions SK8 would welcome the intensification of support for regional cultural institutions or the creation of a legislative environment enabling the establishment of new type institutions for artistic creation and creative industries. Higher territorial units are prepared to take over some competencies from the district authorities. In this case, SK8, represented by the heads of self-governing regions, is convinced that the cities and municipalities or the state could take over the several competencies of district authorities. The Czech combined model of state administration and self-government could be an inspiration. The key competence needed for the territory's sustainable development is competence around spatial planning and the environment.

Regarding the most important competence among the competence framework, it can be stated that the importance of the set powers for individual regions depends on the challenges of the counties. The regions themselves determine their priority themes, which define the direction of regional development. At present, self-governing regions in Slovakia have the ambition to participate in topics that do not fall within their competencies, such as drinking water supply or waste management solutions. In the future, in the context of demographic development, the most important area of competence will probably be authority related to social care. The area of regional transport is also indispensable, namely roads of II. and III. classes, which are used daily by 43% of the population of Slovakia. Regional secondary education cannot be forgotten because it plays a significant role in the education of graduates of vocational schools needed for the labour market.

The competencies of the regions in the Czech Republic are in principle sufficient concerning their position in the public administration system. But territorial self-

administration units themselves admit that they have many responsibilities, and many public expectations are associated with them, which is not always in line with sufficient regional competencies. Such an example is education, which has remained firmly under central control, and the regions are in the role of the clear mediator. Furthermore, in healthcare, where the regions have a responsibility to operate a first aid medical service but lack the necessary tools to do so. There would be a lot more examples like this.

Transport, health care, spatial planning, protection of healthy living conditions and social care, education in the secondary school system, cultural development, and conservation of the public order are among the competencies included in the Czech Republic's regional competence framework (Klimovský 2010). In transportation, the regions are responsible for the maintenance of the roads of II. and III. classes, as well as for regional railway transportation. Besides this, the state helps the regions with funding for the reconstruction of the roads through the State Fund of Transport Infrastructure. Funding is determined annually by an agreement reached between the Czech government and regional representatives. The functioning of the State Fund of Transport Infrastructure was the subject of interest of the Slovak chairmen during the common meeting with the representatives of the Czech regions in 2019 and 2020. The idea of the creation of the road fund in Slovakia was a concrete good example of practice and possible inspiration. Through this fund, the state would participate in the reconstruction of roads of II. and III. classes. The same idea started to be promoted by the Association of the Self-Governing Regions under the lead of its chairman Jozef Viskupič in 2019. Meanwhile, the Ministry of Transport and Construction of the Slovak Republic prepared the suggestion of the establishment and functioning of the Fund of the Transport Infrastructure. The intention for the systematic financing of the building, modernization, and maintenance of road infrastructure is made according to the model of the surrounding states, primarily the Czech Republic ('Na zriadenie fondu dopravnej infraštruktúry je najvyšší čas, voláme po ňom od roku 2019' 2022).

The issue of financing the individual regional competencies is also closely connected with the competence framework. For regions, it would be appropriate to have a larger share of their revenues (especially a share of joint tax revenues) and a smaller share of non-entitlement contributions and subsidies. Regions (and municipalities) in the Czech Republic have their revenues in the form of a statutory share of joint taxes (the so-called budget determination of taxes). They can also manage their property and money independently. Therefore, the representatives of the regions agree that decisions about the regional budget and the principles of territorial development (i.e., spatial planning) are among the most important. The head of the Karlovy Vary Region Petr Kulhánek believes that the most important competence is the responsibility for the available and high-quality regional health care.

The position of the Czech regions is specific because the regional parliaments have the legislative initiative. It is the next good example practice that could inspire the Slovak regions. The subject of the mutual meetings between the chairmen of the Slovak and Czech regions was the comparison of the competence framework and the possible examples for inspiration in transportation, social care, health care, secondary education, and the regional policy within the competencies. Besides the legislative initiative, the representatives of the Czech regions have rich experiences from the meetings with the representatives of the state level.

3.1 The Difference in the Competencies at the Regional Level During Crisis Situations – Covid-19 Pandemic

During the coronavirus pandemic situation, the regions in Slovakia became crisis management bodies. Thanks to amendments to relevant laws, the roles of higher territorial units in state crisis management have been strengthened. It was the initiative of the Association of Self-Governing Regions SK8. The reinforcement was reflected in that the crisis staff of the self-governing region became the crisis management coordinating body. As a result of the change, regions in positions of crisis management bodies now have not only defined rights but also obligations.

In this case, it reflected reality in the legislation after the regions actively participated in the coordination of the fight against the spread of the new virus on their territory during the first wave of the COVID - 19 pandemic. The contribution of self-governing regions was also reflected in the suggestion of measures at the regional and national levels, which were based on their own practical experience. Through them, the self-governing regions helped to correct the ideas of individual ministries.

The Slovak regional self-governments made a direct contribution to the fight against COVID - 19, despite the absence of staff, equipment and distribution channels. They redistributed protective funds from state supplies to all public and non-public social service facilities in the region, as well as ambulances and hospitals in counties under their founding competence.

As we mentioned above, the Crisis Act in the Czech Republic gives the relevant competencies to the highest representatives of the regional level. However, the coronavirus pandemic has shown in practice that the powers need to be partially adjusted. The adjustment of competencies is being prepared. Formally, the external powers of regional crisis management bodies are quite sufficient, although quite confusing (mostly vaguely defined). Moreover, they are not sufficiently accompanied by financial resources. The authority of the head is included in §14 clauses 3 and 4 of Act no. 240/2000 Coll., the so-called Crisis Management, which solves the readiness of the region in the field of crisis management. The chairman can coordinate rescue and liquidation work, care for children and minors (through designated schools), and can order work duties, for example for paramedics. The highest representative of the region can declare a state of danger and issue crisis measures within the state of emergency in the regional conditions. The special tasks department is responsible for crisis management at the regional office. The chairman and mayors are authorized to make key decisions for the management of emergencies and crises. The chairman and mayors of municipalities with extended powers set up a security council as their coordinating body for crisis preparation. Furthermore, they set up crisis staff as their working body for crisis management (Act on Crisis Management 2000). According to Act no. 241/2000 Coll., on Emergency Economic Measures for Crisis Situations, the head of the region is entitled to order the supplies of products and services, use premises, or regulate or organize transport (for example, ban on boarding through the front door, sale of tickets (more in §21 of Act No. 241/2000 Coll. on Emergency Economic Measures for Crisis Situations).

During the coronavirus pandemic, all regions and many municipalities replaced the role of the state. The situation would not be managed without the active involvement of the regions, their organizations (i.e., hospitals, emergency medical services, residential social facilities, etc.), and municipalities. At the same

time, due to the nature of the matter, it was a problem in the entire territory of the state. According to the legal order, it should have been dealt with by the government, the bodies of the sanitary service, the Ministry of Health, the Ministry of the Interior, and the State Material Reserves Administration.

According to the heads of the Czech regions, the state level and sanitary service have failed because they were unprepared for crisis activity and a pandemic. The government and ministries gave orders to regions and municipalities in unofficial ways (through media statements, press conferences, e-mails, text messages, videoconferencing sharing requests, and through the creation of media pressure), while using official legal means only minimally. According to the chairmen, the management of the pandemic was chaotic.

The regions had only a limited opportunity to use legal instruments to manage crises, due to the nature of the crisis. However, crisis staff in all regions functioned successfully, and effective decisions were made by chairmen within the legal order. Sometimes it was on the margins of the law when this was justified by the need for rapid action. The goodwill, sense of practicality, and objective orientation were strongly evident in the activities of regions and municipalities. The regions had to decide whether to declare regional states of danger individually when the national state of emergency was not prolonged. Although it did not correspond to the nature of the threat, the regions declared the state of regional danger to help manage the situation. This was also proof of the centre's failure as well as an expression of regional responsibility.

4 THE DIFFERENCE BETWEEN THE FINANCING SYSTEMS OF THE SLOVAK AND CZECH REGIONS

Self-governing regions in Slovakia have pointed out for a long time the inadequacy of the current financing system at the regional level. For regions, single-source funding based on personal income tax revenue is unpredictable. The proposed solution again draws inspiration from the Czech model; it is the introduction of regional financing from the share of the selection of either more taxes or even all taxes.

Slovak higher territorial units in several areas of competence cannot eliminate investment debt and ensure regional development themselves. The most significant of these is transportation. Due to the deteriorating condition of the road network, it is proposed to create a road fund, which would be a source of financing for the modernization and construction of roads of II. and III. classes owned by individual regions. In addition to the condition of the roads, the unresolved issue of land ownership under the ways must be addressed.

According to the highest representatives, the system of financing is currently set up appropriately in the Czech regions. They also agree that the concrete amount of the tax share in the budget allocation will always be discussed. The state is convinced that it provides enough funding. The local governments, on the contrary, feel a lack of funds within the system of financing regions.

For regions, it would be appropriate to have a larger share of their revenues (especially a share of the revenues of common taxes) and a smaller proportion of non-eligible contributions and subsidies. The biggest problems are insufficient systemic, predictable, and long-term stable coverage of the financing of social

services and road management and maintenance of the II. and III. classes. The Head of the Karlovy Vary Region, for example, would propose the elimination of unbalanced financing of hospitals. The faculty and regional hospitals are financed unequally, while regional ones are disadvantaged. Regional authorities in the Czech Republic also perform delegated state administration. It means that the state delegates responsibilities and competencies in the performance of state administration to the regional level. However, the performance of this state administration is not fully financed by the state. The state only contributes to the performance of state administration at the regional level, not the full coverage of costs.

5 THE CHALLENGES FOR REGIONS IN SLOVAKIA AND THE CZECH REPUBLIC – DISCUSSION AND CONCLUSIONS

The biggest challenge for the Slovak self-governing regions is the completion of decentralization in the form of public administration reform. According to representatives of higher territorial units, this reform should be based on the principle of subsidiarity and strengthening the fiscal autonomy of the regions. The reform should consist of an important step, which is the accession to the municipal consolidation. Also included is a targeted redistribution of competencies between the highest central level, the middle stage - self-governing regions - and the lowest level, which are municipalities - villages and cities. These measures would have an impact and contribute to the efficient functioning of public administration.

The emphasis in public administration reform is on ensuring that the delegation of powers is real. It is equally important to eliminate duplications. Transparency of the competence framework is welcome to improve citizens' awareness of public administration and strengthen the legitimacy of the state and the public administration. All these steps should lead to a reduction in the bureaucracy of the territorial public administration, following the example of the Czech model. Its advantage is that the citizen can handle things in one place and does not have to visit several offices. The aim of the reform is also to provide the mentioned possibility in Slovakia.

The main challenge in the Czech Republic is to defend the combined model of public administration. In these conditions, both self-government and state administration in the delegated competence is performed under the so-called one top of the region (and municipality). Other challenges include the prevention of the other state offices' establishment on the territory. The Supreme Building Authority, for example, is envisioned by the amendment to the Building Act.

In the Czech Republic, a model with a relatively strong position of territorial and local self-government was created after 1989. After that year, there was a gradual tendency of individual governments to nationalize territorial and local governments, limit them, and gain more control over them, at least partially. The heads of the Czech regions think that this tendency is very dangerous or strongly centralist. The chairmen judge this enforced state as abusive for the political goals of the forces that are currently in power. They tend to prefer the diversity, the political colour of the regions, and their competition. The decentralized solution strengthens the stability of the whole state. It is not so easy to abuse the system in the application of decentralization to suppress democracy or limit public control.

Aside from the general challenges, regional challenges can be identified in each region of the Czech Republic. In Slovakia, a similar situation can be observed. For example, in the Karlovy Vary Region, the transformation of the self-administration unit in connection with the slowdown in coal mining is viewed as a challenge. The transformation will relate to the change in the economy, orientation towards new industries, and changes in the educational structure. The withdrawal from coal mining will also trigger changes in the labour market, where it can be expected that other demands will be required from jobseekers, especially regarding higher qualifications than before.

The Slovak and Czech regions have been part of the public administration system for more than 20 years. During this period, they have recognized their competence framework and fulfilled their main task through overall territory development. After 20 years of functioning, it is possible to state that the regional level is the stage whose competence framework is not well known between regional inhabitants. People in individual regions, on the other hand, are more familiar with the highest representative of regional self-government than its competencies.

The regional level has an impact on the daily lives of its inhabitants. Every day, residents interact with its competence framework, whether it is the use of regional roads, suburban bus or regional rail transportation, secondary education, social services provided in social services facilities, the issuance of licenses for outpatient doctors, the provision of health care in regional hospitals, ensuring cultural life, or promoting regional tourism.

Similarities can be found at the regional levels in Slovakia and Czech Republic. We appreciate that the highest representatives of the regions on both sides of the former common border are interested in sharing their experiences, and not just during joint personal meetings. As a result, the chairmen can share their experiences and best practices. The creation of the Transport Infrastructure Fund, the implementation of the legislative initiative for regions, broaden the area of transportation about regional rail transportation, and have regular meetings with the state level, as well as the government, are concrete examples of how the Slovak regions could be inspired by the Czech self-governments. Meetings with representatives from the central stage provide opportunities to solve regional problems more quickly and effectively. However, communication between representatives from the state and regional levels can be complicated in some cases. Its significance stems from the need for direct discussions on solutions that have the potential to improve the lives of people in the regions.

However, sharing the experiences and good example practices is reciprocal. The direct election of the highest representative is the inspiration for the Czech regions, just as the system of dual education in Slovakia, which in its essence follows the system of apprenticeship education. In the dual education system, the Slovak higher territorial units manage to connect theory with practice and effectively prepare young people for the labour market.

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PRIMERJAVA DVAJSETIH LET REGIONALNE SAMOUPRAVE NA ČEŠKEM IN SLOVAŠKEM

Namen članka je primerjati regionalno raven na Slovaškem in Češkem dve desetletji po začetku procesa regionalizacije. Primerjava se osredotoča na izvolitev najvišjega predstavnika ter na trenutni kompetenčni okvir regionalne ravni; članek pa razkriva tudi, katere kompetence vodje slovaških in čeških regij vidijo kot najpomembnejše ter prikazuje primere dobrih praks. Poleg tega v članku primerjamo financiranje regionalnih sistemov na Slovaškem in Češkem, regionalne kompetence v kriznih razmerah ter izzive, s katerimi se soočajo slovaške in češke samoupravne enote. Odgovori na ta izhodišča temeljijo na analizi vprašalnika,

poslanega Združenju samoupravnih regij SK8 in vodjem čeških regij. Po dvajsetih letih so regije stalni del sistema javne uprave in so dokaz, da decentralizacija krepi stabilnost Slovaške in Češke.

Ključne besede: regionalna samouprava; regije; primerjava; predstavniki.

THE THIRD WAVE OF AUTOCRATIZATION IN EAST-CENTRAL EUROPE

Attila ÁGH¹

From the early 2010s the East Central European countries have developed the “third-generation autocracies”. They have introduced these autocracies through the “democracy capture” with a large deviation from the EU mainstream. Compared to the previous traditional types of autocracies the third-generation autocracy has produced radical innovations with the parallel developments of the formally democratic and informally autocratic forms in the institution-building. They have created a democratic façade of the formal-constitutional institutions and have also made big efforts for the drastic control of the informal institutions, in the media, culture and communication. This paper deals with the three stages of autocratization in the last thirty years in ECE, and it focuses on the recent stage from the early 2010s in its three shorter periods.

Key words: Chaotic Democracy; Neoliberal Autocracy; De-Democratization; Autocratization; De-Europeanization.

1 INTRODUCTION

As the point of departure this paper offers a historical overview of the autocratization in a comparative ECE view in the last thirty years, indicating the contours of this backsliding from the basically weak and chaotic democracy to the modernized autocracy in three big stages of the *Easy Dream*, *Chaotic Democracy* and *Neoliberal Autocracy* in the corresponding decades. The paper concentrates on the third stage in the 2010s in its three shorter periods taking 3-4 years as *De-Democratization*, *Autocratization* and *De-Europeanization*. Accordingly, in this historical process there has been a change of focus in the democracy studies in general and in the ECE states from the democratization to the autocratization as the ruling paradigm. For the first two decades there was a general feeling of chaos and deception in ECE, but mostly focusing only on the specificity of the given country in its special crisis, generated by the controversial catching-up process in the EU. The scientific perception of the crisis led, however,

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to the recognition of the common ECE failures in the Europeanization and Democratization process by discussing the naïve hopes in the first stage and the resentment in the second stage of the chaotic early democracies. More and more the reasons of the ECE common diversion from the mainstream EU developments were discovered in these “crisis studies”, while the emphasis was shifted to the new features of autocratization, hence this new turn to autocratization was described and systematized in the 2010s. With the emerging autocratization the change of paradigms between the democracy studies and the “autocracy studies” was completed. Thus, in the third *stage* by the early 2020s both the controversial history of the early Eastern enlargement and the systemic features of the new autocracies have been formulated into a common theory (V-Dem 2021; Lührmann 2021; Merkel and Lührmann 2021), focusing on the new ECE autocracies in their increasing confrontation with the EU mainstream.²

After discussing the first topic of “crisis studies” in democratization as the derailment of Europeanization in ECE in the first two stages, this paper turns to the second topic, to the autocratization in ECE, to the third stage in its three *periods*. First, it will present the ECE failure in the management of the global fiscal crisis due to their missing competitiveness and the emergence of the hybrid regimes in the early 2010s as *De-Democratization*, since in the first period the constitutional foundations of democracy were attacked and weakened. Second, the rise of elected autocracies in the mid-2010s as *Autocratization* with a deepening process of oligarchization based on the politico-business networks in the formal and informal institutions with their efforts to complete the autocratization. Third, the shaky consolidation of these new autocracies in the late 2010s has deepened the Core-Periphery Divide as an open confrontation of the ECE countries with the EU in the recent period of *De-Europeanization*. However, the ongoing triple global crisis has provoked a creative crisis in the EU history, and its crisis management has produced a basic change in the EU. This new turn in the EU has given a good platform also for the *new systemic change* in ECE going through the “hell” of autocratization to the sustainable democracies in the 2020s.³

In this regional framework, this paper indicates out that Hungary has been the classical or model case of this controversial transformation process, although the other ECE countries might have performed “better” in the autocratization in some special fields. The Orbán regime has completed the state capture in these three periods, and it has performed the political capture of all social fields in several steps as a “stealthy putsch”, so the Hungarian case offers itself as the worst-case scenario for the deeper analysis of the autocratization. Altogether, this paper tries to provide the concept on the comparative autocratization in the Eastern periphery of the EU, as a turn to *zombie democracy*. This concept of

² This is the first part of a longer paper, the second part on Hungary will be published later. The theory of the third-generation autocracy has been elaborated in the V-Dem Institute (2021), but its historical itinerary has not been described in it consecutive stages so far. Therefore, to discover the ECE historical itinerary this paper has elaborated a periodization of the autocratization based on the European Studies about the ECE region. In overviewing the ECE literature I refer above all to the books and papers written by the ECE scholars on this process as a regional self-test, by also offering a wider view from the international scholarship. I have published extensively on the ECE autocratization in general, and on the Hungarian case in particular, see my recent books (Ágh 2019a, 2021) and papers (Ágh 2016, 2019b, 2020a, 2020b).

³ From the recent “decline of democracy” literature, see for instance Bayer and Wanat (2021), CoE (2020a, 2021b), Coman and Volintiru (2021), Ghodsee and Orenstein (2021), Higgins (2021), Kochenov and Dimitrovs (2021), Lovéc et al. (2021), Maurice (2021), Sabatini and Berg (2021). This literature of library size has been presented and discussed in my above-mentioned publications.

autocratization gives the hope of provoking a discussion on this topic. Finally, this reconceptualization leads to the conclusion about the radical reforms of the EU in the management of the triple global crisis, which not only offers, but in fact necessitates the *redemocratization* in ECE.

2 THE COMMON ECE ITINERARY LEADING TO THE ELECTED AUTOCRACIES IN THE 2010S

The twin project of the Europeanization and Democratization in ECE has advanced in three stages of the *Easy Dream*, *Chaotic Democracy* and *Neoliberal Autocracy* in an increasing drift from the mainstream EU development with the drastically changing popular narratives and scholarly concepts. Briefly, in the first stage, after the collapse of the previous regime there was a euphoria as an *Easy Dream* about the “Return to Europe”, about the rapid and easy catching up process. In the second stage there was an increasing deception in the *Chaotic Democracy*, with a rising popular cognitive dissonance between the general ideas of the EU membership and its concrete policy processes managed by the new elites. After the backsliding of democracy this tension in the third stage has led to the emergence of *Neoliberal Autocracy* as the elected autocracies with the derailment from the mainstream European developments. The imported neoliberalism, resulting in a deepening Centre-Periphery gap between the old and new member states, has generated a dependent development not only in the economic, but in the socio-political system, too. And the long march through “the valley of tears” – in Dahrendorf’s term – the ECE has reached its most painful stage in early 2020s with the failure of the twin goals of Europeanization and Democratization.⁴

In this three-stage ECE development the first one in the nineties – called usually as democratic transition - was conceived in the concept of the path dependence (“geography is destiny”). It appeared in its positive, early version and suggested a quick process in Europeanization and Democratization, both internationally and domestically as the easy dream scenario. This democratic transition was conceived as a quick process managed basically from inside and stimulated from outside, at world system level as part of global democratization, but under the conditions of Europeanization, Domestically, there was an even more optimistic variety of the path dependence with the slogan of “Return to Europe”, since supposedly the Central European countries preserved their European heritage and were diverted from it only by the Soviet empire, therefore they will return to Europe quickly and without any pain. From the EU side the Copenhagen criteria for the accession were cast also in the terms of the positive path dependence, and they were hopelessly mistaken without indicating its lengthy process in some stages, although the danger of the reverse wave mentioned already by Huntington.

This path dependence concept was more and more questioned in the second stage and was given up in the third stage switching to the concept of the world-system initiated changes. Therefore, the discovery of the deep reasons for the ECE divergence from the EU mainstream needs a reconceptualization of democratization/autocratization studies in ECE. In the 2000s there were already

⁴ The criticism of the ECE autocracies has closely related to that of neoliberalism in the joint presentation of neoliberal autocracies see Berman (2021), Cody (2017), Dale and Fabry (2018), Kofas (2021), Lebow (2019), Means and Slater (2019) and Shields (2013).

various theories for the failure of the catching-up process with regular references to the globalization process. Path dependence was still mentioned in the analysis of Europeanization and Democratization, but this time the “alienation” of the ECE region from the EU mainstream seemed to be the cumulated result of its “negative” historical heritage. This concept has proved to be misleading because in fact the failure of catching up has mostly been the product of the special neoliberal way of Europeanization. Thus, in the 2010s there was a process of systematization in the ECE studies with a turn from the path dependence to the world-system-based theorization, parallel with the conceptual change from the democratization to the neoliberal autocratization.

After the conceptual trap of the evolutionary or linear development of democratization within the EU, that has haunted the EU literature for decades, there is a need for the reconceptualization based on the new paradigm of autocratization as the continuous decline of democracy since 2010. This “easy dream scenario” with facilitating role of the EU in the democratic transition was dominant in the nineties despite the increasing difficulties and was resuscitated to some extent by the expectations of the EU membership in the early 2000s. The Western approach was double-faced already in the nineties since there was a clash between the scenarios of the enlightened Westerners like Dahrendorf and the neoliberal prophets like Fukuyama. While Fukuyama preached the inevitable and final victory of liberalism throughout the world, Dahrendorf already pointed out that this was a lengthy process of about sixty years with several – legal-political, economic and social – consecutive changes. The optimistic scenario of the quick evolutionary development suffered from the credibility crisis in the second stage, reaching the opposite conclusion of the ECE scenario in the late 2000s, when the path dependence approach came back with a vengeance from the negative side as the eternal fate of the European periphery. Hence, the collapse of credibility in the short democratic transition and the widespread deception in the systemic change was indeed a relatively quick process due to the cumulated social and human deficit in the first two decades.

For sure, the first theoretical reaction to the decline of democracy in ECE was the return to the good old common-sense about path dependence negatively in the second stage. This was also the typical Western fallacy as the usual polite accusation or tough stigmatization of the ECE citizens for this crisis of democracy. Supposedly, they were still “unmature” for democracy, although allegedly the West did everything to promote democracy in the East. Altogether, there was a strange ambivalence between these two extreme approaches for decades. Officially, in the EU documents the positive external effect of Europeanization has been emphasized, whereas domestically, in the popular mind the negative path dependence in the decline of Democratization has become the dominant approach. This paper endeavours to outline both approaches in a more nuanced way, with their positive and negative sides by supporting the “recombination” approach, meaning the synthesis of the old and new elements into “a social world in which various domains were not integrated coherently” (Stark 1996, 994).

This switch from the positive/optimistic to the negative/pessimistic version of the path dependence approach indicates the radical changes in the world system and the intensive effect of the “running globalization” in ECE. So, it must be emphasized that with the increasing waves of globalization the external influence has played a more and more direct and intensive role as the radical external challenge for all regions, much more in the late 20th century than in the case of the former world-system changes. Therefore, in my view, the two big global

crises – the fiscal crisis from the late 2000s and the triple crisis from the early 2020s – have been the great turning points in the contemporary EU history, and especially in the ECE history. No doubt that the full picture about these global crises for the workings of the EU also needs the discovery of their internal mechanism. In the first case of global crises the failure of the crisis management based on the neoliberal principle produced the crisis of crisis management in the late 2000s generating the autocratization from the early 2010s. In the second case of global crises the management of the triple of global crisis in the early 2020 has led to the fundamental reform of the EU that necessitates the redemocratization in ECE.

Namely, in the second stage of *Chaotic Democracy* the failure of Europeanization after twenty years generated a deep deception, culminating at the outbreak of the global fiscal crisis. The elite deception and the popular dissatisfaction produced the collapse of the Europeanization cum Democratization scenario after the global fiscal crisis that showed the weak resilience of the new member states. It caused a drastic change in the popular narratives, the dominant EU-centric democratization narrative lost its credibility in the 2000s and the traditional nation-centric narrative as a successful political myth of reinventing the past – in a somewhat “modernized” form - became the dominant narrative instead, with many cognitive dissonances in the public opinion. The increasing cognitive dissonance can be explained with the terms of the diffuse and specific support in the Easton concept, in which the *diffuse* refers to the support of the entire political system and the *specific* to that of specific public policies. Based on this conceptual construct, the general-symbolical narrative about the EU has not been shaken in ECE by the failure of the catching-up process due to the long-term tradition of the European identity in ECE, despite its clash with the particular-policy narratives, causing an increasing cognitive dissonance.

Altogether, from the ECE side, the euphoria about the collapse of the Bipolar World System hides away that after the collapse of the Soviet empire the ECE states were in fact in a social and political vacuum, and they were defenceless against the Western “invasion” both in its positive and negative meaning. Therefore, the starting point was, in plain terms, that the West reconquered the East. It was such a benevolent process that disguised the penetration of the Western neoliberal economy switching the East to another dependence, although it was less damaging, and more encouraging and promising. This paper briefly presents the controversial process of the neoliberal economic integration of ECE that has also been essentially a socio-political process of disintegration, as it has been discovered in the recent years during the crisis of the neoliberal universe. Accordingly, due to this discovery of the controversial effect in the Europeanization, there has been a shift from the dominance of the path dependence concept to the global systemic change concept. The first one has put the blame for this EU divergence entirely on the ECE region’s “backwardness” by stigmatising Central Europe, but the second one has recognized that the comparative regional weakness and the late arrival has just given the opportunity for the neoliberal Economic Europe to reconquer the East and to build up a system of dependent, “low-wage-low skill economy”, generating social deficit and socio-political polarization. Altogether, “EU economic integration, together with globalisation, has been allowed to run amok through our societies” (Little 2016, 3).

In the early 2010s, after the failure of management of the global financial crisis, there was a quick change of paradigms in the European Studies. The Western

criticism of the aggressive neoliberalism has become the main trend both globally and regionally. The EU history has been rewritten with its three chief actors in the policy triangle of the Economic, Social and Political Europe. The leading EU-based research institutes – Eurofound and European Trade Union Institute (ETUI) have pointed out that the main reason of the ECE divergence from the EU mainstream has been the dominance of the neoliberal Economic Europe, generating social deficit and provoking autocratization. This “disintegration” of the EU has been discussed and it has been amply theorized since the early 2010s by the big Brussels-based institutes – European Policy Centre (EPC), Centre for European Public Policy (CEPS) and Bruegel – preparing the crisis management of the triple crisis to a great extent. This concept has also been the general background of the new analysis of the ECE developments. In the *third stage of Neoliberal Autocracy* in the ECE development the criticism of the neoliberal economic invasion to the new member states has become the mainstream trend in the ECE theories, first in the West, and much later in the “East”, in the ECE countries themselves,

Consequently, the deeper economic and social reasons of the decline of democracy and the weak competitiveness in ECE have basically been discovered only in the third stage. The workings of the neoliberal Economic Europe have been discovered with the recombinant socio-political system in the global fiscal crisis management. Due to this critical EU approach the deconsolidation became a fashionable term in the 2010s. Namely, this democracy backsliding comes from the economic history of the EU, from its new dependency structure creating deep social and political polarization in ECE. This third stage of ECE development, as the process of reconceptualization from the dominance of path dependence to that of the global changes, will be discussed below in its three short periods based on the internal transformation of the EU through the relationships of Economic, Social and Political Europe, leading to the creative crisis in the early 2020s.

3 THE DIVERGING PERIODS OF ECE FROM THE EU MAINSTREAM IN THE 2010S

In the euphoric days of the accession of ECE countries the convergence was the basic term, but later the divergence between the East and West has become deeper and wider and its recognition in the EU has been hopelessly delayed. Finally, in the turmoil since the early 2010s three periods can be distinguished with the deepening socio-economic and political crisis in ECE that will be discussed as the De-Democratization, Autocratization and De-Europeanization periods. In plain terms, the De-Democratization period was “destructive” or “negative” by ruining the foundations of democracy, the Autocratization period was “constructive” and “positive” by building a new political system, and finally, the De-Europeanization period was “offensive” and “conflict-seeking” representing the interests of this newly emerged autocratic system against the EU. The *first* period was framed by the failed effort for the fiscal crisis management in the EU that was a prolonged process with its peak of the euro-crisis in the early 2010s. The global fiscal crisis was also the first big historical test of the missing crisis resilience in ECE and the end of its “convergence dream” (Darvas 2014). It was also the borderline in democracy studies between the first and second period, between the decline of democracy and the emerging new systemic features of the autocratization. The World Bank issued a warning already in the early 2010s that the “Convergence Machine” in the EU did not work in this period of the deep socio-economic crisis. Accordingly, the warning about

the political reverse wave was indicated clearly also by the ranking institutes - EPC and CEPS -, but in vain. In the early 2010s the critical voices about the new ECE legal-political developments and the missing EU reaction were echoed also by many experts. When analysing the “unhappy EU” in the process of the failed global crisis management, the warning was raised with justification that “if major institutions of liberal democracy in one member state radically deviate from the EU’s member states’ constitutional traditions, and undermine the rule of law, this is an issue that the EU needs to address directly.” (Bugaric 2014, 25). But this EU response did not happen, although the leading EPC experts coined the term and theory about Fragmented Europe and raised the call for the “Re-unite EUrope” (Emmanouilidis 2018).

The ECE decline of democracy as De-Democratization, as the serious case of deviation from the mainstream EU developments was formulated first by the Tavares Report passed by the European Parliament on 3 July 2013 with a large majority. This Report was the first important EU document on the decline of democracy in ECE. The Tavares Report asked for organizing a “Copenhagen Commission” in the Hungarian case, but it was set in an all-European context because the Report requested “the establishment of a new mechanism to ensure compliance by all Member States with the common values enshrined in Article 2 TEU” (Tavares 2013, 15). As a summary of the first period, The Economist’s *Democracy Index 2014* already noted that “Democracy has also been eroded across east-central Europe. (...) although formal democracy in place in the region, much of the substance of democracy, including political culture based on trust, is absent.” (EIU 2015, 22). Still, the beginning democracy capture by the emerging autocratic elites in ECE was completely neglected by the EU, and in fact no official action was made.

The first period of democratization literature described the ECE diversion only on its surface, without discussing its deeper reasons, just asking what was missing in ECE from “Europe”. This was the first step to overcome the Western fallacy about the “automatism” of civil society, as Gellner (1996, 10) warned about it: “Civil Society is simply presupposed as inherent attribute of human condition.”, and Innes (2014, 90) pointed out that this mature civil society was simply not yet existing in ECE. This step of investigation in ECE was necessary to overview the basic features of divergence between the legal-political and social-cultural matters. The process of emptying the ECE democracy was discussed for instance by the Rupnik-Zielonka (2013) paper. Basically, for explaining the reasons of “democratic regression”, Rupnik and Zielonka put the contrast of formal and informal institutions at the centre of their analysis. They offered fresh approach to the history of democratization by focusing on the contradiction that the big formal-legal constitutional institutions were not supported by the “positive” informal institutions of the mature civil society. Just to the contrary, the “negative” informal institutions, the comprehensive system of “closed party patronage” undermined the big formal institutions and created a lack of transparency in the workings of the political system. Hence, these non-transparent clientele or corruption networks between politics and economy were responsible for the declining democracy.⁵

⁵ The colonization of civil society may take several forms (see Amnesty International 2015), therefore there has been a large academic literature about “uncivil society” and/or “bad civil society”. This paper refers to the “negative” corrupt clientele networks that have dominated over the “positive”, democracy-supporting informal institutions in NMS.

Rupnik and Zielonka considered that so far, the “political scientists have devoted considerable attention to the study of formal institutions in the region such as parties, parliaments and courts. However, informal institutions and practices appear to be equally important in shaping and in some cases eroding democracy, and we know little about them.” (Rupnik and Zielonka 2013, 3). They pointed out the weaknesses of the former assessments by referring to the simple fact that the political debates across the ECE region missed “the role of informal politics in undermining formal laws and institutions”, although the formal democratic institutions “perform differently in different political cultures because of informal codes and habits” (ibid., 12). This new approach in the criticism of the democratization literature in the last two decades opened a new field of analysis by continuing the “recombination” approach and pointing out the false combination of the new big formal institutions based on the EU constitutionalism and the old informal institutions based on the traditional patterns of the political culture: “Over years, students of Central and Eastern Europe have acquired a comprehensive set of data on formal laws and institutions, but their knowledge of informal rules, arrangements, and networks is rudimentary at best.” In such a way, the reason for backsliding of democracy in their view was that the “informal practices and structures are particularly potent of Central and Eastern Europe because of the relative weakness of formal practices. Informal practices and networks gain importance when the state is weak, political institutions are undeveloped, and the law is full of loopholes and contradictions.” This discussion of the negative informal institutions indicated already the oligarchization as the hard core of autocratization. All in all, they concluded that “cultural anthropologists are probably more suited than political scientists to study social networks.” (Rupnik and Zielonka 2013, 13–14).

In the *second* period, in the mid-2010s the reasons for the democracy crisis were analysed more systematically by pointing towards the emerging system of Autocratization. For instance, Ramona Coman and Luca Tomini specially investigated the development of scholarship on ECE in a Special Issue of *Europe-Asia Studies* and they concluded that the most important issue was “How can we explain the democratic crises in the new member states” (2014, 855). Based on the general trend of democracy decline, they noted that “the Orbán government in Hungary has attracted the attention of the other European countries and the European Union because of the authoritarian and majoritarian concept of democracy” that was accompanied by a “systemic destruction of checks and balances in the government” (Tomini 2014, 859). This systemic analysis already exposed the process of oligarchization behind the changes of the informal institutions, thus the emergence of oligarchs was in the focus of the emerging autocratization literature in the second period. The ECE literature described the decline of democracy in the conceptual framework of politico-business networks, in general as the historical trajectory from corruption to state capture. When the social policy-based redistribution was replaced systematically with the political elite-based redistribution, this state capture turned to be a “democracy capture” by the ruling elite, since the informal clientele or corruption networks of oligarchs produced a new kind of political system, often called façade democracy. The big formal institutions proved to be “Sand Castles” built on the moving sand, or they were transformed to a mere façade, reducing this new political system to some kind of Potemkin democracy without any transparency. The system of checks and balances was already paralysed, hence finally the ECE countries ceased to be real democracies. It was realized that the corruption in ECE was not marginal phenomenon, but it was the very essence of the kleptocracy system in

the “normal” workings of the Potemkin or facade democracy. This system of power was based *de facto* on the joint politico-business groups with a tight fusion between economy and politics. The social clientele networks formed the subordination pyramid for mutual support and protection in exchange for certain privileges. In sum, the second period in the ECE historical trajectory generated the common systemic deviation in the East from the West with blatant violations of EU values in the Autocratization period.

It was a quagmire of the original scenario for Europeanization and Democratization that finally, in the *third* period turned to *De-Europeanization* with an open conflict with the EU in the deepening Core-Periphery Divide. The ECE political system was usually called politely hybrid democracy, although the term of democracy was used less and less for the ECE states during the 2010s, and in the late 2010s the V-Dem experts introduced the term of “the third-generation autocracies” – mostly but not exclusively - for the ECE polities. Paradoxically, in the last years East and West have moved in the opposite direction about the neoliberalism. After the failed crisis management in the early 2010s the mainstream EU turned more and more to the criticism of the neoliberal Economic Europe, and it has resulted in its partial overcoming in the West when the triple global crisis management has begun. Just to the contrary, its building up continued in ECE states that were further weakened by the new global crisis. By the late 2010s the new polity of the neoliberal autocracy emerged in ECE, since the politico-business elite developed a peripheral neoliberal economy with an autocratic political system. It was based on the “unholy alliance” of the multinationals with their “low-wage and low-skill economy” representing the dependency structure and the local autocratic comprador politico-business elite that received protection from the multinationals pressuring their governance to accept the serious violations of EU rules and values in the new autocracies. This unholy alliance has only been disturbed by the triple global crisis and it may be broken by it, as this paper tries to argue in the Conclusion.

Thus, in the *third*, recent period the divergence between the EU mainstream and the ECE region has widened even more, altogether, it has been a clear case of *De-Europeanization*. The special new polity, the neoliberal autocracy has made serious efforts for its consolidation. This situation has triggered an increasing confrontation between the EU mainstream and ECE. The most marked feature of the third period is that these elected autocracies have been in the *open conflict* with the EU after the passing the Sargentini Report (EP 2018). In the international arena the autocratic regimes and their ruling parties tried to organize themselves in the alliance of extreme right parties during the EP elections in 2019, and afterwards within the EU as a forming a new faction in the EP. In the famous “Eastern opening” to the other autocratic regimes outside the EU from China through Russia to Turkey, they have generated serious conflicts within the EU in its global politics. This Core-Periphery Divide has not yet reached the breaking point but sharpened to that extent that after thirty years of benevolent neglect the EU must deal with the ECE crisis, since this deepening tension has become an obstacle for the development of the entire EU.⁶

⁶ The closest parallel process of the Hungarian autocratization has been in Poland, where the main difference is that there has been no parliamentary supermajority to complete the state capture. However, the widespread dissatisfaction with the post-communist transition was felt already in the early 2010s, see e. g. Shields (2013), and Poland was an eminent case of the autocratization since then in the international literature, reinforced by the so-called “legal” Polexit.

4 THE TRIPLE CRISIS AS A CHALLENGE FOR REDEMOCRATIZATION IN ECE

Nowadays, the classical statement of Monnet that “Europe will be forged in crises and will be the sum of the solutions adopted for those crises.” (Monnet 1976) has been quite often mentioned. In this spirit of Monnet, the triple global crisis has been a creative crisis since it will bring the solution for the deep EU conflicts. The triple – socio-economic, ecological and pandemic – global crisis has induced radical changes in all the three interdependent dimensions of this complex crisis. However, so far just these new achievements have generated a deeper tension in the EU between the Core and Periphery. Originally, the establishment of the neoliberal dependency system in the new member states has been the systemic failure of the EU that by now has turned into the systemic threat to the EU, since the ECE countries are on the wrong side as an obstacle to the completion of this crisis management. The ongoing reorganization of the EU at the higher level of integration/federalization has led to a fateful confrontation between the Core and Periphery, in which even the alternative has emerged that some new member states must redemocratize or leave the EU. The project of “Re-unite EUrope” has been on the agenda since the early 2010s and by now this process has become unavoidable.⁷

The year of 2020 was a crucial phase in the EU, since the basic decisions were made in the triple crisis management. The early 2020s will still be a turbulent time for the EU to accomplish the “recovery” and to reform its decision-making institutions for the better governance to accomplish its new strategy. The EU must introduce the majority principle in the high-level decision-making and to give more space for the European Parliament and less for the Council. Among many other factors, the next elections – first in Germany and France – will be very important for the future of the EU in elaborating the long-term strategy and forwarding its implementation. But this is not enough. The biggest task ahead of the EU is the *citizenization*, extending the social rights of citizens as “social citizenship” in order being able to behave as true citizens. Namely, social citizenship involves two main dimensions in their strong synergies. First, *participatory democracy* as the citizens’ participation in all steps of the policy-making process of initiation, decision-making, implementation and evaluation, for the substantial/sustainable democracy and full transparency in the political life. Second, this must be accompanied – in the favourite term of Eurofound – with the “*upward convergence*” of the EU citizens, based on human and social investment, which has been rightly the most advertised goal of the Next Generation EU.⁸

⁷ Obviously, after the German elections on 26 September 2021 there will be a general assessment of the “Merkel epoch” in Germany and in the EU. So far it has been pointed out – as for instance Greubel and Pornschleger (2021, 2) argued – that Merkel had a good skill for the crisis management, but she had also a lack of strategic vision for the EU, that has been critical in the recent crisis management: “While crisis management is an important skill, Germany’s actions throughout Europe’s crisis decade was not embedded in a broader strategy. German EU policy is mostly defined as ‘muddling through’ the crises. In some cases, such as the euro crisis or authoritarian regression in Hungary and Poland, Merkel’s tactic of patience even deteriorated the situation. ... It was only with the COVID-19 recovery plan that the Franco-German engine seemed back on track.” All in all, the German politics observers have usually noted that Merkel will be remembered as a calm and rational crisis manager, a shrewd political tactician, and a natural consensus builder, who in the last years has lacked a bold vision for Germany and the EU.

⁸ There has been a long story preparing the role and responsibility of EU as the provider of social citizenship that has been culminating in the Porto Social Summit on 7-8 May 2021 (Council 2021).

The ECE autocracies are still going into the opposite direction. The current *State of the Union* public opinion survey in September 2021 shows this controversial situation quite clearly, both the diverging road between the EU democratic mainstream and the ECE autocracies on one side and the increasing tension within the ECE autocracies between the ruling elite and the population. The “*State of the ECE countries*” is that all ECE countries have developed their own “homegrown” disease, although to some extent they have also been “infected” in this ECE pandemic by the Hungarian – and/or by the Polish - disease of the more advanced aggressive autocracy. However, the mass dissatisfaction of the ECE population with their autocratic regimes opens the window of opportunity with a large popular drive for redemocratization.

The ECE societies are basically striving to the participatory democracy based on human investment, to reach the status of social citizenship. From Warsaw via Prague, Bratislava and Budapest to Ljubljana there is an increasing pressure of the citizens to return to the mainstream EU democratic developments. In general, as this *State of the Union* survey reports, the EU has a positive image among the ECE citizens, at least around the EU average. Moreover, this positive attitude is much more marked in concrete public policies, usually well above the EU average. Namely *first*, the ECE citizens are more satisfied with the EU solidarity in the pandemic than the EU average, *second*, their large majority – above 70 per cent – agrees that “the EU should only provide funds to Member States conditional upon their government’s implementation of the Rule of Law and democratic principles”, *third*, more than 80 per cent of the ECE citizens think that “there must be transparency and effective control on how the ‘NextGenerationEU’ funds are spent”, and finally, *fourth*, just about one-third of the ECE population have the opinion that “my government can be trusted to use the ‘NextGenerationEU’ funds properly” (EP 2021c, 7–8, 21–22, 33–34, 51–52). The picture is clear, there is a widening/deepening gap between the ECE autocratic regimes and the ECE populations in the most salient questions. Therefore, the rule of law debate in the EU between the EU institutions and the ECE autocratic regimes is not marginal or legalistic, but it is vital and essential, in which the EU institutions – first the EP – represent the genuine interests of the ECE citizens in their efforts for redemocratization.⁹

The birth pangs of the “Re-unite Europe” strategy could have also been felt in the State of the Union speech of Leyen in the EP on 15 September 2021. Following the tradition of the Commission’s the conciliatory approach as the usual conceptual frame, the drastic rule of law violations in the ECE countries have been marginalized. This issue has only been briefly discussed at the end of this official Report. Leyen has argued that the “dialogue” comes first, and it should lead to the “result”. The tragedy is that the EU institutions have dealt with the “dialogue” about the rule of law violations – or the divergence of the new member states from the EU mainstream development – already in ten years, at least since the Tavares Report in 2013, but without any “result”. Leyen has formulated the Commission’s approach in the usual vague terms: “This is why we take a dual approach of dialogue *and* decisive action. This is what we did last week. And this

⁹ At the same time there has been a growing dissatisfaction among the ECE citizens with the marginalization of, and inaction in, the ECE crisis management in the EU decision-making bodies. As for instance Bánkuty-Balogh (2021, 181) has recently pointed out in an overview of media that the criticism of the “two-speed Europe” has recently been growing substantially in the V4 populations. Obviously, the ECE citizens know that they must cope with their own autocratic and corrupt elite, but they expect more active behaviour from the EU, too.

is what we will continue to do. Because people must be able to rely on the right to an independent judiciary. The right to be treated equally before the law. Everywhere in Europe. Whether you belong to a majority or a minority.” (EC 2021c, 11).

In the management of the triple crisis there has been an increase of criticism of the Merkel’s conciliatory approach toward the “friendly” autocracies in Hungary and Poland (see e. g. Kluth 2020, 2021a,b). It has been reaching its peak in the evaluation of the Leyen Commission since it has been following the Merkel’s conflict-avoiding policy. This approach has especially been very critical in EPC, above all by Riekeles analysis (2021a), representing the view of EPC, and finally in his outright criticism of Leyen’s State of Union speech (2021b). Many other reactions have also been very negative about this annual Report, for instance Rodrigues (2021, 2), since in her opinion “the President was shy about the main issue. For the new phase of its project, Europe needs to make a democratic transformation of the way its democracy works at various levels. Firstly, in the light of the current authoritarian drifts, to ensure that the fundamentals of the rule of law are respected throughout its territory.” Altogether, this “dialogue” has reached the critical point, since although the Commission has rejected the Hungarian application for the “recovery” resources, but without a detailed, well-argued and public condemnation of the destruction of democracy in Hungary with the long series of the deep rule of law violations. It applies also to Poland, and to some extent to all ECE countries. Indeed, the conciliatory approach only aggravates the problem with a vague reference in the speech to “some member states” and to the “age old” dialogue. In the present situation of this “age old” dialogue, the Commission has not been ready to start an open discussion about the rule of law violations in those “some member states” as it has been demanded from the EP. The tension between the two institutions has been so high that the EP has threatened the Commission, if further avoiding this direct confrontation with the ECE autocracies, to take this key issue to the European Court of Justice.¹⁰

This acute conflict between the basic EU institutions reveals that the rule of law violations in the ECE countries, first in Hungary and Poland are not marginal, but vital for the strategy of “Re-unite EUrope” and for the prosperous Next Generation EU recovery program. Although this debate will be continued for some time, but the necessity of the restructuration in the EU through its decision-making mechanism and for the recovery plan will soon prevail. As to the new member states, the first historical test was at their entry, and the second historical test for them is nowadays to take the opportunity offered by the management of the triple global crisis for the “re-entry” to the EU through their serious redemocratization.

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¹⁰ See the bumpy road leading to this speech with deepening conflict between the Commission and the EP in EC (2020, 2021a, 2021b) and in EP (2020, 2021a, 2021b, 2021c), also in EUCO (2021) or the current report on the ECE autocracies (EIU 2021).

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TRETJI VAL AVTOKRATIZACIJE V VZHODNI IN SREDNJI EVROPI

Vzhodno-srednjeevropske države so od začetka 2010-ih let razvile »tretjo generacijo avtokracije«. Te avtokracije so uvedli z »ujetjem demokracije« in z velikim odklonom od glavnine EU. V primerjavi s prejšnjimi tradicionalnimi tipi avtokracije je tretja generacija avtokracije ustvarila radikalne inovacije z vzporednim razvojem formalno demokratičnih in neformalno avtokratskih oblik pri izgradnji institucij. Ustvarili so demokratično fasado formalno-ustavnih

institucij in si močno prizadevali za drastičen nadzor nad neformalnimi institucijami, v medijih, kulturi in komuniciranju. Ta članek obravnava tri stopnje avtokratizacije v zadnjih tridesetih letih v Vzhodni in Srednji Evropi in se osredotoča na najnovejšo stopnjo v treh krajših obdobjih iz zgodnjih 2010-ih let.

Ključne besede: kaotična demokracija; neoliberalna avtokracija; dedemokratizacija; avtokratizacija; deevropeizacija.

IS THE TIME NOW RIPE FOR RADICAL CHANGES IN THE GLOBAL ECONOMIC ORDER?

Marjan SVETLIČIČ¹

The objective of the article is to establish the similarities and differences between the period of the 1970s when the New international economic order (NIEO) was initiated and the contemporary period. Comparative evaluation of the two periods has identified similarities in many fields, leading to the analogy that also now the time is ripe for highly needed radical changes in the global economic order to facilitate fair and inclusive development. Covid19 and related crises, despite being so apocalyptic, together with other differences, have driven the world economy to a critical junction and offer the opportunity for rethinking the anthropocentric development model and for initiating radical changes in the governance of the global economy. The idea of a New inclusive global economic order is suggested, but scepticism exists about whether we have the actors motivated to design and implement necessary changes.

Key words: New International Economic Order; crises; context; similarities; differences; new order.

1 INTRODUCTION²

Nothing will be the same after this pandemic. It became obvious that the liberal international order (LIO) worked well in good times, while in bad times, its holes have clearly been exposed. Great recession (GR), and the rise of economic nationalism (EN) in developed countries (DCs), including its disguised forms, globalization (GLO) backlash, environmental and climate change, migration,³

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³ They are in fact a consequence of colonialism, of unequal development, of interventions by big powers (particularly USA) in the South. Europe, although not innocent in this regard, is paying the largest share of the bill.

enhanced volatilities and unpredictabilities and now the Covid19 pandemic finally revealed such system deficiencies.

History has demonstrated that crises are a big threat but, according to Fukuyama (2020) also an opportunity:

“Major crises have major consequences, usually unforeseen. The Great Depression spurred isolationism, nationalism, fascism, and World War II—but also led to the New Deal, the rise of the United States as a global superpower, and eventually decolonization. The 9/11 attacks produced two failed American interventions, the rise of Iran, and new forms of Islamic radicalism. The 2008 financial crisis generated a surge in anti-establishment populism that replaced leaders across the globe. Future historians will trace comparably large effects to the current coronavirus pandemic; the challenge is figuring them out ahead of time”.

Can the pandemic, and especially Russian aggression on Ukraine, be a game-changer, an opportunity to build a new world order out of an apocalyptic event, as the recession in the early 1980s did for the New International Economic Order (NIEO)? History tends to prove it since, according to Rodrik and Walt (2021, 6) the order building efforts followed a history of big wars or disruptions (Napoleonic Wars, WWI, WWII and Cold War). The outcome of these forces is unpredictable, depending on several factors. One is the structural changes going in the framework of the tectonic changes in the world economy which the existing order has not been able to handle effectively. The changed context also transformed the bargaining power of leading actors, with the enhanced power of emerging economies and less developed countries (LDCs). China's role increased and that of the US and other DCs decreased. Rivalry between US and China, and now more assertive Russia, lead to the ongoing restructuring of power relations in the global economy. Such dramatic tectonic shifts in the global economy are calling into question the cracking liberal international economic system because the rise of China coincided with its mixed economic system.

Economic, political and cross-cultural conflicts have intensified, becoming more disruptive in the context of such *black swan*, unpredictable predictabilities with huge impact, and unfortunately also *grey swans* of predictable unpredictability, following Taleb's (2010) definition. The number of natural shocks has, for instance, tripled from the 1980s (World Trade Report 2020, 25) and even more climate disasters are expected in the future. Many of them are in fact predictable *white swans*, but warning about them is ignored by politicians. This should worry us even more than *black or grey swans*. Uncertainties are becoming the rule of the day, and are creating an increasingly complex, ambiguous and volatile (VUCA) environment. The situation is wicked in nature because it cannot be solved by applying rational-scientific methods (Eden and Wagstaff 2021, 30), but requires new policies and capabilities for a radical, non-ergodic, wicked world characterised by radical uncertainty (Raškovič 2021). Therefore, Raškovič and colleagues are right in claiming that “instead of asking what will change and disappear, we need to start asking how things will change and for whom?” (2019, 345). Not only the global system, the concept of capitalism on which it has been based, is at stake. Will it be new capitalism or the return to the old normal after the GR?

Economic shifts on the ground have not been reflected in the governance of the world economy. The present system needs reforming, to become fairer and more

inclusive for all its participants to promote common goods. Otherwise, emerging markets can attempt to create their own (parallel/alternative) world order, as is in a way already happening with the establishment of the Asian Infrastructure Investment Bank (AIIB) in 2013 and the Regional Comprehensive Economic Partnership (RCEP) as just two examples of such alternatives.⁴ The question is whether *“the AIIB promotes China’s integration into global social networks, strengthens state-led development pathways/.../and thus, foreshadows the possibility of an institutionalised international order indifferent to liberalism. Or it reflects the tensions between the socialising effects of the liberal international order and China’s growing externalisation of its own non-liberal, state-led model of political Economy”* (Stephen and Skidmore 2019, 61).

The chances for such externalization are growing after the Join manifesto was signed between Putin and Xi (February 2022).

2 METHODOLOGY

This article is based on the comparative evaluation of the context in the global economy in times of NIEO initiative and now, looking at similarities and differences. It can be a basis for the assessment of whether the context can be conducive to the fight for the new system which will overcome the deficiencies of the existing LIO, thus making development more inclusive and the system more just for all parties. We call it the New Inclusive Global Economic Order (NIGEO).

The major research questions are:

- a) Is the time ripe for fundamental changes in the international economic system?
- b) Do we need a NIGEO and if, why?
- c) Are there similarities between the period of the NIEO initiative and now and what are the differences?
- d) What are the chances for the realization of NIGEO?

3 WHY THE NEED FOR NEW INCLUSIVE GLOBAL ECONOMIC ORDER?

NIEO is a political and economic concept aiming at fundamental changes in the existing international economic system which has been working not to the benefit of most of the world population, but more to the advantage of rich countries. There was a need for taking some measures to correct such a situation realising that we are all in the same boat and that the prosperity of the rich also depends on the prosperity of less advantaged nations. The formal idea of the NIEO was put forward in the Algiers Conference of non-aligned countries in 1973, following the Arab-Israeli war and oil shock afterwards. The oil crisis of 1973/74 has signalled changes in the balance of power in the world economy which empowered the demands of LDCs for changes in the unequal system. NIEO Declaration was accepted by consensus by the UN General Assembly at its Sixth Special Session on 1 May 1974 by the Resolution 3201 ‘Declaration on the Establishment of a New International Economic Order’ and Programme of Action

⁴ Or the Multi-party interim appeal arbitration arrangement, by 20 member states, including the EU and China, to facilitate dispute resolution until the appellate body of WTO is functional again (see Bourgeois and Stoyanov 2020).

on the Establishment of an NIEO in the name of all the members of the United Nations. UN members 'solemnly' proclaimed their 'united determination to work urgently for the establishment of an NIEO based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems.

Today the challenges are to a certain extent different. Strong dissatisfaction with the existing world order became more than obvious after the GR and Covid19 pandemic. Consumerist development, which also LDCs voluntarily follow, is not sustainable anymore. Mankind has to change the way we live and deal with resource, climate and environmental challenges. Globalization has also to be slowed down to get rid of unnecessary transportation and irrational trade with all damaging environmental and climate implications.

Perhaps the major difference is that the claim for changes is not coming now only from LDCs, but also from within DCs, particularly its middle class, which started to be hurt in the context of GLO (see Milanović's elephant curve 2016). A growing number of grassroots movements, of non-governmental organizations, are calling for drastic reforms of the development model if not the total change of the system. DCs are already changing the existing order by taking defensive measures against the rise of China as corroborated by Goodman (2017, 7):

"There have been two main lines of attack against the existing order. One comes primarily from within the advanced countries of the North Atlantic and holds that the institutions of post-war economic governance are no longer delivering strong, sustainable, balanced, and- above all-inclusive economic growth. The other comes from emerging states, which argue that governance structures set up over 70 years ago no longer reflect the actual distribution of economic weight in the world and are thus unfair". He believes "that we only have to adjust and reform the existing order because although it is flawed but can still deliver and adapt the order which has proved adaptable and has continued to deliver meaningful results, both in substance and institutionally."

Others believe that we need to take a fresh look at the global system "instead of accepting at face value dubious illusory notions of mainstream economics or international relations in order to make a fundamental transformation of the world system" (Stiglitz 2019).

In spite of huge changes in the global economy, there are similarities in the context and reasons why changes are necessarily comparing the times of NIEO and the present situation. It is, therefore:

"Stunning to read today the demands for changing the world system because they are almost exactly the same as those for NIEO, posited Panitchpakdi, head of UNCTAD and previously Director General of the WTO. Then as now, the emerging market players called for management of volatile commodity markets, preferential trade access to rich country markets, greater stability in exchange rates, monitoring of trans-border capital flows, greater aid to the least developed, favourable debt rescheduling, and regulation of multinational corporations to ensure that they comply with national laws and foster technology transfers. All this represents a considerable turn away from anything resembling a Washington Consensus and towards a more highly managed system favouring

preferential terms for developing countries” (Aggarwal and Weber 2012, 2).

At the same time, there are also many differences compared to the 1970s, the time of NIEO. The inequality issues and distribution of costs and benefits of the system to different players remain similar but much greater in the magnitude and distribution. China, together with many LDCs became the strongest advocate of enhanced international economic cooperation/globalization and the globalisation backlash is spreading in industrial countries. The situation today is different also in terms of the changed bargaining power of parties involved and the general interest to transform the global economic system. China *entered* the system (WTO) as a “rule taker,” later evolved into a “rule shaker,” and now aims to become a “rule maker.” Not surprisingly, Slaughter already in 1997, i.e., before the GR and the pandemic, posited not only that there is a need for new order but that:

“New world order is emerging, with less fanfare but more substance than either the liberal internationalist or new medievalist visions (proclaiming the end of the nation-state; author’s remark). The state is not disappearing, it is disaggregating into its separate, functionally distinct parts. These parts--courts, regulatory agencies, executives, and even legislatures--are networking with their counterparts abroad, creating a dense web of relations that constitutes a new, transgovernmental order. Today’s international problems-terrorism, organized crime, environmental degradation, money laundering, bank failure, and securities fraud created and sustain these relations. Government institutions have formed networks of their own,⁵ ranging from the Basle Committee of Central Bankers to informal ties between law enforcement agencies to legal networks that make foreign judicial decisions more and more familiar/.../ today transgovernmentalism is rapidly becoming the most widespread and effective mode of international governance” (Slaughter 1997, 2).

She is certainly right by claiming that transgovernmentalism ⁶ is rapidly becoming the most widespread and effective mode of international governance together with private, non-state decentralized and highly flexible networks. They also include individual’s networks among politicians, ministers, judges, parliamentarians, forming together in fact a kind of disaggregated order. Such networks can fill the gaps in the efficiency of supranational authorities, of international bureaucracy. New public-private networks, complementing each other, will probably be a nucleus of future global governance. Private agents cannot substitute state power, but rather complement it, provided that they do not abuse such powers which can happen in the absence of effective governmental regulations. This is a real danger since big corporations are frequently taking control away from governments in *surveillance capitalism* (Zuboff 2018), becoming too strong and out of public democratic control.

⁵ Unfortunately, »the dominant institutions in these networks remain concentrated in North America and Western Europe but their impact can be felt in every corner of the globe« (ibid., 3).

⁶ OECD defines transgovernmentalism as co-operation based on loosely-structured, peer to peer ties developed through frequent interaction rather than formal negotiation involving specialized domestic officials (typically regulators) directly interacting with each other (through structured dialogues, MOU,...), often with minimal supervision by foreign ministries (see <https://www.oecd.org/gov/regulatory-policy/irc7.htm>).

The global system has proved to be an ideal concept for “nice weather”, but when the storm comes, we still rely on national governments' actions. The Covid19 pandemic is a perfect example that even the EU, as the closest approximation of effective regional governance, is impotent in designing common actions in some sectors, for instance in the case of refugees/migrants. The world governance system has proven to be quite inefficient also in addressing the big issues of inequality, the environment or climate changes or so-called global issues, in fact, a public good “which are beneficial also to the home economy” (Rodrik 2020, 5). The immoral structural inequalities have been rising all the time between and within countries, threatening, in the long run, also the well-being of the rich.⁷ They have become the major problem to be addressed by any new system. The global 50% captures 8% of total revenue at purchasing power parity (PPT) and the global poor own 2% of global wealth at PPT (WIR 2022). The realization that this is the biggest problem has become widespread particularly among the young as revealed by the responses of 9,032 students 2016-2020 in 18 countries beginning their economics course indicating inequality as the most pressing problem.⁸ Therefore, the need for global governance in such areas is by the majority of observers seen as the only appropriate response to such increasing global challenges. Their task being not only to regulate such issues but also to monitor what national governments are doing, to establish a system whereby harmful beggar-thy-neighbour policies will not be allowed and in a way be a neutral arbiter of the conflicts between global and national regulations arise.⁹

Therefore, revisiting the NIEO can help find new answers to remaining old and added new problems by revisiting an abandoned, or failed, road of NIEO. “Re-appreciating the seriousness with which the NIEO was regarded in its time, not least by its fervent opponents, can help us to reopen the possibility space of contemporary geopolitics” (Gilman 2015, 11).

4 IS THE TIME NOW RIPE FOR RADICAL CHANGES IN THE GLOBAL ECONOMIC ORDER?

4.1. Changed context of the global economy after the WW II and after 2008's Great Recession

The NIEO initiative in the 1970s “sprang forth during a narrow and specific window of geopolitical opportunity, a *moment of disjunction and openness*, when wildly divergent political possibilities appeared suddenly plausible» (Gilman 2015, 1). This is why it is so important to take into consideration the time and the context in which the idea was developed and see, whether the time is now ripe for similarly bold initiatives and whether we have a similar geopolitical window of opportunity now. The mindsets have also changed and consequently the readiness for changes.

The first very general characteristic of the era in which NIEO was launched was accelerated decolonization after WWII with many new countries emerging. Two

⁷ During the pandemic »the collective wealth of the world's billionaires rose by 3.900 billion which happened amid mass suffering undermining the society's capacity to deal with the crises« (Goodman 2022) and structural, because it doesn't relate only to income and wealth but also to other social issues (access to power, education, health, justice...).

⁸ See <https://www.imf.org/external/pubs/ft/fandd/2021/03/rethinking-economics-by-samuel-bowles-and-wendy-carlin.htm>.

⁹ See detailed explanation in Svetličič (2022 forthcoming).

events in this period were critical: first, the collapse of the Bretton Woods (BW) fixed exchange rate regime in 1968–73 and escalating oil prices in 1973/74. These events created the conditions in which new ideas about global governance got ground. But, as Hans Singer noted in 1978, “their importance for the NIEO was as much psychological as material/.../ These events made the economic ambitions of the NIEO, which before had seemed utterly unrealistic, appear suddenly and shockingly conceivable” (Gilman 2015, 4).

As always in history, major policy/strategy changes or initiatives have been triggered off by the development on the ground, as a reflection of the changing context and bargaining power of involved parties. A key source of inspiration for the NIEO was the success of the OPEC oil price increase in the fall of 1973. It enhanced the bargaining power of LDCs and gave them the courage and self-confidence to start demanding changes in the existing global system. Developing countries started to be more assertive thanks to the success of more export-oriented development strategies which brought about some structural changes and GDP convergence. Previous strategies like “trade, not aid” from the first UNCTAD conference, later self-reliance and Economic Cooperation among Developing countries (ECDC) and industrial countries proposals like a strategy for basic human needs, have not produced the desired results. The enhanced role of the United Nations in the economic sphere was called for because the salami approach, that is, solving problems one by one, embodied in the Paris conference initiative,¹⁰ was a way of eroding the unity of LDCs which preferred a complex approach.

The post-1975 period (until the GR of 2008) could be characterized as a golden period of GLO. Discussion about global economic interdependence began to be replaced by talk of the benefits of globalization. In the context of liberalization of trade and capital flows, relocation of industries started to LDCs. As a reflection of improving growth rates of the world economy, and good results of newly industrializing countries (Asian tigers) following export promotion strategies, the shift in the development strategies of LDCs happened. They transformed from a prevailing import substitution strategy (1945–1960) to export acceleration (1960–1975). LDCs realized that FDIs are not only an imperialistic instrument but can also facilitate their development. At the same time, the strategy of collective self-reliance was developed in parallel with the growing disappointment of the LDCs with the North-South Dialogue (Paris Conference).” The world economy evolved not toward the NIEO vision/.../ but in the opposite direction, toward a more purely market-based approach/.../ or the Washington Consensus.” (McFarland 2015, 217).

Such a neo-liberal approach enhanced the indebtedness of LDCs and consequent: *“Latin American debt crisis in 1982 was the final dagger to NIEO. Bailing out indebted southern states was done conditionally, dependent on structural adjustments, designed explicitly to weaken the reach of the state. The result was a “lost decade” in Latin America, and then another in Africa when the same policies were applied”* (Gilman 2015, 8).

Developing countries started to look for solutions also by their mutual economic cooperation. It was prevailingly considered as a complement to North-South cooperation, although some more radically oriented LDCs, have naively argued

¹⁰ The Conference on International Economic Co-operation, more widely known as the North-South Conference, has been meeting in Paris in 1975.

that ECDC is a substitute for North-South cooperation. There were a lot of "romantic expectations of solidarity between LDCs" (Sobhan 1989, 102). In practice, many problems and barriers limited the scope of such a cooperation. From weak implementation or gap between words and deeds; to excessive and unrealistic ambitions. The concept was based more on abstract long-term interests and the (naive) belief that only the will to cooperate between LDCs can replace real economic interests.

Parallel to the liberalization of their economic strategies "the idea of an NIEO faded and was replaced by more pragmatic, less ambitious discussions of structural adjustment programs and the "end of history" ideology after the fall of the Berlin wall and collapse of socialist countries" (Gilman 2015, 1). The context has changed not only because of the fall of the Berlin Wall but also because the centre of gravity in the world economy started to shift to Asia.

The global economy has become historically unprecedentedly interdependent, pluralistic and fragmented.¹¹ All countries became tightly intertwined with trade, FDI and financial flows and, recently, with the digitalisation of economic life and global value chains which account for nearly 70% of global trade today. The result is also increased vulnerability and unpredictability, complexity and ambiguity (VUCA world). During the third industrial revolution, economies evolved into service economies. The collapse of the BW system contributed to such events. Hyperglobalization increased inequalities among and within countries. The environment and the climate have consequently deteriorated. Earlier we have had oil crises, now we have rare earth and semiconductor crises. Before, LDCs' debt skyrocketed, and now so has the public debt of DCs. Protectionism reappeared as a defence mechanism against the growing role of China and other emerging economies. They became a strong supporter of GLO, while opponents of it in DC spread their wings. Deglobalization or slowbalization started. The Economist reports that between 2008 and 2019, world trade, relative to global GDP, fell by about five percentage points. There has been a slew of new tariffs and other barriers to trade. Immigration flows have slowed. Global flows of long-term investment fell by half between 2016 and 2019 (in Brooks 2022, 3). Covid19, and now the war in Ukraine with the sanctions on dealing with Russia, are seriously corroding the GLO not only directly by reducing trade and financial flows but also indirectly by slowing down growth, productivity and innovativeness which GLO stimulates. Global integration will be transformed more in like-minded countries' regional trade blocks.

The speed of changes which are today historically unprecedented is just adding to such unpredictability and vulnerability. More than ever, speed is of the essence, says Mr Taga: "bosses had to decide *before the analysis was available*/... /Better to make a mistake than to wait and to waste time," echoed another (The Economist 2020, 49). During the Covid19 pandemic "the speed in which science-in the form of both vaccines and treatments-is accelerating the disease's journey to endemicity" (The Economist 2021, 17). Despite huge technological changes, productivity growth is stagnating and the productivity gap between today's DCs and the LDCs is much greater than in earlier times.

Climate changes are forcing us to change our consumeristic development model and induced a need for new growth strategies. "This system grows because it

¹¹ The »ideology« of interdependence started actually with the oil crises. It was used by DCs as a tool to persuade LDCs that we are all in one boat and such oil price hikes hurting everybody are counterproductive, to such a »same boat« ideology (see Cooper 1986).

ignores environmental boundaries and undermines social justice. However, we can't simply get rid of growth. It is written in capitalism's DNA" (Rammelt 2022). The debates about zero growth, degrowth, or a "doughnut sustainable economy" (Raworth 2017) as an alternative, started. As a result of climate changes, new migrations emerged, and are becoming a major challenge. In trying to resolve accumulated problems governments started to renationalize their authority, turning inside for solutions. Sovereignism is on the rise. Neo-mercantilist protectionism returned to the scene, similarly to during the crises in the 1980s. When defending their national interests DCs forgot about their "free trade preaching" to others. Paradoxically, now protection of LDCs is in fact weaker than it was for DCs in their catching up periods (see Chang 2003, 13). The theory, regarding the role of protection, and industrial policies have been changing (see Svetličič 2020b). Fundamentalist implementation of free trade principles for any country, regardless of size or development stage (one-size-fits-all strategy) is no longer as common sense as it once was. LDCs require more policy space while they are catching up. Imposing common rules for all of them irrespective of the differences, has proved counterproductive.

Security dimension added to the differences between the period of NIEO and today. With the rise of digitalisation, it has changed from more military to more economic and social dimensions. As Zuboff (2018), figuratively illustrated, capitalism has become the *surveillance capitalism* in which big data companies are controlling too much of our lives, and to some extent taking control away from politicians and governments. Varoufakis (2021) is talking about *techno-feudalism* by big corporations. Technology companies are increasingly geopolitical actors. They maintain foreign relations. "Governments and technology companies are poised to compete for influence" (Bremmer 2021). Lastly, the war in Ukraine has recently reminded us how fragile world peace is despite all efforts after WWII to preserve it, not least by the establishment of the EU. The induced arms race and systemic rivalry between democracy and authoritarianism will overshadow other urgent problems and retard the transformation of the world economy in the direction of sustainable development, or NIGEO. Instead, we could see a totally different new geopolitical world map.

4.2. Major context similarities; NIEO period and now

The first historical analogy going before the two compared periods is the "Twenty Years' Crisis - the fraught period between World War I and World War II when democracies faced multiple pressures, including the Great Depression, reactionary conservatism, revolutionary socialism, and growing international tensions" (Cooley and Nexon 2022). The two world wars "mobilized the radical Left and gave birth to revolutions, with the social-democratic welfare state" (Walt 2021, 31). Now we also see radicalization on the right which demands similar roots as those before WW II and political radicalization and disorientation of the Left. New fundamentalists' ideas, are together with authoritarian leaders' simplified solutions, gaining their attraction in spite of a very early warning by Camus (1947) that; "pathogens like totalitarianism, racism or mindless opportunism won't disappear for good. We must rise up in collective action and resist each recurring wave, over and over and over again". The question is, whether such negative radicalism can be transformed into a positive change in the unjust world order?

The 1970s context ignited the idea of NIEO. If the context then facilitated the birth of the NIEO, can a similar context now be also supportive of more fundamental changes in the international economy? Similarities between the two periods can support such an idea. Table 1 summarises the major similarities of both periods.

TABLE 1: SELECTED SIMILARITIES BETWEEN THE TWO PERIODS

Post-WWII	Post GR till today
Post-WWII reconstruction	Post GR and pandemic "new normal" building
Systemic competition: capitalism vs socialism	Competition among different types of capitalism and authoritarianism
Rethinking of development models (import substitution vs export promotion)	Shifts towards sustainable development and circular economy and consequently changing mindsets
North-South inequalities	Domestic inequalities in DCs added
Debt crises of LDCs	High public indebtedness after Covid19 due to governments' rescue plans
Global integration developmentally productive	Global integration can be counterproductive
Hyper-GLO	Sane, more equitable GLO in the focus
Productivity increasing	The slowdown of productivity growth
Growth ups and downs	High speed of changes in the VUCA world

Source: the author.

On a very general level, we have the changing power structure and the rivalry between major powers in both periods. As a defence measure, new forms of protectionism and xenophobic economic nationalism as defence measures against China's rise and the negative effects of GLO on DCs are mushrooming. Pax Americana, later Washington consensus, prevailing before the GR, is now being challenged. China has now seriously put the wheels of global order out of balance. According to Von der Schulenburg¹² (2021), such rivalry and tensions are not new since also:

"In the situation that led us to WWI in 1914 our European ancestors thought too that they were caught in a great-power competition. Then, as now, this led to a media frenzy of stories about the evil nature of enemy countries and the wickedness of their leaders. /.../It is shocking that in each of the belligerent countries, most of the intellectual elites, including many on the left, joint such hostile rhetoric. Can we observe something similar today?"

Certainly, the rhetoric in the post-WWII Cold War, when the "red scare" started to substitute for previous "yellow peril" (more in Svetličič 2020a) was similar. The Cold War hate rhetoric, blaming others, hides under the carpet the real roots of the problems. Such rhetoric obscures real economic and social problems like inequalities, erosion of democracy and systemic deficiencies which brought about environmental and climate crises, and, at the end of the day, also the pandemic. After being almost forgotten after the fall of the Berlin wall and debates about the end of history and peace dividends, the Cold War has now returned most brutally by the war in Ukraine and induced global conflicts.

In addition to the bilateral political and military confrontation and competition between the two systems, we have, as Žižek (2021, 1) figuratively explained (before the Russian invasion): "a great disorder under heaven, with the Covid19 pandemic, global warming, signs of a new Cold War, and the eruption of popular protests and social antagonisms worldwide naming but a few of the crises that beset us". A battle between different forms of capitalism on the one hand and authoritarianism on the other (China, and followers in some former socialist countries), and the extreme right in old democracies (US being the prime example) is also new and different. "Autocratic regimes are now serious

¹² Former UN Assistant Secretary-General.

economic rivals to the West. They account for 60 percent of patent applications. In 2020, the governments and businesses in these countries invested \$9 trillion in things like machinery, equipment and infrastructure, while democratic nations invested \$12 trillion” (Brooks 2022, 4). It can be a material base for pessimism about the outcome of such conflicts.

In the economic field, certain reconstruction was going on in both periods: after the WWII reconstruction of destroyed economies and now building a new post GR and Covid19 normal. Dissatisfaction with the existing development model triggered the rethinking of it, together with the principles of international trade in general. LDCs then started to liberalize their international economic cooperation, while now sustainable, ecocentric development models are being proposed to address the challenges of the environment and climate crises.

There are also some structural economic similarities. Rear earth and semiconductors shortages are similar to the oil shock in the 1970s. Energy prices are also souring now, although for different reasons. The Latin American debt crisis now has its “brother” in the record global debt of \$226 trillion, adding to economic vulnerabilities. Private debt from non-financial corporations and households also reached new heights. While before the GR the rising debt took more a form of private debt, now governments became the major debtors (huge pandemic rescue helicopter money interventions).

Hyper-globalization revealed how vulnerable we are in our strong interdependency. The pandemic showed how dependent we are on Chinese products, not only for manufacturing in general, but also in the health sector (masks, tests, and even western vaccines have a lot of Chinese inputs...). Global value chains were interrupted. “The afterlife of the NIEO is perhaps most evident today in global climate change negotiations” (Kasa et al. 2008) contemplating the need for the change of irrational use of “human and material resources and civilization’s new bases of values as the dynamic framework” (see Fabinc and Popović 1988, 7) can be traced already in NIEO ideas. Gilman (2015, 10) corroborates this claiming that:

“For many key poor countries, the north/south geographic imaginary that gave life to the NIEO remains the dominant framing of the question of climate justice. Just as it was in the 1970s, the G-77 remains the south’s main organizing agent for collective climate bargaining with the North (citing Keohane 2011). In addition, in its negotiating positions with respect to climate change, the G-77 has pursued a line of economic reasoning that strongly echoes the NIEO Declaration, arguing that because the north bears a historic responsibility for producing most anthropogenic greenhouse gases currently in the atmosphere, and the south still has a “right to development,” any fair climate treaty should be “nonreciprocal,” with binding responsibilities (in this case, concerning emissions reduction mandates) applying only the north. Likewise, just as it did in the 1970s, the G-77 insists that the north should transfer technology and provide aid as reparations for the damage caused by historic wrongs—now referring to historic greenhouse gas emissions. In sum, the NIEO’s unfailed political imaginary of a more just and egalitarian global order lives on in contemporary climate negotiations.”

4.3. Major differences between the two periods

The major difference between the NIEO period and now is systemic. A competition between capitalism and socialism in the previous Cold War is being now replaced by the new, and different Cold War. In the earlier period of the traditional Cold War between the USA and Soviet Union (SU), we have had a competition between capitalism and socialism. The “expansionism of the Soviet Union was moderated by the fact that Moscow’s foreign policy was, by and large, dictated by the willingness to achieve hegemony in the Eurasian heartland. As such, Moscow’s geostrategic approach was not geared towards establishing a global order based on Communist principles, while the new version of the Cold War, which we observe now, is different. The Cold War, which we observe now, is different. “Beijing and Washington now operate in overlapping and interconnected geopolitical spaces, not in discrete geopolitical blocs. /.../ China, is a totally different kind of polity than the SU was” (Cooley and Nexon 2022). Such new confrontation is taking place in a totally different environment. It is again systemic, but totally different competition, going beyond politics and economics, expanding to “culture, status, psychology, morality and religion all at once. More specifically, it’s a rejection of Western ways of doing things by hundreds of millions of people along with a wide array of fronts” (ibid., 4).

Bipolarization between the US and Soviet Union (SU) has been transformed into bipolarization between US and China with the touch of three or even multipolarization (EU and Russia aspiring to be added), into tripartite competition among different types of capitalism on one side and authoritarianism on the other. A joint manifesto signed between Putin and Xi (February 2022), reflects a more assertive and ambitious China, and ideologically similar Russia, wanting to recreate the old hegemonic role of Russia in geopolitics.

TABLE 2: SELECTED DIFFERENCES BETWEEN THE TWO PERIODS

Post-WWII	Post GR till today
Emergence of new states	Disintegration of multi-etic states
US-dominated international economy Bipolarization (USA-SU)	Multipolar systems with USA domination receding New more multilateral bi/tripolarization (US-China/Russia-EU) Tectonic changes with China becoming the largest economy
Triumph of capitalism	Collapse of socialism
Capitalism –socialism competition	Neoliberalism under attack within and outside
Liberalization of development models, Integration and GLO boom	Economic integration and political disintegration Hyper GLO and anthropocentric development model questioned
GLO promoted by dominant powers and firms	GLO advocates became emerging economies, while DCs started to rethink GLO
Cold war balance of power Transformation of socialist economies Bargaining power of DCs strengthened	Cold peace turning into new Cold war Bargaining power of LDCs gradually evaporated
Fear of oil shortage and enhanced power of OPEC, LDCs	Fear of too strong dependence on semiconductors and rear earth material by DCs and energy dependence on Russia (vulnerability)
Decreasing inequalities between nations Fast growth and productivity convergence	Middle class in DCs countries started to be hurt Slow growth and productivity slowdown
Small role of the government	Increasing role of the government (GR, Covid19..)
Private debts dominated	Public debts started to dominate during the pandemic
North-South gap	Inequalities within DCs increased
Slow speed of changes	High speed and deepness of changes in a highly interdependent world
Consumerism stimulated GDP growth and convergence	Traditional exit recipes from GR (acceleration of consumption) led to a return to 'business as usual'

Source: the author.

While in the NIEO period decolonization resulted in the emergence of new states, now we see the disintegration of old multi-ethnic states and integration grouping (Brexit). After WWII's fast growth, we now see a slow productivity slowdown in spite of technological progress (digitalization and Internet).

Initially, the strong bargaining power of LDCs fighting for NIEO has gradually evaporated in parallel with the winning Washington consensus. Now it has strengthened again if China is included in the LDCs camp. Inequalities as a major problem on the North-South axis are still a problem but are supplemented by the DCs' rising inequalities and public dissatisfaction with it. If private debt was then a problem, it is now a public one.

Enhanced interdependence as a result of hyper GLO brought about a VUCA world and a GLO backlash, more in DCs while LDCs became more supporters of GLO. Global integration was in the NIEO period seen by LDCs as detrimental (later as positive) while now even DCs started to question global integration.

After the WWII reconstruction period, the pace of changes slowed down. Now the speed of change in all fields is just enormous. This is perhaps one of the most important structural differences between the two periods.

In the 1970s stronger global integration was regarded as a development instrument, while now, as a result of hyperglobalization and the rise of the Chinese economy, it has also become a problem. Globalization started to corrode and restructure in the direction of "sane globalization" (Rodrik 2011) or eco-friendly GLO getting rid of unnecessary, environment polluting trade.

All such changes haven't had only economic but also huge political implications. Cooley and Nexon (2022), went as far as saying that:

"The contemporary liberal order works better for authoritarian regimes than it does for liberal democracies. Authoritarian states can curtail the effect on their populations of international civil society, multinational corporations, economic flows, and even the Internet much more effectively than can liberal democracies. Authoritarians can use the freedom of global flows to advance their own illiberal influence".

But it cannot be generalized, because several democracies have managed the pandemic and related economic crises quite well, proving that there is no one-fit-all solution and that countries have different circumstances.

5 DISCUSSION AND CONCLUSIONS

Although there are fears that NIEO-like ideas will suffer the same fate as the NIEO in the 1970s and 1980s, there is room for optimism because even the WTO's director general believes that:

"Rethinking multilateralism has never been more urgent. But the window for action is usually very narrow and, if not utilized, the opportunity for changes is missed. As the experience of earlier crises shows, the impetus to make bold change will fade once we are past the worst of the pandemic in the richest countries" (Iweala Ngozi Okonjo et al. 2021), provided we have the capable political actors

to propose new order and fight for changes as we have had during the NIEO initiative. The lack of such actors seems to be the major problem in the realization of such a new vision for a global regime. “The harsh lesson of history is that the difficult point comes afterwards, when popular enthusiasm has to be transformed into an effective political organization with a precise program” (Žižek 2021, 202).

The USA is in retreat and Chinese leaders are not offering a clear blueprint for shaping the global order. They are uncertain whether they really want to take on global responsibility, although president Xi proclaimed in 2017 that China “has taken a driving seat in international affairs and would be moving closer to the central stage and making a greater contribution to mankind” (The Economist 2020, 41). But walking away, as the USA was doing during Trump’s leadership, is not the way to go. Building a whole new system seems to be a too heavy burden for China, compared to sailing in the existing order, taking it a la carte. But: “*if neoliberal globalisation (world system added by SM) could in theory have been done differently, it could be done differently again in the future: it can, therefore be shaped by benevolent social forces every bit as much as malign ones. Moreover, if progressives vacate this territory and choose not to do battle here, we can be pretty sure that the former — the trumps, farages and putins (and xis, added by SM) — will seize the initiative, as, indeed, they already have to an extent*” (Payne and Bishop 2020).

The conclusions based on our major research questions can be summarised as follows.

Ad a) Is the time ripe for fundamental changes in the international economic system?

The situation has changed so dramatically since the 1970s that there is no other possible answer than yes. The world has obviously arrived at a critical junction, at a *sobriety point*, realising that enhanced international cooperation is needed to address global challenges. Potočnik (2022) is very clear:“

There has never been a better moment to move from the history of “resource-driven imperialism” into an era of responsible use of natural resources, mitigating resource fragility and strengthening preparedness and resilience».

It is in our hands whether we will be able to use it as an opportunity for changes, as it was during the New Deal, decolonization, and creation of the BW system, or we will repeat previous historical mistakes which manifested in the Great Depression of 1929, isolationism, nationalism, fascism, and WW II. Many parallel crises, the tectonic shifts, the changing mindsets, and the new public pressure, provide some optimism that the crises will be more an opportunity for positive changes than for regression to the old normal with all the negative social consequences. On the other hand, the Russian invasion of Ukraine is introducing completely new elements. It means not the end of history, but a return of history with the acceleration of the arms race and economic nationalism and consequently marginalization of other, highly pressing problems (climate, environment, inequality). Some would go as far as saying that the expectations that trade and interdependence reduce the incentives for wars have been denied by real life.

The climate change,¹³ environmental crises, and of course, dealing effectively with the current pandemic, are urging mankind to find quickly complex solutions

¹³ See Desmet and Rossi-Hansberg (2021).

going beyond addressing only symptoms but roots of all these crises. Žižek (2021) agrees, claiming that:

“the challenges we face, from global warming to refugees, digital control, and biogenetic manipulations, require nothing less than a global reorganization of our societies. Whichever way this happens, two things are sure: it will not be enacted by some new version of a Leninist communist party, but it will also not happen as part of our parliamentary democracy. /.../ The situation is hopeless; it is clear that there is no hope of finding a solution within the existing order (ibid. 2021, 40 and 93). Or as Barria-Asenjo stated, “instead of dreaming about a “return to (old) normality, we should engage in the difficult and painful process of constructing a new normality”. This construction is not a medical or economic problem, it is a profoundly political one: we are compelled to invent anew our entire social life (in Žižek 2021, 115).

The problems are obviously so huge that only a sweeping transformation could address all such challenges. Gradual, evolutionary transformation of the system has run out of time because the environmental, climate and social pressure due to immoral inequalities clocks are ticking so fast. What is needed is:

»A transition from a global order constructed around a few commanding international organizations dominated by powerful Western states, to a more multifaceted order based on complex and polycentric governance arrangements among a wider community of national governments, international organizations and non-state actors. While this growing complexity presents significant challenges of coordination, it does not fundamentally contest foundational principles of sovereign equality, economic openness, and rule-based multilateral interactions « (Eilstrup-Sangiovanni and Hofmann 2019).

Ad. b). Do we need a NIGEO and if, why?

NIEO was born on three assumptions. Firstly, crises in the existing system of international economic relations. Secondly, the then-existing international order was unjust and thirdly stimulated by the gradual changing mindsets/theories. The situation is almost identical today; we are living multiple crises and immorally huge inequalities and realisations that the existing order has created all these problems. Yet, there are fundamental changes on the ground. The shares of major players in the global economy changed dramatically and so did their aspirations to play a more central role in designing the rules of the game in the global economy.

“Covid19 has laid the limits of a governance architecture that merely monitors and suggests, rather than enforces. The international order is not inadequate because of an excess of norms, rules, laws and institutions, but because these are too few and weak “(Tocci 2020).

The existing system based on atomised principles and national interests of major power(s) echoing a unipolar-world-order era is incapable of resolving such new global issues. New formal and informal institutions are required in order to achieve inclusive development objectives of all humanity and to resolve the conflict between the global problems and national governance of them. The crucial issues are to establish the right balance between global and national

governance and appropriate allocation of their sectoral or problematic competencies and, particularly to establish an effective implementation mechanism for enforcing rule of law constituting global governance.

Ad. c). Are there similarities between the period of the NIEO initiative and now and what are the differences?

Yes, there are more similarities than differences between the period of NIEO and the contemporary period (see tables 1 and 2). In spite of the failure of NIEO, the similarities of the context may be conducive to more fundamental reforming of the international system as it was then. They create a similar climate inducing change, as differences necessitate the transformation of the global economic system in order to adjust the system to such changes and prevent the new NIEO-style demands from meeting the same outcome as the original NIEO, i.e., failure (see Agarwal et al. 2012). It is also clear, that it is naïve to expect that such profound changes can be made overnight. A gradual, step by step approach seems more realistic, although less optimal. The way out of the existing series of crises cannot be the way which got us into such a situation. In Einstein's words: "We cannot solve our problems with the same thinking that created them".

As much as the pandemic is a terrible experience for mankind it also offers the opportunity for a silver lining; rethinking what went wrong in the past that created such zoonotic diseases/pandemics and other even more severe long-term crises (climate, environmental, social...). "Societal challenge might be ten times as big as the pandemic and at least ten times as long (Sternfels et al. 2021, 1). Pandemic is perhaps also the »virus« of opening our eyes that people are more important than profits. Hence the Lamy's suggestion: »let's propose a reform agenda to reduce social insecurity and cope with the digital revolution, turning production systems towards circularity through proper pricing of environmental externalities" (Lamy 2020) looks more than appropriate.

One reason is also historical. Namely, the colonial *guilt* of DCs, former colonial powers, has evaporated, but a *new*, relatively heavier, *guilt* has emerged. A responsibility for environmental degradation of the planet, climate change and pandemic crises for which almost the same countries are historically responsible the most. Unequal distribution of the vaccines is adding to such a responsibility a pang of new guilt because new variants of Covid19 are emerging in countries with the least vaccinated population. After all, DCs have not made the vaccine available to them despite several proposals including the one on waiving the patent rights.

At the same time, the mindsets have also changed. The radicalism of the 1970s looks today, in the light of much more severe challenges, less radical and more understandable. DCs' population is namely joining the club of radicals, demanding substantial social reforms. Previous radicalism became normal also given enhanced bargaining power of larger LDCs (like China) supported also by other successful emerging economies.

Finally, today's new Cold War is totally different from the post-WWII one. It goes beyond competing systems in terms of economics and politics. It also entails religion, culture, status, psychology, and morality. "More specifically, it's a rejection of Western ways of doing things by hundreds of millions of people along a wide array of fronts" (Brooks 2022, 4). It is a competition between capitalist democracy and autocratic state governance (Russia), and a hybrid capitalist Chinese economy with an autocratic political system. "Ukraine could be the first

battleground in what turns out to be a long struggle between diametrically opposed political systems.” (ibid., 4).

Ad d). What are the chances for the realization of the New Inclusive Global Order? NIGEO¹⁴ could meet with the same outcome as NIEO because it is perhaps ahead of the time and since the GR demonstrated how quick we tend to reboot the system, going back to old normal. Yes, it sounds like an ambitious, to some even naïve utopian, idea. But all major transformations in history looked initially very idealistic, naïve and utopian. Yet, as time went by they were realized. The fall of the Berlin wall, if predicted by some (as has not happened), would sound also as totally utopian in the 1980s and yet it happened. Gandhi posited clearly, “first they ignore you, then they ridicule you. And then they attack you and want to burn you. And then they build monuments for you.”

Following this thought, chances for NIGEO might not be (in the long run) so thin also because the alternative might be risking the rise of illiberalism within liberal democracies as well as an ecological, and consequently social, catastrophe. A visionary framework is also needed for addressing the great dichotomy between economic GLO/integration of the global economy and the international political system based on national states and how to find a right congruence between the two. Our ultimate choice can be figuratively encapsulated by Woody Allen:

“More than any other time in history, mankind faces a crossroads. One path leads to despair and utter hopelessness. The other, to total extinction. Let us pray we have the wisdom to choose correctly (Woody 1979).

If history can teach us something, the world after the Covid19 pandemic can resemble the one after 1945 when difficult decisions had to be made. Is it the time for a new BW or for something new? The new context, the enhanced interdependency and changing mindsets certainly point in the direction of something new.

One can agree with Piketty (2020) that “history is full of *“ruptures”* that create “switch points” when the action of a few people can cause a lasting change in a society trajectory”. Have we reached such a switch point yet, do we have such leaders with a clear plan-vision of what should be done? The answer to the first question is most probably positive; yes, we reached the historic junction. “*We should therefore leave behind the metaphor of it being “five minutes to noon,” our last chance to act and prevent the catastrophe. It is already five minutes past noon, and the question is what to do in a totally new global constellation*” (Žižek 2021, 219). The answer to the second one is more complicated. Unfortunately, there is a lack of statesmen around the globe to have such a long-term vision and be willing to embrace policies which go beyond regular election cycles. Recent experiences don’t fill us with optimism because, in the Covid19 exit strategies national, and not multilateral, approaches prevail. Economic nationalism inspired even by sovereigntists ideologies is winning always when there are no multilateral or regional readymade solutions available. Populism and authoritarianism are winning in times of chaos, in times of frustrations and disorientation because people are attracted by such simple solutions promising to get quickly out of such crises, compared to more complicated and slower democratic, science-based, more complicated, solutions.

The Covid19 pandemic is a global tragedy. But that shouldn’t—and needn’t—prevent us from finding innovative ways to accelerate progress. On the contrary,

¹⁴ More on its principles in Svetličič (2022).

it should stimulate productive thinking. It would not be the first disaster from which new innovative ways to exit it were found.

Unfortunately, the Russian aggression on Ukraine, has demonstrated how limited our understanding of the world is, how weak we are in predicting the developments and how wrong it was to overemphasise rational economic factors and underestimate ideological ones or even forgetting the soft cultural and psychological, drivers of our lives, desires and objectives. The precondition for looking for new answers, for new challenges, is the ability to avoid such past mistakes and the *bullshit*, as coined by American Philosopher H. Frankfurt essay 1986 *On Bullshit*, “by ignoring the things how they are and concentrate on how they really are, because bullshit is a greater enemy of the truth than lies are.

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ALI JE SEDAJ ZREL ČAS ZA RADIKALNE SPREMEMBE V GLOBALNEM GOSPODARSKEM REDU?

Namen prispevka je ugotoviti podobnosti in razlike med obdobjem sedemdesetih let prejšnjega stoletja, ko je bil uveden nov mednarodni ekonomski red, in sodobnim obdobjem. Primerjalna ocena obeh obdobjev je odkrila podobnosti na številnih področjih, kar je pripeljalo do analogije, da je tudi zdaj napočil čas za zelo potrebne korenite spremembe v svetovnem gospodarskem redu, da se omogoči pravičen in vključujoč razvoj. Covid19 in z njim povezane krize so kljub apokaliptičnosti, skupaj z drugimi razlikami, svetovno gospodarstvo pripeljale na kritično stičišče in ponujajo priložnost za premislek o antropocentričnem modelu razvoja in za začetek korenitih sprememb v upravljanju svetovnega gospodarstva. Predlagana je zamisel o novem vključujočem svetovnem gospodarskem redu, vendar obstaja skepticizem glede tega, ali imamo akterje motivirane za načrtovanje in izvajanje potrebnih sprememb.

Ključne besede: novi mednarodni ekonomski red; krize; kontekst; podobnosti; razlike; nov red.

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