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What Factors Determine and Facilitate a Departure from a Neo-Militant Democracy? The Case Study of Bulgaria²

Keywords: democracy, semi-consolidated democracy, Freedom House, militant democracy

Słowa kluczowe: demokracja, demokracja częściowo skonsolidowana, Freedom House, demokracja opancerzona

Abstract

Bulgaria is a partially consolidated democracy. Between the financial crisis of 2008 and the coronavirus pandemic, it began to take on characteristics of authoritarian regimes. However, its case is not a classically understood militant democracy, but quasi-militant democracy. This article aims to present main changes the Bulgarian system faced in 2008–2019 and its transition from neo-consolidated democracy to quasi-militant democracy. The research questions are: is Bulgaria still a neo-militant democracy? If not, what factors determine and facilitate a departure from a neo-militant democracy?

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Abstrakt**Jakie czynniki determinują i ułatwiają odejście od neo-opancerzonej demokracji? Studium przypadku Bułgarii**

Bułgaria jest demokracją częściowo skonsolidowaną. W okresie między kryzysem finansowym z 2008 r. a pandemią koronawirusa zaczęła przyjmować cechy systemów autorytarnych. Nie jest to jednak przypadek klasycznie rozumianej demokracji opancerzonej, a quasi-opancerzonej. Celem pracy jest odpowiedź na pytania badawcze: czy Bułgaria wciąż ma cechy demokracji neo-opancerzonej? Jeśli nie, jakie czynniki powodują jej zmianę z demokracji neo-opancerzonej w quasi-opancerzoną? W ramach odpowiedzi pokazano zmiany, jakich doświadczył system polityczny Bułgarii w latach 2008–2019, w tym przejście od demokracji neo-opancerzonej do quasi-opancerzonej.

I. Introduction

Article 1 of the Constitution states: “The Republic of Bulgaria is a republic with a parliamentary form of government” and also “the entire power of the State shall derive from the people. The people shall exercise this power directly and through the bodies established by the Constitution”³. However, Bulgaria is a country that is often referred to as semi-consolidated democracy, according to inter alia Freedom House reports. The organization defends human rights, including political rights and civil rights, and its reports aim to demonstrate the state of democracy and respect for freedom in the world⁴. The definition of Bulgaria as a partially consolidated democracy draws on points obtained in seven categories developed by the organization. The areas taken into account to assess the state of democracy in each country are: electoral process and civil society; corruption; local governance; national democratic governance and judicial framework and independence; independent

³ Art. 1, sec. 1, 2 of *Constitution of the Republic of Bulgaria*, 1991, https://www.legislationline.org/download/id/6476/file/Bulgaria_Constitution_am2015_en.pdf (17.07.2021).

⁴ Freedom House, *Bulgaria*, <https://freedomhouse.org/country/bulgaria/freedom-world/2020> (17.07.2021).

media. In this way, it was possible to assess that Bulgaria is under the average scores achieved by the countries from the region of Central and Eastern Europe⁵. Simply put, “A democracy becomes consolidated – that is, it is expected to endure – when political actors accept the legitimacy of democracy and no actor seeks to act outside democratic institutions for both normative and self-interested reasons”⁶. This is not a definition far from the one created by Robert Dahl. He pointed out that both the transition process and consolidation require that no external enemy of the democratic process, which aims to overthrow this system, has interfered with the political life of the state⁷. In the case analysis, therefore, there can be no question of a stable and consolidated democracy, since Bulgaria is regarded as a highly corrupt state and subordinate to oligarchs. Thus, it is not possible to speak of activity solely within democratic institutions. This means, in this case, that large part of the activity takes place behind the scenes of politics, in other words in the grey zones of politics. In order to approximate the reasons for the decisions taken by the government, it would be necessary to look closely at the views and opinion expressed by wealthy oligarchs in close relations with politicians. However, this will still not be a full insight into the links between politics and business, as other factors should also be taken into account, such as back-to-back conversations or the possibility obtaining financial benefits by politicians.

The factors described above may justify the use of the category of quasi-militant democracy, rather than semi-consolidated democracy, for analyzing means used by the anti-democratic forces for decaying democracy in Bulgaria. Semi-consolidated democracy is one that has both democratic institutions and regime-specific procedures, but they are relatively often violated. Therefore, until now, the use this category for Bulgaria was justified. However, at present, trend specific to quasi-militant democracy can be observed. The latter category then means a regime which uses democratic institutions and existing procedures within the system to progressively implement elements of an authoritarian regime and cre-

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⁵ Novinite, *Freedom House: Bulgaria Retains Its Status as Semi-Consolidated Democracy*, <https://www.novinite.com/articles/173988/Freedom+House%3A+Bulgaria+Retains+Its+Status+as+Semi-Consolidated+Democracy> (17.07.2021).

⁶ Y. Gorokhovskaja, *Democratic Consolidation*, [in:] *Oxford bibliographies in political science*, ed. L. Sandy Maisel, Oxford 2017, DOI: 10.1093/OBO/9780199756223–0224.

⁷ R. Dahl, *On Democracy*, New Haven 2008.

ate appearances of action in accordance with existing legal means. Governments use democratic tools to self-destruct the democracy regime⁸.

This is due to the use of means that destroy the democratic regime, because by inter alia increasing the range of powers of the rulers, especially oligarchic groups, the level of the sovereignty of the political nation is diminished⁹. For example, elections can be a way of filling key positions with politicians who use populist discourse and seek to pursue their own interests. In this way, there can be no real alternation of power and representation of citizens, which is one of the main objectives of the elections held periodically.

In order to answer the research question, a detailed analysis of changes in the analyzed period was carried out, which may indicate Bulgaria's shift towards neo- or quasi-militant democracy. The article indicates selected, most expressive and emphatic examples of changes that may indicate a transition towards autocracy. Selected elements were assigned to the previously indicated areas designated by the Freedom House. The areas of national democratic governance and local governance are included in the common paragraph because of the main factor that is important for both of them and the militant process.

II. Electoral Process and Civil Society

In 2008–2019, there were a few short-term legal changes that prevented new political actors from entering the political scene from outside the existing barriers entry. Article 11 of the Bulgarian Constitution stresses that politics is based on the principle of political pluralism and that no party or ideology can be equated with the state¹⁰. Bulgaria's constitution contains a pre-

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⁸ K. Rezmer-Plotka, *Contentious Politics in Defense of Neo-Militant Democracy in Poland: The Rationale Behind Fighting a Quasi-Militant Democracy*, "HAPSc Policy Briefs Series" 2021, vol. 2, No. 1, pp. 24–29.

⁹ R. Bäcker, *Kategoria narodu politycznego*, [in:] *Polska i Europa w perspektywie politologicznej. Księga jubileuszowa dedykowana profesorowi Konstantemu Adamowi Wojtaszczykowski z okazji 45-lecia pracy akademickiej*, vol. II, eds. J. Wojnicki, J. Miecznikowska, Ł. Zamęcki, Warsaw 2020, pp. 35–46.

¹⁰ *Constitution of the Republic of Bulgaria*, 1991, https://www.legislationline.org/download/id/6476/file/Bulgaria_Constitution_am2015_en.pdf (17.07.2021).

cise provision excluding a certain type of parties from seeking the violent usurpation of state power: “there shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent usurpation of state power”¹¹. This provision is the first mechanism to make it more difficult for entities of a certain nature to enter the political scene. The 2009 elections were intended to highlight, above all, the problem of buying votes¹². The reasons for this phenomenon of buying votes are primarily the willingness of the business to support and finance certain candidates or parties, which is difficult. The first difficulty is the funding threshold and the second barrier is the obligation for parties to report their expenses. Importantly, expenses cannot be higher than the sum of the funds, and there is also the question of the legality of funds¹³.

Despite the existing provision, there have been numerous citizen protests in Bulgaria, which can be described as poorly organized or spontaneous. Some of them took place after the financial crisis, which is considered to be the beginning of the democratic backsliding towards authoritarian regimes and the gradual process of quasi-militant democracy occurrence¹⁴. However, according to Mariya Ivancheva, protests in Bulgaria should not be combined with the mentioned wave of protests¹⁵. This researcher highlighted the three peaks of the wave of protests that took place between 2012 and 2013 to explain the dynamics of the contestation and pointed out the characteristics of the political and social landscape of post-socialist Bulgaria, which have made the anti-neoliberal or anti-capitalist framing of the protests increasingly difficult. In the period 2014–2020 there were constant protests.

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¹¹ Ibidem.

¹² OSCE/ODIHR, *Republic of Bulgaria. Parliamentary Elections 5 July 2009*, 2009.

¹³ V. Mermet, *Voters, Politicians and Oligarchs: Under What Conditions is Vote Buying a Cost-Efficient Strategy in the Case of Bulgaria*, Hungary 2021, pp. 27–28, http://www.etd.ceu.hu/2010/mermet_vanessa.pdf (17.07.2021).

¹⁴ J. Rak, *Conceptualizing the Theoretical Category of Neo-militant Democracy: The Case of Hungary*, “Polish Political Science Yearbook” 2020, vol. 49, No. 2, pp. 61–70.

¹⁵ M. Ivancheva, *The Bulgarian Wave of Protests, 2012–2013*, <https://critcom.councilforeuropeanstudies.org/the-bulgarian-wave-of-protests-2012-2013> (17.07.2021).

III. Corruption

Although everyone is aware of the corruption activity to the scale of this problem is too difficult to precisely identify, which is why O'Brennan¹⁶ uses the proper term 'shadow power' for determining the power of oligarchs. Ana Krasteva claims that Bulgarian populism is a typical example of post-communist Eastern European populism, to a very large extent imitates it, while "extremism is not a spontaneous internal attitude but is a learned political game"¹⁷. This might confirm that the populist political discourse is used for the purpose, as is pursuing the interests of the governing and oligarchic groups.

In indexes relating to the level of corruption, it ranks very high and exceeds the average indicators for Europe¹⁸. In 2019, the outbreak of the coronavirus pandemic and the same time final caesura of the study, the average for the world was 43 points out of 100. In used scale, 100 points means a state that is practically free from corruption and 0 is the highest corruption rate. Bulgaria scored 74 points, ahead of Hungary and Romania, among others¹⁹. The judicial system is also not free from corruption, as indicated by EU reports²⁰. This means that Bulgaria will remain high in the rankings on corruption as long as it does not deal with the restoration of the independence of the judiciary. Restoring the transparency and independence of the courts is very important because it guarantees respect for the democratic rights and

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¹⁶ J. O' Brennan, *Bulgarians under the Yoke of Oligarchy*, https://www.maynoothuniversity.ie/sites/default/files/assets/document/New_Left_Review_Bulgarians_under_the_Yoke_of_Oligarchy.pdf (17.07.2021).

¹⁷ A. Krasteva, *Balgarskiyat populizam – shtrihi kam portreta*, p. 11, <https://annakrasteva.wordpress.com/2013/12/23/bulgarian-populism> (17.07.2021).

¹⁸ World Data, *Corruption in Bulgaria*, <https://www.worlddata.info/europe/bulgaria/corruption.php> (17.07.2021); European Commission, *The Corruption Perception Index 2019: The EU is the best performer in the world*, https://ec.europa.eu/regional_policy/en/newsroom/news/2020/01/27-01-2020-the-corruption-perception-index-2019-the-eu-is-the-best-performer-in-the-world (17.07.2021).

¹⁹ Transparency International, *Corruption Perceptions Index*, <https://www.transparency.org/en/cpi/2019/index/nzl> (17.07.2021).

²⁰ European Commission, *The Corruption Perception Index 2019: The EU is the best performer in the world*, https://ec.europa.eu/regional_policy/en/newsroom/news/2020/01/27-01-2020-the-corruption-perception-index-2019-the-eu-is-the-best-performer-in-the-world (17.07.2021).

freedoms of citizens. Besides, the process of establishing quasi-militant democracy is occurring in Bulgaria, since both political elites and the most important democratic institutions in that country are corrupt.

John O' Brennan claims that the mechanisms by which oligarchs exercise power over the state have never been fully discovered. By contrast, the media, which usually allows the disclosure of what it described as 'shadow power', are also heavily subordinated to the oligarchic class²¹. Stefan Antonov points out that "One main distinction between corrupt forms of governance and the »rule of oligarchy« is that only organizations considered being a part of the coalition between the oligarchy and the political elite are able to arrange tailored legislation"²². Here, as an example, we can recall the reluctance of the media, and the unification of oligarchy against Boiko Borisov (who has been Prime Minister of Bulgaria since May 2017), at a time when he and his political party began to aspire to play a greater role in the economy, as Antonov also mentioned in his paper²³. Despite the lack of clear evidence of manipulation by oligarchs and incitement to anti-government protests, it is difficult not to see that the actions of the then government were not in the interest of oligarchic groups.

In his report on the oligarchs taking control of key areas in Bulgaria, Antonov saw several weaknesses in both the political and economic system that allow an oligarchy to set the government's agenda, and thus contribute to quasi-militant democracy creation and stabilization²⁴.

IV. National Democratic Governance and Local Governance

Vlachkov pointed out that the systemic problem in Bulgaria's post-totalitarian development is the result of the perception of a political career as "as low-risk and high-yielding businesses, and by private business initia-

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²¹ J. O' Brennan, *Bulgarians under...*

²² S. Antonov, *The Age of the Oligarchs: How a group of political and economic magnates have taken control of Bulgaria*, Reuters Institute for the Study of Journalism, Oxford 2013, p. 91, <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/research/files/The%2520Age%2520of%2520Oligarchs.pdf> (17.07.2021).

²³ Ibidem, p. 92.

²⁴ Ibidem.

tive as a means of directly influencing the decision-making process”²⁵. This explains the widespread phenomenon of corruption and the political interests of those in power above the needs of citizens and such a high dependence on the influence of oligarchs. Moreover, a study conducted in Romania and Bulgaria shows the use of clientelistic strategies by politicians to win the support of voters in Eastern Europe is much more common in localities with long-term political incumbents²⁶. This may mean that where there is no alternation of power, politicians are more likely to be associated with oligarchs. Thus, the phenomenon of corruption is deepened and the exchange of elites is more difficult, which is a characteristic of quasi-militant democracy.

V. Judicial Framework and Independence

The European Commission points out that the Co-operation and Verification Mechanism (CVM) was created as a transitional measure to assist Romania and Bulgaria in implementing changes in the judiciary, corruption and organized crime²⁷. Tchipev indicated that it was primarily about the possibility of monitoring crime and corruption in the judicial system²⁸. In the Bulgarian judicial system, the Supreme Judicial Council is characterized by the typical of quasi-militant democracy lack of accountability and unlimited possibilities for all appointments of justices, prosecutors and investigative magistrates²⁹.

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²⁵ K. Vlachkov, *Current Dimensions of Electoral Corruption and Vote-Buying in Bulgaria*, “Knowledge International Journal” 2019, vol. 35, No. 5, p. 1513.

²⁶ I. Mares, A. Muntean, T. Petrova, *Pressure, Favours, and Vote-buying: Experimental Evidence from Romania and Bulgaria*, “Europe-Asia Studies” 2017, vol. 69, No. 6, pp. 940–960.

²⁷ European Commission, https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/assistance-bulgaria-and-romania-under-cvm/cooperation-and-verification-mechanism-bulgaria-and-romania_en (17.07.2021).

²⁸ T. Tchipev, *Bulgaria’s Judicial System: Small Country, Big Corruption Problem*, 2016, <https://lawandcourtsblog.wordpress.com/2016/02/12/bulgarias-judicial-system-small-country-big-corruption-problem> (17.07.2021).

²⁹ Ibidem.

VI. Independent Media

Researchers point out that in Bulgaria difficult tasks of transition have been delegated to the political elite and thus eliminated broad public participation in the transition process. Furthermore, although the political and media environment seems quite heterogeneous, they are not open to the parameters of pluralism or independence³⁰. The Media Pluralism Monitor (MPM), which is a research tool for identifying potential risks to media pluralism in the Member States of the European Union, produced a report on media pluralism in Bulgaria. On this basis, it has become possible to determine which factors undermine the pluralism. The list points to the areas of media concentration, editorial independence and state regulation of resources, and social inclusiveness³¹. The difficulties relate to the existing connections between the governing and oligarchic groups.

There is also the question of the possibility of eliminating extreme parties, as it is indicated that xenophobic slogans, racism, nationalism and (anti) Europeanism are openly used in the rhetoric and programs of political leaders and parties. Ideological differences between political parties are blurred in order to mobilize resources for the nationalization process³². Moreover, Emilia Zankina claims that: “The Bulgarian radical right retains socialist nostalgic, combining elements of left-wing and right-wing ideology. Nationalism, clericalism, and irredentism are mixed with neo-totalitarianism, welfare chauvinism, and nostalgia for the communist past”³³. At this point, it should be noted that Bulgaria’s GERB party in years 2009, it means Citizens for European Development of Bulgaria (in Bulgarian: ГЕРБ or Граждани за европейско развитие на България), is in coalition with three parties whose representatives recognize themselves as nationalists and their political narrative and

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³⁰ L. Raycheva, D. Peicheva, *Populism in Bulgaria Between Politicization of Media and Mediatization of Politics*, “Mediatization Studies” 2017, No. 1, p. 76.

³¹ O. Spassov, N. Ognyanova, N. Daskalova, *Bulgaria*, <https://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/bulgaria> (17.07.2021).

³² D. Smilov, *Frustratsiya na demokratiyata*, “Obektiv” 2008, No. 159, p. 26; I. Krastev, *Populistkiyat moment*, “Critique & Humanism” 2007, No. 23, p. 112.

³³ E. Zankina, *Populism, Radical Right, and Socialist Nostalgia in Bulgarian Politics*, <http://trulies-europe.de/?p=330> (17.07.2021).

priorities are in line with far-right values³⁴. This may indicate the reason why nationalist views, actions and measures specific to quasi-militant democracy are implemented without many difficulties.

VII. Conclusions

An analysis of Bulgaria's case indicates an increasing predominance of quasi-militant democracy in the state structure. It shows that two phenomena, namely the very high influence of oligarchs on the political system, as evidenced by political appointments to important state positions and the reduction of independent media, journalists and the high corruption rate, may be among the reasons for this. Oligarchs control key areas in Bulgaria, and the extent of their influence is difficult to determine unambiguously. Furthermore, there are allegations that the European Union passively supports the process of oligarchization and corruption spread, as it favors politicians who use pro-Western discourse, even if it is only an instrument of their political game. First of all, it is about exploiting the fears of parts of society from the power of Russia, because of Bulgaria's geopolitical position.

The corona crisis has brought new limitations to civil rights and freedoms, which has begun a new phase of changes within a political regime. However, the crisis situation requires exceptional measures that are difficult to clearly classify as abuses or actions justified by security. It is only in retrospect that it will be possible to assess which of the restrictions were justified and which constituted solely the realities of the governing interests. As Joanna Rak points out in the event of a pandemic "The legal and political structures of quasi-militant democracy were supposed to provide security at a time of crisis. The government could justify actions in line with anti-democratic tendencies present before the crisis by an exceptional situation and convince the people that all resistance was pointless"³⁵. The crisis situation can thus become a good way

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³⁴ R. Vassilewa, *Bulgaria's dangerous flirtation with the far-right*, <https://neweasterneurope.eu/2019/05/21/bulgarias-dangerous-flirtation-with-the-far-right> (17.07.2021).

³⁵ J. Rak, *Quasi-Militant Democracy As a New Form of Sacred in Poland During the Corona Crisis*, "Journal for the study of Religions and Ideologies" 2020, vol. 19, No. 57, p. 123.

of justifying anti-democratic actions, which would normally be significantly impeded or impossible.

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