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Equality, Freedom, and Democracy: Europe After the Great Recession

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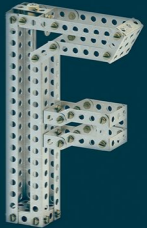
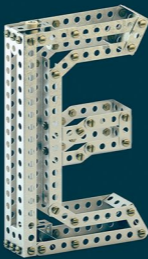
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OXFORD

LEONARDO MORLINO

Equality, Freedom, and Democracy

*Europe After
the Great Recession*



Equality, Freedom, and Democracy

Equality, Freedom, and Democracy

Europe After the Great Recession

By

LEONARDO MORLINO

with

DANIELA PIANA

MARIO QUARANTA

FRANCESCO RANIOLO

CECILIA EMMA SOTTILOTTA

CLAUDIUS WAGEMANN

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Foreword

In the intellectual life of a scholar, it is not infrequent for a research question to rattle around in the back of the mind for years. Then all of a sudden comes the realization that the time is ripe to tackle the topic, and that an attempt has to be made at presenting, discussing, and empirically analysing it. I will not go into the reasons why I think that this is now the right moment to address the question on the implementation of the two traditional democratic values, and their transformations over recent years, partly as a consequence of the economic crisis, and its prospective sustainability. Maybe in his *Discorsi* Machiavelli was only right when he recommends going back to values in times of crisis. There are, of course, other objective and subjective reasons, and the former will emerge directly and indirectly in the first chapter.

Here, I would like instead to justify why in a discipline where scholars more and more are publishing articles in journals, I considered it necessary to write a book, with all the consequences this entails. As from every possible angle writing thirty pages is a smaller task than writing 300, the first reason would be that I am a masochist and convinced that the group working with me looks like me. A justification closer to reality is that in my view the salience and complexity of the topic is such that it could not be analysed, together with its empirical cases, if not through the opportunity for in-depth discussion and the length that only a book affords. This is so even though even a book has to find ways to make long stories/narratives short, possibly through proper, effective, and reliable quantitative data.

In other words, I still believe that after all the changes our profession has been going through in the last few decades, a book can still be a better tool of communication under some precise conditions, such as those that characterize this work. A book offers an opportunity and a constraint. It provides a structure where empirical reasoning can be adequately developed, imposing the time and the rhythm of going through it and working it out in detail. Empirical dimensions and theoretical insights are, by this means, kept tightly together.

The book is the result of the work of a research group directed by me and formed by Daniela Piana, Francesco Raniolo, Mario Quaranta, Cecilia E. Sottillotta, and Claudius Wagemann. Together we have been working for years on the quality of democracy at a comparative level, publishing various articles and books. This is the last, and we hope the most significant work. In addition to my direction of the entire research, there was a division of work among us. Piana mainly focused her attention on freedoms; Raniolo and Wagemann on equality; Raniolo and Quaranta on attitudinal data toward democratic values and democracy; Piana

and Sottilotta on the European Union. About the book, in addition to the chapters written by me only, each one of the members of the group co-authored with me one or more of the other chapters. More specifically, Wagemann was the co-author of Chapter 2, but Raniolo also contributed to it; Piana of chapters 3 and 6; Quaranta and Raniolo of Chapter 4; Raniolo of Chapter 5; Piana and Sottilotta of Chapter 7.

In thanking all those who helped us in the research, we would particularly acknowledge the thoughtful help of Francesca Sica for collecting the data on welfare. Also, Anna Geyer, Joschka Frech, and Marta Matrakova were essential for collecting the data on equalities; Mariafrancesca D'Agostino and Chiara Facello for helping us to gather data on immigration; and Luca Carrieri for checking the data on freedoms.

We would also like to warmly thank all the scholars, practitioners, and institutional actors who accepted the invitation to share with us their experiences, qualified views, ideas, and insights. Our conversations with policymakers helped us to challenge our interpretative hypotheses and enrich our analysis. A special thanks also to all the international organizations that made their datasets available to us. The activities of these institutions have opened new opportunities for research, which we are very willing and pleased to acknowledge.

Finally, our gratitude goes to old friends and colleagues who accepted the burden of reading the first draft of the book. Many thanks especially go to Dirk Berg-Schlosser, Moreno Bertoldi, Maurizio Ferrera, Anna Gwiazda, Liborio Mattina, Angelo Panebianco, Michele Salvati, Anna Sroka, and Eugenio Somaini. We would also like to thank the referees of Oxford University Press for additional suggestions. Their reading prevented misunderstandings and mistakes. Others may still be present. However, for those, the responsibility is entirely mine.

Florence, 20 January 2020

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List of Contributors

Leonardo Morlino is professor emeritus of political science, LUISS G. Carli, Rome (Italy). His most recent books include: *Comparison: A Methodological Introduction for the Social Sciences* (2018, Barbara Budrich), *How Economic Crisis Changes Democracy. Evidence from Southern Europe* (with F. Raniolo, Palgrave, 2017), *The Quality of Democracies in Latin America* (International IDEA, 2016), in addition to the *Handbook of Political Science* (edited with D. Berg-Schlosser and B. Badie, 3 voll., Sage, 2020).

Daniela Piana is Professor of Political Science at the University of Bologna, fellow at the Ecole Normale Supérieure Paris Saclay and coordinator of the rule of law and digital citizenship research section at ICEDD LUISS Rome. Her recent publications include *Legal Services and Digital Infrastructures: A New Compass for Better Governance* (Routledge, 2020) and *La lutte contre le terrorisme et les droits fondamentaux* (Société de législation comparée, 2018, co-edited with François Molinié).

Mario Quaranta is Assistant Professor in the Department of Sociology and Social Research of the University of Trento (Italy). His most recent publications include *Citizens and Democracy in Europe: Contexts, Changes and Political Support* (Palgrave, 2019, with Sergio Martini) and articles published in the *European Journal of Communication*, *International Journal of Public Opinion Research*, and *Social Indicators Research*.

Francesco Raniolo is Professor of Political Science and Comparative Politics at the University of Calabria. His most recent publications include *The Impact of the Economic Crisis on South European Democracies* (Palgrave, 2017, with Leonardo Morlino) and *I partiti politici* (Laterza, 2013).

Cecilia Emma Sottilotta is Assistant Professor of International Relations and Global Politics at the American University of Rome. Her most recent publications include *Rethinking Political Risk: Concepts, Theories, Challenges* (Routledge, 2016) and *The Politics of the Eurozone Crisis in Southern Europe: A Comparative Reappraisal* (Palgrave, 2019, co-edited with Leonardo Morlino).

Claudius Wagemann is Professor in Qualitative Empirical Political Science Methods at Goethe University, Frankfurt. His most recent works include 'What Did I Leave Out? Omitted Variables in Regression and Qualitative Comparative Analysis' (*European Political Science*, 2018, with Claudio M. Radaelli) and 'Internationally Comparative Research Designs in the Social Sciences: Fundamental Issues, Case Selection Logics, and Research Limitations' (*Kölner Zeitschrift für Soziologie und Sozialpsychologie*, 2019, with Achim Goerres and Markus B. Siewert).

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1

How to Grasp the Key Democratic Transformations

1.1 The Key Questions

A democratic regime is usually assumed to implement *freedom* and *equality* as the key and most important values (see, e.g., Bobbio, 1984; Guttman, 1980; Rosanvallon, 2011; and others). In addition to existing liberal and egalitarian ideologies, when asked about their notion of democracy, most people refer to one of those two values or a mix of them (see Kriesi and Morlino, 2016, pp. 307–25). Some authors (see, e.g., Bobbio, 1995, p. viii) also suggest that democracy is the only regime where citizens are freer and more equal than in any other. Sartori (1987, pp. 7–8) would agree with this statement, but also stresses how in the very notion of democracy ideals and empirical aspects are inextricably intertwined. However, even if his perspective is accepted, it should be borne in mind that all features that are consequent to ideals and give empirical substance to them are at the core of a democracy and, as the ideals may be differently formulated and emphasized,¹ there are different concrete positions and interests about them. And the consequent conflicts among collective and individual actors are unfolded, the related choices are made and, more or less frequently, implemented.

In this vein, it is worth recalling that not only do different people in the same country often support different democratic ideals, but also that some ideals are more widespread in some countries than in others (see Ferrín and Kriesi, 2016). Since the end of the Second World War, there have been changes and adaptation of those values and related aspects. This has been the case from at least two different perspectives. On the one hand, technological advances have profoundly transformed the mass media and, consequently, the key aspects of the shaping or reshaping of public opinion. On the other hand, again as a consequence of other socio-economic transformations, democratic ideals themselves have been changed and readapted.

¹ Of course, within a democratic regime some ideologies propose other ideals, such as authority, nation, and order. Nevertheless, the classic recurrent democratic ideals are the two mentioned above, as will be seen below.

As a number of scholars have been stressing (see, e.g., Mounk, 2018, esp. chapters 1 and 2), all of this resulted in a growing difficulty in translating popular wishes and demands into public policies. Moreover, in the period 2008–18, when the Great Recession (2008–14) and its aftermath affected the Western world and some European countries in particular, the difficulties in delivering goods that were implementing those values were exacerbated. The obvious question to ask, then, is how and to what extent have the two key traditional democratic values—freedom and equality—been implemented during these years, even if in different ways. The critical question we intend to address here is: *how and why has the content of democracy, that is, the actual implementation of freedom and equality, been changing in terms of its characteristics and extent in the first decades of the twenty-first century?* Our question is more specific than the famous classic one posed by Dahl (2006, p. 76) when asking ‘might . . . a new age emerge in which some well-established democratic countries sink into significantly less democratic forms of rule?’ But we are proceeding along the same lines. Indeed, according to Dahl (2006, p. 77), we might have a ‘movement [. . .] in both directions’, that is, toward stronger (political) equality and at the same time the opposite, a stronger inequality. However, is this so?

Moreover, in addressing the question above we consider the following statement by Sartori (1987, p. 357) to be an essential starting point: ‘equality presupposes freedom [. . .] Liberty comes *first*, . . . on the simple consideration that equality without freedom cannot even be demanded.’ However, such a statement has to be reconsidered in contemporary democracies, even in the most recently established ones, as the limitations and constraints on the implementation of both ideals have been taking other paths (see below and next chapters). Scholars (see, e.g., Morlino, 2011; Parsi, 2012; Giebler and Merkel, 2016) have empirically falsified even the recurrent normative assumptions regarding a trade-off between freedom and equality (see, e.g., Nozick, 1974). It is not possible here to review this key issue in depth. However, at least one crucial aspect can be highlighted. Research into the quality of democracy that includes freedom and equality as well as other dimensions in the analysis shows how a key mechanism in the process is *mutual convergence*, that is, the worsening or improvement of one dimension or quality is usually complemented, within some range, by a parallel worsening or improvement of all other dimensions (see again Morlino, 2011, pp. 247–8). The corollary of the effective working of such a mechanism is that there is also convergence, even after ideological conflict or tension, between freedom and equality as well. The empirical analysis of contemporary democracies supports this conclusion, provided that we consider the same subdimensions and indicators. Hypothetically, we could add other subdimensions and show the empirical presence of some tensions among indicators of—for example—economic freedom and some egalitarian policy. Thus, the only actual solution is a theoretical one. Namely, we assume that the subdimensions and indicators we decided to adopt

for those qualities, freedom and equality included, are the most meaningful and salient in detecting how much and with what characteristics those qualities are present in a democracy. And when the empirical checking is done, they do not show continuous tensions, but rather a consistent complementarity.²

Researching this topic during the first two decades of the twenty-first century, we cannot ignore the impact of the Great Recession. It started in Europe after the bankruptcy of Lehman Brothers in 2008 and, if we take into consideration the data on GDP growth, goes on at least approximately until 2014, when there was an evident inversion in the data (see the official Eurostat, OECD or World Bank statistics). For our purposes here, we can note briefly that economic and financial crises are characterized by (1) instability of financial, monetary and other markets; (2) a decline in gross domestic product (GDP), despite all the limits this indicator has; (3) growing unemployment complemented by decreases in investment and trade exchanges; and (4) a protracted economic situation characterized by several years of very low growth or stagnation (see also Kindleberger, 1987). Moreover, the 2008–14 crisis had its peculiarities, as it started with a crisis in the housing and financial markets, following a protracted phase of positive trends in the economic markets. This can easily be seen not only when looking at GDP and unemployment trends, but also at private and public investment, family consumption, inflation, and public debt until 2007. Overall, we can agree with the statement by Copelovitch et al. (2016, p. 812): ‘the joint effects of the global financial crisis and the Euro crisis have caused more lasting economic damage in Europe than the Great Depression of the 1930s’.

It should be added here that while it is possible to provide precise timing for the economic crisis, the same cannot be said for its political consequences. This is so for several reasons. If, for example, we consider voting behaviour, the electoral results may or may not be affected by the crisis. It depends on the timing of the elections. If they are held at the very beginning of the crisis, when the consequences are not yet perceived, then the impact is nil. If they are in the middle phase, the impact is often only partially felt. The political consequences may be felt more powerfully when the crisis is over, but there have been long debates with a subsequent radicalization of voters. In other words, ironically, there is the (electoral) effect (changes in voting behaviour) when the cause (economic crisis) has already disappeared. If we do not consider just the electoral impact but broaden our view by analysing the political impact, then Bermeo and Bartels (see 2014, p. 3) give an accurate timing of the impact and its reasons. They show how the impact only comes when incumbent politicians announce and make decisions

² Lauth and Schlenkrich (2018) develop a thoughtful analysis where ‘mutual reinforcing effects’ are complemented by ‘trade-offs’. In a previous book (2011 and see above) Morlino argued that the first relevant empirical mechanism is ‘mutual convergence and is the dominant one. However, a domain where the tension is present is security vis-à-vis freedom (see esp. chapters 3, 6, and 8).

to cope with the crisis. In Europe, this happened no earlier than two years after the beginning of the crisis in 2010, when the European Union Council decided on what measures to adopt to tackle the crisis. This happened as much as a year after the worst moment in the crisis (2009). In other words, the political consequences of the crisis do not come when all its main indicators become manifest, but when political decisions, such as the famous austerity provisions in several countries, make it known to the people and provided scope for adverse reactions (to the decisions). For example, in Italy there were reactions to the crisis when the Berlusconi government fell, and the new technocratic government led by Monti was formed in November 2011, that is, three years after the beginning of the crisis. The reaction of the people, with a massive vote for a protest party, came with the 2013 elections six years later, when the crisis was partially over. On the whole, the crisis is a key element. This is confirmed by the adverse reactions of the people even when there are anticipated decisions by the incumbent political authorities without an effective deep crisis or even a proper crisis. For example, there was no severe crisis in the UK with the Cameron cabinet and the referendum on Brexit in 2016, and there was no crisis in Poland (see chapters 2 and 3). Ultimately, significant links can be established between the effects of the crisis on the domestic components of democracy and the rising tide of nationalism, discernible in domains ranging from trade protectionism to anti-immigration stances.

Moreover, on the political consequences of the Great Recession there have already been a number of analyses about how economic issues become dominant for voters in times of economic recession (e.g., Singer, 2011); how incumbent parties are punished when there is an economic crisis (e.g., Kriesi, 2014); the more general effects of the economic crisis on voting (see esp. Hernandez and Kriesi, 2016; or Lindvall, 2014); the impact of the economic crisis on parties (e.g., Bosco and Verney, 2012); and how the crisis deeply affected the welfare state in a specific group of countries, such as Southern Europe (see Petmesidou and Guillén, 2014). The impact of the economic crisis can also be seen at the level of participation and competition, as Morlino and Raniolo (2017) showed regarding the four South European countries. However, as mentioned above, the most recurrent position on the Great Recession is expressed by Bermeo and Bartels (see 2014, p. 3), who, while recognizing the change of voting and the punishment of incumbent leaders and parties, stress that the reactions and consequently the impact have been minimal. In other words, almost everything seems to be confined to a temporary change in voting behaviour and some limited protest. Within this perspective, the socio-economic analysis of the phenomenon carried out by Kahler and Lake (2013) plays down the effects of the crisis even more. They start by affirming that ‘the Great Recession [...] is the worst economic crisis to beset the world economy since the Great Depression of the 1930s’ (p. 1). But they go on stressing how ‘despite its negative effects on incumbent governments, the economic crisis has provided few signs of fundamental political realignment, policy experimentation

[...] or mobilization by new political actors [...] rampant economic nationalism or serious erosion of international collaboration has not emerged' (p. 2) (see also Lane, 2012; Bermeo and Pontusson, 2012; Streeck and Schäfer, 2013).

Following the results of our previous analysis (see Morlino and Raniolo, 2017), we consider the Great Recession as an intervening phenomenon that pushed and, in some cases, transformed already existing background conditions deriving from both internal and external trends. In other words, the economic crisis had a 'catalysing effect'. Contrary to the classic Schumpeterian hypothesis in economics, suggesting that crises bring about innovative destruction, we consider that in politics this economic crisis magnified and accelerated latent or less latent trends and factors, which were already present within Western democracies. Thus, to reply more effectively to our key research question, we need to look mainly at the structural factors in the background of this crisis. They include globalization, which is characterized by different dimensions (technological, economic, socio-cultural), by a growing interdependence of markets, by a transformation of capitalism into 'finance-capitalism' (see esp. Gallino, 2011), by a change in the world order with the growth of international anarchism, and the new economic roles of other large economies such as China and India. We should also consider the waves of immigration, especially from Africa, and several terrorist events, to achieve a more complex, multifaceted picture characterized by changes and uncertainties for both freedom and equality. In recent years, authors such as Stiglitz (see esp. 2003 and 2012), Piketty (2013), Milanovich (2016) and others have analysed and helped to better understand these structural phenomena, especially globalization and the evolution of the capitalist economic context. It is the related consequences on the implementation of the values we consider that we will focus on in the next chapters.

In the comparative research, presented here, we analyse France, Germany, Italy, Poland, Spain, and the United Kingdom from the last decade of the twentieth century onwards, to better show the changes we detected. As expected, the six largest European democracies have been differently affected by the crisis, as they also had different background factors. In fact, there is one country that was almost not affected by the crisis, despite significant political consequences (Poland); one country that is outside the euro area and is heading towards a dramatic exit from the European Union (UK); one that may even have benefitted from the crisis (Germany); and three others more seriously affected by the crisis, but with different external and domestic characteristics and hence with different results (France, Italy, and Spain). In any case, the overall *research design* is *not* a systematic comparative one, like 'most similar systems – different outcome' (MSSO), which can reduce complexity and identify more distinct patterns within medium-range theorizing. This is compensated, however, by the *qualitative assessments* of the cases and the distinct *features*, which are identified (see chapters 5, 6, and 7).

We decided to conduct our research in the six largest European democracies, paying attention to the size of the total population, as the aim of the book is to analyse the effective freedom and equality implemented among as many European citizens as possible. The citizens of the six countries comprise almost 360 of the European Union's total population of approximately 500 million in 2018, that is, more than two-thirds. To avoid any misunderstanding, we should add that there is no assumption about a causal link between economic crisis and democracy concerning size/population. The issue is only one with great significance for the research questions we address. Moreover, when considering and trying to explain the different aspects and results among the six countries, including only the largest democracies allows us to parametrize, namely to hold constant, the country size in our analysis, even at the cost of excluding smaller countries with their specificities in terms of political consequences.

A further question had to be considered. Should the democracies we analysed be considered Europeanized or not? In other words, how and to what extent are a few key characteristics of EU democracies transformed by EU membership? When pondering whether the dimensions for consideration incorporate the European side, we eventually decided to stick to the traditional notion of a democracy-cum-sovereignty, and, as seen below, devoted a special analysis to the European factor (see Chapter 7). From this perspective, the inclusion of the United Kingdom and Poland, which are not part of the Euro area, is a welcome aspect that should allow us to assess better the impact of being inside or outside that area regarding the basic questions we are interested in.

In our research, we adopt the theoretical framework on the quality of democracy developed in an earlier book (Morlino, 2003); some articles (see esp. Morlino, 2004); an introduction to another volume (Diamond and Morlino, 2005); and, above all, the two last chapters of a third book (Morlino, 2011). We also consider the subsequent debates (see, e.g., Geissel et al., 2016). As will see in next chapter, we will mainly focus on the empirically relevant subdimensions of our qualities that include, in addition to the content dimensions, equality and freedom, the procedural dimensions, that are rule of law, electoral accountability, inter-institutional accountability, competition and participation, and the result dimension, which is responsiveness (see Morlino, 2011). At the same time, the external factors we mentioned above, brought about by globalization, and by immigration and terrorism events, should also be considered to capture the dynamic at stake comprehensively.

Let us now move on to discuss and empirically define the two critical democratic values of freedom and equality. However, before that, it is necessary to address two crucial, often overlooked issues. First, freedom and equality for whom? That is, what are the *demos*, the people, who are entitled to be free and equal? From the vantage point of the classical theory of democracy, the reply is obvious: citizens are entitled to the rights which, when implemented, should give

some degree of freedom and equality. However, in contemporary democracies, many non-citizens reside in a given country. As freedom and equality are two ideals, the most consistent decision seems to be to include those who live legally in that country, notwithstanding the different legal regimes existing on this issue (see also Dahl, 1997).³

The second preliminary problem to address is: why consider only the two mentioned values and not the third one frequently associated with them in recurrent rhetoric, namely, fraternity? After all, since the beginning of the French Revolution, the reference has always been to *liberté, égalité et fraternité*. The primary reason for excluding an explicit analysis of this third value lies in the evolution of the way the two other values are conceived. In fact, as a consequence of the social transformations characterized by the weakening of communitarian attitudes, democratic theory and democratic politics alike have gradually forgotten the third value. The fraternity was also the expression of Christian culture and has been absorbed by the two other values and related to aspects of solidarity as expressed by those rights that also set the conditions for equality (see section 1.3).⁴

1.2 What Is Equality?

In addition to the justification and the empirical definition of equality, there are three sets of questions we should address and try to answer: (1) What are the characteristics and trends of economic and social inequalities in the six countries? (2) What are the domestic determinants of socioeconomic inequalities? (3) How can external factors explain the existing characteristics and trends in inequalities that the empirical analysis has shown?

Justification. Why is socioeconomic equality a democratic value? As is well known, this has been a classical value since long before the mass liberal democratic regime was gradually ‘invented’ during the nineteenth century. More precisely, a key component of ideologies that became part of the political regime, and which we have labelled as liberal-democracy, is the promotion of socio-economic

³ This is also a politically relevant decision as there are parties and widespread opinions in Europe that would limit to citizens only the rights related to freedoms and equality (see below and next two chapters).

⁴ Let us add that the concept of fraternity underwent a significant transformation. Despite its centrality in some stream of political thoughts, even in recent years (e.g. Gluckmann, 2011), the shift to solidarity is related to the interplay with the rise of laicity and secularism. This shift does not solve the puzzle of the ‘us’, which is implicit in any possible collective value (equality, social justice, solidarity included). Moreover, this value is central in some communitarian doctrines, including socialist ones (see, e.g., Mulhall and Swift, 1996). Finally, Morin (2019) proposes an integration among the three values where *fraternité* brings the recognition of our common humanity and the respect for its differences. For Morin also the solidarity is the primary way to implement fraternity.

equality. In addition, there have been other non-democratic ideologies that had equality at their core. This is not the place to illustrate Marxism and other ideologies in which equality lies at the heart of a normative system. However, in a nutshell, from an analytic perspective, the justifications of equality are based on the belief that it is a value, a good to be implemented in itself, or the indirect source for other values or goods. There have also been many other justifications. However, all of them raise doubts of a different kind from a normative perspective.⁵ As Dahl stresses (2006, p. 37) there is also a wide range of other non-ideological motivations based on emotions such as altruism, compassion, empathy, envy, anger, and indignation. Here, we will concentrate on more empirically relevant justification.

First, a key reason to consider equality as a democratic value stems from a procedural perspective on democracy. In fact, as is also well known, an enlightened, relatively unconstrained and fair formation of political opinion, which is essential for voting as well as for the proper functioning of accountabilities, responsiveness, participation and competition, entails at least adequate education and living conditions. However, the presence of such conditions is only possible within an equal society. This argument shows very powerfully how the substantive aspects of democracy are related to the procedural dimensions, and how those lines of thought that have disentangled the formal features from the substantive ones are completely wrong. Accordingly, Dahl (1989, p. 311) very effectively emphasizes how the ‘democratic process [...] promotes freedom [...] promotes human development [...] protect[s] and advance[s] the interests and goods they (human beings) share with others....’.

The second, strong empirical justification of equality comes from the empirical data and the related, subsequent conclusions reached by Wilkinson and Pickett in *The Spirit Level* (2009), the subtitle being *How Greater Equality Makes Societies Stronger*. Their key propositions are that ‘economic growth, for so long the great engine of progress, has, in rich countries, largely finished its work’ (Wilkinson and Pickett, 2009, p. 5) and today health and several other social problems, such as the level of trust, mental illness, life expectancy, infant mortality, obesity, children’s educational performance, teenage births, homicides, imprisonment rates and social mobility are related to income inequality. The higher the inequality, the worse these problems are. More significant income differences imply greater social distance, a hierarchical society and profound social stratification (see *ibid.*, chapters 2–12). Although some subsequent analyses cast doubt on a number of correlations, which do not necessarily involve a causal connection, the key aspect of their empirical research that justifies the salience of equality for a better society, with freedom as a complementary dimension, is solidly supported. The authors do not explicitly discuss democracy in the book, taking it for granted,

⁵ Somaini (2002, chapter 1) effectively illustrates all these justifications.

and are much more interested in giving compelling, empirical reasons for equality.⁶ Besides the aspects mentioned in their analysis, we might point to the connection between equality and interpersonal trust (see, e.g., Rothstein and Uslaner, 2005) as an element that eventually contributes to the more effective working of democracy, if not to a better democracy.

The third—and, for some, even more important—and related justification makes more explicit an aspect that also exists in other, non-egalitarian ideologies. This goes back to the close connection between equality and justice, especially distributive justice (see also Gosepath, 2016). As suggested by Bobbio (1995, p. 8), unlike freedom, which is an individual value, equality is a social value, and at the same time, the necessary condition for justice or fairness. Although to differing extents, and with different characteristics according to the culture, people are prepared to accept unequal societies but are much less or totally unwilling to tolerate injustice understood as unfairness. This has already been emphasized by Stiglitz (2012, chapter 5), and is one of the most salient results of recent psychological research: as in the real world, there is a considerable variation ‘in effort, ability, moral deservingness [...] people don’t care about reducing equality *per se* [...] people have an aversion toward unfairness’ (see, e.g., Starmans et al., 2017, pp. 3 and 5). It confirms the salience of the intuition at the heart of the most influential political philosophy of recent decades by John Rawls (see 1971), in addition to enabling us to understand some of the reasons for the enormous, profound, widespread attention and success Rawls has been having over all these years.

Fairness, however, is not possible without socio-economic equality. Or, from a different perspective, pursuing the goal of fairness is not possible without policies aimed at redressing extreme inequalities. Thus, the salience of socio-economic equality is restated and again necessarily lies at the centre of our attention. However, we are well aware that, on the one hand, the effective implementation of equality appears to be a utopian objective, in addition to not being advocated by all supporters of democracy; and, on the other hand, the justifications above are undermined by periods of economic crisis, even more so by a protracted one like the Great Recession. Pursuing social and economic equality involves the lifting of limiting barriers by providing effective social rights, even if this is not openly declared. The most significant problem associated with the implementation of these rights lies in the cost that they impose on the community, which entails taxation and the efficient use of resources, which need to be redistributed first of all towards public education and interventions in the labour world. Assuring individual health, environmental protection, disability and old-age pensions has also redistributive consequences, even if only partially.

⁶ Their work has also been criticized from different perspectives. See Gilmore (2014), who briefly but effectively summarizes those criticisms and Wilkinson’s responses.

Accordingly, during the 2010s, the justifications of equality have been compounded, if not contrasted, by the impact of the economic crisis, the ensuing austerity policies and greater social indifference. Besides, in such a context, the reasons for collaboration and solidarity have changed. However, we need to remember that the reasons for supporting socio-economic equality and the related policies had already begun to weaken after 1989 with the liberal economic reforms in Central and Eastern Europe. For example, the basic statement by Crouch (2004, esp. chapter 1) on post-democracy is that a consequence of the transformation of contemporary democracies more and more towards elitism is the progressive loss of appeal of any egalitarian theme. In analysing the ‘crisis of equality’, Rosanvallon (2011) singled out how the historical reasons and the related justification for promoting equality have been fading away irrespective of the economic crisis and have instead been opening up new space for national protectionism and xenophobia. He refers to three factors in particular that were previously pushing our democracies toward equality, but which have gradually disappeared: the ‘fear that a lack of reform would cause social and political turmoil, the practical impact of the two world wars, and a decline in the belief in individual responsibility for people’s destiny’ (Rosanvallon, 2016, p. 16).⁷

Definition. When defining equality, Sen (see, e.g., 1992) is quite right in stressing the necessity to immediately consider the question ‘equality of what?’ or, we might revise, ‘inequality of what?’. In our work, we are interested in social and economic equalities with regards to both results and opportunities. However, let us add that in a more consistent empirical perspective, considering also the connections with democracy, it seems more appropriate to refer right from the beginning to social and economic *equalities*, and to no other kind of equality (see also below). Here, for our research, ‘economic and social equalities’ are the ‘qualities of all people living in a given territory being equal regarding income and other resources’. However, although the definition necessarily refers to the results, equality should also be analysed in terms of opportunities. Namely, the existence or otherwise of the conditions for redressing inequalities.⁸ As regards results, it is known that economic (in)equality refers to differences in income and social (in) equality to differences in social resources, which can also be related to gender and ethnic origin. As for opportunities, pursuing equality implies that everyone has an equal opportunity to improve their own life as policies are decided and implemented that create the best conditions for improving income and social resources (see Table 1.1).

⁷ The scholarly debate on these issues is much broader and richer than appears from this cursory analysis, especially, for example, regarding policies for easing inequality without economic growth, or about undermining the incentive to growth when strong egalitarian policies are enacted.

⁸ For a thoughtful discussion of the distinctive features relating to the equality of results vis-à-vis the equality of opportunities, see Somaini (2002, esp. chapter 3). To more clearly see the connection between equality and fairness, which is not merely analytical (see above), it should be remembered here that Dworkin (see esp. 1981 and 1981a) discusses those two notions (result and opportunities) concerning fairness as well.

Table 1.1 Definitional matrix of economic and social equalities

<i>perspective domain</i>	results	opportunities
economic	income	growing income
social	social differences	social mobility

In deepening the key features of the proposed definition, a key concept requiring specification is that of *resources*. Important clarification on this issue has been contributed by some of the leading contemporary philosophers who have proposed theories of equality and justice in recent decades. We are mainly referring here to Rawls, Dworkin, Sen, and Nussbaum, and to their notion of resources or something similar. Rawls talks of ‘social primary goods’, which include, besides basic freedoms, income and the social bases of self-respect, as aspects of basic institutions that assure the worth of citizens as moral persons (Rawls, 1971, pp. 58–61). When considering Dworkin (1981), we can set aside his notion of internal resources, which refers to personal talents only and consider his notion of external resources instead. Again, besides liberties (see next section), these include education, healthcare, employment and claims to external space, personal property and public goods. Here, as stressed by Yilmaz (2016, pp. 234–5), it is salient for us to note that ‘Dworkin regards resources as inputs to production which can be used to create income. [...] This implies that Dworkin’s resourcism is closer to be a theory of equality of opportunity, while Rawls’ equality of primary goods is a theory of equality or fairness of outcome.’

Sen and Nussbaum present a different perspective, also a salient one for us, in which it is more relevant to look at the capabilities to function rather than to resources to better understand inequalities. This concerns people’s adequate opportunities to undertake the actions and activities that they want. Sen (1992, esp. chapter 3) labels them ‘functioning’ and capabilities.⁹ They are more explicitly spelled out by Nussbaum (2011, pp. 33–4) in a list where, in addition to several forms of freedoms (see next section), the author includes: being able to live a human life of standard length, to have good health, to be adequately nourished, to have adequate shelter; to use the senses, to imagine, think and reason, cultivated by an adequate education, to use imagination and thought in connection with experiencing and producing religious, literary, musical and other works and events of one’s own choice; to love, to grieve, to experience longing, gratitude and justified anger; to have the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others with provisions of non-discrimination on the basis of race, sex, sexual orientation,

⁹ We might also mention Dahrendorf (see, e.g. 1979 and 1988) within this perspective (see also below).

ethnicity, caste, religion, national origin and species; to live with concern for and in relation to animals, plants and the world of nature; to laugh, to play, to enjoy recreational activities; to control one's environment; to hold property (both land and movable goods), and to have property rights on an equal basis with others; to have the right to seek employment on an equal basis with others; to be able to work as a human, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers. Of course, there is no doubt that this long and fascinating list is fully part of a utopian world.

The political scientist O'Donnell (2004) follows these paths by referring to 'the universalistic attainment of at least some basic rights and capabilities' (p. 11). Sen and Dahrendorf are being explicitly and implicitly referenced here, and O'Donnell emphasizes how 'posing the issue of capabilities in the political sphere involves going beyond the universalistic assignment of the rights of political citizenship. It leads to the question of what conditions may allow the effective exercise of these rights' (2004, pp. 30–1).

If we translate these suggestions empirically, with some unavoidable simplification, we can easily accept a notion of economic and social equality which, recalling once more the matrix of Table 1.1, refers to the *social rights* to check how much they are implemented and subsequently the extent to which the related inequalities are redressed through policy measures. In this perspective, we can see how the much older notion of the welfare state, as developed by Marshall with his theory of citizenship (1950) and the distinction between civil, political, and social rights laid down and implemented through the policies of a few European democracies in the same years, already established the basis for the empirical analysis of equalities. From this point of view, the critical work by Rawls, Dworkin, Sen, Nussbaum and others has provided a much stronger ethical foundation for the empirical analysis. Thus, there is a remarkable, objective convergence among all these works that significantly strengthens the entire issue of the necessity of equality or policies for redressing it within a democracy.

Coming to the more specific resources and social rights, when analysing economic and social in/equalities in an empirical perspective, in addition to the allocation of economic resources within the population, we should consider the actual implementation of them. They include the right to education, the right to health or mental and physical well-being; the right to assistance and social security; the right to work; the right to human dignity without gender or ethnic discriminations; the right to strike; the right to study; the right to healthy surroundings, and, more generally, to the environment and to the protection of the environment; and the right to housing.¹⁰

¹⁰ For equalities and freedoms (see below), the European Pillar of Social Rights approved by the European Parliament (2017) and the European Charter of Fundamental Rights, initially approved in Nice (2000) and absorbed by the Treaty of Lisbon (2009), provide a first general picture of rights to be included in our empirical analysis. See also Chapter 3.

We will return to the more specific aspects for carrying out the empirical analysis in the following chapters. For now, though, three critical issues still deserve attention. First, there is an extensive literature that addresses political equality only. This is the case, for example, with the last book by Dahl (2006), which is on precisely this topic. Two other authoritative scholars in the field, Rueschemeyer (2005) and Verba (2006), also stress this kind of equality rather than other equalities. In their *Democracy Barometers* Merkel and his colleagues (see esp. Bühlmann et al., 2012) do the same. We can acknowledge without difficulty that, from both a normative and a purely analytic perspective, it is possible to understand the reasons for this choice. From the first point of view, authors or citizens are interested in the liberal component of democracy and the related beliefs; from the second one, political science scholars like to consider the procedural component of the regime we call democracy. For example, Merkel and his colleagues analyse political equality in terms of transparency, participation, and representation (see Bühlmann et al., 2012). However, when we ask the people, whether citizens or not, about democracy the reference to socio-economic equality as a goal and a good to deliver immediately comes to the fore (see Ferrin and Kriesi, 2016). In the effort of understanding better what political equality is, Sadursky (2008, esp. chapter 2) stresses the equality of political opportunity and political impact. Some years earlier, Dahl (2006, chapter 2) had suggested a complex notion that relates to effective participation, equality in voting, enlightened understanding, final control of the agenda, inclusion and fundamental rights; in other words, he considers the key elements of an ideal democracy. But here the key question is how to guarantee and implement these aspects. If we limit ourselves to political equality, we even prevent ourselves from understanding better that kind of equality.

This can only be done when we turn away from political equality to socio-economic ones. In fact, in a previous important book, Dahl (1989, pp. 323–4) recalls the conditions for political equality by mentioning: ‘differences in resources and opportunities for employing violent coercion; in economic positions, resources and opportunities; and in knowledge, information, and cognitive skills’. There are also other conditions for political equality, and these are effectively spelled out by Dahl (1986, p. 9): ‘political equality must be maintained by a definite set of legal and constitutional arrangements, supported by general opinion and enforced if need be by law, that effectively guarantee each citizen certain rights, opportunities and obligations necessary, and if fully achieved, perhaps even sufficient to insure political equality among citizens’. Thus, for example, for political equality to be achieved, we need to pursue the lack of corruption, open access to the judiciary, a competent administration, a plurality of the media, open participation, free and fair competition, and others. Dahl (2006) is therefore correct in connecting that notion also with the key elements of a democracy. In this vein, we are back to socio-economic equalities and are aware of the need to include other aspects in such an analysis. When discussing this point, Verba (2006, p. 514) states that

‘resources and opportunity make political equality deeply dependent on equality in other domains, such as education, income, connectedness, and health and well-being’. Having mentioned all this, we can add that the meaning of democracy for the people refers those non-political equalities. Consequently, a more salient and in-depth analysis of democracy also has to refer to the substantive equalities we discussed above.

There is a second consideration to point out, which we present by posing a question: why do we consider equalities/inequalities and not poverty, which is also strongly related to them? After all, social rights and welfare measures are aimed at eradicating poverty and much less at redressing inequalities. The simple reply is that the two concepts are different and refer to different empirical referents. As Bermeo (2009, p. 15) points out, we can start by observing that, while in the last few decades we can readily detect the growth of inequality, at the same time we can see a decline in poverty. Whereas socio-economic equalities focus on the differences and distribution of resources of the kind we mentioned above, poverty considers a given amount of resources, which are arbitrary, although reasonably, devised and are owned by a group of people. Both phenomena are relevant and related. For example, a low level of poverty makes a high degree of inequality less pressing and dramatic. Moreover, from an ethical perspective poverty is usually considered a more critical problem than inequality, which is accepted or tolerated by many people, and, as stated above (see [justification](#)), becomes not acceptable mainly when closely related to (in)justice or (un)fairness.

The third issue we would like to address can also be presented with a question: why are we considering equality and not another classical value that is often evoked, especially in Catholic culture, namely *solidarity*? To begin with, let us remember that according to a broadly accepted definition, *solidarity* is ‘a feeling of being connected to and responsible for others [...]. Solidarity refers to the type of relationship in which people feel that they have an obligation to help others, for instance, because they experience a connection and “we-ness” with them based on a community of interest and values [...]’ (Coicaud, 2011, p. 2465). However, as for equality, solidarity is closely connected to justice. It can be considered a requirement of justice. Above all, as Coicaud (2011, p. 2466) again emphasizes, solidarity provides some of the possible motivations for justice: only identification and connection with ‘brothers’ provide an inner reason to call for justice. It also stresses the social conditions of a collectivity and the social nature of each individual’s existence within it: solidarity ‘necessarily asks for the interests of each to be taken into account and looked after’, although—let’s remember—there is no obligation involved in solidarity, if not a moral one. From this perspective, the criterion of fairness and the distributive characteristic at the heart of justice are also at the centre of solidarity. Hence, the next step is that beliefs in justice supported by solidarity can be implemented through policies of equality. In this sense, when considering equality, we can take solidarity for granted, although it is

fair to point out that this notion has acquired stronger salience especially since 2000, when a section of the European Charter was dedicated to it (see title 4, 2000 and 2009).

The first set of research questions. With this in mind, and intending to include in our analysis the six previously mentioned democracies over the period 1990–2018, first we need to empirically detect and analyze the trend of inequalities in the various aspects we considered above. In doing this, it should be added that in addition to separate economic equality from the social one, it is worth further distinguishing social equality into at least two dimensions. The first is a cultural one, which relates to ethnic features and has been gaining momentum as a consequence of a protracted phenomenon of immigration during the first decades of the twenty-first century at least; and another one, which concerns other socially relevant aspects, such as education, health, social protection. We, therefore, need to distinguish and analyse: (1) *economic inequality*, which may be differently formulated (see next chapter); (2) *social inequality*, namely the implementation of the principal social rights such as pensions and support for disabilities, namely social protection in general, healthcare, education, with related characteristics and trends; and (3) *ethnic inequality*. This first analysis will also unavoidably refer to the existing gender discrimination, especially in the labour market, as well as to unemployment and the level and characteristics of poverty. The changing pictures of these inequalities will also be explored. In our analysis, the difference between the cases will be stressed.

The second set of research questions. Once we get the full picture of the existing economic and social inequalities with the related trends and analysed the attitudes and demand of equalities by citizens and the political commitments of party leaders, the next step is to ask how the socio-economic inequalities are affected by the other democratic dimensions. Hence, did some of the specific procedural and result sub-dimensions of the quality of democracy, contribute to worsening inequalities? In other words, what are the first main domestic explanations of the different pictures we mapped out?

The third set of research questions. The next questions explore a related puzzle, that is, how external factors and actors can explain the existing characteristics and trends in inequalities. Of course, here we will not take into consideration earlier economic and social changes. There is an extensive literature on this (see, e.g., Piketty, 2013; Milanovic, 2016; Stiglitz, 2012).¹¹ Our perspective and interest are on the external political factors. Accordingly, we are going to focus on the role of the European Union. In the management of the crisis and, before that, the question of the impact of the EU on inequalities, we need to envisage possibly contradictory effects, whereby the EU is both trying to redress inequalities with

¹¹ There is a big debate on these themes in economics, which also emphasizes the limits of the factors adopted to explain inequalities.

cohesion policies and at the same time is pursuing other economic policies that exacerbate inequalities. In the EU, for instance, fiscal austerity measures may generate positive effects in some countries, and negative effects in others, shrinking resources, increasing citizen dissatisfaction, and ultimately magnifying the impact of the crisis itself over several years.¹² Therefore, the European Union's various institutions should be considered as key intervening variables.

1.3 What Is Freedom?

Following the structure of the previous section, in this one we are going to analyse the justification, the empirical definition of freedom, and some key research questions about the characteristics and trends of freedoms in the six countries, the impact of the other democratic dimensions, the impact of external factors, and in the conclusion the consequences of freedom on our democracies.

Justification. Like equality, freedom precedes the development of the notion of contemporary democracy. Moreover, the notion of freedom and many other ideas associated with this value has engaged the minds of scholars and people at large ever since ancient times. However, differently from the other key democratic value, the status of freedom as the key value of liberal-democratic regimes has rarely been contested: 'democracy without freedom is a contradiction in terms', states Beetham (2005, p. 33). A minimalist definition of democracy, inspired mainly by Dahl (1971, esp. chapter 1), includes: 'a) universal male and female suffrage; b) free, competitive, periodic and fair elections; c) more than one political party; d) different and alternative sources of informatio' (Morlino, 2011, p. 32). In other words, the definition 'considers genuine respect of at least civil and political rights to be essential, assuming that these rights exist if there is effective universal suffrage, the quintessential expression of political rights, [...]; if [...] there are free, fair and regular elections, an expression of the effective existence of freedom of speech and thought; if there is more than one genuinely competing political party, a manifestation of the existence of a real and practiced right of association; and if there are different sources of media information with different proprietors, proof of the existence of the above-mentioned freedoms. In other words, in this definition [...] aspects such as competition and participation are complemented by an effective guarantee of freedoms' (ibid.).

Authors such as Rawls, Dworkin, Sen and Nussbaum, whom we mentioned above, and others, who focus on equality, have presented theories where freedoms or an overall notion of freedom complements equality. This is to confirm that

¹² Solid conclusions have now been reached about the negative impact of austerity measures. See, e.g. Stiglitz, 2012, esp. chapter 8.

unlike the debate about whether equality is a core value of democracy, there is almost no doubt that freedom or freedoms is/are considered to lie at the heart of democracy. Consequently, it would seem that there is no real necessity to provide an explicit justification.

In this review, the analysis by Dahrendorf (1979, 1994) is also relevant, when referring to Weberian ‘life chances’ and developing a theoretical proposal of the new liberalism, which is characterized by ‘provisions’ and ‘entitlements’ and complemented by ‘ligatures’. Provisions and entitlements overlap with the civil, political and—above all, within the perspective of equality—social rights that Marshall (1950) had already theorized; the ligatures relate to belonging, that is, the sense of being part of a national community. In this vein, fraternity is a possible link that justifies the rights, that is, the provisions and entitlements. From our perspective, the relationships between provisions and entitlements and, more generally, between equality and freedom are more relevant. Dahrendorf envisages active freedom as an agency, deriving both from the provisions, the assets that can be legitimized, and from the entitlements, that is, from civil and social rights, but also through the political and participation rights men and women enjoy. From this viewpoint, equality becomes a condition for the implementation of freedom. This is especially so if the reference is to the equality of opportunities rather than to the equality of results. In essence, freedom rests on life chances that, however, depend not only on the possibility of individual choice but also on the social and institutional conditions that may implement material well-being and the positive rights of use and distribution.

When we turn from the analysis of scholars to people’s beliefs (see Ferrín and Kriesi, 2016, esp. part I), the centrality of freedom is confirmed, although to a different extent vis-à-vis equality. Considering European countries alone, we can go from countries like the ones in Northern Europe, where freedoms in terms of civil and political rights are prominent and social rights are taken for granted, to others in Southern Europe where attention to equality in terms of social rights is rather prominent.

Definition. The elaboration of a definition is also related to the research goal. In our case, it is to achieve an empirical definition that allows us to effectively detect the existing freedoms in the countries we are analysing. Accordingly, we accept and consider as consistent with our purposes a variety of different theoretical notions of freedom, from those proposed by classic authors, such as Locke, Hume, Constant, Mill and Tocqueville, to more contemporary ones like Carter (1999) and Kramer (2003), or even authors with communitarian views, such as Pettit (1997) or Skinner (2012). The proposal by Sunstein (2019, pp. 11–12) in terms of ‘architectures of choice’ is also analytically relevant for us: if freedoms are architectures of choice, then equalities unavoidably interact with them. Especially economic rights may present an architecture of choice, which is not consistent

with both the architecture of civil rights and the pursuit of equality. However, the critical aspect is that an empirically meaningful set of freedoms adequately reflects those notions.

Consequently, although meaningful and salient from a philosophical perspective to the notion of ‘overall freedom’ suggested by Carter (1999, esp. chapter 1), the alternative view of the different freedoms to single out is much more meaningful for the empirical research. In this vein, Berlin (1969, esp. pp. 162–6), with his distinction between two liberties, which is grounded in a previous classic liberal tradition, is an appropriate starting point. We can thus start with ‘negative liberty’, the freedom from or, following Sartori (1987, pp. 302–3), the ‘defensive or protective liberty’, that is, the ‘protection against arbitrary and limitless (absolute) power [...] that permits the governed effectively to oppose the abuse of power by the governors.’ And, further below, Sartori spells out how ‘complete freedom may be said to imply the following five traits: (a) independence; (b) privacy; (c) capacity; (d) opportunity; and (e) power’, with the first two notions clarifying the meaning of negative, protective liberty as the Hobbesian absence of external impediments, and the last three notions making explicit the content of positive liberty. These five components of freedom define it as ‘freedom of choice’ and are related. Independence ‘protects and permits the individual to choose [...]. Privacy is to choose without being pressured, by looking quietly into oneself; capacity is [...] a broadening of available choice; opportunity is the coming within reach of alternatives among which to choose; and power is [...] the condition that makes for an effective equal freedom to choose.’¹³

The following question is how to translate those sub-dimensions empirically. An appropriate and possible response for the first step in this direction seems to lead back to the suggestions by Nussbaum (2011, pp. 33–4) on the core capabilities which, in addition to the features of equalities (see above), all democracies should support and implement concerning freedoms:

Bodily Integrity. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and choice in matters of reproduction.

Senses, Imagination and Thought. To use the senses, to imagine, think, and reason—and to do these things in a ‘truly human’ way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use one’s mind in ways protected by guarantees of freedom of expression concerning both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid non-beneficial pain.

¹³ The connections between liberty and power are spelled out by Panebianco (2004, pp. 37–52). Moreover, we should note that every definition of freedom is related to the rule of law. Cicero’s famous sentence is pertinent here: ‘We are servants of the laws in order that we might be free.’

Emotions. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude and justified anger. Not having one's emotional development blighted by fear and anxiety.

Affiliation. Being able to live with and towards others, to recognize and show concern for other humans, to engage in various forms of social interaction; to be able to imagine the situation of another (protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech); having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination based on race, sex, sexual orientation, ethnicity, caste, religion, national origin, and species.

Control over one's environment. Political: Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association. *Material:* Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human, exercising practical reason and entering meaningful relationships of mutual recognition with other workers.

When referring to previous analyses (see Morlino, 2011, chapter 7), complemented by other empirical research on this (for example, by Freedom House), there are three sets of freedoms we should include: personal dignity, civil rights and political rights. First, personal dignity mainly includes right to life and personal security, the right to privacy, control over appearance, protection from any domestic violence, prohibition of torture and inhuman treatment, abolition of the death penalty, prohibition of slavery and forced labour, choice of marriage partner, absence of lesbian, gay, bisexual and transgender discrimination.

Second, essential civil rights include personal liberty, the right to legal defence, the freedom to choose one's place of residence, freedom of movement, the right to expatriate or emigrate, freedom and secrecy of correspondence, freedom of thought and expression, the right to information and a free press, and the freedoms of assembly, association and organization, including political organizations unrelated to trade unions. Besides, within the broader category of civil rights, so-called economic rights should also be mentioned. Elaborated by Giddens (1984), these include the rights to private property and to establish private business or entrepreneurship, within the social limits fixed by the law and without undue interference from state or non-state actors; also, the rights associated with employment and connected with how the work is carried out, the right to fair pay and time off, and the right to collective bargaining.

Political rights include the right to vote, the right for political leaders to compete for electoral support, and the right to be elected to public office (passive

electorate). Moreover, the political right par excellence, that is, the right to vote, can be strengthened and extended. A way of doing it is when the voter gains the possibility/right to elect the government either directly (elections for the head of state or prime minister who also fills the office of the head of government), or else de facto (when the leader of the winning party or coalition in a bi-polar context is elected prime minister). An even richer version of this right is achieved when citizens can influence or choose the electoral candidates in intra-party or primary elections. One difficulty to resolve about this issue is the extension of political citizenship to adult residents in a territory so that immigrants can also participate in this part of the political process.

Why focus on freedom/s and ignore the notion of autonomy? As pointed out by Held (2006, p. 263), autonomy ‘connotes the capacity of human beings to reason self-consciously, to be self-reflective and to be self-determining. It involves the ability to deliberate, judge, choose and act upon a different possible course of action in private as well in public life.’ If considered in this individualistic perspective, autonomy is possible if civil and political rights are effectively guaranteed, in addition to being also included in the protection of personal dignity. If we also include in our analysis the autonomy of communities or subnational entities, then other aspects should be considered, but ultimately that autonomy is grounded on the guarantee of individual civil and political rights (see Paquin, 2011, pp. 124–8). This, therefore, justifies why freedoms and not autonomy will be at the centre of our analysis.

The first set of research questions. Briefly, based on the definition above and in parallel to what we are going to do with inequalities, the first obvious set of questions should detect and analyze the trend of freedoms in the various aspects we considered above, namely:

1. personal dignity: are the distinctive features of dignity recognized and guaranteed?
2. civil rights: how strongly are civil rights guaranteed, and privacy, economic rights and equal and secure access of citizens to justice included?
3. political rights: how strong is the right to associate, access free and plural information both in a traditional and a web-based manner and, by those means, ensure that the right to vote is appropriately and de facto protected?

The second set of research questions. Building on the full picture of the existing freedoms and the related trends, the attitudes and demand of freedoms by citizens and the political commitments of party leaders will be explored, and the next analytic step is to ask how those freedoms are affected by the other domestic, specific dimensions if there are. If not, what are the key aspects explaining the characteristics and levels of freedoms?

The third set of research questions. We can now ask how to explain the assessed freedoms, or how to explain the existing characteristics and trends that the empirical analysis has shown when considering external aspects with again a specific focus on the actual role of the European Union been in these domains.

There will also be a fourth and final set of questions that concern at the same time equalities and freedoms. When considered together, are there relevant connections to stress among (in)equalities and freedoms in our countries? Are inequalities worsened by possible emerging limitations of freedoms and inversely did the growth of inequalities, when existing, set relevant limits to an effective guarantee of civil and political rights? Are there more convincing, comprehensive explanations when all domestic factors and actors are considered and complemented with external factors and actors? When confronting our empirical conclusions with the existing literature on the topics, we focused on, what is different and new? And in conclusion, what can be done in our contemporary democracies to combat these inequalities and consolidate social rights?

1.4 What Next?

Before anticipating the content of the chapters, very briefly we would like to make explicit our approach to reply to the questions addressed above. Starting from the empirical results we discuss in the next two chapters, we ask what the factors are and who are the actors, at the elite or collective level, supporting the implementation of equalities and freedoms. In other words, by singling out explanatory factors alongside this analytical perspective, we endorse a situated actor model (Boudon, 1984), where the agency is put into motion within the scopes bounded by and through the means provided by the institutional setting. More precisely, this two-level analysis (agency and structure) can be well expressed through the *double filtering process*, suggested by Jon Elster (1979). In short, in the social sciences, the explanation must consider human action as the product of two ‘filters’. The structural and institutional ‘constraints’ constitute the first filter the actors have to cope with (*structure problem*). They are the institutional arrangements at an economic and political level. The second filter sets what ‘actions’ (decisions, programs, policies) will be undertaken following the competitive strategies and conflicts involving the actors in the field (*agency problem*).

As regards the data we include in our analysis, in addition to other published sources referred to in the book, especially the EUROSTAT (see esp. Chapter 2) ESS data on democracy (see Chapter 4), the empirical analysis we conduct here relies on additional qualitative reports on the United Kingdom, Spain, France, Germany, Italy, and Poland. They were based on a questionnaire that was prepared at the beginning of the research project and then implemented in the field research. Moreover, the data on the specific impact of austerity measures

collected with the Horizon 2020 research EMU-SCEUS will also be part of the analysis on the specific role of the European Union (see Chapter 7). Thus, the quantitative analysis complements qualitative data collected in these reports within a comparative methodology, designed possibly to provide a greater depth to the explanatory section of the work.

Thus, in the following two chapters, we will analyse the aspects and trends of economic and social equalities (Chapter 2) and freedoms (Chapter 3) in the six countries. Chapter 4 will explore the demand for equalities and freedoms by citizens and the political commitments of party leaders. Chapters 5 and 6 will be devoted to how respectively equalities and freedoms are affected by domestic aspects. By focusing on the European Union, especially in the management of the economic crisis, and before it, Chapter 7 will assess the role of external factors with the consequent impact on equalities and freedoms. In addition to connecting equalities and freedoms and drawing the lines of entire research, Chapter 8 will confront the result of the research with alternative views and analyses. The concluding remarks (Chapter 9) will discuss the perspectives of change of the two values within contemporary democracies. In this respect, we expect that our analysis will ultimately enable us to provide an empirical assessment of their transformations in the contemporary democracies and to reply to a final question on how can democracy implement the key democratic values, although to a different extent and with diversified characteristics?

2

Inequalities

Leonardo Morlino, Claudius Wagemann, and Francesco Raniolo

2.1 Not Only a Macro Perspective

The analysis of (in)equality does not just relate to government activities, in that government can or must provide the necessary resources or legal regulations to guarantee equality, but also concerns people's lives as individuals. Stiglitz's well-known book (2012), together with the works by Sen (e.g., 1997), Piketty (2013), Milanovic (2016) and others, all concur on the relevance of these two dimensions, although with different perspectives. So, in addition to the macro perspective on democracies, a micro perspective that considers individual citizens as units of analysis is also appropriate when speaking about equality. It is worth recalling here that equality is a *relational* concept. While individuals can be (un)free independently from how (un)free the other people are (but see chapter 3), when speaking about people's (in)equality, every individual is assessed in relation to comparators, i.e., other individuals. Considering individuals' positions concerning other citizens' positions is, therefore, a fundamental principle in the analysis of (in)equality and is the focus of this first section (2.1).

Individuals may differ in many respects, having different religious beliefs, political opinions, or sexual orientations. However, it is the question of *economic* (in)equality which has long been dominating the debate about equality in the social sciences (see Chapter 1, section 1.2) and it is even said to have resulted in an essential political cleavage, which also influenced the formation of party systems (see, e.g., Bartolini, 2000). Furthermore, economic (in)equality reflects the individuals' economic possibilities, which provide further opportunities for access to (material and immaterial) goods. What is more, the main crisis considered in this book is an economic one. Thus, if it influenced equality, then the focus has to be on its economic dimension. Consequently, as a first step, we will look at *economic equality*, assessing it at the level of individual citizens.

The second section will then invert the perspective, will change the analytical level of the individual, and will move on to look at state and government activities. After all, it is the democratic state that possesses the necessary resources (and the mission) to reduce or correct patterns of inequality or to moderate its negative effects. Therefore, we will consider state measures (often, but not only

expressed in terms of shares of expenditures) designed to reduce inequality. This can be regarded as the *social (in)equality*.

The third section will again take an individual-related perspective but will look at another form of equality, namely *ethnic (in)equality*. This kind of (in)equality became an increasingly prominent topic (without a doubt in public opinion and political debates) in European democracies in the immediate aftermath of the economic crisis when the so-called migration crisis of 2015 suddenly reshaped the political agenda. Although the debate became more accentuated during the significant influx of refugees in those years, questions of ethnic (in)equality had already been prominent in public discourse long before then. The economic crisis that began in 2008 might have had a particular effect on ethnic (in)equality though, in the sense that it has intensified, ameliorated or otherwise altered existing patterns of such (in)equality. For example, due to an eventual loss of personal economic well-being, or as a result of high unemployment rates, attitudes towards migrants might already have changed during or shortly after the economic crisis (and before the migration crisis), with a further intensification during and after the migration crisis when migration rates increased or were perceived to be increasing (see also Chapter 5). Therefore, when looking at ethnic (in)equality, we have to analyse both the economic crisis and the overlapping migration crisis.

In attempting to empirically address a complex, multidimensional concept such as (in)equality, we are consciously simplifying it by analysing the three dimensions just mentioned. Despite such simplification, the concept and the related phenomenon maintain their meaningfulness. In this vein, then, our discussion is based on various indicators drawn from different sources (see Table 2.1). However, we should be keenly aware of the limits of all those measures. Not only is the phenomenon we have the ambition of analysing empirically very complicated, but the same measures may appear inadequate to provide a precise picture. For example, if we consider the different sizes and characteristics of informal sectors of economy or the size of tax evasion¹ we can realize how effective reality can be partially different from our picture. On the positive side, not to be forgotten, there is that our effort is mainly a comparative one; that is, the differences can be seen even if compelled to gloss over the hidden, informal aspects of reality we observe.

Let us also add that other forms of equality are also essential and have similarly seen significant changes over the last few decades: just think of the various aspects associated with gender roles. However, we are concentrating on economic, social, and ethnic (in)equality, as we consider these three dimensions to be the most visible ones when discussing the effects of the recent crises. Nonetheless, wherever

¹ To be more precise, official OECD data show how tax evasion is on average similar and relatively low during last three decades in France, Germany, and United Kingdom (around 1.8% of GDP), but higher in Spain (about 2.8%) and even higher in Italy and Poland (about 4.0%).

Table 2.1 Equalities: indicators and sources of data

	Indicators	Sources
Economic (in) equality	Gini Index	Eurostat
	Income Quintile Share Ratio	
	At-risk-of-poverty rate	
	At-risk-of-poverty rate before social transfers	
	Gender Pay Gap	
	Unemployment	
	Youth Unemployment	
Social (in)equality	Share of expenditures on social protection	Eurostat
	Share of Expenditures on Health	OECD
	Share of Expenditures on Education	
Ethnic (in)equality	Immigration	Eurostat
	General approval of migration	European
	Approval of migration from poorer countries	Social Survey
	Effects of migration on the country in general	
	Effects of migration on the economy	
	Effects of migration on culture	

possible, we will extend our discussion to the intersections of equalities, that is, looking at economic inequality from gender and other perspectives.

2.2 Economic Inequality

The Gini Index (Gini, 1912) is probably the most traditionally used index for measuring economic inequality. It looks at the distribution of personal incomes and uses this as a proxy for economic equality. Note that it leaves out aspects such as private property, and so it does not give a complete picture of economic opportunities. Moreover, as stressed by Piketty (2013, chapter 7), it is a synthetic index that does not distinguish between capital income and labour income and ultimately squeezes a complex multidimensional reality into a number. Despite this, the index is still helpful and revealing for our research purposes. The index ranges between 0 and 100 and is normed in a way that low values indicate more income equality (in fact, with a Gini index of 0, income would be distributed completely equally, i.e., every employee would earn the same), and that high values indicate a more unevenly distributed income (and a hypothetical Gini index of 100 would mean that just one person in a society receives the whole income, with everyone else getting nothing). Figure 2.1 shows the trend of the Gini Index during the period of observation in our six countries.

Just a cursory look indicates that lower values (indicating more income equality), which had appeared in the years before the economic crisis, become rarer after the economic crisis, while the maxima, which had been reached before, have

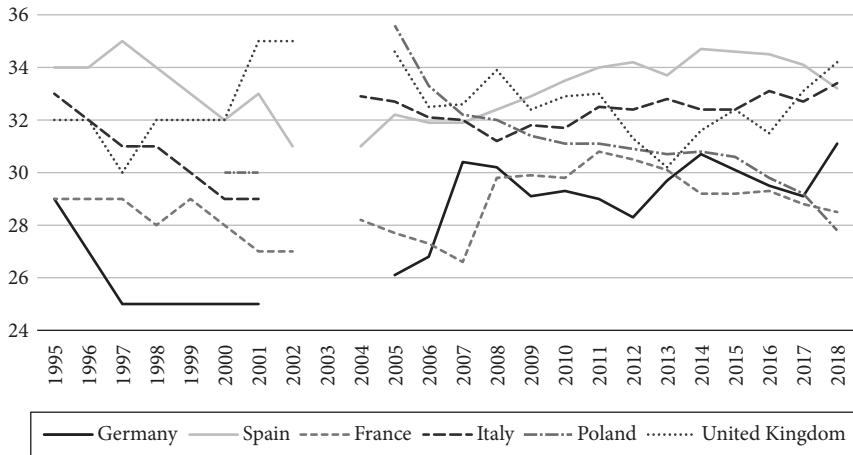


Figure 2.1 Gini Coefficient²

Source: Eurostat.

not been matched or exceeded since. In other words, we can see two general trends. First, total inequality has increased. However, this increase is due to formerly more equal countries becoming more unequal, while those that had already been unequal in income, stay unequal. Thus, second, there is an interesting trend towards a cross-country convergence in income inequality. Thus, if 2006, before the crisis, is the starting point, and 2018 the last year we consider, Germany went from 26.8 to 31.1; Spain 31.9 to 33.2; France 27.3 to 28.5; Italy 32.1 to 33.4; United Kingdom 32.5 to 34.2; with Poland, as a deviant case, from 33.2 to 27.8.

As for country trends, Spain, Italy, and the United Kingdom obtain more unequal positions, but these are based on different trajectories: Spain and the United Kingdom display similar peaks of inequality. Looking at the Spanish curve, the economic crisis is the moment when the previous trend towards a lower level of inequality, which had been reached in the early and mid-2000s, was suddenly interrupted and inverted. The British development is similar in peaks to the Spanish one, but it does not change notably or systematically with the economic crisis. The Italian curve—also reaching high levels recently—shows a change, but this appeared a couple of years before the economic crisis sets in.³

² No data is available for 2003 (for some countries also for 2002). The Polish data starts in 1999. There are several Gini indices around and being used. We have opted to refer to the EU-SILC survey, which is the most standard one. Its only limitation is usually that it only provides data for OECD countries, but this is not an issue for our countries under research (for the *problematique* of the different indices, see Solt, 2016).

³ This is due to some decisions made by the Berlusconi government already in 2005 following the infringement procedure open by the European Commission. See on this also Chapter 4.

As for the countries that perform more equally, they show different processes. Germany and France are probably most similar in that they have become more unequal over time, but this sets in a bit earlier in Germany (2007) than in France (2008). Poland is a different case, developing into a much more equal situation of income distribution after 2006. Summarizing this and linking to the question of the economic crisis, only Spain and France experienced some changes during that period. At the same time, income inequality also increased in Germany and Italy, but this trend sets in earlier than in 2008. Poland even shows a trend towards more equal incomes.

There is a further perspective on the Gini index since the data is also available *before and after* implementing social transfers (including pensions). This version of the index indicates the gap in income distribution *before* the state intervenes with social policy measures that are what the gap would be if there were no social transfers. Consequently, the ratio indicates the effect of social transfers. Note that, unlike above (see Figure 2.1), Figure 2.2 covers the values from 2005 onwards.

Figure 2.2 illustrates that in all the countries where inequality increased during or after the crisis years, social transfers had a significant effect. Thus, if we compare the Gini index before social transfers with the one after social transfers, the effect of social transfers and therefore of state activity, in a relative manner, that is, independently from the level of (in)equality, point to two salient aspects. The first concerns the level of the ratio: the higher it is, the more effective the social transfers are in reducing inequality. Germany is clearly in the lead, with France and the United Kingdom also occupying high or relatively high levels, followed by Poland. Social transfers have the least effect in Italy and Spain. Second, when looking at the trends, it needs to be borne in mind that this ratio is *relative*, which means

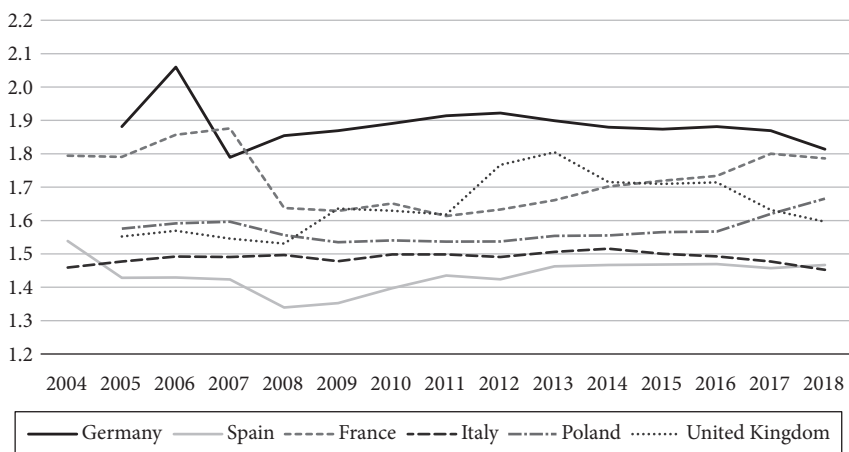


Figure 2.2 Ratio Gini Coefficients before and after social transfer

Source: Eurostat.

that the graph alone does not distinguish between the effectiveness of social transfers at high levels of inequality (where small improvements might already be the result of a significant effort) and at low levels. If we concentrate on Spain, as a country where equality decreased during the crisis years, we find that social transfers became (a bit) more effective in those years. However, as we have seen above, this was still not enough to prevent a rise in inequality even *after* social transfers. Nevertheless, the graph indicates that it could have been worse. If by way of contrast, we look at the British case, we see that the Gini index *after* social transfers has ups and downs during and after the crisis years, without, however, showing notable and durable increases. In the United Kingdom, the Gini index *before* social transfers indicates that during and after the crisis inequality *did* increase. This means that social transfers had a significant impact on offsetting inequality in the UK. Indeed, the ratio between the two values (i.e., our proxy for the importance of social transfers) also increases in precisely those years.

The Income Quintile Share Ratio is another index for income equality and is explicitly supported by Piketty (2013, p. 406), who emphasizes how these kinds of an index can give a more precise idea of inequality. However, it does not consider the whole distribution of incomes, but just the margins. It is calculated as the ratio between the upper quintile of the income distribution (which marks the income above which the highest 20% of all incomes lie, that is, it indicates the starting point for the high earnings) and the lower quintile (which marks the income below which the lowest 20% of the income distribution can be found, that is, it marks the starting point for the low earnings). The ratio indicates how much higher the high income is than the low one. A value of 4, for example, says that the top 20% earner earns four times as much as that person whose income marks the border between the lowest 20% of the income distribution and the highest 80%.

Note that when looking at quintiles (and not at the top or bottom 1%), the index does not consider extreme wages, such as those of top managers or soccer stars, but those of people who are earning well, although not extraordinarily well, and, on the other end of the scale, of people, who are not earning well but who at least reach a reasonable low level.⁴ It is thus a further good representation of potential wage gaps, and of how the margins of the income distribution relate to mid-level incomes. It is essential to underline that the ratio does not give any information about how high or low wages are (i.e., it does not tell us whether low levels of income are too low to guarantee a minimum living standard), but is just

⁴ However, in the past two decades, inequality about wages and employment has been increasingly 'polarized' in the United States and several other industrialized countries. In short, the wage and employment structure shows more significant benefits for hyper-specialized and low-skilled workers, while it becomes negative for medium-level workers (Autor, 2014). In Piketty's analysis (see above) the structure of wealth (income and capital) takes the unimodal form in favour of the wealthiest 1%.

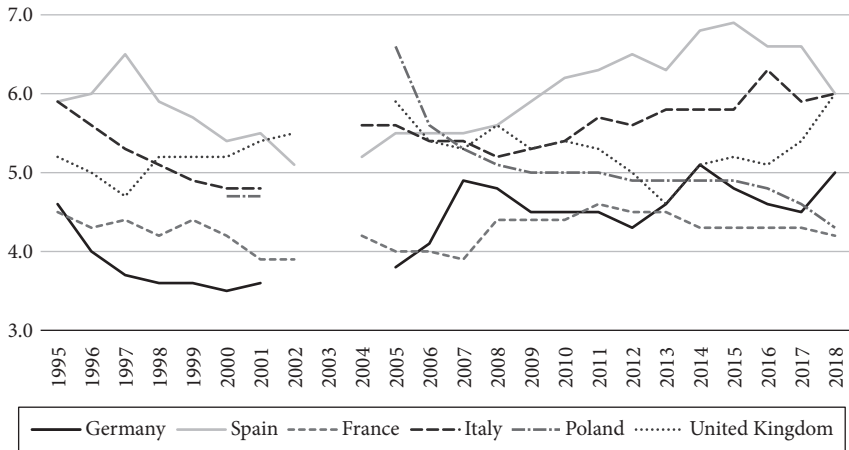


Figure 2.3 Income Quintile Share Ratio⁵

Source: Eurostat.

a relative measure. Figure 2.3 illustrates the trends in the six countries under consideration.⁶

For most of the countries and the general trend, the picture largely confirms the findings from the Gini Index. Initially, more equal data (such as for France and Germany) worsen. While this means more equality *between* the countries, it also means convergence in inequality as a general trend. As mentioned, France and Germany show a trend towards more inequality over time, with Germany changing a bit before the economic crisis (2007) and France in 2008. The Polish case is again the exception. There is a notable trend towards equality during the period of observation. The income quintile share ratio also confirms the trend for Italy and Spain that was found when analyzing the Gini coefficient: both show unusual patterns of inequality, with only the change in Spain setting in during the economic crisis, while income distribution in Italy starts to become more unequal before that.

Only in the case of the United Kingdom, can we see a small difference between the income quintile share ratio and the Gini coefficient. While the Gini index, especially when we look at the most recent period, suggests that the United Kingdom has to be grouped with Italy and Spain as unequal countries, it seems to perform more equally on the income quintile share ratio. Of course, both indices

⁵ No data are available for 2003 (and for some countries not for 2002 and 2004 either). The Polish data starts in 2000.

⁶ Let us add that Piketty and a group of other economists have been developing a way of measuring economic inequality along with income group, which is consistent with the measure mentioned above in the text. However, in their last report, the data are on France and Germany only when considering European countries and are not updated (last year is 2014). See Alvaredo et al., 2018.

are seeking to represent a very complex phenomenon, namely the distribution of income in a given society. Therefore, any attempt to interpret the differences between the two indices is rather ambitious and would require an in-depth knowledge of the individual data that generated the underlying percentages. That said, one suggestion for a preliminary explanation is that, in the UK, differences in income are not so much between the higher and the lower earnings (therefore the somewhat lower value for the income quintile share ratio), but within the mid-level earnings group. Nonetheless, by and large, the income quintile share ratio confirms the findings from the Gini coefficient.

Continuing this line of argumentation, it is worth having another look at the margins of the income distribution. When looking at the quintiles, we have observed a higher risk of (relative)⁷ poverty in countries with high absolute levels of the ratio, because inequality is visible in terms of more significant wage differences between the rich and the poor than in countries with low absolute values of the ratio. However, there are also specific data on the risk of poverty, expressed by the at-risk-of-poverty rate. There are different ways of calculating this. We opted for the version which considers 40% of the median value of the income distribution.⁸ The graph (Figure 2.4) visualizes the trend.

If we look at the lowest bands of the income distribution, the picture is a bit clearer than when considering the overall situation. France's and Germany's performance again points towards more equality than in other countries. As for the trend, not much changes in these two countries. This is in marked contrast to Italy and Spain, where levels of poverty risk are generally higher than in the other countries considered, and there is a continuous increase from the crisis year of 2008 onwards and a decline since 2015–16. However, in absolute numbers, the phenomenon is more relevant in Italy with about 5 million individuals as absolute poor during last years.⁹ The situation is again different in the UK (but growing

⁷ It is important to stress that all values refer to relations. Whether or not the fact that the Spanish low quintile earner receives a seventh of what the Spanish high quintile earner does should make us worry about poverty depends on the general wage level. Only if that seventh did not guarantee an acceptable standard of living, could we speak about poverty in absolute terms?

⁸ Alternative methods of calculation foresee higher percentages, and thus more people would be attributed to the group of the poor. We have opted for the lowest level for which data is available (40%) since the income quintile share ratio has already provided us with indications on people who are low earners but do not belong to the lowest group. Considering the 40% value, therefore, gives us the opportunity to look at another (poorer) group and to expand our analysis as a consequence. Moreover, we do not consider 40% of the mean, but of the median, since we expect the distribution to be skewed towards high incomes, and the mean is greatly affected by very high incomes. Although the choice of the median makes the indicator already a bit less relative, it is, of course, clear that not even the 'risk-of-poverty rate' can give us information on absolute levels of poverty (on this see fn 7).

⁹ According to the official definition, 'The absolute poverty threshold represents the monetary value, at current prices, of the basket of goods and services considered essential for each family, defined according to the age of the components, the geographical distribution and the typology of the municipality of residence. A family is absolutely poor if it sustains a monthly consumption expenditure equal to or less than this monetary value.' See ISTAT at <https://www.istat.it/it/files//2019/06/La-povert%C3%A0-in-Italia-2018.pdf>. See also for other details on Spain INE at <http://www.ine.es/>.

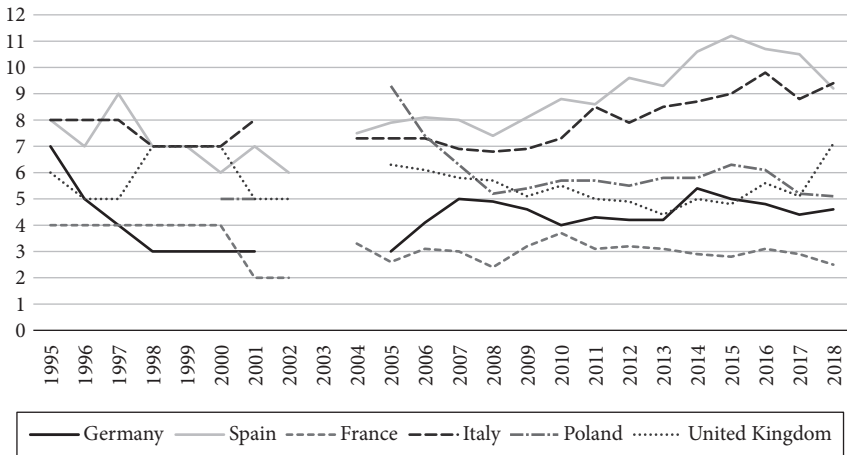


Figure 2.4 At-risk-of-poverty rate¹⁰

Source: Eurostat.

between 2017 and 2018) and Poland: in both countries, the risk-of-poverty rate is at medium or low levels but seems to have decreased since the early 2000s. The crisis, therefore, did not coincide with more inequality in these two countries. As with the Gini Index, the risk-of-poverty rates can also be assessed in terms of how they would be without social transfers, by using the percentage of the rate *before* social transfers. The percentages are quite high, because they also include pensions (we used this scenario when comparing the Gini indices as well), and a pensioner would be at great and imminent risk of poverty if (s)he did not receive any pension funds. Figure 2.5 shows this rate before social transfers.

The interesting convergence, which the graph shows above all after the economic crisis, provides us with only limited information. Concerning government interventions in the field of economic (in)equality, the ratio between those who would risk poverty, if there were no social transfers (the ‘potentially poor ones’), and those who still risk poverty, despite all social transfers (the ‘really poor ones’), is much more telling, because it informs us about the potential and the amplitude of social protection. This ratio has to be read as ‘if there were no social transfers, the percentage of people risking poverty would be *xy* times as high as it really is’. The higher this ratio is, the more effective social transfers have been in reducing the risk of poverty, which, by the way, is the function of social transfers (see Figure 2.6).

This graph identifies the French social protection system as the most effective one when it comes to the reduction of the risk-of-poverty rate through measures

¹⁰ No data are available for 2003 (and for some countries not for 2002 either). The Polish data starts in 1999.

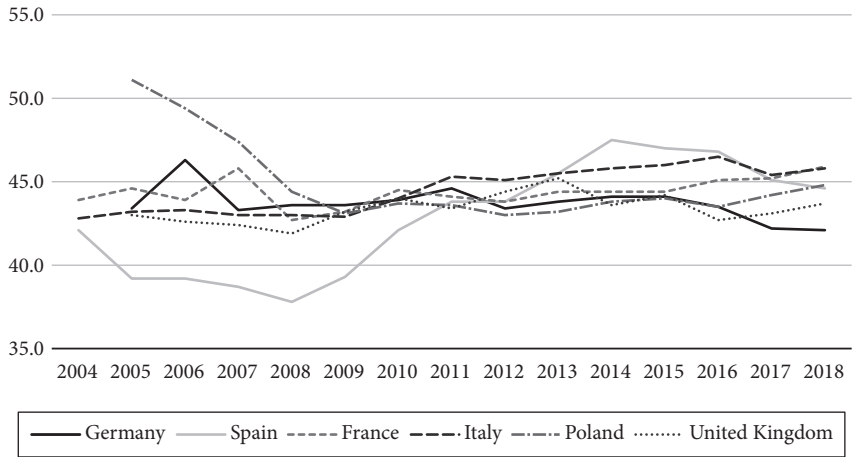


Figure 2.5 At-risk-of-poverty rate before social transfers

Source: Eurostat.

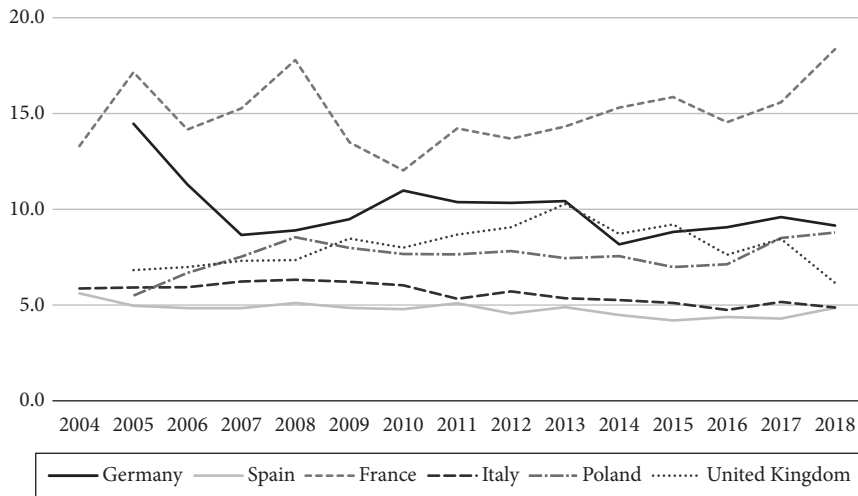


Figure 2.6 Ratio between the at-risk-of-poverty rates before and after social transfers

Source: Eurostat.

of social protection. Without social protection, the risk-of-poverty rate in France would be between 12 and 18 times as high as it is. Two more things are notable: reading the data in this way, Italy and Spain show the lowest ratio (values between 4 and 6), which means that social protection does not have such a great effect on people's risk of poverty. Remember, however, that both countries increased their expenditures on social protection after the economic crisis. Either this increase

was so necessary that it did not substantively improve the ratio between the risk rates without and with social protection or increasing social expenditures has not been the right means of addressing the phenomenon. What is more, apart from France, no country shows a meaningful trend regarding the ratio, and, in France, the trend is not tied to the crisis years. Thus, while government expenditures on social protection have been increased in the crisis countries, these expenditures (if they do so at all) just help to keep the situation as it is but do not entail improvements. This is illustrated in Figure 2.6, which shows the ratio between the rates before and after social transfers.

All the indices we have considered so far—the Gini coefficient, the income quintile share ratio, and the risk-at-poverty rate—refer to questions of *income*. Thus, as regards economic equality expressed through income, we can affirm that:

- there has been a general trend towards more inequality over time, even if in our cross-national comparison this growth among countries at high development levels comes out less evidently. ‘(A)lthough discrepancies between countries have narrowed, emerging evidence suggests that inequality within countries is rising’ (Verbeek and Osorio Rodarte, 2015, p. 1) both between social groups, as shown by Milanovic (2016), and between territories, as in the widening gap between North and South in Italy (Svimez, 2019).
- Italy and Spain usually perform worse than the other countries, while France and Germany do better;
- the worsening of the situation in Spain and, at lower levels, in France coincides with the years of the economic crisis;
- this coincidence of the trend with the crisis years can be confirmed for the Italian case only as far as the risk of poverty is concerned; for the other indices, the worsening of the situation began occurring in Italy well before the crisis period (see fn 2);
- Poland, as a deviant case, shows a trend towards more equality over time, above all since the early 2000s onwards; this development might be due to Poland’s late transition to democracy and a capitalist economy (see Chapter 5);
- the United Kingdom is characterized by ups and downs, with a slight indication of more inequality over time.

As we mentioned in the introduction to this chapter, other dimensions of equality apart from economic parameters, such as gender, will not be treated in separate sub-chapters but will be presented with regards to selected aspects. One of these aspects refers to the question of whether men and women receive equal pay for the same work. This has been coined the gender pay gap.

Unfortunately, the main data source for this chapter, Eurostat, does not provide us with the same data basis for the whole period of observation. While data until

2006 is available for the 'overall economy', data from 2007 onwards is differentiated by individual economic sectors. However, this should not be a major problem for our discussion here, since our argument regarding the economic crisis mainly needs to consider the time around and after 2008. Admittedly, such limited data availability does *not* make it clear whether a trend, which is observable after 2007/8, is just the continuation of a trend which had already set in before (that is, independently from the economic crisis), or whether it is something new. Nevertheless, the data allows us at least to observe the situation in the period during and after the economic crisis.

As for the choice of the economic sector, any sector could be the right choice. We opted for the sector defined as 'Industry, construction and services, excluding public administration, defence and compulsory social service' which corresponds to NACE Code R2.¹¹ We chose this sector because we believe that industry and services similarly attract men and women and that there are not necessarily typical 'female' or 'male' jobs in this sector. Regarding the interpretation of the values, they indicate the difference between the average wage of men and women, with the men's wage being the mathematical basis. This means that, if the gender pay gap is given as 20%, then women earn 80% of the men's wage for the same work done.

It is interesting to see that those countries, such as Germany and the United Kingdom, which performed better regarding income equality, show more inequality when we look at gender issues. Indeed, there seems to be income equality in Germany, but the general statistics hide the gender inequality lying behind that equality. Italy is a good contrast case to Germany. While the Gini coefficient, the income quintile share ratio and the risk-at-poverty rate show that income is distributed more unequally in Italy, the gender pay gap indicates that there is hardly any income difference between men and women. The same holds for Poland, where, unlike Italy, general income equality has been rising a lot in recent years. Spain and France occupy a middle position.

When looking at the trend, we do not observe any notable changes. Above all, the year 2008 and its aftermath cannot be identified as an essential critical juncture for income (in)equality between men and women. Thus, while for some countries the crisis years marked an important point regarding general income (in)equality, such a trend cannot be identified for the specific question of the intersection between income and gender. Though the evidence is not conclusive, and there are different positions on this point in the literature. For instance, Karamessini and Rubery (2014) note that although employment gaps between women and men narrowed in the wake of the crisis, this was due to a

¹¹ NACE Codes represent a system of economic branches, developed by the European Union, elaborating the equivalent ISIC system of the United Nations.

deterioration in male employment rather than improvements for women. Besides, austerity policies are already having an increasingly negative impact on demand for female labour as well as on access to services that support working mothers.

Being employed is a fundamental prerequisite for having an income. Therefore, for the remainder of this subchapter, we look at the question of unemployment. This is strongly linked to economic (in)equality since high unemployment rates deprive the affected individuals of many opportunities to participate in economic transactions, in the production process of an economy, or societal benefits. More precisely, as Dolvik and Martin (2015, p. 387) stated on the ground of a collective research project, ‘increasing unemployment tends to reduce income inequality’, despite all the alternative ways of increasing growth and employment implemented by the countries we are considering. What is more, the inherent value of work for self-esteem and life satisfaction has frequently been acknowledged.¹² Having a job is, therefore, an essential aspect of equality. There is no need for a particularly sophisticated index to assess this since unemployment rates (for the active population) give a good picture of the situation (see Figure 2.7).

Germany and the United Kingdom show low unemployment rates in general, with just some changes of small intensity, which do not necessarily occur around the crisis period. Poland, as before, shows a general trend towards more equality, and the changes are completely decoupled from the crisis period. The other three countries—France, Italy, and Spain—deserve a closer look. For all three of them,

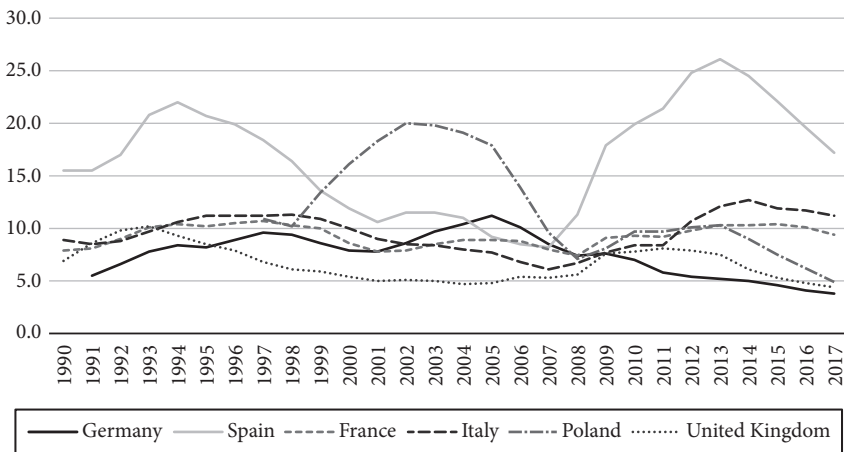


Figure 2.7 Unemployment

Source: Eurostat.

¹² As stressed in research conducted within a relatively new interdisciplinary field, which focused on wellbeing and quality of life. See, for instance, the European Quality of Life Survey, funded by the European Union.

although at very different amplitudes, we can observe higher unemployment rates after the crisis. The most notable change can be seen concerning Spain with unemployment rates rising to more than double previous values. When we change perspective and check the differences in the last twenty years (1997–2017), the notable features are different. Observing the data, we can see a basic improvement of employment in Germany, the UK, and Poland, while in Spain unemployment remains high and in France and Italy, there is no marked difference.

As is well known, however, general unemployment is just one topic in the political and the political science debate. Frequently, youth employment is given special consideration. In terms of the central concept at stake—equality—this is yet another form of intersection: economic (in)equality intersects with generation. The development is, not surprisingly, very similar to the one of unemployment in general. However, it also becomes evident that, in those cases where the economic crisis opened a general trend towards inequality, namely Italy and Spain, the situation is even worse for the younger generation. This pattern is more visible in Italy than in Spain, above all in recent years, where young people suffered much more from unemployment than the general population. The situation in Germany, Poland, France and, to a more limited degree, the UK improved. Generally, it can be held that, in addition to inequality in terms of labour market opportunities, there is a form of inequality which affects the relationship between the young generation and the general population.

There is a different way to express this aspect of generational inequality in particular, namely, to compare general unemployment rates with unemployment rates for the young. This can be achieved by simply dividing the unemployment rates for young people below the age of 25 by the general unemployment rate. All values are above 1, which indicates that youth employment is higher than general unemployment in all six countries, over the whole period of observation.

The general trend of the data indicates a slight development towards a more significant gap between unemployment of the young generation and general unemployment. However, the crisis year does not seem to play a role. The observed trend was there already, and it does not alter much after 2008. Nevertheless, there are some minor changes in the United Kingdom (around 2005, before the economic crisis). So, while cross-case patterns are interesting to follow, the longitudinal trend does not show any notable peculiarities. Above all, the crisis is not visible from the graph.

In general, as regards the economic (in)equality of individuals, we can conclude:

- Over time, there seems to be a general trend towards rising economic inequality.
- Social transfers help to offset the adverse effects of inequality. This is so above all for the crisis countries. However, while beneficial, the effect of social transfers is not high enough to make a significant contribution to solving the problem of inequality.

- Among the countries under consideration, Germany appears to be characterized by a relatively good extent of equality. What is more, the crisis year of 2008 does not seem to have induced any notable changes for Germany.
- France, Italy, and Spain share the characteristics of a tendency towards more inequality. However, this happens to different extents: while the observed picture is most precise for Spain, where the crisis of 2008 also figures prominently, it is weaker for Italy and even weaker for France. Furthermore, as regards income data (but not unemployment), the trend in Italy seems to have been towards inequality, but this was already the case before the crisis of 2008. France belongs to the group of countries with inequality patterns that are only observable for unemployment, while there is a more equal distribution of income.
- Poland has moved towards more equality, but there is no sign that the crisis played any role.
- The United Kingdom is the most difficult to characterize. Unemployment rates are generally rather low, and the indicators for income distribution (a bit less so for the Gini Index) group it at medium to low ranks of inequality. At any rate, the crisis period is not particularly visible in the development of (in)equality in the United Kingdom.
- When intersecting data on economic equality with other characteristics, such as gender (in)equality or generational (in)equality, there are certainly notable differences between countries. However, according to our data the over-time trends do not show significant changes and, above all, the crisis years cannot be identified as especially meaningful for an eventual change in gender or age-group (in)equality concerning economic indicators (see above).

While the partial insights might already be interesting on their own, it is worth mentioning that, regarding economic (in)equality, Spain exhibits the most explicit patterns, as nearly all indices increase during or after the crisis of 2008, sometimes even in essential ways. Without wishing here to venture a causal argument, it can nonetheless be held that the equality dimension of the Quality of Democracy (understood in terms of economic equality) changed to a large extent in Spain after the crisis.

2.3 Social Inequality

It is certainly wrong to see the development of economic inequality as a free-floating process, determined exclusively by market forces. Instead, collective actors, corporate actors, and not least, the governments and political forces do intervene. Governments usually intervene in order to correct the dysfunctional effects of the market. Indeed, a difference between liberal and coordinated market

economies¹³ has been made, and different political parties opt for different degrees of economic intervention, but, by and large, pure *laissez-faire* is hardly an option for the countries under research.

The present section, therefore, looks at government activity that provides many welfare provisions and thus can count as an answer to economic inequality. It does not look, however, at the *success* of such activity. It would be hard to differentiate between whether positive effects of state intervention have not become visible, because it has not occurred (i.e., governments do not want to intervene), or because the governments have intervened, but the intervention has not been successful. Therefore, we concentrate on one aspect by which government activity can be assessed, independently of its success. In our view, this is best expressed through the development of expenditures for welfare, implemented by governments. Over the past decades, this has been carried out in our democracies through the building of the welfare state. Consequently, we see the transformations induced by welfare state provisions as a determinant of the resulting (in)equality existing in a country in a given moment or along with a trend. As Hemerijck (2013, p. ix) effectively states, ‘to the extent that social policy measures “prepare” ... individuals and families to confront new social risks and knowledge economy ... the welfare state contributes both to economic efficiency and social equity’.

The substantial literature on the topic (see Ferrera, 2013), supported by extensive empirical research, also displays how, during these years, the welfare system that gave content to social rights has been profoundly transformed. As Ferrera et al. (2000) and Ferrera and Hemerijck (2003) point out, during the last few decades there has been a ‘recalibration’ of the entire welfare system as result of socio-economic transformations in the different domains, including demography, where social rights were implemented through various kinds of social protection, including pensions, health care, unemployment, and social services and family policies. More specifically, the new needs of the elderly population, changes in the gender division, decline of fertility, deindustrialization, new forms of poverty, immigration (see below), changes in labour markets and the partial fading away of lifetime jobs, together with technological changes, were complemented by the necessity to increase the efficiency of provisions rationalizing them. All these factors lay at the heart of the recalibrations. Namely, ~~that is;~~ they are crucial for the changes in social rights in terms of norms and institutions involved, and consequently of the rebalancing of welfare provisions with distributive changes as well.

Within this evolving context the Great Recession, which started in 2008 and persisted at least until 2014, proved to be a great challenge for the entire welfare system of all the European democracies, in evident connection with the budgetary situation of the countries involved. In these years, and especially from 2010,

¹³ See Hall and Soskice (2001) for this terminology, and Chapter 5.

European Union institutions, the Commission, the European Council, the Council of Economic Ministers, and the European Central Bank, also played a key role, particularly concerning Spain, which was also helped by the EU (see Chapter 7 for more on this). This role had an inevitable impact on the welfare system of the affected countries. Among others, two joint research studies (Dolvik and Martin, 2015 and Wulfgramm et al., 2016) provide an initial review of the impact on all the democracies we are analysing, except Poland. This country—and this is worth remembering—remained virtually unaffected by the economic crisis and at the same time in 2015 had the relative lowest share of social expenditures among most of European Western (25.8), but beyond the average of Central and Eastern European countries.

The main question arising from the picture, briefly sketched above, is: how has social inequality evolved within the perspective of welfare provisions? To start replying to this question, we can view the share of government expenditures on social protection (see Figure 2.8).¹⁴ To do that we decided to show those expenditures as a percentage of the effective GDP. For reading better the data, however, we should immediately recall that when there is the economic crisis with the decline of GDP, there is an apparent growth of expenditures. However, such growth is not real, but it only is mathematical of a decrease of the denominator in the percentage. In fact, for example, between 2008 and 2009, we can see that artificial growth in all countries, except Poland. In this last country, slight growth is effective as there is no decline in GDP. In Italy and Spain only, the other crucial years of GDP decrease are 2012 and 2013, and also in these two cases, an artificial growth of social expenditures is recorded.

It is also worth noting that many measures of social protection are prescribed by law. In other words, governments have a limited choice of whether to alter them or not. On this, Krugman (2009) has already pointed out the centrality of the ‘automatic stabilizers’ in dealing with the economic crisis. They countered the decline of employment and production during the Great Recession since 2008. Although their usefulness is reduced in systemic crises, this author reminds us that if the current crisis is not as terrible as in the 1930s, it is due to the functioning of the automatic stabilizers and the increase in the public deficit, and this was well different from what happened with the Great Depression of the 1930s (see also Kelton, 2016). However, we come back to this issue in Chapter 5. All governments can do is to cut social expenditures and expenditures in other policy areas

¹⁴ Eurostat suggests the following empirical definition of social protection: ‘support for sickness and disability; old age; survivors; family and children; unemployment; housing; applied research and experimental development applied to social protection; social protection and social exclusion not elsewhere classified (esp. cash benefits and benefits in kind to victims of fires, floods, earthquakes, and other peacetime disasters; purchase and storage of food, equipment, and other supplies for emergency use in the case of peacetime disasters; other social protection affairs and services that not assigned under the previous entries)’. See [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Classification_of_the_functions_of_government_\(COFOG\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Classification_of_the_functions_of_government_(COFOG)).

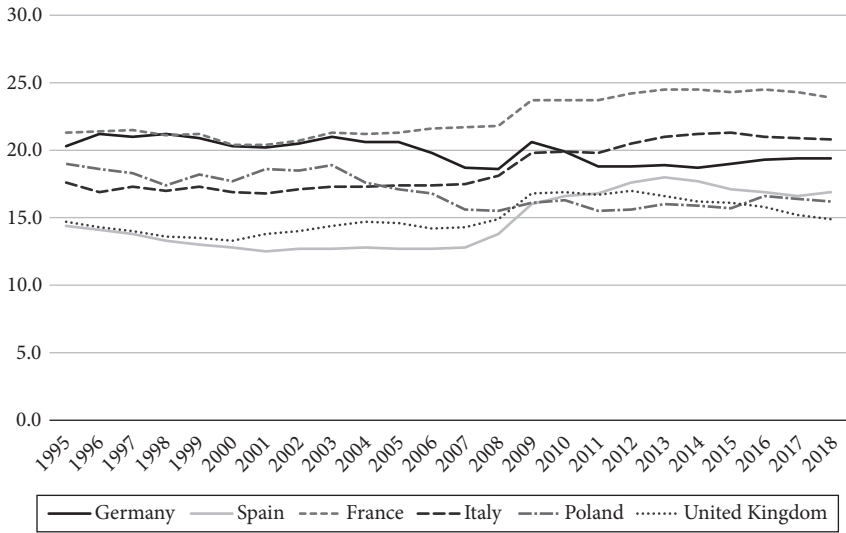


Figure 2.8 Expenditures for social protection in % of the GDP

Source: Eurostat.

where there are no precise or less precise indications. So, paradoxically, if there are many obligatory expenditures in the social protection area, then social expenditures might increase, but in Spain and Italy, their ways to cut was found (see chapters 5 and 7). With this in mind, Figure 2.8 shows the highest social protection in France, a middle level in Italy and Germany that are almost at the same values. Poland, Spain, and the United Kingdom are around the same lower level with the Britons being in decreasing trend.

In the remainder of this section, we will concentrate on two other perspectives, which are more indirectly connected to economic opportunities. More precisely, we focus on health and education. The following graph (see Figure 2.9) illustrates the development of public expenditure on health.¹⁵ This is not only an indicator of the importance of the health system for government spending, but it also gives us valuable information about government measures taken in order to reduce the effects of economic inequality. Indeed, the higher the level of public expenditures on health is, the more likely it is that these higher rates of expenditures help to correct inequality induced through income differences. If the health system is sufficiently financed, then it is more likely that essential medical services are for free,

¹⁵ The empirical definition of health is that suggested by Eurostat and includes: 'Medical products, appliances, and equipment; outpatient services; hospital services; public health services; R&D related to health; health not elsewhere classified.' See [https://ec.europa.eu/eurostat/statisticsexplained/index.php?title=Glossary:Classification_of_the_functions_of_government_\(COFOG\)](https://ec.europa.eu/eurostat/statisticsexplained/index.php?title=Glossary:Classification_of_the_functions_of_government_(COFOG)).

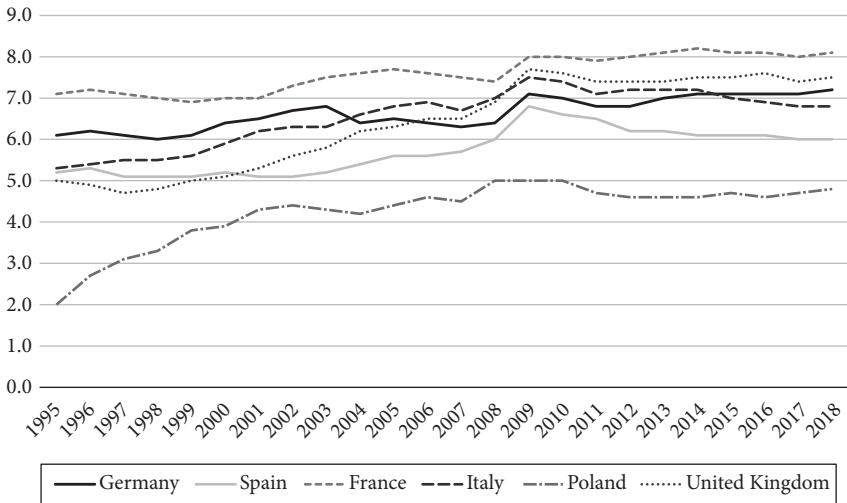


Figure 2.9 Expenditures on health

Source: Eurostat.

or available at low prices, and that also more complicated treatments are subsidized mainly with public money.

This graph (Figure 2.9) shows that health expenditures are always the highest in France. The United Kingdom comes lower at the same level than Germany, but relatively speaking in a much better relative position vis-à-vis all other countries, if we recall the social protection expenditures. Poland shows a fundamental rising change, although still occupying the bottom position among the countries under consideration, which is probably an illustration of late effects of the transition process after 1990. We can also observe some salient details for the countries most hit by the economic crisis, namely Italy and Spain. The curves in these countries become flatter and do even slightly decline after the crisis years, with even a more evident effect in Italy, more in Spain. All other countries do not seem to be affected so much by the crisis, as far as health expenditures are concerned.

In terms of substantial interpretation this means that, after the crisis, the governments of crisis countries did not further increase their efforts to counter economic inequality with the help of more expenditures on health but stopped or even reduced such efforts. In other words, alongside a rise in economic inequality, the citizens of these crisis countries did not enjoy more benefits from public financing of the health system, contrary to the expectations raised by the inevitable trend toward population ageing in these countries. When there is growth, it mainly occurs at the end of the century and early years of the new century, as suggested by Figure 2.9.

A further perspective is to explore expenditures on the educational system¹⁶ which is emerging as a more and more relevant aspect within the entire welfare system (see also Bieber and Wulfgramm, 2016, pp. 296ff). This perspective is akin to looking at health as both forms of expenditure reduce the need for private investments and, therefore, help to moderate the effects of economic inequality. Two additional aspects are, however, important about education. First, education is usually considered a major factor when it comes to creating opportunities for the future. The underlying logic is that the more public money is spent on education, the less important different family backgrounds and parents' economic opportunities will be for children's future careers and economic possibilities. Investments in the education system thus always point to governments' attempts to curb inequalities induced by different opportunities that future generations may or may not enjoy. This also ties in Sen's (1992) notion of looking at (in)equality not only in terms of results but also of opportunities (see Chapter 1). Second, this opportunity is not only provided for the native population but also migrants. Education can, therefore, help to reduce ethnic inequality and increase economic equality, independently on—or at least less connected to—ethnic origins (see Figure 2.10).

Figure 2.10 shows flat trends or dramatic decline, as in the United Kingdom and Poland, although to a lesser extent in the latter country, with Italy and Spain being at the lowest level and even with a further decline at the end of the

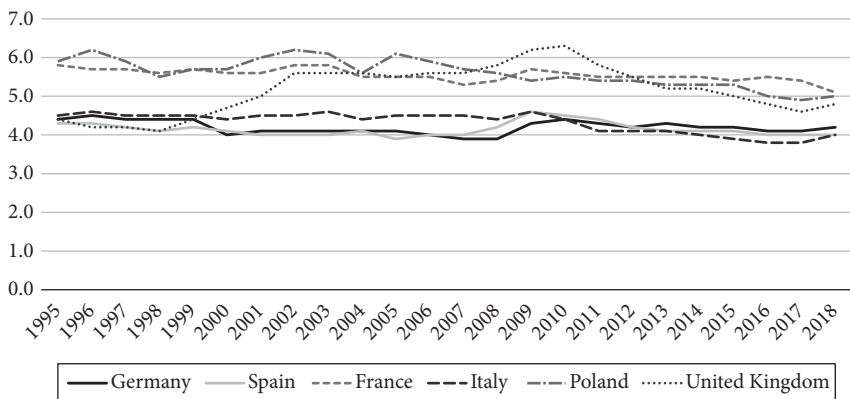


Figure 2.10 Expenditures on education

Source: Eurostat.

¹⁶ Eurostat also suggests the empirical definition of education. It includes: 'pre-primary, primary, secondary and tertiary education, post-secondary non-tertiary education, education non-definable by level, subsidiary services to education, research and development education, education not elsewhere classified.' See [https://ec.europa.eu/eurostat/statisticsexplained/index.php?title=Glossary:Classification_of_the_functions_of_government_\(COFOG\)](https://ec.europa.eu/eurostat/statisticsexplained/index.php?title=Glossary:Classification_of_the_functions_of_government_(COFOG)).

second decade of the twenty-first century, and France in the lead. Looking more closely, the decline in Italy takes place independently on the economic crisis. We can see that governments in crisis countries like Italy and Spain have not only started to disregard expenditures on health as a potential means to reduce the adverse effects of economic inequality, but they also reacted like this regarding education. Investments into future generations were not intensified and, consequently, existing inequalities have not been addressed through expenditures on education.

The bottom line of these considerations on government intervention is that in countries which were most hit by the economic crisis, namely Spain and Italy, next to the maintenance of obligatory social protection, expenditures on health and education have been reduced. Both these sectors, however, can be identified as further possibilities for the governments to create more equality and, in the case of education, also to create opportunities for future generations and to reduce the effects of ethnic inequality. Thus, while guaranteeing more social protection, other aspects of the social state are reduced in these countries during or immediately after the crisis years. This is not the Polish case where especially after 2015 other provisions are carried out.

So far, we have not analysed in detail the policies to fight poverty, decided and implemented by all our countries. In the first section above, we have analysed the Eurostat data on poverty, including the effects of social transfers. In this section, the data on expenditures for social protection that included the provisions to fight poverty. Here, we add some further reflections about those policies, paying attention to the main one, namely the basic or minimum income. This analysis is relevant as the protracted Great Recession aggravated poverty and social exclusion in the countries under consideration, especially in Italy, Spain and, to a smaller extent, in the UK and Germany (see the data above). All the countries intervened on this thorny issue.¹⁷

When considering the minimum income, we should bear a few key points in mind: it is a complex and multifaceted measure; it is difficult to implement; its actual effectiveness in each country also depends on other measures of social protection; and, finally, though important, for a number of reasons it is usually not enough to lift all citizens out of poverty (see *Fondazione Astrid and Rosselli, 2018*).

We are not going to describe the different minimum incomes in the six countries here (see *Crepaldi et al., 2017; Natili, 2019*). We will just mention the modes of financing and governance and assess the adequacy and coverage, that is to say, the most relevant features in our perspective. Financing is from the central state in the UK, Italy, and Poland, from central and local authorities in Germany and also France, where however the state contribution is higher, and from local

¹⁷ We are going to come onto this when developing our explanatory hypotheses (see Chapter 5).

authorities only (*Comunidades Autonomas*) in Spain. Governance is usually mixed in all countries with a dominant role of central authorities in the UK and of Autonomous Communities, complemented by local councils, in Spain. In Poland, the mixed formula is integrated by associations, the Catholic Church, and other organizations.

Based on the report by Crepaldi et al. (2017), Table 2.2 provides an assessment of the adequacy and coverage of minimum income policies in our six countries. Looking at the first column, the main reasons for the limited impact of the provision and the need to analyse it in connection with other social protection policies becomes immediately evident: not even in Germany is there a high level of generosity. Moreover, in the years 2010–15, Spain and Germany remained stable in terms of impact on poverty reduction; the UK, France, and Poland even saw a reduction in that impact; and the only country that improved in a tough situation was Italy.

Regarding coverage, the minimum income is usually applied to every resident. In Spain, this has to be for at least six months in some region and up to five years in others. No citizenship is required, with the very partial exception in Germany (where only foreigners and their families not working in that country are excluded). As shown by Table 2.2, the coverage can be characterized by universal assistance. In other words the schemes provide cash benefits for all eligible claimants whose resources are below a specified income standard (France, Poland, the UK) or by categorical assistance, that is to say, the benefits are aimed at guaranteeing minimum resources to particular groups within the populations, such as the unemployed, the elderly, and the disabled (Germany, Spain, and Italy). Different benefits also characterize coverage and, except for Spain, are usually implemented at the national level.

As regards the minimum income and other welfare provisions, Italy and Poland deserve a short addendum. In fact, in Italy, a Support to Active Inclusion (SIA) has been in place since September 2016, to help families with specific needs in very deprived economic conditions. The amount varies according to family composition (from €80 for the one-member family to €400 for a family of five or more members). It has meagre coverage because of strict eligibility criteria, regarding families with multiple needs (young children, single parent, dependent people, or people with severe disability). In September 2017 Inclusion Income Support (REI) was approved to be implemented as from January 2018. Originally conceived as an alternative to the SIA, later it coexisted with it, and was designed to help families in deprived economic conditions (like the SIA) for a limited amount of time (18 months) with a monthly allowance ranging between €185 to about €539. From March 2019 the REI was replaced by Citizenship Income (RC) with a maximum sum of €625, and an average of €493, with a similar duration (18 months), again to help families in needs. In 2020 the actual impact of this new

Table 2.2 Assessment of minimum income policies: adequacy and coverage

dimensions country	Adequacy(a)	coverage
Germany	Medium-low level of generosity (30–40 %)	categorical, network of benefits, subjective right, national.
Spain	Medium-low level of generosity (30–40 %)	categorical, network of different benefits, subjective right, national and local level. Regional minimum income benefits are in majority qualified as individual or subjective right (i.e., Extremadura, Murcia)
France	Medium-low level of generosity (30–40 %)	universal, network of different benefits, subjective right, national level.
Italy	Very low level of generosity (under 20 %)	categorical, network of different benefits, subjective right, national level
Poland	Very low level of generosity (under 20 %)	universal comprehensive subjective right in case of permanent benefit, discretionary in case of temporary benefit, national level.
United Kingdom	Medium-low level of generosity (30–40 %)	universal, network of different benefits, subjective right, national level.

Note: Countries can be divided into five groups based on the average generosity of their MI schemes, that is, how much this benefit allows households to reach the poverty line (set generally at 40%) (see also section 2.1, this chapter).

Source: Our elaboration on data and evaluation by Crepaldi et al. (2017, esp. chapter 5).

provision cannot be adequately assessed yet. However, according to the official data of the Italian National Institute for Social Security (INPS) by January 2020, such an income has been awarded to 1,041,462 families, involving 2.513,925 people (see INPS official data January 2020). It covers about 72% of people in a condition of absolute poverty (on this see also Chapter 4).

Poland is also the country where a meaningful change of government (2015) came about and was reconfirmed in 2019 as a result of a party program and electoral campaigns by the Law and Justice Party (PiS), focused on building a ‘Polish welfare state’ with additional and better social rights and income redistribution. The most well-known provision was a scheme, known as *Rodzina 500Plus* (Family 500Plus) and approved in April 2016, which was a monthly subsidy (about 130US\$/120EUR) for each child to the family with more than one child. But the lower-income families received this help even if they had one child only. The budget for this measure reached 3.11% of GDP in 2017 with an increase of 75% of the budget previously (2015) devoted to family support. In May 2019 it was expanded to families with one child only without considering the income. The two goals of the measure were to achieve a higher fertility rate and reduce child poverty.

As for Italy, the new and attractive decision provided a direct transfer in cash rather than public services. And, tellingly, Eurostat recorded an improvement of extreme child poverty (from 24.2% to 17.9% already between 2015 and 2016) and the family economic situation in 2018 (see Ciobanu, 2019). The other goal, increasing the fertility rate, failed.¹⁸ A second significant reform was the reduction of the retirement age since October 2017 from 67 for all (a decision of the former government) to 65 for men and 60 years for women voluntarily (in case of earlier retirement the amount of pension was lower). Many Poles use their right to retire earlier (only in October 2017, there were 100,000 applications) (Skrzypczak, 2017). A third relevant provision was the increase in the minimum hourly wage for employees on precarious contracts. This provision first adopted in May 2016 was subsequently improved and expanded (see also below).

Other measures included: the fiscal exemption for young people below 26 with an income lower than about €20,200 since August 2019 to retain young in Poland (Meredith, 2019); the pension Plus, that mainly consisted in the recognition of the 13th pension and a reduction of personal income tax and affected about 9.8 million pensioners; a program to build cheaper houses/apartments; and the creation of a solidarity fund for supporting people with disabilities (2018).¹⁹ Although the actual impact of the provisions was smaller than expected and declared by PiS leaders, the perceptions of citizens were very positive and laid the basis for the resounding electoral victories of 2019. Moreover, in the same vein, PiS set the doubling of the minimum wage (about €900), increasing public health expenditures, raising pensions and building transport infrastructures at the core of the successful 2019 electoral campaign.²⁰

The connection between the empirical evidence analysed in this chapter and the political dynamics featured by the participation versus competition within the

¹⁸ In 2019 a Polish think-tank published in an overall negative assessment of Rodzina 500Plus. Evaluating its actual impact until 2018, the authors affirm that: program is very expensive and economically inefficient; has not been included in all family policy activities; a coherent vision of goals is missing; it has a negative impact on the labour market, as professional activity has decreased, in particular women; only some families are supported; in addition, high program costs mean a lack of resources in other more relevant policies (esp. education and health care) and development programs (e.g., public infrastructure, including transport infrastructure, quality air) (see Magda et al., 2019).

¹⁹ Besides, an extension of the rights of the Social Dialogue Council, a legal amendment giving all workers the right to join trade unions, regardless of the type of a work contract (2018), and a decrease of the personal income tax (from 18% to 17%) up to an income of *złoty* 85.528—above this threshold to keep the same tax rate of 32%, since October 2019—were decided (Ministerstwo Finansów, 2020).

²⁰ Of course, making the basic features of the Polish welfare state goes from the early 1990s up early this century, with the limitations that already emerged in the figures above in the chapter. The situation of the welfare state in 2015 is described by Sawulski (2017) who was wondering if there was adequate welfare at that moment. In this context, the reforms proposed by the PiS found attention and support. Let us also add that education reform was also introduced by the PiS, which proved to be a disaster and created chaos in schools. The expected increase in the minimum wage might only increase their frustration as the teachers' salaries are subject to separate regulation. The sources of most of the provisions described in the text are the websites of the related Ministries.

six countries will be addressed later in the book (see chapters 4 and 5). Here, however, it is worth emphasizing a counter-intuitive aspect that emerges from our analysis. The biggest European democracies at the centre of our research, despite being affected by the economic crisis, do not feature a disruptive pattern in the worsening of inequalities. No doubt, the economic crisis, the stagnation and the growth have been unevenly present across our countries, except for Poland. Overall, the European countries have been better off out the crisis only partially, and in relation with the effectiveness of the social transfer and the capacity of the public or private organizations of playing a vital role in the production chain and in the investments to adapt and keep resilient across the decade 2008–18.

Still, a further point seems to remain underestimated in the scholarship. The narrative endorsed in the public debate about equalities draw the lines of an alarmed society where citizens feel that they are facing deteriorated conditions—and still more deteriorating ones—of daily life. Here, this has to be addressed concerning the objective picture provided by macro-economic data in the six democracies.²¹ This is the primary meaning of Table 2.3. It starts providing a more nuanced picture about the aspects of inequalities that seem to erode the capacity of our democracies to project themselves into a better future. Except for the UK, the perspective of social mobility is at the medium if not at the low level. In the same vein, the social mobility connected with the education—one of the most promising social elevators—is again at the medium level in France but low in the other countries. The empirical evidence summarized by Table 2.3, drawing from the OECD analysis of social mobility patterns published in 2018 and highlighted at the 2019 World Economic Forum, unveil stalemated societies where the opportunities eventually created after the crisis appear handy and reachable unevenly and unequally. If we complement this evidence with the digitalization of the societies, we find out a factor which amplifies the gap between citizens experiencing a potential of mobility and citizens experiencing the impossibility of grasping such a possibility, notably in domains such as the new markets of digital services, the technological developments (OECD, 2019).

2.4 Ethnic Inequality and Immigration

In this section, we change our perspective. Ethnic inequality is not a new notion, but it was necessarily brought to our attention by the phenomenon of immigration, the consequent growth of cultural heterogeneity, urban diversity in our societies, and rising tensions within the countries with a different dominant ethnic

²¹ In Chapter 4, the issue of the related perceptions and the reactions of political leaders will be addressed.

Table 2.3 Relative mobility across different dimensions

Country	Social mobility across generations					Own income mobility		
	Earnings	Occupation	Education	Health	Bottom	Changes since 1990s	Top	Changes since 1990s
Germany	Low	Medium	Low	Medium	Medium	↔	Low	↘
Spain	High	Low	Low	Medium	Low	↘	Low	↘
France	Low	Low	Medium	Medium	Low	↘	Medium	↘
Italy	Medium	Low	Low	Medium	Low	↘	Medium	↔
Poland	-	Low	Low	Low	Medium	-	High	-
United Kingdom	Low	High	Low	Medium	High	↘	Medium	↔

Source: OECD (2018a).

group. The consequence is cultural discrimination, and it is translated into another kind of inequality. This third inequality may overlap with the other two but maintain his own identity as a form of cultural discrimination against a different ethnic group. Measuring this inequality is complicated and can also be based on perceptions because of his connection with the existence or not of ethnic discrimination. Hence, it can also be analysed through survey data.²² Let us here limit ourselves to what is usually seen as the other big crisis that hit European and other countries in the early years of the twenty-first century, namely the so-called migration crisis (Parsi, 2018, chapter 4). As is known, the rise in the influx of refugees in escaping from civil war, terrorism, torture, or terrible living conditions, led to a substantial intensification of the debate on immigration, migration in general, and, consequently, ethnic (in)equality.

Migration has been shaping industrialized societies already for some decades. However, the most recent increase in the numbers accentuated the perception of it and the consequent debate, even if the total numbers have decreased. This has led to rising ethnic diversity in the composition of society. What is relevant here is that inequality emerges and increases when there are a dominant ethnic group and poorly integrated other groups. Without wanting to slip into stereotypical language, industrialized societies became more diversified concerning how people look, their habits, religions, lifestyles, and opinions. In addition to this diversification, immigration also has effects on other forms of (in)equality: in terms of economic equality (see above), migration poses the risk of an increase in precarious working situations. From this perspective, the Eurostat data on active immigrants, that is, on the legal immigrants who found a job and at least from this specific point of view are more integrated and consequently also less economically and socially unequal, suggest that in the European Union the average is around 64.9% (2018). However, Italy is the country with the lowest percentage (45.6%) of non-European active immigrants, and Poland the highest (77.9%) with Spain and UK are in an intermediate position, close to the average (respectively 64.0% and 58.8%), but Germany (46.7%) and France (47.5%) are closer to the low Italian percentage.

There is also a constant fear among populations that migrants might benefit too much from social protection and that, in a redistributive social system, a country's native inhabitants would have to pay for social benefits for migrants. Ethnic inequality might have consequences for questions of gender equality too since it is assumed that not all (ideological or religious or other) traditions considered gender equality a virtue. The same holds for the recognition of different sexual orientations.

²² The issue of the definition and measures of ethnic inequality, in additions to the other ones, is glossed over by the literature. Moreover, here only one facet, the one related to immigration, is considered.

The discussion on migration has mainly become overshadowed by a massive market of opinions and (pseudo)facts. In order to discuss ethnic diversification, it is, therefore, necessary to start from the facts. First, it is impossible to define ‘ethnic’ (in)equality, because we would need a measure of ethnicity. Since, among other reasons, political correctness does not allow for such an operationalization, we use a proxy here: this very merely is the ratio of arriving immigrants to the overall population. This is *not* the general ratio of people with a migration background, which would also be challenging to assess a person who looks different from the majority population, but holds a national passport, might be considered a ‘migrant’, although he or she is a native citizen of his or her home country. We simply consider the ratio of those who arrive newly in a given country, weighted by the number of inhabitants in that country. It is a proxy for a dynamic change.

As can be seen (Figure 2.11), overall, there is continuity in the data. While most of the curves are flat, there are two peaks: one in Spain around the year 2006/7, and, most famously, the large number of migrants which Germany accepted during the migrant crisis in 2015 and its immediate aftermath.²³ Note, however, that these statistics can only tell us something on *legal* migration. The quite low Italian figures might also be due to a certain proportion of illegal and clandestine immigration. For an empirically sound appraisal of the migration waves on the state of the equalities, we should recall that migrants have been moving across the European countries—including the associated countries in south-eastern Europe—since early 2000. Moreover, migrations’ waves impacted

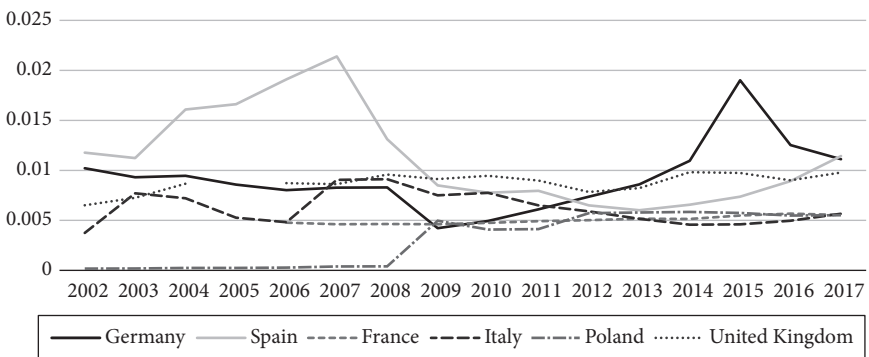


Figure 2.11 Ratio of newly arriving immigrants on the population²⁴

Source: Own elaboration based on the Eurostat data.

²³ It is worth remembering that Germany, together with Sweden, hosted half of the total Syrian asylum seekers (GER Statistics, 2018).

²⁴ We limit our discussion to the years after 2002 in order to be able to use the European Social Survey (ESS) data afterwards. As is well known, ESS data is only available from 2002 onwards.

differently in the different countries since then also concerning the citizenship policy each country carried out.

In brief, pure immigration data tell us that Spain around the year 2006/7 and Germany around the year 2015 saw a specific rise in inequality in that higher than usual numbers of migrants had to be integrated into the societies. Apart from these two peaks, the similarity in the percentage values is striking: the six countries under consideration seem to be characterized by very similar patterns of immigration. It must also be mentioned that the curves usually stay between 0.5% and 1% of the added population through newly arriving migrants. The discussion about migration is thus based on rather low percentages.

In Figure 2.12, we focus on a broader phenomenon (also for the period under consideration), than that of the new immigrants, that is, on the ones labelled in official statistics as ‘international migrants’, expressed in absolute values.²⁵ The figure allows us to get two main points of information: (a) the intensity of the phenomenon in the different countries with the variation range that sees Germany at one extreme, with more than 12 million migrants in 2017, and Poland at the other pole, with just 640,000 migrants; United Kingdom still with 8,840,000 and France with 7,900,000, Spain 5,950,000, Italy 5,910,000 always in 2017; (b) the current trend, which in Germany, France, and the United Kingdom is on the rise

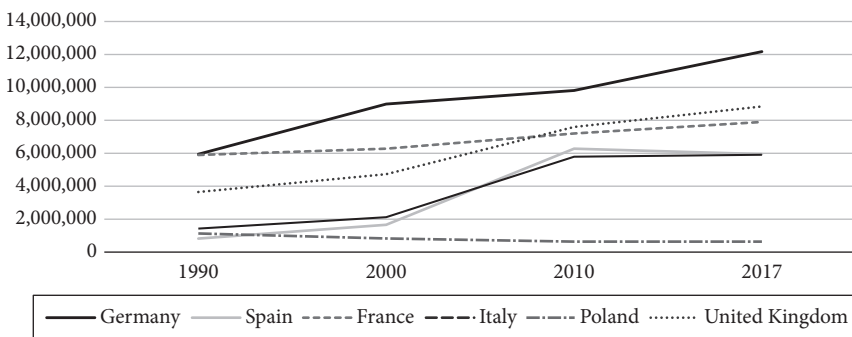


Figure 2.12 International migrants by country (1990–2017)

Source: <https://www.pewresearch.org/global/interactives/international-migrants-by-country/>

²⁵ According to the United Nations Population Division, an international migrant is someone who has been living for one year or longer in a country other than the one in which he or she was born. This means that many foreign workers and international students are counted as migrants. Additionally, the United Nations considers refugees and, in some cases, their descendants to be international migrants. For this interactive feature, estimates of the number of unauthorized immigrants living in various countries are also included in the total counts. On the other hand, tourists, foreign-aid workers, temporary workers employed abroad for less than one year and overseas military personnel typically are not counted as migrants.

(albeit with different intensity), while in Italy and Spain it shows a slowdown in recent years if not a slight reversal; in Poland where the negative trend goes on. So, the picture we get sees our countries divided into three groups with a series of consequences we will return to in this chapter and later (see Chapter 5).

Beyond the reference to the general trends affecting our six countries, a short reference has to be made to the humanitarian crisis that has characterized the Mediterranean in recent years. That crisis had a profound impact on the perception of public opinions and on the programs of political parties (especially the populist ones).²⁶ According to data provided by the UNHCR, in recent years migration flows toward the EU Member States with coastal borders on the Mediterranean have progressively reduced, from around 363,000 in 2016 to 172,000 in 2017, to a little more than 139,000 in 2018.²⁷ In 2019 (1 April) total landings in the EU amounted to around 11,200, of which 524 were in Italy, 4,866 in Greece, and over 5,546 in Spain. To these figures over 1,200 arrivals by land in Spain and over 2,500 in Greece have to be added. According to the European Asylum Support Office (EASO), in 2018 about 635,000 applications were registered in the Member States, of which 593,000 in the first instance, registering a decrease of 10 per cent compared to 2017. The European Commission notes that in 2018, for the sixth consecutive year, Germany received the highest number of applications, more than 130,000, followed by France, with more than 116,000 applications. In 2018, Italy received approximately 54,000 applications for asylum. In January 2019, member States recorded about 59,000 asylum applications, of which 52,500 were submitted for the first time.²⁸

Migration as such is only one aspect of the (in)equality discussion. For the analysis quality of democracy, how the population reacts to migration is much more salient. Perception data tell us whether the rather low percentages reported above are considered a threat and, thus, how far the population of the individual countries considers the level of ethnic inequality (via migration) to be acceptable, desirable or even a problem. We will, therefore, shift our attention to perception data from the European Social Survey (ESS). Currently, eight waves of the ESS are available, in two-years rhythms between 2002 and 2016.²⁹ All the survey questions touched upon people's readiness to accept people who look different or who are poor. However, even if this readiness exists, it might still be that the effects of such migration are evaluated negatively. The reason behind this could be that people consider migration to be necessary, but not automatically beneficial for

²⁶ For the information here see the related Report of the Deputy Chamber, April 2019, at http://www.camera.it/temiap/documentazione/temi/pdf/1105644.pdf?_1555278797350

²⁷ Of them, 25,000 entered via ground, about 7,000 in Spain and 18,000 in Greece.

²⁸ According to UNHCR, in 2019 (1 April) the number of people who died or are considered lost in the Mediterranean Sea is 288.

²⁹ Note that Italy only participated in 2002, 2004, 2012, and 2016 waves so that data for Italy is limited to those years.

their own countries as well, or at least associated with difficulties in integrating migrants.

A first ESS question asks whether migration made the country 'a worse or better place to live'. This is evaluated on a ranking between 0 (worse place) to 10 (better place). This different scale makes it rather difficult to compare the result with the opinions discussed above. We decided to consider all values between 6 and 10 as positive approval. However, unlike the scales used for the ESS questions illustrated above, this question (and the next ones) contains a middle category (5), which is very popular among the respondents. However, we do not consider the middle category a proxy for a positive opinion about the effects of migration. Therefore, while being indicative, we should not fall into the trap of directly comparing the results to what we have discussed above.

As far as this question is concerned (see Figure 2.13), we also have a general increase of the values, and the trend is also negative in Poland and Italy (2012: 30%; 2016: 22%). As before, the German curve becomes flatter with the migration crisis of 2015. However, there are two differences when it comes to the effects: first, although the general trend of a decline is confirmed for Poland, the values for the most recent years are like the other countries. In a certain sense, while Polish respondents were more enthusiastic about the positive effects of migration in the early 2000s, their opinion on this has become more moderate and thus more like the other countries under consideration. However, a second significant difference is that French respondents (and to an even greater extent Italian

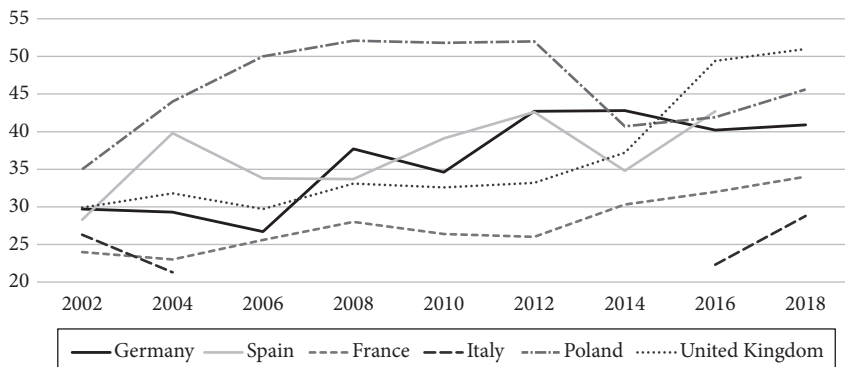


Figure 2.13 Impact of immigration on the country as a place to live

Source: European Social Survey.

Question: Is [country] made a worse or a better place to live by people coming to live here from other countries?

Values and categories: 00 = Worse place to live -> 10 = Better place to live, 77 = Refusal, 88 = Don't know, 99 = No answer

Values chosen here: 6–10

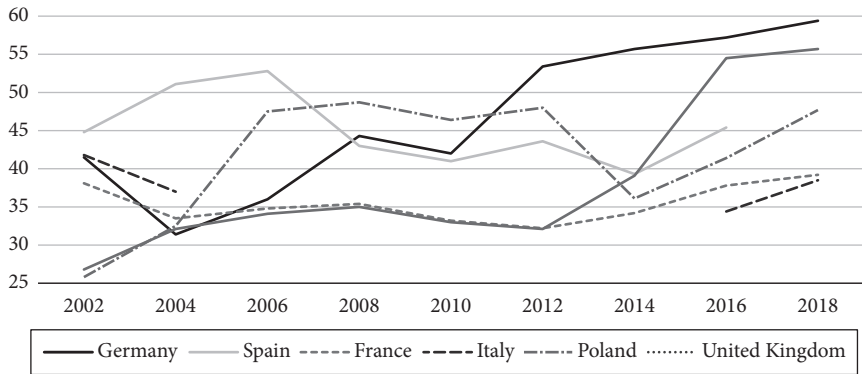


Figure 2.14 Impact of immigration on the country's economy

Source: European Social Survey.

Question: Would you say it is generally bad or good for [country]'s economy that people come to live here from other countries?

Values and categories: 00 = Bad for the economy -> 10 = Good for the economy, 77 = Refusal, 88 = Don't know, 99 = No answer. Values chosen here: 6-10

respondents in the years for which we have data) are much less enthusiastic about the positive effects of immigration than the respondents in the other countries.

The picture becomes more differentiated if the question is asked concerning benefits for the economy (see Figure 2.14). This graph allows for a contextualization with the help of the section above (2.2) where economic (in)equalities were discussed. The United Kingdom and Germany were defined as being not much affected by the economic crisis as far as selected indicators of economic (in)equality were concerned, and, indeed, the curves show an apparent increase, which most recently has been rapid as well. This could mean that more economic equality and a lower level of affectedness by an economic crisis is also a helpful context for a positive evaluation of migrants' effects on the economy.

Regarding some indicators, France is identified as a country which underwent more economic inequality over time, while, for other indicators, it shows a similar trend, but to a much lesser extent. In Italy and Spain, the two countries most affected by the economic crisis, with repercussions in terms of economic (in) equality, the years of the crisis *and* the years of the migration crisis indicate a trend towards a lower approval of positive effects of migration on the country's economy. This demonstrates the interconnectedness between the two crises and thus, the two dimensions of equality. Finally, the Polish trend seems to be less like the findings for economic (in)equality, but more in line with the general trend regarding migration in Poland: it shows an evident decline after 2012. When we

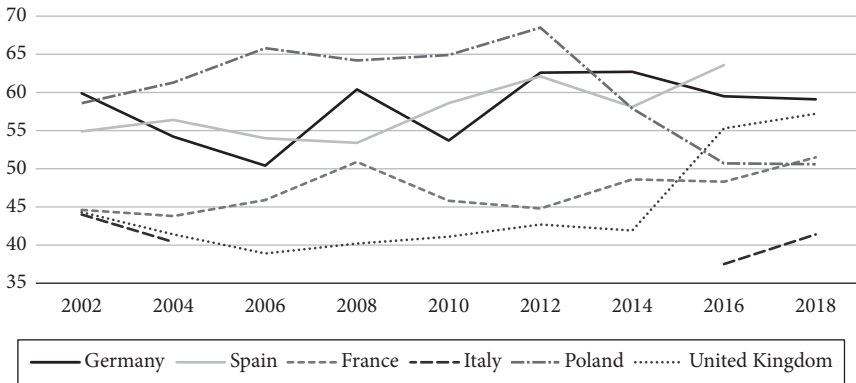


Figure 2.15 Impact of immigration on the country's culture

Source: European Social Survey.

Question: Would you say that [country]'s cultural life is generally undermined or enriched by people coming to live here from other countries?

Values and categories: 00 = Cultural life undermined -> 10 = Cultural life enriched, 77 = Refusal, 88 = Don't know, 99 = No answer

Values chosen here: 6–10

look at the differences in time it also shows how Germany, the UK, and Poland are the cases with a better perception of the impact.

Another frequent interpretation of the effects of migration concerns cultural aspects (see Figure 2.15). This includes all the questions about multi-cultural societies, parallel societies, and shared and different values, which are usually discussed in a very emotional mode. First, approval rates for the enrichment of the effects on culture are generally at higher levels than those of the effects on the economy. People seem to be more positive about cultural enrichment than about positive effects on the economy. Furthermore, the trends are not so dissimilar from the question about effects on the economy, as far as most of the countries are concerned. The Polish trend is again confirmed. Nevertheless, the sudden change in the evaluation of the economic effects in Spain around the crisis years 2006/7 cannot be observed at similar levels when it comes to the effects of culture. From a similar perspective, this also seems to be the case for France to a smaller extent.

The last two survey questions indicate that there is a difference between the perspective on the economic effects of migration and the cultural effects. A straightforward calculation can illustrate this difference. Calculating the ratio of a positive approval of cultural aspects divided by the positive approval of economic aspects shows to what degree cultural aspects are more positively evaluated than economic aspects. In the following, the higher the values are, the greater is the

difference in the approval of cultural effects and of economic effects. None of the values is smaller than 1, which means that in all the countries in the years under consideration, the approval rates of cultural enrichment have always been higher than those of economic advantages.

Starting with Germany and the United Kingdom, we can see that the dominance of cultural approval is declining. While this might appear indicative of a less positive evaluation of the cultural effects of migration, it is much more probable that the positive trend in evaluating the economic effects is behind this trend. At least in the German case, this might be a combination of general economic well-being (and thus a positive approval of migrants who contribute above to the low-salary sector) and perceived anxiety about cultural changes induced by the greater numbers of immigrants in the most recent years. Something similar can be observed for Poland as well, where the cultural benefits become less and less visible concerning the positive economic effects. Spain, and to a lesser extent France, demonstrate how there was a fall in the approval for positive economic effects of migration. Indeed, if migration is seen as an advantage for the country, then this happens in terms of cultural enrichment rather than in terms of the economy. The suspicion can reasonably be that this might be due to Spanish respondents worrying about their economic possibilities and therefore being sceptical about potential positive effects of immigration on the economy.

Regarding ethnic (in)equality, we can conclude:

- Apart from very selected peaks, immigration has remained mostly stable over the years under consideration. What is more, if weighted by the population, immigration numbers are also broadly similar between the countries discussed in this book. This means that ethnic equality, as such, has not undergone significant changes over the years.
- People's evaluation of migration has seen a significant change. Generally, the trend is towards higher approval rates of migration. Ethnic differences seem to be more accepted than at the beginning of the century.
- Poland is a clear exception to this, and mainly since 2012, there has been a substantial decline in the acceptance of migration.
- Cultural enrichment is generally more appreciated than positive economic effects. For the countries hit by the economic crisis and for which we observed a negative development of economic equality in section 2.1, namely Spain and Italy and to a lesser extent France, the recognition of positive economic effects of migration suddenly declined with the economic challenges these countries had to face. This suggests the preliminary conclusion that there is a clear intersection of the two questions of economic and ethnic equality, above all in cases and at times when the level of problems is high. When there is a crisis, the two topics of ethnic and economic equality

cannot be considered separately from each other. The question of whether this means that migrants or refugees are blamed for economic problems can certainly not be answered with the data available to us, but there is no question that the general public connects these issues.

2.5 Initial Concluding Remarks

When looking at (in)equality in general, we should consider that this is a particularly multidimensional concept. In all probability, then, a summary cannot refer to all aspects in all countries but can only emphasize patterns important for our subsequent discussions. First, it would be helpful to make some observations about trends independently from the crisis. As regards economic aspects, there is a trend towards more inequality in most countries. Italy and Spain perform worse than the other countries, while France and Germany do better. Poland shows a trend towards more equality since early on in this century. In terms of social (in) equality, expenditures on health and education decrease in Italy and Spain with the onset of the crisis. The United Kingdom shows a sharply declining trend in education, a more moderate but still declining expenditure on social protection and more recent decline in health as well, which once was the pride of that system. Thus, overall it is becoming slightly more unequal over time.

In other words, the economic crisis has been bringing about changes regarding equality in some countries, but less in others. It is essential to add that, although a note of caution is necessary (see above and Karamessini and Rubery, 2014), the economic crisis did not have an evident impact on other characteristics, such as gender (in)equality or generational (in)equality, if these aspects of (in)equality are seen from an economic perspective. As mentioned above, under conditions of economic recession in the advanced economies, social rights are partially protected through ‘automated stabilizers’. For example, when firms are compelled to close, unemployment increases and, consequently, tax revenue is also reduced, the expenditure on social protection (subsidies, income support, and other measures) increases. In this sense, the leaders of the crisis countries had no necessity of being reactive. However, this reaction has not been equally successful in all countries, as far as the policy goal of increasing equality is concerned. Moreover, when measures of social protection were intensified, this sometimes also entailed a reduction in expenditures for ‘softer’ aspects, such as health and education.

As for ethnic aspects, immigration has remained stable over time. Consequently, ethnic equality has not changed seriously. Apart from small exceptions, and in contrast to what public opinion in the late 2010s seemed to suggest, the general public appeared to accept ethnic diversity increasingly. Poland is an exception: especially after 2012 the acceptance of immigration sharply declined.

When looking at both dimensions simultaneously, we can observe that rising ethnic inequality also has effects on opinions about migration, in particular, its economic effects. During the economic crisis, ethnic and economic equality could not be thought of as being separated from each other. The general public connects the two issues: with migrants and refugees being considered responsible for economic problems. Especially in Spain and Italy, but also in France, the recognition of the positive effects of migration was obfuscated by the economic challenges.

Third, it is worth reversing the perspective and differentiating our findings for countries. Germany seems to have survived the crisis in the best possible way. There is also a clear picture for Spain, but on the other end of the scale, since this country seems to have been heavily hit by the economic crisis, at least in terms of (in)equality. As for the other countries, there are a few observable patterns, which we discussed earlier in the chapter, but they are less systematic than in Germany and Spain. The crisis also hit Italy, and this is particularly evident when looking at the data on the risk of poverty. The worsening of the other economic indices came even before the crisis. Poland is a deviant case in many respects since economic equality has increased over time, while the acceptance of migrants has decreased (unlike the other countries). We can assume that Poland, during the period of observation, reached a situation in which the post-communist legacies have lost their importance and that these inverse trends are resulting from a late adaptation.

To conclude briefly, when matching the six countries on the three kinds of inequality the results are mixed and there is some inconsistency between an equality and another one within the same country. High scores or improvements on economic equality³⁰ are not necessarily matched by corresponding scores or trends on social or ethnic equalities. On economic equality, the best performers are France and Poland, followed by Germany (see Figure 2.1). France is also at a relatively high level on social and ethnic equalities. However, Germany presents the worst results among them, and Poland is among the worst performers on social equality but complemented by evident growing trends. In this country ethnic equality is not relevant, having adopted closure policies on immigration (see, e.g., Figures 2.8–10). For Poland, the worsening of the gender pay gap should also be mentioned. The UK, Italy, and Spain are relatively the worst ones on economic equality, especially if we add unemployment and risk of poverty (see Figures 2.4–2.7). However, the UK is relatively

³⁰ We can here recall that in the economic literature, the analysis of inequality and the mobility of incomes and wages are considered complementary. It follows that a society with a high level of income mobility would make inequality more tolerable (Krueger, 2012). Some authors considered growing inequality and stagnation of income as a precondition for the economic crisis (Rajan, 2010).

better on health and education despite a declining trend; Italy is the worst on education but at an adequate standard on social protection and health; Spain is low or very low on all three indicators of social equality, but better on immigration. If despite what affirmed above about the complexities of the equalities and the inconsistency, we make an effort of substantial simplification, the less unequal democracies seem to be France, Germany, and the UK. Poland follows very closely if the positive trends of the last years are considered. Italy and Spain are the worst. Let us now analyse the other crucial dimension in a democracy—freedom(s).

3

Freedoms

Leonardo Morlino and Daniela Piana

3.1 The Interplay of Two Policy Waves

As mentioned in Chapter 1, if any ideal has been widely recognized as the cornerstone of democracy, it is freedom. Beyond the different and diverging perspectives adopted to analyse the conditions that make possible a functioning democracy, liberal scholars have been united in saying that without freedom, democracy cannot exist. There is, therefore, a broad consensus that freedom is foundational to a democratic regime (see, e.g., Andersen et al., 2014). This core notion of liberal democracy has received little attention in the debate on the causes and effects of the economic crisis (European Council, 2016, 2017; Eurobarometer, 2015, 2016). Research into citizens' perception also fell short when it came to casting light upon the state of freedoms.

The international debate during the first two decades of the twenty-first century, which refers to the economic crisis and the subsequent actions governments were expected to take, touches predominantly on the worsening of equality rather than the restriction of freedoms. In a way, the frame through which the crisis and all the remedies adopted to respond to it entered into the international narrative and into policy assessment exercises, focused on reducing inequalities and expanding the opportunities for inclusive growth (OECD, 2013, 2017; European Commission, 2009, 2014). Besides, citizens' perceptions seem to match the tones and topics of official political discourse.

Therefore, if not overlooked, individual freedoms have certainly been considered as an 'acquis.' However, this affirmation has to be downplayed if we refer to the most recent years, specifically from 2015. Since then, the increasing alarm connected with the boost of international terrorism prioritized issues relating to the protection of public order and civilian safety as opposed to the protection of individual freedoms. The waves of migration experienced by the European Member States, with greater intensity by the ones facing the Mediterranean Sea, called for targeted measures as well. The interplay between anti-terrorism legislation and migration policies is far from being consensual and uncontended. However, the impact of the transformations on European democracies, as a result of the pressure of these two different and yet interacting phenomena, proved to be highly disruptive for the protection and scope of individual freedoms.

This is not the whole story. As will become apparent, the urgent need to reassess the state of affairs regarding the protection of individual freedoms has been refreshed by the vast debate following the adoption of the European regulation for data protection, adopted as recently as May 2018. Beyond the formal dimensions of the regulations, which prompted extensive analyses by legal scholars, there was the protective turn taken by the European legislation. It is aimed at meeting a demand of protection exacerbated by the 2018 scandal of a British consultancy firm (Cambridge Analytica); the growing influence of fake news; and the burgeoning practice of data mining and profiling, which cast a sombre light upon the capacity of citizens to keep their private data under their control.

In the analysis here, a quantitative approach complements a qualitative one in order to point out, first, the overall trends displayed by individual freedoms in France, Germany, Italy, Poland, Spain, and the UK and, second, the evolution of freedoms under conditions of (1) legislative and regulative reforms; (2) public expenditure rationalization; (3) expansion of new tools of governance such as digital platforms and apps; and (4) reshaping of national borders about the phenomena of international terrorism and illegal migration. In conducting this analysis, the chapter refers to several cross-time series of data (see Table 3.1), complemented by an in-depth focus on the reforms adopted in each country after

Table 3.1 Freedoms: indicators and sources of data

	Indicators	Sources
Personal dignity	Freedom from torture index space per person in detention institutions	European Statistics on Penitentiary (SPACE) Commission Européenne pour l'Efficienc des Systèmes Judiciaires (CEPEJ) European Justice Scoreboard Varieties of Democracy
Civil freedoms	Number of violations of art 5/6 ECHR Clearance rate for litigious civil cases Limits set up to individual mobility Limits to the freedom of religion Limits set up to economic freedom	European Court Human Rights (ECHR) annual reports Commission Européenne pour l'Efficienc des Systèmes Judiciaires (CEPEJ) Heritage Foundation Index Varieties of Democracy Official documents issued by governmental authorities
Political freedoms	Strikes and protests shut down by public authorities Data protection or right of information Citizenship regulation	Official documents issued by judicial authorities Freedom House

the economic crisis.¹ As for the normative measures adopted by national governments under, first, the pressure of the economic crisis and, second, the pressure arising from the new waves of illegal migration, human trafficking and international terrorism, we refer to the European Commission country report data set on the Growth and Stability Pact, complemented by data from national official documents and several semi-structured interviews with change agents serving in domestic institutions. To trace the trend and uncover the turning point of the state of freedoms in the countries considered in our research, the analytical framework detailed in the first chapter will be briefly recapped here concerning the three components of the concept of ‘freedom’.

The empirical analysis carried out in the following pages tries to respond to three key questions:

- 1) To what extent and how was personal dignity, most notably protection from torture and humane treatment in prisons, subjected to change between 1990 and 2018?
- 2) To what degree did civil rights, specifically the right to a fair trial in a reasonable time frame, the freedom from religious association repression, the right to freely dispose of ownership and property rights, and the right to free movement, undergo a change in their scope and intensity between 1990 and 2018?
- 3) Is there any change in the scope and the channels through which political rights were exercised between 1990 and 2018?

Scope and intensity are both considered. In this chapter, we refer to the broadening of the spaces through which citizens are inclined to exercise their rights. Indeed, the upheaval wrought by web-based transactions and the increasing use of virtual spaces to voice opinions and communicate in the political sphere has had an underestimated impact on the scope of rights. By scope, we mean the set of types of actions which may be opted for by citizens. Intensity is a more traditional measure, which indicates the degree of protection of freedoms.

3.2 Personal Dignity: Unexpected Alarm

Protection from torture and inhuman treatment is one of the pillars of international policies focusing on human rights enforcement and, more specifically,

¹ On this, the chapter considers the 2007–18 timeframe. A methodological caveat underscoring assets and liabilities of the datasets we referred to is essential for the readership of this chapter. Some of the dataset, such as V-Dem, integrate objective and expert data. This latter may be sensitive to the increasing alarm related to the acute crises of international terrorism and borders control/migration governance. However, qualitative analysis of the actions undertaken in the six democracies complement, support, and strengthen our view, notably the overall assessment of a trend toward more security and less freedom. Chapter 6 better develops this.

the key topic on the agenda of the Council of Europe Committee (CTP). Since 1982 country visits by the CTP have been carried out under the mandate of the European Commission, both in terms of judicial cooperation and human rights and fundamental freedoms protection. In the same vein, within the scope of actions carried out by the UN Office on Drugs and Crime (UNODC), the United Nations are committed to keeping the political attention of governments at a high level, including those serving in advanced democracies, and to elaborate guidelines and reporting documents on the agendas adopted at the national level to address the wide range of torturing or inhuman treatment behaviours. While an international quantitative data set does not exist as a common ground for international policy-making in this sector, the Varieties of Democracy dataset provides clear insight as to the trends featured by the national standpoints in terms of protection from torture (see Figure 3.1).

The figure illustrates the trends of the six democracies over a long time. The countries diverge in the pathways they follow. During the 1990s they all increased protection of individual freedoms from potential inhuman treatments, whereas after 2011 the strength of repression translated into stricter intervention in prisons and pre-trial phases. This seems to be particularly marked in the UK and Germany. For reasons that shall be highlighted later (see Chapter 4), the 2000s proved to be fairly significant in terms of strengthening institutions devoted to ensuring that violations of rights which articulate the universal principle of

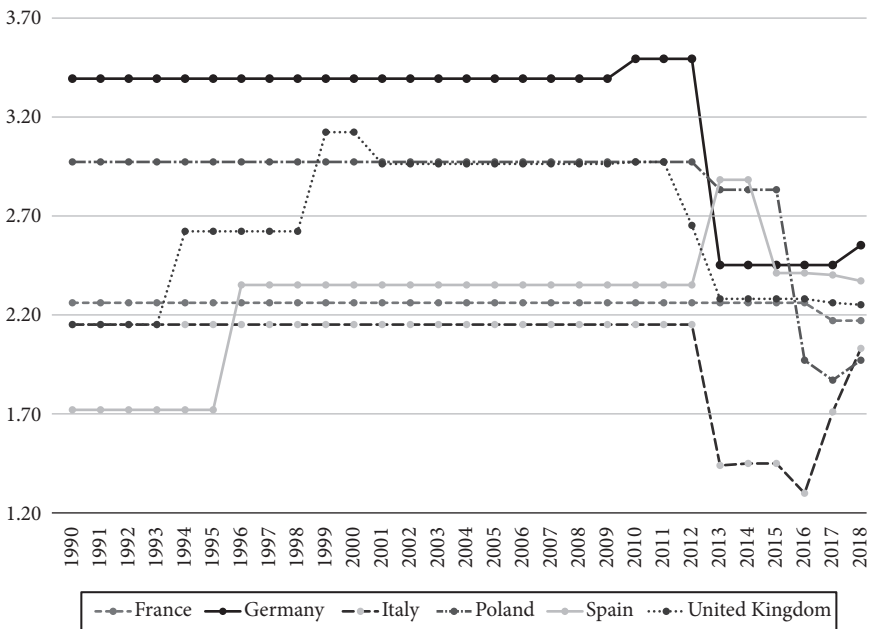


Figure 3.1 Freedom from torture (1990–2018)

Source: Varieties of Democracy dataset, 1990–2018.

human dignity are disclosed and pursued. In Poland, the Ombudsman for Citizens Rights was complemented by the Ombudsman for Children in 2000, whereas in 2006 the British government launched a strategy of fundamental rights protection in close connection with the Equality and Human Rights Commission (EHRC) (the Equal Act dates to 2006). The EHRC was provided with particularly strong prerogatives, such as investigating and assessing public officers' behaviours in terms of compliance with the EA. If the behaviour is not compliant, the EHRC can pursue an officer in front of judicial authority. The year 2001 saw the establishment of the ICC, the German Institute for Human Rights, with responsibilities for monitoring and assessing.

Although in the 2000s there was the adoption of institutions whose mission is to subject public officers to strong public and institutional accountability about compliance with the normative provisions of human rights, the episodes of violence perpetrated by States offer cause for alarm. This is highlighted by the UN's Committee Against Torture, in the case of Spain, Poland, Italy and, in the specific case of the treatment of migrants, in France.

The focus on migrant treatment deserves more detailed consideration (CAT, 2006, 2010). Reductions in protecting conditions, which testify to a worsening of treatment behaviours, has been witnessed especially about the living conditions for migrants and refugees in hotspots (Bauböck, 2003). As stated in Chapter 1 (see section 1.1), we decided to include in our analysis those who live legally in the country. Moreover, one of the inspiring hypotheses that justifies the extension of our observation of living conditions in the hotspots is that freedoms are sensitive tools. Reductions of them cast a dark light not only upon those target groups for which the reduction has been formally and legally designed, but also for all other people insofar as they share the status of 'human beings'. For those reasons, a concern is raised by the living conditions and the treatment handed out by public officers toward those persons that are directly targeted as refugees and related to the migration policies.

A couple of examples support our reasoning. The combination of anti-terrorism measures and migration policies has strengthened border control protocols within the Schengen area. The European Agency for Fundamental Rights recently launched an alert to keep a watchful eye on the increasing risks of spill-over effects triggered by policies adopted at the national level to tackle illegal migration. The Agency 'highlights the increasing risk of arbitrary detention and addresses effective return monitoring' (EAFR, 2018, p. 137). In many countries, according to the Centre for European Policy Studies, although the Schengen agreement is still holding, customs authorities apply the same measures regardless of the origin of the individual being checked. The same principle holds in the case of those individuals that are subjected to pre-trial detention or pre-repatriation detention. In both cases, the treatment protocols have undergone a measurable deterioration. Moreover, reports pointing to patterns of arbitrary detention

emerged from the different EU Member States, as the following three examples show. In mainland France, the organization *La Cimade* noted that, since 2 October 2017, instances of judges overturning immigration detention decisions have increased to 41%—compared to 30% in 2016. The French Public Defender of Rights also criticized the greater use of administrative detention in cases of families with children in an irregular situation. In Spain, the authorities started to hold migrants in facilities other than formal immigration detention centres (FRA, 2018, p. 138).

To the effect that migrant policies do not undermine the fundamental rights entrenched in national constitutions, counterarguments do not hold up when practices and de facto situations are carefully taken into consideration. According to key institutional actors, such as prefects in France and Italy, preventive measures go hand in hand with stricter implementation policies, which are mirrored in comprehensive behavioural patterns, notably in detention institutions. Explaining factors are informal and organizational. Legal provisions ensuring the protection of human dignity are entrenched in the constitutional frameworks of the six democracies considered here. Besides, the introduction of strict controls and limitations for those individuals who are hosted or seized in hotspots or detention structures also entailed spill-over effects into the overall quality of living conditions and the professional attitude of the officers serving in these structures.

A concomitant phenomenon to the one described above is the deterioration of living conditions in prisons. According to penal statistics published by the Council of Europe, all European detention structures are close to the upper ceiling of their holding capacity. The incarceration rate is mainly influenced by the length of the sanctions and the type of punishment. It has been growing, with more intensity in Central and Eastern European countries. Overcrowding remains a severe problem for several members of the Council of Europe. Of the six democracies observed in our analysis, it seems to be particularly acute in Italy and France: Italy with 109 prisoners against 100 places available and France with 117 against 100 places available seem to represent the worst cases in the sample of our research. This trend has been strengthening since 2009, despite policies adopted to keep overcrowding under strict control. In 2013 Italy adopted a probation measure aimed at reducing the number of inmates in prison for less serious crimes. In 2009 France adopted new legislation for reoffending, whereas Italy reformed the maximum-security norm. The same pattern, namely more severe measures for serious crimes and probation for minor crimes and juvenile justice policies, is discernible all over Europe. This follows a dual logic of action. On the one hand, prisons are overcrowded, and the detention rate turns out to be unsustainable in the long term; on the other hand, the more value-oriented approach, which reassesses the impact of detention upon the quality of the post-detention lives of inmates, offers compelling reasons to opt for probation and works by engaging in social interaction instead of detention.

As for the quality of life in prison—that is, an indicator that relates directly to respect for the dignity of those people whose freedom has been deeply affected by authoritative public acts (such as the criminal penalty executive order)—the Council of Europe estimates that ‘European prisons are on average close to full capacity’. This is partly due to the increasing incarceration rate, which rose from 115.7 to 117.1 inmates per 100,000 inhabitants from 2015 to 2016. This rate had previously fallen every year since 2012 when it was at 125.6 prisoners per 100,000 inhabitants. Despite the measures taken by several countries to expand the scope of probation, the average length of detention rose slightly to 8.5 months. According to the 2016 SPACE I report, the number of square metres per prisoner stood at 7.8 in France, 9 in Italy, 9.9 in Spain, and 3 in Poland.² This has seen a deterioration in Italy since 2015, with minor improvement. It was brought about by the measures adopted by the government to reduce the number of crimes subject to the detention penalty.³ Detention institutions have been under the spotlight also because of the treatment given to people in pre-trial detention. In 2017 Italy and France were condemned by the ECtHR for violation of the right to be protected from any form of inhuman treatment. Both cases related to pretrial detention treatments. Poland has been condemned for four cases brought before the court.⁴ In 2018 the French government was charged before the Constitutional Court for violation of individual freedoms regarding the actions of police officers enforcing the administrative executive order in the context of the 1 May protest.

Overall, from 1990 to 2018, the trends displayed by the analysed countries in terms of violence perpetrated by public officers (police in particular) show two turning points. Until 2001 we observe a significant improvement, with the creation of new institutions or the decision to strengthen existing ones which have, among their tasks, responsibility for monitoring and assessing respect for human rights. Later, especially in the years 2004/2007, the index used by Amnesty International signals a deterioration in the level of State violence, which became more severe in 2015–17 (Gibney et al., 2015; Amnesty International, 2017).⁵ Therefore, beyond the specific trajectories displayed by the domestic systems considered about the six biggest European democracies, the variation that the analysis detects regarding 2015 and later seems significant. Since this year, our

² <http://wp.unil.ch/space/files/2018/03/SPACE-I-2016-Final-Report-180315.pdf>

³ http://wp.unil.ch/space/files/2011/02/Council-of-Europe_SPACE-I-2000-E.pdf

⁴ https://www.echr.coe.int/Documents/Stats_violation_1959_2017_ENG.pdf

⁵ Some scholars enter into a ranking exercise based on the data we refer to in our analysis. See, e.g., Tebaldi, 2017, p. 198. We intentionally avoid this approach since the specific context of the countries is disregarded by ranking them. In the case of Spain, for instance, which comes first in the ranking of the countries, we need to consider the interaction with the ETA phenomenon. At the same time, in Germany, which ranks last (and therefore scores as one of the best countries) we need to consider that domestic terrorism has not been experienced over the two decades we analyse. Overall, ranking is based on a comparison that ignores historical factors which should rather be considered to achieve a better explanation of the cases.

countries experienced a change in the intensity and the scope of transformations. Ultimately, these transformations are mirrored by the statutory laws passed and entered into force over the last five years (2015–20) where the prerogatives of the police and the officers operating in the security sectors have been strengthened and expanded. This process has gone so far as to touch the provisions regulating the authorization for public events (Stirn, 2019).

In the case of Poland, a more specific and detailed description of the changes undergone by the state of the matter in the field of personal dignity protection must be provided. As clearly outlined in the next section, the potential deterioration of the personal dignity does not only stem specifically from the reduction of the statutory provisions and the institutions entrusted with the responsibility of implementing the norms that Poland incorporates, together with all other countries that are members of the Council of Europe—via the European Convention for Human Rights and Fundamental Freedoms—and the European Union. A further source of personal dignity erosion comes from the weakening and hollowing processes undergone by the institutions holding the prerogative of enforcing the rule of law and sanctioning the violations of the rights entrenched into the European legal order (Sadurski, 2019, p. 156).

3.3 Civil Rights: A Portrait in ‘Chiaroscuro’

Civil rights protection also underwent a significant transformation. Figures 3.2 and 3.3 show the trends displayed by the freedom of domestic mobility and foreign mobility. Two points deserve specific attention for our purposes. Domestic

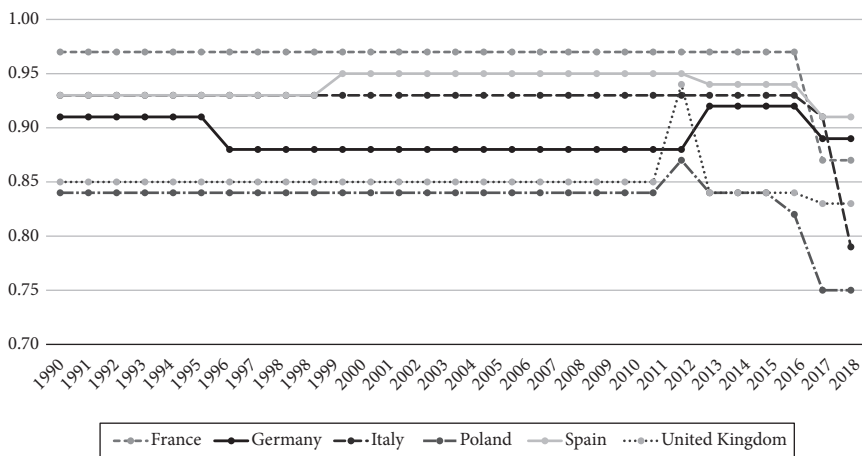


Figure 3.2 Freedom of domestic mobility (1990–2018)

Source: Varieties of Democracy dataset, 1990–2018.

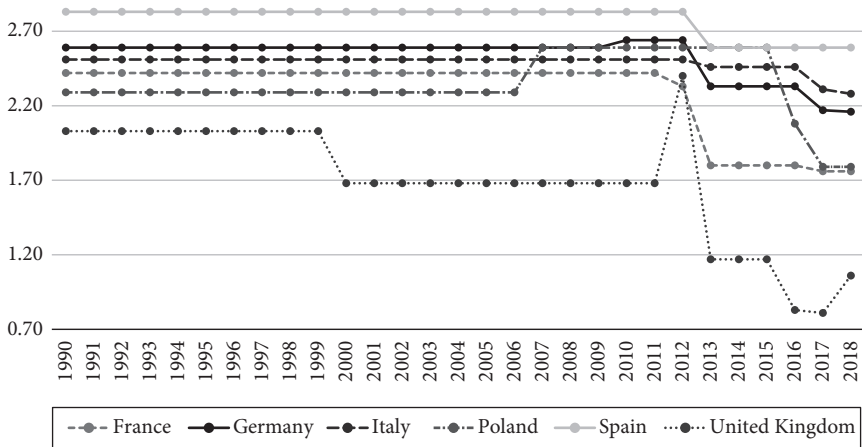


Figure 3.3 Freedom of foreign mobility (1990–2018)

Source: Varieties of Democracy dataset, 1990–2018.

movement is less affected than foreign movement. This relates to the strategy adopted at the European level to put on hold the Schengen provisions ensuring free movement across national borders within the European area, whereas within national territories guarantees of physical movement remain almost unchanged. On the other hand, Poland is the country where freedoms of movement protection have suffered the most due to the recent changes in the constitutional framework.

This notwithstanding, economic mobility increased from 2009. According to the European Annual report (2017, p. 12): ‘While the UK hosts the largest number of EU-28 movers who arrived during the past ten years (1.8 million recent movers), Germany has gained considerable importance as a destination country during the past years... annual inflows of EU citizens into Germany increased by over 250% between 2009 and 2015, while in the UK they increased by 60% (similar to the EU-level increase) [...] Spain and Italy are still the most important destination countries after Germany and the UK but have not regained their attractiveness from before the crisis. Inflows to both countries were still lower than in 2009, particularly in Italy where inflows were only half the size than in 2009. Spain seems to be slowly recovering, with inflows increasing compared to 2014, but inflows to Italy still decreased.’ Besides, from a more general point of view, the restrictions to the freedoms enjoyed by non-EU citizens are at the origin of spill-over effects in the reshaping of domestic legislation, notably the one which applies to the responsibilities and prerogatives of the customs authorities.

Even though foreigners enjoy less freedom of movement than national citizens, in the last two years all the countries—and Poland with even more prominence—experienced a restriction of the freedoms of mobility through the introduction of

a wide range of administrative measures to prevent terrorism and of judicial prerogatives to sharpen the investigating capacity of the prosecutorial authorities. This has assumed a more prominent magnitude in France and the UK (Piana and Molinié, 2018) whereas it has been less stressed in Spain. As we will see in section 3.5, Poland followed a different path, which is effectively singled out by Sadurski (2019, p. 158): the Police Act [amended in 2016] ‘gives the police and its agencies access to internet data, including the content of communications, under court orders (for up to three months, but without a requirement of necessity or proportionality), or to metadata without the need for court orders’.

Civil rights entrenched into the procedural and penal codes have a positive trend in terms of both the time frame and mechanisms to access the justice system. The length of proceedings has been reduced, under pressure from the peer review of the *Commission Européenne pour l’Efficience des Systèmes Judiciaires* (CEPEJ) and the EU DG Justice, with the increasing awareness of the negative impact that a lack of efficiency in the judicial sector has upon the economic development of the country (OECD, 2015, 2017).

For access to the justice system, the period 2007–18 was profoundly marked by two concomitant and mutually reinforcing trends. On the one hand, national governments promoted several policies to multiply the services offered to the litigants. Even more critical, they committed to reduce the scope of the judicial mechanism of dispute settlement in favour of a non-judicial mechanism, notably the alternative dispute resolution mechanisms (ADR), in those sectors that relate to family law, commercial law (small claims), and property rights (small claims). On the other hand, in Italy and Spain, the revision of the judicial map reduced the number of courts. In the UK access to justice has been strengthened through extensive use of digital tools, whereas in France and, to a lesser extent, in Germany, the courts adopted a wide range of organizational solutions to lower practical or physical barriers undermining equal access to courthouses. The enforcement procedure remains problematic in Italy and Spain. After the judicial decision, the length of the enforcement of the executive order issued by the judge goes beyond thirty days and, in particularly complex cases, even three months.⁶

The measures regarding the scope and the effective enforcement of the right to a fair trial are, in some cases, related to anti-terrorism legislation. This is particularly evident in the case of France. The shift from the *Etat d’urgence* toward ‘normalized’ legislation to fight against terrorism and organized crime in France represented the most extreme case within the scope of the democratic rule of law

⁶ In this analysis, we do not consider as an indicator of freedoms violation the number of cases that have been pursued before the European Court for Human Rights, sitting in Strasbourg. As other scholars have shown, this indicator comes short into casting light on the phenomenon it is supposed and often is expected to measure. Violations that can happen in the countries may be not pursued before the ECHR for several reasons, and the timing of the ECHR in meeting the demand of justice (with specific reference to art 5 and 6) does not offer a diachronic view of the violations themselves.

(not without criticism, however). In France, new legislation concerning specific categories of prisoners, especially those convicted for offences relating to terrorist activity, was adopted in 2016, reinforcing the fight against organized crime, terrorism, and their financing, and improving the efficiency and safeguarding of criminal proceedings. A further legislative intervention created a new article 706-24-4 within the Code of Criminal Procedure, stating the length of remand detention for minors between sixteen and eighteen years old: (a) two years for the investigation of the offence of criminal conspiracy in connection with a terrorist organization; and (b) three years for the investigation of terrorist crimes of wilful attacks on life, the integrity of persons, kidnapping and sequestration, embezzlement of means of transportation, management of a criminal association and criminal association aggravated. In Italy, there was a new piece of legislation concerning specific categories of prisoners, as on 21 February 2016 the temporary provision provided for by the Law by Decree of 23 December 2013, which lasted two years, ended. This had been converted into law with modifications by Law n° 10 of 21 February 2014, which provided for 'Special early release' (that is, a reduction of seventy-five days for every single semester of sentence served, instead of the forty-five days generally provided for by the Penitentiary Act). The ending of this provision entailed—and continues to entail—an increase in the total number of prisoners.

According to international watchdogs—notably Human Rights Watch—and NGOs operating in the countries considered here, the upsurge of xenophobic attitudes, reflected by an increasing consensus for far-right parties, is a compelling reason to worry about the state of affairs regarding the protection of the freedom of religion. Several examples can substantiate the quantitative evidence. In France, the suspicion of religious activism has led to a troubling attitude of repression towards minority religious groups. 'Sect' members face discrimination. Muslims, Sikhs, and Jews are not allowed to wear religious head coverings in public schools, and the government's attitude has contributed to social violence directed at several minority religions. In early March 2004, the French legislature passed a controversial bill banning certain forms of religious attire in state schools. In line with recommendations made by a committee set up by President Jacques Chirac (2003), the law prohibits Muslim headscarves, Jewish skull caps, large Christian crosses, and other conspicuous religious ornamentation. The ban could apply to beards and bandanas considered religious. The measure has been widely criticized by Muslim, Jewish, and Catholic leaders both in France and internationally. While the bill enjoyed extensive support amongst the general population, thousands of people protested in Paris and other cities following its approval. Furthermore, new legislation was put forward in 2018 that would ban the wearing of headscarves in public. Muslim, Jewish, and Christian leaders have spoken out against the proposed legislation, and the Council of State, the country's highest administrative body, has twice issued advisory opinions about the

legality of the legislation. Public debate on this issue had been exacerbated some years earlier, in 2009, when President Sarkozy said that burqas were ‘not welcome on French soil’. In 1996, a Parliamentary Commission on Sects, charged with assessing potential dangers to French society posed by religious sects outside of the mainstream, issued a report identifying 172 groups as sects. This report was followed by a negative article in *Le Monde* declaring that ‘something must be done about sects’. Measures have been taken by the French government to curb religious discrimination in the police force and local governments. In 2009 the National Consultative Commission on Human Rights released a report listing several new anti-discriminatory initiatives the government had taken. These included mandatory training courses for police officers of a certain rank.

In Germany, the Unification Church has also been singled out by the German government for discriminatory treatment. Furthermore, a law entered into force in 2016, preventing groups with an Islamic affiliation from gathering in public spaces without severe preventive checks and strict police control in the event of authorization being issued by the local authorities. In Italy, the 2005 Anti-Terrorism Decree, and a similar anti-terrorism law passed back in 1975, make it illegal for people to hide their identity in public. In 2010 the city of Novara interpreted these laws to make it illegal for people to cover their faces with anything, including burqas, in public areas near government property. The Italian Senate is currently (2020) considering a bill to make ‘mental manipulation’ by new religious movements a crime punishable by a two to a six-year term. According to this bill: ‘Unless the action constitutes a more serious crime, anyone who, through personality conditioning techniques or other forms of suggestion practised through psychological or material means, puts someone in a continuous state of subjugation that would prevent or greatly restrict the freedom of self-determination, shall be punished by imprisonment from two to six years.’

The Spanish government followed a different path. Steps have been taken to integrate non-Catholic religious groups through the Foundation for Pluralism and Coexistence. The foundation provides funds to minority and religious groups to promote religious freedom and dialogue. The funds are used for cultural, educational, and social integration programmes (not religious activities). In 2004 the government approved legislation that mandates funding for teachers for Catholic, Islamic, Protestant, and Judaic instruction in public schools when at least 10 students request them. The courses are not mandatory, but those who choose not to take the instructional courses are obliged to take an alternative course covering general social, cultural, and religious themes. The government does provide taxpayers with the option of allocating a percentage of their income tax to the Catholic Church. This financing is also available for nongovernmental organizations (NGOs) but not for other religious entities. While there are no legal restrictions, some Muslim and non-Catholic Christian groups claimed that restrictions and policies at the local level inhibit them from assembling to practice their

beliefs. In 2010, four cities in the Catalonia region banned the burqa, niqab or any type of garment or article that would fully cover a person's face in municipal buildings. The Popular Party (PP), then the country's largest opposition party, proposed to the Senate plenary session a nationwide ban on burqas in all public areas. However, this measure was defeated in July 2010.

The last component of civil rights that needs to be considered here covers so-called economic freedoms. This is a central notion in the liberal theory of democracy. And it is also relevant for the constitutional theory of the rule of law. Property rights are deemed to be the entitlements an individual should be left free to decide upon, exchange, use, and enjoy under the conditions established by the law. Those conditions should eventually play the role of an impersonal and non-intrusive boundary, demarcating the private sphere to which individual decisions about property rights and private economic goods belong. In contrast, in the public sphere, the good that should be protected is the fairness and clarity of the system of rules. Therefore, the economic freedom that we are going to assess in this chapter does not refer to limits set on economic freedom in terms of taxation. This would oversimplify our vision and our assessment and would not respond to the different models of democracy that citizens are ready to endorse in different EU countries (Kriesi, 2015; Morlino, 2011; and Chapter 1).

According to the Heritage Foundation Economic Freedom Index, whose main goal is portraying the capacity of countries to perform as a free market thanks to the degree of economic freedom citizens and companies enjoy, the six analysed democracies show a different performance (see Figure 3.4). The UK scores high—the highest among the six—and performed worse in 2018 than in the previous years, though it remains among the top ten in the world. Poland features an

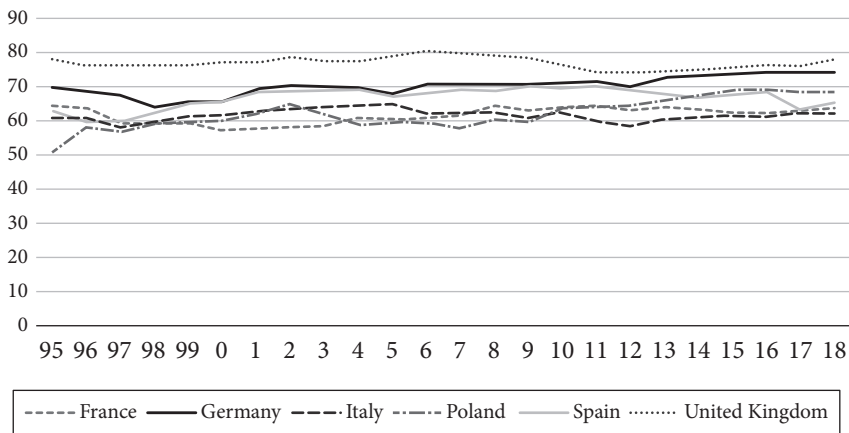


Figure 3.4 Economic Freedom Index (1996–2018)

Source: Heritage Foundation, Economic Freedom Index.

increasing trend towards liberalizing individual economic behaviours, with a jump from 50 to 68.5 (in line with the market-oriented policies adopted by the country's governments since the late 1990s). France belongs to the moderately free countries, shifting slightly from 64.4 to 63.9, right at the onset of the economic crisis. Germany improved from moderately free to mostly free (69.8 to 74.2 in 2018). Spain experienced a minor improvement within the class of moderately free countries. In Italy, the trend for the protection of economic freedoms developed very poorly, touching its lowest point in the mostly unfree class in 1997 and 2012, in correspondence to a few policies tackling the economic crisis.

If we unpack the index and focus on the two key indicators—property rights and business freedom—we notice that the burden of shifting up or down the overall economic index is on them. In Italy, for instance, both—and especially property rights—registered a considerable contraction in 2006/2007, but rose again in 2017; in Poland they increased after 2010; in Spain, economic freedom does not feature a significant change in the two decades, though business freedom fell in correspondence to the boost of the first wave of austerity policies (Morlino and Raniolo, 2017) (see Figure 3.4). Unpacked macro index analysis provides an insight into the actual freedom enjoyed by citizens to trade their entitlements and to exchange goods and services in the market. Despite a definite improvement—long terms trend—since the mid-1990s during the last five years and more consistently over the last two years the state of the matter of the six democracies in terms of business freedom features a negative trend: from 94 to 92 in the UK, from 89 to 83 in Germany, from 87 to 81 in France, from 81 to 66 in Spain, from 88 to 71 in Italy, and from 70 to 65 in Poland. In Chapter 6, we try to understand that trend, but across the biggest democracies in the European Union, it reveals that economic freedom and an essential component of this, business freedom, were decreasing.

Let us now consider economic freedom in terms of the capacity of individuals to plan their decisions and to rely on a predictable set of rules. As argued in other contexts (Piana, 2015, 2017), uncertainty is more detrimental to freedom than some specific arrangement of the market/State balance or model of governance a society may be inclined to adopt. From this point of view, the right of undertaking an economic activity, as an investment or a transaction, features a different trend in the countries we are focusing on here. According to the Doing Business reports, published yearly, the average time frame to enforce contracts shifted in France from 390 in 2004 to 395 in 2018; in Germany from 403 in 2004 to 499 in 2018; in Italy it was 1390 in 2004 and regularly decreased down to 1120 in 2018; in Poland it went down from 1000 to 685; in Spain it remained roughly the same (510 days); and in the UK from 404 to 437. Property registration has been speeded up in France, from 41 to 3.5 days; in Germany from 22 to 10.5 days; in Italy from 23 to 6.5; in Spain from 138 to 13 days; in the UK very minimally from 6 to 4; and in Poland from 63 to 37 days. This positive trend should be interpreted against

the backdrop of the massive investment made by all governments on digital procedures to file the documents requested to start a business as well as to the simplification agendas that have been promoted by the European Commission in the field of public procurement and market regulation (Radaelli, 2015).

Besides, the indicator of insolvency resolution also provides useful insights into the evolution of economic freedoms. The time frame and the costs of resolving insolvency did not change in the six countries. The rate of recovery after an episode of insolvency improved to a particularly significant degree in Italy, France, and Poland, even though the Italian case ranks much lower (64.6%) than other countries, such as Germany (80.6%) and the UK (85.2). Finally, to register a property a French citizen now spends half the number of days than she was requested to spend in 2004, an Italian citizen two-thirds of the days requested before the crisis, a British citizen half of the days that she needed to spend before the crisis, whereas in Germany and Spain we do not observe any significant change. Despite these positive trends, the Annual Report on Economic Freedom published by the Fraser Institute highlights an increasing number of regulative constraints on property sales in France (the number doubled between 2004 and 2017), in Italy from 7.3 to 8.6 on a scale of 1–10, in Poland, from 4.5 to 9.2, slightly decreased in Germany, basically stable in the UK and Spain. So, to conclude, it seems that despite the increase of efficiency, the freedom to decide upon one's entitlement did not change accordingly. The public administration might be less burdensome, but citizens experience constraints and limitations that do not stem from a lack of administrative capacity, but rather from the number of regulative actions that exist.

Overall, between 1990 and 2018 civil rights saw minor changes, which unfolded at a different pace and in a different direction. For different reasons in the countries analysed (see also Chapter 4), there was a revival of normative production in civil rights and, more specifically, of functional and organizational protections. This statement holds for civil rights, economic freedoms included. Especially in the case of economic freedoms, the worst moment of the crisis had passed over, and a slow reduction of the economic recession was on the way after 2015. Figure 3.5 provides a general picture of the trend by complementing the right of association with the right of expression in the six countries. The figure shows that in some countries after the economic crisis, that is, already since 2011 there are relevant negative changes. That shrinking of rights affects Poland in a dramatic way (see section 3.5), but also can be seen in all other countries we consider.

3.4 Political Rights: More Public Spaces, Fewer Freedoms?

If civil rights display, on the whole, a tension between efficiency and freedom, political rights have been transformed in a different and no less counterintuitive

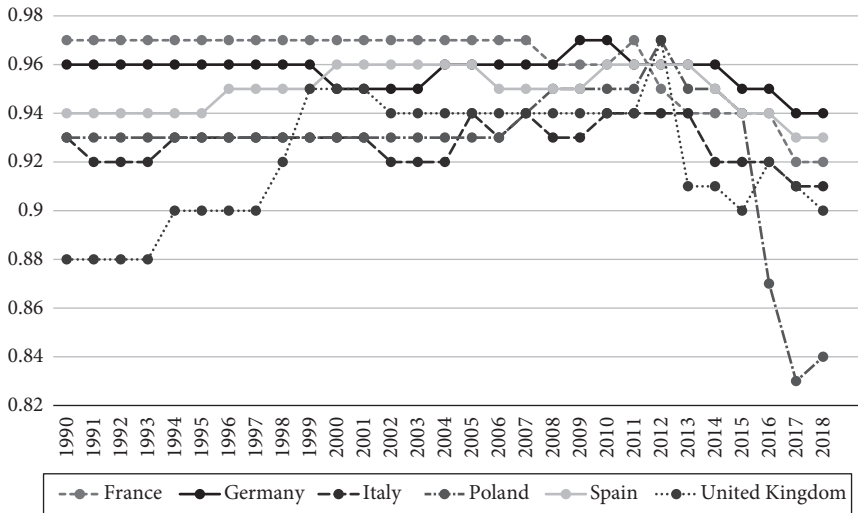


Figure 3.5 Civil Liberties Index (1996–2018)

Source: Varieties of Democracy dataset 1990–2018.

manner. Freedoms relating to the organization of public events, manifestations, and protests in public spaces have been rebalanced by the recent regulations adopted by national governments to ensure public order and civilian safety after the terrorist attacks in France, Spain, and Germany in 2015–17. The new regulative acts concerning public order have strengthened the monitoring capacity of surveillance devices, the scope of action of the investigative services, and the constraints set up to impede the escalation of disorders in crowded spaces, such as stadiums, squares, and others. This securitization has also affected the prerogatives of local authorities and government representatives (such as prefects in France, Spain, and Italy).

If we stick to common sense, the last twenty years have witnessed an increase in the spaces and possibilities offered to citizens to exercise their political rights. Of course, no one expects that traditional rights closely connected with the core business of liberal democracy—such as the right to vote,⁷ and the classic civil rights that are mostly politically relevant, such as the right to express dissent, the right to create associations and to voice opinions in public, the right to

⁷ In our countries there is no basic change in this right except in the Italian case. The crux of the matter is to have an enhanced vote or not, that is, the possibility of choosing the parliamentarian and, at the same time, indirectly the government. This is the case of France, Poland, the United Kingdom, and basically of Spain because the Spanish proportional electoral law (PR) has a high effective threshold in the translation of vote into seats. This limits the extent of proportionality so that its effective working is not too different from that of a majoritarian system. The changes of electoral laws in Italy toward a mix system basically provided this enhanced vote between 1993 and 2005 (but especially since 2001) and since 2005 through 2016.

information, and the freedom of press—to be challenged, still less undermined in the age of the Internet. For several reasons, among which we should not downplay the importance of the experiences of ‘deliberative’ or ‘participative’ democracy opened up by technological innovations and social networks driven mobilization (Papadopoulos, 2016), a common-sense view of one of the foundational aspects of political rights, freedom of expression and association, suggests we can be positive about the impact of the Internet. However, the situation we can depict in 2018–19, based on the empirical evidence we have at our disposal regarding the transformations experienced by the traditional building blocks of political rights, demands a more nuanced and less optimistic view.

A first quantitative assessment is made possible by the Varieties of Democracy dataset. Between 1990 and 2018 the six biggest European democracies suffered a contraction in freedom of association, especially in those types of association that refer directly to a religious group or a religious affiliation (see Figure 3.6). In France, a similar legislative response received the support of most of the elite, who agreed on the urgent need to prevent the risk of an escalation of the conflict. In Italy, public events can obtain administrative authorization only if they comply with a few strict conditions, most of which relate to new public order and collective security provisions (Gabrielli ministerial decree, 2017).

As for the freedom of press, the annual reports published by Freedom House show a fall in the rankings by all the countries considered here: France moved from 21 to 26; Germany from 16 to 20; Italy from 29 to 31; Spain from 22 to 28; the UK from 19 to 25; and Poland from 22 to 34. In some cases, the limited availability of alternative sources of information, which is an indicator of plural and

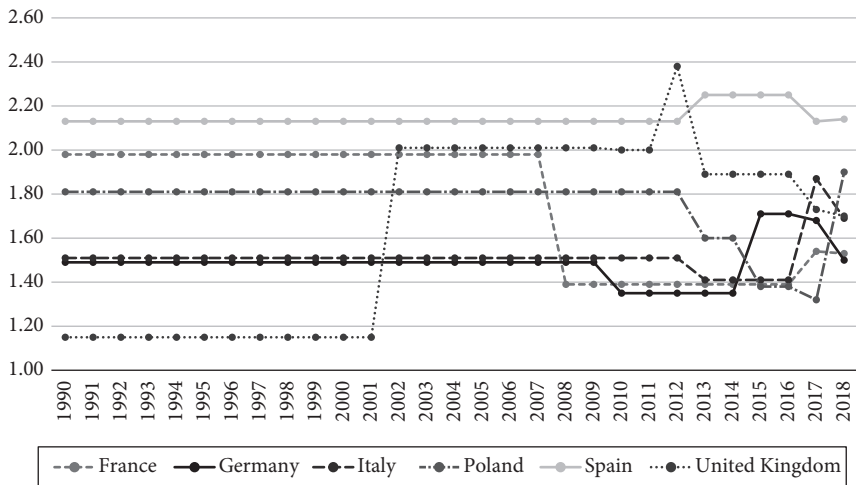


Figure 3.6 Religious organization repression (1990–2018)

Source: Varieties of Democracy dataset, 1990–2018.

open media sector, reveal the process of a hollowing out of the formal provision in principle ensuring the freedom of the press and the freedom of access to information. In contrast, the evidence shows that citizens have been accessing alternative sources of information to a decreasing degree, especially over the 2015-18 years. In this context, we are facing a paradox. In the digital age, after two decades—and in some countries, such as the UK, even more—of dematerialization, digitalization of the public sector and the concomitant extension of the opportunities offered to citizens to get free access to information, national governments moved in the opposite direction.⁸ They have been strengthening the control exercised over information and the use of new virtual spaces to share, exchange, and exploit information. The set of legislative measures introduced turns out to be complicated and is not openly defensive of freedom of information (Council of Europe, 2017).

The most critical aspect of political rights is, however, represented by the right to citizenship. The waves of migration and the rise of international terrorism exacerbated defensive attitudes, the latter consequently becoming a fertile breeding ground for illiberal or xenophobic opposition to the extension of the rights to political participation and citizenship for people of foreign origin. In France, naturalized status is granted only to those who are judged to have integrated into French society (i.e. by language skills and understanding of the rights and responsibilities of a French citizen, to be demonstrated during an interview at the local prefecture), and who show loyalty to French institutions.

German citizenship is based primarily on the principle of *ius sanguinis*. In other words, one usually acquires German citizenship if a parent is a German citizen, irrespective of place of birth. Significant reform to the nationality law was passed by the Bundestag (the German parliament) in 1999 and came into force on 1 January 2000. The new law makes it somewhat easier for foreigners who are resident in Germany on a long-term basis, and especially their German-born children, to acquire German citizenship. An individual who is ordinarily resident outside may be naturalized as a German citizen if he/she can demonstrate enough ties with Germany to justify his/her naturalization.

In Spain, nationals of Ibero-America, Andorra, the Philippines, Equatorial Guinea, and Portugal must be natural-born citizens of their respective countries. In other words, individuals who acquire the nationality of one of these countries by naturalization would still have to live ten years in Spain before applying for nationality by residence. In 2012, the Government of Spain approved a measure allowing Sephardi Jews to obtain Spanish nationality automatically by naturalization, bypassing the residency requirement explained above. Applicants must

⁸ Our analysis does not cover the new wave of rights that have been debated and defined concerning the Internet, notably the right to oblivion. On this see, for instance, Dermott (2017) and Leask (2019).

provide certification from the Federation of Jewish Communities of Spain to accredit that she or he is Sephardi.

Naturalization as a British citizen is at the discretion of the Home Secretary, who may grant British citizenship to anyone they ‘think fit’. Although the Home Office sets out official requirements for naturalization, they may waive any of them or may refuse citizenship to a person, even if they meet all the requirements. However, applications for naturalization are normally granted if the requirements are met. The requirements for naturalization as a British citizen depend on whether one is the spouse or civil partner of a British citizen. Overall, some discretionary room for manoeuvre is left to executive authorities to decide whether to grant citizenship status through naturalization. This has even found its way onto the agenda of judicial institutions, especially supreme courts. They had to deal with specific cases of naturalization being refused on the grounds of ‘not complete adherence to the values of the State’.

Disentangling the time frame through which political rights variations are detected and depicted seems to be crucial. If we go back to the empirical evidence presented in the tables and figures, for those rights directly related to citizenship, as naturalization, authorization to enter a country and to benefit from its goods, services and rights, the years after 2015 have been deeply marked by the experiences of anti-terrorism legislation and the harshening of the barriers raised by the country authorities to the reproduction of the daily habits of groups from abroad. Even more prominently, the wave of new technology that impacted European economic, social, and political systems called for a new wave of legislation aimed at strengthening privacy protection, but also public control of the Internet. We will presumably appreciate the consequences of this tension with the insights of the coming years. In this vein, the warning statement of the Freedom House heading the Freedom on the Net report of 2019, wraps up in few words the reasoning unfolded in this chapter: ‘what was once a liberating technology has become a conduit for surveillance and electoral manipulation.’⁹

3.5 Subverting Freedoms: An Excursus on Poland

To sum up, the reasons for the changes in individual freedoms in the countries considered in our analysis lies in the interplay between efficiency, transparency, and security. Each country has pursued a specific path to combine these three goals, except for Poland, where the constitutional harbours of liberal democracy have been challenged and subverted. In short, first, in July 2017 the European Commission recalled Article 7.1 of the Treaty on European Union concerning the

⁹ <https://freedomhouse.org/>

new retirement provisions constituting a threat to the independence of the judiciary. The case was then referred to the CJEU in December 2017. This conflict went on until 2 July 2018 when an infringement procedure was initiated by the European Commission to protect the independence of the Polish Supreme Court, because of a systemic threat to the rule of law in Poland. In September the case was referred to the European Court of Justice (CJEU), which in December 2018 issued a final order imposing interim measures to stop the implementation of the Polish law on the Supreme Court. As reported by the international press, ‘the process is not formulaic. Two-and-a-half years have passed since the European Commission launched a probe into the rule of law in Poland. Last December, it triggered Article 7, citing a “clear risk of a serious breach of the rule of law” in Poland’ (The Economist, 2018).¹⁰ On 3 April 2019 the Commission launched a new infringement procedure ‘to protect judges in Poland from political control’, giving the Polish government two months to respond. In this conflict there were other occasions of clashing and at least other two rulings by the CJEU. Thus, the Polish case represents a radical, unexpected and dramatically insightful experience of the subversion of freedoms.

Consequently, as also seen in the figures above, the Polish case is marked by the recent dramatic worsening of the freedoms scores, especially for the indicators of the freedom of the press, freedom of association, civil freedoms, and freedoms of mobility. The manipulation of democratically designed and functioning institutional tools perpetrated by the Polish governing elite since 2017 hit the scope and the solidity of the individual rights’ protection, both in terms of formal provisions and substantial actions to put these provisions into motion.

Several reasons can explain the light cast upon Poland over the last twenty years, as the country experienced the transition to democracy, consolidated the institutions of the rule of law and thereby joined the European Union (Sroka, 2017; Sadurski, 2019). Scholars have long highlighted the front-running position of Poland in the path from a non-democratic regime to the democratic rule of law. Backed up by the long-standing tradition of constitutional theory and constitutional law (Wyrzykowski, 1998), Polish institutions moved ahead towards a setting where fundamental rights were articulated in a range of constitutional provisions to protect individual freedoms, even more promptly than for social rights and welfare provisions. If any meaning can be attached to such a simplified view, Poland embodied the more liberal and procedural model of democracy in the area, whereas Hungary, immediately after the democratic transition, took the path of strengthening equalities (van Hüllen and Börzel, 2013). In this respect, the role of the constitutional courts and other actors of the judicial branch has been repeatedly underlined. These are elements that relate to the institutional

¹⁰ <https://www.economist.com/the-economist-explains/2018/07/03/how-the-eu-is-fighting-to-protect-the-rule-of-law-in-poland>

legacy and offer good grounds to consider Poland as a cross-checking test against two recurrent hypotheses. The first one suggests that the economic crisis drives the crisis of democratic institutions. The second suggests that it is because of the weak embodiment of individual freedoms in the architecture of the State that the new EU Member States are taking the road towards the subversion of the democratic rule of law (see Sadurski 2019, chapter 7).

It is worth starting from the end of the story. As recalled above, on 3 April 2019, the European Commission referred to the Court of Justice of the European Union Poland to protect Polish judges from political interference. On 2 July 2018, the European Commission had already opened an infringement procedure against Poland for the approval of the statutory law addressing the institutional status and the appointment mechanism of the Supreme Court. There were also the subsequent dissenting statements adopted by judicial networks and consultative bodies operating within the umbrella of the Council of Europe—notably the Venice Commission—for the incremental and relentless attack perpetrated by the Polish incumbent elite against the independence of the judiciary and the procedural provisions protecting individual rights into the trials (especially in the criminal procedures).

There are several legislative interventions made between 2015 and 2018 and impinging upon four types of freedoms, i.e. freedom of the press, freedom of association, freedom before the judiciary, and individual dignity. These two last components of the liberal freedoms are directly related to the governance of the court system. The judicial reforms were initiated in December 2015 with the new law on the functioning of the Constitutional Tribunal. The judicial appointment mechanism has been radically transformed to ensure that judges serving at the constitutional tribunal are not strong enough to hold the other branches of the State accountable and answerable to the principle of the rule of law (Sheppele, 2017). As also recalled by Grzeszczak and Karolewski (2018): ‘one of the more controversial aspects of the law was the decreasing of the mandatory retirement age for the Supreme Court judges from 70 to 65 years (and for the female judges to 60 years) effective on July 4, 2018’.

In the report adopted by the International Human Rights Watch, the erosion of individual freedoms, resulting from the legislative measures adopted in the field of the freedom of press, association, and speech, is also highlighted with alarm. Dissent has been restricted in terms both of space and means. The report points to the impact of freedoms restriction in seven fields. They are interference with the independence of the judiciary and the administration of justice; dismantling of all guarantees of freedom of speech and freedom of expression; counterterrorism measures that weaken fundamental rights and due process and unlawfully target Muslims and foreigners; restrictions on women’s reproductive rights; limitations on the right to free assembly; interference with civil society and freedom of association; and violations of the rights of asylum seekers.

According to the Venice Commission, as reported by the Human Rights Watch in 2017:

The PiS government has jeopardized the independence of the judiciary and the administration of justice by introducing legislative changes that seek to give the executive control over the hiring and dismissal of judges at all court levels and would effectively remove some sitting judges from their positions. The government has impeded the functioning of the Constitutional Tribunal, responsible for reviewing the compliance of laws with the constitution including fundamental rights guaranteed therein, by refusing to implement several of its judgments since November 2015, and further politicized appointments to the tribunal by failing to recognize duly appointed judges to the Tribunal while appointing its preferred candidates instead.

If combined, these measures have undermined the independence of the Constitutional Tribunal, which is an important check on abuse of power by the government and critical to the protection of democratic institutions and human rights.¹¹

The government also introduced legislation that would allow the executive to remove all common court presidents, justifying this decision based on an ad hoc and still compelling narrative accusing chief justices of inefficiency and lack of professionalism (Sadurski, 2019, chapter 5). At the same time, the government sought to introduce legislation that would force judges to retire from the country's supreme court, unless the executive approved for them to continue in office. President Andrzej Duda vetoed this statutory law. The veto proved to be an act of weakness or tactic. Some weeks later, the government made a new proposal that still allowed the forced retirement of approximately 40 per cent of the supreme court's judges. The government also adopted amendments to the Act on the National Judicial Council, the body responsible for overseeing courts and appointing judges, that would allow the legislature, rather than fellow judges, to appoint the judicial representatives to the Council. Second, legislative changes introduced by the ruling PiS party have also curtailed media freedom. New media laws, among other things, allowed PiS to replace the management of public service media, and establish a new media regulator called the National Media Council with politically appointed council members.

The government has introduced counterterrorism provisions that put human rights at risk. These measures grant extraordinary surveillance powers to the Internal Security Agency (ISA) without effective judicial review, allowing the ISA

¹¹ <https://www.hrw.org/report/2017/10/24/eroding-checks-and-balances/rule-law-and-human-rights-under-attack-poland>

to target foreign nationals in Poland for surveillance, and enable courts to authorize the detention of terrorism suspects for up to two weeks before being charged. They also enable authorities to block websites without prior judicial authorization and increase the number of exceptions under which improperly obtained evidence can be admitted at criminal trials.

Equally alarming, the government approved changes to the legislative procedure, enabling it to give priority to government-approved bills and ban counter-arguments or dissent addressing governmental legislative decisions. These measures are likely to limit future protests critical of the government. Legislative changes introduced or proposed by the government could hamper the work of civil society organizations. For example, the government is seeking to change the process whereby public funds are distributed to non-governmental organizations (NGOs) at the national level. If it succeeds, civil society organizations that challenge government policy could be denied government funding. Civil society organizations told Human Rights Watch in April 2019 that they had already experienced significant and unexplained delays in receiving agreed government funding. NGOs also fear that expanded surveillance and website-blocking powers could affect them. Finally, Polish border guards routinely deny people access to the asylum procedure at the Poland-Belarus border and instead summarily return them to Belarus, in violation of EU and international law. Authorities have ignored binding European Court of Human Rights' orders to halt summary returns of asylum seekers to Belarus. A proposed amendment to the asylum law would allow for the automatic detention of all asylum seekers in closed transit zones. The electoral turnout of the legislative elections held in October 2019 reaffirmed the on-going situation of threats and attacks toward the judiciary. Besides the legislative intervention on the retirement age of the magistrates—which touched since 2015 the judicial staff—and the disciplinary sanctions issued against judges and magistrates proving non-compliant attitudes toward the executives, it is now the turn of the relationship between ordinary judges and higher ranked justices, mostly appointed based on their political loyalty, to be in the focus of the rule of law subversion.

3.6 Initial Concluding Remarks

In this chapter we have analysed freedoms under three more specific classic categories—personal dignity, civil rights, and political rights—focusing on different sub-dimensions and indicators and tracing the related trends in the six countries. Overall, for personal dignity, when considering violence perpetrated by police, there is a significant improvement until the very beginning of the twenty-first century, with the strengthening of existing institutions and the creation of new

ones. Later, the index of Amnesty International displays growth of State violence, mainly in 2015–17.

As regards civil rights, national movement is less affected than foreign movement. Movement within the national territory remained unchanged over these years, while the Schengen provisions ensuring free movement across national borders within the European area were subjected to broad and intensive scrutiny. Especially in Poland, freedoms of movement protection have suffered the most from the recent change to some constitutional rules. Moreover, all countries—but especially France and the UK—saw restrictions on freedoms of mobility due to a set of administrative measures aimed at preventing terrorism. As for access to the justice system, all governments have made various efforts and introduced provisions to improve the situation, though some problematic issues remain, especially in Italy and Spain. The protection of the freedom of religion is stable, although as mentioned above there are several differences among the countries on how this right is effectively guaranteed, and the indicators on religious repression detect this (see Figure 3.6). Finally, we should highlight the constraints of economic freedom. Despite a more efficient public administration, citizens continue to experience limitations, basically due to the number of regulative actions that have to be performed. This is even stronger in terms of impact on the individual lives of citizens and companies when we consider more specifically a part of the economic freedom, notably business freedom.

As for political rights, we should first recall that the largest European democracies suffered a contraction in freedom of association, especially as regards religious associations and the expression of rituals, cults, habits and socio-cultural behaviours directly related to ethnicity, religion, and nationality. Second, the freedom of the press declined as well. The precise data we mentioned above leave no room for doubt, ironic as it is in a digital era. Even more tellingly, there has been a decline in citizens' access to alternative sources of information. Third, the right to citizenship was affected by the waves of migration and the rise of international terrorism. These phenomena brought about defensive reactions and paved the way for a broad and easily politicized opposition to the extension of the rights to political participation and citizenship for people with foreign origins.

Overall, during the years examined here, except for Poland and Italy on the freedom of the press, there would be no justification for serious concerns about the degree and the scope of freedoms enjoyed by citizens. However, the graphs in the previous sections testify to an evident decline in the level of freedoms' protection, especially after 2015. Thus, the data for the years 2016–18 show that something new and worrisome happened in all democracies, even those that are considered advanced and consolidated (see, e.g., Freedom House, 2018). This is especially so for the protection of individual freedoms, which have been affected by new legislation adopted in the countries in the field of anti-terrorism,

cyber-security, migration, and data protection. A range of normative and organizational tools was adopted to respond, albeit with a differing pace and intensity, to the challenges faced by domestic systems after the economic crisis. The combination of the two waves of reforms and policies has as yet remained mostly underexplored terrain. This trend does not feature any discontinuity or exception even in the specific case of the United Kingdom, where the Home Office Hostile Environment Policy, set up by Theresa May in 2012 in her capacity of Home Secretary, also testifies in terms of the reorganization of the public sector offices the above-mentioned trend.

Strong evidence for the overall worsening of freedoms, even though nuanced in some countries and for some specific aspects, as highlighted in the empirical analysis above, also emerges from the last World Justice Project report, which clusters eight synthetic indexes to detect the state of affairs regarding the way the rule of law is put into motion. Poland shows the most worrying deterioration, notably in terms of fundamental rights (the WJP index incorporates the indicators considered here, namely freedom from torture, freedom of movement, freedom of expression, access to information, and access to justice).¹² The magnitude of the contraction of freedoms that can be seen when looking in detail at the trends displayed by media self-censorship, an alternative source of information and freedom of religion is even more significant than the evidence provided by the V-Dem dataset.

If we try to provide a brief comparative overview of the state of affairs in terms of freedom protection for the six democracies from 1990 to 2018, there is no doubt that the most worrying picture is given by Poland, in terms of the decline of the indicators we selected, except for religious organization repression. There is a relative stability in all other cases with low and high. However, the key aspect to put at the core of our analysis is the timing when considering all the freedoms as we did in this chapter. Thus, coming back to the same main dimensions and indicators we examined above, the freedom from torture declines especially since 2010 in all countries, Germany and Italy included; the two freedoms of mobility (the domestic and the foreign ones) follow the same timing with Poland and the United Kingdom to be flagged; the civil liberties more complex index, which includes freedom of association and freedom of expression, has also been declining in the same years, and more dramatically since 2015, especially in Poland. As to the extent of repression of religious organization, it also shows an increasing

¹² The World Justice Project elaborates a Rule of Law Index encompassing different dimensions of the democratic rule of law. Some are specifically operationalized with indicators pointing to the state of the art of freedoms. In some crucial cases, these freedoms are the ones we consider in this chapter. The data set is available at <https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-rule-law-index-2017%E2%80%932018>.

trend especially since 2012 and more dramatically after 2015 in all countries, Italy excluded. The economic freedom index only with all details mentioned in the text (see above) seems relatively more stable. Consequently, in addition to explain the differences among the countries, the obvious question is understanding if that timing is the conjunctural convergence of different events in the different countries, a more long-term process reaching a tipping point, or both phenomena. In the next chapters, we will attempt to reply to this question by providing explanations for these differences together with the general trend (see the next chapter and Chapter 6).

Appendix

Table 3.A1 Overall Economic Freedom Index (1995–2018)

Co	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18
FR	64,4	63,7	59,1	58,9	59,1	57,4	58	58	59,2	60,9	60,5	61,1	62,1	64,7	63,3	64,2	64,6	63,2	64,1	63,5	62,5	62,3	63,3	63,9
G	69,8	69,1	67,5	64,3	65,6	65,7	69,5	70,4	69,7	69,5	68,1	70,8	70,8	70,6	70,5	71,1	71,8	71	72,8	73,4	73,8	74,4	73,8	74,2
I	61,2	60,8	58,1	59,1	61,6	61,9	63	63,6	64,3	64,2	64,9	62	62,8	62,6	61,4	62,2	60,3	58,8	60,6	60,9	61,7	61,2	62,5	62,5
PL	50,7	57,8	56,8	59,2	59,6	60	61,8	65	61,8	58,7	59,6	59,3	58,1	60,3	60,3	63,2	64,1	64,2	66	67	68,6	69,3	68,3	68,5
SP	62,8	59,6	59,6	62,6	65,1	65,9	68	68,8	68,8	68,9	67	68,2	69,2	69,1	70,1	69,6	70,2	69,1	68	67,2	67,6	68,5	63,6	65,1
UK	77,9	76,4	76,4	76,5	76,2	77,3	77,6	78,5	77,5	77,7	79,2	80,4	79,9	79,4	79	76,5	74,5	74,1	74,8	74,9	75,8	76,4	76,4	78

Source: Heritage Foundation, Economic Freedom Index.

4

Demand and Supply

Citizens and Leaders

Leonardo Morlino, Mario Quaranta, and Francesco Raniolo

4.1 The Next Step

The first chapter laid out the theoretical framework of the research by referring to the key concepts and goals. The subsequent two chapters analysed characteristics, dimensions, and trends in the implementation of the two democratic values, equality and freedom. What immediately emerged from the two empirical chapters are the difficulties of explaining the phenomenon. This is the real challenge. In doing this, we cannot forget that, in addition to the detected realities, in our analysis, the perceptions are also essential and, indeed, the perceptions can even shape reality. Thus, the next step is looking at those perceptions and related attitudes.

This brings to check, first, what are the levels of disaffection toward democracy, if citizens do cherish the two democratic values, and if they are relevant or very relevant to them also for their assessment of democracy.¹ In other words, we ought to know, first, in general, how disaffected the citizens are, and then if the quest to implement freedoms and higher equalities is something more than the abstract, utopian goal of a few philosophers, intellectuals, upper-class élites and radical chic dreamers. If there is a genuine and widespread demand for such freedoms and equalities among all social groups and citizens in a country, it makes more sense to try to single out explanations and related mechanisms in the implementation of those values. Moreover, even if the demand to implement those values does exist, be it weak or strong, it is crucial to check if the intermediary political actors, that is, party leaders with their militants and activists, respond to that demand by making commitments to implement them.

Consequently, relying on existing survey data and research into parties (see below for details), this chapter will check what the levels of disaffection are, 'what

¹ In a methodological perspective, we frame the explanatory factors by referring to the so-called *Coleman's Boat*. With this expression we mean the links between different levels of analysis (macro, see chapters 2 and 3; meso and micro, see chapters 4 and 5) and their interactions as a general model of social explanation. Besides, we will see how the implementation of this explanatory scheme will add a further role of meso factors (parties, movements, leaders). See also Chapter 6.

people want' about equality and freedom and 'what are the commitments' made by party leaders and parties on the two values. This is not yet an explanation of the modes and degrees of how the two values are implemented. However, it is a first necessary step to assess what we mentioned above, namely the salience of the perceptions and if the implementation of those values is not only the request of small elites, but it also is more widespread among the people. We will also do this by looking at the changes of attitudes over time and in the different countries, also in relation to the Great Recession.

4.2 Disaffected Democracies?

We start with the satisfaction that the public opinions of our six countries show for democracy. This is considered a classic indicator of widespread legitimacy or institutional loyalty and, in general, of perceived responsiveness (see Morlino 2011, chapter 7). Thus, we start analysing these data under the assumption that satisfied attitudes implicitly imply that the normative demands on freedom and equality are also met when there are positive or very positive assessments of their democracy by the citizens.² Figure 4.1 illustrates the data for the six countries and gives us a general picture on three relevant pieces of information: a) the trend over time of satisfaction towards democracy; b) the relative variance among the six empirical cases; and c) the presence and allocation of the anomalous values (the lowest) in the considered time frame.

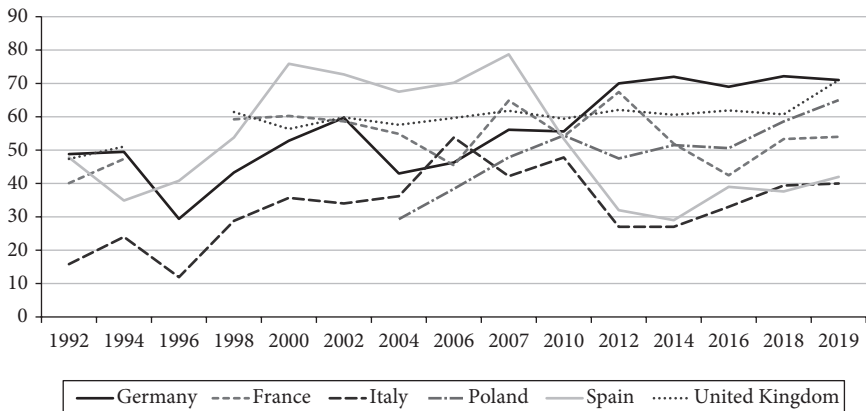


Figure 4.1 Satisfaction with democracy in six European countries (1992–2019)

Source: Eurobarometer data.

² The meaning of this indicator has been discussed at length already years ago as it started to be used by the Eurobarometer Surveys since the early 1970s. See, e.g., among several others, Morlino and Tarchi (1996), Pharr and Putnam (2000), Torcal and Montero (2006).

If we take an overall look at the trends of citizens satisfied with democracy during the period considered (1992–2019), a first aspect is that four out of six of the cases examined are above the threshold of 50% of positive responses; and two of them, Italy and Poland, are ‘democracies with dissatisfied citizens’ or ‘disaffected democracies,’ to reference the title of a famous work by Susan J. Pharr and Robert Putnam (2000). The average for satisfied citizens is 47% for Poland until 2018 and is growing in 2019 when satisfaction with democracy jumps to 65%. In Italy, it is as low as 33%.³ However, the level of satisfaction has grown in that country since the 1990s, with a peak of 54% in 2006. At the end of the second decade of this century, Italy remains one of the European countries where citizens’ satisfaction with democracy is the lowest.

A second general aspect is a variance in the answers, measured by the standard deviation, which reaches double figures in four cases—17.20 for Spain; 13.00 for Germany; 11.20 for Italy; and 10.50 for Poland—while in France and the United Kingdom the values of standard deviation are respectively 8.00 and 5.50. Comparatively, therefore, Italy is one of the countries with the lowest satisfaction with democracy.

If we turn from synthetic values (averages and standard deviation) to the trends over time and the distinctiveness of the different countries, three different patterns emerge. These can be illustrated by connecting these data (intensity and trend) with those on inequalities. Let us start with the most evident and positive pattern. First of all, Figure 4.1 suggests that Germany and Poland are assimilated by having a growing trend of democratic satisfaction, which takes the former to a 72.2% rating of satisfied citizens in 2018, and 71% in 2019. Consequently, Germany is confirmed as the country with the highest satisfaction rate for democracy. The significant increase compared to 35% in 1994 should also be stressed. Poland with 59% in 2018 (compared to 29% in 2004) and above all the surprising result of 2019, 65%, also shows a high growth in citizens’ satisfaction with democracy, that praise the welfare policies of PiS government since 2015 (see Chapter 2) and do not care about the ‘illiberal’ governmental decisions (see Chapter 3). As Garton Ash (2019, p. 176) recalls, for all those who support the winning PiS liberalism is ‘an ideology of the winners, far away in the big cities.’ The United Kingdom can be added to this group as it shows an almost constant trend of satisfaction, with an average of 59.3% for the whole period and a standard deviation of 5.5, which is not at all consistent with the trend for the three components (economy, social, and ethnic) of equality. To this, it should be stressed that almost 11% of growth in the UK occurred between 2018 and 2019, which seems to give empirical support to the dramatic Brexit more than to anything else. In other

³ The figures for Italy are relatively stable, if we consider the low degree of satisfaction recorded by the Eurobarometer surveys starting from the first survey in 1973 (the percentage of satisfied respondents then was 27%, and ten years later it had fallen to 20%).

words, it seems not to be related to the issues that affect the other countries and at the same time show how dominant the Brexit issue is.

The second group of countries (Spain, Italy and France) presents a curvilinear trend: satisfaction with democracy is low at the beginning of the considered period, then it grows before subsequently falling again. In Spain and Italy, there is another rise at the end of the period. This is so also in France, where the percentage of satisfied arrives at 54% (2019). The first two countries are the ones where economic inequalities are higher, also as long-term processes. However, it is with the economic crisis that social differences widen considerably. Remember that the crisis is also a catalyst for the anti-migrant cultural orientation growing in all three countries (see section 2.3).

Since this is a comparison among different countries that covers a considerable time (over twenty years), an excellent way to grasp the specificities of the different cases is to look at the salience of the outliers,⁴ which we consider here to be at the lowest satisfaction rates. These ‘deviant’ values are concentrated in the 1990s, with nine cases among the different countries in less than a decade and an overall average of 39.5%, while, until 2018—that is, in almost double the period—we still find nine lower values, but with an average of 52.9% satisfied. Instead with 2019, all our cases show an increase in satisfaction with democracy, except Germany (see Figure 4.1).

Besides, a general overview points to a more complex pattern when considering the trends of the inequality indicators, and not only from the perspective of public opinion. In particular, the deviant cases tell us a lot about the relationships between the effectiveness and legitimacy of different democracies (see also Lipset 1960), and how these two dimensions influence each other. The ‘crisis of democratic legitimacy’ phase occurred in Italy substantially in the early 1990s, while in France and Spain they can be detected during the years immediately following the economic crisis. In short, in Italy, the decline of satisfaction is a long-term phenomenon that substantially reflects the crisis of a ‘consensual democracy’ (see next chapter, Table 5.1), while in Spain and France it is the deterioration of economic performance that fuels the decline of democratic legitimacy. In this perspective, the cases of Germany and the United Kingdom, which have been showing higher levels of satisfaction, seem to be less significant, while Poland has shown a positive trend over the past fourteen years. At this point, for all our countries it is also reasonable to suppose that there is a meaningful association between greater dissatisfaction with democracy and ‘protest potential’, a situation that favours the formation and success of new ‘political entrepreneurs’ (leaders

⁴ This draws on a methodological proposal by Mair (2013, p. 26), who affirmed that, as regards climate phenomena in the analysis of electoral behaviour, we should proceed h’by laying less stress on the trend as such, and by drawing attention instead to the patterns that are visible in the timing and frequency of the peak values’.

and parties). Thus, we expect that the greater the dissatisfaction with democracy, the higher the probability that political and social forms of protest will develop and that mainstream parties will be punished in elections. This is the critical condition of possibility for the appearance of new parties, either neo-populist or anti-establishment. As we have seen, to some extent this situation is present in all our cases but is particularly evident in Italy, Spain, and France.⁵

4.3 What People Want

In this section, we will illustrate the state of public opinion about the importance of freedom and equality in the countries of interest. Of course, this overview is dependent on data availability. Surveys do not always include questions that capture attitudes towards freedom and equality and, if they do, the items are not always appropriate. Another problem concerns data availability over time (and for the countries of interest). Nevertheless, here we can provide an overview that overcomes these problems. To do so, we use the European Social Survey (ESS) and European Value Study (EVS) data.

First, we use data from the 6th round of the ESS (2012). This round includes a particular module on ‘Understanding and evaluations of democracy’, which addresses how citizens consider and make sense of elements of democracy. Consequently, the module includes questions which allow us to assess what citizens think about freedom and equality. Of course, the items included in the module are only a partial representation of what the very complex concepts of freedom and equality are (see Chapter 1). The data presented here should, therefore, be seen as proxies of general attitudes towards freedom and equality.

To begin with, in Figure 4.2 we show the percentages of reply to the question as to whether in a democracy everyone should be free to express their political views openly, even if they are extreme ones, in France, Germany, Italy, Poland, Spain, and the United Kingdom. We can see that the percentages are quite high across the countries we consider. However, there is also some variability. The highest values can be found in France and in Poland, where 85.15% and 86.29% of respondents, respectively, think that everyone should be free to express their opinions. Then, we find Italy and Spain, where the percentages are very similar (about 80%). Further down the rankings are Germany and the United Kingdom, where the values are about 72%. Thus, this first, expected finding shows that freedom of expression is a highly accepted principle among the public in the six countries, even if the opinions are radical or far from moderate.

⁵ Such dissatisfaction brought about euro-sceptic attitudes in some cases. The results of the referendum on Brexit (2016) are a clear illustration of this.

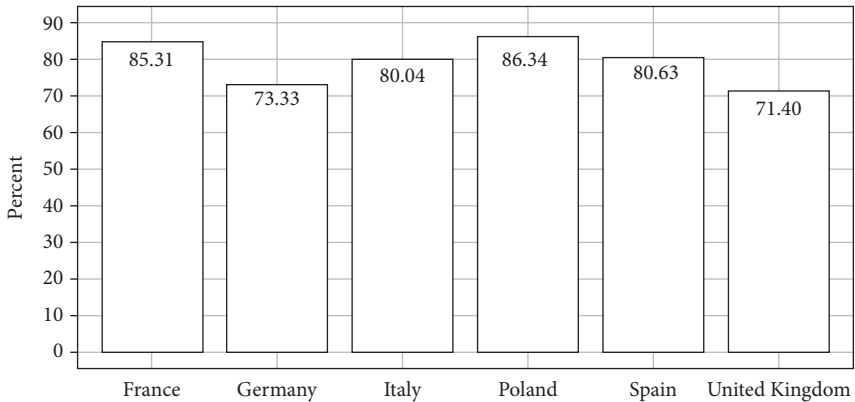


Figure 4.2 Opinions on freedom of expression (% of respondents)

Note: Percentage of respondents who think that it is best for democracy that everyone is free to express political views openly, even if they are extreme, in the six countries.

Source: ESS-6. Design weights applied.

Given that it is hard to find opposition to this feature of democracy, the ESS module proposes to ask to what extent it is *essential* in a democracy that everyone is free to express their political views openly, even if they are extreme (on a scale from 0, not at all important, to 10, extremely important). We report the distribution of the responses in Figure 4.3.

We can see that in Poland 46% of respondents think that it is essential that everyone is free to express their political views openly, while 43% in Germany, 40% in Italy and Spain, 34% in the United Kingdom and 29% in France feel the same way. Therefore, we can note a basic change of position vis-à-vis the previous question, although a considerable proportion of respondents in the countries still view this element of democracy as a necessary component of it. Moreover, if we consider the other top response categories (i.e., 7–9), we can say that most citizens in the six countries do not doubt that freedom of expression is a core feature of democracy.

As seen in Chapter 3, another side of freedom in democracy regards the press. When the press is free, this acts as a constraint on elected officials and governing bodies and provides information to citizens so they can make their political choices and form opinions. The ESS module of democracy includes an item measuring how important it is for democracy that the media are free to criticise the government (on a 0–10 scale). Therefore, the role attributed to the press is to act as a check on government actions. Figure 4.4 shows the distribution of responses on this item, revealing some significant differences between countries. In all the countries the distribution is quite skewed to the right, yet in some of them, this is more evident than in others. For instance, we can see that in France and the United Kingdom 27 and 33 per cent, respectively, of the samples think

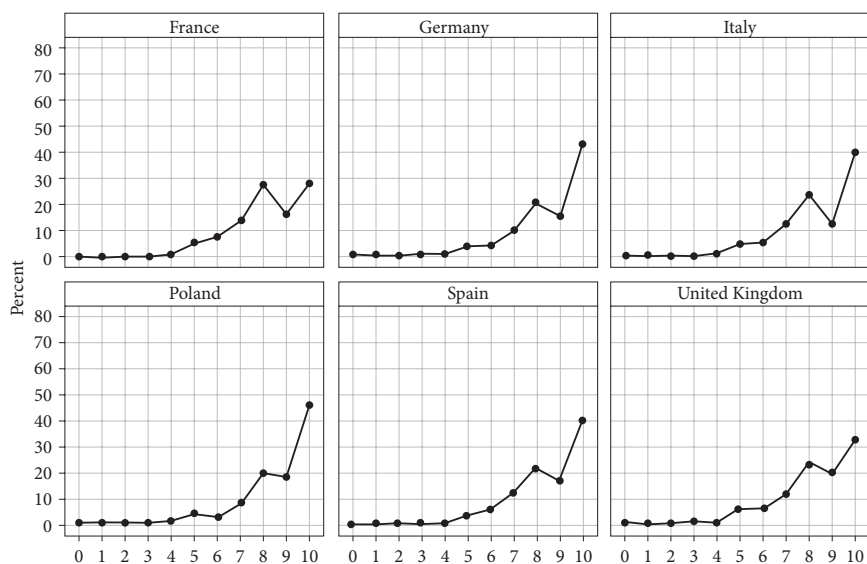


Figure 4.3 Importance of the freedom of expression (% of respondents)

Note: Distribution of responses to the item measuring to what extent it is important for democracy in general that everyone is free to express their political views openly, even if they are extreme, on a scale from 0 (Not at all important for democracy in general) to 10 (Extremely important for democracy in general).

Source: ESS-6. Design weights applied.

that freedom of the press is fundamental. By contrast, the percentages are much higher in the other four countries. In Italy, the percentage is 40, in Germany and Spain it is 47, while in Poland it is 50.

Another element of democracy that is included in the ESS module regards freedom of opposition. This element is considered to be part of the more general dimension of electoral competition (see Ferrin and Kriesi, 2016), as it refers to whether the opposition can challenge the incumbents in a fair, competitive election. However, it can also be used to assess whether citizens hold a liberal view about how political parties, and in this case opposition parties, should behave in the electoral arena. Figure 4.5 shows the distribution of the responses to an item measuring to what extent respondents think it is essential for democracy that opposition parties are free to criticise the government (on a 0–10 scale).

Figure 4.5 presents a similar scenario to Figure 4.4. The percentages for the ‘extremely important’ response category are lower in France (31%) and the United Kingdom (36%), and higher in the other four countries. In Germany, for instance, it is about 53%, while in Poland, Spain, and Italy the figures are respectively 45%, 41%, and 40%. Overall, this overview shows that freedom is a principle that is highly regarded among the citizens of the six countries we consider in this study. Nevertheless, there are some differences across countries. The last three figures

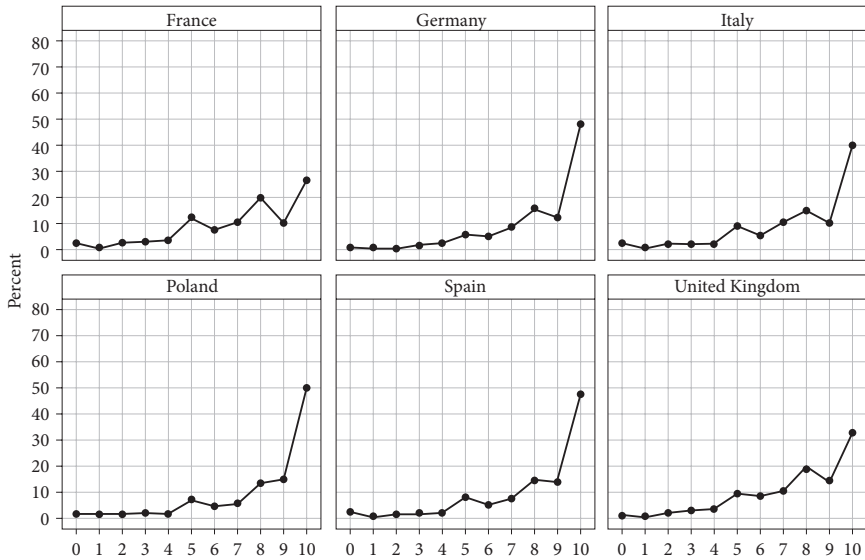


Figure 4.4 Importance of the freedom of media (% of respondents)

Note: Distribution of the responses to the item measuring to what extent it is important for democracy in general that the media are free to criticise the government, on a scale from 0 (Not at all important for democracy in general) to 10 (Extremely important for democracy in general).

Source: ESS-6. Design weights applied.

indicate that France and the United Kingdom are the countries where citizens seem less ‘attached’ to the elements of freedom taken into account. However, we should also mention that this reasoning applies because we consider the ‘extremely important’ response categories. We followed this approach as this response category may well represent citizens’ orientation that those are elements which are ‘necessary’ for democracy (see Kriesi et al., 2016; Quaranta, 2018).

We can now move on to what citizens in the six countries think about equality. As mentioned before, by using the ESS module on democracy, we can capture a good, albeit partial snapshot of citizens’ orientations. This is the case because the items considered cannot fully measure this complex phenomenon (see chapters 1 and 2). Nevertheless, the items we have to allow us to provide a salient overview of the six countries. We can start with an assessment of a formal aspect of equality, that is equality before the law, which we mentioned in Chapter 1 as a possible dimension of political equality and is considered a ‘cornerstone of liberal democracy’ (see also Kriesi et al., 2016, p. 77). For this reason, we would expect the majority of citizens to regard this aspect as essential. In Figure 4.6, we show the distribution of the item measuring to what extent respondents think it is essential for a democracy that courts treat everyone the same.

We can see that the percentages relative to the highest categories leave no doubt that this element of democracy is considered necessary by most respondents,

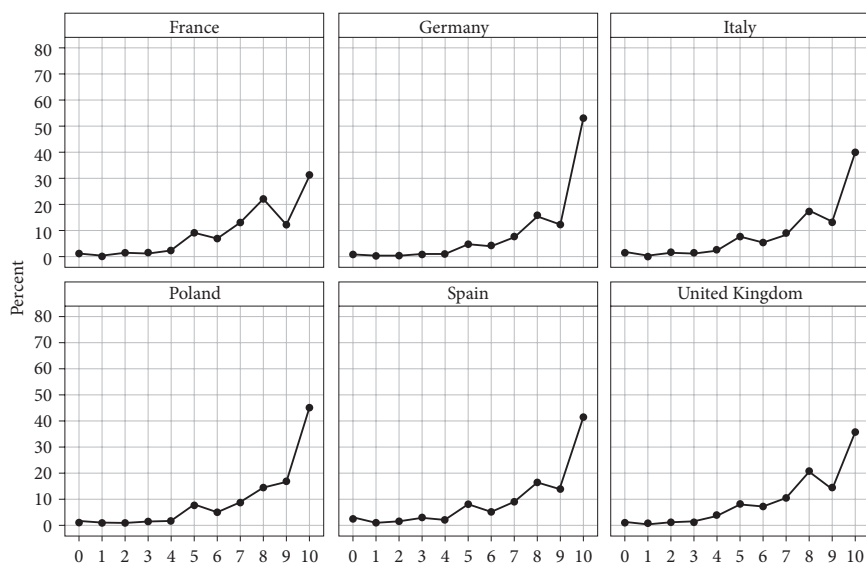


Figure 4.5 Importance of the opposition's freedom of criticizing (% of respondents)

Note: Distribution of the responses to the item measuring to what extent it is important for democracy in general that opposition parties are free to criticise the government, on a scale from 0 (Not at all important for democracy in general) to 10 (Extremely important for democracy in general).

Source: ESS-6. Design weights applied.

which is consistent with the previous analysis on freedoms. The highest percentage is found in Germany (85%), followed by Poland (82%), Spain (78%), Italy (75%), France and the United Kingdom (60%). This element of democracy refers to a formal conception of equality that is a constitutional provision. Citizens are therefore used to the idea that equality before the law is a standard component of liberal democracy.

In contrast, as regards equality, which is identified with social justice and is the central aspect in our analysis (see chapters 1 and 2), it might be useful to show whether differences are present across countries. The ESS module includes two items that may be suited to this goal. The first one more directly captures the dimension of social equality, which refers to the principle that citizens should have similar levels of wealth and that inequalities should be absent if democracy is considered equal. Figure 4.7 reports the distribution of the respondents who think that it is essential for democracy that the government takes measures to reduce differences in income levels.

The figure shows that social equality is *not* considered necessary by most respondents in three countries—the United Kingdom, France and Germany—where less than 50% of respondents consider the reduction of income differences to be extremely important. By contrast, in Italy, Poland and Spain, the percentages are above 50% (58%, 57%, and 55%, respectively). The fact that Italy and

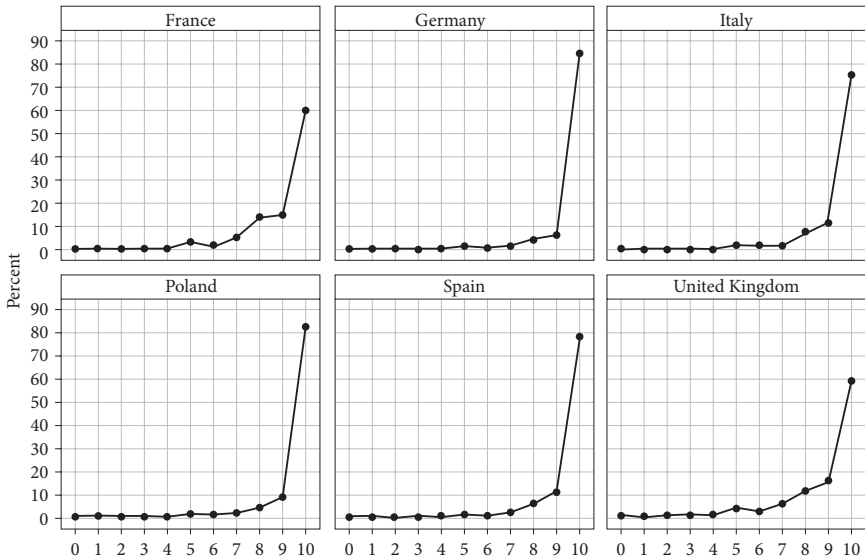


Figure 4.6 Importance of the equality before the law (% of respondents)

Note: Distribution of the responses to the item measuring to what extent it is important for a democracy in general that courts treat everyone the same, on a scale from 0 (Not at all important for democracy in general) to 10 (Extremely important for democracy in general).

Source: ESS-6. Design weights applied.

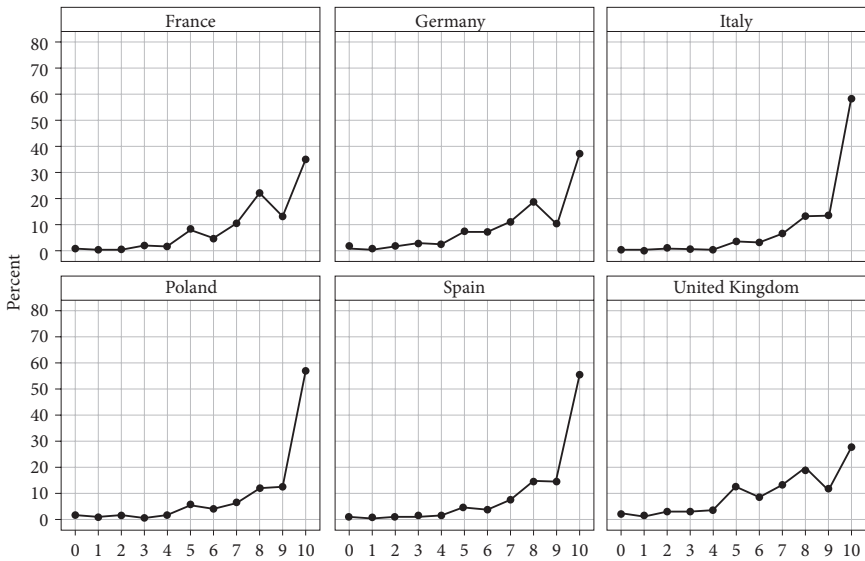


Figure 4.7 Importance of government action to reduce economic inequality (% of respondents)

Note: Distribution of the responses to the item measuring to what extent it is important for democracy in general that the government takes measures to reduce differences in income levels, on a scale from 0 (Not at all important for democracy in general) to 10 (Extremely important for democracy in general).

Source: ESS-6. Design weights applied.

Spain, which are countries where the economic crisis was particularly severe, and Poland, a country with relatively low levels of wealth, show higher percentages might be indicative that in these countries contextual conditions unrelated to the economic crisis are at play when considering cross-national differences in orientations towards equality.

The ESS also includes a slightly different item compared to the previous one: it does not mention whether the reduction of income differences is essential for a democracy, but merely the extent to which the respondents agree with whether the government should reduce differences in income levels. The interesting aspect of this item is that it has been included in all European Social Survey (2019) rounds, and consequently it allows us to evaluate whether views have changed over about fifteen years (2002–16).

Figure 4.8 shows the percentage of respondents who agree or strongly agree with whether the government should reduce differences in income levels in the six countries over time. We can see that changes in the preferences for the role of government in reducing income differences occur only in France, where preferences clearly decline over time, and in Germany, where instead preferences spread among a larger part of the surveyed population. In France, there is a drop of almost 15 percentage points over the whole period (with an increase in the last years), while in Germany the increase is of about 15 percentage points. In other

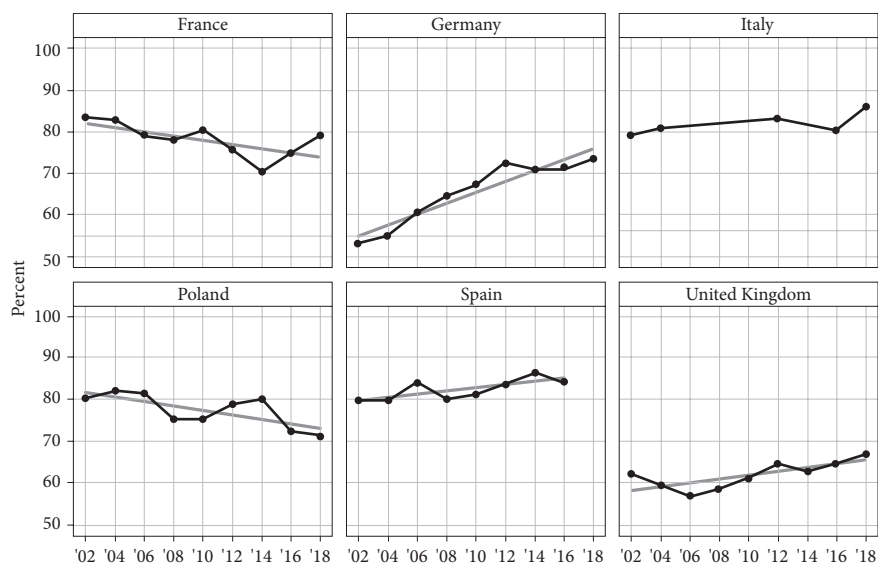


Figure 4.8 Agreement on government action to reduce economic inequality (% of respondents)

Note: Percentages of respondents who agree or strongly agree with whether the government should reduce differences in income levels. The values on the x-axis represent the year of the ESS round.

Source: ESS 1-9. Design weights applied.

countries the changes are more subtle but are nonetheless present. In Poland, there is a drop of preferences over the whole period of about 10 percentage points, while in Spain and the United Kingdom preferences increase respectively by about 5 and 4 percentage points. In Italy, instead, there is a positive change, from about 79% in the first round to 85% in the last one. A further aspect to note is that the levels across countries in such preferences are different: lower in the United Kingdom and Germany, and higher in the other four countries.

The next item we consider measures to what extent it is essential for democracy that the government protects all citizens against poverty. This is empirically linked to the previous one as it indicates a preference that minimum standards of wealth should be ensured for the population and, as a consequence, if this aspect is pursued, then income differences should be lower (but see Chapter 2 on this). Therefore, we might expect a similar scenario to the previous one. The distribution of this item is shown in Figure 4.9.

We can see that the percentages of those who think that the governmental protection of citizens from poverty is a necessary element of democracy are much higher compared to the previous items we considered. In the United Kingdom, France and Germany 47%, 50%, and 51% of respondents, respectively, have this opinion about the role of government. In contrast, in Poland, Italy and

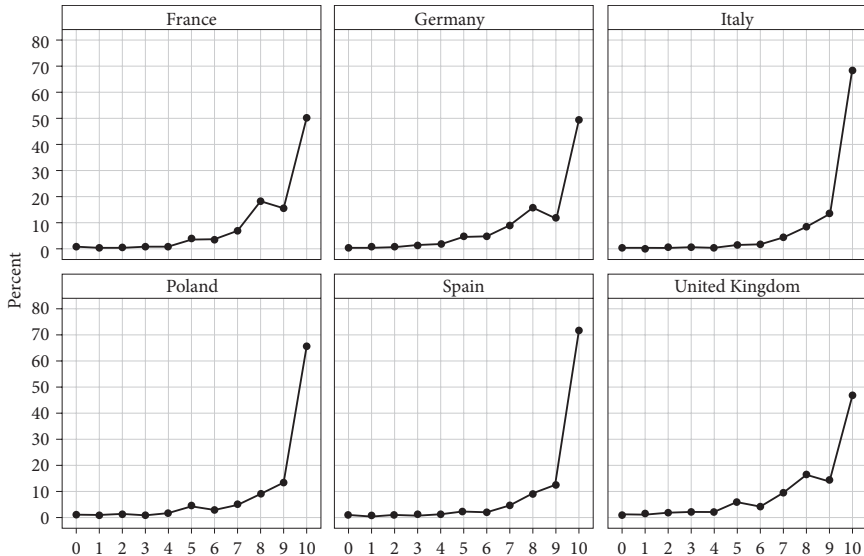


Figure 4.9 Importance of government action against poverty (% of respondents)

Note: Distribution of the responses to the item measuring to what extent it is important for democracy that the government protects all citizens against poverty, on a scale from 0 (Not at all important for democracy in general) to 10 (Extremely important for democracy in general).

Source: ESS-6. Design weights applied.

Spain, the percentages are much higher (65%, 68%, and 72%). Therefore, an important and revealing consistency between the across-countries pattern when comparing opinion about equality and those about poverty is empirically confirmed.

At this point, we should also consider how citizens balance the importance of freedom and equality. To do this, we use the EVS dataset. EVS has a question asking respondents whether they agree with two statements: (1) whether the respondents consider 'personal freedom more important, that is, everyone can live in freedom and develop without hindrance'; and (2) whether the respondents consider 'equality more important, that is, that nobody is underprivileged and that social class differences are not so strong'. This question is repeated over time, although it does not cover more recent years. Nevertheless, it allows us to assess whether orientations change between 1999 and 2008 (or 2009 for Italy). We report the results in Figure 4.10, where we show the percentages of respondents who think that freedom is more important than equality, that equality is more important than freedom, and that neither of the two is essential.

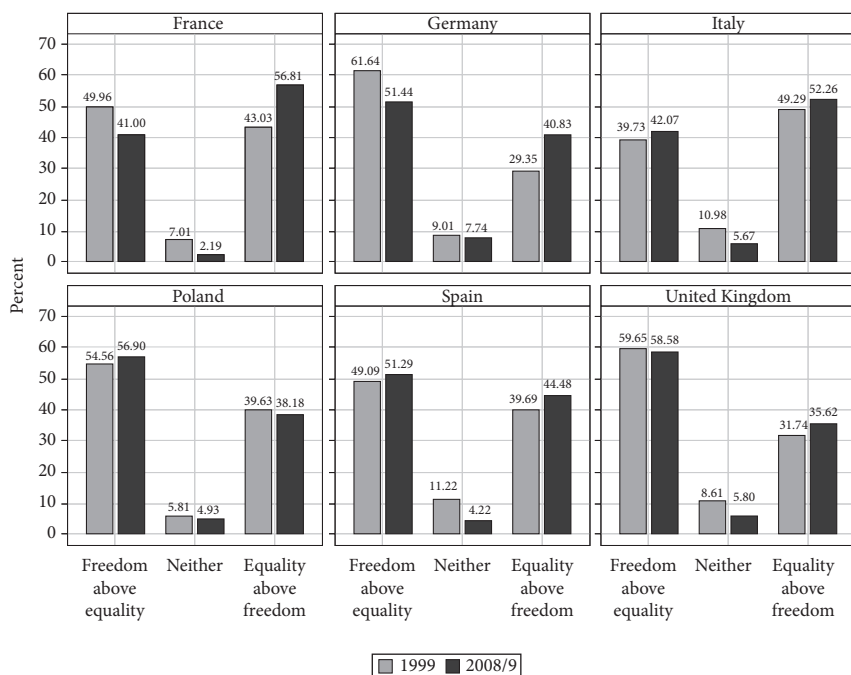


Figure 4.10 Opinions about relative importance of freedom and equality (% of respondents)

Note: Respondents who consider freedom as more important than equality, equality more important than freedom, and neither of each.

Source: European Values Study. Weights applied.

There are three elements to analyse. The first is the relative importance of freedom vs equality; the second regards the differences across countries; and the third the change over time. We can see that in France, the share of respondents who think equality is more important than freedom is larger than the share of those who think the opposite. In this context, we can see that the importance of equality over freedom increases over time. In contrast, if we look at Germany, we can see that freedom is viewed overall as more important than equality. However, between 1999 and 2009, the share of respondents who think equality is more important than freedom grows substantially (from 30.8% to 48.3%). In Italy, there is no change, and equality seems to be more important than freedom. The opposite is the case for Poland, Spain, and the United Kingdom: changes over time are minimal, and freedom is seen as more important than equality. Regarding overall differences across countries, in the United Kingdom and Poland, we find the highest shares of respondents who value freedom more than equality, while Italy is the only country where equality is seen as more important than freedom. Overall, the data show that between 1999 and 2008/9 changes in these opinions are subtle, except in France and Germany, and that respondents place more value on freedom than on equality.

If at this stage, we try to single out the meaning of these data about the two key values from a citizen point of view, we can reach some very preliminary conclusions.

First, the opinions about the salience of the two values are political context-dependent and time-dependent. The existing political differences between countries suggest the salience of political context. The salience of time neatly emerges from Figure 4.9, where we can see differences of attitudes between the end of the twentieth century and ten years later, at the beginning of the Great Recession. Ten years later, we can see an evident growth in attention to equality, which is economically sensitive, in all countries except Poland, the only European country not to have been hit by the economic crisis.

Second, when comparing Figures 4.7, 4.8, and 4.9, we realize that although opinions about the two values, and consequently their salience in a democracy, may change, they are not at all volatile and show some resilience. Consequently, political elites have to pay full attention to them, and to changes in them.

Third, as all the figures from 4.2 through to 4.7 provide a snapshot of the opinions in the middle of the crisis (2012), we can *prima facie* see the impact of the economic crisis in Italy and Spain with the highest scores on equality, the relevant but more balanced scores for two other countries, i.e., France and United Kingdom, and the Polish result confirming the domestic context-dependence of those numbers. Figure 4.11 presents the overall salience of the two values again, having left aside the items presented in Figure 4.2, in order to avoid an overlap with the item in Figure 4.3, and in Figure 4.6, which are not relevant for the reasons mentioned above. Thus, the percentages of respondents who give the

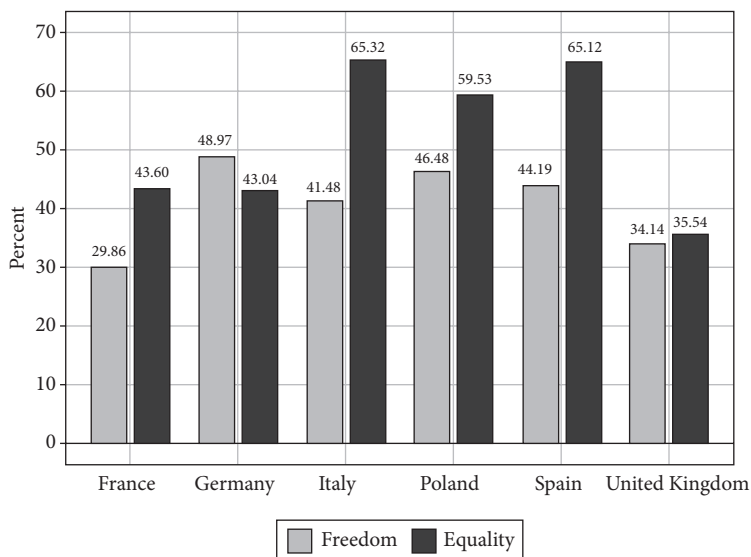


Figure 4.11 Overall opinions on freedom and equality in the six countries

Note: Freedom represents the average of the percentages of respondents who say that is extremely important (= 10) for democracy that that everyone is free to express their political views openly; that the media are free to criticise the government; that opposition parties are free to criticise the government. Equality represents the average of the percentages of respondents who say that is extremely important (= 10) for democracy that the government that the government protects all citizens against poverty; that the government takes measures to reduce differences in income levels.

Source: ESS-6. Design weights applied.

highest scores (=10), and are indicated in this figure, are the averages respectively of the three leading indicators of freedom (importance of the freedom of expression, importance of the freedom of media, importance of the opposition's freedom to criticise) and of the two main indicators of (in)equality (importance of government action to reduce economic inequality, importance of government action against poverty).

Fourth, although the results of Figure 4.10 and Figure 4.11 are not strictly speaking comparable as they are based on different data sets, at least some clues about people's reactions to the crisis emerge. The second survey was conducted in the middle of the Great Recession (2012), while the results that are presented in Figure 4.10 relate to the very beginning of the crisis when there was not a perception of it yet. We should also add that considering freedom and equality as alternatives is not correct, and in fact, the European Values Study adopts the expression 'priority of'. With these limits in mind, we can see how in Italy and Spain, the priority for equality was already present, but the economic crisis magnified it. Thus, the hypothesis about the catalysing effect of the crisis that we discussed in Chapter 1 is confirmed. In the UK there is a similar pattern showing a deeply

divided country. In France, the change of priority comes before the crisis. In Germany, the change in priority is more moderate, and in the 2012 survey it remains the only country where freedom is relatively more important; finally, in 2012 Poland shows an inversion in comparison to 2008 by going back to the result of the 1990s, with equality having the priority.

Finally, although conceptually we disentangled equality from poverty (see Chapter 1), the data discussed here show an evident connection between them. All three countries (Italy, Poland, and Spain) with higher scores on equality (see Figure 4.7) also display higher scores on the importance that government protects all citizens against poverty (see Figure 4.9). The other three countries show lower scores on both issues consistently.

4.4 What Parties Commit To

We complement our overview on how the public sees freedom and equality with another one focusing on how political parties consider these two democratic values. In doing so, we can assess the extent to which actors representing citizens in the electoral arena incorporate into their platform issues regarding freedom and equality. In order to carry out this assessment, we use the data of the Manifesto Project (Volkens et al., 2019). This dataset includes information on aspects regarding freedom and equality in party manifestos. To check the reference to freedom, we use an indicator capturing favourable mentions of freedoms, such as freedom of speech, thought, press, assembly; of freedom from state coercion in the political and economic spheres; of freedom from bureaucratic control; of the idea of individualism. To check references to equality we use an indicator capturing favourable mentions of the concept of social justice and fairness for all people, such as special protection for underprivileged social groups; removal of class barriers; the need for the fair distribution of resources; the end of discrimination (e.g., racial or sexual discrimination).⁶ We can thus use both scores to assess where parties lie in a two-dimensional space made up of freedom and equality and see how the importance of the two elements of democracy changes over time. We restrict the analysis to the major parties, which are classified as socialist, social-democratic, liberal, Christian-democratic and conservative, from 1990 to the latest year available for each country. At first, we use the aggregate scores for all parties included, by country and year. The parties are listed in the Appendix.

Figure 4.12 shows the average positions of all parties according to their stance on freedom and equality in the six countries considered from 1990. Starting with France, we can see that at the beginning of the period of observation both

⁶ See the codebook of *Manifesto Project* (online).

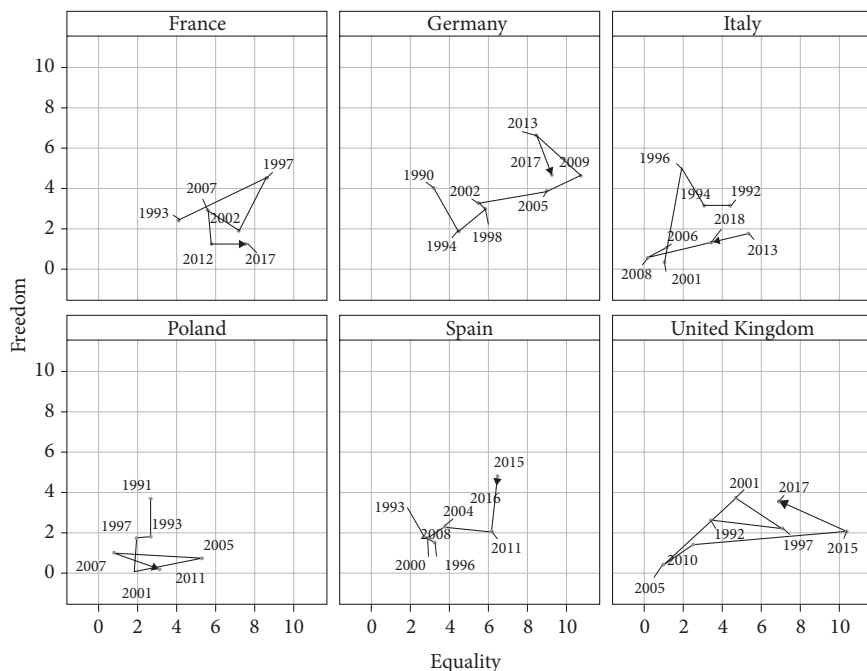


Figure 4.12 Salience of freedom and equality in the programmes of main parties, since 1990

Note: Average mentions (percentage) of freedom and equality in the manifestos of main parties (socialist, social-democratic, liberal, Christian-democratic and conservative).

Source: Comparative Manifesto Project.

freedom and equality get few mentions; later, mentions of both ones substantially increase (1997). In subsequent years, mentions of freedom become much fewer, and those of equality also decrease, but to a lesser extent. In Germany, by contrast, mentions of freedom and equality increase over time, though the increase is more evident for equality than for freedom. In Italy, the outlook seems less straightforward. We can see that mentions of freedom increase between 1992 and 1996, while those of equality seem to decrease. In subsequent years, mentions of freedom drop and remain low, while those of equality become much more frequent, although with a reduction in 2018. In Poland, changes appear to be limited, and both dimensions seem to decrease over time. Instead, in Spain mentions of freedom and equality seem to change in parallel over time. The picture for the United Kingdom indicates that the mentions of equality increase more than those of freedom.

To give a more precise picture of the relevance of freedom and equality in party programmes, Figure 4.13 shows the scores considering the two largest parties in terms of seat shares, over the same period of observation. We can notice that the

movements over time are quite similar, but in some cases, are more visible. For instance, in Italy, the increases in the mentions of equality are more significant when considering the two largest parties, although there a consistent contraction of them in the last elections. In contrast, the changes towards more mentions of equality are more limited in Spain or Germany, though visible. At this point, distinguishing between the two largest parties becomes a relevant issue.

If we break down the mentions by party families, the scenario changes substantially. Figure 4.14 (a and b) shows the mentions of freedom and equality by ecological, socialist, social-democratic, liberal, Christian-democrat, conservative, nationalist, agrarian, ethnic, and single-issue parties (when present) since 1990. The most evident differences with the outlooks we provided above are that the changes in the mentions of equality are more extensive. However, if we focus on countries and party families, the situation is much more nuanced. In France, socialist and social-democratic parties seem to follow a similar path: they both display an increase in mentions of equality over time, but the mentions then go back to the same levels as at the beginning of the period. Instead, mentions of

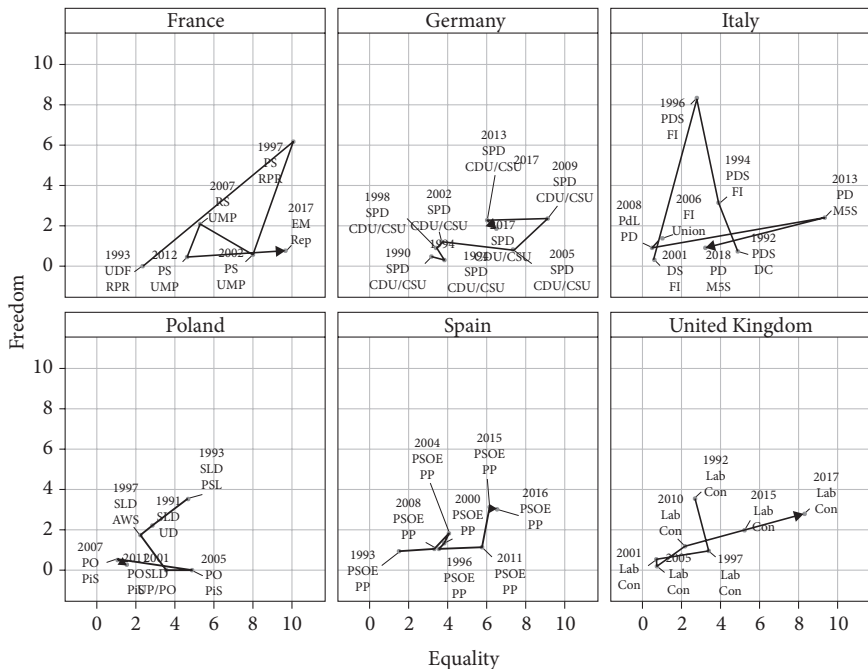


Figure 4.13 Salience of freedom and equality in the programs of the two largest parties, since 1990

Note: Average mentions (in percentage) of freedom and equality in the manifestos of the two largest parties (according to vote share).

Source: Comparative Manifesto Project.

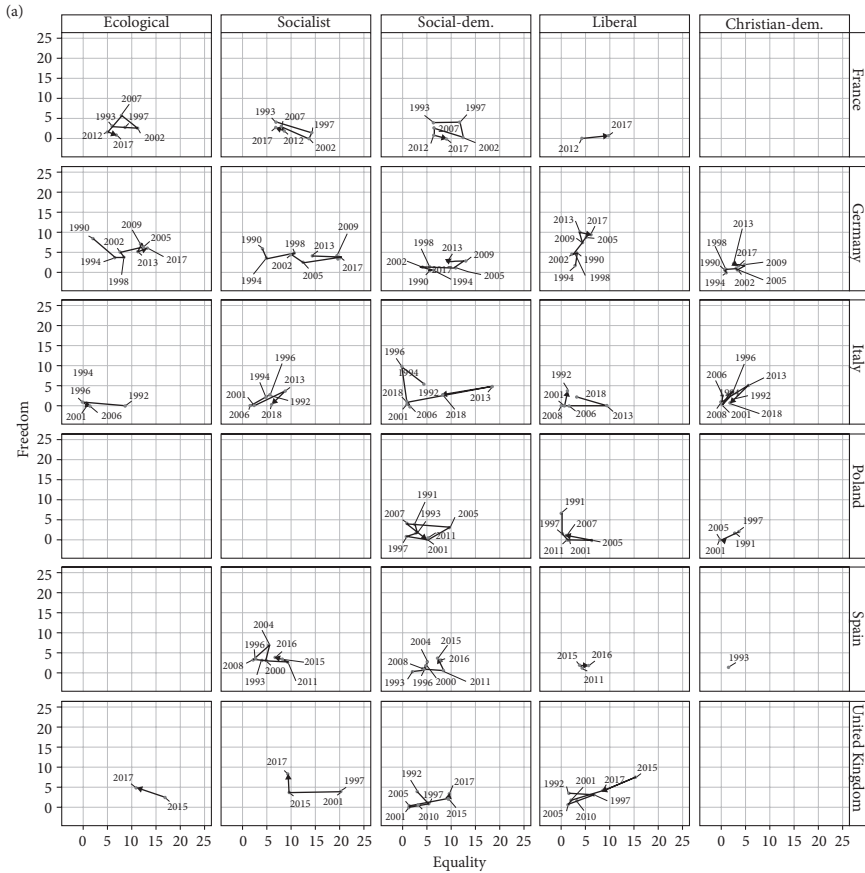


Figure 4.14 Salience of freedom and equality in the programs of parties by party family, since 1990

Note: Average mentions (in percentage) of freedom and equality in the manifestos of parties: panel a) ecological, socialist, social-democratic, liberal, Christian-democratic; panel b) conservative, nationalist, agrarian, ethnic, special issue).

Source: Comparative Manifesto Project.

freedom remain mostly unvaried. Liberal parties show an increase in mentions of equality between 2012 and 2017. The same is true of conservative parties, while their mentions of freedom increase before falling back to previous levels. In Germany, the socialist and, to a lesser extent, social-democratic parties, increase mentions of equality in their manifestos. Instead, the liberal parties increase mentions of freedom but not those of equality. In Christian-democratic parties, there are no changes in the mentions of either freedom or equality. In Italy, socialist and liberal parties are those which show the most considerable increase in the mentions of equality. The mentions of freedom in the manifestos of conservative

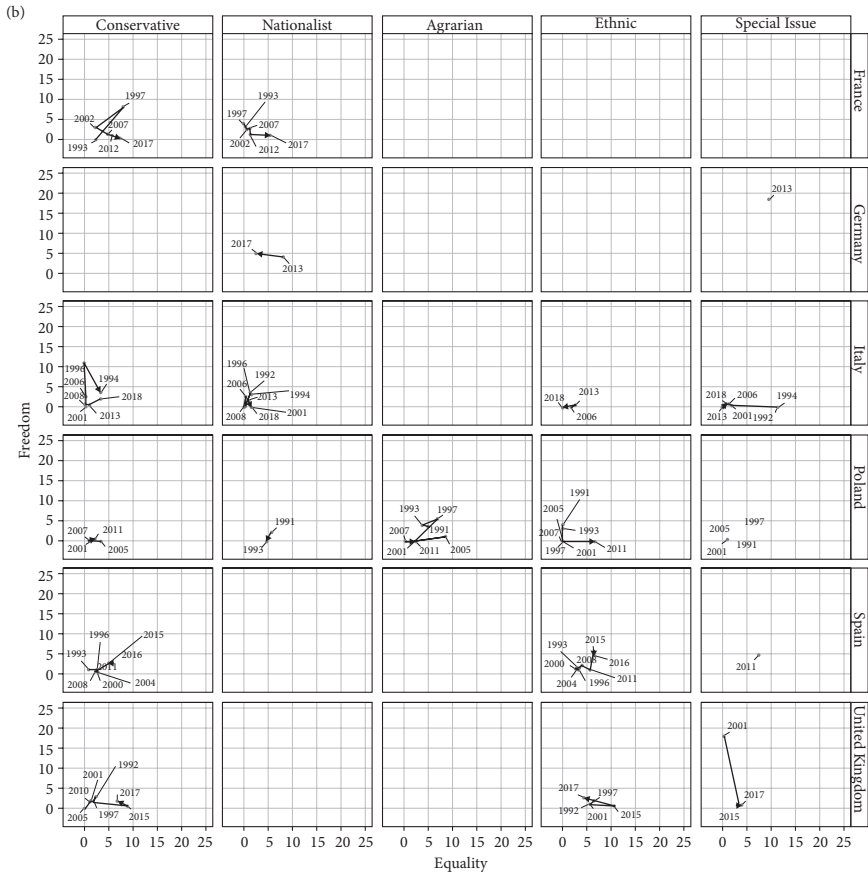


Figure 4.14 Continued

and Christian-democratic parties change, but there is not an upward trend. In Poland, the mentions of both freedom and equality remain unchanged among Christian-democratic and conservative parties. Instead, the mentions of equality among liberal and social-democratic parties increased until 2005 but then fell back to previous levels. In Spain, the mentions of equality in the manifestos of socialist and social-democratic parties increase over time, while those of freedom barely change little. By contrast, the mentions of both freedom and equality in the other two-party families have remained unchanged. Finally, in the United Kingdom, there is an increase in the mentions of equality among social-democratic, liberal and conservative parties, while, unexpectedly, the mentions of equality decrease among socialists, which are represented by Sinn Féin, but the opposite ironically happens to Labour (social democrats). Mentions of freedom increase among the latter party and among the Liberal Democrats.

To compare the public opinion data analysed in the previous section with the data discussed here is methodologically inappropriate. However, overall, the variations that emerge within public opinion are roughly mirrored by the party programmes, and again the Great Recession is a good litmus test when considering the relatively greater attention to equality. Of course, additionally, the different attention to freedom and equality of different parties mirrors the divisions within society when acting politically, and as we well know (see, among others, Karvonen and Kuhnle, 2000; Boix, 2007), the divides are usually shaped and strengthened, if not created, by party leaders.

4.5 Taking Stock to Go Ahead

To sum up what we learned from the analysis carried out in this chapter and to lay the bases for searching the explanations of characteristics and level of implementation of our two values, our key finding to recall is: the changes, the levels, the characteristics of the demand and elite supply of the two values are highly context and time-dependent. More explicitly, we can consider the salience of previous historical trajectory, as it can be seen in the case of Poland, or the contingent economic situation, as it can be observed in the countries most hit by the Great Recession, and in some of them followed by stagnation. The salience of other factors is not excluded. However, citizens demand and party supply are more powerfully and directly detected by pointing to these two macro-factors. Additional analysis may suggest more exhaustive results, as we will see in the next three chapters.

This partial finding shows that in the middle and long run there is a steady consistency between people attitudes and leader actions, on the one hand, and social, economic, cultural reality, on the other. Consequently, despite the possible strong differences between reality and perceptions of it and despite the probable manipulative role of political leaders, who can emphasize and consequently make stronger and in some case radicalize the attitudes of the people, in the middle run and when we draw a less detailed picture, the requests of equality and freedom are consistent with the existing socio-economic-cultural reality. Of course, we cannot take for granted that the reality is the 'engine' and the perceptions follow. We should accept and take in consideration that the opposite may be much closer to what happens: this is the case when attitudes shape the reality.

A second, related remarks suggested by the difference in terms of volatility/resilience between attitudes and realities. The demand of people and party supply of equality and freedom can be more or less volatile as reactions to the changes and uncertainties brought about by the economic situation, as recalled above, or other factors, such technological changes, industrial organization developments,

working conditions changes, economic mobility and the whole existing structure of external opportunities. However, in general, attitudes and party positions are usually more volatile vis-à-vis more resilient, even if relatively changing, realities.

Finally, up to now, the empirical evidence suggests that the demand for implementation of the two values seems to follow different logic and different paths. As mentioned above, the questionnaire of the European Values Study correctly does not present the two values as an alternative but asks if there are priorities between freedom and equality. However, the effective implementation of the two values may affect each other. We come back to this issue in Chapter 8.

What this discussion and the related findings are pointing to is the *responsiveness* seen from a more realistic perspective. In fact, on the one hand, the consistency between people attitudes and leader actions refer to the ways elite actors respond to the demand of people and how people react with high, low or no satisfaction. And in this the volatility of people attitudes and the leading or even the manipulative role of elite should also be taken into consideration. On the other hand, there is the effective implementation of the policies people want and the leader commit to. This process should be better understood in its entirety. Thus, explaining how the two values have been implemented in the different countries is the obvious next step. In Chapter 5, we start by looking at the domestic explanations for inequalities. And in Chapter 8 we come back to the responsiveness.

Appendix

Appendix Table 4.A1 about here *Table 4.A1: List of parties*

Country	Family	Parties
France	Socialist	French Communist Party, Left Front, Left Radical Party, Indomitable France
	Social-democratic	Socialist Party
	Liberal	Radical Party, Republic Onwards!, Union of Democrats and Independents
	Conservative	Union for French Democracy, Rally for the Republic, Union for the Presidential Majority, Democratic Movement, Union for a Popular Movement, New Centre, Centrist Alliance, The Republicans
Germany	Socialist	Party of Democratic Socialism, The Left. Party of Democratic Socialism, The Left
	Social-democratic	Social Democratic Party of Germany
	Liberal	Free Democratic Party
	Christian-democratic	Christian Democratic Union/Christian Social Union

Italy	Socialist	Communist Refoundation Party, Democratic Party of the Left, Party of Italian Communists, Democrats of the Left, Rose in the Fist, Civil Revolution, Left Ecology Freedom
	Social-democratic	Pannella List, Italian Socialist Party, Italian Democratic Socialist Party, Pannella-Reformers List, Pannella-Sgarbi List, Italian Renewal, Olive Tree
	Liberal	Italian Republican Party, Italian Liberal Party, Daisy—Democracy is Freedom, Di Pietro List—Italy of Values, Democratic Party, Democratic Centre, Civic Choice
	Christian-democratic	Christian Democrats, Italian Popular Party, Pact for Italy, Democratic Alliance, Christian Democratic Centre, White Flower, Union for Christian and Centre Democrats, Union of the Centre
	Conservative	Go Italy, New Italian Socialist Party, House of Freedom, People of Freedom, Brothers of Italy—National Centre-right, Labour and Freedom List
Poland	Social-democratic	Democratic Left Alliance, Democratic Party, Independent Self-governing Trade Union ‘Solidarity’, Labour Solidarity, Democratic Union, Union of Labour, Coalition of the Democratic Left Alliance and the Union of Labour, Left and Democrats
	Liberal	Liberal-Democratic Congress, Polish Beer-Lovers’ Party, Union of Real Politics, Polish Economic Programme (Large Beer), Freedom Union, Movement for the Reconstruction of Poland, Civic Platform, Palikot’s Movement
	Christian-democratic	Christian Democratic Labour Party, Centre Citizens’ Alliance, Party of Christian Democrats, Movement for the Republic, Catholic Electoral Action, Electoral Action ‘Solidarity’, League of Polish Families
Spain	Conservative	Law and Justice
	Socialist	United Left, Popular Unity, We can
	Social-democratic	Spanish Socialist Workers’ Party
	Liberal	Union, Progress and Democracy, Citizens
	Christian-democratic	Centre Democrats
United Kingdom	Conservative	People’s Party
	Socialist	We Ourselves
	Social-democratic	Labour Party, Social Democratic and Labour Party
	Liberal	Liberal Democrats
	Conservative	Conservative Party, Ulster Unionist Party

5

Domestic Explanations

Inequalities

Leonardo Morlino and Francesco Raniolo

5.1 Starting from the Research Questions Again

Chapters 2 and 3 gave us a picture of existing inequalities and freedoms, together with the related trends. Chapter 4 added an analysis of attitudes of citizens on these values and the proposals of parties with some final consideration at the end on the consistency between the two levels, realities and perceptions of them and the related responsiveness. In this and the following chapter, we ask what the domestic political actors and the institutional factors that affect inequalities and freedoms in the countries of interest are. Hence, within the framework of the quality of democracy (see Morlino 2011, chapters 7 and 8, and here Chapter 1) the questions we need to address are if and how specific dimensions or aspects of the rule of law, electoral accountability, political competition, participation and responsiveness contribute to the improvement or worsening of (in)equalities and freedoms. If there is a change, how did it happen? If not, what are the main emerging explanations for the different pictures we have outlined?

In replying to these questions, we are going to show the differences within the same countries over time and also the differences among the countries. Our aim is to identify the principal domestic explanations for the results regarding the two phenomena under scrutiny. For this empirical assessment, we follow the methodological approach discussed at the end of Chapter 1. We also accept the danger of simplification as, provided it does not betray the analysis, we assume that it offers a more vivid and focused explanation of the phenomena.

In this chapter, we will mainly consider the institutional arrangements and the role of actors related to political participation and competition as explanatory factors of (in)equality. In Chapter 6, the attention will turn to explain the characteristics and evolutions of freedoms still from a domestic perspective. Chapter 7 will look at 'external explanations' of both equality and freedom.

5.2 What Affects Inequalities and Why

As we saw in section 4.2, public opinions of the six examined democracies have mainly internalized the relevance of equality and freedom, despite the distinct relative differences among the different cases. Nor is this cause for surprise, considering that, except for Poland, in most of Europe entire generations have been living under democratic rules for more than seventy years. At the beginning of the third decade of the twenty-first century, democratic principles are taken for granted. It is equally fair to affirm that the values-objectives have been absorbed by the institutions that characterize the political and economic systems,¹ and by the consolidated administrative practices that follow from it. This is particularly evident in the analysis of social protection spending, which as will be recalled is one of the indicators associated with the second dimension of equality, that is, the social (in)equality. About this, in Chapter 2 we saw that all the governments reacted to the changes in (in)equalities induced by the economic crisis. In particular, Figure 2.8 made it clear that social spending also increased in our democracies between 1995 and 2018, even if only moderately (see Chapter 2).

As already anticipated, the general trend to maintain social equality despite the crisis can be explained, at least partially, as the product of the ‘automatic stabilizers’ highlighted by Krugman (see Chapter 2). More generally, this is an issue that was investigated by diachronic studies of public policies and, especially, by the so-called ‘programme approach’ (Rose, 1984) and by the literature on policy legacies (see Rose and Davies, 1994). In this analytical scheme, the expansion and functioning of public apparatuses are explained based on the ‘inertial force of the commitments undertaken’ (Rose, 1984, pp. 90–7). The weight of the pre-constituted commitments (of past decisions) is such in terms of entities and automatic functioning, but also for the generation of specific vested interests, including those of interest groups benefiting from public policies (Pierson, 1994, pp. 39–50). The simple fact is that a substantial amount of ‘public expenditure is not controllable, [...] unless we intend to proceed to the repeal on a large scale of laws and codes’ (Rose, 1984, p. 92). Moreover, once institutionalized, these laws and codes enjoy the super-protection of the judiciary and even of the constitutional courts, with the rights deriving from them for the beneficiaries.²

What has been affirmed so far only in part explains the changes to policy-making in our six European democracies regarding the redistributive policies to

¹ The great sociologist William Graham Sumner (1906) stated that institutions consist of ‘concepts’ (values, ideas, interests) and ‘structures’ (apparatuses, procedures) aimed at realizing the former in the real world. In this sense, as emphasized by Mary Douglass (1986), institutions incorporate prejudice.

² A complementary perspective considers the growth of social spending as a response to new social risks. On the distinction between ‘individualization of risks’ (market solution) and ‘socialization of risks’ (welfare solution), see Di Palma (2011) and, more in general, the classic work by Karl Polanyi (1944).

combat inequality, not to mention the differences between our cases. In a sense, the reference to automatic stabilizers accounts for a necessary change that reflects the mostly sticky and rigid (inherited from the past) disposition of policy programmes in the democracies that interest us. In short, it is a partial (explanatory) picture in a dual sense. First, the structural factors that constrain the choices and processes of the actors are manifold and arise at different levels of generality; nor can they be reduced to the inheritance of policies and automatisms incorporated into the administrative procedures and laws associated with the programme approach.³ Second, if limited to this level of analysis, the political change would be largely impossible, except in adaptive forms. Political conflict itself, aimed at capturing votes, offices and policies, would lose meaning. Moreover, as we have seen (Chapter 2 and, in particular, Figure 2.8) differences between our cases persist.

For these reasons, we choose to follow another analytical path, prompting us to distinguish two sets of causal ‘factors’ (or independent variables). At the first level, we find contextual factors that lie in the background and institutional factors. Later on, we will operationalize these aspects by introducing the ‘varieties of capitalism’ and ‘models of democracy’, with their connections and convergences. In both cases, these are structural (or ‘push’) factors that strongly constrain policy choices, or the meeting between voter demand and political supply (see section 4.2). At the second level of analysis, we find the strategic (or ‘pull’) factors that bring about specific choices on the part of actors, the intertwining alliances between them, and the rules and resources that constrain them in concrete choices. At this level, the opportunities for representation and success that open up for political ‘entrepreneurs’ who are innovative and challenging in their ability to achieve competitive advantages (for more on the neo-populist parties, see below) also become relevant. This two-level analysis, contextual factors and actors present in the field, is referred to as the *double filtering process* by Elster (see Chapter 1).

However, let us introduce between these two levels of analysis—the first, structural, the second, strategic—an intermediate area that is useful to give an account of the limits that policies relating to inequality can encounter in different national contexts. Here, we refer to budget constraints. If the growth of social spending, within certain limits, can be seen as the result of automatic stabilizers reacting to a fall in production and, therefore, in tax revenue or other phenomena, such as the growth of unemployment, it is also fair to recognize that budget constraints reduce governments’ room for manoeuvre, even dramatically.

³ Another interpretation of the growth of spending and, therefore, of debt can be found in the fact that the political economy of advanced societies has to cope with similar problems of social regulation and problem solving associated with new social risks.

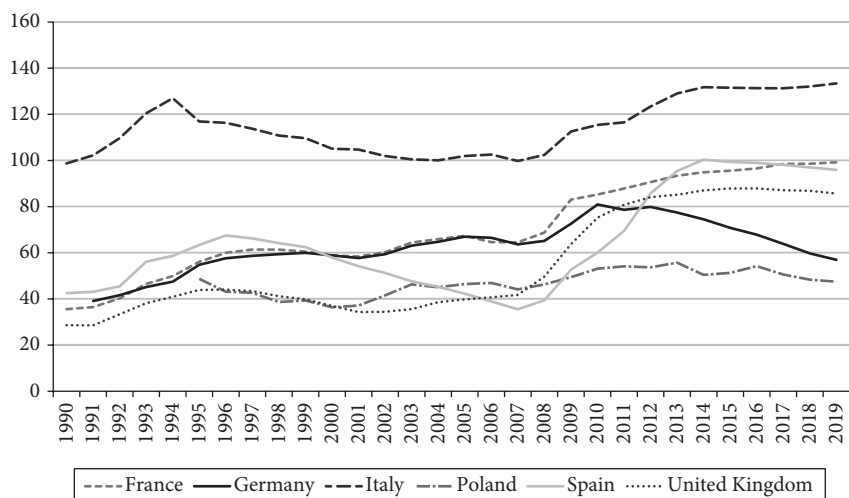


Figure 5.1 Gross debt as percent of GDP in six European countries (1990–2019)

Source: International Monetary Fund, World Economic Outlook Database, April 2019.

If, consequently, we shift our attention to the institutional constraint constituted by the amount of public debt, the evolving pattern that emerges from Figure 5.1 is rather evident. In 2008 there was a clear divide in the trend: the Great Recession has been an expansive factor of the debt everywhere. This is mainly due to the collapse of GDP and, consequently, to policies adopted by governments to support some critical sectors, such as the banking industry, and due to the triggering of the automatic mechanisms of social protection that we mentioned. Here, however, we find a contradictory aspect. In any case, its increase—especially if conditions of economic growth and the competitiveness of industrial or other companies are weak—ends up constituting one of the most severe limits to the implementation of social rights and protection from new social risks, as in the case of the inclusion of measures such as the basic income.

For our argument, which concerns the trend of inequality and the possibility of contrasting it through policy choices, it may be useful to dwell on the main cross-national differences. Indeed, the anomaly of Italy and the clear polarization between this country and Germany and Poland stand out. In the space of about ten years (2008–19) the Italian public debt, calculated as a percentage of GDP, went from 102% to 133%; while in Germany it fell from 65% to 57% and in Poland from 46% to almost 10 points more, and back to decline (47%). The situation in the other three countries is relatively more differentiated, but as of 2019, their debt varies between 99% (France), 96% (Spain), and 87% (United Kingdom).

Besides, these data must be read together with the data we presented in sections 4.2 and 4.3, which describe a substantial ‘congruence’ between voter demands and political party responses for the period following the Great

Recession that started in 2008,⁴ despite the methodological limitations highlighted there (see Chapter 4). What is more, already in section 4.2 (see Figures 4.6, 4.7, and 4.8) significant differences emerged among the citizens of our six democracies regarding the perception of the importance of social equality and the policies for reducing differences between income. In particular, both of these aspects were more strongly felt in Italy, Poland, and Spain. Of course, let us stress that we are mentioning here the agenda-setting by party leaders and the party programs we discussed in Chapter 4, not the effective policies carried out in those countries.

5.3 Factors at Play: Context and Institutions

When looking at the institutional dimension, the starting point is to ask what the best constitutional pattern is about shaping redistributive majorities and promoting social rights. Is it the consensual arrangement or the majoritarian one? In other words, does the way demands are expressed and integrated through inclusive processes (consensual pattern) or more exclusive processes (majoritarian pattern) make a difference in terms of resulting equality? The implicit question here is whether there are institutional arrangements that can account for the structure of inequality with its three dimensions (economic, ethnic, and social) in the six democracies examined here, and, consequently, which can influence redistributive and anti-poverty policy-making and, more generally, inequalities. We should add straightaway that to answer these questions it is necessary to broaden the framework of the analysis beyond political institutions (patterns of democracy), and to look at the characteristics of economic institutions (varieties of capitalism).

We should not forget that democracy is also a regulatory (or governance) mechanism of a socio-economic structure that has become a variant of the market economy or capitalist system (Morlino and Raniolo, 2017, p. 85).⁵ This regulatory aspect aimed at correcting market failures is particularly evident in the case of the inequality following the falsification of what Stiglitz (2016, pp. 3–4) called the ‘high tide theory’, or rather a specific version of it, which has been spreading since the 1980s: ‘the resources given to the rich would be filtered (trickle-down) to the rest of the population’. If we look at the economic system and its interdependencies with the democratic system, we can identify four

⁴ With the typical language of the structural-functional perspective, Almond and Powell (1978) spoke of a ‘thesis of synchronization or balance’ between citizen input and output of the political system. The regime is unstable if there is no balance between the two dimensions, there are new questions, growing dissatisfaction and protest, or insufficient resources.

⁵ This aspect has sometimes been conceptualized with regards to the relations of autonomy/control between civil society and the economy (Morlino, 1998), and in the debate on the varieties of capitalism (Hall and Soskice, 2001; Amable, 2003).

‘regulatory-institutional arenas’ (see Burroni, 2016, p. 15): the system of production and credit, the labour market, the welfare policies and the industrial relations.⁶ These arenas are based on the principle of ‘institutional complementarity’ (Hall and Gingerich, 2009) as the patterns or models of capitalism, similarly to what happens for the patterns of democracy, tend to integrate, and are based on the logic of convergence between the different institutions that compose them.⁷ This integration gives an internal coherence so that countries with a coordinated economy have a structure of industrial and union relations, a corporate governance, a credit system and welfare institutions that mutually reinforce each other.

Our analytical proposal is, therefore, to integrate the perspectives of comparative political economy and comparative politics.⁸ This enables us to give an account of the variety of institutional economic and political structures, that is, the variety of capitalisms (Hall and Soskice, 2001) and the patterns of democracy (Lijphart, 2012).⁹ We can thus more readily identify the causal factors of context that affect the intensity and variance of equality or, from a different point of view, how such a variance affects the ‘life chances’ of women and men living in our societies. On the first side, Hall and Soskice (2001) distinguish three varieties of capitalism. First, we have *liberal market economies*, associated with the so-called Anglo-Saxon model of capitalism, and we can certainly place the United Kingdom and, more generally, the United States, Australia, and Canada in this category. In this first group, economic growth and competitiveness are associated with high levels of inequality. Second, we find the *coordinated market economies*, which refer to the so-called Rhine pattern and include Germany (from among our cases), as well as Austria, Holland, and Switzerland. This model presents an inclusive growth that can reconcile the competitiveness of companies, employment levels and the reduction of inequality (social market economy). The third pattern is made up of *hybrid or mixed economies*, and the cases to include are France and the Southern European countries.¹⁰ This solution, however, appears unsatisfactory

⁶ Among the many aspects considered in the various regulatory arenas, some attention should be given to the role of trade unions in the various industrial relations systems, both in terms of unionization rates, which are relevant in the United Kingdom and in Italy, and in terms of consultation and inclusion of trade unions in policy-making, which are relevant in Germany, but also in Spain and France (see Crouch, 2015). However, this salient aspect will not be explicitly addressed here as it is included in the models of capitalism (see Table 5.1).

⁷ As regards the working of the convergence mechanism among the dimensions that characterize the quality of democracy, see Morlino (2011).

⁸ On this analysis, see Trigilia (2017).

⁹ This mix of political and economic institutions characterizes what are known as ‘real-existing democracies’ (Schmitter, 2011). A meaningful analysis of the role of institutions is carried out by Lane and Ersson (2000).

¹⁰ There is a strong association between varieties of capitalism and welfare regimes. Thus, the Conservative welfare regime is mainly found in Continental Europe; the Liberal welfare regime is in Anglo-Saxon countries; the Social democratic welfare regime in Scandinavia; and the Assistential welfare regime in South European countries (see Esping-Andersen, 1990). This and other classifications highlighted the difficulty of defining empirically the French case. It has been included into the continental model, but also into the Mediterranean one. This case, however, is characterized by a high

in the light of a large political economy literature, distinguishing more accurately within this pattern between the French case, to be included in the coordinated market model or in a continental model with a strong presence of the State, and Spain and Italy characterized by low competitiveness and high inequality. Finally, Poland belongs to a post-communist pattern which shows sustained economic growth.¹¹

As for the patterns of democracy, we refer to the well-known analysis by Lijphart (2012). Accordingly, democratic structures reflect two distinct principles aimed either at concentrating decision-making power in the government (majority or competitive democracies) or spreading it among different institutions (consensual or negotiated democracies).¹² Each of these two fundamental principles influences all the features of a democratic regime, which can be grouped into two sets, one regarding the ‘executive-parties dimension’ and the other concerning the ‘unitary or federal dimension’.¹³ It is hardly necessary to note that the second set of institutional arrangements is particularly important for Germany and Spain (see Colomer, 2008). If, instead, we limit ourselves to considering the ‘system of government’, our cases can be placed along an ideal continuum that, based on the veto players (the less majoritarian the system is, the more relevant the veto players are), still goes from France to the United Kingdom, Spain, and Germany of the ‘democracy of the chancellor’, Poland and, finally, Italy.¹⁴

In Table 5.1, we tried to place our six empirical cases in the space of attributes derived from the intersection of economic and political factors. As seen in Chapter 2, the economic context is not irrelevant to the intensity of inequality and the trend over time. Nevertheless, what does ‘not irrelevant’ mean? Furthermore, above all, what place do the institutions have in our framework?

economic productivity, the crucial role of the state and, until the 1980s, by the centrality of conservative parties and the strength of left-wing opposition.

¹¹ For a more in-depth discussion, see Burrioni (2016) and Trigilia (2017).

¹² A different way of conceptualizing what is said in the text is to analyze the democratic regimes according to the number and salience of the veto players or veto rules that influence policymaking. Thus, consensual democracies have many veto players, which ultimately favours the status quo and limits policy change. Differently, majoritarian democracies are characterized by not having or having a few veto players (Tsebelis, 2002).

¹³ The first institutional set includes the following dimensions: (1) single-party or coalition cabinet; (2) dominance of the executive over the legislature, or equilibrium between the two powers; (3) number of parties and significant party system issues; (4) majoritarian or proportional electoral system; and (5) pluralistic or neo-corporative composition of interest groups. The second includes (6) degree of unitariness or federal decentralization; (7) strong or weak unicameralism or bicameralism; (8) a rigid or flexible constitution, to which the author adds another two aspects concerning; (9) the role of central banks; and (10) constitutional courts. A further separate dimension could be (11) the degree to which instruments of direct democracy, such as the various kinds of referenda, are used in that regime.

¹⁴ In Table 5.1, the position of Germany among the ‘consensual democracies’ must be explained with reference not so much to the electoral system but the federal structure and the system of intermediation of interests of the neo-corporative type, although softened during the second decade of the twenty-first century.

Table 5.1 Varieties of capitalism and democratic patterns in six democracies

	Market liberal economies	Coordinated market economies	Mixed market Economies	Postcommunist market economies
Majoritarian Democracies	United Kingdom	(public managerial pattern) France V Rep.*	Spain [°] Italy (1994–2018)	Poland*
Consensual Democracies		(neocorporatist pattern) Germany [°]	(Italy 1948–1992) (France IV Rep.)	
Economic (in)equality Outcomes	trend toward higher economic inequalities	decrease of economic inequalities	increase of economic inequalities & poverty risk	decrease of economic inequalities

Notes: (*) Semi-presidential democracy; (°) Federal democracy. Italy and United Kingdom are parliamentary democracies with unitary states and different levels of regionalization. For Italy the period 1994–2011 refers to the first elections with a mixed proportional-majoritarian electoral law and to the resignation of the Berlusconi government (2011), before the Monti technocratic government (2011–13); the period 1948–92 to when there was the proportional electoral law. In 2017 a new proportional was approved and implemented in 2018. For more on the outcomes (last row), see the analysis in Chapter 2.

Here, we consider the institutions (varieties of capitalism and models of democracy) as ‘conditions of possibility’ (Mounk, 2018; see also Elster in Chapter 1), that is, as context factors that make specific policy outcomes more probable, in terms of ‘redistribution’ and/or ‘efficiency’ (see Tsebelis, 1990), or of equality and freedom.¹⁵

Institutions affect decisions and the type of policies (outputs) more directly, while their influence on factual situations (outcomes) is more indirect, sometimes even random. What connects the two levels, institutions and outputs/outcomes is a complex set of intervening variables: from the designed reforms with the accompanying rhetoric to their implementation and the stickiness of the bureaucracy, to factors that bypass the control of political actors—such as automatic stabilizers (see above) or other structural factors (i.e., demographic phenomena, composition of the labour market, business behaviour, technological changes).

With these cautions, let us go back to the issue of the probability of institutional contexts to influence social wellbeing. This occurrence is more favourable when it is associated with economic growth and the competitiveness of the productive and welfare sector, that is, a situation concerning Germany and

¹⁵ The redistributive institutions are rules that transfer resources and, consequently, power from one social or territorial group to another. The institutions of the ‘efficiency’—in the Paretian sense—create an equilibrium of all actors in a system of exchange.

France.¹⁶ For these two countries, we should also take into account their historical and ideological legacies with related policy consequences. As is known, between the two systems there is the meaningful difference that the function of regulation and coordination in Germany tends to be carried out by concertation among interests while in France the bureaucracy and the State tradition plays a crucial role. Besides, both countries have a substantial segmentation of the labour market and a dualism of the welfare regime that fuels a categorical fragmentation and might have sustainability problems. However, the data we saw in Chapter 2 (see esp. Figure 2.1) highlight how France and Germany show a clear trend towards greater equality, despite more recent partial uncertainties in Germany.

To these two countries, we can also add Poland, a case of the ‘phoenix effect’, that is, a case of growth following a previous deconstruction of the political and economic system (collapse of the Soviet system) and its replacement with economic institutions and inclusive, competitive policies. Indeed, Poland has high economic growth, which leads to a reduction in the level of economic and social inequality. The trends of the United Kingdom are declining concerning economic and social equality. However, it should not be forgotten that its position among the ‘liberal market economies’ structurally favours the individualization of new social risks and, therefore, increases the likelihood of inequality. The ‘mixed economies’ of Southern Europe, Italy, and Spain, are very differentiated vis-à-vis the ‘coordinated market economies’. Here, it seems that the determining factor is constituted by the structure of the economic system—with the four regulatory arenas mentioned above—and by its interrelations with the democratic system. These aspects are even more evident in the Italian case, where over time, the economic configuration is associated with both patterns of democracy. That is, Italy is a consensual one until 1992; then with quasi-majoritarian features, albeit not irreversible (Morlino, 2014), until 2018, although with the Monti technocratic cabinet (2011–13) and, later on, with the elections of 2013, there was a crisis of bi-polarization (i.e., the possibility of an alternation in government between two parties or coalitions of parties) leading to post-elections cabinets.

In any case, for both Italy and Spain the majority pattern does not seem to work under the effects of the economic crisis and its medium- and long-term consequences. This is one of the most critical pieces of empirical evidence of the analysis in the performance of democracies. More precisely, and in general, in the Mediterranean variant of capitalism, a situation of ‘insecurity without competitiveness’ prevails (Burroni, 2016, p. 173), and it is complemented by low growth, the weakness of trade unions, dualism in the labour market (with precariousness), clientelism and ineffectiveness of the public bureaucracy. This last aspect regarding the bureaucracy has been labelled the ‘informal State’ (Sotiropoulos,

¹⁶ As said above (see fn10), by some scholars, France is classified a hybrid economy, together with Italy and Spain. By others, it is inserted in the continental capitalism group, along with Germany.

2004) or ‘distributive State’ (Ferrera, 2016). In these two countries, social cohesion appears to be at risk, which fuels a general sense of insecurity similar to the situation in Greece. The impact of the Great Recession was more profound in precisely these countries. This was not only because the productive sector and the international competitiveness of companies were weaker, but also because the strict budget constraints that came into force with the treaty of Maastricht 1992, and the austerity policies imposed after the 2008 crisis, made the adoption of redistributive policies (the ‘providence State’) limited and ineffective. The data we discussed in Chapter 2 confirm that since 2008 the growth of inequality has been greater in Italy and Spain than in the other countries, the situation of social protection spending has been worsening, while in Italy there has even been a considerable growth in the risk of poverty. To these considerations, we can add those relating to the ‘demand’ of national public opinions (see section 4.2). In this regard, we have seen the decisive shift in attention of the public opinions of our democracies towards equality. This mainly happened in Spain and Italy, and also in Poland since at least 2012, according to the data we have (see Figure 4.11).

The lesson we can draw from the points we have made so far is that political institutions are relevant but not decisive. Economic structural factors come first. However, the outcomes in terms of inequality are not predetermined. To quote Milanovic (2016, pp. 72–4), ‘it is this interplay between, on the one hand, these determinative economic forces, and, on the other hand, political and social forces... The increase in the mean income that we observe is only a proxy for the economic forces at play; the change in inequality that we observe is the product of both these economic forces and political decisions.’ Moreover, a ‘naïve “economism” that looks only at the forces of supply and demand is insufficient to explain movements in income distribution. It is also wrong to focus only on institutions. Institutions and policies work within what economics allows: they are, if one wishes, “endogenous”... They break out of that framework only in exceptional cases of “political voluntarism”, which holds that it can dispense with economic limitations. But this seldom happens in capitalist societies and even less often (or never) in capitalist and democratic societies.’¹⁷ Thus, in our perspective, which focuses on equality, coordinated economies with or without majoritarian democracies tend to have redistributive policy solutions and tend to correct inequalities. Differently, competitive economies complemented by majoritarian political solutions tend towards ‘subtraction’ (of resources and rights), or a winner-take-all

¹⁷ The answers that democratic institutions and their leaders give to specific political and policy problems in the short term also depend on the history of their institutions and the interdependencies between the different types of institutions (in our case, economic and political ones). Indeed, as already stated, institutions tend to reflect a ‘convergence’ and consistency between underlying principles.

game (Hacker and Pierson, 2010), which increases inequalities.¹⁸ Different solutions provide relatively more uncertain results.

The analysis carried out to this point is not complete. We still have to deal with another aspect. As we saw in chapters 1 and 2, we ‘unpacked’ the root-concept of (in)equality in three components: economic, social, and ethnic. So far, we have left out the last one and referred only to the first two. However, we can now integrate this third component into our analysis. As the data on immigration and citizens’ perceptions of the phenomenon (see section 2.3) show, we know that: (1) immigration has remained mostly stable over the years covered by our research (except for very selected peaks); (2) there is a clear intersection of the economic and ethnic equalities, above all in cases and moments when the level of crisis is high. This is the case of Italy and Spain, and, with less intensity, of France, while Germany and the United Kingdom have been more inclusive, although in recent years the cultural effects of immigration have been creating concerns in those countries as well. Poland is an exception to this. Since 2012 there has been a substantial decline in the acceptance of immigration (see also below).

If we link what we stated in Chapter 2 and the analytical framework (institutional political and economic arrangements) we discussed in this section, it can easily be deduced that among democracies the majoritarian ones have a rather critical relationship with ethnic equality, concerning citizens’ perception, the gap between the evaluation of economic and cultural effects of immigration, and ‘paranoid’ mobilization against foreigners.¹⁹ This is partly the result of the institutional structures which, as we have seen, seem to magnify social tensions rather than absorbing them. If this is so then the political and social polarization, and the extent of it, are the critical factors. In this frame, the strategies of leaders and parties, both the new and traditional ones, see—to quote an expression by Bachrach and Baratz (1970)—in the ‘mobilization of prejudice’ a chance to maximize their earnings in terms of vote and office seeking. The ‘winner takes all’ logic produced by majoritarian institutional rules is compounded by the mental representation of ‘us vs them’, thereby activating a vicious circle. The outcome is the growth of a ‘pernicious polarization’ (McCoy Somer, 2019) that bounces back into society from the political-electoral process.²⁰

If we look at our cases, the salience of the migration issue derives either from the consequences of the economic crisis (Italy, Spain, and France) or from basic ideological orientations (Poland). In this context, the United Kingdom has a

¹⁸ A variant of this type of reasoning is offered by Iversen and Soskice (2008), who show a strong correlation between proportional electoral systems, coalitions or leftist governments and redistributive policies.

¹⁹ We refer here to the work by Richard Hofstadter (1963).

²⁰ Besides, as noted by Alessandro Pizzorno (2012, p. 212), for the complexity of economic policies and the inability of the voter to assess their meaning and scope, issues (and policy objectives) of identity or even morality can be more easily evaluated (because they solicit emotions).

hybrid position, probably reflecting a longer (colonial) history of ‘multi-ethnic’, but divided society. Finally, Germany’s greater openness to immigrants is associated with the international competitiveness of the ‘social market economy’. It must also be said that, especially in the post-crisis phase of 2008–14, the cultural effects of migration began to raise concerns in the public opinions of the six countries (see Chapter 2, section 2.3). Our democracies have a neo-populist political offer that became stronger in the second half of 2010, with a continuous tension between people mobilization on an issue basis (social protest) as well as on identity (defence of borders). We will develop this distinction below.

5.4 The Relevant Actors: The Neo-Populist Challenge

If now we switch to the analysis of actors, we can recall that in the previous chapter we analysed inequality (and freedom) as a crucial content of real democracies with reference to citizens’ demands (section 4.2) and to the political party offer (section 4.3). More generally, comparative explanations for the electoral success of new protest parties (or neo-populist parties) may emphasize one or another of three elements, or their intertwining: (1) *the demand-side* role of voters’ attitudes and actions; (2) the *supply-side* strategic appeals of parties and also of political leaders; and (3) the *institutional rules of the game* (Norris, 2005). We now return to this in order to illustrate the two hypotheses that we will discuss in this section.

First hypothesis: Independently of the available resources, if there are a more profound dissatisfaction and the consequent emergence of salient protest parties, there is a corresponding, adaptive institutional responsiveness with a possible consequent improvement of social rights and lowering of inequalities (see below, sections 5.4.1, 5.4.2, and 5.4.3).

Second hypothesis: The stronger the leftist incumbent parties are, the better the implementation of social rights and the lower the inequalities will be (see below, section 5.5).

To check the first hypothesis, at the centre of our analysis, we place the intermediate explanatory factors (Morlino and Raniolo, 2017, p. 39). This operation entails an epistemological and methodological choice aimed at finding the causal mechanisms of connection between macro-variables (dependent and independent ones). Micro factors can only give this link. They are, first of all, the individual orientations (specific evaluation attitudes) of women and men towards democracy and the central institutions of political representation. In short, it is a political culture in one of its possible meanings. As will be seen in the next section, we chose to look at the degree of satisfaction/dissatisfaction of citizens concerning the functioning of their respective democracies. In this case, at least in our view, if positive, ‘satisfaction’ should be considered as the best indicator of perceived

responsiveness and, therefore, of legitimacy.²¹ Additional behaviours could be vote abstention and voting for protest parties rather than for mainstream parties. To quote Hirschman (1970), we can see this set of attitudes and behaviours in terms of the decline of ‘loyalty’ towards traditional parties and representative institutions in general; of ‘exit’, that is, the abandoning of the electoral market in the long term or the abandoning of traditional parties in the short term; and of ‘voice’, namely as an appeal to the protest vote.

5.4.1 The New Protest Parties

Clarification is now needed. The trend of inequality seems to constitute (see Chapter 2) a structural aspect of advanced capitalist societies, partially mitigated by the institutional characteristics (see section 5.3) of capitalist systems and by models of democracy (see Table 5.1) and made sustainable by capacity production of individual countries and their placement in the ‘international value chains’ (Giunta e Rossi, 2017), but also in the structure of the mobility of incomes and wages. In this context, the economic crisis with its specificities—intensity, propagation, duration—has ‘opened the relationship system’ and represented a window of opportunity for innovation and political change.²² A direct consequence is the emergence and success of protest movements and populist or, in any case, new parties. This, however, is only one aspect of the mechanism due to the transformations of capitalism and the economic crisis (macro-micro-meso: structural conditions-dissatisfaction-alternative mobilization). Starting from this point, another set of causal processes and interactions (micro-meso-macro) opens up, characterized by dissatisfaction and the spread of protest (social and political), which fuel the electoral success of neo-populist parties and their influence on the agenda of the incumbent governments in charge, even when they are not in government. This opens spaces for redistributive policies, for combating new social risks and poverty, for guaranteeing social rights. In short, social cohesion climbs at the top of the agenda of governments even in conditions of weak, asymmetrical growth (between countries and regions), of deterioration in the standard of living of citizens, and of a ‘secular stagnation’ (Jacobs and Mazzucato, 2016).²³

²¹ Here we can recall the classic distinction by David Easton (1965) between diffuse and specific support for the regime, which we could consider as mirrored by two types of legitimacy. The specific support/legitimacy can be closely associated with responsiveness.

²² Some factors to keep in mind in the action of this catalyzing effect include: the long-lasting decline of traditional political parties and dissatisfaction with representative institutions; but also more contingent factors such as the overlapping of crises starting from that of immigrants.

²³ To the limited growth and the increase of inequalities (also due to the growing phenomenon of precarious work), Jacobs and Mazzucato (2016) add the environmental crisis and the overheating of the ecosystem.

As seen in Chapter 4, the dissatisfaction is in the background of the political choices and behaviour of voters. Here, we will limit ourselves to look specifically at voting for protest parties. Especially when there was an overlap with other crises (immigrants, inter-state conflicts, EU foreign policy), the Great Recession worked as a ‘catalyst mechanism’ that strongly influenced the mobilization and competition models of the European democracies (Morlino and Raniolo, 2017). Overall, a convergence between a ‘security’ demand (both economic and cultural) and a ‘protest’ offer is favoured. Kriesi (2014) spoke of ‘protest populism’, which is characterized by:²⁴

- (a) ‘the rise of new challengers in the party system’ (ibid., p. 368): they give voice to the ‘new structural conflict that opposes globalization losers to globalization winners’ (ibid., p. 369); during the second decade of the twenty-first century, in several European democracies, we have been witnessing the appearance and in some cases the resounding success of new protest parties or populist (or neo-populist) parties, which are particularly effective in giving voice to the discontent and protest of social groups.
- (b) ‘the radical rejection’ of the political elite and mainstream parties (ibid.), with the parties of the traditional left and right government increasingly challenged by the new protest parties, while the political elites and institutional (technocracies) lose legitimacy;
- (c) ‘the expansion of the conflict beyond the party system’ (ibid.) through the dissemination of nonconventional forms of political protest, such as demonstrations, strikes and other forms of direct action.²⁵

Here, we can include the phenomenon of the spread of unconventional participation, which was already putting down roots in the 1970s and has been talked about for some time as the ‘normalization of the unconventional’ (Fuchs, 1991). In recent decades, waves of protest, characterized by the emergence of social movements linked to globalization and to the transformation of capitalism itself, have also been shaking European societies. In particular, for our purposes, it is appropriate to distinguish between two cycles of protest: the wave of protests relating to the Global Justice Movement (GJM) of the 1990s, inspired by anti-neoliberal and anti-globalization ideals; and the anti-austerity movements that sprang up in response to reactions to the 2008 crisis and its consequences in terms of restrictive budget policies, privatization, and the dismantling of welfare (Della Porta, 2015).

²⁴ A further component of the protest is growing electoral abstention, though the trends vary in our countries.

²⁵ A fourth possibility for the expression of dissatisfaction by voters is abstentionism, a sort of long term exit as the voter leaves the electoral market, while the protest vote can be considered a shortcut exit, as the voter remains in the market.

Now, we can analyse the change that has been taking place in the format of the party systems of our democracies. Following Sartori (1976), these changes can be mainly grasped in the ‘format’ and ‘mechanics’ of party systems. Moreover, many indicators, such as voter turnout, electoral volatility, the effective number of parties, the appearance of protest parties, would seem to suggest that political and electoral competition in European and Western democracies has been becoming increasingly centrifugal, and party systems themselves will be more ‘fluid’.²⁶ Thus, the strategies of the actors in the field—of both the traditional parties and the new challenging protest parties—pursue or push voters towards extremes, with a consequent and increasingly ‘pernicious polarization’ (McCoy and Somer, 2019) of social relations as well, with fatal consequences for the quality of democracy. Our democracies are thus turning into ‘radicalized democracies’ (Morlino and Raniolo, 2017) or polarized democracies.

As we shall see later, in addition to the dissatisfaction, where this exists, system-level polarization takes on importance in our analysis for two reasons. On the one hand, it reflects the emergence of neo-populist, protest parties, though we should also consider the strategies of mainstream parties, which may intentionally choose to radicalize electoral campaigns and relations with other parties and institutions (Levitsky and Ziblatt, 2018). Among the possible examples, we can mention the relations between Berlusconi, the party oppositions and the magistracy in Italy; the *crispación* in the relations between the Spanish Popular Party of Rajoy and the Socialist Party of Zapatero after the 2004 elections; and the referendum on Brexit (2016) in the UK ‘invented’ by Prime Minister Cameron for political reasons that were inherent to his party. On the other hand, the growing systemic polarization reflects a society that is pervaded by tensions, resulting, for example, from the growth of inequality and the risk of a worsening of the economic conditions of the middle classes. The mobilization of resentment and the social construction of the enemy—first, immigrants or internal minorities—readily follow, contributing to further polarization. In this context, the strategic dilemma of the parties between ‘preference-shaping (trying to convince voters to see things your way) rather than preference-accommodating (adapting your policies to their views)’ (Bale, 2010, p. 119) distinguishes populist parties and, generally, electoral parties, more oriented towards the accommodation.

The data presented in Table 5.2, calculated on the basis of an algorithm proposed by Dalton (2008) for the distinct elections, seem to underestimate the

²⁶ In the new edition of his famous 1976 work, brought out to mark the 40th anniversary of its original publication, Sartori (2016, esp. chapter 8) emphasized the process of fluidization of parties and party systems in Western democracies and the possible consequences. About half a century ago such a phenomenon was a distinguishing feature of African politics but is now becoming a reality in contemporary Europe. Among our cases, Poland, but also Italy, display stable fluidization of the party system. For an analysis of the changes of party systems in Europe during the twentieth century, see Ignazi (2017).

Table 5.2 Polarization index in six countries (1992–2018)

	1	2	3	4	5	6	7	8	9
France	0.44	0.41	0.47	0.44	0.43	0.34			
Germany	0.34	0.40	0.31	0.36	0.40	0.43	0.45		
Italy	0.41	0.48	0.47	0.46	0.45	0.45	0.49		
Poland	0.39	0.39	0.46	0.38	0.39	0.26	0.35		
Spain	0.41	0.46	0.49	0.46	0.42	0.46	0.53	0.55	na
United Kingdom	0.38	0.29	0.29	0.31	0.37	0.38	0.41		

Source: www.parl.gov.org.

effective polarization of the party system, and its radicalization,²⁷ but they do give us two significant pieces of information. First, during the time we are considering there was an evident increase of polarization in four of the six democracies; while the trend is more controversial for Poland, where, however, there was a significant increase in the 2015 elections, resulting in a fluctuating diachronic trend. Second, France stands out as the political polarization tended to shrink there as an effect of institutional drives. However, this was not so for political radicalization, which may even be pushed by those same majoritarian institutions and is graphically reflected in the protracted protest of the *gilets jaunes* or yellow vests movement in 2018–19. Third, the United Kingdom also displays the highest growth of polarization, from 0.29 to 0.41, revealing the radicalization of the Labour Party under its leader Jeremy Corbyn after the years of moderation under the leadership of Blair.

To discuss the reasons for these complex changes would require an in-depth, specific analysis that would divert us from the goal of trying to explain the presence and transformations of the two objective values of democratic regimes (equality and freedom). However, there is no doubt that much of the polarization or radicalization process is the product of the appearance and success of what we might call ‘new protest parties’ (Morlino and Raniolo, 2017, esp. chapter 4). In some of our countries, these parties immediately (or almost immediately) became relevant political actors. Following the ‘rules for counting’ suggested by Sartori (1976, pp. 121–5), they achieved a high ‘blackmail potential’ and even a ‘coalition potential’,²⁸ but above all have been able to channel the potential for widespread

²⁷ Here, it seems necessary to recall the distinction between polarization and radicalization. The first implies that political competition takes place through aggregation around two poles (or coalitions), which are not necessarily radical (as was the case for many decades in the UK), while the radicalization of political issues results in a distancing among policy proposals and disappearance of moderate positions (see Morlino, 1981, pp. 41–5).

²⁸ ‘Coalition potential’ and ‘blackmail potential’ refer to ‘parties that have either a governmental relevance in the coalition-formation arena or a competitive relevance in the oppositional arena’ (Sartori, 1976, p. 123). This outcome is the product of several structural transformations and contingent events—among which the 2008 economic crisis has a prominent place—which has significantly lowered the ‘entry barriers’ to the new parties (Raniolo, 2013).

dissatisfaction in society as a result of the economic crisis and, in some cases, of the worsening of equality (see Chapter 2).

To give an account of these changes, let us take a more general look at the European countries (see Table 5.3). It is easy to see (column 3) that the success of the new protest parties, challengers or neo-populists (but also simply of a new party such as LREM in France)—votes for which have been steadily growing since the early 1990s—was dramatic in the years following the Great Recession.²⁹ However, for a large part of the twentieth century the so-called ‘freezing proposition’ (Lipset and Rokkan, 1967, p. 50)³⁰ was the rule and, accordingly, the European party systems presented a substantial continuity. The appearance of ‘significant’ new parties was a rarity, as was the transformation of party systems. In a sense, the electoral markets of Western democracies have been fundamentally stable. Electoral volatility would have become a crucial aspect of the new policy only starting from the 1980s and 1990s. The long-term perspective reveals how such volatility or instability is not an absolute novelty. Indeed, the electoral history of Western democracies shows a U-shaped pattern as high volatility was typical of elitist political systems of the nineteenth century. Later, there has been a long period of stability during the first half of the twentieth century, and a return to the high volatility during the last thirty years constituted a real opportunity for the emergence of new successful parties.³¹

From Table 5.3 we see that the 42 recorded cases—in some cases the same party has been counted more than once—are all related to elections that have been held since 2012 and where the parties won 10% or more of the vote (see the complete table in the Appendix, Table. 5.A1). In 26 cases the new parties won between 10% and 19%. In five cases the voting percentages far exceeded 20 points: the Freedom Party of Austria with 26% (in 2017), *La République En Marche!* with 28.2% (also in 2017), SYRIZA with 27% (in 2012), and M5S with 26% (2013), while the Jobbik party in Hungary remained at 20% in the two most recent elections. There are also some even more striking results, with peaks of 37.6% in Poland with the Law and Justice (PiS) in 2015 and 43.6% in 2019, 35.5% in Greece with Syriza (in 2015), 32.7% in Italy (in 2018) with the M5S (Five Star Movement). But see also the case of Bulgaria where the right-wing party Citizens for European Development got over 30% in the three elections here considered. It hardly needs noting that three out of the four most successful cases are included in the democracies examined here. Moreover, as can be seen from the last column in

²⁹ More precisely, *En Marche* and *Ciudadanos* can be classified as ‘insider challenge to the incumbent political establishment’, as they are not characterized by the recurrent ideological features of neo-populism, one of them being the anti-elitism.

³⁰ That is, the party alignments of the 1960s reflected the socio-economic divisions or cleavages of the 1920s.

³¹ For the analysis of the U-shaped pattern see Mair (1997); for a more recent research on volatility see Chiamonte and Emanuele (2017) and Emanuele and Chiamonte (2018).

Table 5.3 New and neo-populist parties: the European picture (2012–2019)
(more than 10%)

Party Name	Elec Year	Votes (%)	Seats	Party name	L-R	Foundation Year
Austria	2013	20.5	40	Freedom Party of Austria (FPÖ)	8.3	1949
	2017	26.0	51	–	–	–
	2019	16.2	31	–	–	–
Bulgaria	2013	30.5	97	Citizens for European Development of Bulgaria	7.4	2006
	2014	32.7	84	–	–	–
	2017	33.5	95	–	–	–
Czech Rep.	2013	18.7	47	Action of Dissatisfied Citizens	6	2012
	2017	29.6	78	–	–	–
Germany	2017	12.6	94	Alternative for Germany	8.7	2013
Estonia	2019	17.8	19	Conservative People's Party of Estonia	n.a.	2012
Spain	2015	12.7	42	Podemos	1.2	2014
	2016	13.4	45	–	–	–
	2019	14.3	42	Unidos Podemos	1.2	2014
	2019I	12.8	35	–	–	–
	2015	13.4	40	Ciudadanos	6	2005
	2016	13.0	32	–	–	–
	2019	15.9	57	–	–	–
	2019II	6.8	10	–	–	–
	2019	10.3	24	Vox	8	2013
France	2019II	15.1	52	–	–	–
	2017	28.2	308	La République En Marche!	6	2016
Greece	2017	11.0	17	La France Insoumise	1.2	2016
	2012	16.8	52	Coalition of the Radical Left (SYRIZA)	2.9	2004
	2012	26.9	71	–	–	–
	2015	35.5	145	–	–	2013
	2019	31.5	86	–	–	–
Hungary	2012	10.6	33	Independent Greeks (ANEL)	8.7	2012
	2014	20.2	23	Jobbik- Jobbik Movement for a Better Hungary	8.7	2003
	2018	19.1	25	–	–	–
Iceland	2016	14.1	10	Pirate Party	2.5	2012

Continued

Table 5.3 *Continued*

Party Name	Elec Year	Votes (%)	Seats	Party name	L-R	Foundation Year
Italy	2018	17.3	123	League of Salvini	–	2013 (1991)
	2013	25.6	108	Five Star Movement	5	2009
	2018	32.7	225	–	–	–
Latvia	2014	16.6	17	National Alliance	8.2	2011
	2018	11.0	13	–	–	–
Netherlands	2012	10.8	15	Party for Freedom	8.8	2006
	2017	13.1	20	–	–	–
Poland	2015	37.6	235	Law and Justice	7.7	2001
	2019	43.6	235	–	–	–
Romania	2012	14.0	47	People's Party—Dan Diaconescu	1.2	2011
Slovakia	2016	11.0	19	–	–	–
United Kingdom	2015	12.6	1	UK Independence Party	7.8	1993

Source: See Appendix.

Table 5.3 (foundation year), 15 parties were established after 2008 in the context of the Great Recession.³² Finally, of these new political formations, ten are situated on the right or far-right (with LR scale values equal to or greater than 7) and six on the extreme left (with values less than 3).

Therefore, there is no exaggeration to claims that not only have the turbulence and uncertainty of the electoral markets and party systems become chronic in recent years, but also that citizens feel they are living through a real ‘historical crisis’ (Reynié, 2013; Mény, 2019). Such a crisis involves state institutions (first of all, those of welfare and security); the quality of representative institutions; and the relations between state and market. Some authors contend that the very survival of the political institutions of modernity, as we have known them in Europe for some centuries now, is now at stake.³³

In Table 5.4, we limited the analysis to our six cases and included the main left-wing political formations whose issues are more directly related to the equality dimension (see section 5.3). We also included right-wing formations, to consider all the parties that because of their placement and competitive strategies, have been favouring the polarization and radicalization of the related party systems.³⁴

³² We excluded the League as the date of its foundation is 1991, despite the radical renewal it underwent in 2013 under the leadership of Salvini.

³³ Yuval Noah Harari (2018) underlines the definitive crisis of the three ‘great narratives’ of the twentieth century (Fascist, Communist, and Liberal) and how the revolution of new digital technologies has favoured this. The radical changes at the international level are not without consequence for the analysis of equality, and are well analyzed by Parsi (2018).

³⁴ For the distinction between polarization and radicalization see fn 27.

Table 5.4 New parties, neo-populist parties, radical left parties, radical right parties (1992–2019)

Country	Party name	1	2	3	4	5	6	7	8	9	10
Germany	AFD						4.7	12.6			
	Die Linke	4.4	5.1	4	8.7	11.9	8.6	9.2			
France	LRM						28.2				
	FN	9.8	12.4	14.9	11.3	4.3	13.6	13.2			
	FG/Fr.In.	11.3	9.2	9.9	4.8	4.3	6.9	11			
Italy	M5S						25.4	32.7			
	Lega	8.4	10.1	3.9	4.6	8.3	4.1	17.4			
	FdI/An	13.5	15.7	12	12.3		2	4.4			
	PdR-RC/PdCI/Si	6	8.6	6.7*	8.1*		3.2				
Poland	PiS			9.5	27	32.1	29.9	37.6	43.6		
	K							8.8			
Spain	Podemos							20.7	21.2	14.3	12.8
	Cs					0.2		13.9	13.1	15.9	6.8
	Vox								0.2	10.3	15.1
United Kingdom	UKIP		0.3	1.5	2.2	3.1	12.6	1.8	2.0		
	SF	0.2	0.4	0.7	0.6	0.6	0.6	0.7	0.2		

Notes: Elections in Germany: 1994, 1998, 2002, 2005, 2009, 2013, 2017; France: 1993, 1997, 2002, 2007, 2012, 2017; Italy: 1994, 1996, 2001, 2006, 2008, 2013, 2018; Poland: 1993, 1997, 2001, 2005, 2007, 2011, 2015, 2019; Spain: 1993, 1996, 2000, 2004, 2008, 2011, 2015, 2016, 2019i, 2019ii; United Kingdom: 1992, 1997, 2001, 2005, 2010, 2015, 2017, 2019. (*) Sum of votes PdR-RC and PdCI.

Legend: AFD: Alternative for Germany; Die Linke: The Left; LRM: La République En Marche!; FN: Front National; Fra.Ins: La France Insoumise; FG: Front de Gauche; M5S: Five Star Movement; Lega: League North/League; FdI/An: Brothers of Italy/National Alliance; PdR-RC/PdCI/Si: PRC: Communist Refoundation Party/Party of Italian Communists/Italian Left; Pis: Law and Justice; K: Kukiz'15; Podemos: We Can; Cs: Citizens—Party of the Citizenry; Vox: Voice; Ukkip: United Kingdom Independence Party; SF: Sinn Féin.

The data in Table 5.4 show a high differentiation of the electoral consensus for the parties in the various elections held over the twenty years, and in these cases, the averages are of little use. In the light of what was said above about the appearance of significant new parties, it is better to consider the parties with relatively high percentages of consent. This criterion, however crude, allows us to allocate the political parties considered into three significant groups. In a first group, we find four parties, all above the threshold of 20 percentage points: LRM (28.20) in France, M5S (32.7%) in Italy, PiS (37.6%) in Poland and *Podemos* (21.2%) in Spain, at least until 2016. The picture in Spain changed with the 2019 first elections. Once again the coalition with the left (*Unidos Podemos*) was not successful, and the 14.3% is about 7 points lower than previous elections, putting the ‘electoral cartel’ of protest in fourth place after the PSOE (28.7%), PP (16.7%) and *Ciudadanos* (15.9%) and immediately before the radical rightist *Vox* (10.3%), the real surprise of the last elections.³⁵ In the 2019 second election, *Unidos Podemos* loses 1.5 points (12.8%), and *Ciudadanos* 9 (6.8%).

In the second group, there are parties with an electoral performance within the 10–19% range. However, the picture is more differentiated for both variability of consensus and timing of the elections when the best results are won. In this group we find the Germans of AfD (12.6%), and of *Die Linke* (11.9% in the 2009 elections);³⁶ the French FN, with an average of 11.4% in all the elections, that is, above the 10-point threshold (except in 2007 when it received 4.3%); the Mélenchon movement, which obtained 11% in the last elections, a result that was similar to that of the *Front de Gauche* in the 1990s; the Italians of the *Lega di Salvini* (Salvini League) (17.4), but also the *Alleanza Nazionale* (National Alliance—AN), whose best result was 15.6% in 1996; and finally the Spanish of *Ciudadanos* with an average of 14% in the last three elections and the British of the UKIP, who won over 12% in the 2005 elections. However, in the 2019 election, the party led by Farage, i.e., the Brexit Party, only won 2%. A new entry is the Spanish right-wing and nationalist party *Vox* with 10.3% and 15% in the November 2019 election. Founded in 2013 after a split within the *Popular Party* (PP), *Vox* obtained 16.2% in the Andalusia regional elections in the autumn of 2018. As we can see the trends seem positive especially for AfD, FN, Lega, and UKIP, all four of which we can label as right-wing populists (see below).

Finally, there is the third group of smaller parties that have not reached the 10% threshold in any election and are mostly the parties of the radical left in Italy

³⁵ When we analyse Italy, it is perhaps appropriate to mention Goltaly! (FI) as well, led by Berlusconi, which carried significant weight in the polarization process of the post-1994 Italian political system (Morlino et al., 2013). We need only add that in the time frame considered here FI obtained an average level of consensus of 24%. It has negative trend, and in the 2018 elections had its worst result (14%).

³⁶ In the last ten years another protest party that has had some success at the state level, but less at the federal level, is the Pirate Party. Founded in 2006, it obtained its best result in the 2009 federal elections, with 2%, which was below the threshold for access to the Bundestag.

(PdRC/RC, PdCI, Si) and *Sinn Féin* in the United Kingdom. To them, we can add two right-wing parties: the *Fratelli d'Italia* in Italy and the *Kukiz'15* in Poland.

As seen in Table 5.4, in addition to the variability (over time and between the different cases) of electoral consensus, our six countries are distinguished by the presence of new protest parties. In particular, this is quite significant in Italy, Spain, Poland, and France. Except for Spain, in the other three cases, the new parties became governing actors after the outcome of the last elections. We will return to these countries later, linking the emergence of populist parties with two distinct components of equality (economic and ethnic). For now, if for the sake of clarity we recall the hypothesis we addressed earlier (if there are more profound dissatisfaction and stronger protest parties, there is corresponding responsiveness with a possible consequent improvement of social rights and lowering of inequalities), we can sum up our empirical results thus far. The growing dissatisfaction with democracy (particularly evident in Spain and Italy, but also in France) and the polarization of the party system (again quite evident in Spain and Italy, but also in Germany) established the conditions for the emergence and development of new protest parties. This occurred in Spain and Italy. Furthermore, in 2018–19, in both countries, there is a ‘bilateral opposition’ (*Podemos*, *Ciudadanos* and *Vox* in Spain; *M5S* and *Lega*, *FdT* in Italy). Moreover, until early September 2019, in Italy, the government was formed by a coalition between the *M5S* and the League. In France, instead, the crisis of the traditional parties has favoured the formation of a new technocratic party (*LREM*). A right-wing populist party has been successful and is also in government in Poland (*PiS*), but in this case, as said, the prevailing ‘domain of identification’ is of a sovereign, religious and anti-immigration type. In Germany, finally, the ‘great coalition’ between Social Democrats and Christian Democrats is increasingly weak in the face of the challenge posed in this case too by a double opposition (*AfD* and *Die Linke*). Thus, overall, this analysis seems to confirm our first hypothesis: a greater dissatisfaction and the growth of new protest parties push incumbent leaders to be more responsive. Consequently, those actors push their democracies to be more respectful of social rights, and eventually less unequal.

5.4.2 Neo-Populism, Protest, and Political Consequences

Going back to the hypothesis on dissatisfaction, protest parties, and a corresponding, adaptive institutional responsiveness (see above), it can also be empirically checked by looking at the political consequences of the appearance of new protest parties. With some simplification, we can imagine four *synchronization patterns*, to quote Almond and Powell (1978), between demands from citizens and political responses, and a residual fourth one.

1. Spain (*social and political 'voice'*): the social movement *Indignados* and the subsequent institutionalization through the formation of *Podemos*, which in alliance with the radical left proposes equality and redistributive and active citizenship policies; Unidos Podemos entered a governmental coalition in January 2020;
2. Italy (*political 'voice' and anti-party sentiment*): the M5S immediately institutionalized the protest against the 'casta', i.e., the establishment, formed a government with the League of Salvini after the elections of 2018 and another government with the Democratic Party since September 2019; M5S proposed forms of direct participation and not always coherent policies to fight poverty (in particular, citizenship income) (see Chapter 2 for further details);
3. France (*establishment reaction and social 'voice'*): the Macron presidency and the protracted protest of the *gilets jaunes* prompted the government to propose policies of assistance and support to calm social unrest and fight unemployment;
4. Poland (*nationalist loyalty cum distributive policies*): the electoral success of the PiS favours the consolidation of nationalist and conservative governments, with a distributive policy profile, profiting of favourable economic conditions.

Let us add that in Germany and United Kingdom there are neither similar social and political protest movements,³⁷ nor new distributive policies. Moreover, as we have seen, countries have different developments. In the first two countries, there has been a partial strengthening of the left, which had a subsequent (2019) decline in the UK with the Labour Party, while the Social Democrats were able to keep their votes and *Die Linke* became stronger in Germany.³⁸ However, here there is a significant difference between Germany and the United Kingdom, which brings the latter closer to the other four cases. As already mentioned (see 5.4.1), the 'populist reaction' has substantially affected our six cases, although remaining rather limited in Germany. In three cases (Italy, Spain, and Poland) it produced the appearance of new populist protest parties (see below), which on two occasions became incumbent. In two cases, the reaction was internal to the technocratic establishment and aimed at 'modelling the preferences' of the voters by introducing reforms (France), or more traditional and aimed at 'matching their preferences' (see Bale, 2010) with the protection of national interests through Brexit (United Kingdom).

³⁷ We can only mention here the anomic urban riots and disorder that took place in different waves, for example, in the suburbs of London and of other important English cities in 2011.

³⁸ For the electoral results of these parties, see Table 5.4. Let recall here that PiS is a party that complements traditional nationalist positions on the family and the community with strong welfare policies (see above and chapter 2).

We can now look a little bit in-depth to these cases, all characterized by the preference-accommodating orientation of our parties, starting with Spain (for the role of governments, see section 5.5). In 2011, protest and social malaise resulted in the birth of the *Indignados* or *15M movement*. At the heart of this ‘social universe in movement’ there was the demand for a more authentic participatory democracy and a revival of social citizenship. Using the slogan *que se vayan todos* and *no nos representan*, the main targets of the *Indignados* were the PP and the PSOE, the two main partisan actors in Spanish politics up to that moment. *Podemos*—we can, but also *Po*(wer) and *demos*(people)—took up these challenges in 2014, establishing an autonomy vis-à-vis the social movement.

Moreover, its opposition to the traditional parties, especially to the PSOE and IU, does not appear so absolute as to preclude the possibility of collaborations and coalitions, or of acting as a possible ally in a progressive government.³⁹ In the electoral campaign for the 2015 general election, *Podemos* claimed its main objective was to defeat the PP in order to create a progressive government along with IU or with the PSOE (especially if it obtained more votes than the latter). Finally, in 2016, it participated together with IU in a single list (*Unidos Podemos*), but with a disappointing outcome. The two parties together lost votes in both absolute and percentage terms compared to six months earlier (–3.3%). There was a strategic dilemma between the aspiration to appear different from other parties and the need to collaborate. In fact, this interpretation seems the correct one if we look at the results of the last elections in March 2019. The coalition of the radical left *Unidos* and *Podemos* obtained 14.3% of the vote (7% less and 29 seats fewer than in the 2016 elections) and was overtaken by *Ciudadanos* with 15.9% (up 3 points and 25 seats compared to 2016). However, the electoral success (April 2019) of the extreme right *Vox* party, with 10.3% approval and 24 seats should also be mentioned. This competitive issue is also present in the November 2019 elections, which pushed the axis of the Spanish party system to the right with the PP growing from 16.7% to 20.8% (against PSOE, which remains the first party with 28%) and above all, the success of *Vox* that wins 15.1% of votes, while both *Unidos Podemos* (–1.5) and *Ciudadanos* (–9.1) lose electoral support.

As for Italy, in the years of the crisis the spreading out of the protest seemed to be missing. Unlike other countries, such as Spain and Greece, in Italy there was no anti-austerity mass movement, with the result that social protest remained largely fragmented (Della Porta and Mosca, 2015). Here, the electoral-party channel remains dominant, through an electoral demand and an party supply that tend to ‘leapfrog over’ the mainstream parties.⁴⁰ In this context, the M5S transformed

³⁹ Indeed, this happened after the municipal elections in Barcelona and Madrid (2015).

⁴⁰ This happened in the 1980s with the phenomenon of the ‘leagues’ in the Northern regions, in the 1994 crisis with the emergence of *Forza Italia*, and more recently, in the 2013 election, with the success of the M5S and, in the 2018 election, also of Salvini’s League.

the potential protest that existed in the society into a useful tool to enter and change institutions from the inside.

M5S was officially founded on 14 October 2009. The main objective of the M5S was to fight against the Republican political class, regarded as deeply corrupt and intent above all on protecting their privileges. On several occasions, Beppe Grillo said: ‘we will open up parliament like a can of tuna’ (Morlino and Raniolo, 2017, p. 67). In the political elections of 2013, M5S was the most voted party (with 25.6%), but the centre-left coalition obtained the absolute majority in the Chamber of Deputies and only a relative majority in the Senate. The situation changed with the 2018 elections, when the M5S was the undoubted winner with 32.7% of the vote, though this was not enough to give it a parliamentary majority to form a one-party cabinet. After lengthy negotiations, the M5S and the League of Salvini formed a coalition government, with the signing of a written ‘contract’ between the two parties. The policies supported by both parties are ‘distributive’, but in opposite ways: the M5S holds positions close to the radical left and supports a policy of fighting against poverty, unemployment, and privileges. At the same time, the League of Salvini is more focused on the reduction of taxes, anti-immigration and competition between regions. In 2019 a governmental crisis ended with a new coalitional cabinet between M5S and Democratic party (PD), but at the same time the change from protest party to incumbent one had been bringing about an electoral decline.

Now we come to France. The 2017 French presidential elections were held between April and May, with eleven candidates competing in the first round, none of whom achieved an absolute majority. The second round included Marine Le Pen of the Front National and the young Emmanuel Macron, who presented himself as the leader of a ‘personal party’ expression of the French economic and institutional establishment, *La République En Marche!*⁴¹ and won the presidency with 66% of the votes. In the subsequent elections for the National Assembly, his party won 28.2% of the votes and 308 seats, becoming the leading party in the country. Although in his book *Revolution*, published in 2016, he defines himself as a leftist and a liberal, his politics can be defined as centrist with a marked technocratic profile.

About one year after the beginning of his mandate, in November 2018, Macron has been coping with a widespread social protest as a reaction to his reform policies, the movement of *Gilets Jaunes*. According to data from the French Ministry of the Interior, the first demonstrations mobilized over 280,000 citizens, a number that would drop significantly in the first months of 2019 to a few thousand demonstrators on the streets of Paris. After a few months of negotiations with the

⁴¹ The conspicuous financial support the new party was able to collect for the presidential elections (about €3.7 million) highlights the role of the economic establishment in the success of Macron and his party.

government, the leaders of the movement, which was rather fragmented internally, did manage to get the French authorities to take measures to ‘appease social anger.’⁴² Notwithstanding this, the protest has been going on with more radicalized and on occasions violent expressions. For example, Paris suffered the longest uninterrupted strike of public transport in its history, from December 2019 through January 2020 (about seven weeks).

Finally, in 2001 the Kaczynski twins founded the Law and Justice (PiS) party, a conservative and nationalist party in Poland. After a non-flamboyant start, in the 2005 elections, PiS won 27% of the votes becoming the relative majority party and was able to have Lech Kaczynski, who died in a plane crash in 2010, at the presidency of the Republic. Ten years later, the PiS became the dominant party on the Polish political scene: in the 2015 parliamentary elections, it obtained 37.6% (and 235 seats out of the total of 460 in the Sejm and 61 in the Senate) and won the presidential election with Andrzej Duda. The success of 2015 was mainly due to broad public support for its expansive welfare programs and promises of greater economic equality. In the 2019 election, PiS had resounding success with 43.6% of votes.⁴³ Thus, PiS remains the most popular party in Poland despite a string of scandals that seemed to erode the support and cast some doubts about the possibility of retaining the parliamentary majority. However, the country’s sound economic situation has allowed PiS to resort to distribution policies: ‘A person whose pockets are empty isn’t free’, Kaczynski, Poland’s de facto leader, told supporters at a party convention. ‘We are filling these pockets, within what’s possible.’ At the same time, the PiS presents a strongly identifying, nationalist, conservative and clerical program, contrary to gay unions, euthanasia and the liberalization of drugs. As Garton Ash (2019, p. 180) rightly stresses, ‘Law and Justice ideologists talked, tellingly, about “the redistribution of respect” and “the redistribution of dignity”’, and in doing so the party gained the support of most of the Polish society.

As Hirschman (1970) observed, exit and voice act as feedback mechanisms capable of remedying the decline in the ‘performance’ of democratic institutions. On some occasions, this may imply introducing significant democratic innovations. In our case, the voice and loyalty, characterized by the four patterns presented at the beginning of this section, indicate an attempt by the challenging political elites (and the new protest parties) to successfully mobilize the dissatisfaction and resentment of the voters and transforming them into promises of new representation with the consequent government actions. In this sense, responsiveness increases, even if at the expense of responsibility.

⁴² See the Breaking News of WallStreetItalia.com on the *gilets jaunes*.

⁴³ And 52% of seats (235 out of 460). At the Senate PiS won 48 seats out of 100. But, on the one hand, there are four independents and, on the other, the Senate has a subordinate legislative power vis-à-vis the Sejm. It may reject or amend the bills passed by the Lower Chamber, but an absolute majority of the Sejm can overrule any rejection or amendment.

5.4.3 The Neo-Populist Dilemma: Redistribution vs Identity

To clarify our analysis, we can now dwell on the differentiation between the types of neo-populism. From this point of view the Great Recession has worked as a catalyst mechanism in various directions and has favoured the formation of a more open and sensitive public debate agenda in the fight against inequality issues. The paradigm of the so-called ‘third way’ has been influencing the political competition between parties in Western Europe before the 2008 crisis. The ‘third way’, inspired by US President Clinton and the British Labour Party leader, Tony Blair, was the result of the search for an alternative or compromise between the liberal and Thatcherian economic policies of the right, and those of the left. The Great Recession changed the picture: ‘there is evidence that the Great Recession ended the neo-liberal convergence, i.e., parties distinguished themselves again by different economic positions’ (Bremer, 2018, pp. 31–2). As we saw in Figure 4.13, this shift of emphasis in party programmes and the issues of the electoral campaign concerns all parties, even those of the centre-right. However, if we look beyond the general trend, characterized by an *institutional isomorphism* or the tendency (of institutions, political organizations or public policies) to take the same ‘form’, the same pattern, aimed at acquiring social legitimacy for the parties, we get a picture that helps to distinguish the radical leftist parties from the moderate leftist ones. In particular, while the social-democratic parties tended to move more towards the left on issues such as the stance on the liberal economy and above all welfare (more precisely, the defence of it), they continue to be closer to the positions of the centre-right parties on fiscal policies and budgetary austerity.⁴⁴ At the same time, this ambivalence opens up a ‘competition space’ for the parties of the radical left as much as for the right-wing neo-populist parties.

At this point, some clarification is required. A distinction between right-wing populist parties and left-wing ones has already been established in the literature—often with the addition of the adjective ‘radical’ (see, e.g., Mudde 2016).⁴⁵ Here, however, we prefer to follow another typologization that absorbs the previous one and allows us to distinguish between open or inclusive populist parties (left) and closed or exclusive populists (right).⁴⁶ Elsewhere we have already proposed this distinction based on four criteria: ideology,

⁴⁴ Bremer (2018, p. 32) pointed out how, along with the Dutch Labour Party (PvdA), the Italian Democratic Party (PD) has been one of the few large centre-left parties that ‘shifted to the right and adopted a more ambiguous position towards the welfare state during the crises’.

⁴⁵ Table 5.3 indicates the placement of the different parties along the left-right divide.

⁴⁶ Unlike what happens in Western Europe, the experience of the United States, Latin America, Asia and even Eastern Europe itself makes it necessary to include the parties of the radical left in the analysis of populism (Inglehart and Norris, 2016, p. 8). In the European literature of the 1990s, populism concerned far-right parties (Norris, 2005; Mudde, 2007).

communication style, organization-leadership model, and social situation of reference (Morlino and Raniolo, 2017, pp. 76–80).

Below we discuss this theme in greater depth. However, the distinction between exclusionary and inclusionary populism was made by Mudde and Rovira Kaltwasser (2013). They also use it to distinguish not only different types of parties but also two different traditions of populism in different areas of the world: the more inclusive one in Latin America and the more exclusive one in Europe, which is also more recent in its mass dimensions, i.e., since the 1990s. The two types of populism differ in the emphasis placed respectively on the ‘material dimension’, i.e., distribution of state resources (monetary or not-monetary); the ‘political dimension’, the structure of opportunities for political participation; and on the ‘symbolic dimension’, which ‘essentially alludes to setting the boundaries of “the people” and, ex adverso, “the elite”’ (Mudde and Rovira Kaltwasser (2013, p. 164).

An interesting aspect that is useful for our discussion is that the two types of populism, even in their geopolitical characterization, clearly reflect two different dimensions: the socio-economic one associated with the problem of equality and poverty, and the cultural and security one relating to the problem of identity. In connection to the former, we can see a leftist or inclusionary populism or, better, a *revendicative populism*. In connection to the latter, a rightist or exclusionary populism or an *identitarian populism*.⁴⁷ This distinction is only partly similar to the one made by Inglehart and Norris (2016). According to them, the positioning of parties differentiates left and right populisms for the main economic issues (market, welfare, individualism). And, in any case, populist parties are exclusionary or closed parties. In our distinction, exclusionary populist or right-wing parties are mainly ‘entrepreneurial identities’ or, if preferred, sovereigntists, nativists and communitarians. Although present, these aspects are not central to the inclusionary or leftist post-sovereign populists.

In Table 5.4, we have indicated in bold the identitarian populist or exclusionary parties and in standard font the revendicative or inclusionary populists. However, the attribution of empirical cases poses a classificatory problem, as neither the M5S nor the Macron movement can readily be considered to belong to one of those two categories. The *République en Marche!* has the unusual traits of a top-down or ‘president’s party’, with a strong technocratic and, at the same time, anti-political connotation. The M5S has an ambiguous profile, which becomes even more apparent when we switch our attention from the cultural dimension (mainly connected to the issue of immigration) to its position on socio-economic issues.⁴⁸ Both are hybrid cases, and therefore we have indicated them in italics in the table.

⁴⁷ For an original perspective on the analysis of party position, see De Sio and Weber (2014).

⁴⁸ Citizen income, approved in 2019, should be seen as part of a distributive policy. It is, however, a selective one, as restrictions are imposed on non-citizens (see chapter 2).

But what is more interesting is that only in Spain, at least until 2019, is there a prevalence of inclusionary populists (*Podemos* and, in some features, *Ciudadanos*). In all other cases, identitarian and exclusionary populisms prevail.⁴⁹

It is worth dwelling further on this distinction, because it has a strong connection with the distinction between economic and social (in)equality, on the one hand, and ethnic (in)equality, on the other (see chapters 1 and 2). It is also related to the different perception of the economic and cultural effects of ethnic inequality (i.e., immigration)—with the latter, as we have seen, becoming increasingly relevant in public perception of the democracies under scrutiny. Inglehart and Norris (2016, p. 3) already pointed out that an adequate explanation of populism must consider the interaction between two theories that emphasize economic inequality or the cultural backlash.

Moreover, our data allow us to state that while economic-social inequality carries more weight in the Mediterranean countries and France, especially after the 2008 crisis, the other one is central concerning Poland and, more generally, to all the countries in the ‘Visegrád group’, which, besides Poland, includes the Czech Republic, Slovakia, and Hungary. As we have seen from Table 5.4, all the countries we analysed are affected by a crisis of the mainstream parties and the success of new protest parties. This different (populist) political offer has taken the two paths indicated above: that of identitarian populism and that of revendicative populism.

Where the economic crisis has weighed most profoundly, the latter prevailed, and this was a situation that characterized Southern Europe, while in the other cases the former prevailed. In the first group of cases, the line of political conflict was characterized by the contrast between the ‘haves’ and the ‘have nots’ (security problem linked to economic and social inequality). In the second group, the contrast was mainly between ‘us and them’ (a problem of identity linked to ethnic or cultural inequality). The first mainly prevails in countries where the issue of immigration and the nationalist one are central, from France with the FN to Italy with the League of Salvini, the United Kingdom with Ukip, and, although to a more limited extent, Germany with the AfD and Spain with Vox. *Podemos* has a more revendicative profile and in part the M5S. In Poland, especially after the 2015 elections and already before the 2019 elections, the PiS presents a distributive and identitarian profile, but with much less emphasis on immigration and higher centrality for the traditional conservative values.

As Mounk (2018) states, in all democracies the ‘rebellion’ against multi-ethnic democracy is the basis for the success of populist (identitarian) parties and, generally, the perception of immigration is a useful indicator of voters’ intentions. However, ‘we must also consider more subtle and indirect ways in which economic anxiety and racial hostility could manifest themselves in our politics’

⁴⁹ This does not mean that the positions of the inclusionary populists on economic and symbolic issues, opportunities for participation included, did not end up influencing the manifestos of the Christian-democratic and social-democratic ideological families, as well as the agenda of centrist and centre-left governments. For some reflections along these lines, see Mény (2019, Conclusions).

(ibid., p. 129). The poorest or those affected by globalization and the economic crisis are not always the ones that vote for leftist populists and not always are communities that vote for right-wing populists ones where immigrants are relatively more present. Insecurity and fears play a significant role in the real situation, as does the ability of 'political entrepreneurs' to mobilize such powerful emotions for electoral purposes.

As has already been pointed out, this different incidence of the two different components of inequality (see Chapter 2) is mirrored by the type of populist offer present in the different countries. On the one hand, the protest is mobilized against the worsening of 'living standards', as a consequence of growing inequalities and the risk of relative and absolute poverty. In short, there is a fear of losing material resources and social status, with Italy, Spain, and France being part of this group. This explains the success of the M5S and *Podemos*, and in part of *Ciudadanos*. On the other hand, there is the fear of losing one's 'lifestyle', the insecurity that comes from the dissipation of cultural heritage, and intangible and tangible assets (Reynié, 2013). This time a question of meaning and identity comes into play, which is qualified by themes about sovereignty, security and anti-immigration. This seems to be the central aspect in Poland, but it has particular salience in other countries as well, such as the United Kingdom. After the Brexit, a resurgence of regional identities and a consequent much deeper conflict on those issues that are also relevant for the economic relations with the other European countries are very likely, and they will be compounded by the polarization and radicalization discussed above (see Table 5.2).

As stated, we are dealing with two distinct logics of populist party mobilization and action, revendicative and identitarian (or also inclusionary and exclusionary). In some cases—in Poland, but also Italy and France—the electoral space for exclusionary or identitarian populism (a more traditionalist one in the PiS, a more sovereign oriented in the Lega, FN, UKIP and now *Vox*) reflects the existence of a specific 'domain of identification' (Sartori, 1976, esp. pp. 328ff) and of a historical cleavage (be it religious, ideological, or territorial), which is sometimes latent. However, as seen in the other cases—also in Italy concerning the M5S—the success of populist parties has mainly been achieved as a consequence of the restructuring of the 'space of competition' (Sartori, 1976, chapter 10). This came out of the neoliberal convergence between parties, and with centre-left and centre-right governments entering a crisis. It has also happened when it has been more challenging to implement governmental redistributive policies that meet citizens' expectations (for example, due to constraints imposed by public debt, or international commitments).⁵⁰ This aspect also shifts attention to the possibility of the policy change and the implementation of policies—as examples, we may

⁵⁰ Reynié (2013) identified the causes of the development of 'nouveaux populisms' in a few macro processes, such as demographic and migratory changes, globalization, the digital revolution, but also the exhaustion of public resources. To these, we could add climate change and the ecological crisis (see also Harari, 2018). We return to this below.

think of the Syriza governments in Greece and of the M5S in Italy, both supported by a heterogeneous coalition with right-wing parties.

In this section, we started from the hypothesis that if there are more deep-seated dissatisfaction and stronger protest parties, there is a corresponding, adaptive institutional responsiveness, with a possible consequent improvement of social rights and lowering of inequalities. The empirical checking of this hypothesis required some intermediate steps. As we have seen (section 4.2), the growth of dissatisfaction with democracy fuels social and political protest, which among other things reinforces the polarization of the party system (section 5.4.2), also within society. This paves the way to the success of new parties able to mobilize voter resentment (section 5.4.3). Our six democracies, however, show different patterns as regards our hypothesis. In particular, in three cases (Italy, Spain, and France) this appears better supported.⁵¹

5.5 Stronger Left, Lower Inequality?

We can now check the second hypothesis we mentioned above, that is, the stronger the incumbent leftist parties, the better the implementation of social rights and the lower the inequalities. We begin by taking stock of the empirical evidence we have up to now. As we have seen, the inequality trends became more intense just after the Great Recession, although this does not entail that the growing inequalities have no structural and long-term roots (Gallino, 2011; Streeck, 2013). Indeed, from the diachronic perspective what emerges in all the OECD democracies, and in our cases as well, is a common process that reflects a growing incidence of inequalities, but with a limited variance within the different national cases; the two cases of Poland and Germany stand out when looking at our six democracies with attention (see Chapter 2). This process can be envisaged as a structural phenomenon, which is characterized by the transformation of capitalism, its financialization, the impact of the digital revolution and changes in the organization of labour. In this context, the Great Recession stands out as a 'moment' when the contradictions of the 'global' economy (especially in the relationship with a democracy that remains anchored at a 'local-national' level) emerge virulently. However, let it be recalled that the crisis is also a conjunctural phase of 'break-ups' that overcome 'constraints' and explores new 'possibilities'.

Nor should it be surprising if, as we saw in section 4.3 when analysing 'party manifestos', we realize that the changes in the mentions of equality are larger.

⁵¹ In Poland, post-transition economic developments and a democracy where equality is gaining priority (see chapter 4) feed an 'identitarian populism'. At the same time, in Germany and the United Kingdom the mainstream parties are resisting, even if challenged by 'bilateral' political protest (as in Germany) or by social discontent (as in the United Kingdom with the Brexit).

However, if we focus on countries and party families, the situation is much more nuanced. Not only did left-wing parties but also Christian-democratic parties and even liberals and conservatives in the post-crisis years, pay greater attention to equality in their programmes. There are obviously significant differences in the outcomes. Conservative and Christian Democratic parties implement paternalistic welfare states, which are less universalistic and attentive to gender gaps, and basically non-redistributive. As Huber and Stephens state (2001, see esp. chapter 5, section 3, and Conclusion), the partisan politics is the main explanation of welfare state in the different countries also when considering the consequences about the levels of inequality. However, we only need look carefully at Figure 4.13 to see the difference between left-wing and social-democratic parties, or also between the radical left and the moderate left (see, more generally, Watson, 2015). This is even more evident when the parties (especially the radical left ones) played a ‘relevant’ role, either because they had a salient ‘coalition potential’, that is, they were decisive actors in the construction of the governing coalitions, or because they had ‘blackmail potential’ (see fn 28). Consequently, for the blackmail potential, even if excluded from the government, they have been influencing the political process and the formation of the policy agenda of ‘friendly’, socialist or social-democratic cabinets. The case of centre-left governments in Italy in the 1990s and 2006 is of particular relevance in this regard. However, as we have seen (chapters 2 and 4), in Italy economic and social inequality was more salient in the post-crisis period after 2013, while at the same time public perceptions of immigration have become marked by more significant concern.

These observations encourage a significant analysis and reflection when we consider the trend of votes for the left (moderate and of government) in the period examined and their impact on executives (types, orientation, duration). Thus, in Figure 5.2 we show the trends of the Gini coefficients (see Chapter 2 for the data), considered as a valid indicator of the distribution of income and, therefore, of equality/inequality, and the trend of votes for the left, considered in both the moderate (and governmental) and radical (and opposition) component. This distinction between the ‘two lefts’, however, should not make us forget that in Italy and France the radical left has at times participated in the government of the country. In Italy this was the case in the centre-left coalitions of 1996–2001 and 2006–08, while in France it happened during the Jospin government of 1997–2002.

As already anticipated, the most relevant aspect is that the Great Recession represented a genuine watershed in terms of policy paradigms. In the pre-crisis phase, the parties of the moderate left essentially held ‘third way’ positions and, in the best of cases, tried to soften the neoliberal policies of their governments’ agenda. The leftist elite’s perception of being in a TINA (an acronym for ‘There Is No Alternative’) situation describes this state of affairs.⁵² In the post-crisis phase,

⁵² See Bailey et al. (2014) on the governments in office during the crisis.

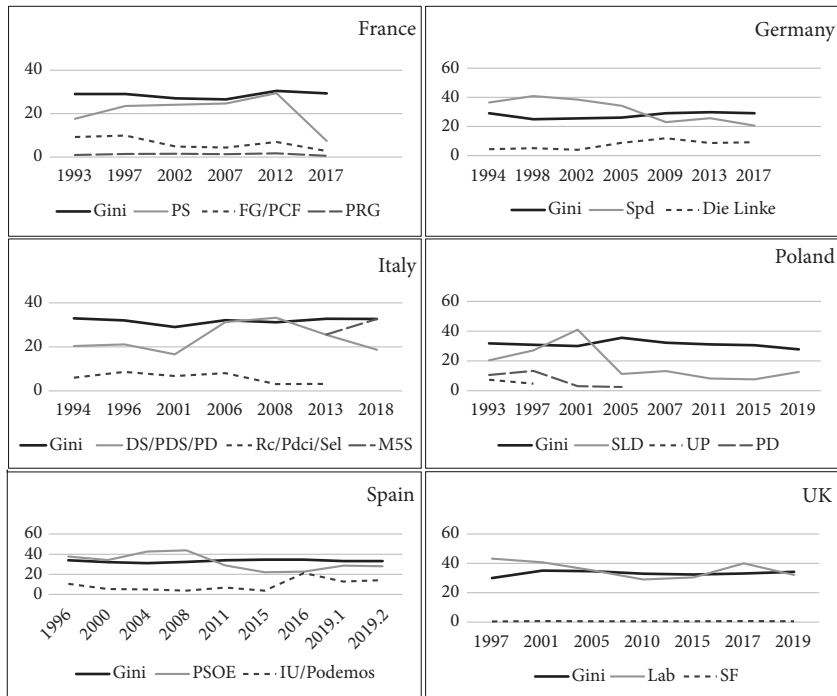


Figure 5.2 Gini Coefficient and vote for leftist parties (1993–2019) (%)

Note: The years on the abscissa are the electoral ones.

Source: Eurostat for Gini Coefficient and www.parties-and-elections.eu for votes to the parties.

the political agenda of the leftist executives and the programmes of moderate leftist parties became receptive to the themes (dear to the radical left) of redistribution and welfare and anti-austerity protection. This, however, is not enough to confirm our second hypothesis, because since 2008 we have been witnessing the inclusion of and support for equality and social rights by almost all European political party families (see Chapter 4).

The picture, which emerges from Figure 5.2, highlights, first, the existence of a duality between economics and politics. The Gini coefficient gives us a trend in the distribution of incomes that shows a low diachronic and synchronic variability in the different countries. On the one hand, this seems to point to the existence of structural phenomena reflecting social macro-transformations (globalization, financialization, the digital revolution, demographic changes) common to all capitalist societies. These may be the result of different ‘varieties of capitalism’, as mentioned above. From this kind of Marxist perspective ‘the anatomy of society must be sought in the political economy’. On the other hand, we see political systems showing their autonomy and dynamism and going far beyond structural constraints. Following Sartori, we could affirm that ‘politics explains politics’. In a

certain sense, if it is empirically correct to state that the economic crisis produces an ‘exogenous imbalance’, it is even more so to recognize that it also feeds an ‘endogenous imbalance’. This is a political one and mainly involves the political offer (appearance of new parties, other alliances, the crisis of moderate parties) with all the consequent policy choices. The limits of a wholly economic theory of the growth of inequality and the need to complement a political theory are central to the work by Hacker and Pierson (2010) on the United States and by Hopkin and Lynch (2016) on Western Europe. However, Hacker and Pierson warn that political theories based on ‘demand’—which they call ‘politics as electoral spectacle’—are much less effective than those based on ‘offer’—‘politics as organized combat’—which emphasize the role of public policies, organized interests and veto players.

If we now focus more on the detail of Figure 5.2, we can discern three patterns in the six countries, an indicator of *the random trend and poor connections between the two phenomena*. In Italy, Poland and, after the 2012 elections, in France as well, the left lost, both in its moderate and radical components. In Italy, even if we add the votes for LEU (3.4%) to those for the PD (18.7%) in the last elections in 2018, the picture does not change. The real winner of the elections was the M5S with 33%, which, however, cannot be labelled as a leftist party. In France, we can note that in the 2017 elections for the National Assembly, *La France Insoumise* (FI) won 11%, while the PS was in free fall (22 percentage points down on the 2012 elections). Finally, in Poland in the last two elections (2015 and 2019), the Democratic Left Alliance (SLD) together with Your Movement (TR) received 7.6% and 12.6%. However, these outcomes do not seem to affect the structure of inequalities. In the examined period, Poland presented a significant growth and smaller economic and social (but not ethnic) inequalities. Italy saw a substantial incidence of economic and social inequalities and the risk of poverty. Moreover, France, albeit with discontinuity, displayed a progressive reduction of inequalities but later high social protest as a reaction to the governmental attempt of revising important welfare aspect, especially on pensions.

Differently, in Spain and the United Kingdom (but not in 2019), there was a growth in the main left party, if we look at the last elections. In the two 2019 (of April and November) elections in Spain, the Socialists got 28%, up to six points more than the previous elections (2016). However critical this may be in the electoral history of the post-war party, the result allowed the PSOE to reverse the balance of power with the conservatives of the PP, although in the November election PP got 20.8% (+4.1 points). Even in the United Kingdom, Labour had a positive trend in the recent elections, after the significant successes of the 1990s and the decline in the 2010 elections. However, with the last elections of December 2019, Labour lost votes, going from 40% to 32%. Sinn Féin remained utterly irrelevant.

Germany is the only case where the radical left (*Die Linke*) showed a positive trend. In the 2017 elections, it achieved its best result, 9.2%, while the SPD lost support (–5 percentage points on 2013), perhaps due in part to its protracted participation in the ‘great coalition’ executives. However, once again, concerning our starting hypothesis, these trends give us contradictory results. In Spain, the hypothesis seems partially falsified, as the success of the moderate left is still too episodic, while *Podemos*, allied with the radical left, lost ground, and inequalities grew (as in Italy, it is confirmed negatively). The same seems to be the case with the United Kingdom, where Jeremy Corbyn’s Labour Party is growing, until 2017. With the last election, however, not only did it lose votes (–8 points) but it paved the way for Brexit. Only in Germany is the connection between votes for the radical left and growing equality confirmed, which is also explained by the weight of institutional contexts (coordinated market economies and ‘chancellor democracies’ supported by neo-corporative agreements and federalism).

We can now move on to the morphology of governments (number, types, and duration), remembering that ‘entering government can provide opportunities for individual politicians [but also for political parties] to pursue their own goals ... controlling it provides the means of enacting public policy but also ways of strengthening the party itself’ (Ware, 1996, p. 349). Finding a balance, often contradictory, between multiple reactive objectives in terms of the search for votes, office and policy is crucial for every party, especially if it is the incumbent one. In our case, in particular, a first question to ask is whether governments make a difference for the objective of equality (more generally, see Castels and Mair, 1984). In general, this question has been examined by analysing redistributive policies. Ultimately, the long-term empirical evidence (from the post-war period to the 1990s) shows ‘that political parties, and the coalitions they form, matter for redistribution – not just differences in preferences of electorates’ (Iversen and Soskice, 2008, p. 109). Specifically, the two authors warn that right-wing executives (and coalitions of government) are less prone to redistribution. However, this outcome is also the product of the influence of electoral systems which, by defining the ‘incentive structure’ of political competition, favours certain actors (parties) rather than others and certain forms of ‘strategic coordination’ (Cox, 1997) rather than individual strategies. In this sense, a strong correlation emerges between PR, leftist coalitions and redistribution.⁵³

If we now consider the time frame between the early 1990s and 2018 in the democracies we examined we see that there were 84 governments in that period:⁵⁴

⁵³ It barely needs mentioning that the reference to the proportional electoral system confirms what we said above about institutional arrangements and consensual (or proportional) patterns of democracy in creating a favourable ‘context’ for redistributive policies.

⁵⁴ The democracy with the highest number of executives is France (20), closely followed by Italy and Poland (19), and then by Spain (10), the United Kingdom (9), and Germany (7).

42% (36 in absolute values) on the right, 34% on the left (29) and just 14% (12) in the centre (see Table 5.5). In the last set, we have included Italian PD governments during the 2013–18 period with markedly liberal positions. If we keep this specification in mind, we can see that in all our democracies there is a prevalence of right-wing or centre-right governments, which have a higher capacity for duration than leftist governments.⁵⁵ In the light of our hypothesis, this should suggest lower attention to redistribution and welfare, and a greater focus on the market economy and rigour in budgetary policies.⁵⁶

This first conclusion is reinforced by the fact that all our cases are among the majoritarian or quasi-majoritarian patterns of democracy with a mixed or liberal economy, except Germany (on the federal constitutional structure and the coordinated market economy) (see Table 5.1). This contextual situation increased the probability, at least until the economic crisis and in some instances after it as well (see the case of Italy), of convergence on the neoliberal policy paradigm. The ‘Great Recession’ changed the pattern and prompted unexpected developments. To start, there was less stability in the executives⁵⁷ almost everywhere after 2008, making the formation of governments more difficult and laborious: from the United Kingdom of the Lib-Con coalition of 2010 to the governments following the 2016 and 2019 elections in Spain to the more recent ‘grand coalition’ in Germany, and the governments in Italy after 2013 and especially after 2018. The English case is different after the last elections (December 2019). Moreover, as seen at beginning of this chapter, growing ‘ungovernability’ is compounded by the recalibration of the demand and the electoral offer around the themes of equality. This also gives a competitive advantage to leftist parties and, in general, to the new protest revendicative parties (see above), which emphasize themes such as redistribution, opposition to privatization and the free market, and the rejection of austerity policies.

The impact of the 2008 economic crisis has also affected the alternation patterns of governments, their number and quality, partial or total (see Mair, 2006), as well as their ‘impossibility’. Let us start with the ideological orientation of the governments in office (see Table 5.5). In France and Italy conservative political forces were incumbent when the crisis began, that is, the Gaullists of the UMP in

⁵⁵ There were 39% of centre-left cabinets in our six democracies, characterized either by a one-party cabinet (as in the case of Spain and the United Kingdom) or by more or less broad coalitions; 41% of cabinets were centre-right or conservative. To these, we must add the four ‘grand coalition’ cabinets in Germany and the three technocratic cabinets and the one idiosyncratic one in Italy, namely, three technocratic cabinets (distributed over the first two decades of this century) and the ‘yellow-green’ cabinet formed by the M5S and the League, a genuinely innovative ‘formula’ unprecedented in the democracies of Western Europe.

⁵⁶ See Bremer (2018, p. 26) for this list of categories of economic issues.

⁵⁷ The stability of the executives can be seen as the product of the cohesion of the government party/ies and the existence of appropriate institutional mechanisms (selective electoral systems and mechanical effects of the rules of ‘rationalization’ of parliamentarism or semi-presidentialism).

Table 5.5 Party ideologies and cabinets (1992–2018)

	Left	Centre	Right	Technocratic	Idiosyncratic*	Tot.
France	8		12			20
Germany	2		2		3	7
Italy	5	6	4	3	1	19
Poland	6	6	7			19
Spain	4		6			10
United Kingdom	4		5			9
Tot.	29	12	36	3	4	84

Note: (*) The three German ‘grand coalition’ cabinets and the Italian cabinet with the League and the M5S are included.

Source: www.parl.gov.org.

France and the centre-right governments of Berlusconi in Italy, while in Spain there was a socialist government. In these three countries, the crisis favoured government changes, to the benefit of the socialist party in France (the Socialist President Hollande replaced the Gaullist President Sarkozy in 2012) and the Democratic Party in Italy. The Italian case is rather pertinent because after the resignation of the Berlusconi government in 2011 there was a return (after those in the 1990s) to a technocratic government led by Mario Monti (who received a vote of confidence of 87% from MPs), which prevented voters from expressing their position on the government crisis. Later on, we will see how elections would lose ‘decisiveness’ by failing to identify clear majorities (2013 and 2018), making it necessary to resort to coalition governments forged after the elections.

As for France, it should not be forgotten that this country has a semi-presidential form of government and that the big prize is, therefore, the presidency. The elections in May 2017 marked the success of Emmanuel Macron, especially in the light of the constitutional reform of 2000, which, by making the duration of both the presidential and assembly mandate five years, favours consistency between the presidential majority and the parliamentary majority, and makes it likely to be the same. Indeed, the parliamentary elections of 18 June 2017 brought victory for the presidential party (*La République en Marche!*), which elected Macron with 28% of the vote and enabled the formation of a cabinet led by prime minister Philippe. In both Italy and France, the parties of the radical left have been excluded from the government. In Italy, we must look back to the centre-left cabinets of the 1990s and 2006 to find the presence of these parties in government. In France, we need to go back to 1997, while in more recent governments the allies of the Socialists have been the Greens and the Radicals. Subsequently, in both countries problems in dealing with the economic crisis and several political scandals aggravated the difficulties of the traditional parties, paving the way for the

electoral success of political outsiders such as the *République en Marche!* in France and the M5S in Italy.

In Spain, the crisis favoured the conservative parties, at least until the first elections of 2019, when the PP polled just 16.7%, the worst result in its history. However, PP won 20.8% in the second elections of 2019. Electoral outcomes like these caused a weakening of the parliamentarians and lower cohesion of the executives. In fact, since the 2015 elections, it has become very difficult to form a cabinet. There have been repeated elections for the first time in the history of democratic Spain (in 2015, 2016 and the other two in 2019). The absence of parliamentary majority and a few scandals led to the early resignation of Rajoy and his replacement with the socialist government of Sanchez in 2018. Moreover, two challengers, *Podemos* and *Ciudadanos*, successfully emerged in these years. *Podemos* won local government elections in Madrid and Barcelona, but have disappointing results in national elections, including the one in 2019, when it won 14% of the vote compared to 23% in the 2016 elections. In both cases, it participated in the elections with a coalition with the radical left in the *Unidos Podemos* list. Furthermore, in these elections the electoral balance between *Podemos* and *Ciudadanos* has reversed: the latter's share of the vote rose to 16%, compared to 13% in previous elections. The parties of the radical left (IU) limited themselves to influencing the Zapatero governments (in 2004 and 2008) from the outside and, as mentioned, formed an electoral alliance with *Podemos* in 2016 and 2019, with disappointing results. However, the most striking result is the crisis of two new parties and success of a right-wing party, *Vox* in the November 2019 elections.

Finally, Poland is a peculiar case with an alternation between two coalitions leaning on the centre/right side. Here, the centre governments formed in 2007, led by the Civic Platform, paved the way for the right-wing populism of Law and Justice (PiS), which complemented right-wing nationalist rhetoric with a left-wing economic policy. They came into government in 2015, first winning the office of the President of the Republic (in August) and then, after their electoral success (in October), forming the executive. PiS's success is even more significant after the October 2019 elections, when winning 44% of votes (+ 6 points).

In the other two cases, there were no alternations. In fact, since 2007 the United Kingdom has been governed by six successive Conservative governments (two led by Cameron, in 2010 and 2015, two by May in 2016 and 2017, and two by Johnson in 2019). In these years there was a real crisis of bipartisanship represented by three exceptional events: the coalition government between the Conservatives and the Liberal Democrats in 2010 (for the first time since the Second World War); the anomalous success of the right-wing populists of the UKIP, which achieved its best result in the 2015 political elections, with close to 13% of the vote; and the referendum on Brexit the following year (2016), called by

Prime Minister Cameron mainly for internal party political reasons and above all the tensions between Premier Johnson and Parliament (2019). By contrast, Germany, with its ‘chancellor democracy’ has shown itself to be the most stable system, although in the 2018 elections the two main parties had the worst results in their recent history. The 2009 elections were followed by three Merkel-led governments supported by the ‘Grand Coalition’ between the CDU/CSU and the SPD, though the difficulties in forming new governments have grown. However, the most striking fact of the most recent elections is the success of the AfD, the third national party in electoral strength.

As seen, in three cases (France, Poland and Italy) the economic crisis favoured a ‘turnover in the elites’, with neo-populist parties sweeping into power. However, at this point, the differences are interesting. In Poland, what counted most was the problem of national and religious identity—the challenge of the cultural dimension that is shared by other members of the Visegrad group. In France, the response to the crisis of the traditional parties (Socialists and Gaullists) was the technocratic populism of the Presidency. In Italy, the ‘political voice’ led the M5S to electoral success and to enter the government in alliance with the League. In the other cases (Germany, Spain and the United Kingdom), governments remained controlled by the mainstream, albeit increasingly weakened, parties. In a certain sense, it is as if the economic crisis has made evident a characteristic feature of democracies: ‘the fatigue of being in government’ and the consequent punishment of the governments in charge as a result of a negative ‘economic vote’ (Lewis-Beck and Stegmaier, 2013; Giuliani and Massari, 2018). Besides, the success of protest parties is the answer to the question regarding ‘responsiveness’ to national electorates aimed at mitigating the worst outcomes of the crisis, starting from the growth of inequality, unemployment and poverty. As we have seen (sections 4.2 and 4.3), *equality* is not only central to the orientation of voters and public opinion, but it has become a ‘key’ theme of all political families, albeit with significant differences. This resulted in a reactivation of the left-right cleavages if the pre- and post-crisis periods are compared (Morlino and Raniolo, 2017, Figure 3.5), and restored centrality to the parties of the radical left in the electoral competition. In particular, this was the case of *Die Linke* in Germany, and Mélenchon’s *La France Insoumise* in France (Table 5.3). The role of parties also vividly emerged in the agenda-setting, because the themes of redistribution in favour of the losers of globalization, the protection of social rights, citizenship income and Social Europe—though the green agenda could also be added—are now central issues in public debate.

Let us now return to the success of revendicative populism. It seems that the political formations of protest are only partially able to channel a dissatisfied and increasingly radicalized electorate. Indeed, we should ask ourselves whether redistributive majorities are possible (with populist governments). As we said about the salient cases (France, Italy, and Poland), only the second one is salient

here, with the ‘yellow-green’ coalition government between the M5S and the League. In abstract terms, the success of a redistributive coalition depends on the ability to combine multiple strategies: (1) difficulties and problems can always be attributed to strong powers; (2) neo-populists can favour a constant polarization and radicalization of political competition; (3) they can develop a communication strategy of ‘proximity to the people’; and (4) finally, they can resort to specific instruments, such as the penetration of the State, mass clientelism or intolerant measures towards critics (Müller, 2016, pp. 60ff). However, there is no doubt that in these cases, the dilemma of responsibility (international, technical, constitutional) vs responsiveness (towards voters, the people) encounters considerable political and feasibility limits. Moreover, though feasibility may prevail in the short term, in the long term there may be a dramatic political backlash (see below).⁵⁸

Besides, the difficulties of revendicative or inclusionary populism open up two possible paths. In some cases (such as Spain with *Vox* and Italy with the League of Salvini, but also Poland with Justice and Law, and the UK with Premier Boris Johnson) it leaves room for identitarian or exclusionary populism (see above). Protesting against the effects of the economic crisis is taken over by sovereignty demands, welfare protection and territorial chauvinism (as in the case of Catalonia in Spain or the Veneto and Lombardy in Italy). In Poland, all this led to an attack on existing constitutional control and accountability mechanisms—with the consequent 2015 reforms that limited the independence of the media and the constitutional court (see chapters 3 and 6). The other road is that of the electoral recovery of moderate parties. In the case of the Spanish elections of 2019, there was the success of the PSOE, until then considered the main loser in the crisis, with the return of a centripetal competition aimed at capturing the median, moderate voter. However, it will take some time before we achieve a better understanding of the evolution of such complex processes.

There remains the fact that never has the tension between ‘responsibility and responsiveness’ (Mair, 2009), financial compatibility and distributional responses, or short- and long-term responsiveness (see Morlino and Quaranta, 2016) been so great as in the case of the governments of the left (and centre-left) or, indeed, of the ‘idiosyncratic’ governments (in Italy, France and, in some respects, Poland) of the post-crisis period—conditioned by austerity policies induced by the EU and budget constraints. This dilemma is not entirely new to leftist parties. In a sense, it is part of their history. It had already characterized the evolution of the socialist, social-democratic and labour parties that have entered the ‘government orbit’. Analysing the British Labour party, Drucker (1979) distinguished between the ‘party ethos’, linked to its history, underlying values and original constituency,

⁵⁸ See also Pappas (2014), who analyses the case of Greece.

and the 'doctrine', relating to coherent positions on specific issues and policies. Between these two components, there may be some tension, for instance, when the party accepts the challenge of government and therefore refers to the more general electorate and not just to specific sectors of it.⁵⁹ In terms that are familiar to political science, we could say that every party is forced to balance distinct and divergent objectives related to vote-seeking, office-seeking and policy-seeking (Strøm, 1990), merely having to balance what the party says it is (because of its identity) and what it does (because of the necessity of competition). This dilemma may turn into a tension between the two objective values of democracy, freedom vs equality, or in their convergence, so that the deterioration of one may bring about the deterioration of the other (see Chapter 8) and limit redistributive and egalitarian policies.

The presence and spread of protest, sometimes even with violent connotations, is a challenge to the democratic system seen in its function of regulation and mediation of conflicts and social tensions. As we have seen, a high potential for dissatisfaction and protest represents an opportunity for new leaders, and neo-populist and anti-establishment parties, to emerge and consolidate. This function of anchoring from the new protest parties captures a somewhat paradoxical aspect that puts political parties at the centre of democracies, but parties that are different from those of the past. If, in addition, we look at the 'contents' of democracy, the new parties push directly (when they are in government) or indirectly (influencing the public and the decision-making agenda) to shift the focus of policy-making towards redistributive policies aimed at creating conditions of greater equality. In any case, the protest/exit, to quote Hirschman (1970), becomes a 'remedy for the crisis' of efficacy and legitimation of democracies. Despite differences, this mechanism seems to fit all our cases. However, as we have seen (see also Chapter 4) the radical left is certainly not the only political family that articulates the theme of equality. At the same time, to the extent that redistributive policies prove ineffective or difficult to implement, or where a specific domain of identification exists, the way is clear for symbolic policies of an identitarian and sovereign nature.

5.6 Summing Up

We can now try to gather the strings of this chapter by summarizing the most salient empirical results in six points.

⁵⁹ In this regard, Drucker (1979) identifies three components of the 'left', which may correspond to a similar number of phases: the egalitarian Marxist-style 'ethics' that is characteristic of opposition parties, the Social-Democratic-Labour one, still linked to the social groups of reference and, finally, the more open 'democratic reformist' one typical of leftist governmental parties.

1. First, we started with the question as to whether there are institutional arrangements that can account for the structure of inequality (with its three dimensions: economic, ethnic, and social) in the six democracies examined here. Despite the complexities and necessary distinctions, the primary reply is that, for equality, the consensual democracies with coordinated economies tend to have redistributive policy solutions and to correct inequalities. By contrast, majoritarian democracies with competitive economies tend to play a winner-take-all game, which increases inequalities.
2. About ethnic (in)equality, the salience of the migration issue derives either from the consequences of the economic crisis (Italy, Spain, and France) or from basic ideological orientations (Poland). In this context, the United Kingdom has a hybrid position, probably reflecting a longer (colonial) history of ‘multi-ethnic’, but divided society. Finally, Germany’s greater openness to immigrants is associated with the international competitiveness of the ‘social market economy’.
3. With the Great Recession, the presence of new parties and populist parties became a distinguishing aspect of our six countries. The emergence of populist parties is connected with two distinct components of equality: economic and ethnic. However, greater dissatisfaction and the growth of the new protest parties pushed the incumbent leaders to be more responsive and, consequently, based on the demands of the actors, prompted democracies to become more respectful of social rights and less unequal, taking into account the available resources.
4. We distinguish between a *revendicative populism* (leftist or inclusionary) and an *identitarian populism* (rightist or exclusionary). Identitarian populism mainly prevailed in Poland—but has a specific salience also in other countries: from France, with the Front National to Italy with the *League of Salvini*, the United Kingdom with UKIP and above all with Boris Johnson, and, to a more limited extent, Germany with AfD, and lastly Spain with *Vox*. Revendicative populism became politically and electorally relevant where the economic crisis was felt most, a situation that characterized Southern European democracies. The two types of populism, however, have different effects on the responsiveness, the former is more closely related to the needs of redistribution fueled by the economic crisis, while the latter reacts to the fears brought about by the identity crisis and the loss of social status.
5. The relationship between the vote of the left parties (moderate and radical) and the trend of inequality shows a rather random connection. It is possible to identify three patterns. In Italy, Poland and, after the 2012 elections, France, both the moderate and radical components of the left lost. However, these outcomes do not seem to affect the structure of inequalities. By contrast, in Spain and the United Kingdom, there was a growth in the

main left party (if we look at the last elections), while in Germany there is only one case where the radical left (*Die Linke*) shows a positive trend. However, once again, to our starting hypothesis, these trends give contradictory results (see section 5.5). The consequence is that those redistribution policies are central to government programs but are to be transformed into effective public policies.

6. Ultimately, we have identified three patterns, also considering the role of governments. First, in Spain social protest preceded the formation of a protest party which, in alliance with the radical left, sought to influence the agenda of governments led by the PSOE. Second, in Italy, the M5S channelled the protest against the political elite, came to government together with the League of Salvini (2018), and proposed policies to fight poverty and accepts the League's sovereign line. However, in 2019 the crisis of the M5S-League cabinet unfolds in a new governmental coalition between M5S and Democratic Party. Third, in France, a brand-new party asserted itself, and in response to the intense protests of the 'yellow vests' proposed only partial measures, and indeed the protest is still going on in early 2020. Finally, in Germany, the United Kingdom and Poland, there are no relevant social movements, even if there are anomic forms of protest (not to mention Islamic terrorism). Besides, at the level of party representation, in the first two cases, leftist parties prevail (without forgetting the salience of identitarian populists), while in Poland those of the right do.⁶⁰ In all these cases, 'the fatigue of being in government' emerges all the more when the country is in a situation of weak economic growth, which makes redistribution more difficult.

⁶⁰ However, in the last 2019 election, the social democratic party almost doubled the votes.

Appendix

Table 5.A1 New parties, neo-populist parties: the European picture (2012–2018)

Party Name	Elec Year	Votes (%)	Seats	Party name	L-R	Foundation Year
Austria	2013	20.5	40	Freedom Party of Austria	8.3	1986
	2017	26.0	51			
Belgium	2013	5.7	11	Team Stornach	6	2012
	2014	3.67	3	Flemish Block	9.6	2004
Bulgaria	2013	30.5	97	Citizens for European Development of Bulgaria	7.4	2006
	2014	32.7	84	–		
	2017	33.5	95	–		
	2014	7.28	19	National Front for the Salvation of Bulgaria	8.7	2011
	2017	9.31	27			
	2017	4.26	12	Volya—Will	6	2007
	2014	5.69	15	Reload Bulgaria		2014
	2013	7.30	23	Attack	5.5	2005
	2014	4.52	11	–		
	Croatia	2015	4.19	1	Human Shield	8.7
2016		5.92	8	–		
2015			3	Croatian Labourists—Labour Party	7.1	2010
2015			3	Croatian Party of Rights dr. Ante Starčević	8.7	
Czech Rep.	2013	18.65	47	Action of Dissatisfied Citizens	6	2012
	2017	29.64	78	–		
	2013	6.88	14	Dawn of Direct Democracy	7.4	2013
Germany	2017			–		
	2012	8.6	64	The Left	1.2	2007
	2017	9.2	69	–		
Denmark	2017	12.6	94	Alternative for Germany	8.7	2013
	2015	20.58	37	Danish Peoples Party	8.2	1995
Estonia	2015	8.1	7	Conservative People's Party of Estonia		2012
	2019	17.8	19	–		
Spain	2015	12.7	42	Podemos	1.2	2014

Continued

Table 5.A1 *Continued*

Party Name	Elec Year	Votes (%)	Seats	Party name	L-R	Foundation Year
	2016	13.37	45	–		
	2019	14.3	42	Unidos Podemos	1.2	2014
	2015	13.4	40	Ciudadanos	6	2005
	2016	13.0	32	–		
	2019	15.9	57	–		
	2019	10.3	24	Vox	6	2013
Finland	2015	17.65	38	True Finns	6.6	1995
	2019	17.50	39	–	–	–
United Kingdom	2015	12.65	1	United Kingdom Independence Party	7.8	1993
France	2017	28.21	308	La République En Marche!	6	2016
	2017	11	17	La France Insoumise	1.2	
	2012	13.6	2	Front National/ National Rally	9.7	1972
	2017	13.2	8	–		
Greece	2012	16.79	52	Coalition of the Radical Left (SYRIZA)	2.9	2004
	2012	26.89	71	–		
	2015	35.46	145	–		2013
	2012	6.97	21	Peoples Association— Golden Dawn	8.7	1980
	2012	6.92	18	–		
	2015	6.99	18	–		
	2012	10.62	33	Independent Greeks	8.7	2012
	2012	7.51	20	–		
	2015	3.69	10	–		
Hungary	2014	20.22	23	Jobbik- Jobbik Movement for a Better Hungary	8.7	2003
	2018	19.05	25	–		
	2014	44.87 [+KNDP]	117	Fidesz—Hungarian Civic Union	6.5	1988
	2018	49.27 [+KNDP]	117	–	6.5	
Iceland	2012	7.2	4	Citizens' Movement	6	2009
	2013	5.3	3	Pirate Party	2.5	2012
	2016	14.1	10	–		
	2017	9.2	6	–		
Italy	2013	4.08	18	(Northern) League	8	2013 (1991)
	2018	17.3	123	–		
	2013	25.55	108	Five Star Movement	5	2009
	2018	32.7	225	–		
Latvia	2014	16.6	17	National Alliance	8.2	2011
	2018	11.0	13	–		
	2014	6.8	7	For Latvia from the Heart	7.4	2014

Lithuania	2012	7.31	12	Order and Justice	5.3	2002
	2016	5.55	8	–		2002
Luxembourg	2013	6.64	3	Alternative Democratic Reform Party	8.8	1987
	2018	8.28	4	–		
Netherlands	2012	10.8	15	Party for Freedom	8.8	2006
	2017	13.1	20			
	2017	1.8	2	Forum for Democracy	7.4	2016
Norway	2013	16.3	29	Progress Party	8.7	1973
	2018	15.2	27	–		
Poland	2015	37.58	235	Law and Justice	7.7	2001
Romania	2012	13.99	47	People's Party—Dan Diaconescu	1.2	2011
Slovakia	2012	8.55%	12	Ordinary People and Independent Personalities	7.4	2011
	2016	11.0%	19	–		2011
	2016	8.64%	15	Slovak National Party	7	1989
	2012	44.41%	83	Direction—Social Democracy	3.8	1999
	2016	28.28%	49	–		
	2016	8.05	14	Kotleba—People's Party Our Slovakia	8.7	2010
Slovenia	2018	4.17	4	Slovenian National Party	4.7	1991
Sweden	2014	12.86	49	Sweden Democrats	8.7	1988
	2018	17.5	62	–		
Switzerland	2015	29.4	11	Swiss People's Party	7.3	1971
	2015	1	2	Ticino League	8.7	1991

Source: The table includes only parties which won at least one seat in parliament. Electoral Results, Seats, L-R (Döring and Manow, 2019). For 2018 and 2019 elections, own elaboration. Where otherwise indicated the parties were selected following Van Kessel (2015). For the Estonian and the Latvian case see Braghiroli and Petsinis (2019), for *La France Insoumise*, Gerbaudo (2018), for *Podemos*, Vittori (2017), for Vox, Turnbull-Dugarte (2019). Forza Italia is excluded from the 'populist party' category. Malta, Cyprus and Portugal have no significant populist parties in their political systems.

6

Domestic Explanations

Freedoms

Leonardo Morlino and Daniela Piana

6.1 What Affects Freedoms and Where?

As seen in Chapter 3, despite lying outside the core agenda of all political institutions committed to fighting the economic crisis, the individual freedoms of EU citizens did experience a significant change. In the chapter, we offer a comparative overview of the changes, including an overall gloomy picture for Poland. The empirical analysis shows an evident decline in the level of freedoms' protection since 2011 and more since 2015. Consequently, at the end of that chapter, we addressed two questions: how to explain the differences between the countries and how to account for the timing of the decline in the different rights.

In many respects, the past three decades have been marked by the increasing importance attributed to the 'enabling' conditions of the exercise of citizenship (European Commission, 2017; Chapman et al., 2020). If, in addition, the Great Recession negatively impacted on individual chances of achieving better conditions of living, scaling up across social classes and retaining a middle-range standard of life for themselves and the close community, the rhetoric emphasizing the potentially greater freedom offered to European citizens never stopped being recalled. The rationale behind this reasoning is simple and convincing. European citizens enjoy a wide range of rights entrenched in a multi-layered constitutional setting (Pernice, 2001; Weiler, 2015; Sandulli, 2018). Among them, the freedom of movement, both physically and concerning economic entitlements (freedom of capitals), and freedom of information, play a key role (Gomez et al., 2018). By promising a better exercising of freedoms as a genuine consequence of the introduction of devices that decrease the costs of access to information and opportunities,¹ opinion leaders and policymakers echoed in a highly positive manner the ideals of

¹ Therefore, it does not come as a surprise that the comments made by scholars on the consequences of Brexit focus specifically on the risk of deterioration of the freedom of mobility, one of the first and most recalled dimensions of the European citizenship.

being freer to grasp new chances in life and to hold power under control, ignoring the economic and social inequalities.

To adequately spell out the sort of explanations we are looking for, let us recall that citizens adhere to the ideal, deeming freedoms to be key components of a sound and well-functioning democracy (see also Chapter 4, section 4.2). However, countries differ when one considers the relative role assigned to freedoms and equalities and the sensitivity shown towards reducing one or the other. At the individual level, a citizen may not have a clear idea as to the potential impact specific norms—which are introduced in the pursuit of security (both in the physical and virtual world), transparency, and efficiency—may have on their individual freedoms. In many cases, the aggregate effect of these norms only becomes strikingly evident afterwards. In this respect, the change in freedom is more surreptitious than the change inequality. This cognitive gap is mainly due to the core nature of freedom and the consequent nature of freedom-sensitive measures adopted by domestic institutions. Unlike equality, which is directly experienced by groups of citizens in terms of the benefits of social rights, freedom may be reduced as a side, and non-intentional effect of measures whose declared goal is not to reduce freedoms. In general, political debate centres on the ‘reduction of public insecurity’, the ‘simplification of administrative machinery’ and ‘the reduction of the costs of accessing information and opportunities for mobility’. For citizens, none of these goals is subject to contention. It is also hard to avoid endorsing the importance of all of them.

6.2 The Rule of Law Compound Hypothesis

In this vein, our first hypothesis to account for the differences among the countries regarding the personal dignity and all civil rights refers to the rule of law (see Chapter 1 and Morlino, 2011, chapter 7) as a decisive feature in strengthening or undermining the protection of individual freedoms. The individual assessment of the rule of law is easily affected and diverted by the priority granted to collective goals that are perceived by citizens as urgent, such as security and surveillance. The more fluid and complex society is becoming, the more the quest for rules and controls profoundly affects people’s lives. In a nutshell, the core of the legitimacy of rulers—with domestic policymakers at the national and the subnational level playing a crucial role in direct connection to the life of people—has to be assessed against the satisfaction and the trust citizens feel concerning the capacity of those rulers to deliver key public goods, rules, information, security and control.

In this respect, we can easily understand how our explanation can be developed consistently with the four dimensions of the rule of law.² They are, first, the

² The salience of the rule of law already emerged in Chapter 4. In this chapter, the survey results about the evaluation of citizens on the importance of equality before the law—a cardinal principle of

effectiveness of the government in orchestrating and ensuring the production of public goods in a setting where administrative procedures are promptly enforced; second, the role of the anti-corruption strategy, which relates to the perceived transparency and integrity of the public machine; and, third, the compliance of the public order to fundamental rights, which may take the shape of civilian control of the army and police. In the countries that endorsed a liberal view of the *raison d'état* (Chevallier, 2017), this sub-dimension acquires particular significance if operationalized in terms of the capacity and willingness of the police and the prosecutorial functions to comply with the fundamental rights provisions. In our analysis, the weight of this sub-dimension rose in the aftermath of the surge in international terrorism in 2015. Besides, a fourth dimension needs to be included in our analysis, that is, the degree of modernization of the judicial system, which is directly related to the capacity of the courts to settle disputes efficiently and effectively. This will be illustrated below.

We can now provide an overview of the first two sub-dimensions through the worldwide governance indicators dataset (see Figures 6.1 and 6.2).³ The highest level of government effectiveness is in the UK and Germany, while Poland and Italy score worst. Spain and Italy saw the worst drop during the years of the Great Recession, between 2007 and 2013, with a better performance in Spain than in Italy in climbing back some points over the last four years. Anti-corruption policies stand as stable pillars of the rule of law in Germany and the UK, followed at a slightly lower level by France, whereas in Spain, Poland, and Italy they score very low.

The overview offered in Figures 6.1 and 6.2 shows many important points for further analysis. First, the rank of each country is significant in terms of the rule of law and, consequently, of the impact of the rule of law on freedoms. They are more sensitive to the level of governmental effectiveness and are clustered in the second sub-dimension, notably civil rights. Beyond the trends, which show a varying degree of decline in the six countries at the time of the Great Recession and the policies adopted to rationalize and contain the public debt, the capacity of each democracy to regain the previous level is mirrored in the trend of the freedoms that are more closely related to the machinery of the State—economic freedom, fair trial, and privacy protection. However, the most

the rule of law—support our claim. As stated here, there is a relatively high impact of the rule of law on the overall procedural and substantial dimensions of democracy. This is due to the role played by the rule of law as an overarching principle, and also to the historical significance that this tenet gained among the citizens.

³ The worldwide governance indicators II dataset operationalizes governmental effectiveness as capturing perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies; the control of corruption as capturing perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as 'capture' of the state by elites and private interests. For more on the methodology used, go to <https://info.worldbank.org/governance/wgi/#home>.

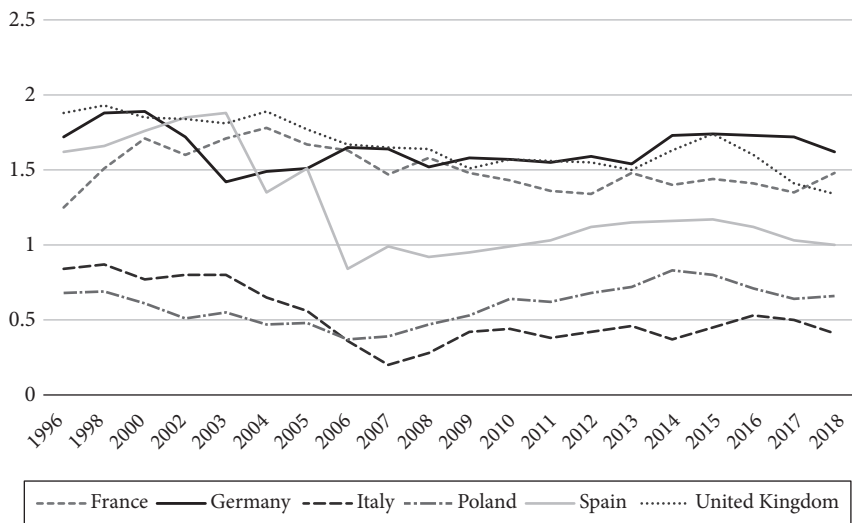


Figure 6.1 Governmental effectiveness in the six democracies (1996–2018)

Source: Worldwide Governance Indicators II, 1996–2018 (the data are available every two years between 1996 and 2002, and then yearly).

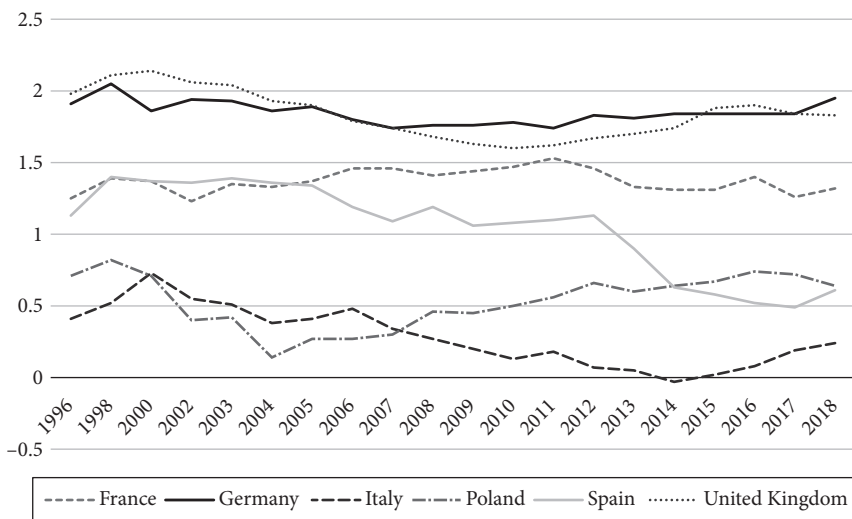


Figure 6.2 Control of corruption in the six democracies (1996–2018)

Source: See Figure 6.1.

critical result that these figures highlight is the weak resilience of those countries that feature a poorly developed capacity to steer policy-making processes, especially in terms of transparency of the rules system and effectiveness of rule enforcement. Both of them are closely connected to the rule of law dimensions considered here. In a way, even though Italy and Spain adopted a vast array of policies and measures to tackle the recession, the lack of adequate and predictable machinery for rule enforcement jeopardizes the final impact at the level of regaining freedoms.

A further point is worth stressing. The last wave of administrative reforms, which injected a massive amount of technological innovation into the public administration in the drive for both efficiency and transparency, did not achieve the expected outcome. Within our framework, this was due to the paradoxical mechanism that is triggered in all cases of State-targeting reform. As Jon Elster (2012) rightly stated, to repair the ship in the middle of the sea, a democracy needs to be endowed with a firm steering capacity. Only stable States managed their reforms effectively. This has been the case in Germany, the UK, and France regarding those aspects that impinge upon personal dignity and economic freedoms, even though in France the reduction of some rights must be linked to the increasing alarm created by international terrorism.

We need now to add a few remarks about the trends of the third sub-dimension, that is, the compliance of public order with fundamental rights. This has been covered by an increasing number of international watchdogs warning about the escalation of the securitization of the advanced democracies. According to the Human Rights Watch reports covering 2015–18, all the countries experienced a reduction in individual guarantees in correspondence to the collective request for stronger prevention in the fight against terrorism. In France, this came together and concomitantly with the adoption of the *Etat d'urgence* regime (Stirn, 2018; Commaille, 2018). In the UK and Germany, there has been a stronger and more in-depth control of the public space. Less intense is the pervasiveness of public forces in the private sphere, even though the reaction against the Cataluña secession exploded into the upheaval of more severe sanctioning of individual behaviours preventively deemed to be dangerous as regards the maintenance of public order (Bosco, 2018).

As for the fourth dimension, the role played by the modernization of the justice system needs to be assessed in strict connection to the rise of fair trial guarantees and will be analysed below. If we now make explicit the link between the data presented in Chapter 3 and the domestic factors mentioned above, we need to highlight that the pattern of influence exercised by the sub-dimensions of the rule of law is differentiated and depends on the type of freedom considered. For instance, for some specific aspects of freedom, the first two sub-dimensions (see above) matter relatively more than the other two.

The rule of law is a Janus notion, mirrored both in the mechanisms of rights protection and in the mechanisms of checks and balances. In our framework, these aspects are covered by the dimensions of the rule of law *stricto sensu* and inter-institutional accountability.⁴ The functioning of the courts is vital in both ways, and a change in the protection of civil freedoms may have—as it did in the six democracies analysed here—an effect on the balance of power.⁵ This is crucial to gain a better understanding of the case of Poland. In this country, both governmental effectiveness and control of corruption experienced a positive trend. One might expect this to lead to an improvement in the degree of freedoms, but this is not the case, especially after 2015. This stems from the combination of the rule of law and inter-institutional accountability, notably concerning the aspects directly related to the independence and the capacity of the courts. In Poland, the rule of law institutions, which are expected to play an overarching role in a constitutional democracy, has been undermined or their prerogatives hollowed out. This explains the reduction of the scope of freedoms, clustered under the third sub-dimension, political rights, together with the right to a fair trial, which belongs to the second sub-dimension in our framework.

In the six democracies analysed here the rule of law as an overarching principle was substantially challenged only in Poland, after the reduction of constitutional guarantees previously enjoyed by the judiciary and the attacks against the oversight institutions. Data focusing on the independence of the high courts capture in a single picture the shrinking of the constitutional guarantees to ensure the independence of the judiciary in Poland and shows that the rule of law, intended as an overarching principle, has been deeply eroded. A critical turning point came in 2017, when the government got the green light of the parliament for a set of measures that reduce and undermine essential freedoms, such as freedom of association and the freedom of alternative sources of the press. Economic freedoms have not been eroded. However, in the context of the enforcement of the property rights and more generally of the protection of all individual economic entitlements, the hollowing out of the judicial impartiality is expected to have an impact on the effective implementation of all fundamental freedoms. The economic dimension of citizenship is included.

⁴ For an analysis of the interplay between the modernization of the court system and judicial independence, which together are a bridge between the rule of law *stricto sensu* and inter-institutional accountability, see Piana (2013).

⁵ Its overarching function gives the rule of law a privileged position among the procedural dimensions of liberal democracy. This brought a few scholars to state that democracy does not exist without proper respect for the rule of law. More demanding theoretical positions would claim that the rule of law should be respected not only *de jure* but also—and above all—*de facto*. See Voigt and Hayo, 2003; Russell, 2010; Guarnieri and Piana, 2011.

6.3 The Additional Explanatory Steps

To better understand the changes in the three types of freedom that we considered as empirically relevant, we have to consider three other hypotheses that capture three domestic explanatory mechanisms. They are:

- 1) the paradox of the illiberal turning of more information into less freedom when we focus on the freedom of information;
- 2) the paradox of the illiberal turning of more rules into less freedom when we focus on economic freedom, the freedom of religious association and freedom of movement;
- 3) the improvement of civil rights and protection of dignity, notably because of the modernization of the judicial systems and penitentiaries.

To illustrate these mechanisms, we need to start with the following questions:

- a) Who are the actors that are prominent proponents of the policies analysed in Chapter 3? What are the functions and positions held by the potential beneficiaries of these policies, once we focus on public institutions—the State—as an arena where policy proponents are acting upon expected positive payoffs in terms of power, legitimacy, influential situations and offices?
- b) Who are the key players active in vetoing or pushing for the process of rule implementation?

These questions stem from an extensive literature about the links between the State structure and the functioning of democratic processes. In our framework (see 1.2) the State structure includes at least two dimensions, the rule of law and inter-institutional accountabilities. Bearing this theoretical perspective in mind, we propose an explanation by pointing out, first, the role played by the agency of the rule adoption,⁶ and, second, the role played by veto rulers in the process of rule implementation.⁷ Veto rulers are acting alongside the process of rule

⁶ By rule adoption we mean the formal adoption of the normative device that creates an arena and room for manoeuvre for policy implementing players. This is to refer to EUCLIDA (Morlino, 2011, chapter 6) and for a specific set of applications, Morlino and Magen (2009) and Morlino and Sadurski (2010).

⁷ By veto rulers, we mean actors that are situated in a favourable condition to put into motion veto rules (see the notion used in Morlino and Piana, 2014). The concept of the veto ruler is crucial to our analysis. It moves away from the concept of the veto player used in Tsebelis, 1990, by introducing a dynamic and process-oriented perspective. Veto players are precise nets in the Tsebelis model: they are activated in a dichotomic manner (either they veto, or they do not). In our view, the role played by actors unfolds over time and does not obey deterministic patterns of behaviour. Veto rulers may use, interpret, reshape, drift, or layer rules. In this respect, they do not merely activate a veto. One may see in this view a micro-foundation of the different patterns of institutional change that are outlined in Mahoney and Thelen, 2010, chapter 2. The case of Poland shows that vetoes may not necessarily

implementation by adopting several different strategies, which encompass resistance, the hybridization of rules, layering, reshaping, interpretation, and subversion. Indeed, fragmented public institutions are highly inclined to veto or set constraints on rule implementation, even though there is no necessary relationship between a high number of decision-makers and the high probability of vetoing, as seen for instance in the case of the Netherlands (Mak, 2008). The worsening of individual freedoms' protection and enacting scope appeared as an illustration of non-intentional and perverse effects of collective or individual initiatives taken for entirely different (and differently framed) reasons. A range of policies promoted to increase efficiency and transparency, adopted in the name of equality of access, created unexpected reasons for challenging individual freedoms. This is not due to the content of the policies, but instead to the type of instruments. Some of them have the potential for new freedoms (and news dangers to freedom) to be ruled.⁸ What matters for our purpose is the explanation of the divergences, based on the qualitative and quantitative evidence, among the countries and within the same country in different periods.

6.3.1 The Paradox of More Information, Less Freedom

The first step to explain the transformations of individual freedoms is considering the paradox of the freedom of information. Access to and use of information, notably concerning the public sector and the flow of data, determined by or related to the citizens/public institutions interface, have been increased by a concomitant chain of events. First, the push towards a more efficient and more transparent public governance in the European Member States and other advanced democracies at the beginning of the 1990s and through the following two decades. Moreover, second, the disruptive wave of technological innovation creating favourable conditions for the fast and cross-bordering flow of data and information in a much more marked way than ever before. The state of affairs in terms of easy access and decontextualized use of information has been a strong reason to justify high expectations of freedom widening. The implicit assumption was that

function as protection of the checks and balances equilibrium. For instance, President Duda exercised his veto on the package deal that the government decided to reduce the independence of the judiciary, but the statutory law put forth by the President himself did not per se ensured the judicial independence by all means (Sadurski, 2019, p. 108).

⁸ This point is made more evident when Poland and Italy are compared. The content of the policies—what their purpose is—becomes significant only under conditions of the rule of law subversion, i.e., when the policies do not comply with the overarching principle of the rule of law. Our main argument here regarding the relationship between the normative overloading and the scope deflation of freedoms is related to the institutional methods of doing things, notably of doing the *mise en oeuvre* of the rules adopted.

freedom of choice is mitigated by a shortage of information made available to decision-makers—even more critical if they are citizens and laypeople—whereas more information leads more or less directly to better choice and more freedom (Zuboff, 2018). Criticisms addressed by Zuboff toward the paradoxical outcomes triggered by the promise of more freedoms through the Web-based expansion of options of actions, both as a private and public actor, is today endorsed by the majority of scholars (see also Floridi, 2019).

If technology and technological potential are considered as exogenous factors, IT growth is expected to be homogenous across the six countries. In all the six countries, individuals with a house connected to the Internet have been increasing. This is in both number and use intensity (OECD, 2018). For instance, in 2017, 80% of the population in France had an Internet connection; the figure was close to 84% in Germany, 76% in Poland, and 84% in Spain. Italy and the UK stand at opposite poles along a continuum of constant growth in connectivity. The former covers 63% of the population, while the latter has reached 94%. Furthermore, the diffusion of technology, with several waves of ‘going digital’ reforms (World Economic Forum, 2015), impinges deeply and widely upon the public sector.

A combination of a few datasets focusing on different, but related, aspects of the technological development in the public sector and its consequent impact on the interaction between citizens and institutions, allows us to highlight three points. According to the data collected by the World Economic Forum and by the Open Data Barometer, from 2013 to 2017 the European biggest democracies developed a comprehensive governmental strategy to open dataset to citizens in order to create favourable conditions for more transparency and accountability (OECD, 2019).⁹ The promise of more freedom is tacitly accepted as the principled idea driving this change. The International Technology Union portrays a much more nuanced situation. In the countries where a vision of technology, based on the premise that more openness of data and information leads directly to more freedom, had been endorsed, the importance of ICT in the government’s vision is higher. At the same time, the number of norms (i.e., laws) adopted to deal with ICT dimensions—such as security of data storage, privacy protection of access and data entry, transparency and anti-corruption of public procurement procedures—also increases (see also ITU, 2019).

⁹ The Digital Government Initiative of the OECD has been carrying out a meta-analysis of the governmental strategy in the field of ICT applied to public sector and open data. The sources of information contributing to building the OECD overview include the World Economic Forum, the Open Data Barometer, the Open Data Maturity Assessment of the European Union, the Open Government Index. The different sources considered did not adopt a standard methodology. This is the reason why we cannot elaborate on a synthetic index or a macro index merging the different indicators here considered separately. However, from a qualitative perspective, the patterns the countries follow according to the different sources of data converge.

On top of the growth of ICT, as a leverage to change the public sector, complemented by the implementation of standards of efficiency, transparency, and effectiveness, more normativity emerged in the realm of e-government. The regulative density of the ICT policy sector is also amplified by the external pressure—normative and political—exercised by the European Union and, especially, by the European Parliament. Two examples show the different actions undertaken by the European institutions, in coincidence or as a reaction to more recent cases concerning the fairness and credibility of ICT-based communication and social media enterprises. European regulation in the field of data protection and digital development represents a common ground for all six democracies. In the same vein, the European directive on copyright protection intervenes to regulate with a common baseline a field where the right entitlements of the private actors operating in the media market could lead to the potential erosion of the economic benefits expected from a successful media R&D investment.

These last two external inputs disclose a complex interplay with several other inputs coming from the external actors promoting the ‘going digital’ drive in the public sector. Over the last two decades, the ideal of a lighter, less expensive and more efficient State has dominated the international stage (World Economic Forum, 2019). Technology and digital transformation appeared a viable way to achieve three goals at the same time: transparency, standardization, and efficiency in the public sector. The ultimate positive achievement of shifting public organizations toward the dematerialized management of document delivery, filing and tracing is that of enabling citizens and economic actors in terms of easier access—more freedom to access information, regardless of citizens’ initial assets in terms of education or economic resources—and faster response. However, the pattern of change varies from one country to another, showing a worsening in Italy, Spain, and Poland, but not in the UK, Germany, and France. And this entirely consistent with the picture on civil right proposed in Chapter 3.

Moreover, if we postpone the analysis of Poland, Italy and Spain may be understood in similar terms. However, we immediately see different patterns of interaction among the players when we zoom in on the dynamics displayed by the actors. Both countries have been working on a comprehensive agenda of public administrative reforms, pushing actively in the direction of a more accessible, readable, efficient, and effective interface between citizens and institutions. Digitalization played a key role in this respect, both as a policy goal and as leverage for change, triggering several related effects and policy strategies. Spain introduced a first and comprehensive wave of policies aimed at injecting a massive number of IT-driven tools into the public sector from 2008. Under pressure from European institutions and international actors—such as the OECD and the IMF—a strong commitment of the incumbent government in Madrid was to implement a project for light State machinery. Gaining political consent for this was easy, but the implementation process turned out to be much less smooth. For

instance, if we look at the degree of homogeneity of this process in the *autonomia* we detect sharp discrepancies not only between one *autonomia* and another one (Verzelloni, 2018), but also between the pursued goal and the actual results. To access public institutions, citizens have to overcome substantial barriers, such as digital illiteracy. More significantly, in several sectors, the digital agenda has remained on paper, due to the veto and the inertia of local institutions.

In Italy, the model adopted seemed more successful at first sight. In 2014, a concerted drive to promote the digital agenda was launched by the Department for Public Governance, operating within the frame of the Presidency of the Council of Ministers, and the Ministry for Finance and the Economy. In several occasions, the head of the Department received an endorsement for a multi-sectoral agenda, reflected in the final adoption of the agentification way of strengthening and embedding the digital agenda beyond the ups and downs of governmental destinies (see the assessment of the European Commission, 2017). Consequently, several actions were taken. The electronic signature and the clustering of personal data into digital and dematerialized support—in the health sector, for instance—investment in infrastructures and the information technology architecture across the ministries. Despite the significant investment, however, the opportunities opened for people to access, in an easy, user-friendly way, information concerning administrative proceedings and public procurements remains sectoral and fragmented. This is due to the existence of strong veto rulers opposing inter-sectorial operability—such as the health-education-justice interface—and effective dialogue between local and central institutions. At the same time, however, the most substantial experience and a prominent leadership concerning the data protection law, which has been most influential at the European level in the development and drafting of the European Regulation of Data Protection, has come from Italy.

The cases of Spain and Italy offer strong reasons to consider the actors, who were key promoters of the policies adopted in the field of IT regulation at the domestic level, as an influential more in-depth explanatory factor. However, a further aspect is worth highlighting to fully understand the scenarios in the six countries when we focus specifically on IT and freedom. The diffusion of policies aimed at transforming the public sector under the e-government paradigm—also because of the strong pressure of international organizations and the EU—did not bring about an improvement in privacy protection. According to Privacy International,¹⁰ in 2007 the countries included in our analysis did not rank among the virtuous cases. Out of the six, France and the UK scored the lowest. The situation, as portrayed in 2007, underwent a significant evolution in the subsequent decade, notably concerning the diffusion of digital technologies and Web-based

¹⁰ <https://privacyinternational.org/>. Privacy International is a charity based in London, committed to fighting for the right to privacy.

public information actions (see Vaccari and Valeriani, 2018). Disinformation and propaganda disseminated online have been poisoning the public sphere. The unbridled collection of personal data has broken down traditional notions of privacy (Freedom House, 2018). Even in democracies with a high level of digital literacy, it is often hard to distinguish between trusted sources from one's own community and information created by a fake-news factory (Freedom House, 2018). Freedom House remains critical about the freedom of the press in Italy and lately in Poland and, more generally, about the freedom that the public authorities allow for individual actions taken through Web-based platforms and social networks. All the countries, Poland excluded, have adopted specific legislation to adopt in-depth surveillance strategies covering social network communications and transactions, as well as making provisions for investigating institutions to use personal data and all data generated through the net if there is a charge or suspicion of collaboration among international criminal organizations.

Evidence provided in Chapter 3 and reinforced by the reports adopted by the Global Technological Index and the OECD analysis of digital government, singles out the paradoxical effect engendered by the digital revolution in terms of individual freedoms. Governments increased control on the Web, concerning surveillance measures to combat international terrorism as well as about increasing warnings from international and supranational organizations on the risks for personal data when inserted and exchanged on the Internet. In Italy, a new bill approved in June 2017 mandated the government to regulate hacking for criminal investigations, but it raised concerns among privacy groups about the lack of adequate safeguards (Freedom House, 2018). Meanwhile, Italy has been discussing its regulation of hacking powers for law enforcement investigations, and in June 2017 approved a law mandating the government to regulate the use of malware for such purposes. Italian and international non-governmental organizations, as well as the UN Human Rights Committee, have raised concerns about international human rights standards of legality, necessity, and proportionality. Concerns have also surrounded Italian companies' involvement in the cyberweapons trade, and the lack of transparency in the way export licenses are granted.

Moreover, according to the latest report published by Freedom House, national governments have adopted several measures to increase censorship on the Web. For instance, in 2016 the German government adopted the Social Network Enforcement Law, 'which aims to curb the dissemination of hate speech, terrorist propaganda, and fake news on social media, and to establish substantial fights against social networking companies for failing to remove flagged criminal content from their platforms. In the same vein, a new law regulating the conduct of the Federal Intelligence Service has raised concerns for attempting to legalize thus-far illegal surveillance practices that could potentially affect German citizens as well as foreign journalists.' A similar path has been followed in the UK. In

November 2016, the controversial Investigatory Powers Act 2016 reformed the legal framework governing the surveillance powers available to law enforcement and intelligence agencies, undermining privacy. As a result, ‘internet freedom declined in 2017 as the Investigatory Powers Act (IP Act) authorized a range of surveillance powers, including some bulk surveillance of individuals who are not the targets of criminal or national security investigations’ (Freedom on the Internet in the UK, 2017).

In Italy, the political attention devoted to ‘fake news’ emerged with greater urgency than in the other countries considered in our analysis. Following a constitutional referendum campaign marked by allegations of disinformation and fake news, political parties and actors have been advocating for various solutions to tackle the phenomenon, including a controversial proposal to impose fines and prison sentences on those behind fake news reports. Amidst growing scrutiny over surveillance software sales to government agencies and repressive regimes, Italy took some steps to limit the export of surveillance technologies to countries with poor human rights records (see also above). A similar pattern is displayed by France, where the legislative decrees passed in 2016 and 2017 to tackle the risk of radicalization impinged upon the powers granted to the *services de renseignements* to investigate on the Internet.

A common trend in France, Germany, and the UK is represented by the political commitment of the incumbent authorities after 2016 to set up stronger mechanisms of surveillance against the ‘fake news’. In Italy and Spain the emphasis is on access to information for all, even if jeopardized by the diffusion of veto rulers. In the other three democracies—Poland is excluded and will be analysed as a case apart—the focus is on protecting citizens (and voters) from fake news, the pollution of political competition and the (potential) undermining of the capacity of citizens to be free in their choices. Different models are adopted according to the different arenas and the leading actors operating in the three countries. In France, the jurisdiction granted to the CNIL—the National Commission for Information and Freedoms—has been expanded, especially after the presidential campaign to fight fake news in a determined and wide-ranging manner. In Germany, we observe a trend towards an endogenous regulation of the information handled by the political parties and above all by the Stiftung, i.e., the actors involved on the front stage of political communication and the evidence-policy agenda setting. In the UK parliamentary scrutiny of the serious case involving Cambridge Analytica led to a wave of information retrieval following criticisms of information providers.

If assessed against this comparative analysis, the case of Poland turns out to be more peculiar and dramatic. In the same vein as the previous wave of liberal policies, Poland followed by opening to both IT-driven administrative reforms and the extensive use of digital technologies in the private life of citizens. In some respects, it appears to be the most liberal case together with the UK. However, in

2016 liberal guarantees began to be dramatically subverted, deeply and substantially undermining the very possibility for freedom to be enacted and put into motion in both the public and private sphere. The subverting trend had a peak in 2017, with the reform of the media sector, the high degree of public surveillance introduced alongside the enhancement of ad hoc committees vested with special prerogatives to fight corruption, scrutinize officers and purge media regulative bodies. All this deeply undermined the liberal features of Polish democracy (Freedom House, 2018).

To sum up, on the one hand, the massive injection of technology has triggered a much higher level of mobility and a more extensive range of options for citizens to exercise their economic freedoms and their freedom to express their opinion, to express themselves, to move and to get informed. However, on the other hand, it has also allowed potentially illegal, unethical and undemocratic behaviours to creep into space, which is not subjected to the same intense legal protection found in the material world. Kara Swisher (2018, ...) rightly claims that IT platforms such as Facebook, Twitter, and others, were 'destined to become a template of all humankind, the digital reflection of masses of people included the bad ones'.

An occasional but also deeply revealing event is worthy of further consideration. The abuse of information deriving from the GAFAM companies perpetrated by Cambridge Analytica did not just accelerate the regulatory measures adopted by the European Union over the last two years. It cast a sombre light on the genuine relationship between political freedom—and notably the freedom of speech and freedom of information—and technological development. The suspicious attitude endorsed as a reaction to the scandal should not be taken as a malaise of our *Zeitgeist* (DeLoire, 2018). Instead, it is the tip of the iceberg in a much more complex interplay between the demand for more information, the lack of trustworthy intermediation in information production and distribution on the Web, and the structural limits which accompany the more intense use of IT in citizens' daily lives.

For our discussion, this point deserves some additional consideration. The liberal vision, which grants to the freedom of information a key role in ensuring the quality of democracy—at least of the procedural model of democracy as it has been promoted and defined by the founding father of the liberal theory—takes for granted that information is produced based on a mechanism of intermediation where media press companies and journalists' associations play a role. For decades and, in some case even centuries, the combination of a pluralist variety of information complemented by the existence of intermediaries created—as in the United Kingdom—favourable conditions for providing citizens with a good source of data and information on the public and the power elite.

The disruptive effect of the Web is amplified by the massive erosion of all intermediating capacities of the actors who transact across the Web. Data can be stored by them and storage can be hacked. Access—for instance, to the exercising

of an individual right—is already a way to trade-off and lose power on the Web, without getting back in exchange the possibility of holding the actors who exploit this power accountable. Efforts by regulators to catch up and address the lack of guarantees that comes with the digital sphere is somehow falling short in terms of enforcement capacity and freedom protection. To come to an only partial conclusion, technological development as a viable path toward a better public sector represents a competitive and redistributing arena where actors vested with institutional responsibilities were hollowed out or empowered dependently on the position and the capacity they displayed in handling the new digital world. In some cases, the agentification opened a new space for new actors—such as independent authorities—as in Italy. In other contexts, the executive branch took over and gained a stronger role in promoting, shaping, and maintaining ICT policies, as in France. Countries like Poland experienced a weakening of the media and growth of ICT, with even weaker intermediation in the production and diffusion of data and information.

6.3.2 The Paradox of More Rules, Less Freedom

As already mentioned, the transformations catalysed by the massive IT penetration into public and private organizations called for more normative actions, which have been undertaken at both the supranational and the domestic level. This happened in some cases in the wake of critical events. In other cases, it came out together with a large wave of standard-setting. The relationship between more technology and more freedom will be explored not only for the (less effective than expected) empowerment of citizens but also for the upheaval of IT regulation (Lessig, 2006; Sunstein, 2017; Solove, 2006).

In Chapter 3, the turning point marked in 2011–12 and even more in 2015 attracted attention to the point of addressing a precise question on the timing also at the beginning of this chapter (see above). The Great Recession triggered a chain of institutional, political, socioeconomic, and cultural events, and provided a strong impetus towards a more efficient and better performing public sector (Alesina et al., 2019). Despite the widespread debate casting dark shadows on the actual effectiveness of the austerity paradigm,¹¹ the first wave of reforms impinged upon the machinery of the State through a vast range of normative measures.

¹¹ The austerity approach, which has been dominant during the late 2000s and the early 2010s, may be defined as a paradigm, following Sabatier (1998). Austerity included both principles and strategies, as well as normative ideas legitimizing an approach to the public sector and a strong focus on economic growth together with the quest for the rationalization of public expenditure. Regardless of the stance taken afterwards against the austerity approach, for the analysis of democratic transformation, the dominant focus on equality has been intentionally pursued and justified. Less explicitly, European democratic leaders focused their policies on the protection of freedoms.

These left a deep and wide trace of normative activism, which impacted significantly on the number of rules regulating the economic and the social spheres of citizens' lives. Examples include new provisions on taxation, labour laws and social security packages. The combination of this legacy, i.e., a denser normative framework, with the injection of massive doses of IT, resulted in an increased functional demand for control to ensure cybersecurity, privacy and regulative compliance on the Web and within the immaterial structures providing public services. IT, therefore, acted as a catalyser for a reduction in freedom, under conditions of normative hypertrophy. The interplay between, on the one hand, the legacy left by the wave of post-austerity reforms tackling public sector inefficiencies and, on the other, the wave of measures adopted after 2011 and later also as part of the fight against terrorism, created potentially favourable conditions for a demand for more technological security and stricter control on the part of the public sector. These concomitant factors partially eroded the scope of freedoms, in all the democracies here analysed, except for Poland, which once again followed a different path.

The salience of the turning points we refer to in our explanatory approach must be assessed in two respects. First, the turning points in the dynamics of freedoms correspond to a functional reshape of political priorities in reaction to a common challenge. In 2011, finally, after a protracted intergovernmental negotiation, a consensus on the priority of tackling international terrorism was reached. Consequently, countries authorities unfolded different strategies, depending on the degree of their involvement in the international military initiative. In this respect, the UK is very telling. Freedoms enjoyed by citizens have been put under intense pressure already in 2011, much more than in other countries, such as France, which has expanded its anti-terrorism strategy exponentially in 2016 after the Bataclan attack (November 2015). Second, there is an interdependence effect, already singled out in our analysis, between equality-oriented policies and the indirect impact they had on freedoms. This has become evident most notably from 2015–16 onward. Thus, in a nutshell, the 2011–12 and 2015–16 periods have been marked by comprehensive domestic strategies addressing the mechanisms of control. This happened, earlier, in terms of custom and mobility and, afterwards, of cyber-security, Internet freedom and ICT uses in general. Consequently, the European Parliament in a Resolution adopted after 2011 mentioned the urgency of a country-monitoring process to ensure that the security policies do not restrict the freedoms and fundamental rights of European citizens.¹²

From the functional point of view, which focuses on the 'tasks' performed by democratic procedural dimensions, and consistently following the transformations

¹² See Communication from the Commission to the European Parliament and the Council, The EU Counter-Terrorism Policy: main achievements and future challenges/* COM/2010/0386 final */. We come back to this issue in Chapter 7.

undergone by all EU democracies, each of our six countries saw an increasing demand for rulemaking and rule adoption in the sectors that were most pressed by the novelties and consequences of exogenous challenges: public order, migration, technology and the upheaval of a digital dimension in the private and public life of citizens. The request was for more rules to ensure more protection for citizens, which can be linked and assessed against the impact that it has on people's freedom. The worsening of freedom, discussed in Chapter 3, shows instead that more rules and more regulations do not necessarily allow more freedom. On the contrary, *under specific conditions, more rules turn into less freedom.*

To empirically support this hypothesis, we need to introduce some clarifications. Liberal theory has traditionally been keen to argue that freedom comes when rules are strict, predictable and formulated as boundaries rather than commands. In other words, rules have to set up a playing field where individual actors are left free to act under conditions where the normative framework is fair, impersonal and impartial. A more sophisticated view proposes a more nuanced attitude. An opposite relationship does not link rules and freedoms. Under conditions of high uncertainty and high risks, more rules play the role of ensuring a reduction in the asymmetry of information and power among the players and, ultimately, guarantee the sustainability of public goods, such as quality of information, quality of administration, quality of the environment. This vision is deeply embedded in the paradigm that has inspired the most recent wave of norms.

A further distinction also needs to be made. When using the concept of 'rule', we should distinguish between statutory laws and administrative decrees. Scholars have explored in depth the reasons behind the shifts in patterns of power distribution within the European Member States. A regulative turn was followed by several feedbacks and adjustments, which, however, did not restore the centrality of the legislative branch in the overall process of rule adoption (Laffan, 2017). In many respects, statutory norms have been replaced by executive-centred measures stemming from the regulatory function performed by the governmental agencies, notably in policy sectors that clearly call for the prevention of uncertainty and risk (Ongaro and Van Thiel, 2017). In the same vein, most of the pressure exerted by European institutions during and in response to the crisis fell on the executive branch, especially about rationalization of the public budget.

The specific hypothesis we suggest here is that the growth of rules aimed at protecting citizens from the risks and uncertainty compound by the economic crisis, the waves of migration (with the subsequent expectations of less security and less public order) and the digital turn experienced by public institutions and public life in general, does not result in growth of the scope of freedoms. The opposite takes place. In order to empirically support this statement, we first need to analyse the rule adoption rate in the six countries. In the UK the adoption of statutory laws slightly decreased over the period between 1999 and 2014 and then increased, but without reaching the level of 1999 (33 in 1999; 25 in 2006; 23 in

2014; 27 in 2018).¹³ In France, the number of *lois organiques* and *ordonnances* totalled 119 in 2008; 110 in 2011; 100 in 2013; and 99 in 2014. In Italy 329 bills were adopted in the sixteenth legislature (2008–13), whereas during the period 2001–12 the number of adopted decrees was very high, exceeding 1000. If we observe Spain and Germany, we see that while in Spain the norms adopted by the Cortes increased during the period immediately after the crisis, in Germany the number of statutory laws adopted by the Bundestag remained almost stable. However, the Lander acquired a more extensive range of competences, notably in fields such as the environment, social and economic development, and education. In general, in countries that experienced an increase in rule adoption, we also observe a reduction of freedoms. This is especially critical in Italy and France. In Poland too, we can observe a growth in the normative productivity of the legislative branch: from 247 in 1989–91, to 894 in 2001–05; and 952 in 2007–11. It is important to note, however, that the normative production is related to the rationalization and modernization of the State in response to the economic crisis. However, in the case of Poland, it is the consequent stage of a long process of reform, which affected the public sector since the adoption of the constitution in 1997.

In general, if we follow the OECD outlook on regulation, which covers a broad spectrum of rule adoption processes deployed in all policy sectors within the scope of the regulation (Glaeser and Shleifer, 2005; Koop and Lodge, 2017), we detect a first, albeit partial, explanatory condition. The six countries considered in our analysis show a mild degree of convergence towards the adoption of a method of simplification in the rule adoption process, which stems from the introduction of the regulative impact assessment—even if it takes different forms in the different countries. In France, despite the lack of a fully-fledged consultative turn in the process of rule adoption, some mechanisms were set up at government level to reduce the complexity of the norms, with a middle range degree of positive results (OECD, 2018) achieved over the last three years. In Germany, a mechanism of simplification of all processes of rule adoption—for the most part in the field of statutory laws—has been in place since 2000. Considerable improvement is shown by external assessment and an internal shift in the clarity and the ex-ante certainty of the normative framework (OECD, 2018). By contrast, Italy lags far behind the other five democracies considered here in introducing an effective mechanism of ex-ante quality assessment of the normative framework. There are several reasons for this, among which the lack of a cohesive culture of inter-ministerial cooperation plays a key role. Compared to Spain, which introduced a new scheme of regulative impact assessment in 2009, the Italian case seems to be the worst in our sample of countries. This is the exact opposite of the UK. In this

¹³ UK Parliamentary Statistics.

Table 6.1 Governmental capacity in ensuring certainty, predictability, and simplicity of the rules

Country	Primary laws RIA	Date of introduction	Relationship to the OECD average
France	2.5	2013	In the average
Germany	3	2000	Above
Italy	2	2006	Below
Poland	2.3	2015	Below
Spain	2	2009	Below
UK	3.5	2001	Above

Source: OECD Regulatory Policy Outlook, 2018, country sections.

country, the legacy of the simplification and rationalization of the normative framework is in place and embedded within institutional practices. A specific feature needs to be considered about Poland, where 40 per cent of rule adoptions, stemming from parliamentary bills, are not submitted to any preventive check in terms of simplicity and potential impact. Governments have engaged recently in a broad strategy aimed at tackling normative redundancy and complexity, both of which have been deemed crucial factors in impeding countries from boosting their economic growth and creating durable social and economic development. The widespread of the methods is illustrated in Table 6.1 through the OECD evaluation of regulative norms. It testifies the shared awareness of the hypertrophy of the norms adopted mainly in the 2000s, and even more dramatically around the years when public budget schemes were scrutinized, regulated and rationalized to react to the debt crisis in the Eurozone.

At this point, we can start disentangling the different factors that explain the non-linear relationship between rules and freedoms. We can point out three factors regarding the extension of the rule adoption process, which reaches high levels in some countries, notably in Italy and France but to a lesser extent in Germany, and which remains within a relatively limited range in the UK. In those countries with more rules intervening in the socioeconomic life of citizens, the three factors that play a role are: (1) the method—which may be more or less inclined to keep the normative framework as simple as possible; (2) the potential stalemated rule implementation related to the number of veto rulers a country has; and (3) the degree of continuity behind the electoral turnover and the change of governments.

We have already touched on the issue of the ex-ante regulative impact assessment and the related capacity of domestic government agencies to ensure the clarity and simplicity of the laws. However, to explain the perverse rationale of change that led to the growth in rules and at the same time the deterioration of freedoms, we need to consider the number of veto rulers who are active in the

rule implementation processes and the degree of continuity of the electoral results. These factors affect the six countries in our analysis to a different extent. Veto rulers represent a core feature of domestic institutional designs: actors handling veto powers are allowed and requested to perform as vetoes according to these rules. For instance, this is the case of the constitutional courts, whose jurisdiction in terms of legislative scrutiny and judicial review may be strengthened or weakened by the possibility, or the lack thereof, of directly seizing control of the court from the citizens, foreseen in the law, for an individual case. However, veto rulers are not only of a formal shape. In some contexts, actors whose role is strategic or instrumental to the implementation of a normative measure—for example, in the legislative departments of ministries or in agencies entrusted with the responsibility of ensuring the transparency and accountability of the policies—perform as facilitating or inertial factors vis-à-vis the linear unfolding of the processes of rule implementation. If not embedded into a cohesive system of governance, this has an impact on freedom. The obstacles that enter the overall picture may decrease the predictability and certainty of the normative framework set up for social and economic actors.

Moreover, effective rule implementation is strongly influenced by relationships between politicians and high ranking civil servants, which are regulated according to the mechanism of the spoil system in some countries—as in the UK—or according to the mechanism of a strong, institutionally embedded and largely independent *esprit de corps*—as in France. Therefore, about the pattern displayed by the country the continuity of rule implementation depends on the degree of administrative cohesion and the limits set up—more or less informally—to constrain the potentially disruptive action of veto rulers situated along the route of the implementation process running from the executive branch to the territories.

From this point of view, the six cases diverge and offer a promising sample to check the empirical adequacy of our comparative explanation. First of all, if we place our countries along a continuum going from a minimum number of veto rulers to a hypothetical maximum number of them, we can immediately detect that the most substantial distance is between France, on the one hand, and Italy, on the other hand, with the UK, Poland, Germany, and Spain, in this order, occupying varying positions along the continuum. Specific examples of patterns of rule adoption and rule implementation can illustrate this point. In 2016, after the shock in France due to the escalation of terror attacks, the incumbent government activated normative provision no. 55/1955, known as ‘*état d’urgence*’, which suspends individual freedoms in specific cases of suspicion, grants extraordinary prerogatives to the executive to strengthen control over the domestic territory, shifts the balance between the prosecutorial and the judicial authorities within the penal procedure. Following the institutional tradition, the government bill was assessed by the Council of the State, in its capacity as the guarantor of individual freedoms. The institutional cohesion of the French system in this circumstance is

well explained by the vice president of the Council of the State: ‘we ensure the durability of the constitutional democracy and we allow exceptions up to the point of not falling into an irreversible pattern of change. While we are able to see reversibility freedoms are safe.’¹⁴ The rule of law principle is not suspended despite the strong derogations law 55/1955 introduces. The stronghold is represented by the embedded culture of the institutions, which is endorsed by high civil servants. Such a culture pervades the high levels of the State across the different branches—within the executive, the Council of the State and in the local administrations. In 2017, after the presidential election, a strong endorsement of the Council of the State happened to be explicitly in favour of the suspension of the *état d’urgence* by means of a bill that reformed the penal procedural and substantial laws for terrorist acts and entailed specific measures impacting on freedoms.

A different case, but still showing a high degree of continuity, is represented by the UK. At the time of the Brexit referendum, a point was made about the role to be played within the British system by the European Convention on Human Rights, as European case laws implement it. It is up to the Supreme Court of the UK to provide a new and balancing doctrine to protect individual freedoms regardless of the ups and downs of the Brexit process. However, the final agreement and the position endorsed by the British government in the context of the Brexit seems to open a new scenario, where the guarantees entrenched into the transnational legal order enforced through the CJEU are discontinued (Pech and Kelemen, 2019). Germany and Spain must be qualified with additional caution since veto rulers are also institutionalized within the structures of a strongly decentralized State. In this respect, at least initially for Spain, which then went through a deep crisis (see below), veto rulers experienced a rebalancing mechanism in the decentralization.

The same differentiation seems to characterize our countries when considered for the degree of electoral turnover. This is closely related to the professionalism of the public sector, the circulation of the administrative elite, the role played by the so-called oversight institutions. The function of such institutions is to maintain conditions of high stability and predictability for the systems of rule implementation, to avoid the potential overruling of the incumbent political elite. Again, France seems to be in first place in terms of continuity. Even in instances of deep discontinuity in the political elite, the higher echelons of the public bureaucracy play a firm and unquestioned role as a stabilizing factor across the process of rule implementation. The same holds for Germany and the UK. A completely different scenario is unfolding in Italy, Spain, and Poland. In Italy and Spain, the high level of veto rulers is accompanied by a high degree of systemic

¹⁴ Interview to the vice president of the Council of the State, May 2016 and November 2016; and interview with officials serving in the Secretary-General of the Government, April 2016.

discontinuity in the State bureaucracy. Moreover, the burden of responding to the demands of its citizens is left on the shoulders of the judiciary.¹⁵ In Poland, the overruling effect of the political majority, mastered with a muscular attitude by the incumbent party leaders, concerning the constitutional guarantees of judicial independence, media pluralism and the autonomy of agencies, such as independent authorities and the central bank, has to be considered as a sort of ‘meta’ level of discontinuity. In Poland, however, the number of veto rulers has decreased radically. Now, it is concentrated in the hands of just a few rulers.

Binary comparisons can also suggest relevant insights. It is worth taking Germany and Spain as examples of countries where subnational institutions do manage an extensive repertoire of prerogatives in key fields, such as taxation, regulation, and administrative procedures. After the long and relentless strain placed upon the rationality of the costs/benefits of the public sector administrative machinery, in 2014–15 the macroeconomic indicators started to signal a slight easing of the recession or a revival of domestic growth. In 2016 and 2017, despite the different paths taken by the governments in facing the crisis—and despite the different contexts in which the governments were operating in terms of the depth of the crisis—both countries introduced a wave of reforms to increase the competitiveness of the domestic system and reduce the sunk costs for economic investments. However, in Germany, the involved actors did not play as veto players, especially in the field of taxation reform, where the Landers opted for a standard method of taxation to avoid domestic dumping. An opposite path was taken in Spain where the *autonomia* represented not only a potential arena for veto rulers but followed a conflictive path with the centre. This went as far as to promote the secession of Cataluña in 2017.

In the two countries, oversight institutions such as the supreme courts played an opposite role. In Germany, the *Bundesverfassungsgericht* took a strong stance in favour of German sovereignty before the Court of Justice of the European Union in the specific context of the Fiscal Compact concerning the implementation of the European Stability Mechanism (Sinha, 2018). At the same time, the court also promoted a mechanism of proportionality in the reconciliation of different interests and positions represented by the Landers during the long process of transformation of the economic setting in the approximately thirty-year period analysed here. In the case of Spain, the *Tribunal Constitucional* assumed a prominent role of judicial activism, in what can be properly described as a ‘meta-political arena’, created by the referendum for the Cataluña secession.

The role played by veto rulers is highlighted in the case of the UK when we consider the pathway to the reforms of the State and the subsequent strategy enacted by different institutions to handle the crisis ensuing from Brexit. The UK

¹⁵ This seems to be also confirmed by the OECD Economic Outlook and the Regulation Assessment, published in 2015 and 2017.

started to address the cost/benefit ratio in the functioning of the administration long before the stimulus provided by the economic crisis. A strong legacy of performance-oriented strategies had already existed in the country since the early 1990s (Flynn, 1993; Pollitt and Bouckaert, 2017). In late 2010, however, a more focused set of actions was adopted, with a focus on education, health, and justice. In this last sector, an IT-driven package of actions introduced a new model into the court system, based on functional differentiation and multiple tracks to dispute settlement (Mania, 2015). After 2015 the country was hit by the wave of effects relating to the growth of migration and the concomitant escalation of international terrorism. Many measures were taken to prevent terrorist acts, especially in terms of penal procedural reforms (Molinié and Piana, 2018). More dramatically, the referendum, promoted by the incumbent government to elicit the preferences of citizens regarding European membership, plunged the country into an unexpected condition of high normative uncertainty. In this context, the UK supreme court played a key role in ensuring the continuity of the fundamental guarantees of freedoms at the level of the European standards by elaborating (through an interpretative strategy) a new doctrine on article 50 of the Treaty of Lisbon.

With the differences highlighted above, the combination of factors that should be integrated into an explanatory model reflects its potential as a set of variables catalysing a change once it relates to the relevant policy sector. Many measures taken to reduce inefficiencies and increase growing capabilities in the public sector—such as the reduction of human resources, the retraining of personnel, the introduction of e-government technologies and tools, the recentralization of critical functions and structures, cost monitoring and cutting—profoundly impacted the scope of public institutions and the re-configuration of interactions between citizens and public institutions. Moreover, the waves of migration and the threat of international terrorism have both paved the way for citizens' acceptance of large doses of control, privacy reduction, mobility limitation and public order enhanced strategies.

A further specific point has to be made when analysing Poland. Instead of reforming specific policy sectors or specific dimensions of the public governance and, indirectly or even not intentionally, of affecting the state of the freedoms enjoyed by citizens, the Polish government attacked directly the provisions that immediately relate to some key liberal rights, such as the freedom of speech, freedom of association, freedom of press. To explain this change, we need to take a different analytical angle and consider a systemic level of change, where the elite reshapes or disrupts the architecture of the democratic constitutional setting.

The counterintuitive situation of the freedoms, as they emerge, reshaped and transformed, after the years considered in our analysis (1990–2018), is even more telling if assessed against the demands and the concerns European citizens have recurrently expressed. For the specific topic analysed here, the scope and the

degree of protection enjoyed by freedoms, citizens seem to be much more concerned by their security than by their liberty of action. In this respect, the policies adopted by different governments over the period considered have encountered very little resistance when oriented straightforwardly towards securitization, the enhancement of the intelligence services, increased control and the hardening of the limitations set up to prevent public order risks (see Chapter 3, section 3.2). This state of affairs ultimately comes as a surprise. An opposite narrative has deeply marked the first two decades of this century. It depicted a ‘promised land’ with a big increase in the opportunities for citizens to move, choose and to opt in or out concerning the spaces that are traditionally pivotal for the democratic freedoms. These include market, national territory and private life. This narrative is closely linked to the new waves of social habits, hypermobility and hyper-connectivity, to the point that scholars have called for a new way to interpret the relationships that citizenship has with freedom. Indeed, freedom has recently been described as the ability to navigate through life (Sunstein, 2019).

6.4 Civil Rights, Protection of Dignity, and the Improvement of Justice Systems

The state of freedoms would be wreathed in dark shadows if we did not consider the third piece of evidence resulting from the analysis of Chapter 3. As mentioned in the introductory section, civil rights, most notably those relating to how citizens interact with justice systems and the mechanisms of judicial sentencing—including the penitentiary—testify to a different and more positive trend. About the terms of access to justice, enforcement of the right to a fair trial in a reasonable time frame, and certainty in the execution of the trial, Chapter 3 shows that in the time covered by our analysis there was a decisive turn in all six countries, albeit with differing degrees of success and reversibility. To explain this positive trend, we need to refer to the external inputs, to see why domestic actors made the difference in the path followed by the policies adopted to improve the trial timeframe and the access to justice, with a consequent explanation of the differential degrees of reversibility of the positive results achieved in the six countries.

For almost a decade, European institutions have been grappling with the titanic enterprise of defining a core set of concepts, principles and goals which have a high probability of being accepted by all the member States, despite their cultural and institutional differences. The norms shaped through this process belong to the ‘soft law’. Despite their variegated nature—encompassing several different sub-types of normative tools—one can safely argue that soft laws are not legally binding. Therefore their capacity to impinge upon institutional decision making is intimately related to the will of actors to endorse these norms as normative principles or behavioural models. Soft laws include guidelines for how a court

should be managed, benchmarks fixing the reasonable timeframe of a trial at the first instance and at the appeal, models of IT-based case management, models of judicial training, models of judicial governance, guidelines and recommendations about the interaction between the courts and the media, the courts and the society, the judge and the prosecutor. This growing set of inputs is non-legally binding, since European institutions—neither the EU nor the Council of Europe—have jurisdiction over the organization of the State of their members. The roots of the ‘soft’ nature of these inputs lie here.

The idea underpinning this analysis can be summarized as follows: the administration of justice is a public sub-sector and should be held accountable for its capacity to deliver an effective service to users—citizens—and of its capacity to allocate money with strict instrumental rationality. The remedies suggested come from best practices utilized in the more advanced countries—countries that rank high in court efficiency—and from the development of common standards, which serve as common transnational reference points to assess the quality of national and sub-national judicial offices. Judicial offices respectful of the quality of justice should be efficient in delivering judicial decisions in due time and be transparent in the way they manage their resources. They should also introduce a comprehensive package of IT instruments to facilitate information processing and public communication. In this view, the principled ideas inspiring the institutional design should be transparency, predictability, efficiency and effectiveness.

The 2000s were distinguished by increasing attention towards the modernization of the court systems, and their efficiency and performance in responding in a timely fashion to citizens’ demand for justice. Two waves of judicial policies ensued, in France in 2002 and 2008, in Italy in 2006 and 2012–16, and in Spain in 2007 and 2017. All the interventions—the adoption of which was closely linked to the time frame of the balance between the political majority and minority (the less popular reforms were adopted by the strongest majorities or by those under pressure from the European Union, as was the case in Spain)—were directed towards speeding up trials and making them more readily comprehensible to lay people, without over-stretching the budget for justice. This caution notwithstanding, the data collected by the CEPEJ between 2010 and 2018 indicate that a slightly increased budget was allocated to the justice system in France and Italy, and there was significant growth in the resources injected into the justice system by the Polish government, most notably in 2017. Managerial policies, driven by intensive injections of IT and a reduction in the number of courts, impacted indirectly upon the patterns of interaction between the executive and the judicial branch (see below).

More specifically, two indicators deserve further attention. They are the budget variation over the years considered in our research and the variation in the human resources operating in the justice systems. Despite the severe constraints preventing governments from increasing spending in response to the rise in the

number of trials, a shift within the public expenditure scheme seems to have occurred in all six democracies. This followed a convergent trend towards a relatively more significant part of budgetary resources coming from fees paid to access the system, while the government allocated a relatively smaller proportion of the budget. New institutions created in the UK (the Supreme Court set up in 2006 and operating since 2009), and Italy (the Judicial School set up in 2006 and operating since 2013) received an autonomous budget. In all the countries procedural reforms were introduced in the second half of the 2000s, aimed at reducing access to the second level of jurisdiction or enabling appeal courts and supreme courts to adopt standardized models of file management. A parallel transformation has been taking place in institutions charged with maintaining public order. After 2001 there was a remarkable increase in the resources allocated for surveillance and the intelligence services. Such increase followed an upsurge of international terrorism, almost following a reactive scheme of policy. A further and even more capillary growth of the public budget earmarked to boost public order organizations can be noted in the aftermath of the 2015 terrorist incidents in France.

The paradoxical effect engendered is due to the concomitant decrease in the quality of regulation, which distinguished all six of the democracies analysed here, especially during the 2000s, according to the Worldwide Governance Indicators II.¹⁶ The quality of regulation is closely related to the rule of law. The judicial branch becomes an enforcement agency, which implements the norms, elaborating them via the case laws resting on the normative framework that applies to each instance. The deterioration of the normative framework, enabling public officers and judicial staff to serve under conditions of predictability and stability, triggered what scholars have described as a functional compensation of the judicial branch, which has been heavily overloaded with the task of filling the gap between the norms and the socio-economic reality—elicited by the litigations.

In the case of Italy, the rule of law shows a related evident decline, resulting in an institutional conflict between the judicial and the executive branch. If the hyper-visibility of the judiciary seems to have damaged the trust citizens had toward the impartiality of the judicial system, the overloading of the ordinary and administrative courts—shown by the increasing number of ECHR violations under article 6 (excessive length of trial)—exposed the civil justice system to harsh criticism, both in the country and from the EU. Spain experienced a similar path of changes, which impinged upon the capacity of the judiciary to deliver.

Overall, the higher demand for justice and the increased visibility of the poor performance of the courts brought about a propensity toward a higher politicization of the judicial branch, which is detrimental to its perceived impartiality and

¹⁶ <https://databank.worldbank.org/source/worldwide-governance-indicators>

impersonality. In the countries characterized by a diffuse legitimation of the rule of law, the independence of the courts has not been challenged. This might be explained with the overstretching intervention of the supreme courts, which in several cases had been affecting critical and vital dimensions of democratic life, such as the balance between the centre and the territories, the division of competences between the branches and electoral law. Judicial constraints on executive activity saw a minor reduction in France and Germany, while they remained at the 1990 level in Italy, Spain, and the UK. In Poland, in association with the wave of reforms adopted in 2016, the executive branch opted out of the perimeter of judicial constraints and the judicial review of regulative acts.

The non-legally binding nature and inspiring principles of the external inputs defining and promoting a fair trial—with the enriched notion we have described here—act as a policy window mechanism at the domestic level, where actors may intervene and take the lead on ‘quality’ oriented reforms. The comparative analysis comes in here. In the six countries, we observe different paths concerning the different actors promoting the policies. In the UK, a proactive domestic style emerged from the early 1990s onwards, experiencing a boost in 2000 with the introduction of a Chancellor-promoted strategy of quality monitoring. In Germany, the indicators for the trial timeframe have never undergone a significant deterioration. The two-level structure of governance maintained this. In Spain and Italy, the pivotal actors are at the level of the courts and only secondarily of the political centre. In Spain, we observe a significant shift in the agency. In the first stage, the minister of justice acted as a frontrunner in the adoption of a range of tools respectful of European standards. In Italy, the High Judicial Council only took over in a second stage, in connection with a phase of political instability before the 2018 elections. In France, the justice quality reforms were launched under the Sarkozy presidency and have been reinforced during the Macron presidency. Poland has taken a different path. While for two decades the Polish judiciary adopted a very modernizing agenda and was a precursor in the region in terms of IT-based tools, during 2015–18 the entire architecture of an impartial judiciary has come under pressure and has ultimately been subverted by an over-qualified majority supporting the cabinet.

6.5 Summing Up

In this chapter, we moved on from the empirical evidence presented in Chapter 3 on the freedoms the citizens enjoy in the six countries, and we have been analysing both structural and agency-centred variables as explanations. Once we have considered the micro-level of analysis, where the behavioural strategies of political players unfold, we adopted a thick notion of situated rationality, where players and notably veto rulers act based on the strategic consideration of the expected

payoffs but also in relation to their cognitive and cultural attitudes and dispositions. The case of Poland is very telling in this respect. The incumbent government engaged since 2017 into an accurate, comprehensive, and incremental strategy of the subversion of rules entrenched into the constitutional provisions held by that time for all players. In fact, the Polish incumbent leaders shaped, mingled, and made several torsions of the rule of law according to the specific view they were ready to endorse (see Koncewicz, 2018; Sadurski, 2019).

We unpacked the notion of ‘freedoms’ alongside the analytical framework presented in Chapter 1, in particular based on three clusters of indicators relating to three significant dimensions: personal dignity, civil rights, and political rights. A curious feature of those freedoms is worth recalling here. Limiting some of them seems easier for the incumbent leaders and the justifications given are more readily accepted. We mentioned 2011–12 and also 2015 as significant moments when some specific freedoms worsened (see Chapter 3 and the beginning of this chapter). The years 2011–12 are when the European member States—in different manners and with different degrees of commitments—engaged in the first range of security policies to fight international terrorism. The year 2015 is remembered for the terrorist attack in Paris and the reactions not only of the French government but also of all the other European governments. The broadly accepted tenet is that security comes first and can constrain any kind of freedom if necessary for a protracted period. This is the case even when the purported threat does not come from a potential terrorist attack but from supposedly dangerous immigration.

In summing up the principal explanations we propose for the trends and level of the three freedoms, we need to remember first of all the role of the rule of law with regards to governmental effectiveness, the control of corruption, and the compliance of public order with fundamental rights. Besides, we also mentioned two specific mechanisms and one evolution in the protection of personal rights. The two mechanisms are the paradox of more information and less freedom and the paradox of more rules and less freedom. We also focused on economic freedom, freedom of religious association, freedom of movement, and improvement of protection of dignity because of the modernization of the judicial systems and the prisons. Earlier in the chapter, we have illustrated the impact of those mechanisms in all six countries and the different results. Let us recall here that the two mechanisms are different, but that the creation of new rules—not necessarily more rules—is an essential inner feature of the first mechanism too.

Moreover, we need to accept the fact that contrary to our expectations the much-vaunted wave of technological development did not translate into an improvement of individual freedoms, especially for privacy protection, freedom to access information and freedom of movement. Once again, this first paradox is even exacerbated in its undermining effects on the degree of freedoms. This is

even more so when interacting with the second paradox, which stems from the non-linear relationship linking rules and freedoms. The increasing productivity of normative agencies, especially at the dawn of the economic crisis and in the aftermath of the diffusion of IT-driven tools in the public sector, did not trigger—at least not in all the countries—a linear process of freedom protection.

As we know, the media and pluralism of information are considered critical in helping individuals to make conscious choices and ensuring the possibility of shedding light on rulers' behaviour and filling the gap between the asymmetry of information that marks the hiatus between rulers and ruled. Today, however, social media and the Web have reshaped their impact on democratic qualities. Despite the undeniable advantage of being provided with a potentially infinite range of information and being able to access a spectacular plurality of sources of information, citizens easily fall victim to what is now labelled as fake news. However, it would be correct to call it biased and not cross-checked information. The cases analysed here seem to prove the significance of the quality of intermediating media enterprises. The foreign dissemination of false information seems to affect the UK more than the other five democracies we have considered. Poland also turns out to be a victim of the government dissemination of false information. In Italy, social media have a substantial impact on disconnecting citizens from the institutional sources of information (Freedom House, 2018). Overall, the Web is ill-prepared to cope with the risks of the biased information available on the Internet. Freedoms are expected to be protected by strong regulations regarding data protection, privacy and access to information, and run the risk of being subverted by the overwhelming availability of data and information if a sound plural, and institutionally embedded system of media pluralism—not anonymous—is not in place.¹⁷

¹⁷ On this see also Chapter 7. We will come back to this crucial issue from another perspective, that of interinstitutional accountability, in Chapter 8.

External Explanations

The European Union

Leonardo Morlino, Daniela Piana, and Cecilia E. Sottilotta

7.1 What Equalities and Freedoms Does the EU Bring?

‘More freedoms and equalities’ are the promises of European integration (Warlouzet, 2014). In a nutshell, this is the underlying narrative of the constitutional trajectories traced by EU laws (De Witte, 2001). This promising perspective refers both to the present and to the future, which means that the European influence equally guarantees all conditions ensuring freedoms and equalities. Entrenchment and consolidation of the related institutional conditions are in the scope of the EU. With different paces and paths, this has also been the narrative inspiring the bulk of the policies carried out by European institutions. Every significant dimension of the freedoms and equalities, as operationalized in chapters 2 and 3, falls into the scope of action of the EU. The Union impinges upon them with a wide range of policy tools, ranging from normative to cognitive inputs. On the ‘demand-side’, i.e., on the side of the expectations of citizens and companies, the EU is expected to deliver more mobility, more opportunities and more homogeneous results among member States and regions (Ferrera, 2005; Caporaso, 2007). However, the gap between results achieved and outcomes promised represents slippery terrain for EU legitimacy, primarily if that legitimacy is assessed against an output-oriented set of criteria (Kriesi, 2013).

This chapter takes a critical stance toward a top-down view of the European influence on domestic political systems: the significance of external factors in determining domestic processes of change is here considered together with the different types of domestic factors with which the external forces interact. In this respect, the patterns of influences that are invoked to explain the changes in freedoms and equalities are multi-level and principally pivot upon specific domestic procedural dimensions.¹ This analytical approach is furthermore strengthened

¹ In this respect, the chapter follows up on the works by Morlino and Sadurski (2010) and Morlino and Raniolo (2017).

by a case-based empirical test, which proves in the two cases of Poland and the UK the differential combination of multi-level forces interplaying between the European level and the domestic level. This combination and the consequent pattern of influences is at the core of our analysis.

From the historical point of view, freedom of mobility came first in the EU. The mobility of persons, capitals, and goods was deemed to justify the adoption of what was formerly the first pillar of EU law, using which domestic socioeconomic systems have been ‘unbounded’ and reframed into a transnationally regulated playing field (i.e., the single market). A further expansion of freedoms came with the adoption of the Schengen agreement, which was both politically sensitive and appreciated by the citizenry, as it established facilitated conditions for citizens willing to move across national borders. More generally, individual freedoms, which hold for citizens and, with an unusually high significance, for the economic actors, represented a drive for all the European member States to engage in a win-win game. This is notably so in the establishment of free spaces of movement and exchange, which are based on reciprocity and, consequently, are sensitive to the constraints put on freedoms by at least one member State, notably the UK (see below).

When we consider equalities, EU laws have deepened the protection of social rights, such as the right to equal pay, the right to maternal leave, the right to healthcare services across the EU space and have triggered an evolution in EU social laws. In the same vein, minority rights, strongly protected at the level of the European Court of Human Rights (ECHR), entered the constitutional laws also through EU case law. This has been notably true in the case of the enlargement process involving the Central and Eastern European countries (Albi, 2005; Sadurski, 2005). However, the limited capacity of the EU to play an actual influence upon delivering both freedoms and equalities is highlighted by the case of Poland, which shows several critical aspects.

A relevant change in EU policies also needs to be mentioned. In 1990–2001 the EU—and the leading member States—unquestionably gave priority to the expansion of freedoms and then to the entrenchment of the critical dimensions of equality into EU laws. Later, the priorities have been changing. After 11 September 2001, the security sector became central (Jimeno-Bulnes, 2004); after 2007, the focus shifted to economic development; and after 2015 a number of new issues emerged, such as the regulation of the digital society and its interplay with cybersecurity (Carrapico and Barrinha, 2017), and the EU stance changed radically. Several measures have been adopted to keep borders under strict surveillance; consequently, to place many constraints on the freedom of movement; to raise the standard of control and surveillance; and to respond to the demand for safety and physical protection that the upheaval of international terrorism brought in many countries. Moreover, the austerity policies implemented by individual member states and the introduction of the Treaty on Stability, Coordination and

Governance in the Economic and Monetary Union (TSCG), also known as the Fiscal Compact, represented a shift in the EU paradigm, caused first by the urgent need to give a clear and visible response to the debt crisis and then reshuffled by the emerging combination of Eurozone stagnation and the growing expansion of wealth distribution differentials—measured with the Gini Index, among other indicators.

In short, we may argue that external factors did have an impact on the transformation of freedoms and equalities for two fundamental reasons. First, the significance gained by the EU in the fields of freedoms and equalities did move in a positive direction during the 1990s but turned out to be a key factor afterwards in a different and more critical direction, notably with some restrictions. Second, even those significant dimensions that were not within the prerogatives of the EU—such as justice systems—have been addressed with non-legally binding inputs and, through these means, encouraged to engage in several innovation processes (Contini, 2018).

As for the mechanisms of influence that need to be considered, an overall assessment of the different inputs will provide a clearer picture. The ‘EU factor’ must be operationalized as a set of ‘external inputs’, comprising legally binding norms, cognitive inputs, political resources and non-legally binding normative tools. Each goes hand in hand with differential patterns of mechanisms impinging upon domestic factors (those considered in chapters 4, 5, and 6). Table 7.1 presents those patterns, their targets and mechanisms.

The factors indicated in Table 7.1 belong to a multi-level and multi-dimensional set of explaining forces, among which some are external (European, for the sake of our analysis) in nature, while some are domestic and have been singled out in the previous three chapters.² It is worth further clarifying the logical nexus that links the domestic to external mechanisms (Knill and Lehmkuhl, 1999; Radaelli, 2005; Dolowitz and Marsh, 2000). In our view, European factors do not determine democratic changes (Börzel et al., 2012). They have neither a *direct impact* on freedoms and equalities; nor do they provoke a linear ‘top-down-conducted’ shift concerning the functioning of the domestic dimensions that we have considered as explaining forces in chapters 4, 5, and 6.

² In this respect, we follow the analysis developed by EUCLIDA (Morlino, 2011, chapter 6). Accordingly, when considering European laws, compulsory rules and the consequent legally binding constraints can be less effective than moral suasion, socialization, or rule internalization, if they are inconsistent with internal policy drifts. Thus, the empirical evidence offered by one of the countries we analyze, that is, Poland, supports this conclusion on freedom protection. For example, in the first semester of 2020, the governmental interference on the civil rights and judicial independence, which are the pre-conditions to the actual protection of the right to the fair trial, was worsening. This is the lesson the Polish case confirmed: legally binding external mechanisms do not necessarily play the role of causal factors in driving internal processes of change or freedom entrenchment (but see also chapters 3 and 6).

Table 7.1 Patterns, targets, and mechanisms of influence

	Target	Mechanisms	Dimensions and policies of freedoms	Dimensions and policies of equalities
Normative inputs—case laws, directives and regulations	European citizens and stakeholders	Setting constraints and opportunities	Movement of persons, economic freedoms, rights to information	Labour rights, minority rights
Normative soft law inputs	Policymakers	Empowerment, anchoring	Fair trial, personal dignity	Labour rights, right to education
Economic resources	Stakeholders and policymakers		IT policies	Right to education, right to equal access to opportunities (entrepreneurial activities for minorities, etc.)
Political resources	Policymakers	Empowerment, anchoring	Justice reforms	Inclusive economic and territorial development at the subnational level.

Our explanation lies within an actor-centred approach. In this vein, the European inputs gain significance in domestic democratic systems either because they reshape the arenas where policymakers are acting or because they influence the resources—political, material, and cognitive—handled by actors (see Chapter 4) in the different stages of the policy processes, i.e., adoption, implementation and internalization of the rules (Morlino and Magen, 2009). External factors intervene and impinge upon the constraints/opportunities to act handled by actors, opening new policy windows and reshaping the mutual and reciprocal positions of policymakers and stakeholders. Accordingly, the external factors are considered here as structural variables rather than agencies. In other terms, we do not refer to the European institutions as actors at play. We refer strictly to the external inputs as the variation of the domestic arenas and the resources handled by domestic actors in the aftermath of the adoption of transnational and supranational rules. This analytic choice seems promising also in the cases of Poland and the UK. In these two countries, also in a dramatic way, domestic actors reframed their policies vis-à-vis the EU. In Poland, this reframing strategy meant the overruling of the European provisions to ensure the protection of fundamental, individual freedoms. In the UK, with Brexit, there has been the strongest and

most profound discontinuity of the interplay of the external-domestic factors ever experienced in the EU since its inception.

In this chapter, we will disentangle the external domestic interplays in the different policies that turned out to be crucial arenas during the almost thirty-year period considered in our analysis. We will assess the empirical evidence available to us by clustering types of inputs—namely, the first column of Table 7.1—and assessing the influence exercised by them all together upon freedoms and equalities. We move away from a consolidated scholarship that is inclined to explain domestic changes in terms of a top-down process of influence exercised by the EU. Moreover, in the analysis that follows we recognize that the inputs listed in column 1 interact with the domestic factors as a set of constraints/opportunities, whose nature varies from a maximum degree of legally binding force (and therefore a high cost of non-compliance) to a minimum degree of legally binding force (and therefore a high level of flexibility and adaptability).

Consequently, the chapter is organized as follows. Section 7.2 looks at how and to what extent EU inputs influence the significant dimensions of equalities. Section 7.3 is devoted to the assessment of the influence exercised upon the significant dimensions of freedoms. Section 7.4 takes a more cross-sectional approach and assesses the interplay between the EU inputs that address freedoms and equalities concomitantly, notably in the context of the most recent wave of reforms: IT and terrorism, and the last cohesion budget scheme running from 2014 to 2020. We will, therefore, consider a vast array of provisions, but our analysis will not fully cover all of them. Instead, the goal is to select those inputs that have more significance as intervening factors in the interplay with domestic variables.

7.2 EU Influence on Equalities

According to the Preamble to the Charter of Fundamental Rights of the European Union, ‘human dignity, freedom, equality and solidarity’ are the founding values of the EU. As stated in Article 3 of the Treaty on the European Union, the EU ‘shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations (...) and ...[it]shall promote economic, social and territorial cohesion, and solidarity among the Member States’. Therefore, it is safe to say that the principle of equality, encompassing both its connotation as non-discrimination and as solidarity, is a compelling content of democratic quality within the EU democratic space, in conjunction with the principles of human dignity and freedom. Equality is, in many ways, vital to European legitimacy and central to the European integration agenda.

This did not take the form of a ‘social Europe’ straight after the adoption of the first set of norms. At first, equality was protected in the European Union as a

formal entitlement before European law and, consequently, before the domestic laws integrating it. Later, during the 1980s and more predominantly during the 1990s, the construction of a social Europe complemented the integration of markets. As further illustrated below, the EU and its policies have influenced the six countries considered in key, distinctive ways as far as equality is concerned. In order to avoid conceptual confusion, before discussing the implementation of equality at the EU level, it is necessary first to define its content as covered here. Following the approach presented in Chapter 2, the critical dimensions of the concept are (a) the distribution of resources and (b) social security and cultural rights. While the focus is on economic and social equality as a democratic quality and as a value to which every functioning democracy aspires, it is essential to remember that inequality in the economic realm, both ideal and empirical, inevitably shapes equality in the political sphere (Verba and Orren, 1985:19).

In the countries we consider, discussing the influence of the EU in shaping the implementation of equality, as defined above, mainly means asking ourselves if and to what extent the EU has played a role in the reduction of welfare differences between member states. Acknowledging the fact that the most relevant analytical approaches to the study of contemporary social inequalities adopt a multidimensional perspective (see Chapter 2 and Therborn, 2013), it is important to clarify from the very beginning that in the context of the EU, when dealing with (in)equality, we should use the plural form instead and refer to 'inequalities'. Following Dauderstädt (2018, p. 15, emphasis added), it is possible to enumerate at least 'four different inequalities in the European context: (a) disparities between the EU Member States measured in terms of average per capita income; (b) disparities between regions of the EU; (c) disparities between households *within* countries; (d) disparities between households *within* the EU *as a whole* taking into account both inequalities, (a) and (c)'. However, in terms of democratic qualities, it is promising to recall our significant dimensions and analyse the interplay between domestic and external factors by coupling the EU inputs with the sub-dimensions of equalities, that is, economic equality and social equality.

In European policies, two mainstream principles seem to be relevant to our analysis: non-discrimination and mutual recognition. Notably, the first principle is entrenched in the European constitutional tradition as it relates directly to the European Convention on Human Rights, and is explicitly elaborated in the covenant on social rights adopted by the Council of Europe and annexed to the ECHR. The second principle is more political. It stems from the so-called 'Social Europe' where a method of open coordination was adopted to cope with, on the one hand, the need of the EU to ensure a transnational space where rights attached to the welfare State are enforced and, on the other hand, the sovereignty of the Member States governing their models of welfare within domestic borders. The ideal of recognizing the entitlements gained within the domestic territories is

Table 7.2 The matrix of external factors and domestic equalities

Dimensions of equalities	Aspects	Foundational norms anchoring domestic reforms	External factors from the EU normative and financial actions
Economic equalities	Gini index	Anti-discrimination principle (Treaties and CJEU case laws)	Stability and Growth Pact Equal pay directive
Social equalities	Education Health care Pensions	ECHR Covenant on social rights Anti-discrimination principle (Treaties and CJEU case laws)	Stability and Growth Pact Health care directive Bologna process and recognition of degrees Mutual recognition of entitlement

enacted into several policy sectors, among which health and education are the most prominent.

Keeping these remarks in mind, Table 7.2 offers a picture of the critical European inputs impinging upon the significant dimensions of equalities and covering an array of policy tools: normative, cognitive, and financial. Table 7.2 was drafted by adopting a selective approach. One would be safe in arguing that all European norms have some impact on economic and social equalities. However, the methodology of our analysis does not aim to cover the entire scope of the potential influence of the European Union. Instead, it focuses on those inputs that have critically and significantly interplayed with the domestic factors recalled in chapters 4, 5, and 6.

If we narrow down the scope of the analysis and focus exclusively on the first line of the table, we must acknowledge that the economic equalities have been affected by domestic austerity policies. These policies were conditioned by the mechanisms established by the European Union to enforce the Stability and Growth Pact (SGP),³ and of course by the pressure of the markets. Given the prominent role played by the EU during the financial and economic crisis, it is reasonable to ask whether and to what extent the EU-level response can explain the trends highlighted above. As well known, the immediate response of the EU to the crisis was strengthening the rules of the SGP. In keeping with a ‘moralistic’ view of the crisis, according to which its roots lie in irresponsible spending by ‘peripheral’ European countries, along with emergency lending facilities, several austerity-oriented structural adjustment policies were introduced. Consistently with the Maastricht Treaty, the path of convergence set out in the SGP kept the budget deficit to a maximum of 3% of GDP and government debt to 60% of

³ In this respect, the semester monitoring strategy turned out to be the most effective mechanism of policy implementation.

GDP. Since its inception, however, and until the crisis years, the SGP lacked effective enforcement mechanisms, apart from ‘peer pressure’, ‘moral suasion’ and a ‘no bailout clause’ contained initially in Article 104 (b) of the Treaty of Maastricht, which was meant to discourage fiscally irresponsible behaviours (Larch et al., 2010). Consequently, the SGP with the deficit rule was weakly enforced in the years before the crisis (de Haan et al., 2004). It should also be recalled that Germany and France contributed to a relaxation of the enforcement of fiscal rules as well when, after exceeding the 3% deficit threshold, they clubbed together to reject a Commission recommendation aimed at imposing sanctions against them under the excessive deficit procedure (Ngai, 2012, p. 18).

To reinforce the EU’s fiscal ‘straitjacket’, in December 2011 five regulations and one directive (the ‘Six Pack’)⁴ were approved to reinforce the pre-emptive and corrective arms of the SGP. The Six Pack introduced new mechanisms, such as reverse qualified majority voting for deciding sanctions against non-complying countries and the ‘European Semester’, an annual cycle of macro-economic coordination and monitoring of fiscal policies across member states with standardized deadlines. In March 2012, the TSCG was adopted. A key provision of the TSCG, which entered into force on 1 January 2013, was the commitment by its signatories to introduce a ‘debt brake’ into their constitution. Finally, two new regulations, known as the ‘Two Pack’,⁵ integrated some of the elements of the TSCG into EU law, reinforcing coordination and transparency in budgetary policies and providing for stricter surveillance for Eurozone countries. These reforms in the EU institutional architecture are essentially meant to keep Member States accountable to the EU *ex-ante* and *ex-post* regarding their public finances, including social expenditures, which are one of the most important components of national budgets. Therefore, as De La Porte and Heins (2014) put it, these reforms represent an essential alteration of how the EU is involved in member states’ domestic affairs and national budgets in particular.

As highlighted in Chapter 2, social expenditure followed different trends in the countries considered. After the most critical year (2009), France and also Italy slightly increased their already relatively high social protection budget; Germany

⁴ The Six Pack includes: (1) Regulation 1175/2011 amending Regulation 1466/97: On the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies; (2) Regulation 1177/2011 amending Regulation 1467/97: On speeding up and clarifying the implementation of the excessive deficit procedure; (3) Regulation 1173/2011: On the effective enforcement of budgetary surveillance in the euro area; (4) Directive 2011/85/EU: On requirements for budgetary frameworks of the Member States; (5) Regulation 1176/2011: On the prevention and correction of macroeconomic imbalances; and (6) Regulation 1174/2011: On enforcement action to correct excessive macroeconomic imbalances in the euro area.

⁵ The Two Pack includes (1) Regulation 473/2013: On standard provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area; and (2) Regulation 472/2013: On the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with severe difficulties concerning their financial stability.

remained stable; Spain increased and then stabilized the budget; Poland was aligning with Spain in an ascending trend; and the UK was going up and later down to keep under control expenditures. Moreover, since the beginning of the Great Recession, there is also a reduction in investments in education. This trend can be considered problematic, considering that prioritizing education expenditure would help reduce the other forms of inequality in the long run.

Starting with the two countries that were arguably affected most by the crisis, it should be noted that both Italy and Spain reformed their pension system and labour market policy between 2011 and 2012. Italy's technocratic government, led by former EU commissioner Mario Monti, hastily passed a pension reform in autumn 2011 (Borella and Coda Mascarola, 2015), under pressure from the EU, on the one hand, and the financial markets, on the other. Spain started by freezing pensions in 2010 and then implemented a full-fledged reform of the sector in August 2011, which raised the retirement age and toughened up requirements for early retirement. This was then supplemented in 2013 with provisions restricting the index-linking of pension pay-outs (Rodríguez, 2013). It should also be mentioned that as a recipient of financial assistance to restructure its ailing banking sector in June 2012, Spain was subject to explicit and harsh conditionality (see European Council, 2012), which, though limited to the financial sector, inevitably entailed a high level of EU intrusion into Spanish domestic affairs.

Significant cuts to healthcare and education were implemented in both Italy (see also Jessoula and Pavolini, 2012) and Spain (see Gonzalez Begega and Del Pino, 2017). However, it should be mentioned that as far as education is concerned, retrenchment in Italy had begun before the crisis struck, while in the case of Spain investments in education were drastically reduced from 2010 onwards (see Chapter 2). As highlighted by Pavolini et al. (2015), in the cases of Italy and Spain EU intrusiveness has increased and has played a more significant role in the last few years, not just because of the newly introduced mechanisms for fiscal surveillance, but also through conditionality and backroom diplomacy (de la Porte and Natali, 2014).

Looking at the French case, Hassenteufel and Palier (2015) detect the alignment of welfare reforms in France with the recommendations made by the EU between the early 1990s and 2009. However, French policy-makers seldom mentioned the EU as the source of the guidelines, fearing this might fuel further criticism of reforms already considered to be controversial. In 2009, France increased government spending to offset the impact of the crisis, which resulted in the initiation of an Excessive Deficit Procedure (EDP). While raising the level and duration of contributions, the pension reform subsequently passed in 2013 did nevertheless avoid a more radical overhaul of the system, going against the recommendations made by the EU (Carnegy, 2013). This shows that domestic bargaining is still the crucial mechanism behind reforms impacting on equality (Hassenteufel and Palier, 2015).

The case of Germany offers an interesting contrast with the two South European states discussed above. As argued by Blum and Kuhlmann (2016), the German welfare state was reformed most significantly *before* the crisis hit. Besides, the German economy bounced back very quickly after the 2009 recession, and throughout the Eurozone crisis negotiations, Germany spearheaded the 'northern' coalition of 'creditor' states (Lim et al., 2019). Therefore, while it faces challenges like those of other mature democracies, namely potentially disruptive long-term demographic trends, the German welfare state did not come under direct pressure from the EU to reduce public spending on welfare.

Let us now consider the two non-Eurozone countries under examination, that is, the UK and Poland. Despite its traditional objective of maintaining full control over social policy issues and a general distrust about transfers of national sovereignty to the EU level, the UK was considered to be one of the four larger EU member states which is most likely to comply with EU social regulations and directives, once these are determined (Hantrais 2017, p. 3). At the same time, since 2010, its government has pursued austerity policies not only as a way of boosting the confidence of financial markets but also because of its neo-liberal ideological leanings (Ginaria and Mitton, 2016). It should be mentioned that citizens' dissatisfaction with the welfare state, as far as healthcare is concerned, was exploited to mobilize the 'pro-Brexit' vote (see Sottilotta, 2017; see also Becker et al., 2017). However, in the final Brexit Treaty, equality-focused clauses ended up being less prominent than those on the scope of the freedoms.

Since joining the EU, Poland has faced an overhaul of old economic structures and institutions as well as of public administration. Despite being subjected to the 'Europe effect', the promise of joining the Western club played as an external incentive to move forward in the implementation of a comprehensive agenda of reforms. EU membership allowed for successful integration into global and European trade and production networks. Democratic 'anchoring' (see Morlino, 2011, esp. chapter 5) provided opportunities for interest groups to lobby in favour of higher social expenditure. Political parties adjusted their agendas to match European welfare standards, and the intention to counter fears of 'social dumping' in other EU member states also underpinned relatively higher levels of social expenditure (Orenstein and Haas, 2005, p. 135). Focusing more specifically on the institutional conditions ensuring freedoms and equalities, the interplay between the process of setting up the oversight institutions and the process of adhering to the transnational institutions, such as the ECHR, turned out as a positive and virtuous circle (Wyrzykowski, 1998).

For the normative inputs impinging upon social equalities, the health care directive and the Bologna process are also worthy of consideration. Both are based on a principle of mutual recognition, whereby a fully-fledged transnational space emerges despite the domestic competence granted to the Member States in terms of education governance and healthcare system structure. The healthcare

directive on patient rights in cross-border healthcare, adopted in 2011, pushes the domestic government actors responsible for ensuring a minimum standard of health care services to engage with the implementation of the directive. This enhances cross-border mobility for those citizens who do not receive an adequate response to their demand for health treatments and diagnosis. However, in countries that proved more attractive—such as Italy, France, and Germany—thanks to a balance of competences and access opportunities, the actual challenge is represented by the institutional capacity of the system to handle an overload of demand for services (Enrichens, 2018). Over the last few years, this triggered increasing attention for performance assessment and the application of managerial tools to ensure responsive management of staff across health care departments.

The Bologna process launched cross-border mobility in the education sector much earlier than the mobility initiatives in the healthcare system (the Bologna agreement was enacted in 2000). The mechanisms facilitating the mobility of experts, students, and teachers proved particularly effective, even though the flow of human capital display a path dependence trend towards those countries where the labour market offers relatively more opportunities. In a way, then, by reducing the inequalities of chance among individuals in accessing the European education system, these mechanisms worsened the inequalities between countries in terms of the acquisition of the expertise of skilful and specialized professionals.

The last point relates to the role played by global or transnational factors, affecting the European Member States and the European institutions. Mention can be made of the most critical of all these factors: globalization. At the end of the twentieth century and first two decades of the new millennium, globalization understood as the set of ever-intensifying flows of people, capital, technology and information across national boundaries, has undoubtedly been a significant game-changer in terms of distributional justice. Consequently, a lively debate about its effects and implications has been going on for decades, revolving around questions which are crucially salient to the two qualities of democracies analysed here. These include the extent to which capital mobility and the globalization of supply chains have fostered ‘the substitutability of domestic labour across national boundaries, thereby aggravating the economic insecurity confronting workers [...] in addition to exerting downward pressure on their wages’ (Rodrik, 1997). That said, globalization in itself does not enable us—as a concept—to shed light upon the changes of our democracies without introducing a much more nuanced set of variables and factors. Globalization is a background phenomenon where processes of change are deployed (Graziosi, 2019; Shahzad, 2006).

While an assessment of the impact of globalization on freedom and inequalities in the countries considered is beyond the scope of this chapter, it is essential to note the argument that the European Union may be an ideal arena for taking advantage of the benefits of globalization while at the same time paying attention to the needs of the ‘losers’ who are affected negatively by the phenomenon (Ferrera et al., 2017).

7.3 EU Influence on Freedoms

Insight into the rationale of European integration would enable us to safely argue that deepening fundamental freedoms worked as the overarching principle in the first pillar of European policy design (Ruggie, 1982). The achievement of a level playing field for citizens and businesses where freedoms of movement are ensured for everyone, across and despite domestic borders, gives an idea of the scale of the great dream pursued and made real by the founding fathers of European integration (Wouters, 2018). Freedoms unfold in many respects and at many institutional levels in the formal construction of the European constitution, ranging from the economic dimension (the movement of capital and goods), to the personal and civil dimension (the movement of persons). If we focus on freedom provisions introduced within the European architecture, the 1990–2018 time-frame can be split into three phases. The first wave of freedom-oriented provisions relates to the construction of the single market. The achievement of the single market in 1995 marked a milestone in the process of setting up a genuine supranational space regulated by the norms of what used to be the first pillar, notably market competition and recognition of entitlements and assets. In the multi-level game that the production and integration of European directives and regulations have set up over the decades, the role of European case law represents a safeguard and a ground-breaking mechanism to reshape the costs/benefits expected by domestic actors intervening in the field of freedoms, and to grant legitimacy to domestic institutions striving to expand the scope of freedom. In a nutshell, this is the story we can tell about the first decade of our analysis, from 1990 to 2000. Member States were strongly encouraged to adopt domestic regulatory frameworks based upon EU first pillar laws, promoting deregulation, market competition and public-private partnerships in the field of services production and distribution.

The second wave, which started in 1999 with the Helsinki Council and ended in 2009 with the Stockholm Council, predominantly focused on the third pillar and the citizenship rights that stem from the enhancement of judicial cooperation. Despite the need to overcome domestic resistance and institutional inertia, European lawmakers embarked upon a vigorous and innovative strategy to promote civil rights. This has gone hand in hand with a significant enlargement, with the promotion of guarantees of judicial independence and a fair trial representing a new and promising field to test and strengthen the capacity of the EU to play the role of a normative actor in the realm of judicial policies, rule of law enforcement and control of corruption. During the early 2000s, the rule of law entered the spectrum of European normative influence, through both legally binding norms and soft laws. Backed up by the Council of Europe, European laws gained ground. They reached a new milestone in the promotion of an EU method of civil rights protection, entrenched in the Charter of Nice and in various recommendations,

guidelines and standards dealing with the minimum standard that domestic systems are expected to comply with in terms of the modernity of the court system, transparency of regulation and control of corruption.

The principle of mutual recognition of judicial sentences, adopted in the mid-2000s and enshrined in the Lisbon Treaty, is just the latest and most formal step in a long series of actions within the European normative framework directed towards the Europeanization of both rule adoption and rule enforcement processes. The decade that goes from 2009 to 2018 includes two turning points, which impacted upon the momentum and the pathways of freedoms' protection. The adoption of a fitness check package on migration, which went hand in hand with more stringent customs controls and the restriction—after 2016—of the Schengen agreement provisions, testified to the reversibility of the regulatory scheme applying to cross-border mobility. The General Data Protection Regulation (GDRP) entered in force in 2018. The vote on this controversial provision to cope with the risks associated with the overwhelming diffusion of the web and subsequent individual profiling, cybercrime and opaque exploitation of personal data by business actors saw the EU shift from a privacy-based approach to a data-mobility focus: 'For decades, the EU has held high standards of data protection law. In April 2016, the EU adopted a new legal framework—the General Data Protection Regulation (GDPR) and the Data Protection Directive for the law enforcement and police area. Fully applicable across the EU in May 2018, the GDPR is the most comprehensive and progressive piece of data protection legislation in the world, updated to deal with the implications of the digital age' (European Commission, 2019).

In short, the European factors impinging upon individual freedoms made their appearances in different stages of the European integration process and are coupled with different institutional agenda priorities: economic competitiveness, justice, security, and data regulation. Table 7.3 illustrates the matrix of external factors, the significant dimensions of the freedoms that are targeted by the European inputs, and the mechanisms operating at the interface between external and domestic factors.

It is worth noting that our analysis does not cover all the European inputs touching upon the freedoms of European citizens. As in section 7.2, devoted to European factors impinging upon equalities, in this section, we select and narrow down the focus in order to grasp the most significant aspects. The norms that relate to market competition and, more specifically, deregulation in the public service sector, the norms relating to the justice sector, including those that refer to Council of Europe recommendations, the norms that relate to the Schengen agreement and the new normative scheme addressing issues of data portability, data privacy protection and IT regulation are here relevant.

Let us start with the legislation about the functioning of the market. At a very general level, it has the following aim: 'Any abuse by one or more undertakings of

Table 7.3 The matrix of external factors and domestic freedoms

Dimensions of freedoms	Aspects	Foundational norms anchoring domestic reforms (entering into force with membership)*	External factors from EU normative and financial actions
Personal dignity	Freedom from torture Quality of life in penitentiary institutions	European convention on human rights and protocols	Justice and citizenship financial programmes
Civil rights	Right to a fair trial Privacy protection Religious repression Economic freedoms	European convention on human rights Treaties (freedoms of movement) Charter of Nice	Anti-trust legislation Regulation of the digital market Regulation of the public sector Regional policy regulative principles Anti-fraud regulation Justice and citizenship financial programmes Schengen agreement
Political rights	Freedom of association Freedom of speech Freedom of press	European convention on human rights Treaties Charter of Nice	European social fund (social dialogue between stakeholders in industrial relations) Media financial programmes

Note: *This is particularly important in the case of Poland, where the European inputs take the form of an external anchor concerning membership (Sadurski, 2005; Gwiazda, 2015).

a dominant position within the internal market or in a substantial part of it shall be prohibited as incompatible with the internal market in so far as it may affect trade between the Member States' (European Parliament, 2018).⁶ This has been deployed across the member States in some critical points, especially concerning the potential intervention of public authorities in critical industrial sectors, such as transport, infrastructure and public services in general. The differential impact of legislation in the six democracies analysed here should be assessed against a comparative appraisal of the capitalism they have developed since the Second World War. In France, for instance, the public holding in essential knots of the industrial economy has acted as a buffer, mitigating the impact of EU influence. On the opposite end of the scale, the UK was a frontrunner in the expansion of a liberal and market-oriented approach in public service production and delivery.

When deregulation swept across the EU, the Member States reacted and integrated the external inputs in different manners, dependent on two domestic

⁶ Available at http://www.europarl.europa.eu/doceo/document/E-8-2018-002535_EN.html

factors: government effectiveness and transparency in administrative procedures. Though this dates to the early 1990s, during the whole decade marked by the creation of the single market the relative position of the Member States started to depend also on their relative capacity to handle reform within the public sector. Economic freedoms came first as a potential target of impact, concerning the possibility for businesses to enter and exit markets, move across borders and, in short, fully grasp the benefits of the opportunities offered by the EU in an equal manner at the formal level. In this respect, the path dependence effect of the single market period upon business freedoms in the six democracies is mirrored in the consequent capacity of the economic actors to cope with the reforms enacted during the second half of the 2000s about the regulatory constraints imposed by the EU austerity approach.

While most of the consequences of austerity are visible in the field of equalities, when it comes to freedoms, we need to recall the pressure exerted by the European Union to drive the rationalization of the public sector as the main avenue towards the reduction of public expenditure and the sovereign debt. Anti-corruption policies—relating to the transparency requested by the new incoming regulation of the European financial programmes—and governmental effectiveness—relating to the e-government streamlining policy promoted by the EU, to the reorganization of staff serving in the public administration, and the monitoring of policy implementation deemed as a mandatory obligation at the EU level—emerged as pivotal domestic variables determining the pace and the ultimate results of the reforms inspired by the austerity approach. Therefore, it is relevant here to see to what extent and how the trends of the economic freedoms that suffered a decline during the austerity period have regained momentum subsequently in the six democracies. In this respect Tables 6.1 and 6.2 (see Chapter 6) prove to be extremely significant, revealing that in the UK, Germany, and France, the domestic factors relating to the rule of law played a crucial and positive role, whereas in Italy and Spain they make sense of the relative loss that remains.

A more nuanced statement is necessary regarding the impact of anti-fraud regulation. The six democracies reacted to this external input depending on the strength and cohesiveness of their administrations. However, the degree of entrenchment of individual rights in the case of judicial enforcement played a significant role as a bulwark of freedom. Italy ranks high in this respect, even though the two domestic factors we have mentioned—governmental effectiveness and anti-corruption—ranked lower than Germany, the UK, and France.

If we want to reply to the question as to how and to what extent European factors influence the freedoms connected with the citizens-justice relationship—covering the entire chain of the justice system, from the access to the execution of civil and penal sentences—then we notice that in this respect soft law played an unexpectedly important role. In this domain, the most significant part of the European factors takes the form of soft law, i.e., non-legally binding inputs

providing domestic governments with a set of guidelines, frames and standards to set the policy agenda. These inputs empowered the change agents, who were engaged in the agenda-setting process at the national and/or the sub-national level. This explains the differential patterns of trend reversal we observe in civil rights, stable in the UK, France, and Germany, downgraded and then regained in Italy and Spain. However, the latter experienced a much more differential pace if we consider the sub-national trends, in the regions, featuring a very uneven pattern of civil rights protection if compared to the protection enjoyed by German, French or British citizens. This aspect is of utmost importance not per se, but rather in connection to the growth of inequalities displayed by these two countries. In those contexts—such as the labour market and social protection—where citizens have filed a lawsuit to seek enforcement of their rights, the combination of a protracted justice procedure and the diffusion of poverty resulted in a severe default in terms of individual rights protection.

The effectiveness of the European influence in expanding the scope of freedoms and then in deepening the entrenchment of this expansion in domestic constitutional and statutory provisions depends largely on the adaptability of domestic legal systems and the commitment of governments to the EU model. Legacies embedded within domestic institutional traditions also had substantial importance at that time. Accordingly, the UK resisted the integration of third-pillar provisions. However, the degree of civil rights remained at the level requested by the European standards, thanks to the concomitant contribution of the ECHR case law, which entered into the British system through the Human Rights Act and of the *longue durée* tradition of constitutionalism. In a different vein, in Germany, the strength of the public sector acted as a facilitating condition in the implementation process of EU law, even though the empirical evidence shows the German case to be one of light and shade concerning the degree of compliance with EU legally binding normative inputs.

Intense pressure was put on Poland during the period 1990–2000, corresponding to the pre-accession phase. As regards the *longue durée* effect, it can be argued that the role played by the EU in defence of the independence of the judiciary in the country was effective before accession and extremely limited after that. During the accession phase, the Polish government was subject to membership conditionality, which unsurprisingly raised the costs of non-compliance with European norms. European laws have been incorporated into the domestic system, and a few reforms have been encouraged through a vast array of policy tools, financial support, technical advice, political socialization and training included. Although the Polish system had a low starting point in comparison to the other five democracies we are considering here, the trend of the country in the provision of freedoms was positive and continued to grow until 2004.

Especially after 2015, there is a decline in the protection of individual freedoms that began and is essentially ascribable to the introduction of new legislation in the fields of anti-terrorism, migration, cybersecurity, and data protection. To

what extent were these developments influenced by the EU? It is difficult to provide a conclusive answer to this question, but a few measures impacting on freedoms were indeed adopted by the EU in the first decades of this century, and therefore merit specific attention. Since 9/11, international terrorism and counter-terrorism efforts have become an essential item in EU member states policy agendas. As discussed in Chapter 6, increasing inflows of migrants and international terrorism have paved the way for citizens' acceptance of more invasive domestic policies in terms of control, surveillance and restrictions to the freedom of movement. For instance, France, Germany, and other Schengen area states reintroduced 'temporary' border controls, which in the case of France were based on 'terrorist threats and situation at the external borders,' and in the case of Germany were due to 'migration and security policy; land border with Austria' (see European Commission, 2019).

Since 2001, domestic concerns about international terrorism have been reflected in several declarations and decisions made at the EU level. In 2005, the Council of the European Union adopted the 'EU anti-terrorism strategy', with the ostensible objective to 'combat terrorism globally while respecting human rights and make Europe safer, allowing its citizens to live in an area of freedom, security, and justice' (Council of the European Union, 2005). The strategy is based on many decisions and directives whose legal basis is Article 83 of the Treaty on the Functioning of the EU (TFEU), which invests the European Parliament and the Council with the power to adopt directives aimed at 'establishing minimum rules concerning the definition of criminal offences and sanctions' to fight serious crime, including terrorism. Although there is no evidence of a correlation between arrivals of migrants and the increase in terror attacks in Europe or elsewhere (see for instance Forrester et al. 2019), a strengthening of the external borders and therefore further steps towards a securitization of migration has become part of the EU's anti-terrorism strategy (see Council of the European Union, 2017). Therefore, it can be argued that the EU has contributed somewhat to the trends highlighted in Chapter 3, that is, a worsening of freedoms in connection with the 'migration crisis'.

As for cybersecurity and data protection, it should be recalled that the EU has been a strong advocate of the 'e-government paradigm'. Since its inception, this paradigm has not translated into stronger privacy protection. As mentioned above, the EU recently introduced an important change with the GDPR 2016/679 (which entered into force in May 2018). This is reshaping how data are handled across virtually all sectors and industries. Its scope is extensive. It covers any type of data and is explicitly aimed at introducing a uniform approach for citizens' digital privacy rights, as opposed to previous directives,⁷ which allowed some

⁷ For instance, Directive 95/46/EC 'on the protection of individuals with regard to the processing of personal data and on the free movement of such data', now repealed, and Directive 2002/58/EC 'concerning the processing of personal data and the protection of privacy in the electronic communications sector', amended by the GDPR.

leeway to member states and corporate actors (AEGIS Project, 2019). While the GDPR requires businesses to enforce higher standards for consumer privacy or face severe penalties and therefore is in principle a step forward in the correct handling of personal data and privacy protection, it has been criticized for hurting investment (at least in the short run) because it imposes high costs for businesses (Jia et al., 2019).

It is essential to observe that the discussion surrounding the GDPR resonates with a broader set of issues connected with the protection of citizens' privacy vs the interference of public authorities for security reasons. An important decision made by the Court of Justice of the European Union (CJEU) in 2015, the so-called Schrems case, had already highlighted the tensions existing in this field. The European Commission's Decision 2000/520 established the EU-US Safe Harbour regime, allowing transfers of data for commercial purposes from the EU to the US. According to the Safe Harbour regime, the level of data protection and existing judicial remedies for individuals in the US were deemed to be adequate and equivalent to those guaranteed by the European data protection regime. In the Schrems case, however, the CJEU invalidated Decision 2000/520. The Court argued that it 'does not contain any finding regarding the existence, in the United States, of rules adopted by the State intended to limit any interference with the fundamental rights of the persons whose data is transferred from the European Union to the United States, interference which the State entities of that country would be authorised to engage in when they pursue legitimate objectives, such as national security... [n]or does Decision 2000/520 refer to the existence of effective legal protection against interference of that kind' (CJEU, 2015).

In order to comply with the CJEU decision on the Schrems case, the European Commission negotiated and finalized with the US Department of Commerce a new EU-US Privacy Shield framework. Nevertheless, as demonstrated by the recent scandal involving the British consultancy firm Cambridge Analytica (see also Chapter 6), the framework has not satisfactorily resolved all the institutional, commercial and security issues relating the handling of personal data. In July 2018, the European Parliament issued a non-binding resolution which acknowledges some progress in this respect but '[t]akes the view that the current Privacy Shield arrangement does not provide the adequate level of protection required by Union data protection law and the EU Charter as interpreted by the CJEU' (European Parliament, 2018a). Unless these concerns are resolved, the new Privacy Shield framework is likely to be challenged legally, just like the previous regime (see Monteleone and Puccio, 2018).

With regard to Poland, we already discussed in Chapter 3 (see section 3.5) the conflict between the European Commission and the Polish government. It is unlikely that Poland will face sanctions for violating the EU's democratic principles. While providing the Council with a tool to sanction member states

demonstrating authoritarian tendencies, Article 7 of the TEU requires unanimity (naturally excluding the member state whose policies are under discussion) to do so, and Hungary has already declared it will veto any such measures levied against Poland (see Hotham and Nacif, 2018).

As previously mentioned, in recent times a debate emerged over the possibility and indeed the desirability to provide the EU with an additional policy tool in the form of a democratic conditionality mechanism whereby the transfer of cohesion and structural funds can be blocked when member states fail to comply with the basic rule of law requirements (Halmai, 2018). The criticism that typically applies to the viability and effectiveness of economic sanctions, namely, the idea that blocking EU funding may harm the population rather than the government has also been raised in this respect (see, for instance, Hübner, 2017). Nevertheless, in the presence of persisting violations of democratic principles, including freedom of information, academic freedom, and the independence of the judiciary, as recently witnessed in Hungary and Poland, a cohesion/structural fund conditionality may constitute a more effective policy tool strengthening the weaker mechanism established by Art. 7 of the TUE, although likely impacting of equalities in the target countries.

The Polish case proves the comparative weakness of the European factor concerning the domestic dynamics. Once the membership conditionality ceased to be effective—after 2004—Poland's democratic quality depends mainly on the strength of the self-enforcing mechanisms activated within the political system and in connection with the political elite and citizens' perceptions. Despite the warning clauses and the advocacy played by transnational actors as to the relentless dismantlement of the guarantees of rule of law, Polish elites carried out a progressive hollowing out of the institutions by purging the staff, limiting the scope of action of the magistrates, replacing the highest-ranked judges, holding full control upon the media. If we also consider political rights, the domestic factors look largely dominant as they are directly related to the policies of citizenship.

As for the UK, the key issue is the EU impact on freedoms when assessing the disruptive potential of the Withdrawal Treaty adopted in January 2020. On this, we need to highlight two points.⁸ The freedom of mobility is going to be renegotiated after the transition period, which the EU and the UK agreed (5 years). The articles 14 and 15, which touch the right of entry, exit, and the right of residence directly, are going to impact on freedoms dependently on the political decisions that will frame the regulative implementation norms. It seems that, according to article 23, the rights of entry and exit of workers will be subjected to a more solid clause of protection.⁹ The Treaty explicitly mentions all conditions that relate to

⁸ *Official Journal L 29, 31.1.2020*, pp. 7–187.

⁹ Workers shall enjoy the right to enter and exit the State of work under Article 14 of this Agreement and shall retain the rights they enjoyed as workers there, provided they are in one of the

the actual exercise of the economic freedoms in the UK/EU exchanges of goods and services as well as in the mutual recognition of social security benefits and status. Because of the characteristics of normative provisions on freedoms, the restriction of those regarding the UK will have an impact on the EU side freedoms as well. This is especially relevant in the relations between the UK and Cyprus and the UK and Northern Ireland, where the CJEU interpretation of the EU law will apply according to article 12 of the Protocol annexed to the Withdrawal Agreement.¹⁰

7.4 Cross-sectional Policies: Cohesion, Migration, Digital Market

Significant dimensions of equalities and freedoms have also been indirectly affected by three cross-sectional policies: cohesion, migration, and the digital market. Cohesion policy, mainly affecting equalities, aims to fill the gap between regions and sub-national units within the EU. Therefore, it does not directly target individual economic and social rights, even though the policy windows opened through the programmes of the structural funds create new opportunities for a professional qualification, structural investment, and technological innovation. The EU migration policy influences equality through cultural integration strategies enacted by the member States as a reaction to the European policy stream on migration and smuggling. As has been rightly highlighted, ‘starting off with the role of the parliamentary committee arena, it appears immediately clear its great interest for information upload and direct connection between actors operating at different levels. This is particularly the case of special committees such as the Parliamentary Committee of Control for the Enforcement of the Schengen Agreement (the Schengen Committee), the Parliamentary Committee of Inquiry into the reception, identification and expulsion system as well as into the migrant detention conditions and on the allocated public resources’ (Alagna, 2019). Therefore, the impact of the European migration policy may not be directly targeting individual equalities. However, countries that experienced an increasing incoming flow of migrants also had to bear an increasing demand for social services and social protection, such as housing, healthcare, integrating

circumstances set out in points (a), (b), (c) and (d) of Article 7(3) of Directive 2004/38/EC, even where they do not move their residence to the State of work.

¹⁰ ‘In respect of the Sovereign Base Areas and in relation to natural and legal persons residing or established in the territory of those Areas, the institutions, bodies, offices and agencies of the Union shall have the powers conferred upon them by Union law in relation to this Protocol and provisions of Union law made applicable by it. In particular, the Court of Justice of the European Union shall have jurisdiction as provided for in the Treaties in this respect.’

education. Finally, the promotion of the digital market influences individual equalities, especially in terms of the digital divide.

The EU cohesion policy cannot be expected to fulfil its objectives if the economic and fiscal policies of the member states point in a different direction. The focus of the comparative study conducted throughout the book is mainly on equality *within* six major European democracies. However, looking not only at policies that are meant to produce effects within the domestic realm but also at policies aimed at reducing disparities between member states and regions, will allow for more nuanced explanations to interpret the empirical results discussed in the previous chapters. Social and economic cohesion was first introduced as an explicit objective by the European Communities only in 1986 with the Single European Act (SEA). Indeed, this represented a novelty, signalling that member states no longer expected social and economic cohesion to spontaneously 'ensue [...] from the functioning of the common market', according to Article 117 of the Treaty of Rome, as automatic convergence in this sense had not taken place in the previous decades (Vandamme, 1992). The relevance of cohesion as a long-term goal, rather than being merely ascribed to a redistributive principle, is based on the idea that growth in rich, export-oriented regions can be sustained and further enhanced if demand from less-developed regions is boosted, for example, by investing in the creation of infrastructures (Biehl, 1992).

At the time of the introduction of the SEA, the key policy tools used to pursue social and economic cohesion within the EC were two structural funds, the European Regional Development Fund (ERDF) and the European Social Fund (ESF). In 1988, the European Commission, led by Jacques Delors, finalized, and the heads of government approved, the so-called Delors-I package deal. Accordingly, the budget of the structural funds for the 1989–93 period was doubled (Manzella and Mendez, 2009), and the fundamental guiding principles of concentration (on specific objectives and regions), programming (in a multi-annual perspective), partnership (with actors from all levels of governance) and additionality (meant to ensure complementarity between European and national efforts rather than a replacement of the latter) were laid out (Bachtler and Mendez, 2007). Subsequently, two crucial reforms took place in 1993 and 1999, respectively. The former should be framed in the context of the significant turning point represented by the Maastricht Treaty, which laid the groundwork for the Economic and Monetary Union (EMU). The accession, in the previous years, of new, relatively weak member states, namely Greece, Ireland, Spain and Portugal, prompted the introduction of a new Cohesion Fund, functional to the promotion of the EMU convergence criteria. The so-called Delors-II package, agreed upon in December 1992, brought about a further doubling of the resources allocated to the cohesion policy of the European Communities. The ensuing Agenda 2000 Package, setting the stage for the implementation of the structural funds in the

2000–06 programming period, provided for ‘budgetary stabilization’ rather than an increase in funding (Bollen, 1999).

This ‘conservative’ stance of member states on the cohesion policy can be explained in the light of several developments, which were taking place at the time of the negotiation of the package. They included the accession talks which would eventually result in the 2004 enlargement to ten new member states, but the outcome of which was still uncertain; the overall economic conditions, which had worsened compared to the early 1990s, especially in terms of unemployment; the general commitment to budgetary discipline because of the upcoming introduction of the single currency (Manzella and Mendez, 2009). After the failure to ratify the Treaty establishing a Constitution for Europe and the 2004 enlargement (followed by the accession of Bulgaria and Romania in 2007), a new reform of the cohesion policy was initiated, with an inevitable shift in the focus of the cohesion policy to the new member states. It should also be noted that the reform of the cohesion policy was negotiated against the backdrop of the new ‘Lisbon agenda’, launched in March 2000 with the European Council in Lisbon, and sanctioning the commitment by EU member states to make the EU the world’s most competitive economy by 2010 based on an economic, a social and an environmental pillar (European Council, 2000). Employment, economic reform and social cohesion thus became a ‘strategic goal’ for the EU, with the designation of convergence, regional competitiveness and employment, and European territorial cooperation as key guiding principles and a closer coordination with other EU policies such as the Common Agricultural Policy and the Common Fisheries Policy (Brunazzo, 2016).

With the Eurozone crisis and the ensuing Great Recession, in the absence of a common fiscal policy, the cohesion policy was used for anticyclical purposes, to support national economies, which were struck by the crisis. Its reform was discussed in these years, in the context of the general negotiation for the new Multiannual Financial Framework. As further explained below, one of the key challenges that emerged during the negotiation of the new cohesion policy was to reconcile its objectives and practices with the new priorities set by the economic governance reforms introduced in the wake of the Euro crisis, considering that the Euro crisis resulted in a divide between pro-austerity and pro-solidarity member states (Wasserfallen and Lehner, 2017). Such a divide was inevitably mirrored by the positions of the EU member states vis-à-vis the new cohesion policy, which was finally agreed upon in December 2013.

A significant novelty was the introduction of so-called macro-economic conditionality, which links the disbursement of payments to sound economic governance by national authorities, including the implementation of structural reforms. This novelty was controversial and sparked heated debate, with defendants emphasizing the need to boost efficiency and opponents arguing that such

conditionality would inflict a 'double penalty' on local and regional authorities, which, on the one hand, were not responsible for excessive national deficits and, on the other, would be penalized by a suspension of funding (Jouen, 2015, p. 3). According to its critics, this type of political conditionality would end up sanctioning long-lasting political and economic disparities between member states, rather than creating a level playing field for states and regions as initially envisaged by the cohesion policy (Donati, 2017). Another type of conditionality was also discussed (but never implemented). Namely, introducing the rule of law requirements to pressure 'illiberal' EU member states could produce significant trickle-down effects, considering for instance that a country like Hungary has reportedly received as much as 6–7% of its GDP as inflows from the various cohesion and structural funds in recent years (Pogátsa, 2017).

If looking at the resources on the cohesion policy over time, we can single out some general trends. One of them is the stabilization of the resources devoted to the cohesion policy at approximately one-third of the overall EU budget. In the 1988–93 period, the budget devoted to the cohesion policy was €69 billion, representing 25% of the EC budget and 0.3% of the total GDP of the EC. Between 1994 and 1999, the budget was €168 billion, about one-third of the EU budget and 0.4% of the total GDP of the EU. In the 2000–06 period, the budget of the cohesion policy was €213 billion for the EU, with a supplementary €21.7 billion for the 10 new Member States between 2004 and 2006, accounting again for about 33% of the EU budget and 0.4% of the total GDP of the EU. The overall amount over the 2007–13 period was set at €347 billion, representing 35.7 per cent of the EU budget, and 0.38 per cent of the total GDP of the EU, and finally, between 2014 and 2020, the cohesion policy was granted €351 billion, totalling about 32.5% of the EU budget (European Commission, 2008, 2014a). Therefore, a first critical element to consider when thinking about the effects of the cohesion policy is that, while it represents an essential share in the EU budget, the EU total budget itself is in turn only a small fraction—about 1%—of the EU's GDP.

Due to its visibility, and thanks to the availability of data, the EU cohesion policy is under constant scrutiny. Nonetheless, assessing its actual impact over time and across regions is not an easy task, as epitomized by the fact that the relevant literature is replete with studies reaching contradictory conclusions (for a comprehensive review, see Polverari et al., 2014). As Fratesi (2016) points out, there are several underlying issues, which prevent the production of accurate quantitative assessments of the aggregate impact of the policy. These refer to the critical aspects of the cohesion policy. They include the varying geographical scale at which analyses can be conducted and the difficulty of assessing spillovers; the breadth of the cohesion policy, which encompasses many other policies at the national and sub-national level; the complexity of economic geography's multiple equilibria; the impact of eligibility criteria; the fact that despite the

additionality principle, in some cases European funding de facto replaces national spending; and possible gaps between committed amounts and actual expenditure due to lack of implementation. There are also methodological challenges, such as the difficulty of singling out the dependent variable for assessment, that of defining the time over which the policy is expected to produce an impact, how to control for all possible disturbance factors, and, in general, the selection of suitable econometric models (Fratesi, 2016).

In any case, the existing evidence supports the hypothesis, also confirmed by the case of Poland, as analysed in Chapter 2 above, that the new member states have grown faster than other member states, with overall income disparities between member states declining after 2007. However, disparities across EU regions within member states are increasing (see Dauderstädt, 2018). At the same time, inequality within some member states has been increasing, again, as shown by our case studies. This suggests that there is no clear-cut evidence of domestic redistribution effects of the EU cohesion policy.

It can, therefore, be concluded that considering the EU cohesion policy as a significant influence on domestic (in)equality in member states would be misleading. Besides, independently on its correct functioning, any positive re-distributional effect of the structural funds would be invalidated if other EU policies act in the opposite direction (Hannequart, 1992, p. 2). Therefore, in order to further investigate possible explanations for the trends highlighted above (see Chapter 2), it is necessary to explore the impact of the Eurozone crisis on the architecture of the EU's economic and fiscal governance and its effects on the welfare state in the countries considered.

The inputs described in the previous two sections gained significance as external factors influencing the domestic political systems during what we called in Chapter 6, the first round of reforms. Before and right after the onset of the debt crisis, the European Union was engaged in building a deeper enlarged Union (Rosamond, 2009; Grabbe, 2014). However, the years between 2013 and 2018 were profoundly marked by three further challenges which had an unexpected impact on European institutions. The first phenomenon that suddenly shot to the top of the political agenda was migration and the outbreak of the so-called Arab Spring and its consequences. Although the geopolitical dimensions of the European strategy are not taken into consideration in our analysis, it is worth noting that the migration phenomenon triggered several reactions on the part of domestic political systems, which all share a common inspiring principle: raising security control. We connect here to the reduction of freedoms of mobility, which was analysed in Chapter 3. The revision of the Schengen agreement combined a further package of actions: border control, surveillance and intra-national constraints on mobility. Member States have reacted differently since the European competence in these fields is shared with them.

A further field where European inputs are increasingly significant is the single digital market. ICT is not new as leverage for economic and social development. In many ways, technological innovations have been integrated among the goals promoted by the European financial programmes within Innova Europe or the structural funds. However, since 2014, the European policy on digital technologies has expanded in both the number of tools it deploys and the variety of actions. In 2015 European structural and investment funds were allocated to promote the single digital market as a priority. The year 2018 was a highlight in the process of deepening digital Europe. In April 2018, in keeping with the European tradition of rights protection, the GDPR was adopted as a reaction to countless events signalling the need for citizens to be protected concerning the portability and privacy of their data. In October 2018 the directive on copyright was also approved by the European Parliament and marked a milestone in laying the foundations for a common approach towards common digital goods and digital intellectual property.

7.5 Concluding Remarks

This chapter discussed whether and to what extent the trends highlighted in chapters 2 and 3 can be explained by looking at the influence of the EU. As for inequalities, a survey of the relevant literature shows that, in general, there is a lack of conclusive evidence on the impact of EU policies. However, on Poland and the UK, Table 7.4 offers an overview of the freedoms and equalities subdimensions, and shows how the discontinuity of the EU/domestic interplay is going to impinge upon each of them. It also suggests that from a legal perspective, the European factor has an impact dependently on the type of political and institutional interplay that characterizes each country. More explicitly, the usual statement is that domestic politics matters. The analysis of our cases adds an important empirical development. The European norms provide domestic political elites with the opportunity to take advantage of those rules to carry out their agenda also at the domestic level.

Overall, for the six countries we analyse in the book, two main aspects have been highlighted throughout the chapter. First, although over the past few decades the EU cohesion policy has been allocated an increasing share of the overall EU budget, nonetheless the amount of resources which are devoted to that policy is still negligible (on average below 0.4% of the total GDP of the EU). Second, looking at the effects of the crisis and the impact of austerity measures, compounded by significant reforms of the EMU institutional architecture (including measures such as the Six Pack, the Fiscal Compact and the Two Pack), the six countries under examination were affected to different degrees. Germany was

Table 7.4 Polish and British dynamics on freedoms and equalities vis-à-vis the EU

dep. variables	sub-dimensions	Poland	UK
Freedoms	personal dignity	restricted for citizens	not limited for citizens; possible different treatment for non-UK citizens
	civil rights	restricted for citizens; economic freedoms untouched; indirect impact in case of entitlements litigation	non restricted economic freedoms, but reshaped for goods and services mobility
Equality	political rights	restriction for citizens	not restricted for citizens
	economic equality	not restricted	different treatment for UK
	social equality	not restricted	vs non-UK citizens

mostly immune to the crisis, and Poland even experienced sustained growth during the crisis years. As a non-member of the Eurozone, the UK was affected by the crisis but retained its monetary sovereignty, and its commitment to austerity with a decline in social protection, health care and education cannot be directly traced to EU-level commitments. Despite the crisis and Eurozone constraints, France avoided a significant overhaul of its welfare system, while to a different extent (see Chapter 2) Spain and Italy experienced a contraction, especially in the sectors of healthcare and education. Therefore, the influence of external constraints was stronger in these two countries. In any case, the emphasis on fiscal discipline in the field of economic governance can be at odds with the objective of convergence between member states and arguably higher equality tout-court. At the same time, it should be considered that while Eurozone membership entails a commitment to fiscal discipline, as per the current institutional arrangements, the decision on which areas of public expenditure need to be reduced is still in the hands of domestic decision-makers.

As far as freedoms are concerned, a few key issues have been discussed. In the case of the possible ‘trade-off’ between the need to guarantee security in the face of threats, such as domestic and international terrorism and citizens’ right to privacy, the middle ground established by the current EU ‘Privacy Shield’ paradigm leaves several problems unsolved. For this reason, further reform is expected to be implemented in this sensitive policy area.

Moreover, it is essential to mention that while the EU is founded on critical democratic values and principles, the mechanism put in place by Article 7 of the Treaty on the European Union to sanction possible violations of those values and principles has not been sufficient to stop the current democratic backslides in some member states, notably Poland and Hungary. Proposals to strengthen the

sanctioning power of the EU by attaching democratic conditionality to the transfer of cohesion and structural funds have been proposed and discussed, but so far, they have not gained enough momentum. In light of recent events, significant changes may be on the way in this area as well. Among them, there is the recognition of the domestic primacy concerning the 'identity', which refers directly to the languages and the cultural stances endorsed by the member States. According to the most recent scholarship, the Court of Justice of the European Union has been keener to consider, among other principles inspiring the jurisprudence, the identity argument (Claes et al., 2012). To sum up, the new scenario seems to depict a more nuanced predominance of the transnational provisions in terms of European freedoms and a reshaping of the domestic-European balance.

8

Is There a Comprehensive Explanation?

8.1 Questions Still to Be Answered

The analysis in the previous chapters still leaves at least three questions unanswered. First, are there any significant connections to highlight between (in)equalities and freedoms in our countries? Second, is there any possibility of achieving a comprehensive explanation? If so, what are the domestic factors and actors that need to be considered and complemented with external factors and actors? Third, regarding the questions we addressed, are there alternative analyses and explanations? And if we compare our empirical conclusions with the existing literature on the topics we focused on, what is different and new? This chapter will try to reply to these questions in the next three sections.

8.2 Are (In)equalities and Freedoms Intertwined?

We can start with the question posed by the title of this section by referring to three aspects. First, from a normative point of view, different positions that consider freedom as an alternative to equality have traditionally been present in political debate, even to the point of postulating that high socio-economic equality might harm individual freedom (see, among others, Nozick, 1974). At the same time, as mentioned in Chapter 1, there are several authoritative philosophers, such as Rawls, Dworkin, Sen, and Nussbaum, who developed highly influential theories in which freedom complements equality. This position is entirely consistent with the new liberalism of Dahrendorf (1995) and others (see again Chapter 1).

Second, as stressed by Sartori (1987, p. 384), from an analytic perspective, freedom and equality or egalitarian democracy belong to different logical realms. Freedom ‘has a vertical impetus’ and equality ‘a horizontal urge’. Accordingly, ‘liberalism pivots on the individual, and democracy on society’, with democracy in its crucial egalitarian dimension. Bobbio (1995, p. 8, see also Chapter 1) restates this point when stressing how the notion of freedom refers to the micro-level of democracy, whereas equality is a notion with a macro-oriented spirit. We might add, as Chapter 3 shows, that freedom can also be seen relationally, especially when viewed within the perspective of the effective conditions of implementing a right. As for equality, taking our cue from Bobbio, we endorse the view according to which equalities and inequalities are relations, thereby justifying the attention

devoted to the 'potential losers' and 'potential winners' of a crisis. As regards freedom, the triad understanding of this principle was advanced by Oppenheim back in the 1950s. The triad is between two agents and a specific (impeded or unimpeded) action. This provides a reason in our understanding of the empirical significance of freedom, as we shall consider the paradox of reshaping the triad, through the measures that intervene on one of the three sides, notably on the relationship between one agent and one action. Consequently, the other two relationships are redefined, between a further agent, the targeted agent, and the action (Oppenheim, 1961; Panebianco, 2004).

In this vein, it is worth recalling that, historically speaking, liberalism and constitutionalism precede democracy: 'liberalization' precedes participation or inclusion (Dahl, 1971; Zakaria, 2003). But it is not only a question of 'conditions of possibility', but also of 'conditions of functionality' or workability, as democracy is a 'demo-power' that can also become totalizing, and works as a 'demo-protection', or a set of constraints placed on power (McIlwain, 1947; Friedrich, 1963; Sartori, 1987).

Third, when analysing the quality of democracy from a quantitative perspective, empirical research reveals that among existing democracies, there is a significant connection between freedom and equality. This is even more apparent when social rights are included in the notion of equality, as we did here. The analysis supported the conclusion that 'basic freedoms influence, condition and presuppose equality' (Morlino, 2011, p. 243). This is also confirmed by the explanation of the failure of Communist regimes, not only in Eastern Europe, to implement equalities within a Marxist-Leninist ideology. Thus, the conclusion is: equality is only possible if freedoms are guaranteed and implemented. At the same time, it is also widely accepted that a few economic and social dimensions of equality, regarding education, health and standard of living, are key conditions for supporting freedoms and enjoying them. This interpretation is central to comparative historical political economy, as can be seen, for example, in work by Acemoglu and Robinson (2009). According to them, 'extractive economic institutions', with the economic inequalities that they entail, favour absolutism (or authoritarianism) at the political level and end up suppressing freedoms. Consequently, the main empirical conclusion is that the two macro-empirical dimensions ultimately strengthen each other and cannot be separated and regarded as alternatives within a democracy (*ibid.*, Chapter 8). Figure 8.1 shows this kind of empirical relation.

Consistently with this third issue, Giebler and Merkel (2016) empirically check the two possible hypotheses: there is a trade-off between freedom and equality, so both principles cannot be maximized at the same time, or freedom and equality reinforce each other, and consequently, both can be maximized at the same time. Their conclusions confirm the results of the previous research mentioned above (Morlino, 2011, ch. 8). In fact, after checking about 50 countries, they state that

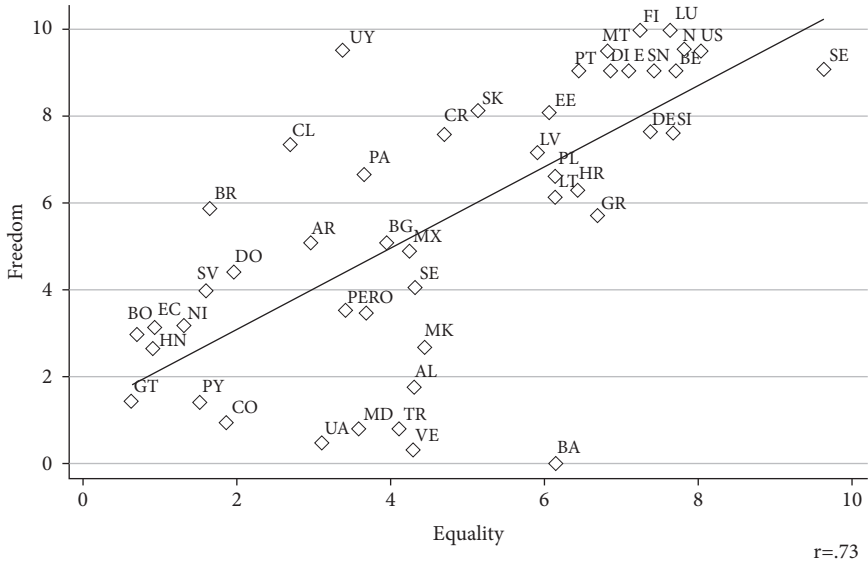


Figure 8.1 Freedom strengthens equality and vice versa

Source: Morlino, 2011, p. 243.

there is a negative relationship between socio-economic inequality and freedom, so that '(h)igher levels of freedom are associated with lower levels of socio-economic inequality... (and)... the evidence points to mutual compatibility' (Giebler and Merkel, 2016, p. 599). Hence, the trade-off hypothesis can be rejected, and instead of trade-off, there is complementarity. There is also a positive effect of socio-economic equality on political freedom and 'it seems that societies and political orders do not have to decide between the two principles but can pursue the maximisation of both freedom and equality' (Giebler and Merkel, 2016, p. 602).¹

What emerges from our research? If we remember the specific dimensions of equality and freedom, we considered (see Table 8.1), the analytic perspective mentioned above is consistent with our empirical results, but additional specifications are needed especially we go more in-depth with the qualitative analysis. Let us see. The explanatory analysis in Chapter 5 on equalities and in Chapter 6 on freedoms traced different factors. In this vein, no tension, conflict or trade-off emerges. This a crucial aspect of our analysis, and the question is: if there is no straightforward tension among the different equalities and freedom and they follow different explanatory paths, and if at the same time the two

¹ In their article, the two authors also check the connections between political equality and freedom, with similar results. The issue of trade-off is also analysed by Lauth and Schlenkrich (2018), who refer to different models of democracy, but the authors leave the economic sphere out of their research.

Table 8.1 Complementarity rather than conflict

freedoms equalities	personal dignity	civil rights	political rights
economic equality	+	+	+
social equality	+	+	+
ethnic equality	+	+	+

macro-phenomena seem to be related mutually, what are the connecting mechanisms we should point to? For a better, more comprehensive explanation, we need to return to the actors and factors we discussed in the previous four chapters (chapters 4–7) and show how they are intertwined.

Starting from the survey data about the relevance, attention and demand concerning equality and freedom (see Chapter 4), one observation springs out immediately. In most of our cases (except in Poland, which was unaffected by the economic crisis) there was an evident growth of attention towards economic and social equality during the Great Recession, which prevailed over the attention and request for freedom. But *per se* this does not imply any trade-off or alternative. The issue was on what was more relevant for the citizens. In checking the replies the switching and change of attention are confirmed by the higher importance given by respondents in Italy and Spain, that is, by the two countries where equality was already a priority, and the economic crisis had a more profound impact on the citizens. The change within public opinion is also reflected by the changes and adaptation of party programmes because of the Great Recession in the countries most affected by it. In some contexts, as we have seen (see Chapter 5), this has even led to the establishment of new parties or new political movements. Moreover, the different degree of attention towards freedom and equality is related to the context of the countries and the party families, which decide to exploit and consequently to deepen one divide rather than another based on current opportunities. About this, in the UK we see, on the one hand, a decline of welfare expenditures, especially for education but also for health (see Chapter 2, esp. Figures 2.8, 2.9, and 2.10) but, on the other hand, deeply divided citizens and contradictory results (see Chapter 4, esp. Figures 4.10 and 4.11)

When analysing the domestic explanations of equality and focusing on the politico-institutional arena (see Chapter 5), the first conclusion to be stressed—and it is likely to be the most significant one—is that in our democracies, affected by economic crisis and subsequent, low economic growth or stagnation, egalitarian policies are mainly accounted for by protest parties. In the UK this statement has to be complemented by the radicalization of the British Labour Party, which also scored poorly in the 2019 elections, hegemonized by the issue of Brexit. In fact, with the Great Recession, the presence of new parties and, mostly, of populist parties became a distinguishing aspect of the six countries, the UK included

with Farage and the UK Independence Party (UKIP). Citizen dissatisfaction may follow different patterns in terms of the modes and timing of institutionalization (see chapters 4 and 5). However, the emergence and establishment of the new protest parties bring about a change of policies to favour lower social groups, with consequent higher responsiveness, albeit one that may be economically irresponsible (Mair, 2009).

With all the differences we have already singled out (see Chapter 5), if the protest party becomes incumbent, in a single-party cabinet or a coalition one, the attempt is made to carry out the policies they committed to. Consequently, the incumbent leaders, who are pressed by protest, promote consistent policies more respectful of social rights. However, we have also seen that, for the new protest parties, there are wide margins of 'substitution' between actual economic and social policies and symbolic identity policies (primarily anti-immigrant and chauvinist policies). In a sense, the difficulty of the 'authoritative allocation of values', to quote Easton (1965), opens the door to the social construction of the enemy and the symbolic use of policies (Edelman, 1985). At the same time, the relationship between the vote of the left parties (moderate and radical) and the trend of inequality shows a rather random connection. Without going back to the specific aspects emerging from each case (see again Chapter 5), in the countries we considered and other European countries the promotion of social rights is no longer a prerogative or a characterizing feature of the left but is also supported by rightist parties, populist or otherwise. This is especially evident with the French Front National and even more with the Polish Law and Justice (PiS). Ironically, we might recall that the alternation with the moderate and centre-right parties was institutionalized precisely when the leftist parties became less alternative in terms of policies, as happened with Tony Blair and the so-called 'third way' at the end of the twentieth century and early twenty-first century.

The additional conclusions regard the empirical results about the constitutional and economic structures and the impact of migration on ethnic inequalities. Thus, consensual democracies with coordinated economies tend to have redistributive policy solutions and to correct inequalities, while majoritarian democracies with competitive economies tend to play a winner-take-all game, which increases inequalities (Lane and Ersson, 2000). However, what comes out with evidence in our cases is the prominence of economic factors. On the one hand, France, with a hyper-majoritarian constitutional arrangement, is also the democracy with better welfare, and in this vein with better social equality, complemented by a relatively higher economic equality. On the other hand, as seen in Chapter 5 (esp. Table 5.1), France is considered a coordinated market economy, like Germany.

Regarding ethnic inequality, there is an equifinality. Namely, the political relevance and tension brought about by the migration issue can be explained by people perception and reactions to the economic crisis (Italy, Spain, and France) or by simple ideological orientations without an economic crisis (Poland) to the

point that discussing this issue Garton Ash (2019, p. 164) speak of an ‘imagined’ problem, never a real one. In both hypotheses, the party actor is crucial in deepening the divide, on the one hand, and in the policies carried out, on the other.

When revising the domestic explanations of freedoms (see Chapter 6), first, the most telling, meaningful explanation seems the role of the rule of law with regards to governmental effectiveness, control of corruption and compliance of the public order with fundamental rights. Moreover, we mentioned two specific empirical mechanisms and one evolution in the protection of personal rights. Thus, as regards the significant dimensions of freedom (individual dignity, civil rights and political rights), the three main empirical results are: there has been more information, but this has not translated into more freedom; more new rules were passed, but this did not correspond to better protection of freedoms; finally, there is an improvement of protection of dignity because of the modernization of the judicial systems and penitentiaries.

Within this picture, all six democracies endorsed a positive vision of the digital turn, moved towards a set of reforms, injecting a massive amount of ICT-based organizational tools into public institutions, and engaged in the promotion of a ‘better access’ to information frame in all the policies that stemmed from the ICT revolution. This notwithstanding, the six countries experienced the digital turn in different time frames concerning the timing of the economic crisis. Only did Italy and Spain link up ICT to the rationalization of public expenses. France endorsed an ‘egalitarian’ vision of e-government, while Germany and the UK, together with Poland, pursued a trend to boost economic growth. All the countries experienced the erosion of media intermediation and the upheaval of social media, with a peak of surveillance policies in the UK, in France, and later in Poland. The reasons for this do not depend on the intrinsic nature of technology but are instead linked to the national political agency.²

A last significant result relates to the positive trend that all the countries feature in the justice sector—together with the entire chain of justice administration, from access to execution. Although several problems remain—including new issues of political radicalization in the prisons—the adoption of soft laws enabled domestic actors to promote judicial reforms and played a role as an anchor in the rule adoption and rule implementation process, with the dramatic exception of Poland.

To better understand the empirical results, we should also take into consideration two further aspects. The first is the relative weight of the veto rulers and, concerning this, the degree of State cohesiveness emerging from our analysis. More fragmented State structures intervene in the pattern of rule implementation and end up by determining a contraction of the scope of freedoms—especially in

² For more on the consequences of the digital revolution, see Harari (2018) and, more generally, McQuail (2005) and Norris (2001).

civil rights. Second, behind the improvement in the justice sector, but also ‘the more rules, less freedom’ notion, there is the actual implementation of the rule of law, as a necessary condition for guaranteeing freedoms. As is well known, this is the founding aspect of any liberal democracy.

Finally, when recalling the external explanations, which in our perspective is mainly the role of the European Union on the two macro-dimensions explored here (see Chapter 7), two empirical results deserve to be emphasized. First, as also supported by existing literature, there is no conclusive evidence for the impact of EU policies on the equalities of the six democracies. Overall, although over the past few decades the EU cohesion policies have allocated a large chunk of resources, especially in Poland, their total amount is still small in absolute and relative terms. Besides, when looking at the effects of the crisis and the impact of austerity measures, considering also the relevant reforms to the EMU institutional architecture, only two countries, Spain and Italy, experienced a strong influence of external constraints, with a consequent weakening of some social rights that affected people in retirement and on health care. Second, as regards freedoms, the EU interventions to protect the privacy and the need to guarantee citizen security vis-à-vis domestic and international terrorism were significant and analysed for our countries (see Chapter 7).

Thinking over these empirical results, we have to acknowledge that there is no direct intertwining between the two dimensions when checking the domestic and external explanations both on freedoms and equalities. For example, while the politico-institutional explanations of equality include party actions, forms of participation and party competition as key features, to explain freedom we have to refer to the rule of law as well as to broader phenomena also of a technological kind. In other words, we consider primarily different factors and actors.

At the same time, within the frame of the analysis of the quality of democracy (see Chapter 1), the immediate and strong tension that also emerges in our analysis of freedoms concerns the contradictory demands of citizens about both achieving security to cope with terrorism, domestic or international, and protecting personal dignity and civil rights. However, ultimately, when the priority has to be decided, security comes first. This confirms the most classic and profound demand of politics since ancient time: assuring order and security, with all the consequences this entails, even terrible ones, in Europe and other continents (Panbianco, 2018). In this perspective, the French case examined in Chapter 3 is telling. More precisely, as we have seen (Chapter 3), the change in the freedoms since 2011 and later is due precisely to the need of security stemming powerfully from terrorist events in different areas, of course, France included. On this issue, if we are looking for an indirect connection between freedom and equality, this may be manifested in the growth of ethnic inequality. The separation of the immigrant ethnic groups the terrorists belong to is increased because of the fear for security, and this becomes culturally much more evident and perceived.

The second relevant example we can offer concerns the consequences of migration in terms of an objective higher ethnic inequality, with possible related consequences in terms of the effective guarantee of social rights, especially for recent immigrants. At the same time, the effective guarantee of civil rights for non-resident immigrants, often living in emarginated urban peripheries, is often weaker in the countries we considered. In the light of this, in Chapter 5 we also discussed the emergence and growth of identitarian populism, which is very strong in Poland, but also salient in France with the Front National, in Italy with the *League* led by Salvini and in the United Kingdom with UKIP. All of them became the relative majority party in the 2019 European elections, while the AfD in Germany and *Vox* in Spain achieved a meaningful presence.

The lesson that these two examples suggest is that to fully understand and assess the connections between freedoms and (in)equalities we need to operate at a higher level of abstraction, by also including in our analysis other key aspects characterizing a democracy, its effective working and its qualities. This is the next step, which we will embark upon in the next section.

8.3 Building an Explanatory Model

In research published in 2011 (see Morlino, 2011, chapter 8), one of the key empirical conclusions was the singling out of an internal, core mechanism in the democracies we analysed. We called it the *mutual convergence* of qualities, be it *towards strengthening or weakening* of all the different qualities. We observed that ‘on the basis of a large body of literature, we can accept that all the qualities we analysed are ultimately related to economic aspects, the organization, and activism of civil society, cultural legacies, or other factors... In other words, we could affirm that our analysis was examining spurious correlations, and the actual explanations are elsewhere. However, even if we accept this point, that mechanism, which emerged powerfully... exists and helps the deepening of democracy or to explain more in depth the worsening. In a nutshell, the core of the mechanism can be traced within all the procedures that characterize democracy and influence the contents. What this analysis seems to reveal is that ultimately a democracy, possibly a consolidated one, acquires its inner logic that strongly connects procedural aspects and substantives ones with regards to contents and results.’ (Morlino, 2011, pp. 247–8).

This kind of conclusion, however, is still dissatisfying for our purpose, which is to single out more specific and recurrent explanations of the two content dimensions (freedom and equality) and their indirect connections. In that same research, when addressing this question, the results of the quantitative analysis were evident in pointing to five ‘super qualities’ that are relevant for both freedoms and equalities, and two additional ones only relevant respectively for

freedoms and for equalities. The five driving aspects for both freedoms and equalities are integrity, the fairness of the electoral process, plural and independent information, competitiveness and responsiveness, measured by perceived legitimacy. Also, the role of non-conventional participation and protest strongly emerges regarding equality, and effective rights of participation are more relevant for freedom. On the ground of the data of that research, the variance explained was very high, and this conclusion is confirmed once again if we conduct the same analysis more in detail in Eastern Europe or Latin America (Morlino, 2011, p. 243; O'Donnell et al., 2004; Morlino, 2016).

When matching these results with the empirical analysis carried out in the previous chapters, the more specific aspect on protest, even under the institutionalized form of protest parties, emerged very strongly in Chapter 5; and the effective rights of participation were also mentioned, as they are embedded in the implementation of the rule of law we analysed in Chapter 6. The satisfaction/dissatisfaction, detected through survey analysis, was presented and discussed in Chapter 4, as a reaction to the ways how policies to promote equality and fight poverty were pursued, but at the same time how freedoms were constrained and subverted in their implementation, also taking into account the priority of security against terrorism and immigration. This observation prompts an important methodological specification, which is necessary to grasp the connections we are trying to single out and to explain all their complexities: the same macro-factor, which includes different facets—here, in our research it is *dissatisfaction*—can contribute to explaining both the forms and the level of the three equalities and the three freedoms. Consequently, the resulting quantitative empirical connections between equalities and freedoms that we found in our 2011 research and other authors also confirmed was merely spurious. They are both explained by one of the different facets of dissatisfaction, often triggered and complemented by other factors.

As regards the four remaining super qualities, here the fairness of the electoral process is not relevant, as for consolidated democracies like the ones we studied there is almost no variance, and consequently it can be taken for granted, as a parameter, for all our countries. Of course, this was not the case in all the over fifty countries we analysed in 2011. Competitiveness is, on the contrary, very salient, and we have already analysed it in its more critical manifestations for the polarization of the party system,³ with the peculiar British results pointing to a high radicalization as well (see Chapter 5). Therefore, we need to devote some attention to the other two remaining aspects: integrity/corruption and plural and independent information. The first aspect is a sub-dimension of the rule of law and already emerged in our research about freedom (see Chapter 6).⁴ Now we can

³ On Southern Europe, see Morlino and Raniolo (2017).

⁴ More generally on corruption, see, among others, Mungiu-Pippidi (2015) and Rothstein and Varraich (2017).

ask why it is relevant for equalities. Especially, in recent decades, the second aspect, plural and independent information, has been more and more becoming a critical aspect of every democracy. This aspect came out indirectly with the first hypotheses on freedom and the widespread and enormous growth of information, due also to the massive and rapid spread of the Internet and social networks (see Chapter 6). However, also about this aspect, the connections with equalities and freedoms have to be spelt out to make some progress in our entire analysis.

Corruption may be relevant for equalities in two different and very relevant perspectives. In terms of economic equality, distribution of resources plagued or deeply influenced by corruption at different levels and forms can affect all economic allocation in the different economic sectors, and usually manipulates the results in favour of the wealthiest groups. In terms of social equality, which is grounded in social rights, only an impartial bureaucracy in the different domains, from education to pensions and healthcare, can make redistributive benefits effective and consistent with their objectives. If we recall Figure 6.2 here, it gives mostly expected results. If also matched with the levels of inequalities in the six countries (see Chapter 3, esp. conclusions), the results are also as expected. Overall, France, Germany, and United Kingdom are in a much better position on corruption and at the same time, despite a complex, uneven picture, are in a good position with social equality, much less on economic equality regarding the UK. When considering the other cases, the connections seem weak or very weak, even in terms of trends on the two dimensions. The visible, simple aspect is that many other relevant intervening variables can blur the results. Thus, the hypothesis about the connections between corruption and inequalities makes much sense but cannot be solidly supported by empirical data because other variables, idiosyncratic or not, are relevant or even more relevant (see also Chapter 6).

As for plural and independent information, a crucial subdimension of inter-institutional accountability (see Chapter 1; Morlino, 2011, chapter 7), only can critical information show the reasons and the possibilities for revindicating or improving the economic and social situation to disadvantaged groups. In this vein, let us remember here, that in the perspective of inter-institutional accountability, the role of the parliamentary opposition is also very salient. Inter-institutional accountability emerges so strongly in our analysis because a democracy, with its norms and procedures, will very likely remain on paper if the incumbent authorities, that is, mainly the government, can avoid being controlled or being held accountable for their actions and decisions *vis-à-vis* other informed authorities (see also O'Donnell, 1998). Those authorities, with their oversight powers, whether parliament or the media, can make democracy more real and closer to citizens. More generally, we could also refer to the sphere of public opinion, with its original function of government control (Habermas, 1962), with the obvious connections with what happens in parliament or the media system.

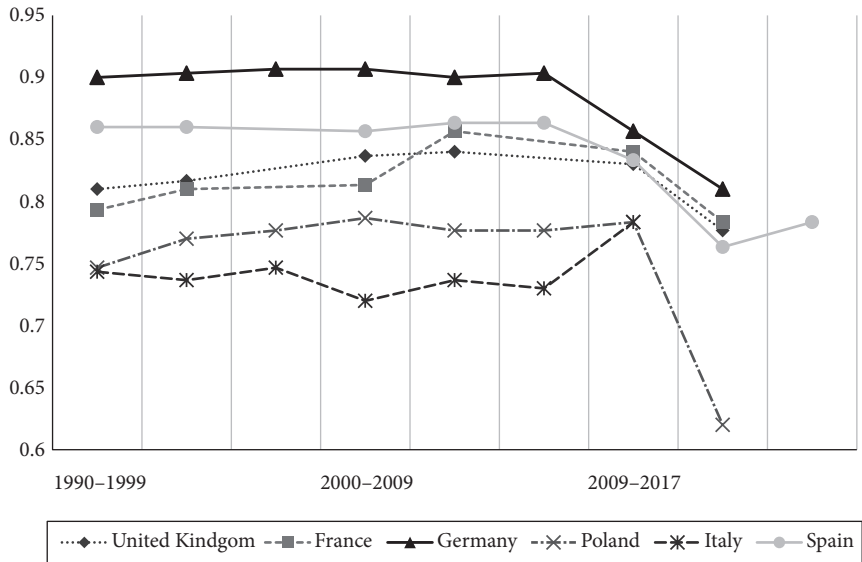


Figure 8.2 Interinstitutional accountability in the six European Countries (1990–2018)

Source: International IDEA data set.

Figure 8.2 shows the trends of inter-institutional accountability in our countries. This figure is highly pertinent for us. First, the data to create the figure were taken in correspondence to electoral years. For this reason, we see the Spanish line as a longer one: Spain had three elections in four years. To achieve a more appropriate measure of interinstitutional accountability, in addition to the media (media integrity), we included the checking role of parliament and compliance with the high court.⁵ Moreover, we can see an evident worsening trend in all the countries on this macro-dimension, with Spain improving at the end in more recent elections, maybe showing a way out of the Great Recession. Second, consistently with the level of equalities, Germany and the UK are at the top of the figure. France is very close to the first two, and this is also consistent with the scores on equality. Although Spain and Italy are almost at the bottom of the figure, we find that Poland fares worst of all.⁶

⁵ For the subdimension ‘Effective Parliament’ the indicators include: Legislature questions officials in practice, Executive oversight, Legislature investigates in practice, Legislature opposition parties, Executive constraints. For ‘Media Integrity’: Critical print/broadcast media, Print/broadcast media perspectives, Media bias, Media corrupt, Media freedom. For ‘Compliance with the high court’, the indicator is given by the reply to the question: ‘How often would you say the government complies with important decisions of the High Court with which it disagrees?’. For the notion of interinstitutional accountability, see Morlino (2011, chapter 7).

⁶ The salience of the media, in addition to the role of the parliamentary opposition, is emphasized for Poland by Gwiazda (2015, esp. chapter 6).

Furthermore, as we started discussing in the previous section, the vital interplay that links interinstitutional accountability to freedoms is dramatically testified by Poland. The accurate dismantling of a few constitutional rules (Sadurski 2019, pp. 63ss) turned into a deep erosion of the defences against authoritarian backslidings. Thus, Poland has a growing relevant trend when analysing the measures of equalities, but very consistent flawed results on freedoms (see Chapter 3). Moreover, to confirm what we also stated above, when connecting freedoms (see chapters 3 and 6) with inter-institutional accountability, we can see a full consistency in Germany, the UK, and France at the top of the figures and Spain and Italy almost at the bottom, surpassed by Poland, which is at the very bottom of this possible ranking. Here, the connections between low inter-institutional accountability and weaker freedoms seems a strong one regarding Poland, which is the country with the most relevant worsening of freedoms (see also Mounk, 2018, esp. 125ff).⁷ The most recent data of the World Justice Project (2019) also confirm this picture (see Table 8.2) by stressing the robust connections among the two sets of data ($R^2 = 0.86$) with Poland at the bottom of a possible ranking on both values, Germany and also the UK with the best values, and Italy and Spain in between, but always related scores.

Moreover, the changes in accountability, especially between the judicial and the executive branch, marked the phase of the managerial policies enacted in the six democracies around the turning point of the adoption of austerity measures. They should also be connected to subsequent reforms to tackle international terrorism and the rise of cybercrime. In this respect, the strategies adopted by the six democracies again testify to a pro-security attitude, mitigated in the case of Italy only within the strict scope of prosecutorial action—the anti-terrorism

Table 8.2 Limited government powers vs fundamental rights in the six European countries (2019)

country	Fundamental Rights	Constraints on Government
France	0.72	0.74
Germany	0.85	0.85
Italy	0.71	0.71
Poland	0.66	0.58
Spain	0.77	0.72
UK	0.81	0.84

Note: For the set of indicators of fundamental right and constraints on government power, see Andersen and Piccone (2019)

Source: World Justice Project (2019), Rule of Law Index (2019).

⁷ For the essential aspects of accountability in Poland, but also in Spain, see Sroka (2017).

measures did not discontinue the procedural guarantees of a fair trial entrenched in the constitution. In general, however, the limits and the non-functioning of inter-institutional accountability is not only the outcome of specific policies but also reflects a specific vision of politics aimed at ‘empowering’ the government by shifting the constitutional balance towards this body.

To develop these observations, we take the next two crucial theoretical steps. The first is sketching a comprehensive model, as suggested by our analysis. The second is to explore what are the related specific patterns emerging for each of our six countries from our empirical analysis. The comprehensive model can only start from the growth of dissatisfaction or, more neutrally, from the level and characteristics of dissatisfaction in each moment in the analysed country. The reasons for such discontent are crucial to qualify it and may be the result of economic crisis—in our cases, we are analysing the Great Recession—or of immigration, but also a profound technological transformation with social consequences. More precisely, while the insecurity produced by economic crisis or the fear associated with mass immigration creates a subjective orientation that feeds dissatisfaction and other emotional or irrational reactions, the digital revolution constitutes a facilitating mechanism in the hands of citizens, allowing for the ‘immediate’ expression of dissatisfaction and resentment. The very characteristics of the Web encourage radicalization through the superficiality of communication that never receives a cogent analysis of the content, construction of the enemy, recognition of identity, expressive easiness of emotions (Dal Lago, 2017).

Thus, on the one hand, this phenomenon brings about a reshaping of political demand toward more equality, as seen in Chapter 4, or toward more freedom—often specific freedom—or even towards stabilization of demands. On the other hand, it affects the offer developed by party leaders, with new or revised political proposals. In this changing context, a political entrepreneur can also exploit contingent specific dissatisfaction to deepen it, to make it more persistent and build electoral success from it. Moreover, as mentioned in Chapter 5, the extent of polarization in the political competition shows the specific competitive pattern and, as is well known, a higher number of parties may also be at the origin of a deeper conflict and higher polarization, with additional radicalization that regards the distancing of policy positions among party leaders and the party.⁸ At the core of this phase, there is the shaping and reshaping of responsiveness. Namely, how political leaders, the incumbent and those in the opposition envisage and the incumbent ones implement the demands of the citizens, manipulated or not.

The different factors we mentioned in chapters 5 and 6, such as the intertwining between constitutional arrangements and types of capitalism, and the actors who

⁸ On this issue, see Morlino and Raniolo (2017), who analyse the ‘radicalized democracies’, and Somer and McCoy (2019), who point out how ‘pernicious polarization’ endangers democracy, as a society is divided into mutually distrustful ‘us vs them’ blocks.

may create a majority in favour of egalitarian, redistributive policies through either non-institutionalized or institutionalized protest are complemented by the indirect influence of European Union action (see Chapter 7). Moreover, they are influenced by the rule of law, especially concerning corruption and administrative effectiveness. As seen earlier in this chapter, the level of inter-institutional accountability, above all regarding the media and their checking role, so crucial in every democracy in shaping public opinion, is also very relevant. Of course, the developments of information and the role of laws giving room to those veto powers who can profoundly affect any decisions in the two domains we are considering (policies on freedoms and policies on equality) are additional critical elements of the picture.

We can now make the second step to understanding what kind of democratic patterns have been implemented in our countries. Grossly simplifying, we can sketch a sort of isosceles triangle. At the upper corner there is a balance between freedom and equality or a slight prevalence of one or the other. Consequently, we represent this solution as a convergence of them in the upper corner. This pattern is, however, characterized by an acceptably adequate implementation of those two goods (see Figure 8.3). If the higher level of dissatisfaction makes a balanced solution impossible or unsustainable, in looking for a consequent, better responsiveness there are only two paths. The first is a bottom-up response with the protest where participation is central. In such a response, however, the role, also manipulative, of intermediary actors, protest movements or parties, is as central as the involvement of the people. The second is a top-down response, which profoundly undermines the checking role of other constitutional bodies and the possibilities of effective opposition.

Thus, at the lower, not too distant corners, there are the patterns and the related cases where equality is relatively more salient with two basic possibilities. One, on the right, when looking at Figure 8.3, where protest participation is prevailing and is characterized by revendicative populism. Another one, on the bottom left of Figure 8.3, with a weaker and weaker inter-institutional accountability and correspondingly more limited freedom. On the upper corner of the triangle, in addition to better freedom and equalities, there are a better rule of law and more effective inter-institutional actors, such as the media and the high courts, who are the guardian of both freedoms and existing equalities. We can call this pattern *a balanced democracy*. When we switch to one of the two lower corners, we have *protest democracy*, where the stronger attention to equality is complemented by different possible types of protest, of a revendicative kind, a weak rule of law and a not characterizing interinstitutional accountability. On the other lower corner, there is higher relative equality, which is, however, complemented by weaker freedoms and above all the absence or, more realistically, the weakening of inter-institutional guardians who were relevant in establishing democracy. This pattern can be labelled *unchecked* or, better, *unaccountable democracy*. However, there is

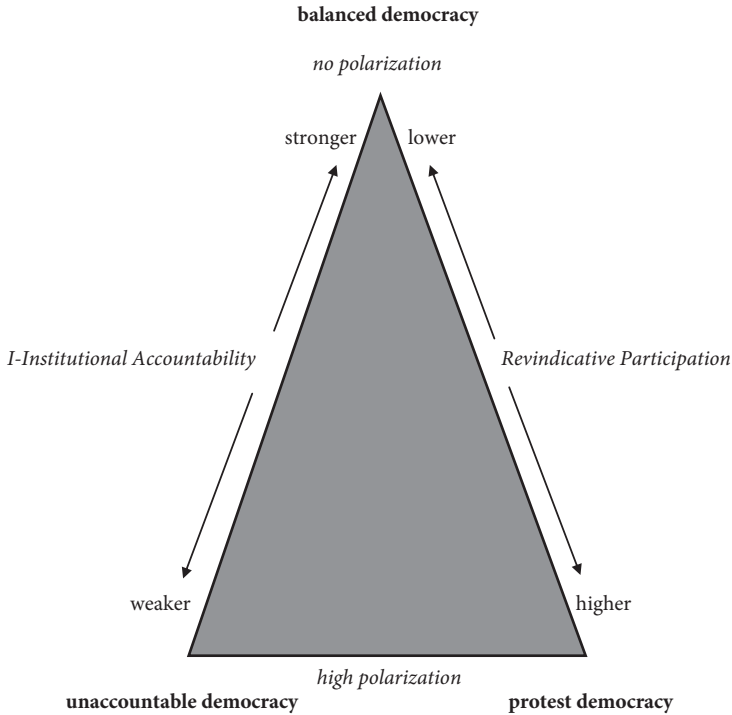


Figure 8.3 The contemporary triangle of democracy

also a strong association between this pattern of democratic regime and ‘identitarian populism’ (see Chapter 5), where anti-immigration reactions and nationalism, the weakening of inter-institutional accountability, and stronger power of the executive hold together. Corruption may be present along the lower side of the triangle to reinforce both patterns.

If from the ideal types we switch to our real democracies, Italy implements at its best the protest democracy and Poland the unaccountable democracy. Italian democracy is characterized not only by the effort of promoting equality and at the same time by the impossibility of doing it because of a lack of resources and the inability to cut expenditures. It is also (a crucial point in our continuum) characterized by a strong institutionalized protest by populists—in 2019 the electorally strongest ones in Europe—and the presence of veto powers, who ironically bring stalemate but also some support for inter-institutional accountability. There is a presence of corruption, but—as stated above—not as a characterizing feature of the pattern. In a much better situation in terms of economic and social equality, Poland was left untouched by the crisis and avoided the problem of ethnic equality by closing its doors to immigration. Moreover, after 2015 the new Polish government with PiS was able to weaken all the critical components of inter-institutional accountability, the role of the media and the high court

included. In this vein, the Polish government implemented is a softened pattern that has been recurrent in other countries in Eastern Europe and Latin America.⁹ The thrust of the leader's discourse is straightforward and can easily convince people in need by promoting economic and social improvement of citizens' lives with a higher consequent equality and wellbeing and at the same time creating the actual and legal conditions to have a free hand without the risk of being checked and blocked by the media and the constitutional oversight institutions.

Hence, looking for more responsiveness is complemented by enjoying less freedom, and the trade-off that from an analytic point of view and in most of the countries does not exist is the actual result of political manipulation. The leader's goal and the related effective result is unchecked and *unaccountable* power. However, oversight and control of governmental power are one of the critical elements of every democracy, and without it, we are on the border with a non-democratic regime. In other words, when a threshold of conflict and deterioration is exceeded, the crisis 'in' the democracy ends up paving the way for the crisis 'of' democracy, that is, for the de-democratization (Tilly, 2007).

Because its salience well beyond the specific case, the Polish pattern deserves some additional consideration to understand better it and its potentialities in other cases. In the Polish case, the missing link between freedom and equality comes out explicitly when looking at declarations and above all actions of party leaders. In a political-cultural context where liberalism is the ideology of 'the winners, far away in the big cities', as Garton Ash recalls (2019, p. 176), and a traditional, communitarian rightist ideology is relatively more successful, the new PiS government exploited that success with the egalitarian policies we mentioned in chapters 2 and 5. However, at the same time, PiS leaders carried out systematic policies to undermine the political control of the government by other constitutionally relevant bodies, firstly the Supreme court. In 2015 PiS won an electoral campaign that complemented a commitment to distributive policies (see Chapter 2) with anti-immigration, sovereign position and traditional value references. Once in power, the party was committed to being responsive by implementing those promises. Such responsiveness toward the citizens seemed possible only if the checking of the government had been removed. This is a recurrent legitimating narrative also adopted in other countries by other leaders and parties, especially the rightist ones, to justify their action. However, undermining those checking institutions and, consequently, the interinstitutional accountability implies bringing about limitation and weakening of freedoms, as seen for Poland (see Chapter 3 and above, esp. Table 8.2). Thus, the (indirect) connection between equality and freedom is entirely due to the actions of the leaders and their pursuing a freehand strategy. In a nutshell, to be more responsive,

⁹ Regarding Latin America, O'Donnell (1994) spoke of 'delegative democracy' to account for the shift of power over executives and their leaders.

eventually, the freedoms are affected, and the related democratic tenet, the protection of freedom, is severely undermined. In the end, as seen in the 2019 Polish election the reason for all this seems to give the incumbent leader the possibility of being confirmed in power without an effective assessment of his action. The end result is that the checking of the political responsibility of the incumbent leader by citizens and above all by oversight institutions is avoided. In this vein, the democracy becomes politically irresponsible by avoiding those controls.

Despite growing party polarization and the success of radical right, Germany belongs to the balanced democracy category and seems to have the possibility of maintaining a stable equilibrium between relative inequalities and the defence of freedoms, not undermined by a weak rule of law or inter-institutional accountability. Both are strong or very strong in all dimensions, media, and high court included. The other three countries are in intermediate positions in this triangle. Despite the strength of the rule of law, and, unlike Italy, weaker constitutional accountability with regards to the effective oversight powers of the high court, but compensated by active pluralist media, France is relatively close to Italy. In this country, equality has been better implemented than in other countries in the past years. Thus, when the government challenges it, the citizens' protest is unavoidable also because of the actual high threshold of political access due to the hyper-majoritarian constitutional arrangements. Thus, especially during 2018–19, we see an active protest with the Yellow Vests and an attempt of response reaction by the president, though still not at the level of the request of the protest movement.

Spain is also close to Italy. The anti-establishment protest party plays an important role, but it is relatively more moderate and entered a coalition cabinet after 2019 elections. However, the most relevant problem of Spain is not captured by this triangle, as it concerns the open, vocal demand for secession on the part of Catalonia, which is one of its most important regions. We can argue that this is another form of protest, which took this path because of the historical legacy of the country.

The UK can be located in the upper part of the triangle, in between France and Germany with the high polarization as one of the most distinguishing aspects. On this, we should remember that a critical aspect of majoritarian democracy, as the UK is, implies the presence of widespread moderate opinion and parties to have the majoritarian institutions effectively working. If this is not so, as in the UK today, and especially after Brexit, the expected result is a worsening of democratic performance and the risk of secession following a parallel path to the Spanish one. The responsibility of the UK's leadership, that is, of the Conservative Party leader David Cameron, for holding the (lost) referendum on Brexit in 2016 is beyond doubt. Moreover, at the end of the 2010s, the related debate is monopolizing the political arena and will seriously affect the future of the country. Let it be recalled that the polarization is complemented by radicalization (see Chapter 5) with the electoral success of the Brexit Party at the 2019 European Elections when a

proportional electoral law was in operation, and there had been shifting toward the left of the Labour Party under the leadership of Jeremy Corbyn. The Brexit party won a relative majority of votes (31.6%, more than five million votes), with Labour at 14.1% and the Conservatives at 9.1% in third and fourth position, something unthinkable only a few years ago. What the prospects are for these democracies above all, on the implementation of the two values, is a question we will address in the final concluding chapter. However, let us now compare the results of this analysis with what emerged in published research addressing similar issues.

8.4 Are There Alternative Explanations?

The question at the core of our research was illustrated at the beginning of Chapter 1. It referred to: ‘how and why has [...] the actual implementation of freedom and equality been changing in terms of its characteristics and extent in the first decades of the twenty-first century’. In other words, a key objective was to single out the specific democratic mechanisms that characterize that implementation, the connection we detected and the patterns of democracy that emerged from the research. To our knowledge, in the published literature, there is no empirical work that does precisely this. There are, however, works that address similar questions concerning equality only, freedom only or also the entire democratic regime. We will now examine the main ones and check differences and/or similar conclusions where these exist.

If we start from works that address the issue of the general perspectives of contemporary democracy, although this is not precisely our research question, there are a few pieces of research that are relevant for us and worthy of discussion. With some unavoidable choice, we can mention here at least the works by Crouch, Mounk, and Levitsky and Ziblatt. In his theoretical work (see also Chapter 1), Crouch (2004) defines contemporary democracies as ‘post-democracy’ and characterizes them through a few aspects. They include a professional elite who select the issues and run the election by adopting a specific technique of persuasion; passive citizens; a growing role of interaction between elected governments and economic interests, which become more powerful; a decline of the worker class and unions, compounded by a weakening of egalitarianism. The main consequence of this last feature is that the welfare state is focused on poverty instead of being a component of the universal right of every citizen. Although the research has initially been written several years before the Great Recession as an essay rather than with the support of specific empirical data,¹⁰ it has been relevant and received the attention of a broad scholarly audience. In our research, we did not develop an empirical analysis of interest groups, including unions. This would

¹⁰ The first Italian edition came out in 2003 (Bari, Laterza).

have meant conducting different research and writing another book with partially different goals. However, like Crouch, we also started from the dissatisfaction of citizens, who are not passive as described by him but active or very active through new protest parties, for example in Spain, Italy and also the UK, or through social movements and new parties as in France. Crouch describes sclerotic democracies, dominated by organizations of interest where citizen participation has lost its effectiveness. In this way, he captures one of the causes of the populist protest (see Chapter 5). However, overall, almost two decades after the essay was written, our analysis does not allow us to define our countries as post-democracies, despite the new phenomena that emerged over the subsequent two decades, also characterized by different democratic patterns, as illustrated in the previous section.

Within the perspective of this research, two other works are more relevant. The first one is by Mounk (2018), who agrees with one of the key aspects of our analysis, the mechanism of mutual convergence: a democracy system is both liberal and democratic and is characterized by the protection of individual rights and at the same time the translation of popular views into public policies (see *ibid.*, p. 27). However, in Mounk's view, this is the contingent result of a set of technological, economic, and cultural preconditions. When these conditions are transformed, liberal democracy starts 'coming apart', and two new regimes emerge. These are *illiberal democracy*, or democracy without rights—from our perspective, he is analysing populism and its impact on democracy—and *undemocratic liberalism*, or rights without democracy, in his words. Without going into the details of his analysis and the attention he pays to cases different from ours, Hungary included, we can emphasize two aspects. On the grounds of our research, the presence of freedoms and equality is confirmed in all democratic regimes, although in some years one of the two values may be implemented in a weaker way vis-à-vis the other one, due to the impact of some specific macro-event, such as the Great Recession or the waves of immigration (see esp. Chapter 4). Thus, despite the gradual disappearance of the results of contingent conditions in the years we analysed, the establishment of democratic institutions allowed them to achieve their autonomy and vested interests.

We cannot forget, however, that any change arising from new phenomena is also affected by the previous existing institutions. This affirmation is well known and largely accepted in political science (see, e.g., Pierson, 2000), despite the doubts raised by Mounk with his analysis of supposed deconsolidation of democracy (2018, esp. chapter 3). Thus, if there is some empirical support for the divorce Mounk mentions, then a process of democratic deterioration has been starting, and gradually we are crossing the democratic threshold and entering a hybrid regime (see Morlino, 2011, chapter 3). We are not in that situation with Poland, though the danger does exist, as steps have been made along that path. Ultimately, illiberal democracy and undemocratic liberalism are oxymorons, which show that there has been a transition from democracy to a different kind of political

regime. What Mounk is showing is a possible trajectory of democratic deterioration and an eventual change of regime, which has nothing to do with established democracies.¹¹

Among the books that have analysed democratic deterioration in recent years or, as more commonly stated, democratic backsliding and crisis (see, e.g., Kurlantzick, 2013; Runciman, 2018; or also Grayling, 2017), we should include one that is particularly significant by Levitsky and Ziblatt (2018). Their research on democratic deterioration mostly focuses on the United States. This country is analysed in depth from both a historical and contemporary perspective. Following partially different paths, their conclusions mainly overlap with ours. We state that ultimately the analysis of inter-institutional accountability mostly accounts for how much freedoms are implemented, and eventually also equalities. They argue that checks and balances—that is, our inter-institutional accountability—are essential. Nevertheless, our sub-dimensions of interinstitutional accountability are the role of parliament and the media (see above). They focus instead on constitutional rules only.

Levitsky and Ziblatt also clarify that those institutions, the formal ‘guardrails of democracy’, can work if supported by two informal rules, which are crucial to keeping a democracy working properly: mutual toleration and institutional forbearance. *Mutual toleration* is the acceptance by the competing actors that they have ‘an equal right to exist, compete for power, and govern’ and there is a ‘politicians’ collective willingness to agree to disagree’ (Levitsky and Ziblatt, 2018, p. 102). *Institutional forbearance* suggests that ‘politicians should exercise restraint in deploying their institutional prerogatives’, that is “avoiding actions that, while respecting the letter of the law, obviously violate its spirit” (ibid., pp. 8 and 106). These are procedural principles, which are strictly related and can reinforce each other: ‘(p)oliticians are more likely to be forbearing when they accept one another as legitimate rivals’ (ibid., p. 111). From the unravelling of basic norms of tolerance and forbearance comes ‘a syndrome of intense partisanship polarization’ (ibid., p. 167) characterized by a profound radicalization of the American political system. In the past few decades, these two informal rules already were or have been becoming extraneous to almost all democracies we studied, except Germany. However, in our work, we did not refer to these rules.¹² We analysed the polarization of those democracies, also as an effect of the Great Recession and the waves of immigration. An additional point of overlapping is to consider

¹¹ The book is very rich and discusses other relevant issues, such as populism (see above and Chapter 5), but from our perspective, the critical point is the one discussed in the text.

¹² If, on the ground of our knowledge of the countries, we can affirm, as we did above, that these rules were or became extraneous to most of our countries, there is an open question: in comparative research how do we solidly operationalize these two informal rules? In other words, what can be acceptable in single case study, when there is a profound inner knowledge of the case, even in an impressionistic way, cannot be done in comparative research. This is so, although research covers six cases only.

'security crisis as a game changer' (*ibid.*, p. 192). Primarily in Chapter 6, we discussed how the priority given to security became an essential element in undermining individual freedom.

Overall, the central lesson of Levitsky and Ziblatt's book is that democracy works effectively if the regime can rely on the two informal norms mentioned. That is not the central lesson for us when considering our countries. The critical lesson suggested by our research, which has a different focus—the implementation of the two liberal democratic values—is the fluidity in implementation brought about by contingent events, but also the existence of some barriers to the deterioration of freedoms and equalities. The defence of both values lies in the existing formal rules being roughly implemented. This implies the existence of deteriorated democracies regarding some of our cases, especially Italy and Poland, which are experiencing a protracted period of danger.

In this perspective, the point of major disagreement with Levitsky and Ziblatt is the way they consider the protest. 'Public protest is a basic right and an important activity in any democracy, but its aim should be the defence of rights and institutions, rather than their disruption' (*ibid.*, p. 218). To comment on this statement a few points should be made. The success of protest parties in all the countries we analysed has been showing the end or the basic undermining of mutual toleration and institutional forbearance. Moreover, the continuous political action of these protest parties is not certainly characterized by the 'defence of rights and institutions'. On the contrary, in several cases, it has been openly characterized by anti-establishment and, in some case, also anti-system positions. As the origin of protest is usually a profound dissatisfaction with the existing political situation and the way democratic institutions work, it is not so easy to imagine a protest in defence of institutions. The simple fact is that the kind of protest that Levitsky and Ziblatt mention may be highly desirable, but empirical research and logic itself suggest that it does not exist in our contemporary democracies.

Another way of comparing our empirical conclusions with existing research is to look for work more specifically focused on equality or freedom. We can begin by selectively examining studies on equality. Here, of course, we are not interested in the outstanding work by economists, including, among others, Atkinson (1983 and 2019), Stiglitz (2012), Piketty (2013), and Milanovich (2016). Besides, most of the issues analysed by these authors (and others as well) are also thoroughly discussed in Salverda et al. (2009). Nor are we interested in famous classics of political science that analyse political equality rather than economic, social or ethnic equality. We have already pointed to the reasons for this (see Chapter 1), though we recognize that those works are an essential part of our legacy (see, e.g., Verba et al., 1978; Verba et al., 1995; and Schlozman et al., 2012), in addition to some rarer contributions linking economic and political equality (see esp. Verba and Orren, 1985).

Our focus here is on singling out the critical political explanations of contemporary inequalities, especially in the six countries we considered. In this, we are

also supported by Bartels, who studied inequality in the United States and stated: ‘politics also profoundly shapes economics’ (Bartels, 2008, p. 2).¹³ Although most of his key variables are parallel to ours,¹⁴ the empirical conclusions are unavoidably different, as Bartels only focuses on the US democracy. In fact, for the key aspects that are explored, apart from the much richer set of data Bartels could rely on for the United States, both his research and ours focused on partisan politics and related polarization issues; constitutional arrangements (presidentialism vs different parliamentary solutions); people priorities (moral values vs freedoms); and public opinion attitudes on equality and accountability mechanisms (economic vs a broader political one).

Regarding the content and results of Bartel’s research, his reasoning is straightforward and compelling. First, the partisan variable complemented by the constitutional arrangement is a key starting point: ‘The most important single influence on the changing of U.S. income distribution over the past half-century’ is ‘the contrasting policy choices of Democratic and Republican Presidents’ (ibid., p. 29). Consequently, ‘(u)nder Democratic presidents, poor families did slightly better than richer families [...], producing a modest net decrease in income inequality; under Republican presidents, rich families did vastly better than poorer families, producing a considerable net increase in income inequality’ (ibid., p. 33) with linear patterns. Second, the key salience of partisan politics in improving or worsening economic inequality is confirmed by Bartels also when taking into account the analysis of economists, who stress how, from 1980 onwards, the growth of inequality in the United States can be related to crucial structural changes in the American economy, including demographic shifts, globalization, and technology (ibid., pp. 60–1).¹⁵ Third, of course, this brings to the heart of the analysis the question of why middle-class and poor people vote for the Republicans. As an answer, the data seems to suggest that voters simply care about other things besides income and that at the same time moral values are increasingly prominent in American democracy (ibid., p. 86). But, fourth, there are three biases in the actual working of economic accountability that explain those behaviours much better. ‘First, voters are myopic, responding strongly to income growth in presidential election years but ignoring or forgetting most of the rest of the incumbent administration’s record of economic performance. [...] Second, election-year income growth for affluent families is much more

¹³ It can be added that in his important work Larry Bartels also explores the other direction of causality, how economics has been shaping politics in the United States. The research by Bartels follows and develops previous works by Hibbs (1987) and Hibbs and Dennis (1988).

¹⁴ Three chapters of the book are devoted to the analysis of three specific policies (the Bush tax cuts of 2001 and 2003; the campaign to repeal the federal estate tax; the erosion of the minimum wage), while we do not do the same here.

¹⁵ The issue of the impact of technology on democratic regimes, and the consequent changes, are not systematically addressed either by Bartels or by this research (but see Chapter 6). This is done very well by Boix (2019).

consequential than income growth for middle-class and low-income families—even among middle- and low-income voters. And third, voters are swayed by the balance of campaign spending between incumbents and challengers.’ (ibid., p. 98). Each bias gives an additional advantage to the Republicans. Fifth, in connection with this, and with the support of several other survey data, Bartels shows how people have a poor understanding of what is at stake and how at the same time the political significance of economic inequality is lost on many Americans. Sixth, a consequence of all this is that when analysing the political actions of parliamentarians,¹⁶ we see that, on the one hand, people are confused about their interests, but racial and ethnic divisions are a significant obstacle to economic equality (ibid., pp. 295–8) and, on the other hand, the specific views of citizens, whether rich or poor, have less impact in the policy-making process than the ideological convictions of elected officials. The latter tend to ignore the preferences of the low-income class but are responsive to the views of affluent constituents, middle- and upper-income citizens. Thus, in conclusion, ‘political systems seem to be functioning not as a “democracy” but as an “oligarchy”’ (ibid., p. 286), and in a democracy, the people can only accept or refuse the people who rule them.¹⁷

Although, as stated above, there is some parallelism between the variables used in this research and those chosen by Bartels, the empirical analysis goes in different directions and yields different results. First, European parliamentarisms are complemented by two-partyism or multi-partyism that set up a different institutional context vis-à-vis presidentialism. Thus, strong statements like the initial one made by Bartels (role of Republican and Democrat presidents) are hard to make in our cases, even if in chancellor democracies such as the UK, Germany, and Spain, the prime minister and the executive power are strong. Second, as also seen when analysing freedoms (see Chapter 4), there is no doubt that citizens may have priorities other than income equality, and similar biases to those detected by Bartels, which limit economic accountability, can be detected. However, leftist parties in Europe and protest movement of the kind we described above and in Chapter 5 do not allow us to affirm that the political significance of economic equality is lost. At the same time, it would not be possible to state that the lower classes are not represented. Without denying the oligarchic feature of our democracies, in our cases, party traditions and new protest parties do not allow us to follow Bartels along this path.¹⁸

The specific bibliography on equality is very rich, and other works were also cited in chapters 2 and 5. However, to avoid an excessively cumbersome analysis,

¹⁶ The data Bartels analyses regard senators.

¹⁷ Some of the key themes of this book, especially regarding unresponsiveness and determinants of electoral behaviour, are further developed in Achen and Bartels (2017).

¹⁸ This is not the place to critique this research, but ultimately the reasons why the lower classes are not represented are taken for granted. Some discussion of this would perhaps have additionally improved a rich and important book.

we can turn now to works on freedoms. As mentioned already, during and immediately after the recession, scholarly work maintained as a significant issue the crisis of democracy triggered by the rise of new losers and new demands to access power arenas. Therefore, the inequalities stemming from the crisis have been largely addressed by comparative research. It has been written much less about freedoms. This gap has been partially filled over the last three years, in correspondence with the rise of the digital revolution in democratic procedures (Vaccari and Valeriani, 2018), the surge in the appeal of social media in politics and, more generally, technological pervasiveness in public institutions and services. An evidence-based alert has been launched by Freedom House, which claimed in its *Freedom on the Net* report (2018) that what has been praised as liberation from undue constraints—IT—proved to be a boomerang in the hands of a rather oligopolistic network of dominant corporations, backed up by a regulation the governments passed under pressure from those corporations. More importantly from our point of view, advanced democracies turn out to be exposed to the risk of falling victim to an illiberal turn (Freedom House, 2018), as technology goes hand in hand with the rise of surveillance capitalism (Zuboff, 2019).

Economic factors are dominant in these explanations—dominant position, rent-seeking, oligopoly—whereas institutional variables, especially ones appraised in a comparative perspective, are in abeyance. Exceptions, where institutional factors are deemed to be fundamental explaining mechanisms, do exist, however, such as the essential works stressing growing authoritarian trends and democracy decline (see, e.g., Diamond, 2015, esp. chapters 3–5, and Graziosi, 2019, esp. chapters 1–3), even though they are devoted explicitly to freedoms in advanced democracies. Finally, from a policy-oriented point of view, one of the most innovative pieces of research on this topic by Sunstein (2019) addresses a question that is of high relevance but far removed from the one addressed here: it looks at how, through ‘nudges’ or interventions that steer people in specific directions, they are helped to decide while maintaining their freedom of choice. In other words, nudges can increase ‘navigability’ for people by making it easier for them to get to their preferred destination/choice. On the whole, to conclude on this issue, there are no works on freedoms conducted within our perspective, or which we can use as a point of comparison.

8.5 Before Concluding

Even if we tried to focus our analysis on the political explanations of the extent and characteristics of the implementation of the two vital democratic values, the complexity of the pictures has been unavoidable. To simplify as much as possible, here we can point to the thread we uncovered in our research. It runs from a multi-dimensional dissatisfaction of varying origins to the multiple demands by

citizens, to the partisan political supply that also reshapes and exploits those demands electorally, to the interactions with different domestic and international (European) factors and actors, and the centrality of interinstitutional accountability as the fundamental pillar of every democracy. Out of this process, three different democratic patterns unfolded. They are balanced democracy, protest democracy, and unchecked democracy, and we discussed them with their key features. However, what is the possible developments of those patterns? This is an additional question that we shall briefly address in the concluding remarks of this book.

Rethinking Democracy?

Concluding Remarks

9.1 Empirical Perspectives in Implementing Equality and Freedom

Taking stock of the empirical results of our research, we can now address two final questions. First, what are the specific and more general perspectives of the democracies we studied in terms of implementation of the two democratic values, especially when coping with crisis and protracted stagnation? Second, what could we do to promote a better, doable, reasonable implementation of the two values?

If considering the analysis of the previous Chapter 8, while Germany is on solid ground and the UK can pursue a virtuous path once it overcomes the profoundly negative impact of Brexit, both Italy and Poland are going down two difficult and uncertain tracks. On the one hand, the kind of party-channelled protest that has been characterizing Italian democracy cannot be protracted indefinitely. At some point, it has to be translated into policies. However, when there is such a translation in a radicalized context, there also will be new occasions of political conflict. This means again entering a phase of prolonged uncertainty that can only have detrimental results in terms of redressing inequalities and guaranteeing freedoms, including the economic one. Poland has embarked on an even more dangerous path by heavily constraining interinstitutional accountability and limiting freedoms. Its position almost on the threshold between a democratic regime and a hybrid one opens the way to a possible additional deterioration or to a reaction of protest to re-establish a more liberal democracy.

The two other cases lie between balanced and protest democracy, with their different problems. With success, however limited, of Sanchez and the Socialists in the April 2019 elections, democracy in Spain might appear to be on the way towards a balanced democracy. However, the highly radicalized Catalan demand for secession may put that democracy in a tragic stalemate with possibly unexpected and unacceptable results. In this situation, there is no doubt that the institutional forbearance discussed by Levitsky and Ziblatt (see 2018 and Chapter 8) would be enormously helpful. However, the political self-restraint that characterized the phase of democratic transition and consolidation in Spain (Morlino, 1998) has also been abandoned because of the generational turnover. The highly painful

memories of civil war, still present in the 1970s and 1980s, have almost totally disappeared forty to fifty years on, and the related socialization process has been dramatically weakened by the profound and rapid advances and changes of new technological communication. In this situation, Spanish democracy could swing between stalemate and unexpected dramatic events if a stroke of genius by Sanchez does not miraculously solve the conflict.

French democracy is also in between and shows the problems and limits of a hyper majoritarian constitutional arrangement. On the one hand, such an arrangement leaves street protest as the only way out if demands go unheard. On the other hand, it gains from the recognition of the executive as the pivot of democratic quality, a type of legitimation that enables the executive itself to keep going with a hyper majoritarian method (see Vauchez, 2016). Here, there are the additional difficulties of institutionalizing the protest, not only due to internal ideological and policy fragmentation but also because of the high current threshold for entering the formal political arena; the extreme weakness of parliament; and relatively low constitutional accountability. Again, uncertainty is the characterizing feature of this democracy too. At the same time, it should be remembered that France remains a peculiar case in terms of policy implementation. The high cohesiveness of the public institutions and the low degree of discontinuity in the elite created reasonable conditions for responding to the crisis, especially concerning public sector reforms.

If from the empirical cases, we switch back to the three theoretical patterns—namely balanced democracy, protest democracy, and unaccountable democracy—a few additional considerations are in order. *First*, the three patterns cover almost all the existing empirical possibilities in Europe. The balanced democracies include all those well-established democracies which, with great basic traditions and political structures, managed to overcome the Great Recession that only hit all these countries in 2009. Consequently, they had limited problems which, however, are present with higher percentages of dissatisfaction and small protest parties. This is even if there are still reasonably solid partisan and public institutions complemented by strong inter-institutional accountability. Among the protest democracies, in addition to Italy, we can include Greece, which is on its way to recovery and has seen the transformation of Syriza from a widely supported protest party that won the 2015 elections to an incumbent party. Despite all the difficulties, Tsipras is leading the country out of a perfect storm and possible shipwreck through to economic recovery (see Morlino and Raniolo, 2017). Among the unaccountable democracies, in addition to Poland, there is Hungary, which is in a slightly worse situation than Poland, as is also shown by Mainwaring and Bizzarro (2020, esp. Table 2) in their analysis of ‘democratic erosion with no breakdown’ in new democracies. What is probably more significant concerning the three patterns is that they also seem to give a complete analytic map of the contemporary possibilities of both erosion and good democracy, which are the adverse outcomes and the positive ones.

Reflecting on the theoretical patterns¹ only, protest democracy and unaccountable democracy may additionally be *irresponsible* to different extent. We are, however, considering two different kinds of irresponsibility. Within the first pattern, the incumbent populist actor exploits the citizen's disaffection and demands to push the responsiveness beyond what could be done taking into account the interests of those same citizens in the middle run, or the sustainability of expenditures or also, as recalled by Mair (2009), the commitment towards other countries, if included into the European Union. This is an *economic or international irresponsibility*. When analysing the second pattern, unaccountable democracy, the irresponsibility that can be carried out is the *political irresponsibility*. The incumbent authorities achieve such a result by undermining profoundly the checking, oversight role of other institutions. This is carried out through the revision of constitutional rules, through new laws or manipulating existing laws, such as the age retirement of constitutional justices, as happened in Poland. In this pattern, the media may acquire a really determining role, as also happened in Poland as they become the only constraint that can avoid the sliding into a hybrid regime.

Moreover, setting aside the empirical analysis that was giving the critical information to shape the three patterns, illustrated in Chapter 8, the additional, possible pattern we should consider for the high possible meaningfulness is the one where participative protest is compounded by policies to undermine interinstitutional accountability. This would be the most dangerous pattern, the *radicalized democracy*, as the protest could become more radicalized and even violent with a fragmented leadership and, at the same time, the weakening of oversight institutions would affect freedoms. If protracted in the time, in a context of economic crisis or stagnation, the basis for a profound crisis of democracy and change toward a hybrid regime² would be laid down.

Second, the external challenges faced by democracies in the early twenty-first century directly affect not only the goods to be delivered (possibly a mix of freedoms and equalities) but also resilience and de-consolidation. We are referring here to the sustainability of economic development concerning the environment, to the demographic transformations of advanced societies and mass migrations, to changes in the geopolitical and international framework (including the risk of terrorism), to the impact of the digital technology revolution on our daily lives and our institutions (Harari, 2018; Mounk, 2018; Reynié, 2013).

Third, within the patterns we proposed, what kind of protest can we accept while remaining within the democratic realm and not crossing the threshold into a hybrid regime? Even if, as in Chapter 8, we discard the notion of protest formulated by Levitsky and Ziblatt (2018, pp. 218–9), an action in defence of rights and

¹ We cannot discuss here the 'space of attribute' behind those patterns. They implicitly came out in Chapter 8 (see esp. Figure 8.3) but were not openly analysed.

² On this notion see Morlino (2011, chapter 3).

institutions, the issue of how many protests can be tolerated, and in what shape and form, is a crucial problem. For example, can the sorts of demonstrations and riots characterizing the Yellow Vests movement be accepted? When do democratically elected authorities have the right and even the duty to intervene? This is only partially a new issue as it was very much in evidence at the time of the breakdown of democracy in Italy and Weimar Germany in the second and third decade of the last century (see, e.g. Capoccia, 2005) and during the wave of terrorism in the 1970s. Reflecting on these past events suggests a basic reply to the question: even non-conventional protest, on the very edge of legality, can be allowed as a guarantee of the right of citizens to freely express their demands if it is not violent and aimed at subverting the existing democratic institutions. From a different perspective, the limits of protest lie in the fact that the related actions cannot violate existing laws. In this sense, the last defence of democracy is respect for the rule of law, which as a consequence becomes a burning issue in all protest democracies as it gives the magistracy a stronger and also a political role.

Fourth, within the unaccountable democracy pattern, a parallel question is how much the repeal of constraints, legal or of another sort, on the incumbent authorities can be pushed. Like the previous question, this one is also a procedural one, but with the most severe consequences for democratic contents. If we consider the Polish case, we can take it for granted that the incumbent party leaders of the PiS will promote social rights and consequently economic and social equalities. However, without adequate checks on executive power, only possible with effective inter-institutional accountability, we do not know if that political commitment will be kept. Furthermore, however, we are sure that freedoms will be violated. On this matter, the most meaningful lesson comes from Venezuela. In the first years of his rule, Chavez promoted a set of policies that were effectively bringing stronger economic equality, recorded by the improvement of the Gini index in the first decade of the century. At the same time, however, there was a growth of corruption and, above all, a fundamental undermining of inter-institutional accountability (see Morlino, 2016). When the price of oil fell, that was the end of the equality policies. A new roaring inequality reared its head, with the result that at the end of 2018, almost 80% of the entire population was living in poverty. This was a real tragedy, and one with no apparent way out due to the role of the army in supporting the new authoritarian leader, Maduro. With this and other examples in mind, the boundaries on the repealing of constraints on political power are set not only in keeping an independent high court and an equally independent ordinary magistracy but above all in keeping an active political opposition in parliament and a free media. Interventions in these two domains change the essential aspects of democracy and make the effective implementation of the two values a matter of chance. Eventually, some leader will inevitably be tempted to cross the threshold of democracy, as Chavez did.

Fifth, the emphasis we are placing on interinstitutional accountability as the necessary cornerstone of a working democracy is intended to reaffirm that every policy decision risks remaining just on paper without this crucial, decisive control of political action. However, why has that democratic quality been becoming more and more critical in contemporary democracies? As also discussed in chapters 6 and 8, the revolution of technological communication and the crucial role of social media increased the possibility of manipulating the formation of political opinion to an enormous degree. This was indirectly evident and presented in morally acceptable ways in the analysis by Sunstein (2019). The consequence is that in contemporary democracies there has been a weakening of classic electoral accountability, that is, of the possibility for the well-informed, educated citizen to analyse and assess the political actions of incumbent authorities and to be in a condition to reward or punish them.

‘Liberal thought has nourished an immense faith in the rationality of individuals. [...] democracy is based on the assumption that voters know who it is best to vote for, free-market capitalism assumes that the client is always right, and liberal education teaches students to think for themselves’ (Harari, 2018, p. 217). However, ‘behavioural economics experts and evolutionary psychologists have shown that most human decisions are based on emotional reactions and heuristic shortcuts rather than on rational analysis’ (ibid., p. 218). This state of affairs in the era of the digital revolution has favoured what is called post-truth, based on misinformation, false news, and propaganda.³ This is an institutional evolution, all the challenges and consequences of which are not fully grasped by the public or by the audience democracy mentioned by Manin (1997).

The consequence of all this has been a gradual switching of the burden of controlling power on other institutionalized powers. In other words, in contemporary democracy, there has been an actual switching of key democratic control from citizens to other powers, as O’Donnell (1994) had already seen about the recently established Latin American democracies. Of course, the one discussed by O’Donnell was a mostly different context with other characteristics and legacies. However, can the quality of our democracies only be entrusted to non-majority and guarantee institutions? It is no coincidence that post-truth populism has found strength in the delegitimization of technocratic decisions and epistocracy. From this point of view, we can understand the attempts to revitalize the deliberative forms of democracies. They include, for example, the communicative rationality of Habermas (1981), or to strengthen the possibilities for, and the skillfulness of, control by the citizen—the monitoring democracy of Keane

³ In a very timely book, D’Agostini and Ferrera (2019) propose a citizen’s set of ‘right to the truth’ or ‘alethic rights’, which also imply a critical approach to the reality to be understood, in our case, the political reality, without being fooled by governing authorities.

(2009)—or simply to use ‘counter-democratic’ solutions that institutionalize the ‘non-trust’ of citizens towards elites through more or less direct oversight, veto powers and the judicialization of politics (Rosanvallon, 2008).

9.2 What Could We Do to Promote the Two Values?

What possible conclusion can be drawn from the reflections just proposed about the possibility of implementing and even improving equalities and freedoms in our democracies? When thinking about the attitudes of dissatisfaction we analysed in Chapter 4, and all the consequences we analysed in the subsequent chapters, there is no doubt that contemporary democracies must deliver the requested goods to citizens. Democracy can no longer be taken for granted just because of the past victories over totalitarianism. The conclusion Diamond (2008) reached years ago is even more appropriate today. On the side of freedoms, not openly questioned by anyone but also often not openly requested, the difficulties lie in the limits of the effective implementation of the rule of law in the countries we analysed, but also in all other countries. To these, we have to add (see Chapter 6) the constraints set by the external conditions we discussed regarding the paradoxical effects of more information and more rules but less freedom. In this perspective, we must acknowledge, as we did in Chapter 7, the role of the European Union in promoting several freedoms.

On the side of equality, two points can be immediately stressed. First, citizens and parties do not always set redressing inequalities as a priority. This by itself undermines any programme in favour of promoting equalities. If equality is understood as social equality, we have to make two considerations that may sound ironic. On the one hand, the moderate leftist parties watered down their proposals to redress inequalities and, on the other hand, social rights entered the programme of rightist parties, identitarian populists included. To consider this change seriously, we should think that social rights have become a constitutive part of the contemporary European notion of democracy. Moreover, as already said, although analytically distinct the programmes for contrasting poverty are closely related to the welfare state and on this matter, there is greater sensitiveness and attention from parties of different ideologies. At the same time, however, beyond the recognition of welfare, there is no strong, relevant voice for redistributive policies.⁴ Even with the Great Recession, which brought about a change of priorities in favour of egalitarian policies, or just more considerable attention to equality in some countries, leftist parties with serious redistributive programmes never took centre stage in the political arena, as they gained only limited success among radicalized leftist voters.

⁴ Of course, except for the tiny, highly minoritarian radical left of the different countries.

Accordingly, can we affirm that we should rethink democracy in terms of the capability of delivering the two praised goods? Of course, economic crisis and protracted stagnation leave no room for majorities in favour of equality and, as seen, the request for freedoms is not vocal as several freedoms are taken for granted. Moreover, we cannot ignore the key conclusions reached by Bertoldi and Salvati (2020) on the sustainability of contemporary Western democracies. They effectively recall that after the Second World War, there were three sets of related factors. They were international aspects (notably, the economic and military hegemony of the United States), cognitive and cultural beliefs, which pushed political elite of Anglo-Saxon and other countries to support Keynesian liberalism, and structural-economic factors, such as technological and organizational revolution, growth of income and productivity, labour demand for semi-skilled workers and wage increase complemented by the expansion of welfare states within a relatively homogeneous population. All of them have now basically disappeared. Consequently, democracies with the implementation of the two values that we have been experiencing in Western countries are no longer possible.

Even if we accept this conclusion, we cannot allow ourselves to make statements about post-democracy or the end of the implementation of those values. The key feature of democracy, which has been allowing this kind of regime to prevail over all others, works in this situation as well. This is its flexibility and capacity for self-adaptation to external conditions. Consequently, democracy will deliver freedom and equality to the new conditions and actors that are present in the coming years. There is no reason for optimism, but there are also no reasons for pessimism and cynicism.

Our analysis proves that political agency can play a decisive role in cases of crisis, within the public institutions and between them and society. This statement is fully consistent with conclusions reached in previous research (see, e.g. Morlino, 2011), where it was showed that in different regions of the world actors that engage into the processes of rule implementation are vital in ensuring the continuity of the functioning of the public institutions. This holds with greater importance than ever before in the countries that are coping with conditions of budget restriction or flawed legitimacy.

Despite being focused on the six biggest democracies of Europe, our research is also relevant for a broader global context. From a strictly empirical perspective, there is a mismatch in the advanced democracies between declared goals and actual trajectories undertaken concerning the most visible, comprehensive, and ambitious international platform: the 2030 UN agenda. In 2015 the 197 member States of the United Nations officially endorsed the sustainable development goals agenda, where freedoms and equalities—in the plural—play the role of the overarching principles expected to be shaping all policies adopted in the world. Ironically, the very democracies which were expected to act as templates to be imitated and transferred are today being challenged by the processes we described.

To conclude this book, we can address a final question that would merit a book, and we are just mentioning here. How in a democracy can we better implement the two critical democratic values? What can be done to redress inequalities and consolidate social rights? How can we overcome the external constraints limiting the effective exercise of some freedoms, while also protecting our dignity? We are of the view that anyone who praises democracy cannot ignore these questions.

Whether we can come up with an effective answer is a different story. However, here we can affirm the need to commit to four possible types of actions. First, a recurrent characteristic of contemporary democracies is political polarization. We can see this not only in our six democracies but also in several others in Europe and the Americas, the United States included. No effective, durable agreement can be found in most of those democracies if polarization and radicalization are not reduced. That is, if the high and growing level of conflict and distance between political parties on different issues, also concerning freedoms and equalities, is not tackled. Polarization often ends in decisional stalemate, or with different, more majoritarian constitutional arrangements, the repealing of the law that the previous government had approved and consequently another *de facto* stalemate in various domains when there is an alternation of different governments.

In their work, Levitsky and Ziblatt (2018, pp. 220–31) are also very worried about the negative effect of polarization on egalitarian policies. Their proposals are very much specific and related to the US party system, with the Democrats and Republicans, and what they should do. Here, with an eye on European democracies, radicalized polarization is the result of unsolved problems. Consequently, on the one hand, the citizen should see very explicitly how the government is addressing their grievances and government should make an effort to solve their problems by referring to and underlining the common good and attention for all citizens, not just some specific stronger and more active groups only. The formula of pursuing broader social cooperation would recall neo-corporatist past solutions, today unfeasible, but still appears as the right social recipe that has not yet been overcome.

Second, based on our analysis, the salience of inter-institutional accountability appears strongly as a central aspect of our democracies. Consequently, every political party, every organized group, every citizen should care about reinforcing that accountability. We can reconsider it by including a richer set of dimensions. In other words, it is not just parliamentary opposition and the role of all the media that are important. We should also consider, first, the crucial role of the high courts, in preserving and keeping alive fundamental constitutional tenets, and guaranteeing a set of entitlements and protections for all citizens who praise equality and freedom in every democracy. Second, when active, the role of other courts in controlling public expenditure and of all the other independent authorities, such as the ombudsman, is essential. Even an institutionalized control by

peripheral authorities of central authorities, and vice versa, would help to enrich a fabric of checks and balances that structure that accountability. In a nutshell, as seen in Chapter 8, we have to restate that there is a close connection between interinstitutional accountability and protection of freedoms, and although indirectly of equalities. The first is eventually the necessary condition of those protections.

Third, among the rights, the most important one in a democracy is the right to vote, which is grounded in other freedoms that concur to form the voter's own political opinion. As said above, this right has been weakened by too much information and the manipulation of it. In addition to many international think-tanks, the European Union, through different institutions, and governments and parliaments, especially those of France, Germany, Italy, and the UK, have been taking several initiatives, law and regulations included, to combat different forms of disinformation. This commitment needs to continue in the attempt to provide further meaningfulness to the right to vote.

Finally, as we have said, it is challenging to craft solid majorities in favour of the strengthening of the welfare state beyond the protection of poverty. Sound and feasible domestic solutions are not easy to carry out, especially in a situation where, except for Germany, there is low economic growth or even stagnation in other countries. Thus, with different purposes, we could adopt the proposal made by Ferrera (2017) on the promotion and establishment of a European Union able to complement domestic and European solidarities. The reason why Ferrera is supporting this proposal is that he rightly envisages such a policy is a way to make the European Union more legitimate and to more effectively turn it into a working, recognized polity. From our perspective, except for the UK, which left the Union in 2020, all the other countries, and especially Italy, Poland, and Spain, would greatly benefit from the implementation of these policies.

Will some of these proposals, or others, be taken into consideration by citizens, parties, and governments? This is a question we cannot answer here.

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