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Political Liberalism in Bulgaria: Achievements and Prospects

- The definitive ideas of political liberalism – individual rights, constitutionalism, and the market economy – have become universal reference points in democratic politics, and because of that have been largely de-politicised.
- This situation spells the predicament of the liberal parties: their agenda has become universally accepted, which makes them hardly distinguishable from their main competitors.
- In Bulgaria, essentially only one party has been successfully institutionalised as ‘liberal’ both in terms of ideology and centrism – NDSV.
- In terms of positioning, DPS has always been centrist, but in terms of practiced ideology it could hardly be called ‘liberal’.
- There are obviously conditions under which ‘liberalism’ as a political ideology could be revived and become successful in electoral contests: the rise of populism in the 2000s also provides an opportunity for liberal parties to consolidate and to create a joint front against attempts to undermine constitutional values.
- The dominance of mild populism of a centrist type prevents for now the possibility of the emergence of a strong, centrist liberal party (or the revival of existing ones).
- The immediate chances for the revival of the liberal centre depend on the radicalisation of Bulgarian populism in nationalistic or other illiberal direction. If aggressive populist governments, as the one of Orban in Hungary, appear one might expect a possible consolidation of a liberal alternative. One wonders whether such a development would be a cause for celebration for liberals, however. Maybe it is ultimately better to be a victim of one’s own success and to see your ideas shared – imperfectly or simply strategically as it may be - by a wide spectrum of parties.

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Introduction

Political liberalism is a victim of its own success: it has become so mainstream and accepted that hardly people recognise it as a separate and specific political ideology and platform. The definitive ideas of political liberalism – individual rights, constitutionalism, and the market economy – have become universal reference points in democratic politics, and because of that have been largely de-politicised. Today, political battles (in the established democratic regimes) rarely rage round these issues: rather, they form the constitutional frame within which ‘routine’ politics takes place.

This situation spells the predicament of the liberal parties: their agenda has become universally accepted, which makes them hardly distinguishable from their main competitors. These competitors seem to offer a more diverse package than the liberals, since in addition to their ideas, they could add social solidarity, family values, religious or communitarian forms of identification, market fundamentalism, and so on. In comparison to these illustrious political options, political liberalism seems rather austere, economical, and aesthetically modest. In the contemporary mediatic times, modesty fares less well than excess in terms of attracting votes (and attention more generally).

In such circumstances, there are essentially two possibilities for contemporary liberals. One is to expand their own ideological and policy package, so that they incorporate some of the ‘excesses’ of the others. In this way we have mutations of the liberal parties, some of the most widespread are:

- *Neoliberalism and market fundamentalism*¹: this is a common mutation of a liberal party in the direction of economic de-

terminism. The classical liberal agenda in this case is combined with the belief that the market is omnipotent and maximally efficient, state regulation is always detrimental, etc.;

- *Liberal nationalism*: a mutation in which a liberal justification is sought for nationalistic policies. Most commonly, this happens through an apology of the domestic tax payer, the national capital, the entrepreneurial elite, etc.;
- *Protective liberal welfarism*: a version of the nationalist variation, in which the domestic tax payer seeks protection for her welfare rights against immigrants, outsourcing of jobs to foreign countries, etc.

All these mutations create further confusion, and make it virtually impossible to speak of ‘liberal’ parties in the contemporary world as a clearly defined category. Rather, we have a family resemblance concept, in which parties as different as the Liberal Democrats of the UK (classical liberals) and the Liberal Party of Austria (a clear-cut case of mutation) could have some claim over a common label. If there is a trend, it is one in which the mutations become more numerous and more successful than the traditional liberal parties, which progressively lose ground. A specific mutation of liberalism – combining neoliberal faith in the market and (moderate) forms of nationalism – becomes especially attractive to voters in Europe and North America.² A graphic example of the development is the Tea Party in the US, which focuses on the core values of traditional liberalism – constitutionalism and the market – but provides an extreme interpretation of these values in a libertarian and nationalistic direction.

¹ For the impact of the neoliberal thinking on liberal parties see Meny, Yves and Knapp, Andrew, *Government and Politics in Western Europe*, Oxford University Press, 1998, pp. 60.

² Romyana Kolarova argues that over the last decades the liberal parties lose electoral support due to the ascendance of extreme right parties, which are not so much xenophobic and nationalistic, but mobilise the vote of the ‘honest taxpayers’. Румяна Коларова, *Сравнително европейско управление*, София, 2009.

Apart from mutation, the second path open to liberals is to become defenders of the constitution against the extreme behaviour of the others. In this case, liberals need to wait until there is a serious enough threat to the basic democratic order, which will mobilise the people against their competitors. This was the case in Poland, for instance, where the populist excesses of the Kaczynski government led to the consolidation of the vote in favour of a liberal alternative around the Civic Platform of Donald Tusk. In Slovakia, the elections of 2010 spelled a similar development. However, in order for such a scenario to materialise, there is a need of a strong populist wave before that: even more importantly, the populist wave must be of an especially virulent type, threatening the constitutional order of the country as a whole. The case of Hungary is interesting in this regard: if this hypothesis is correct, one should expect consolidation of the liberal parties and the liberal vote after the present Fidesz government of Viktor Orban.

Eastern Europe has added significantly to the confusion regarding liberal parties and their nature. The fall of the communist regimes in 1989 started a process of 'liberalisation' in which the main political confrontation was between the pro-reform, liberal and democratic parties, and the more conservative, typically ex-communist parties. In these circumstances 'liberalism' became an umbrella term for all parties supporting the transformation of the former Soviet satellites into market democracies, members of the EU and NATO. Needless to say, by the early 2000s most main parties in Central Europe at least became 'liberal' in this sense, which made the political label of liberalism largely irrelevant in political competition.

Thus far we have introduced only the first marker of political liberalism – its ideology. This marker, as a result of numerous muta-

tions and hybridisations, typical of contemporary politics, has become difficult to use.³ If we stick to a narrow, classical conception of the liberal ideology, there will be really few parties to fit – contemporary parties, as suggested, offer more than constitutionalism, individual rights and market competition. If we expand the conception, however, then the danger is to lose focus and to include most of the other parties in the liberal family. Therefore, there is a need for other markers of political liberalism. Its 'centrism' could be such an indicator, since contemporary liberals tend to position themselves in the political centre, between the conservative and the socialist and social-democratic parties.⁴ Again, taken on its own, 'centrism' is a highly nebulous concept. It conflates political identity with political strategy and tactics in electoral competitions. Yet, there are many examples in which contemporary liberal parties are positioned between centre-left and centre-right parties, this being the situation in Germany and the UK – two of the paradigmatic European party systems. As far as the possibilities of centrism are concerned, much depends on contextual factors, such as the electoral system, party institutionalisation, and others, but the UK example shows that liberalism can survive as a centrist option even in an extremely unfavourable electoral environment, such as the first-past-the-post system.

When we combine the 'ideological substance' indicator and the 'positioning' indicator, we could probably get a more structured

³ For a very sophisticated analysis of party ideologies on the basis of electoral programmes of Bulgarian parties see Милен Любенов, *Българската партийна система: групиране и структуриране на партийните предножителности 1990-2009*, Университетско издателство „Св. Климент Охридски“, 2011.

⁴ Herbert Kitschelt has introduced two types of dimensions on which parties may differ: left-right and authoritarian-libertarian. These two dimensions broadly correspond to the positioning and ideological markers, which I use in this text. See *Party Systems in East Central Europe: Consolidation or Fluidity?*, Glasgow: Centre for the Study of Public Policy. University of Strathclyde, 1995.

picture of the liberal family of parties. The table below applies these indicators to the Bulgarian case, which will be the focus of the present paper:

Table 1: Senses of Liberalism

	Liberals as Centrists	Non-Centrist
Liberals in terms of ideology	NDSV (and splinter groups - Novoto Vreme and BND), UDF-Liberals?	UDF (1990s)
Other than liberal by ideology	DPS?	BSP, Ataka, GERB?, DSB, UDF (2000s)

The table demonstrates the difficulties of applying ideal types to political realities typified by mutations and hybridisations – the question marks indicate the uneasy fit of a specific party within a given category. Nevertheless, the table shows that essentially only one party has been successfully institutionalised as ‘liberal’ both in terms of ideology and positioning – NDSV. UDF-Liberals was an unsuccessful attempt to do so in the early 1990s (and anyhow it is difficult to make firm conclusions about their ideological outlook because of their rapid decline): the polarisation of the vote in the early years of the Bulgarian transition spelled the doom of the project. UDF in the 1990s could well be described as a liberal party in terms of ideology, but it did not position itself in the centre. President Zhelyu Zhelev’s attempt to move the UDF to a more centrist position was one of the reasons for the bitter conflict between him and the UDF leadership. Not surprisingly, this was one of the reasons for his identification as a ‘liberal’ in comparison to the more polarising messages of the core UDF group from which he distanced himself. All in all, the attempts of the 1990s to create a liberal party in both senses – ideological and positioning – failed. It was only in 2001 when such a project became possible.

The case of DPS – the Movement for Rights and Freedoms – is of special importance for

Bulgaria. In terms of positioning, DPS has always been centrist, and has tried to play the role of a junior coalition partner in most of the governments of the transition period.⁵ Yet, in terms of ideology DPS could hardly be called ‘liberal’ despite its official programmatic documents and its focus on the protection of individual and minority rights. After all, the party represents essentially the Bulgarian Turks, and defends their interests. Since they live in underdeveloped regions, they are heavily dependent on welfare rights and policies. This makes DPS a very etatist (in its practical orientation) political party, which does not sit well with liberalism. Revealing of this etatism is the tendency of the party to insist on heavy state investment in the infrastructure of the regions where Bulgarian Turks live, its attempts to exercise control over state owned enterprises as Bulgar Tabak, which are key for the economic livelihood of many of its voters⁶, the widespread patronage practices of the party (appointments in the state administration, public companies, etc.), and so on. Generally, it will be a methodological mistake to take DPS as a core case of a liberal party, because of its many idiosyncratic features.

⁵ The definition of DPS as a centrist party is universally shared. See Георги Карасимеонов, *Партийната система в България*, НИК, София 2010.

⁶ DPS has also successfully helped to block the privatisation of Bulgar Tabak on a number of occasions.

The UDF – the party which spearheaded the ‘liberalisation’ processes during the first ten years of the transition – is also very important for the understanding of Bulgarian liberalism. In terms of ideology, in the 1990s UDF was clearly a liberal party, which intentionally avoided centrism, however. Since 2000, the party has tried to turn first Christian Democratic, and then (after the split with the more conservative DSB) it evolved gradually in a neoliberal direction, especially under its current leader Martin Dimitrov. The group around Ivan Kostov – which formed DSB – positioned itself in the more conservative end of the spectrum.

These introductory remarks demonstrate that there could be broader and narrower definitions of political liberalism in Bulgarian context. If we take the broader view, liberal parties in either the ideological or the positioning sense of the word could be considered NDSV (and its spin-offs), DPS, and UDF (1990s).⁷ If we take a narrower definition of the term – combining both positioning and ideology – only NDSV will come into the focus of the study. In this paper, the narrower view will be taken: we will look more closely into the role of NDSV in the Bulgarian political process, as a core case, revealing of all characteristics of the liberal parties. Wherever relevant, the experience of other parties will be mentioned as well.

One difficulty with the narrower definition is that apparently it is not the one used by the parties at the European level – both NDSV and DPS are members of the Alliance of Liberals and Democrats for Europe (ALDE) and the European Liberal Democrat and Re-

form Party.⁸ But membership in European parties cannot be conclusive for the identification of political actors. Especially in the Bulgarian case, there is a high degree of coincidence and contextuality in the belonging of parties to political families at the European level. For instance, NDSV first applied to the European People’s Party, and only after it was turned down, it joined the European liberal family. It is true that membership in these parties has an important impact on domestic actors. In the case of DPS this impact is particularly visible: over the years the party has internalised most of the programmatic liberal documents and main policies. Yet, despite these effects DPS continues to be largely a regional party offering representation to an ethnic minority: this is the main reason for its stable place in the Bulgarian political process.

Although contemporary Bulgarian politics is by no means dominated by liberal parties (as in much of the rest of Europe), there are obviously conditions under which ‘liberalism’ as a political ideology could be revived and become successful in electoral contests. The experience of Eastern Europe demonstrates that there are essentially two situations in which liberalism can become a significant tool for political mobilisation. First, this was the context of the early 1990s, when there were constitutional revolutions in most of the countries in the region, and a process of transition towards market economy and democracy began. Parties as the Free Democrats in Hungary (or UDF in Bulgaria) illustrated the ascendancy of political liberalism as ideology. Secondly, the rise of populism in the 2000s

⁷ To illustrate the all-inclusiveness of the broader approach, consider the position of Georgi Karasimeonov, who speaks of three liberal-centrist parties – BSP, NDSV and DPS – all members of the triple coalition government 2005-2009. Georgi Karasimeonov (ed.), *The Party System in Bulgaria 2001-2009: Transformation and Evolution of the Political Parties*, Friedrich Ebert Foundation Office Bulgaria, Sofia, April 2010.

⁸ Antony Todorov has argued that apart from the differentiation of interests in society, of particular importance for the identification of the political parties is the international environment in which they operate. See Тодоров, Антоний, „Членуването в партиите след 1989 г.“ в Любенов, Милен (р.), *Българската политология пред предизвикателствата на времето*, Университетско издателство „Св. Климент Охридски“, 2010 г., стр.144.

also provides an opportunity for liberal parties to consolidate and to create a joint front against attempts to undermine constitutional values such as freedom of the media, individual and minority rights, the rule of law. The already mentioned example of Poland is illustrative of this possibility.

As the ensuing case study will suggest, however, the relationship between populism and liberalism is more complex than it may appear. As the example of NDSV demonstrates, liberal parties may attempt to exploit populist strategies for their own goals: for instance, the charismatic appeal of their leaders. The institutionalisation of the party as a liberal rather than populist/charismatic typically disenchant most of the public, however: the cost of populist attraction tends to be very low level of party loyalty. The party 'sympathisers' very often turn their attention to ever more attractive and charismatic leaders, whose link to liberal values becomes thinner and thinner.

Another peculiarity of the contemporary situation is the possible rotation of liberal and populist parties in power (as again suggested by the Polish and the Hungarian examples). If this trend is further confirmed, Eastern Europe should brace for another turbulent period in its political development. We may face oscillation between aggressive populists and militant liberals – a situation which will hardly contribute to the establishment of stable and civilized political process. Thus, one of the most important tasks of the present study will be to elucidate the link between populism and liberalism in contemporary politics, and to focus on the potential dangers that this link may bring. Again, the case of NDSV – the core Bulgarian liberal party – will prove most revealing of these problems.

The paper is organised in the following way. It starts with a brief description of NDSV as a political party. Then it proceeds to anal-

yse its impact on the party system and the political process of Bulgaria. Then the paper examines the policy output of NDSV vis-à-vis the challenges both of the 1990s and the contemporary period of the Bulgarian transition. The paper ends with some observations on the prospects of political liberalism in Bulgaria.

1. NDSV and the Crisis of the Party System in the 2000s

The National Movement for Stability and Progress⁹ (*Национално движение за напредък и възход*) – which was formerly known as National Movement Simeon II (*Национално движение „Симеон Втори“*) – is a party presenting a most interesting case of development and evolution of an influential actor in Bulgarian political life. It could be analysed as a Bulgarian idiosyncrasy, a specific blend of different historical legacies and contemporary trends in politics. Yet, in this paper it will be argued that NDSV is of broader interest and significance for the student of politics in contemporary Europe; that it was made possible by factors and processes, which are not confined only to the Bulgarian context.

In short, the breathtaking political ascendancy (and equally breathtaking fall) of NDSV will be presented as a response to a certain crisis of representative democracy as traditionally understood. This crisis is most visible in the falling public confidence in the 'traditional' ideological political parties – the parties based on the "left-right" cleavage. Bulgaria is a front-runner in European context in this process. Thus, the European Parliament elections in June 2009 showed that the centre-left (Bulgarian Socialist Party - BSP) and the centre-right (Blue coalition) parties control together

⁹ Hereinafter NDSV, as the party is popularly known in Bulgaria. The acronym of *National Movement for Stability and Progress* in Bulgarian is *НДСВ* or NDSV in the Latin alphabet. It is the same acronym as for *National Movement Simeon II*.

only 26.45% of the total vote. If we add to this the „liberal centre” – NDSV and the Movement for Rights and Freedoms (DPS) – the result is still less than a half: 48.55%. The rest is controlled by newly emerging populist and

populist-nationalist players. This trend was only confirmed by the parliamentary elections in July 2009, in which NDSV could not clear the 4% threshold and become an extra-parliamentary party for the first time since 2001.

Table 2. Results of the 2009 parliamentary elections

Nº	Party	Votes	Percentage of the total vote
1	Order, Law and Justice	174582	4.13%
2	Leader	137795	3.26%
3	GERB	1678641	39.72%
4	Movement for Rights and Freedoms (MRF)	610521	14.45%
5	ATAKA	395733	9.36%
6	Coalition for Bulgaria (BSP)	748147	17.70%
7	Blue Coalition (UDF and Democrats for Strong Bulgaria)	285662	6.76%

The general lack of confidence in traditional “ideological parties” – or the parties which stand for some long-term, ideologically-defined programmes organised around coherent sets of goals – opens room for the emergence of new, more pragmatic, more charismatic political players, which manage to capture the public imagination through attractive media presentation, the personal quality of their leaders, and skilful anti-establishment campaigns. As explained later in the text, this specific environment was conducive to the rise of some interesting forms of East European populism.

NDSV was and is involved in this dynamic political process in a rather complex way. Its appearance on the Bulgarian political stage can definitely be interpreted as the first major wave of a succession of populist players. However, the subsequent evolution of NDSV transformed the organisation from a typi-

cal populist movement around a charismatic leader into a more or less “traditional” liberal party, standing for liberal social values and free market economy. Unfortunately, this evolution coincided with a dramatic loss of public confidence in NDSV: from a popular favourite capable of mobilising huge crowds in the streets, the party was gradually turned into a small (though important) parliamentary party, whose main strength is the quality of its members and their governmental experience.

Another issue, which needs to be mentioned by way of inevitable introduction, is the extraordinary role of the former Bulgarian Tsar Simeon II in the formation and development of NDSV.¹⁰ The fall of the Berlin Wall and the collapse of the Zhivkov regime in Bulgaria made

¹⁰ Any analysis of the political trajectory of NDSV should start with a short biography of its leader - Simeon Saxe-Coburg Gotha, who was Bulgarian Tsar (in the 1940s) and Prime Minister of the Republic of Bulgaria (2001 – 2005). He was born on June 16, 1937 in Sofia - the son of King Boris III and Queen Giovan-

possible the return of Simeon II to the country. This did not happen immediately, however. Only in 1996 did he return to Bulgaria after almost 50 years in exile. In 1998 the Constitutional Court took a decision to give back his family's estates: a decision, which was greeted enthusiastically by the political elites at the time, but which became the focus of intense controversy after 2005. On April 6, 2001 Simeon II made one of the most important steps concerning his democratic political career. In an address to the Bulgarian nation he made public his intention to create a National Movement bearing his name and working for a „new morality in politics and integrity in everything“. As the Leader of this movement, after a series of problems related to its registration by the court, the Bulgarian King participated in the parliamentary elections on June 17, 2001.

After the landslide victory of NDSV, on 24 July 2001 Simeon Saxe-Coburg Gotha was sworn in as the Prime Minister of the Republic of Bulgaria. During the following four years he ruled the country in a coalition with the Movement for Rights and Freedom (DPS). After parliamentary elections in 2005 Simeon Saxe-Coburg Gotha entered the Council of the Three-party (triple) Coalition: BSP, NDSV and the DPS, which formed the cabinet. After the 2009 elections, NDSV became an extra-parliamentary party, failing to clear the 4% electoral threshold in general elections.

na. Simeon II ascended the throne on 28 August 1943 at the age of only 6, after the sudden death of his father, King Boris III. Regency was appointed to rule Bulgaria on his behalf. After the communist coup d'état on September 9, 1944 Simeon II remained on the throne, but the regents (among whom was his uncle Prince Kyril) were executed, as well as many of the intelligentsia in the country. Two years later, in 1946, following a referendum, King Simeon, his sister Princess Maria Louise and Queen Giovanna were forced to leave Bulgaria. Without having abdicated the throne, the young King left for long years of exile. The royal family first went to Alexandria, Egypt, where also in exile lived Queen Giovanna's father Victor Emanuel, King of Italy. In July 1951 the Spanish government granted asylum to the exiled Bulgarian royal family. Simeon II made his living as a businessman, an experience which he often mentioned as valuable for the purposes of his subsequent career as a democratic politician.

There are very few international parallels of such a political involvement of a royalty in day-to-day democratic politics. Simeon II has always expressed keen interest in Bulgarian political life since the fall of the communist regime in 1989, but it is an important fact that his involvement took place only after 2001 – the time when the grand ideological confrontation between “ex-communists” and “democrats” had begun to lose its force. Simeon II's return was perceived by many as the emergence of a fresh new actor in an already stagnant political system.

Interestingly, the political return of the Tsar as a party leader coincided also with the moment when democracy consolidated in Bulgaria. Although there are different views and theories of „consolidation“, it could be convincingly argued that by 2001 democracy had become “the only game in town” in Bulgaria. This is so, since the ex-communists – its most serious opponents – had already committed themselves to the principles of democratic governance, market economy and Euro-Atlantic integration. In this context, the return of the ex-tsar Simeon as a *democratic political leader* was another symbolic triumph for Bulgarian democracy: it meant that monarchism was no longer seen as a viable alternative to liberal democracy.

Thus, the history of NDSV illustrates two parallel and at first sight contradictory processes: the consolidation of the regime in its present constitutional form of a liberal, republican parliamentary democracy, and the crisis of the party system as the main component of the political system of representation in the country. NDSV, as a main explanatory variable in both processes, provides a very suitable entry point to the understanding of the contemporary Bulgarian democracy.

2. The Political Trajectory of Populist Movement Transformed Into a Liberal Party

NDSV was founded in April 2001 after Simeon II declared his decision to take part in Bulgarian politics. The movement won 42.7% of the popular vote and 120 out of 240 seats in the 2001 parliamentary elections. It formed a coalition government with the Movement for Rights and Freedoms (hereinafter DPS - a liberal regional party representing mainly the Bulgarian Turks), and gradually developed into a liberal party, which became a full member of the Liberal International at its Sofia Congress in May 2005.

At the legislative elections on June 25, 2005, it received 21.83% of the popular vote and 53 out of 240 seats, a significant decrease in comparison to 2001. The electoral result allowed NDSV to stay in power by becoming a junior partner in government of the Bulgarian Socialist Party (BSP), which had won 33.98% of the vote (82 seats). A triple coalition was formed - BSP, NDSV and DPS, which ruled the country in the period 2005-2009. As mentioned above, in 2009 the party failed to enter parliament, falling below the 4% electoral threshold. Thus, in the course of eight years it has attracted and lost close to 40% popular support, which is a quite an exceptional development from the point of view of stable and consolidated democracies.¹¹

Since the time of its establishment, NDSV took part in two European Parliament Elections and in two local elections. These elections were most indicative of the rapid decline in terms of popularity of the party. In the 2007 elections for European parliament NDSV managed to elect only one MEP (out of 17) with 121 398 votes (or 6.27% of the total).

The June 2009 European Parliament elections were interpreted as successful for the party, since it narrowly¹² elected two MEPs with 205 146 votes or 7.96% of the total. The relative increase of the share of votes for the party is not explainable by its rising popularity, however, but rather by its very popular leader of the party list – EU Commissioner Meglena Kuneva, who undoubtedly managed to attract personally significant number of votes.

In local elections NDSV has traditionally performed not very well. This is so because it was set up as a popular movement mobilised during parliamentary elections. The party generally lacks solid local structures and sometimes whole local sections defect to other parties. Very indicative was the high-profile case with the mayor of Dobrich Detelina Nikolova, elected in 2003 as a NDSV candidate. In 2007 she defected to the newly formed party GERB headed by Boyko Borissov (who himself started his career at the time of the NDSV 2001-2005 government as a secretary of the Ministry of Interior). In terms of numbers, in 2003 NDSV won only 9 mayoral posts in larger towns and cities and 101 in small villages – in terms of councillors it had 344 elected candidates. In comparison, DPS (which was its junior coalition partner in government) won 695 councillor seats, 29 mayors of larger towns and 549 mayors of villages and small towns. NDSV did not manage to win the mayoral elections in any of the largest Bulgarian cities (Sofia, Plovdiv, Varna, Bourgas, Rousse) – a fact which was telling of its weak local structures. The 2007 results were equally disappointing.¹³

NDSV has taken part in two presidential elections as well. In 2001 it supported the incumbent president Petar Stoyanov (a former leader of the Union of Democratic Forces – the

¹¹ In the subsequent period, approval ratings for the party and electoral support as identified by sociological surveys has been around one per cent, which indicates weak electoral potential.

¹² It is worth noting that also that NDSV's competitors for the second MEP seat – the centre-right Blue coalition – got 7,95% of the votes, just a few hundred less than NDSV.

¹³ The detailed results of the 2007 local elections could be found at: <http://www.cikmi2007.org/>

major centre-right party of the Bulgarian transition). The joint candidate of NDSV and UDF lost to the candidate of the BSP, however.¹⁴ At the 2006 presidential elections NDSV actually failed to nominate its own candidate, and supported (in the second round) the incumbent president Parvanov (former leader of the BSP), who won convincingly against the nationalist Volen Siderov of Ataka. This was one of the lowest points in the political development of the party, signalling a very high degree of loss of party identity: for some commentators this was the end of the party itself.¹⁵

NDSV has experienced two major internal splits. It started as a broad popular movement comprised of a number of different elements and players. Thus, from the very beginning within the party there were the lobbies of the so-called yuppies (young Bulgarian professionals educated and living abroad, who came back to join the movement), the lawyers (mostly professors from the Law Department of the University of Sofia), the group of Koshlukov (a former student leader and politician of the Union of Democratic Forces), and others. These groups never lost their identity and at different points in time were in friction with one another or with the leader of the party. The two most important crises involved the creation of the *Novoto Vreme* (The New Times) party by Koshlukov, Sevlievski and Tsekov, and the major split resulting in the creation of the New Democracy Party.

Novoto Vreme (NV)¹⁶ was created as a splinter party from the NDSV in July 2004. It starts as a discussion group within the parliamentary faction of NDSV, but later the tensions lead to the establishment of a new party. The main reasons for the split are the relative

isolation of the group of Koshlukov from the leadership of the party, which at that time was controlled by the „lawyers“ and the „yuppies“. In terms of ideas, the split was rather thinly justified with the emphasis, which NV put on the reforms of the procedural laws of Bulgarian democracy: the electoral laws, the laws on party financing, referenda, lobbying, etc. NV ran independently for parliament in the 2005 parliamentary elections and got 3% of the vote, falling below the 4% electoral threshold. Its most important success was the election of its leader Koshlukov for MEP in the 2009 election in coalition with the newly emerging party Leader of the energy-sector businessman Hristo Kovachki.

The second splinter group – Bulgarian New Democracy (BND)¹⁷ – was established on May 11, 2008. The new party emerged again on the basis of the parliamentary group of the NDSV, after a bitter confrontation with mutual accusations of rigging the elections for party leadership at the Congress of the party in June 2007.¹⁸ This time the internal division was really major and involved large sections of NDSV. The most prominent group, which formed the new party, was the one of the „lawyers“, including the former vice president of NDSV Plamen Panayotov, and the former defence minister Nikolay Svinarov. Other important founding members of BND were Atanas Shterev, Lidiya Shuleva, Borislav Krlev and Borislav Velikov and others. The rift began in 2007, when most of the above mentioned failed to be elected in the governing bodies of the party: they refused to accept the results of the Congress and argued that the whole procedure had been compromised. Ultimately, the rift escalated and led to the creation of BND. The new party participated for the first time in the elections (for Eu-

¹⁴ Results of the second round of elections: Patar Stoyanov 45.87% (1731676 votes); Georgi Parvanov 54.13% (2043443 votes).

¹⁵ See for instance the publication in *Kapital*, *There is No Such Party* by Sibina Krusteva <http://www.capital.bg/show.php?storyid=282463> (September 15, 2006).

¹⁶ See the party website: <http://www.novotovreme.bg/>

¹⁷ See the party website: <http://www.bnd.bg/bg/static/partia-bnd.html>

¹⁸ For an account of the events, see <http://www.mediapool.bg/show/?storyid=129173>

ropean parliament) in June 2009, when its result was rather disappointing: no elected MEPs and less than one per cent of the total vote. BND decided to support the candidates of the Blue Coalition¹⁹ in the July 2009 parliamentary elections: after these elections the party's presence on the political scene is hardly detectable.

3. From a Mass Movement to a Loose Union of Clubs and Lobbies?

After its populist moment in 2001, NDSV has gradually acquired some of the features of the classical liberal parties before the emergence of mass democracy: from a certain angle, it may appear to be a parliamentary (at the moment even extra-parliamentary) club of political personalities. NDSV's biggest capital was and is the quality of its individual members. The party has managed to attract some of the best Bulgarian professionals in areas such as law and economics. In the period 2001-2007, the so-called lobby of the lawyers prevailed in the determination of the overall politics of NDSV: Plamen Panayotov was a deputy Prime Minister and Daniel Valtchev was deputy vice-president of the Party together with the Defence Minister Nikolai Svinarov. Valtchev, Gerdzhikov (Chair of Parliament 2001-2005) and Panayotov are respected Bulgarian academics apart from their political career: all of them are law professors at the University of Sofia, the most prestigious law school in the country. In the 2005-2009 government Valtchev became Minister of Education and by common agreement of most of the commentators was one of the most successful ministers in the cabinet. The club of the lawyers was seriously weakened during the 2008 split, however, when most of them (Panayotov, Svinarov, Ralchev and others) joined the BND.

The second club, in terms of importance, is the lobby of the so-called yuppies – Bulgarian professionals educated abroad, who started their careers in international financial institutions. These include Milen Velchev, Nikolai Vassilev, Lubka Kachakova and Vladimir Karolev. All of them have obtained an advanced degree from a Western university, and have worked in senior positions for international investment banks, consultancies or other such firms. The first two of them were respectively Minister of Finance and Minister of the Economy (and then of the State Administration) in cabinets with the participation of NDSV. The “yuppies” have always been well situated within the party (Velchev was a deputy president of the party 2001-2005). Since 2007, however, this club became truly dominant, with Panayotov and his associates leaving the party. In comparison to the BND group, the “yuppies” are much more centre-left leaning in terms of willingness to coalesce with the BSP. This was one of the points of tension, which ultimately led to the split of the party.

Apart from these two core professional groupings within the NDSV, there was a huge penumbra of publicly attractive political personalities associated with the party. Firstly, one should mention one of the trade mark products of the party – Meglena Kuneva, who graduated from a Bulgarian Minister of European Affairs to a European Commissioner in 2007. Since then Kuneva became one of the most successful Commissioners, voted European of the Year in 2008. In the 2009 EP elections she headed the NDSV list and was personally responsible for the surprisingly good result of the party. At the moment of writing she is discussed as a possible candidate in the 2011 presidential elections.²⁰

¹⁹ This is the 2009 EP and general elections coalition between the UDF and the Democrats for Stronger Bulgaria (DSB) party, formed around the former PM Ivan Kostov

²⁰ Other important members of NDSV include Solomon Passi (former Foreign Minister 2001-2005 and founder of the Bulgarian Atlantic Club – a NATO promoting organisation); Lidiya Shuleva – NDSV MP having a high profile career of a business-woman before joining NDSV; Emil Koshlukov – the most impor-

It has been a major asset of the party that it has managed to create and attract new popular figures even after it has been left by some of its most influential and charismatic members. An illustration of this ability came after the 2009 MEP elections, when NDSV recruited Plamen Konstantinov – the extremely popular captain of the national volleyball team – to lead one of the party lists in Sofia at the July parliamentary elections. In the same time, this search for celebrities outside the party indicates that the internal bleeding during the two splits has left its mark.

Thus, if attracting popular individuals is one of the main assets of the party, it seems that its weakness is its inability to keep them together for a long time. A case in point is Boyko Borissov – a politician who emerged due to Simeon II's return to Bulgaria. First he was his bodyguard, and then became secretary of the Ministry of Interior (2001-2005). In 2005 Borissov led NDSV's lists in two regions in the parliamentary elections and definitely contributed to the good result of the party. Subsequently Borissov left NDSV and formed his own party – GERB. This party copies much of the electoral strategy of NDSV and definitely attracts many of NDSV's potential voters.

4. Political Mobilisation Strategies of a Liberal Party

NDSV raises a number of intriguing questions for the student of party politics in liberal democracy. Firstly, how was the extraordinary success of 2001 possible at all? After all, other popular figures – as the charismatic George Ganchev of the Bulgarian Business Block had tried to play the populist card dur-

tant student leader of the early 1990s, and others. Many of those are no longer with NDSV – Koshlukov founded *Novoto Vreme*, Shuleva joined BND, Passi narrowly stayed within the NDSV after the 2008 split. (In fact his inflammatory speech at the 2007 Congress – when he asked the hall to vote for NDSV exiting the triple coalition government – led to the split of the party and the creation of BND.)

ing the 1990s, but they had never managed to achieve similar results. Secondly, why did the popularity of NDSV fall so quickly, after the 2001 landslide victory? Third, how was it possible that other players – such as Volen Siderov's Ataka and, most importantly, Boyko Borissov's GERB managed to mobilise the electorate in a way similar to the way Simeon II did it in 2001, although admittedly with a lower level of success in comparison to the "tsarist movement"? Further, the question is whether we could find international parallels (especially in the context of Eastern Europe) to the rise of NDSV in Bulgaria. Is there a relationship between the ascendancy of populist players in our region and the transformation of the Bulgarian party system, which started with the advent of NDSV? Ultimately, how are we to categorise the NDSV? Is it a populist movement? Or is it rather a parliamentary (cartel) party, focused on its members in public office?

In order to answer these questions, one should analyse NDSV as a response to specific processes within and outside Bulgaria, processes affecting the Bulgarian party system, the constitutional infrastructure of the country, and the policy making capacity of Bulgarian political actors. First, we start with a brief prehistory – an account of party politics before the appearance of NDSV on the Bulgarian stage.

During the first decade after the fall of the communist regime in 1989, the Bulgarian political process was dominated by two ideological party camps. On the left there were the ex-communists (BSP – Bulgarian Socialist Party); right of the centre were the democrats – the Union of the Democratic Forces (UDF): the latter were the driving force behind most of the liberalisation processes initiated during this period. Thus, for more than ten years there was a resemblance of a generally established party system in Bulgaria structured along the left-right division typical for the mature democra-

cies, with the addition of DPS. The BSP made extensive use of ideas such as the social state, greater intervention of the government in the economy, minimal privatisation, stronger ties with former foreign partners and Russia in particular. The UDF, on its part, stood for more radical economic reforms, including privatisation and restitution of agricultural lands and urban properties nationalised by the communist regime, full integration and membership into the Euro-Atlantic structures – EU, NATO, etc. Further, the two blocks had a different assessment of the communist past: the UDF was rejecting it as a period of oppressive totalitarianism, while the BSP was much more nuanced, attempting to stress the positive achievements of its predecessors in government.²¹ In short, the two main parties espoused different visions of the past and the future of Bulgaria, defended different programmes before the electorate, and demonstrated rather sharp divergences in terms of concrete policies. During most of the 1990s, Bulgarian society was passionately divided along the ideological lines drawn and promoted by the party system. The role of personalities in politics was secondary: party supported candidates as a rule won against popular leaders.²²

The return of the former tsar Simeon II from long years of exile was an event, which was greeted by welcoming demonstrations in Sofia and the other major cities of the country. Not surprisingly, in 2000-2001 the then-ruling government of Ivan Kostov (UDF) reacted rather nervously to the popular return of Simeon II to the country, and mobilised all of its resources with the intention of preventing

him from participation in the political process. First, the Constitutional Court – in which the UDF had a clear dominance – banned Simeon II from participation in the presidential election because of residence requirements.²³ Secondly, and more controversially, a Sofia court denied registration to the National Movement Simeon II – the organisation with which the ex-tsar was planning to take part in the parliamentary elections. The denial was grounded in procedural considerations – the lack of support shown by signatures, etc: all of these were rather curious in the case of a political organisation which was just about to win half of the seats in the Bulgarian parliament. All these efforts came to no avail, since Simeon II and NDSV managed to run in the elections even without being registered as a separate party: they used the registrations of two small and insignificant parties for that purpose.

The results of the June 2001 parliamentary elections were shocking: NDSV won more than forty per cent of the vote and exactly half of the seats in the Bulgarian National Assembly. The result would have been an absolute majority in the parliament had it not been for several small parties which used Simeon II's name on their ballot without his authorisation – some three per cent of the vote were lost on such parties through voter confusion. All established “traditional” parties – the right-wing UDF, together with the left-wing Socialists - won together less votes than Simeon II's NDSV. The party system seemed to be the first victim of Simeon II's arrival, which showed that it was not well established, the parties were not truly programmatic, and the political

²¹ Milen Lyubenov has convincingly argued that the main cleavage-defining feature of the party system of the 1990s was the attitude towards the communist past. See *Милен Любенов, Българската партийна система: групиране и структуриране на партийните предприятия 1990-2009*, Университетско издателство „Св. Климент Охридски“, 2011.

²² The most striking example of this was the win in the 1996 presidential primaries of the virtually unknown candidate of the UDF Petar Stoyanov against the former dissident and first democratically elected president of the country Zhelyu Zhelev.

²³ The 1991 Constitution requires that candidates for presidential office spend the five years in the country before the elections. This provision was introduced in 1991 specifically against Simeon II – ironically, it came to be applied ten years later than the original plan. In this case the Constitutional Court faithfully stuck to the plain text of the basic law, although on other occasions the CC has proven that it could interpret rather creatively constitutional provisions. For instance, several years before that the CC had returned all of the real estate property of Simeon II and his family, which amounted to millions of euro.

culture of the population was susceptible to fits of opportunism and populism.

The electoral programme of NDSV looked like the manifesto of a fairy-tale hero: it sometimes defied the laws of nature, and, more often, the laws of economics. The beginning was innocent: NDSV made it clear that it would follow the major policies of the former government, but would bring about more radical economic reforms, and would eradicate corruption, which was and is perceived as a major problem in Bulgaria. The heroic part started with the promise that the Tsar would make things “substantially better” in the country within 800 days. The eradication of corrupt practices was addressed by a simple and straightforward strategy – it would be impossible, it was argued, for a (former) tsar and all his men to dirty their hands in inappropriate activities.

The return of the tsar was by no means a trivial matter in Bulgarian politics. As a start, all established ‘European-style’ parties – the right-wing Christian Democrats and People’s Union, together with the left-wing Socialists won less votes than Simeon II’s NDSV. The stability of the party system had been one of the major assets of the Bulgarian political regime: left-wing and right-wing parties had alternated peacefully and democratically in power since 1990, which helped to make Bulgaria an ‘island of stability and democracy’ in the ‘volatile’ Balkans. The party system seemed to be the first victim of Simeon II’s arrival, which showed that it was not well established: the parties were not programmatic after all, and the political culture of the population was not immune to opportunism and populism.

The prominent Bulgarian political scientist Ivan Krastev offered an interesting and provocative explanation of the NDSV’s success in the June 2001 elections.²⁴ He argued that the vote for the tsar reflected mostly aesthetic

preferences concerning the style of politics, rather than ideological preferences about the substance of ideas of governance. People chose the more appealing, having a European air Simeon II, instead of the too familiar Kostov, with his notorious inability to make himself popular. This might be considered a trivialising explanation, but it followed from Krastev’s main and hardly trivial thesis: since the collapse of grand ideological differences, politics (not only in Bulgaria, but world-wide as well) had become a contest over style and form, having less and less to do with differences in substance. As Krastev put it in another context, Balkan democracies became democracies without choices.

As all elegant theses about political controversies, this one did some violence to realities. Krastev was right as long as he was speaking of the perceptions of political analysts and the public at large before the June 2001 elections: few believed that substantively different policies than the ones articulated by Kostov were possible. So, Krastev was right that there was a growing consensus in the country on issues like budget discipline, the preservation of the currency board, integration within EU and NATO, and finalisation of the privatisation process. He was wrong, however, to suggest that these consensual areas exhausted the ground for substantial ideological differences. There was still some room for political and ideological controversy.

As another analyst noted²⁵, the NDSV’s electoral victory spelled the end of the “perestroika” stage of the transition period in Bulgaria with its hardly-hid nostalgia for the communist times. For the ten or so years after 1989, the whole political spectrum in the country had been moved way towards the left, because the socialists/former communists harboured unclear, gradualist ideas for re-

²⁴ Ivan Krastev, *When There Is No Alternative*, July 12, 2001, (in Bulgarian), <http://www.segabg.com/>

²⁵ Luben Dilov, in his column ‘sitting in the air’ in the newspaper Segab (www.segabg.com), July 2001.

form, which had to transform Bulgaria into a mix-breed between “socialism with a human face”, a communist ideal from the 1960s, and market capitalism. Everyone who was opposing this hybrid model automatically gained the status of a right-wing reformer (“democrat”).

In 2001 the former communist hybrid idea of transition was already discredited. The majority of the population, after the 1997 financial collapse of the country, had embraced a more orthodox vision of the goal of Bulgarian transition: functioning market economy and political democracy. Those more reluctant to embrace whole-heartily capitalism did not have any positive agenda, and largely did not believe anymore that the restoration in some form of communist practices would be beneficial for the country. This consensus was the first sign of “consolidation” of the regime in Bulgaria: democracy and capitalism are already “the only game in town”.

Thus, the arrival of the tsar’s party on the scene just spurred a process which was already overdue – the redefinition of the ideological standing of the major parties made necessary by the ideological shifts in Bulgarian political life. From this perspective, the party system was only an apparent victim of the arrival of the tsar. What his electoral success did was just to “clear the political market” of the overpriced stocks of the “former communist – democrats” fault-line. This was not the major divide in Bulgaria anymore because of the collapse of the former communist pole, and the decline of the BSP as a party of communist nostalgia.

The biggest danger before the elections, according to many analysts, was that Simeon II would try just to discredit the political parties and run the country, hidden behind puppet governments. The parliament, on this scenario, would be only a façade of the power of the ex-monarch, who could either stay behind the scenes or manipulate his way to the presidential post. This would have been

the end of Bulgarian constitutionalism in its present form, and the triumph of fairy-tale experimentalism. Nothing of the kind happened, however, and the explanation for this concerns the character of Bulgarian constitutionalism more generally.

5. NDSV and Bulgarian Constitutionalism

The constitutional framework in Bulgaria won its first major victory when Simeon II announced that he would become a Prime Minister, and would govern supported by a coalition controlling the majority in Parliament. In the beginning, he toyed with the idea of a grand coalition encompassing almost everybody, but finally settled for a rather commonsensical option: a coalition with the DPS as a junior partner, with two “expert” ministers from the Socialist party. Thus, the parliamentary logic reinforced itself: the ex-monarch took the role of a PM in a parliamentary democracy.

This development supported the theoretical argument in favour of parliamentary government v. presidentialism, super-presidentialism, or semi-presidentialism in Eastern Europe. The Bulgarian experience showed that the “logic” of parliamentarism stimulates the creation of big (although relatively not very durable) parties even in societies with no established democratic traditions, in which the ideological identification of the major political players is problematic. This was the situation in 1991, when the new Constitution created *ex nihilo* a party system with two sufficiently strong major parties which gradually established their identities along the left-right political axis.²⁶ In 2001, the very constitutional set up helped the creation of a large parlia-

²⁶ As mentioned above, this was not a classical interpretation of the left and right poles: it was more ex-communist v. democrats/reformists for a very long time. Still, however, despite this aberration the parties took their political responsibilities seriously, and played their roles in government or in opposition according to the rules of the democratic game.

mentary party out of a generally very nebulous and heterogeneous political movement.

The inadequacy of the ideological opposition ex-communists/democrats was exposed by the NDSV as a new player, but just like in 1991, this new player started to follow the parliamentary logic of accountable governments, despite its own ideological ambiguity. If the analogy with 1991 held, one would expect that gradually Simeon II's NDSV would become a political party whose success or failure would depend on the cogency and relevance of its policies.

In this sense, the Bulgarian example was evidence of the robustness of parliamentarism in transitional and volatile societies with no established, deeply socially rooted parties. In the 1990s Stephen Holmes advanced the thesis that presidentialism might be suitable as an arrangement for exactly such societies, analysing the case of Russia. As it is clear from the Russian experience, however, the super-presidentialism there perpetuated the weakness of the parties. The gravity of the strong presidency transformed the parties in power into mere groupings of lobbyists, representing the interests of different clans and oligarchs seeking direct access to presidential favours. Ultimately, the democratic idea of representative government suffered, being replaced by the broad plebiscitarian authority of the president, who claimed to represent the interests of the nation as a *whole*, without having to rely on the explicit support of structured factions and groups.²⁷

²⁷ To illustrate the dangers of such a disregard of structured, factional, or party interests, I suggest the following thought-experiment. Imagine how the Russian super-presidentialism would have dealt with a popular electoral victory of a former tsar. The differences between such an (admittedly unrealistic) scenario and imperial Russia from the beginning of the nineteenth century would have been very difficult to find. The tsar, as the ultimate emanation of the interests of the nation, would have been elevated above any factional and party differences, being the guarantor of the Constitution – the ultimate sovereign. The Bulgarian parliamentary model, in contrast, has *in reality* managed to accommodate even such an influential figure of the past, as a former tsar, without visible damages to its basic structural logic, and without the resurrection of bygone political arrangements.

Thus, to sum up the preceding discussion, the arrival of Simeon II mostly brought about some overdue ideological re-definition of the party system, which would have eventually taken place even without him. The constitutional framework survived, and channelled the popular energy into the parliamentary process.

6. NDSV and the Redefinition of the Party System

In this section I explore the immediate impact of the entry of NDSV in Bulgarian politics in 2001, including its impact on the other major actors.

a) *The Bulgarian Socialist Party*

The socialists (the “former communists” trying to shed this identity) probably felt the least pressure at the moment of NDSV's arrival. No one expected them to be soon ready for government, so they could take their time and think hard about their metamorphosis. The danger for them was to continue sticking fast to the losing “perestroika” card: if they did this, they would continue to marginalise themselves even if they paid lip service to EU and NATO. The challenge for them was to work, with the help of the European social-democratic parties, for the elaboration of a new image and a new set of policies.

An interesting twist to the otherwise comfortable but marginalised position of the BSP created Simeon II's inclusion of two socialists in the cabinet. Without a formal coalition, the BSP entered the government – an arrangement which was wittily called an “extra-marital affair” by a leading political scientist. The affair, on balance, seemed promising for the BSP – they would be legitimised as a party capable of governing, and, if Simeon II's cabinet was to be success-

ful, the socialists could claim that Videnov's 1997 demise should be at last forgotten. The danger for the party, however, was that the invitation could result in complacency and further delay of its ideological endorsement of European social-democracy.

b) *The Union of Democratic Forces
(the Christian Democrats)*

The party in most obvious danger of losing its political identity and appeal seemed to be Kostov's UDF. The leader took responsibility for the heavy electoral defeat and resigned after the elections, which made matters worse, because he was by far the most dominant and respected politician in this party.

The identity crisis of the UDF led to some opportunistic and ill-thought manoeuvres. The most obvious were the regular snubs against DPS, which marked the whole electoral campaign, and culminated in a series of outbursts after the elections.²⁸ Leaving aside the moral flaws in this aspect of UDF's search for a new identity, it seemed to lead to a political dead-end at best. Such a move risked to become a slip towards nationalistic populism.

UDF probably still believed that Simeon II had unfairly capitalised on the success of their policies and effectively robbed them of their own ideology. Therefore, instead of

looking for substantive ideological differences with the NDSV, however, they began looking for stylistic, and ultimately populist differences. Without being nationalists, they were trying to present themselves as tougher on the nationalistic front than NDSV; without being an anti-Turkish party, they started using nationalist rhetoric just to make themselves look different from Simeon II's party.

This was the first clear signal of the arrival of post-ideological politics in Bulgaria. It was evident that the major parties are not going to compete on substantive left-right differences, but would focus their efforts on matters of aesthetics or issues of identity, such as nationalism, or personal integrity (corruption). The road ahead was dangerous indeed, and it was by far not the only way before the UDF. The real political battle for the centre-right part of the spectrum of course needn't take place on the ground of nationalism or personal integrity. But the likelihood of this happening was great indeed.

Despite this false start in the search for a fresher ideological identity, the UDF was still well positioned to undergo a positive transformation. After the inclusion of two socialists in the government, the UDF remained the only true opposition party, which immediately set it apart from the rest. This was a welcome relief, because it gave the party a bit more time to find its future ways.

c) *NDSV – empty shells, ideological arrogance, and the dangers of oppressive majoritarianism*

Parliamentary government in Bulgaria follows the ideas for strengthening the cabinet and the executive, popular in western Europe after WWII, and illuminating most the post-war constitutions (primarily the German Basic Law, but elements of

²⁸ Weeks before the elections, the UDF created the impression that it had adopted an otherwise needed law revealing the names of candidates for parliament who had been connected with the former secret services, just to discredit the leaders of the Turkish minority party (DPS), many of whom were known to have secret police files. Much of the campaign of the UDF was focused against the DPS. After the elections, leaders of the UDF made speeches according to which allowing the DPS into government would be an 'unprincipled compromise', and would lead to the transformation of Bulgaria into a 'multi-ethnic democracy'. Further, there was a UDF declaration that they would not join a government in which there were ministers that were former secret services agents or associates: this was a move aimed explicitly at preventing the leader of DPS, Ahmed Dogan – who had a file, from becoming a deputy PM in a coalition government. (As it later turned out, he did not join the cabinet anyway).

the strategy could be found in the Italian Constitution, and the Constitutions of the Fourth and Fifth French Republics)²⁹. Sometimes these ideas are grouped together under the heading of *rationalised parliamentarism*, although there is no clear scholarly convention as to the constitutional techniques and arrangements falling into this category.³⁰ The paradigmatic example of such a technique is the German constructive vote of no-confidence, which is designed to prevent parliamentary crises by combining the voting of a chancellor out of office with the appointment of a successor. Most of the techniques are designed to create durable and stable legislative majorities which can form and support a government, through the introduction of rules in areas which have been discretionary before that.

Rationalisation of parliamentarism concerns many areas of constitutional law, but mostly: a) the electoral procedures (introducing legislative thresholds for avoiding fragmentation of parliament, prohibiting dissolution of parliament and new elections in certain cases, limiting the discretion of presidents and executives to dissolve the parliament and call elections, etc.), b) the process of formation of cabinet (limiting presidential discretion in the appointment of PM, speeding up and facilitating the procedure, etc.), c) the accountability process (limiting the possibilities of voting no confidence in the government), and d) the legislative process (ensuring the dominance of the parliamentary majority and the cabinet in the production of legislation, and limiting

the influence of the president, the opposition, or individual MPs).³¹

Rationalisation of parliamentarism could be best understood against the background of the continuous crises in Germany, Italy, and other continental states between the two World wars, which eventually led to the collapse of constitutionalism and the coming of fascists and nazis to power. Rationalisation has proven to be an almost unqualified success in eliminating such crises in the west of Europe since WWII, and in Central Europe and Bulgaria since 1990.

One major instrument contributing to this success should be pointed out. Rationalisation offers very strong institutional incentives for the creation of stable parliamentary majorities and parties in general, even in political contexts where there are no established, programmatic political parties and democratic traditions. In order to have control over the government, a political actor needs to rely on a strong (parliamentary) party, or a cohesive coalition of parties – an incentive which is largely absent in Eastern European (semi-, super-) presidential models. Thus, the very institutional logic promotes the emergence of strong parties even out of ideologically ambiguous groupings, once they have won a substantial number of votes.

Sometimes rationalised parliamentarism may create “empty shell” parties, waiting and searching for ideological substance. Sometimes the institutional pressure ‘invents’ fake ideological differences (the above mentioned “populist nationalism” of the UDF), or amplifies increasingly irrelevant differenc-

²⁹ See Joseph Dunner, “Stabilisation of the Cabinet System in Western Europe”, *Constitutionalism and Constitutional Trends Since WW2*, ed. Zurcher, 1951.

³⁰ The coinage of the term is often attributed to Boris Mirkin-Guetzevitch, *Les nouvelles tendances du droit constitutionnel*, second edition, Paris, 1931. For an introduction to ‘rationalised parliamentarism’ in Eastern Europe see Evgeni Tanchev, *Parliamentarism Rationalised*, East European Constitutional Review, winter 1993.

³¹ From a theoretical point of view, it is useful to distinguish the idea of “rationalisation of parliamentarism” from the idea of ‘checks and balances’, as different approaches to the improvement of constitutionalism: the former does not require transfer of powers from one power branch of the regime to another. In other words, rationalisation preserves the basic logic of parliamentarism in terms of separation of powers, accountability, etc. Therefore, the French strong presidency does not fit well with “rationalised parliamentarism”.

es, like the case with the ex-communist BSP and the anti-communist UDF in Bulgaria in 2001. Still, the institutional logic of the regime largely excludes extremist parties from the leverage of government, and creates a system of representation based not on a single person, or ad hoc electoral alliances, but rather on stable and durable parties. These are no doubt positive results from the point of view not only of regime stability, but democracy as well, because society is no longer seen either as a homogenous totality (the nation as a whole) or an anarchy of conflicting interests, but as a system of structured, articulated preferences and values, rational deliberation among which is possible.

The rationalised character of Bulgarian parliamentarism endowed the new NDSV with all institutional preconditions of becoming a long-lasting political formation: to mention just two, it got access to various forms of (mostly in-kind) public funding for party-building purposes, and its parliamentary group was disciplined and made obedient to the PM- party leader by the rigorous parliamentary rules.³²

So, by winning half of the seats in the National Assembly, NDSV received all the benefits of a strong institutional “empty shell”: then the question of its substantive, ideological content came to the fore.

The comfortable position of the legislative majority and the cabinet, provided by the rigid empty shell of rationalised parliamentarism, creates the feeling of institutional omnipotence in the ruling party or coalition of parties. This gradually results in an increasing alienation of the party from

political realities, expressed in the political attitudes of the citizens. Once having won the elections, the ruling party may relax for three-four years, and consolidate its gains. This explanation illuminates well the experiences of all Bulgarian governments since 1990, which relied on stable and lasting legislative majority: especially, Videnov’s 1994-1997 government, and Kostov’s 1997-2001 one. From an ideological point of view, both of these governments developed a sort of *arrogance*, of which Videnov’s was much more dangerous.

This was so, because after the BSP won an absolute majority in the legislature in 1994, the socialist government got carried away with its *institutional* strength, and embarked on over-ambitious, ideologically charged, but clearly disastrous for the country economic policies. When the whole of Central Europe was privatising their public sector, the BSP triumphantly announced that they were going to preserve state ownership and monopoly in strategic sectors (telecommunications, big industry, the energy sector, etc.) As a result, later Bulgaria was forced to sell these assets for a fraction of their initial value, and for some of those there are still no appropriate investors. Secondly, despite the advice of experts, the socialists did not enforce budget discipline, but continued to generously subsidise loss making enterprises, with the hope that the state subsidy would kick-start the economy. What they did kick-start was the financial collapse of the country, speeded up by the reluctance of the government to negotiate loans from the IMF and the World Bank. Call this *the arrogance of experiment*.

Kostov (centre-right UDF) drew the right lessons from Videnov’s experimentalism, and established stable relationships with the international community (the international lenders included), enforced budget discipline,

³² Further, an eventual MP re-election would totally depend on the choice of the party leadership, unless an idea (advanced by some representatives of the NMS) concerning the introduction of open ballot lists is not taken on board. Even so, the support of the party leadership again will be decisive, since the parties, not the candidates, are the major players in campaigns and fund-raising matters.

and pursued a programme of speedy privatisation. His undoubted success, and the institutional “empty shell” security of the constitutional rules, however, committed him and his government to another type of arrogance: call it *the “arrogance of complacency”*.

Especially with the change of the attitudes of the international community towards Bulgaria, expressed in the inclusion of the country in the second wave of EU enlargement, the lifting of the EU visa restrictions for Bulgarians, and the increased chances for NATO membership, the self-confidence of the government grew, and transformed into a sort of neglect for other, not less important but mundane problems, as the rising unemployment, the deterioration of the public services, the perception of corruption among the political elite, etc. The UDF, and most of the political analysts alike, came to the belief that Kostov’s government and its policies had no alternative: this was probably the culmination of the ‘arrogance of complacency’. Simeon II clearly capitalised on this fallacy of Bulgarian political life, and on the alienation of the majority of the population from the UDF. The message of the former tsar was that alternatives existed, and he had the team to realise them. This was probably the major promise of NDSV, and its political future depended on its ability to deliver on this promise.

Metaphorically put, NDSV had to navigate carefully between the Scilla of Videnov’s ill-fated “experimentalism”, and Kostov’s Harybdis of “complacency”. It was obvious that the Bulgarian economy needed some fresh policies, a bit of experimentalism for the speeding up of economic growth. The mantra of monetary stabilisation through liquidation of loss making enterprises and strict budget discipline had the disappointing ef-

fects of very high unemployment (17-18%), low incomes, and wide-spread poverty. It seemed arrogant to claim that the state can do nothing about these problems, but just wait until the market takes care of them. Rightly or wrongly, Kostov’s government came to this belief, and had to pay heavily for it. Simeon II’s NDSV exposed this belief as “false”, but it had to deliver a set of cogent policies substantiating its claims.

The Scilla and Harybdis of arrogance in the management of the economy were not the only traps produced by the constitutional framework of Bulgaria. The “empty shell” security guaranteed by the rationalised parliamentarism had also the dangerous consequence of shifting the focus of governmental efforts in a wrong direction. Feeling omnipotent, the governing parties, especially the ones having absolute majority in parliament, had been tempted to *entrench* further their stay in office not by advancing policies tackling important social problems, but by *monopolising* power centres, and limiting the resources of the opposition.

These developments, which could be called “oppressive majoritarianism”, had been well-illustrated by both Videnov’s and Kostov’s governments. The most obvious examples were the attempts of the governments to interfere with the public media and the judiciary – areas which should be free of governmental influence. Also, other similar attempts of unhealthy interference had been made in the area of administrative appointments, leading to accusations of political patronage. Finally, the regulation of party funding and campaign finance created a non-transparent political environment, in which clientelistic relationships between politicians and businessmen are set to flourish. As said above, all governments before Simeon II’s cabinet had engaged in these activities and

had spent a lot of energy in pursuing narrowly partisan politics.³³

To sum up the argument, the weaknesses of Bulgarian constitutionalism were a) the danger of ideological arrogance (experimental or complacent) encouraged by the excessive isolation of the governmental parties from voters attitudes, and by the excessive concentration of institutional power in the hands of the cabinet and the ruling majority; b) the lack of sufficient constitutional safeguards for the avoidance of governmental interference in areas such as public electronic media, judiciary, appointments in the public administration, and party funding and campaign finance.

7. NDSV and the Challenges of the 1990s: How Did the Party Fare in Comparison to Its Predecessors in Power?

In this section NDSV's performance over the period 2001-2005 vis-à-vis the challenges it inherited from its predecessors is examined. By 2000, Bulgaria was already on the track to sustained economic recovery. There were a number of areas of governance, in which persistent problems remained, however, and these were the immediate challenges that NDSV faced.

a) *NDSV and "ideological arrogance"*

and oppressive majoritarianism

The constitutional remedy for this ailment is generally more separation of powers. In

³³ The rationality of these policies from the point of view of the constitutional rules is clear – domination over the public media and the judiciary may assure re-election even in case the substantive policy of the government proves unpopular. This is so, because through the media, and with the help of the judiciary, the government could manage to shape public opinion and curtail the strength of the opposition parties. The same function serves the non-transparent political environment, and the partisan appointments in the public administration. Even in a society of angels, if a government is convinced that it needs to stay in office because its substantive policies are 'right' but 'unpopular', it might resort to this back-door passage to electoral success. Without being angels, all Bulgarian governments focused heavily on these strategies by sometimes neglecting their substantive policies.

2001, Bulgaria was an excessively rationalised parliamentary democracy – all sorts of powers were concentrated in the government and the ruling majority, which encouraged them to disregard criticism, popular attitudes, and opposition views. The problem for the governing majority was that it had no incentive to take seriously feedback information for the effect of its policies: it could pursue them, and stay in office despite all worrying signals. Soon, the majority usually became arrogant – either in the complacent, or in the experimental form. Did NDSV withstand this challenge, which was already built in the system? What did NDSV achieve in terms of greater separation of power? Consider these specific areas:

- One of the options was to grant greater financial autonomy to the municipalities, the local authorities, in the determination of their budgets. NDSV had promised this in its 2001 manifesto. Ultimately, such changes were introduced, involving even a constitutional amendment. The results of these amendments are not self-evident: still the municipalities are heavily dependent on the central government for its funding. Yet, NDSV did change a lot in the relationship between local authorities and central government while in office. Since it performed badly at local elections NDSV in fact surrendered the local power to other parties. This increased the separation of powers between the centre and the provinces, as a side-effect of the "tsarists" coming to power (in other words, a positive externality);
- Another measure from the NDSV manifesto, which could help against ideological arrogance, was the adoption of a new referendum law granting the people the right to initiate a national referendum. This promise was never materialised when NDSV had full control over power. Only in 2009 did parliament adopt a new refer-

- enda law, which however fell well short of the NDSV promises from the beginning of the new century;
- By losing the Presidency to the Socialist party, NDSV did increase the separation of powers within the system, but this was a rather unintended consequence, for which the party could be hardly credited. Part of the UDF problems of the late 1990s was the excessive concentration of power: the party controlled both the government and the presidency. The very willingness of Simeon II to support the Peter Stoyanov – the incumbent president – indicated that NDSV would not strive to accumulate powers;
 - In order for the Constitutional Court (CC) to become a real check on party power, *individual complaints* should be constitutionally provided for. Currently, only certain institutions can address the CC, which entrenches further party dominance. NDSV did not manage to initiate and put through such an institutional change, however, which sadly contributed to the relative marginalisation of the CC in the period 2001-2009. For the last several years, for instance, the CC has had around 10 cases per year, with a ‘peak’ of 15 in 2010;

Ultimately, the impact of NDSV on separation of powers was not so much through some intentionally introduced institutional reforms, but through the style of its policy making. First, the party always played in coalition with other parties. Secondly, the party has often acted as a coalition of different groups the disputes among which were arbitrated by Simeon II. This internal pluralism was imposed on the government of the country in general. Thus, the problem of excessive concentration of power was alleviated to a great extent. Especially at the time of the triple coalition of BSP, NDSV and

MRF, political power was dispersed to such a degree that the opposite problem appeared: the problem of fragmentation of authority and lack of accountability. The coalition partners, as often happens, were passing on the responsibility to one another.

b) *NDSV and the governmental interference with the workings of the judiciary*

In practice, most of the governments of the 1990s, including Videnov’s and Kostov’s had managed or at least attempted to replace the members of the body regulating and administering the workings of the judiciary – the Supreme Judicial Council (SJC) – before the end of their constitutionally specified mandates. The SJC is a body crucial for the autonomy and independence of the judiciary, because it deals with appointments, promotions and demotions, and supervision of judges, the prosecutors, and investigators.³⁴ The CC – the body supposed to defend judicial independence – had a mixed record over the 1990s in this regard.³⁵

NDSV in government did change the predominant practices. Direct attempts to control the judiciary decreased dramatically. It needs to be mentioned that some of the high pro-

³⁴ The membership and the organisation of the Supreme Judicial Council is regulated by Arts. 129-133 of the Constitution. It consists of 25 members, eleven of which are elected by the National Assembly, another eleven by the organs of the judicial power (the judges, the prosecutors, and the investigators). The chairmen of the Supreme Court of Cassation and the Supreme Administrative Court, as well as the Prosecutor General are members of the SJC *ex officio*.

³⁵ The practice of the Constitutional Court has resembled a checkerboard in this regard. In 1991, amendments to the *Law on the SJC* repealed the prohibition for practising attorneys (advocates) to be elected members of the Council. In addition, these amendments provided for the termination of the mandates of the current members of the SJC, and for the election of a new Council. From a constitutional viewpoint, the problem was that the terms of the members had not expired. In Decision 3, 1992: *The constitutionality of the termination of the mandate of the SJC before its constitutionally prescribed term I*, the Court held that the previous law on the SJC had unjustifiably introduced discrimination against the advocates by including a restriction not provided for by the Constitution. Thus, the amendments under consideration rectified a previous mistake. The judges upheld the termination of the mandate of the previous SJC. They ruled that not the mandates of the individual judges were terminated,

file appointments of the party – as Konstantin Penchev, the Chair of the Supreme Administrative Court – turned out to be real champions of judicial independence and accountability. Especially in the pre-electoral months of 2009, when various political bodies (and the Sofia regional court) were trying to prevent the centre-right Blue coalition from competing in the elections, SAC, under Penchev's leadership, became the defender of last resort of political legality and morality. Overall, NDSV did not interfere as arrogantly with the workings of the judiciary, as its predecessors. On the contrary, during its time in office, an opposite problem occurred: excessive judicial independence and lack of accountability. This problem (several times mentioned by the EC in its regular and progress reports) was particularly visible when Nikola Filchev was in office as Prosecutor General.

but the mandate of the body as a whole. Since the Constitution does not explicitly consider such a possibility, the CC claimed that, in a sense, the constitutional text was "neutral" to the amendments: moreover, since they rectified a previous mistake, they could not be unconstitutional.

The long awaited *Law on the Judicial Power* was finally adopted in 1994, almost three years after the constitutionally prescribed time limit had expired. It rearranged the rules on the membership and operation of the SJC, and envisaged new possibilities for the dismissal of current members of the body. In fact, the ruling majority wanted to secure a loyal SJC by new, massive appointments. The traditional first step for the achievement of this goal in Bulgaria was to introduce new requirements for the members of the regulatory body. The new law ruled that the members of the Council should have at least 5 years work experience as judges, prosecutors, or habilitated academic lecturers and researchers in law (advocates thus being excluded). The law also envisaged an election of new members to the Council within a month after the entering of the law into force. These provisions sparked a series of constitutional controversies – the CC had first to answer whether the additional professional requirements were consistent with the Constitution.

As to the election of new members to the SJC within a month after the entering of the law into force, the CC ruled in Decision 8, 1994: *Terminating of the mandate of the SJC II*, that this provision *de facto* presupposed the termination of the mandate of some existing members. The CC held that this was unconstitutional – such a provision could have effect only for the future, after the expiry of the mandates of the existing members. In the substantiation of this argument, the Court reversed its previous doctrine on the possibility of termination of the mandate of the SJC as a whole. The judges changed their view, and ruled that such a termination could be done only by a constitutional amendment, and not by a law. The change of the position of the Court was criticised by judge Kornezov in his dissenting opinion: he did not reject the right of the Court to change its views, but criticised the lack of sufficient argumentation for such a change. Unfortunately, in 1999 the resolve of the CC to prevent gov-

c) *NDSV and the public electronic media*

For around five years after the adoption of the Constitution, the public electronic media had been regulated and governed, on a "temporary basis", by a committee in Parliament, dominated by the ruling party/coalition – the idea of independent media was hardly well institutionally established.³⁶ The Videnov (BSP) government was the first to pass a special law on the media, and the first to establish an "independent" regulatory body, the National Council on Radio and TV (NCRT), the majority of whose members, however, were to be elected by the government and the ruling majority in Parliament. The CC, with good reasons, announced that this formula of setting up the NSRT was unconstitutional: in practice, many other provisions of the law were struck down as well,

ernmental interference with the SJC weakened, when a UDF sponsored *Law on the Judicial System 1998*, envisaged new formula for the appointment of the judicial quota of the body. Following an already established 'tradition', the government wanted with this move mainly to dissolve the old SJC, and thus to eliminate or limit the influence of certain inconvenient members. The judges upheld the new law, arguing that the reappointment was necessary in view of the final completion of the constitutional structure of the judicial system, with the creation of appellate courts and appellate prosecutorial offices. The judges return to the logic of their 1991 decisions – since there were parts of the judiciary (the appellate magistrates) who were not represented in the SJC, the dissolution of the old one, and the appointment of a new one were justified.

Even if there is no contradiction between the different decisions, as the judges have always argued, the practice of the CC in this area is problematic and in need of careful revision in order to secure the lack of any governmental interference with the workings of the judiciary.

³⁶ The first major decision of the CC in the area of media regulation was on the constitutionality of these temporary arrangements: **Decision 16, 1995: *Constitutionality of the Temporary Rules on the Status of the BNT and BNR***. The Court first pointed out that from the discussions in the Grand National Assembly during the adoption of the Constitution it was evident that the appointment of directors of the public electronic media should not be in the competence of the parliament or the President of the Republic – the discussion pointed out the necessity of a public body, an independent council to regulate the media. On the basis of these considerations and in relation to Art. 40,1 of the Constitution, the CC struck down the provisions of the Temporary Rules granting to a committee of the National Assembly the power to supervise directly the BNT and BNR, appoint their directors, approve their structure and internal orders, be informed about and give opinion on their programmes, and hear reports from their directors. The judges argued that Art. 40,1 of the Constitution prohibited state intervention in the workings of the mass media.

and it did not have any effect during the rule of the Socialists.³⁷ With the coming to power of Kostov's cabinet, hopes were high that the situation would be finally resolved in favour of media independence and professionalism. Alas, the formula of appointing the NSRT provided by the new law was not a dramatic improvement: the members were to be elected by the President of the Republic (4) and the parliamentary majority (5). Since President Stoyanov was from the same party as the ruling majority (UDF), although formally different, the formula provided similar results as the previous arrangements – dominance of one party in the appointment process.³⁸

Thus, the media legacy of all previous governments was a real challenge for the NDSV. Ultimately, the party stood up to this challenge. Public electronic media gained considerable independence during NDSV's mandate. In fact, part of the problem was resolved by itself due to the increasing com-

petition from privately owned radio and TV networks, cable networks, etc. Only towards the end of the mandate of the triple coalition government (2005-2009) problems of governmental favouritism did occur with the suspect acquisition of media outlets by the mother of a deputy minister in cabinet – Irena Krasteva. It needs to be mentioned, however, that NDSV was probably the least guilty coalition partner for this development, since Krasteva was close to DPS and the BSP. All in all, NDSV in government contributed to the pluralisation of the media market and the independence of the major media outlets, including the public electronic media (though to a lesser extent than the others).

d) *NDSV and political patronage*

All previous governments up to 2001 had the opportunity to carry out major personnel changes in the public administration. It was only Kostov's cabinet which managed to pass laws on the status of the public servants, placing restrictions on this practice. The laws were passed, however, after Kostov had already carried out some "purges" in the administration.

From the very beginning of its term in office, there were some positive signs that NDSV would not carry out massive purges in

³⁷ **Decision 21, 1996:** *Constitutionality of the Law on Radio and Television (LRT) of 1996.* The CC reasoned that: Art. 9 of LRT...provides "the National Council for Radio and Television to consist of 11 members, appointed by the National Assembly, of whom 7 members are nominated by the National Assembly proportionally to the size of the different parliamentary factions, two are nominated by the President, and two by the prime-minister." It is evident that this formula ensures the pre-dominance of the parliamentary majority and the government, elected by it... Art. 9 of LRT contradicts Art. 40,1 and Art. 11, 1 of the Constitution. The freedom of the media is functionally connected with the principle of political pluralism – Art. 11, 1 of the Constitution. The principle of neutrality in the formation of independent organs is an important constitutional guarantee for the normal operation of the democratic and pluralistic discourse...[This principle] commands the exclusion of the possibility for one or more political actors to institutionalise their domination in the NCRT, and through it, in the governing bodies of the BNR and BNT.

³⁸ The CC disregarded some of its own arguments from previous case law and ultimately upheld the UDF sponsored legislation. It is difficult to explain why the judges went out of their way in this case, having in mind the serious pressure from civil society groups and journalist organisations for striking down the law. Was it a sense of political loyalty to the government, or just a misinterpretation of constitutional principles? In any event, the results of the law were the delegitimation of the NSRT and constant accusations of political partiality. The impression that the ruling party could pick and choose directors of the national radio and TV persisted, as well as the public suspicion that the programmes were generally favouring the ruling party and the government. Since the procedure for licensing private radio and TV stations was under the control

of the NSRT and the government (through a special commission appointed by the cabinet), there were further suspicions that candidates close to the government were favoured. These suspicions were exacerbated when weeks after Kostov's resignation, the Supreme Administrative Court annulled, on the grounds of procedural violations, the license of Nova TV, a private national programme allegedly close to Kostov.

The CC dealt with the new law in **Decision 10, 1999:** *Constitutionality of the 1998 Law on Radio and TV.* The judges held that the first factor guaranteeing the independence of the NCRT under the new arrangements was the fact that the MPs were obliged by the Constitution (Art. 67,1) to represent the people as a whole. In the same vein, the President expresses the 'unity of the nation' (Art. 92,1). (Although in a previous decision – No. 25, 1995 – the judges had held that the President was not a depoliticised organ of the state, and may express political views.) The second major guarantee for the independence of the NCRT, in the view of the judges, was the principle of 'rotation', according to which the members were to be elected. Thirdly, the CC pointed out that the practice of developed western democracies showed that such an arrangement was ultimately acceptable.

the administration. Since many key people in the new government came from abroad, the pressure on them to appoint their local relations to administrative positions seemed generally weaker than the usual. Generally, political patronage appointments were limited under the NDSV government, although by no means eliminated. In comparative perspective, they possibly remained more than in other liberal democracies. The practice of appointing party loyalists in the boards of public companies continued. Yet, the end of the privatisation process put some natural limits on these practices. With the government of the triple coalition and the introduction of the infamous formula 8:5:3 of division of public positions, the issue of political patronage in appointments came again very much to the attention of the public. The same is true of the distribution of European funds: most of the abuses reported in the press and by European institutions, such as OLAF, involved party-related businesses, party sponsors, etc. All in all, although possibly limited, political patronage remains to be a problem in Bulgaria after two governments with the participation of NDSV, which indicates that the party was unable to tackle very efficiently this inherited problem.

e) *NDSV and the transparency of the political environment*

“Corruption” is one of these words which currently enjoy a huge politico-symbolic power without having a settled meaning. The safest way still is to speak about the public perception of corruption, by allowing different people to have different things in mind when they report instances of this elusive phenomenon. With this caveat, corruption in Bulgaria started to be perceived as a big societal problem at the time of Kostov’s

government³⁹, and this perception was one of the reasons for his downfall.

This was all the more curious, since in the period 1999-2001, according to the TI Corruption Perception Index, Bulgaria had made major improvements in the area of corruption, and from being in one league with Romania, had progressed to the more advanced group of Central European countries like Poland and the Czech Republic. The vagaries of corruption indexes aside, it was difficult to ascertain what exactly was going on in this area, despite widespread perceptions. The World Bank 2000 report on “state capture” seemed to come closer to the mark by arguing that the major problem in Bulgaria was not so much classical bribery and Oriental baksheesh mentality, but the “capturing of the state” by special interests close to the government.⁴⁰ In other words, the very institutions (constitutional rules included) were so designed as to allow for the usage of public resources and powers for private gains. If the arguments from the previous sections on conflict of interests, political patronage, and intervention in the workings of the judiciary and the public media are correct, the World Bank findings could be explained with the flaws of these rules of the Bulgarian constitutional order.

Another regulatory flaw, which certainly contributed to the corruption problems, was the lack of transparency in the area of party and campaign finance. The first serious attempt to regulate party donations and expenditures was made only in 2000, when a new *Law on Political Parties* was passed, together with amendments to

³⁹ The preceding governments had much more severe problems with the general philosophy of their politics. In particular, Videnov’s BSP government had wrong-headed economic policies, which brought about the financial collapse of the country. Corruption becomes “the central” question when the main policies of a government are generally correct, but their implementation is affected by corruption.

⁴⁰ *Anticorruption in Transition: A Contribution to the Policy Debate*, The World Bank, Washington, DC, 2000.

the relevant campaign finance provisions in the electoral law. This legislation provided for public funding and some reporting and disclosure supervised by the Public Accountability Chamber (Smetna Palata). Generally the new regulations were disappointing and preserved the declaratory character of the old ones, especially with regard to its enforcement mechanisms.

Other laws, such as the *Law on Public Register* requiring the declaration of the assets and the financial standing of political actors (MPs, ministers, etc.), were rather rudimentary too, and relied only on the *bona fide* efforts of politicians.

Thus, generally, previous governments had set the stage for a major battle against corruption. The issue was bound to become one of the major governmental challenges in the first decade of the new century. How did NDSV fare in the face of this challenge? In the period 2001-2009 a sustained effort was made to introduce a wide variety of anti-corruption measures. Many laws were revised, new regulations were adopted, new institutions were set up, such as the Ombudsman, DANS, etc. Still, however, corruption remains a top societal problem. Moreover, it has become a point of tension between Bulgaria and the European Union and is the issue, which damages severely the quality of Bulgarian membership. Coupled with the inefficiency of the state to tackle organised crime (and some especially dangerous forms of organised criminality in particular, like contract killings and kidnappings) the situation in the country during the NDSV governments was far from satisfying. In fact, the claims of continuing corruption brought to power GERB – the party of Boyko Borisov – in 2009.

Generally, NDSV was unable to resolve the corruption puzzle: public perceptions of corruption continued to grow, and they explained the inability of any government

to remain in office (without major changes in the balance of power) after its four year mandate expired. Problems like the lack of transparency in party financing largely remained unresolved despite the flurry of legislative activity (especially in 2008-2009).

If anything, NDSV managed to change, first, the character of high profile corruption, and, secondly, the governmental response to the problem. As to the former, during the 1990s the grip of the ruling party over state resources was much tighter and centralised than in the subsequent period. The majoritarian style of government of Videnov and Kostov made corruption an almost exclusive prerogative of the governing parties. Since 2001 this has been changed. The pluralisation of power (the greater degree of separation of powers, the proliferation of centres of power around the presidency, the judiciary, the local authorities) led to the pluralisation of corruption. Apparently, this changes the nature of the problem, and explains why corruption does not disappear with a change of government *per se*.

Secondly, since 2001 governments have been much more willing to acknowledge the problem of corruption and to cooperate with NGOs and foreign partners in the fight against it. Sadly, this has not produced the expected results, although seems to be a positive step in itself.

8. NDSV and the Challenges of the 2000s: the Rise of Populism

In the previous sections we saw how NDSV tackled the challenges inherited from previous governments. The new century brought new challenges to the political scene, however. These became especially evident after the entry of the Central European countries in the EU. Paradoxically, instead of fast improvements, the accession brought

developments, which some analysts called “backsliding”, and others called the “rise of populism”.⁴¹

Populism is difficult to conceptualise partly because it is extremely context-dependent. Probably, it is more adequate to speak of populisms in the plural. For example, political scientists use “populism” to describe both Chavez’s Venezuela and Putin’s Russia, even though these are markedly different regimes.⁴² Although both of them seem to be “democracy’s doubles”, they part with liberal democracy in different ways: Putin, in contrast to Chavez, is more market-oriented and cooperative vis-à-vis the US, especially regarding Bush’s global war against terror.

Philippe Schmitter points out that the concept of “populism” is often abused in political discourse.⁴³ By calling someone a “populist” people are just expressing their negative evaluation of a particular actor or political agenda. Overall, “populism” is most probably a family resemblance concept, so it will be a futile exercise to look for a very strict definition of the phenomenon. Nevertheless, the populisms in Central Eastern Europe do share some important common characteristics.⁴⁴

First, populists in the region appeal to the people as a whole, as opposed to corrupt and impotent political elites. In other words, they present themselves as an alternative not to a

specific political party or platform, but as an alternative to the existing representative system as a whole. They promise to reinvigorate political life, to bring back “substance” to politics. Secondly, populists (to varying degrees) oppose a key idea of liberal democracy: that the political majority should be limited in important ways by constitutional constraints. The Central European family of populism is openly majoritarian – it is centred around the belief that the consent of the majority is the ultimate ground of legitimation in politics. Therefore, this type of populism is particularly opposed to the idea of minority rights. Thirdly, and again to varying degrees, populists challenge at least some elements of what they see as the “liberal consensus” of the transition period: market-oriented reforms, integration in the Euro-Atlantic organizations, rejection of nationalistic language and behaviour. Populists “challenge” all these “taboos”, reject the “political correctness” of liberalism, and give an opportunity for the citizens to discuss problems which have been “bracketed out” by the mainstream parties.

Thus, what is striking about the present use of the term “populism” is the almost unimaginable diversity of policies and actors it tries to cover. Yet commentators and political theorists who insist on using “populism” as a common family name for such diverse political players have a point. Only a vague and ill-defined concept like “populism” can allow us to grasp and reflect on the radical transformation of politics that is under way in many places in the world. Although vague and ill-defined, the concept of ‘populism’ does a better job than any of the other currently-circulating well-defined concepts of capturing the nature of the challenges facing liberal democracy today. These challenges emanate not from the rise of anti-democratic and authoritarian alternatives, but from the dangerous mutations within the conceptual realm of democracy.

⁴¹ See the discussion in Rupnik, Jacques, Butora, Martin, Krastev et al (2000) *Is East-Central Europe Backsliding*, *Journal of Democracy*, volume 18, No 4. See also Smilov, Daniel and Krastev, Ivan (2008). “The Rise of Populism in Eastern Europe: Policy Paper”, in Grigorij Meseznikov, Olga Gyarfasova, and Daniel Smilov (eds.), *Populist Politics and Liberal Democracy in Central and Eastern Europe*, IVO (IPA) working paper series, Bratislava. Available at: <http://www.ivo.sk/5353/en/news/ivo-released-working-paper-populist-politics-and-liberal-democracy-in-central-and-eastern-europe>

⁴² “Democracy’s Doubles”, *Journal of Democracy*, Volume 17, No. 2, April 2006.

⁴³ *A Balance Sheet of the Vices and Virtues of ‘Populisms’*, paper delivered at the conference the Challenge of New Populism, organized by the Centre for Liberal Strategies, Sofia, in May 2006.

⁴⁴ For a discussion of populism in Eastern Europe see Cas Mudde, “In the Name of the Peasantry, the Proletariat, and the People: Populism in Eastern Europe”, in Meny and Surel, *Democracies and the Populist Challenge*, Palgrave, 2002.

It is obvious that the new populism has lost its original significance as an ideology or expression of agrarian radicalism. ‘Populism’ is also too thin and eclectic to pretend to be an ideology in the way liberalism, socialism or conservatism is. But the growing interest in populism has captured the major political trend in our world today: the rise of democratic illiberalism.⁴⁵

From this perspective it is very interesting that NDSV started as a populist movement, but was gradually transformed into a liberal party. Typically, populism tends to lead to illiberalism, but this is not the story of NDSV. Its beginnings were of a populist movement, sharing many of the features of populists around the region – admittedly of the softer type, like Fico in Slovakia, rather than the Kaczynski brothers in Poland. Soon after, however, the party transformed into a rather standard, liberal party.

It is justified to classify NDSV at the time of its conception (or at the time of the coming of the former tsar to power) as an instance of populism for the following reasons:

- Simeon II appealed to the people as a whole, without stressing the cleavages, differences and distinctions within this whole, and without assuming that there could be conflicting interest within the people, not all of which could be satisfied in the same time;
- Simeon II’s campaign portrayed the then-existing political elite as largely politically

corrupt. Against this background, he presented his candidacy as the triumph of personal integrity in politics;

- Simeon was campaigning against the existing parties. For a long time after his arrival he refused to register the NDSV as a political party,⁴⁶ still nurturing the idea that he was the tsar of all Bulgarians, not a simple party leader. Simeon II, himself, was not a member of parliament – his name was in the title of the party list but not among the party candidates;
- Simeon II’s movement was agnostic and indifferent towards political ideology. His main message was that the ideologies of the established political parties were already *passé*.
- The sole source of mobilisation of the people behind Simeon II was personal – his personal charisma and historical legacy. Programme and party structure were non-existent as sources of mobilising electoral support. As to the party structure, it was already made clear that there was not sufficient time for institutionalising the movement in the country: the party list of NDSV was created in a haphazard way, little different from the lottery in its reliance on chance and formal equal opportunity for the second tier of the Bulgarian political elite, which has been left out from the patronage practices of the two major parties – the UDF and BSP.
- In terms of programme, Simeon II was arguing that this was an issue for the experts to decide – not an essentially political problem. For this purpose he invited young, educated Bulgarians from abroad (without any previous political experi-

⁴⁵ It is precisely the rise of democratic illiberalism that worries us when we discuss the proliferation of populist revolutions in Latin America, the political turmoil in Central Europe or the political logic behind the ‘no’ votes in the referenda on the EU Constitution in France and the Netherlands. The new populism does not represent a challenge to democracy understood as free elections or as the rule of the majority. Unlike the extreme parties of the 1930s (fascists, communists), the new populists are not planning to ban elections and to introduce dictatorships. In fact, the new populists like elections and, unfortunately, tend to win them. What they oppose is the representative nature of modern democracies, the protection of minorities’ rights, and any constraints on the sovereignty of the people – a distinctive feature of the process of globalisation.

⁴⁶ Before the June 2001 elections Simeon indeed tried to do so, as stated above, in order to be able to compete for parliament. After he managed to send people to parliament, he refused to register a party.

- ence) to become ministers in his cabinet, and to design the policies in different governmental sectors;
- In terms of political presentation and communication Simeon II stressed much more appearances than content. In terms of content he was minimalist and elusive: he spoke slowly and uttered well worn-out *cliches*. In terms of presentation, however, he was quite skilful in stressing the mass support and affection that he enjoyed, his non-confrontational, polite and kind political style, which was rather refreshing against the background of the rather unrefined Bulgarian political class.
 - Finally, and probably most importantly, Simeon II was campaigning not on a specific coherent programme, as it was already pointed out, but on people's expectations for what should be done. In short, he created the impression that after years of austerity measures finally there was coming the time of prosperity for everyone. The ex-tsar summed up these expectations in his promise to improve dramatically the situation in the country for 800 days.

The first wave of populism in Bulgaria, represented by the NDSV, demonstrated the electoral potential of the populist approach: for a very short period of time it managed to assemble and mobilise the people behind a charismatic leader.

It must be stressed, however, that once in office the NDSV went through a complex evolution which transformed it from a populist movement into a "traditional" political party.

First, after coming to power the NDSV cut back on many of the fantastical promises its leader made or suggested in the pre-election period. Ultimately, the NDSV led a government whose politics was continuous with the previous government: financial dis-

cipline and strong commitment for integration in NATO and the EU. The overall result of this was positive for the country. From the point of view of the NDSV, however, the revision of the pre-electoral promises led to a quite dramatic fall in public confidence in the movement and its leader: only two months after the June 2001 election the fall of support started to be noticed. First the movement failed to elect a president – the Socialists surprisingly won the 2001 presidential elections. Secondly, the rating of Simeon and his party were steadily falling, reaching embarrassingly low levels for less than a year in government. In the 2005 parliamentary election NDSV, which had already been registered formally as a political party, came second to the Socialist Party with roughly a third of its 2001 electoral result. In the 2007 EP elections the support for the NDSV fell to a critical minimum of around six per cent, electing only one deputy to Brussels; this trend was confirmed by a very poor electoral result in the autumn 2007 local elections.

Thus, NDSV could meaningfully be discussed as a populist actor only within the first year of its appearance on the political stage, and especially in the 2001 electoral cycle. After that the party was gradually disciplined by the Bulgarian institutional framework into a player very much resembling the parties that it radically criticised. Ultimately, the NDSV became a member of the European liberal party (after making unsuccessful attempts to become a member of the European People's Party), and it was transformed into a relatively small party with right of the centre, liberal orientation.

Conclusions

NDSV is a party, which is not easy to fit within conventional political science classifications. For the eight years of its existence it has gone through different stages, and possibly through

different types of party organisation. As part of the liberal European family, it is easiest to classify it in ideological terms, as a liberal party. And indeed, the values and the programmes defended by the party have always been liberal – a good illustration of this is its declaration on Fundamental Values of 2002. From the time of its conception, NDSV has stood for economic liberalism: free market economy, small state, etc. In terms of social values, NDSV has also been an advocate of liberal social values, as the rights of individuals from ethnic and religious minorities. For the ten years of its existence the party has become one of the staunchest defenders of the “liberal consensus” of the Bulgarian transition, which consisted in:

- Euro-Atlantic integration – membership in EU and NATO;
- Serious respect for foreign commitments and accepted conditionalities;
- Economic policy based on free initiative and competition, gradualism, financial discipline, privatisation, and encouragement for foreign investment;
- Political pluralism and relative liberalism in relation to political freedoms;
- Deference to judicial policy-making in important areas (through the Constitutional Court and other high courts).

This description and classification of NDSV will not give us the full picture of the phenomenon, however, since it is to a large extent a *post-ideological* formation as well. Since the seminal work of Otto Kirchheimer⁴⁷ on catch-all parties, there is a growing understanding in political science that political ideologies play a decreasing role in the mobilisational efforts of the parties. Ideology does not disappear, but it becomes less determinative of party programmes and alternatives.

And indeed, if we look at the political programmes of NDSV, and their fundamental values, we will have difficulties distinguishing them from parties like the UDF and even BSP and DSB (Democrats for Strong Bulgaria). All of these parties endorse the tenets of the “liberal consensus” of the Bulgarian transition, and differ from each other mostly in terms of rhetoric. Of course, programmatic differences still exist, but they are increasingly in specialised areas, which are not immediately transparent to the ordinary voter. A project carried out by CLS – Glasovoditel (www.glasovoditel.eu) – studied systematically the programmatic differences among the major Bulgarian parties. One of the major findings of this project was the relative convergence of these platforms on substantive policy issues. This convergence removes party competition from the arena of policies to the arena of identity politics and anti-corruption activities (mostly understood as personal integrity politics).

At the time it came into office, the main asset of NDSV was not its programme but the charisma of its leader. People did not vote for Simeon II because of a belief that he will fundamentally change the political course of the country: rather, they believed that he would stay (more or less) the same course in a non-corrupt manner. Thus, Simeon’s personal integrity and charisma were the main mobilisational asset of NDSV in its formative period.

Not surprisingly, therefore, the first years of the existence of the NDSV were decidedly agnostic in relation to party ideologies and platforms. Until the Spring of 2002 Simeon II was hesitating whether to register a party at all. After that the party went through a process of identity searching, considering applying first to the European Peoples’ Party and then eventually finding international partners among the European liberals. This hesitation,

⁴⁷ “The Transformation of the Western European Party System” in Joseph La Palombara and Myron Weiner (eds.), *Political Parties and Political Development*, Princeton University Press 1966, pp. 177-200.

and the rather stochastic mode of deciding on the matter⁴⁸, is indicative of the ideological indeterminacy in the initial stages of formation of the party.

This indeterminacy continued even during the later stages, however. The leadership of the party did not use actively the identification “liberal” in domestic context, since the understanding was that the popularity of the party could suffer: for one reason or another, “liberalism” has become almost a pejorative word in Bulgarian politics. One of the failures of NDSV was that it did not manage to make amends to this situation.

As a post-ideological party, NDSV came closer to an *electoral catch-all party*⁴⁹ especially in the period 2002-2005. After joining the triple coalition NDSV start gradually losing its identity, and especially after the defection of BND became seriously marginalised. In the period 2007-2009 the party gradually was transformed into an office seeking, cartel party⁵⁰, whose main assets were the senior public offices its representatives continued to hold.

Thus, if we need to sum up the trajectory of NDSV’s development, it could be concluded that it has been:

- Populist movement around a charismatic leader (2001-2002);
- Catch-all electoral party (2002-2007);
- Office-seeking, cartel party (2007-present).

The NDSV case study demonstrates that the Bulgarian party system is in crisis: it would be a curious and suspicious fact if a political party is thriving in such circumstances. The

problems with Bulgarian parties in general are two-fold:

- Their programmatic, policy-oriented character is thinning and giving way to an office-seeking behaviour;
- Political parties compete mostly in the area of identity and personal integrity politics (issues such as nationalism and anti-corruption).

Therefore, when parties are seen as anticorruption players and nationalist-heroes, they manage to attract votes. At the moment they lose this status, they lose public trust. This was the story of NDSV, which enjoyed huge public support at the time it was seen as anticorruption player (2001-2002), coming to replace the old and corrupt (in terms of public perceptions) political system. As soon as the party became part of the political establishment, it rapidly lost public confidence.

At the present moment, the core liberal party in Bulgaria is in a very difficult situation:

- Its public support has been limited to narrow sections of the urban middle classes of the citizens, having relatively high incomes;
- Most of the advantages it gets as part of the party cartel in government and in parliament - public offices, public funding, enhanced access to the media – have been cut down because of its extra-parliamentary status;
- Although substitute charismatic personalities come to compensate for the fading charisma of Simeon II in Bulgarian politics, there is a significant gap left by it. In June 2009 Meglena Kuneva played successfully this role, although it has to be admitted that the resulting mobilisation is incomparably weaker than the one from 2001.

The future is of course open and NDSV has showed impressive adaptive skills. But it is probably fair to say that the challenges that it faces are quite serious: these are challeng-

⁴⁸ One needs to keep in mind that the Bulgarian parties members of the EPP intentionally blocked the membership of NDSV in this alliance.

⁴⁹ See the classification of Wolinetz, Steven B. “Beyond the Catch-all Party: Approaches to the Study of Parties and Party Organizations in Contemporary Democracies” in *Political Parties: Old Concepts and New Challenges*, Montero, Gunter, Linz (eds.) Oxford UP, 2002, pp. 136-165.

⁵⁰ See Katz, Richard S. and Peter Mair “Changing Models of Party Organization and Party Democracy: The Emergence of the Cartel Party”, *Party Politics*, vol. 1, No. 1., pp. 5-28.

es, which most of the “traditional” parties in Bulgaria need to address very seriously. Because, as stated in the very beginning, these traditional parties now may claim to represent much less than half of all Bulgarian citizens.

In general, the future of Bulgarian liberalism – as a separate political party family – seems to be linked with the future of populism in the country. NDSV was responsible for the introduction of comparatively mild types of populist governments in Bulgaria, which are largely compatible with the main tenets of the ‘liberal consensus’. GERB seems to follow NDSV in this regard. More radical and virulent types of populism, like the one of Ataka are for the time being confined to the margins of the political space. The dominance of mild populism of a centrist type prevents for now the possibility of the emergence of a strong, centrist liberal party (or the revival of existing ones). Somewhat paradoxically, the chances

for the revival of the liberal centre depend on the radicalisation of Bulgarian populism in nationalistic or other illiberal direction. If aggressive populist governments, as the one of Orban in Hungary, appear one might expect a possible consolidation of a liberal alternative. One wonders whether such a development would be a cause for celebration for liberals, however. Maybe it is ultimately better to be a victim of one’s own success and to see your ideas shared – imperfectly or simply strategically as it may be – by a wide spectrum of parties. True, in such circumstances these ideas cannot guarantee a distinctive political profile – all parties will be liberal in one way or another. Worse, it may happen that the ‘true’ liberals remain outside parliament in such circumstances. But political history knows of much bigger dramas than that. After all, the future of political liberalism does not depend on the faith of a specific liberal party.

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