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Democratic Backsliding in Europe

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Democratic Backsliding in Slovenia: The mutually Reinforcing Effects of Economic Neoliberalism and Illiberal Democracy

Matjaž Nahtigal¹

1 Introduction

Slovenia became a member of the European Union (EU) in 2004, joining nine other candidates. It was often labelled as one of the most prepared candidate countries and even as “the best pupil in class”. Such labels are superficial and usually misleading, but Slovenia was generally considered one of the most prepared among the newly joining member states of the EU.

As such, Slovenia should not be one of the examples of democratic backsliding in Central and Eastern European countries. Nevertheless, as this paper aims to show, Slovenia experienced sudden democratic backsliding in 2020 – 2021. As one of the best prepared among the new member states committed to EU integration, it should not experience democratic backsliding. The opposite has occurred for multiple reasons which will be discussed and analysed in the following sections of this paper. The example of Slovenia confirms both the variety of democratic backsliding (Wunsch/Blanchard 2023) across the region and the fragility of institutions, requiring a constant need for deliberate democracy, participation, and active shaping of public policies to strengthen democratic institutions and democratic processes.

The structure of this paper is as follows: first, social, economic, political, and institutional developments in Slovenia are presented. This presentation is not descriptive but shows the normative and structural context that may prevent democratic backsliding. It shows the inherent risks of neoliberal policies – a set of economic, social, and legal policies that have nothing to do with modern political liberalism – contributing to democratic backsliding. No single, isolated cause may push the country toward democratic backsliding. Finally, the experience of Slovenia will be used to illustrate the possibilities for countering and reversing democratic backsliding.

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Slovenia's experience during the transition period, its integration within the EU, democratic backsliding, and rapid reversal towards an uncertain future, are valuable insights relevant to anyone interested in the patterns of democratic backsliding and the efforts to develop a consolidated, pluralistic, and participatory democratic country in the EU.

There was broad public and political consensus on Slovenia's path toward EU integration. The negotiation process was relatively smooth despite the many regulatory, institutional, and socio-economic adjustments required for integration into the EU and harmonisation with its legislation. Even though the negotiation process was regularly reported on to the national parliament and government negotiators needed approval from the parliamentary committee for their negotiation guidelines, the public was not sufficiently aware of the depth of the changes and adjustments.

The attitude of the public was that the process of EU negotiations and harmonisation with EU legislation would help consolidate the functioning of public institutions, increase the level of transparency and accountability of decision-making processes, strengthen the rule of law, secure pluralistic parliamentary democracy and independent civil society, raise the social welfare and social protection of vulnerable social groups and, above all, enhance social prosperity. Even though Slovenia was one of the most developed countries among the ten new member states from Central and Eastern Europe, its GDP level in 2004 was only around 70 percent of the EU's average (Potočnik et al. 2007) and it reached around 90 percent of the EU GDP average in its twenty years of membership (Arnold/Bounds 2024).

The referendum on EU accession was made after the completion of the negotiations and when the accession treaty was made. The referendum took place in the spring of 2003, with a clear majority supporting entry into the EU. According to Slovenia's State Election Commission (DVK), the turnout was around 60 percent of the electorate, with almost 90 percent of those voting approving Slovenia's entry into the EU. Such an outcome was consistent with the broad popular support for the EU and the fact that most of the political parties and key politicians, as well as business groups, trade unions, academics, and civil society, were in favour of entering the European Union (DVK, State Election Commission archive).

Looking retrospectively after two decades of Slovenian membership in the EU, the most significant misunderstanding was the public conviction that entering the EU was a goal in itself that would automatically guarantee prosperity, democracy, the rule of law, and social welfare. In fact, entering the EU was, at best, an opportunity—a means to an end—to

enhance the overall development, competitiveness, transparency, and accountability of governance in the complex, multilayered structure of EU governance and joint decision-making processes. Only the most prepared and well-organised member states can cope with the complex processes of supranational regulatory, legislative, and judicial decisions. They are capable of actively shaping the social, economic, and political processes of the Union. In contrast, less prepared and less organised member states remain mere recipients of the normative context shaped by others. The process of adaptation to the EU framework remains superficial, formal at best, and not substantive. The sense of alienation from EU decision-making processes has grown, rather than diminished, over the last two decades. The quality of public discourse and attention to European decision-making processes, including the work of Slovenian officials in these processes, has not advanced significantly over time. Consequently, turnout for European parliamentary elections in Slovenia is one of the lowest among all European member states. The participation of young Slovenian citizens is especially low.

Moreover, the recognition that entering the EU also entails the creation of new dividing lines between the relatively protected "insiders" and less protected "outsiders" in the context of global social and economic pressures has led to the perception that even the EU, despite being one of the leading trading blocs in the world, does not shield excluded parts of its population from the pressures of globalisation. Due to the historical ties and economic and social relations with the Southeastern European countries, the slow process of further EU enlargement created a traditional core – semi-periphery and periphery version of dependent relations that have not been resolved even after two decades since the last large enlargement in 2004.

The disillusionment with many developments in Slovenia, the European Union, the neighbouring regions, and the international community, does not mean that overall public support for EU membership has dropped significantly. Despite the lack of a coherent national development strategy in the context of Europeanisation and globalisation and the frequently inadequate European responses to several crises in the past two decades, public support for the EU remains high. The conviction is that despite its deficiencies and the rather formal, technocratic integration of Slovenia into the bloc, the EU was and remains capable of shielding Slovenia better against external pressures and crises—the pandemic, for example—than would have been possible if Slovenia had not joined the EU (Bučar/Udovič 2023; Lovec et al. 2022).

What is changing, however, is the more realistic and pragmatic view that the quality, accountability, and responsiveness of public institutions, including the institutions of parliamentary democracy, an independent judiciary, free and pluralistic media, and organised civil society, primarily depend on constant commitments and efforts at home to support, develop, and preserve them.

One of the peculiar characteristics of Slovenia's integration into the EU that needs to be mentioned in the introduction is the low turnout for European parliamentary elections: lower even than 30 percent in 2014 and still below 40 percent in the last parliamentary election. Even the recent elections in 2024 did not achieve a higher turnout than 42 percent, which was the highest turnout since Slovenia's accession to the EU (DVK, State Election Commission archive). On this basis, it is possible to claim that, from a national perspective, the real integration process remains incomplete.

2 Political, institutional, and social characteristics of the Slovenian system

Slovenia adopted its new constitution – a modern, European constitution – in 1991, with a constitutional system that drew on the constitutional arrangements of Austria, Germany, and several other European countries. The chapter on human rights and freedoms placed a strong emphasis on the prevention of any form of arbitrary interference of the government into the privacy of citizens. Many constitutional provisions provide safeguards in criminal procedures to prevent against police abuses. Because of past limitations and contestations of these freedoms, other constitutional provisions provide guarantees for the freedom of expression, freedom of assembly, and freedom of public gatherings, which were key demands of the social and human rights movements in the 1980s (a period of social movements, protests, demands, and gradual liberalisation and emancipation of society). In addition to the chapter on human rights and freedoms, an extensive chapter on social and economic rights was adopted in the constitution. Although not enjoying the same level of direct legal enforceability as the chapter on human rights and freedoms, the provisions on social rights, such as the right to health, a healthy environment, housing, education, and social welfare show a level of constitutional commitment to maintaining high levels of social welfare, equality, and fairness in society (Ustava Republike Slovenije, 2023). Strong social pillars, relatively high lev-

els of social equality, and equal opportunities, are legacies of the previous socialist period, but the constitutional settlement indicates a framework conducive to social solidarity, fairness, and shared prosperity even in the period of transition from the socialist arrangement to the European-style social market economy.

Moreover, important provisions protect the equality of all citizens, such as equality for men and women. In addition to general provisions on the equality of all the citizens of Slovenia, the constitution provides for equal employment conditions. There is a constitutional provision guaranteeing freedom of choice in childbearing, whereby everyone shall be free to decide whether to bear children.

Several important constitutional provisions deal with the organisation of the parliament, the government, and the state in general. One is that the electoral system ensures proportional representation with a four percent threshold and gives due consideration to the fact that voters have a decisive influence on the allocation of seats to the candidates (Article 90). Based on proportional representation, the president of the republic proposes to the National Assembly a candidate for prime minister. If the candidate receives the absolute majority of votes in the parliament—46 out of 90 parliamentary votes—they form the government, which also needs to be approved by the parliament (Grad et al. 2020). There are two rounds of votes in the National Assembly: first to elect the prime minister and then to approve the entire government.

Due to the proportional system, a coalition of political parties in power must be formed. The leading political party rarely achieves more than 30 to 35 percent of votes, which leads to the formation of diverse coalitions with several political parties. The system does not favour strong political leaders at the helm of the government. Running the government in practice requires the skilful leadership of the prime minister and the leading coalition party. It very often requires concessions to the smaller political parties beyond their electoral weight. Occasionally, it even requires agreements and support from the parties in the opposition for certain decisions that require two-thirds unanimity (e.g., the election of the ombudsman requires a two-thirds majority).

On the other hand, the constitutional arrangement favours the incumbent government with a constitutional safeguard called a constructive no-confidence vote. This safeguard is taken from the German constitutional system and stipulates that a vote of no confidence by the parliament can be passed only by electing a new president of the government. This means that

the constitutional system favours the incumbent government and the prime minister after parliamentary elections and coalition formation.

In practice, over the last 30 years, the system provided relatively stable governments despite a sometimes large number of coalition partners. Most of the coalitions were formed on the same side of the political spectrum (centre-left and liberal parties predominantly, and occasionally centre-right political parties, but also coalitions across the political spectrum). Resignations of the prime minister and of the entire government also occurred, but this was more of an exception to the general rule of relatively stable governments. Relatively stable government coalitions in the proportional system meant that many concessions had to be made to counteract the occasional demands of the smaller political parties in the coalition, who have difficulties showing their public and electoral impact within the governing coalition.

Another important characteristic of the Slovenian political system is the relatively large size of the public sector, including public agencies, funds, institutes, and state-owned companies (completely or partially owned by the state). In theory, all these public entities should be run as autonomous, independent, and legally accountable entities. In practice, however, many of these entities have become intertwined with party politics, primarily influenced by the ruling coalition parties but sometimes by opposition parties as well—the so-called “unprincipled coalitions”. Consequently, interest groups of different origins, loyalties, and shifting alliances were often capable of exerting favours, rents, and other forms of advantages that transcended both the interests of the political parties and especially the protection of high-quality access to public services on an equal basis for all citizens. The practice of conflicting interests, rent-seeking, and bypassing public procurement procedures has become particularly problematic in the construction of public infrastructure and in the public health system. Public trust in many public institutions has recently started to gradually erode. Political parties traditionally receive the least public trust, followed by politicians. Even the media, the judicial system, the ministries, and the government, including the national parliament—in many instances in a fast-changing social and political context—do not enjoy a high level of public trust. Similar applies to the church, often to the trade unions. The president of the republic usually ranks highest in terms of public trust, as do the national defence system (including the military, the police, and especially the civil defence system, which includes volunteer firefighters

and their local associations), the system of public education, science and research, entrepreneurs, and independent civil society.

There is a pattern of erosion of both old and newly established political parties, accompanied by a simultaneous rise in the influence of well-organised interest groups. Reasons for the erosion of political parties’ influence are manifold: a decline in the attractiveness, for the most talented and accomplished individuals, of action within the party system; a decline of programmatic work within the political parties of the entire spectrum, where the majority of the political parties subscribe to the neoclassical set of economic and social policies that all represent the versions of the third way with strong convergence; the existence, restricted to the fringes of party politics, of partial and exceptional attempts to articulate new form of political and social initiatives – most of them in fact closer to populism than to any type of coherent, elaborate and institutionally innovative ways. The institutionally conservative, status quo political parties attract less and less interest among the public and talented young people. Negative party selection with uncritical loyalists, lack of programmatic ideas and initiatives, as well as convergence toward the neoclassical repertoire of the primacy of markets over public policies, led to the steady erosion of party politics. Gradually, political parties represent more particular groups, personal interests and gains than an ongoing democratic contest of different political visions and programs (Fink-Hafner 2024; Laštro/Bieber 2023).

The European third-way approach to politics—a combination of Anglo-Saxon economic flexibility and the Rhineland model of social security—amplified with the European technocratic approach, led to the steady belief at the national level that party politics is something obsolete and unable to articulate new ideas, initiatives, and institutional innovations. Thus, it does not come as a surprise that the rise and growth of new and instant political parties were formed without a proper social base, without a proper political program, and without a strong, advanced political apparatus. In certain instances, these newly formed political parties, sometimes created only a few months before parliamentary elections, became part of the ruling coalition or even the ruling coalition party itself. The personification of the new and old political parties took primacy over all other political organisations and activities. The cycle of traditional replacement of left and right political changes transformed into a cycle of new and old political parties, resulting in an ever-lower quality of policymaking. After each new round of elections, the initially high public expectations for the new political parties and the supposedly new faces in Slovenian politics soon descended

into disillusionment with politics and an erosion of trust toward public institutions.

Finally, the most important characteristic of the Slovenian political system since its independence was a broad political consensus on key social and political issues. This consensual politics, led primarily by the centre-left coalition governments in the first decade before entering the European Union, was largely continued by the centre-right coalition after the country's accession to the EU. The broad consensus in politics and policymaking gradually eroded due to an extensive mismanagement of Slovenian economic and social policies, which became more visible and tangible only after the global financial crisis. The rapidly increasing public debt, the sale of many formerly successful national companies—both private and public—the new wave of bankruptcies and the rise of unemployment, the deterioration of public services, and the spread of political clientelism, led to the completion of Slovenia's incrementalist and gradual reforms as the model of Slovenian adjustments to the processes of Europeanisation and globalisation. The previous model of political consensus approaches has been exhausted; in its place, the model of polarisation, culture wars, and weak public institutions without a clear strategy and development initiative has come forward. Slovenia was on the verge of receiving a troika from the EU. From being among the most prepared and advanced new member countries, Slovenia has become a semi-peripheral EU member, unable to make the structural progress necessary to become one of the more developed and advanced member states.

The constitutional, legal, and political safeguards against political and social instability remained in place and continue to play a role at the vertical and horizontal levels of policymaking. The nominal stability of the political and constitutional systems did not, however, prevent the deterioration of the quality of policymaking. Instead of more sophisticated policymaking to deal with the new challenges and opportunities of the inclusive knowledge economy, climate change, green transition, and coping with the new social, health, and other risks, policymaking is stagnating. There is a certain level of resilience and inertia embedded in policymaking. There is also a certain level of protection against excesses or further deterioration of public policies in the framework of EU decision-making processes. However, in place of constant improvements and enhancement of problem-solving capacities, it is stagnation that is observed. People, firms, other social groups, and associations increasingly realise that they must rely primarily on their own devices to cope with the ongoing challenges and frequent crises (nat-

ural, social, and economic, domestically and internationally). The more resourceful and successful parts of society can integrate and benefit from Europeanisation and globalisation, whereas the growing divide in society results in some social groups remaining excluded from such opportunities and benefits.

3 Economic neoliberalism and illiberal democracy: Causal links

Perhaps the best explanation for the complex causal links between growing social and economic dissatisfaction, steady erosion of trust in public institutions and political parties, and sudden democratic backsliding – as well as the reversal of democratic backsliding – is offered by Orenstein and Bugarič. Their analysis sees the root causes of democratic backsliding across the Central and Eastern European countries as a delayed reaction to the strict implementation of the highly disruptive neoliberal reforms (mass privatisation of the economy, partial privatisation of social pillars in the deregulatory environment, prone to massive frauds) supported by Western international organisations, including the European Union (Orenstein/Bugarič 2022, 3). This finding is consistent with the rise of ethnopopulists focusing on the economic well-being of the citizens (Vachudova 2020, 7), and with the fragility of democratic institutions across the region in all three categories of countries (consolidated democracies, democratic backsliding countries, and democratic backsliding countries prior to consolidated democracies) described by Stanley (2019).

The public sphere, however, becomes fertile for any rise of populism, demagogues, and illiberal alliances forged between the populist and the excluded social groups. The sentiments are mainly anti-institutional, at the national and European levels, and against globalisation.

4 Individual but cumulative dismantling of independent institutions: The cases of the Slovenian Press Agency (STA), the public prosecution delegation, and the public television

Growing disillusionment with public policies, political parties, and institutions, did not develop overnight (on the dynamics of consolidation and institutionalisation of the party system in Slovenia toward gradual fragmentation and polarisation, from independence to the present, see Fink-Hafner

2024, 170 – 213). After strong support for EU integration and membership not only in the European Union but also in the eurozone and Schengen, enthusiasm for the European Union gradually eroded. This was especially the case during the international financial crisis, when the Slovenian public and private sectors were highly exposed, and the ensuing period of austerity and of sales of a long list of public and private Slovenian companies and financial institutions.

Before the pandemic, a weak and fragile centre-left government coalition collapsed in the middle of its mandate. The smaller coalition parties, with low chances of re-election, opted rather to join the right-wing coalition to prevent early parliamentary elections. The new centre-right coalition was formed with the support of smaller political parties without a clear political profile and with an even less clear social and political base. As described in the previous section, the ground for the rise of populism and for the turn toward illiberal democracy was already fertile. In this section, three examples indicating a slide toward illiberal democracy—the conflict between the newly formed government coalition and the national press agency (STA), the government's interference in nominating two delegated prosecutors to the European Public Prosecution Office (EPPO), and the standoff between the government and the national public television—will be presented.

STA was founded by the government of Slovenia after independence and is the backbone of the information system for the national media. The law on STA guarantees the agency's institutional autonomy and editorial independence as well as adequate financing for the uninterrupted performance of the public service based on the annual business plan (Article 3). In addition to the public service, STA was also allowed to perform commercially, but the accounting for these two activities was kept strictly separate.

When the new government was formed, it withdrew its funding of STA despite its legal obligations and existing contractual obligations via the government's communication office, UKOM. The argument for suspending payment was that alleged accounting inconsistencies must be clarified before payment obligations can resume. In addition, UKOM initiated a weekly analysis of the news and STA information. It was never explained for what purposes, based on what criteria, or by whom such analyses were conducted.

This standoff between the government, represented by UKOM, and STA resulted in financial liquidity problems for STA, which was soon on the verge of insolvency. More than 80 journalists faced economic insecurity

despite performing all of their obligations. The withdrawal of payments lasted for several months, and only solidarity among the journalists made it possible for STA to maintain minimal liquidity and the ability to pay journalists' salaries. The trade unions of journalists launched a public campaign to collect solidarity payments for the journalists. Many ordinary citizens and private donors collected money for the STA journalists to keep them afloat.

The European Commission also raised concerns in its annual rule of law reports. Concretely, in Slovenia's Rule of Law Report for 2021, it was stated that:

“In particular, following some delays in the payment of 2020 funding to the Slovenian Press Agency (STA), the Government Communication Office (UKOM) did not pay the agency's funding for 2021. Upon request of the Slovenian authorities, on 29 April 2021, the European Commission stated that the EUR 2.5 million funding granted by Slovenia to the Slovenian press agency to fulfil its public service mission is fully in line with EU law. However, these funds have not yet been disbursed. Concerns have been raised by different stakeholders regarding the overall situation of media pluralism in Slovenia” (European Commission Rule of Law Report for Slovenia, 2021, section III. on Media Pluralism and Media Freedom).

STA also received moral support from independent international professional media associations, such as the International Press Institute (IPI), which prepared a detailed analysis of STA's legal position and provided arguments for unconditional, regular payments for their public service. The Slovenian court, based on a lawsuit filed by STA, concluded that the government, via UKOM, acted in violation of its legal obligations (the overview of legal analysis, prepared by Media Freedom Rapid Response on Press Freedom in Slovenia, IPI Report 2021).

After almost a year of standoff, the adoption of the court decision about the violation of the payment obligations, multiple calls from national and international independent media organisations, the organisation of the public crowdfunding initiative, calls from European Commission Vice-President for Values and Transparency Věra Jourová, and the resignation of the director of STA, payments to STA via UKOM were temporarily resumed.

There were several reasons for the standoff between the government and STA. On a superficial level, there was a long-lasting dispute between the director of STA and several government officials, including the prime minister. There were likely, however, deeper reasons for the conflict: it was

an attempt to take control of STA and to reduce its independent and autonomous status. Moreover, it was an exercise in disciplining journalists at large, not only those of STA. If it were possible to undermine the autonomy of STA, it would have a negative impact throughout the media landscape—electronic and print—in Slovenia.

A second example of arbitrary government interference with the procedures was the appointment of two delegated prosecutors to the newly founded European Public Prosecution Office (EPPO) to strengthen control over EU-funded projects. Not all the member states acceded to the EPPO, but a majority did, including Slovenia. On this basis, the Slovenian Ministry of Justice prepared a public call for two delegated prosecutors. Only two prosecutors applied to the open public call, both fulfilling all the formal criteria. Before being confirmed by the Ministry of Justice, both prosecutors were also approved by the Prosecutorial Council, an independent body consisting of prosecutors and law professors. Upon their confirmation, the Ministry of Justice informed the government about the selection to send their candidacy to the EPPO for final approval. The government, however, did not allow the proposal to be formally presented to the government and instead decided to repeat the entire selection procedure. The unfounded nature of the government's decision prompted the Minister of Justice to resign. However, the newly appointed Minister of Justice repeated the public call for delegated justice, but the entire procedure came to the same result. The government continued to ignore the proposal for several months, without sending it to the EPPO. The delay in the appointment of the delegated prosecutors prevented the EPPO from formally functioning, prompting both the chief EPPO, Laura Kovesi, and the European Commissioner for Justice, Didier Reynders, to try to persuade the government of Slovenia to send the proposed candidates to the EPPO for the finalisation of the selection process.

More concretely, in the European Commission Rule of Law Report for Slovenia in 2021, it was stated that:

“The nomination of the European Delegated Prosecutors of the EPPO has also been delayed, raising concerns that the national procedure has not been properly followed. In December 2020, the State Prosecutorial Council submitted the names of the two candidates to the Minister of Justice, and the Government did not put the item on the agenda of its sessions, despite the legal obligation to only take note and transmit the names to the European Public Prosecutor's Office. On 27 May 2021,

the Government declared the selection procedure as unsuccessful and instructed the Minister of Justice to publish a new vacancy, which was released on 9 July. According to the Council of Europe recommendations, the recruitment of public prosecutors must be carried out according to fair and impartial procedures embodying safeguards against any approach representing interests of specific groups, and their promotions are governed by known and objective criteria, such as competence and experience” (European Commission Rule of Law Report for Slovenia, 2021, section I on Justice System and Independence).

The government finally sent the proposal of two delegated prosecutors during the Slovenian rotating presidency of the Council of the EU. After it ran out of arguments and procedural and substantive ideas on how to further delay the process of appointment of the delegated prosecutors and following increased pressure from the European institutions during the Slovenian presidency, after exerting pressure on the prosecutorial system in Slovenia in particular as well as on the entire judiciary, the two delegated prosecutors from Slovenia were finally appointed by the EPPO.

The third example relates to the national public television, which has long been criticised by the (former) opposition political parties as unfair and biased against the opposition. Even during the time when the political parties were in opposition, it was a target of many criticisms, complaints, and actions of the opposition parties, such as calling for a boycott of public TV subscription payments, which is mandatory for all households in Slovenia. When the centre-right coalition was formed, the pressure on national public television mounted in parallel with the pressure on STA. After the expiration of the term of the general director of the national public television (RTV), a new general director was appointed. The main criticism against the selection was that the newly appointed general director did not fulfil the criteria of at least ten years of experience and capabilities in managing large organisational systems. The newly appointed general director was previously unknown in the Slovenian landscape. Soon after his appointment, a new director for television was also appointed, who was previously the head of UKOM, already known for his standoff with STA.

These changes at the helm of national public television soon led to a cascade of changes in the organisational and personal structure of the television. The common pattern of these changes was the speed, the appointments without careful consideration of references, and the introduction of many new employees without formal procedures in the period when the

national public television was already in financial difficulties. Some popular TV programmes were either cancelled or curtailed; in their place, new TV programmes were introduced without proper planning and preparations.

It is difficult to assess the direct and indirect consequences of such interventions and conflicts with national public television. Certainly, overall viewership ratings declined, as did income from advertising, but changes in overall trust in the public media in a short period of time is difficult to evaluate without more in-depth studies and analysis.

Each of the three examples, observed separately, could be considered a specific conflict in the important public domain of enabling an open, pluralistic society and the functioning of the government based on checks and balances. Taken together, and in a broader national political context as well as international context, the attempts to open pathways toward a hybrid model of governance can be clearly detected.

Perhaps the biggest indicator that democratic backsliding might be taking place is the increased prevalence of public hate speech, directly or indirectly supported by political parties. Targets can include exposed individuals or independent autonomous institutions, such as the media, the judiciary, civil society, or academia. None of these institutions should be exempted from public scrutiny and criticism. However, when the public's simmering discontent is directed at certain targets without substantive arguments and without properly structured, nuanced, and pluralistic public discussion, such an assault can be considered an attempt to undermine, scare, delegitimise, or otherwise harm certain entities, bodies, or institutions to take them over for non-legitimate purposes or to dismantle them completely.

5 Conclusions

This analysis of democratic backsliding in Slovenia shows how difficult and demanding it is to establish independent, responsive, accountable public institutions and how quickly they become vulnerable in cases of deliberate attempts at subverting them (Levitsky/Ziblatt 2019).

In the example of Slovenia, we can conclude that if there is (in fact, if there was) a broad national development consensus about key social, economic, political, and cultural premises in the national context, as well as the context of Europeanisation and globalisation, the relative autonomy of public institutions can be maintained (Anghel/Jones 2024).

Danica Fink-Hafner, in her analysis of the fluidity of democracy in Slovenia, observed that the erosion of trust toward the political parties began after Slovenia joined the EU in 2004, which coincided with the neoliberal turn of the EU. The inability of the national elites to cope with the challenges of the post-2004 EU contributed to the quick and time-limited democratic backsliding of Slovenia (Fink-Hafner 2024). Delayed reaction in the form of democratic backsliding was several decades in the making (Orenstein/Bugarič 2022). Neoliberal economic policies (national, supranational, and global), erosion of social pillars, and the rule of law all contributed to democratic backsliding in Slovenia. On the other hand, the resilience of the public institutions, the independent media, and the actively organised civil society contributed to the relatively quick reversal of this democratic backsliding. It provides lessons on the causes of the erosion of safeguards and the lack of implementation of inclusive, sustainable development policies for the many (not the privileged few) citizens. In that case, the risk of future democratic backsliding in Slovenia remains a real possibility.

Built-in safeguards, both vertical and horizontal, can help stabilise the institutional structure and prevent democratic backsliding (Ginsburg/Huq 2018; Vachudova 2020). The ultimate prevention of democratic backsliding depends on every individual's autonomy, professional integrity, and independence, particularly those in exposed positions. It depends on an independent civil society and on many social pillars. Slovenia, as a country with a long tradition of corporatism and post-corporatism, also depends on the internal cohesion of various social strata.

To counteract tendencies toward dismantling independent institutions and formal decision-making procedures, many acts can help. These can be decisions of the courts, from lower courts to the Supreme and Constitutional Court; even interim decisions and court injunctions can play an important role, especially in cases and disputes that can last for several years; independent expert opinions can play a role, as well as the in-depth analyses, statements, and positions of the key European institutions and their representatives. A referendum in which the legislative act on waters, aiming at partial privatisation, was decisively rejected by a majority of voters in July 2021. The turnout for this referendum was comparatively high, demonstrating the ability of civil society to mobilise public opinion. As such, the referendum served as a precursor to the political changes in the 2022 parliamentary elections.

On the other hand, the strategic behaviour of loyalists and interest groups can help to subvert independent and autonomous institutions and decision-making processes rapidly. The alliance—explicit or implicit—between the ruling elites, populist leaders, interest groups, and the excluded parts of the population can exploit the broad popular discontent that may have accumulated over many years or even decades. Apart from fully consolidated autocratic rule, the hybrid regime, with its superficial appearance of respecting rules and procedures while subverting genuinely anti-democratic outcomes, appears to be the worst possible outcome of democratic backsliding. Once the inflection point is reached, it is very difficult or nearly impossible to return such a regime to open, democratic, pluralistic, fair, and transparent procedures.

The best strategy to prevent democratic backsliding is to ensure a long-term successful social and economic development strategy and equitable access to high-quality public services. This requires the development of broad social alliances, participation, and cooperation among social groups to achieve shared prosperity. Even in bad economic times, social and economic resilience, participation, and cooperation among social groups can avert attempts by populists and demagogues to subvert key postulates of parliamentary democracy, the rule of law, independent civil society, and human rights. Even in situations of partial or limited democratic backsliding, it is important that the restoration of dismantled institutions and subverted processes take place in an orderly, transparent, and legitimate manner. Otherwise, we may risk merely replacing one unfair and subverted institutional context with another, further undermining the prospects of fully fledged and consolidated democratic processes in the future.

International and supranational support for democratic processes can help, particularly with in-depth knowledge and a nuanced understanding of any society facing or experiencing democratic backsliding (Benedek 2020). Fortunately, the indicators, patterns, and methods of institutional dismantling have become more recognizable and better understood than in the past (European Commission 2023).

Finally, the collective domestic desire and recognition that open, democratic, pluralistic, and transparent decision-making processes can lead to shared prosperity and fair and equitable opportunities for the many is the ultimate and decisive element in ensuring democracy's strength and resilience.

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