

Populism and Social Law: The Case of Southern Europe

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Both left-wing and right-wing populism have found fertile ground in Southern European countries, especially in the wake of the economic crisis. Impoverishment, rising inequality and social insecurity caused by growing unemployment generated by the great recession and as a side-effect of austerity measures have increased social discontent toward the traditional political establishment. This has promoted populist movements, such as the Five Star Movement and the League (the successor to the Northern League) in Italy, and Syriza in Greece, along with Podemos and Vox in Spain.

In the first section the article introduces the populists to be scrutinized in the subsequent sections before exploring the reasons behind the rise of populist movements in Greece, Italy and Spain, and examining the kind of populism they share. In the second section we illustrate the political agenda of the ruling populist parties. The article highlights the fact that while in Greece and Italy ‘all-populist’ governments have been in charge in recent years and have managed to implement some of their reforms, in Spain they have never come to power alone, but only within a coalition with traditional parties, so we will mostly discuss their political agenda. The third section focuses on an evaluation of the effectiveness of the policies implemented with respect to the social issues these groups purported to address. This will take us to a final discussion of the real capacity demonstrated by ruling populists to promote a new social model or a valid alternative to the mainstream liberal one.

Keywords: Populism, labour law, social security law, social model

1 THE RISE OF POPULISM IN SELECTED SOUTHERN EUROPEAN COUNTRIES

This section focuses on describing the main populist players and analysing the sources of populist slogans in the three countries under investigation. Based on our understanding of populism presented in the introductory chapter,¹ we are of the opinion

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¹ See more Piotr Grzebyk, *The Rise of Populism and Its Impact on Labour Law and Social Policy – Introductory Remarks*.

that Syriza, the Five Star Movement, the League, Podemos and Vox may be flagged at a minimum as parties that rely on populist appeal, if not as populist parties *per se*.² Our shared initial assumption is that populism is primarily characterized as being anti-elite and anti-pluralist, pitting the ‘pure’ people against the ‘corrupt’ elite. The ‘people’ as a political actor is idealized and perceived as the sole legitimate source of political power, as opposed to the corrupt elite – politicians, state officials, business leaders, intellectuals, even trade union leaders or any dominant social group that undermines the vital interests of ‘the people’. The article describes how populist leaders place the working class within the broad category of ‘the people’.

The choice of Greece, Italy and Spain to be covered together in a single article is based on ‘the *why*, the *where*, and the *when* of populism’.³ As for the *when*, populism in these three countries – in various forms – has a long history. However, we attempt to pinpoint a date for the rise of populism to the years of the great recession (so-called ‘crisis populism’).⁴ Just before the beginning of the 2007 financial crisis, Greece and Spain were achieving quite significant economic growth, while Italy was in the midst of a decade of economic stagnation. The level of public deficit and debt was already worrying in Italy and Greece, while the Spanish economy, in spite of the low deficit, was affected by the distortions caused by the housing bubble. Unsurprisingly, the economic downturn prompted a sovereign debt crisis in Italy and Greece and burst the housing bubble in Spain, leading to severe increases in unemployment, the bankruptcy of major companies and a liquidity crunch for major banks. In 2010, the EU had to step in – through the European Council, the Eurogroup, the European Commission and the European Central Bank (a constellation with the International Monetary Fund which is widely known as the *Troika*) – to rescue these collapsing economies, providing financial help in exchange for reforms under bailout programmes for Greece.⁵ Reforms were also the ‘implicit’ condition of assistance laid down in the case of Italy and Spain, even if they were not technically subject to a bailout programme.⁶ More precisely, the ‘secret’ letters sent by the European Central Bank to the Italian and

² Comparing Syriza, Podemos, and the Five Star Movement in the context of modern populism is not a special case at all. See Paolo Segatti & Francesco Capuzzi, *Five Star Movement, Syriza and Podemos: A Mediterranean Model?*, in *Populism on the Rise: Democracies Under Challenge?* (Alberto Martinelli ed., ISPI 2016), Nuria Font, Paolo Graziano & Myrto Tsakatika, *Varieties of Inclusionary Populism? Syriza, Podemos and the Five Star Movement*, *Government and Opposition* 1–21 (2019).

³ Eric Protzer, *Paul Summerville, Reclaiming Populism. How Economic Fairness Can Win Back Disenchanted Voter*, *Polity* 5, 7, 12 (2022).

⁴ Yannis Palaiologos & Theodore Pelagidis, *How to Damage an Already Fragile Economy: The Rise of Populism in Greece*, 18(2) *Geo. J. Int'l Aff.* 51 (Summer/Fall 2017); Cas Mudde, *Populism in Europe: An Illiberal Democratic Response to Undemocratic Liberalism (The Government and Opposition/Leonard Schapiro Lecture 2019)*, *Government and Opposition* 56, 577–597 (2021).

⁵ See Clair Kilpatrick, *On the Rule of Law and Economic Emergency: The Degradation of Basic Legal Values in Europe's Bailouts*, 35(2) *Oxford J. Legal Stud.* 325–353, 349 (2015).

⁶ S. Sacchi, *Conditionality by Other Means: EU Involvement in Italy's Structural Reforms in the Sovereign Debt Crisis*, 13 *Comp. Eur. Pol.* 77 (2015).

Spanish governments in August 2011 identified the key reforms: decentralization of collective bargaining, private-sector wage moderation and labour market flexibilization.

As for the *why* and the *where* of populism, we share the position which supports the existence of a distinct South European model of welfare,⁷ which was devastated by the economic crisis and austerity measures in the three countries under scrutiny. Notwithstanding important differences between Greece, Italy and Spain, we argue that the similar welfare models hit by the crises have produced comparable economic, social and political effects (including the weakening of social democratic parties) and subsequently – the crucial element in our argumentation – contributed to formation of a ‘peculiar Mediterranean populism’.⁸

1.1 SYRIZA DISLIKES BEING LABELLED AS POPULIST, AS MOST POPULISTS DO

Syriza rejects the label ‘populist’ because the term has been associated with political pathologies in Greece (such as demagoguery and corruption) and carries the stigma of negative historical connotations.⁹

Syriza was initially founded as an electoral coalition of radical left-wing parties and extra-parliamentarian organizations in 2004 with the aim of establishing political representation in the ideological area between social democracy (PASOK)¹⁰ and communist ideologies (KKE).¹¹ Syriza and its leader Alexis Tsipras have been labelled in the international literature as a group combining populism with a radical ideology.¹² There have been many extensive studies of their populist rhetoric, which focuses on the morally virtuous ‘people’ in opposition to national and European politico-economic elites: the ‘corrupt’ parties of socialist PASOK and right-wing New Democracy that bankrupted the country, the ‘corrupt’ media that supported the old political system, ‘bankocracy’ and

⁷ Martin Rhodes, *Southern European Welfare States: Identity, Problems and Prospects for Reform*, 1(3) *S. Eur. Soc’y & Pol.* 1–22 (1996), R. Mulé, *The South European Welfare State in the New Millennium: Constraints, Challenges and Prospects for Europeanisation*, 60(7) *World Econ. & Int’l Rel.* 25–36 (2016).

⁸ Dimitrios Kotroyannos, Stylianos Ioannis Tzagkarakis & Ilias Pappas, *South European Populism as a Consequence of the Multidimensional Crisis? The Cases of Syriza, PODEMOS and M5S*, 7(4) *Eur. Q. Pol. Attitudes & Mentalities* 3 (2018). The same Font, Graziano & Tsakatika, *supra* n. 2, at 18, Segatti & Capuzzi, *supra* n. 2, at 63.

⁹ For an extensive analysis on how Syriza started to use ‘the people’ in its political discourse and continued with an antagonistic discourse, see also Yannis Stavrakakis & Giorgios Katsambekis, *Left-Wing Populism in the European Periphery: The Case of Syriza*, 19(2) *J. Pol. Ideologies* 127 et seq. (2014). See also Yannis Stavrakakis, Ioannis Andreadis & Giorgos Katsambekis, *A New Populism Index at Work: Identifying Populist Candidates and Parties in the Contemporary Greek Context*, 18(4) *Eur. Pol. & Soc’y* 446–464 (2017).

¹⁰ Panhellenic Social Movement.

¹¹ Communist Party of Greece.

¹² See Cas Mudde, *Syriza the Failure of the Populist Promise* (Palgrave Macmillan 2017).

neoliberal Europe, as well as Germany, seen as the leading power of the EU and the main representative and defender of the austerity doctrine. This populist narrative has been used to attract electoral supporters and ultimately gain power. Prior to its term in office, Syriza exploited populism as a rhetorical style and political strategy. All those opposed to populism were characterized as ‘liberal elites’, confirming Syriza’s overall anti-establishment politics.

At the beginning of Syriza’s political history, its discourse was targeted toward young people, social movements or society, rather than ‘the people’. It was only after 2011, when Alexis Tsipras called for unity between left-wing supporters to govern the country, that the party appealed to the ‘people’ in general terms. Syriza stoked antagonism between ‘us’ – the vast majority who were affected by the crisis and strict austerity, and ‘others’ – a privileged minority from the establishment who were responsible for the crisis and dependent on international elites. ‘The people’ included workers, farmers, young people, the unemployed, pensioners, craftsmen, intellectuals, migrants, minorities and all those who suffered from neoliberalism and austerity policies (‘the underprivileged’).

The populist language used by Syriza satisfied people that expressed discontent with the established political class and elites. The need for change away from a corrupt political system based on systemic deficiencies and pathologies was addressed by Syriza’s promising alternative.

1.2 WHAT CAUSED ‘CRISIS POPULISM’ IN GREECE?

Greece has experienced several waves of populism in its recent history,¹³ but a full discussion on all forms of populism in this country lies beyond the scope of this study. The same applies to Italy and Spain: we argue that a common denominator for the Southern European populism analysed in this study is the economic crisis of 2008 and the age of austerity. At that time, populism re-emerged in a completely new context, i.e., ‘crisis populism’. The austerity measures that followed the economic and sovereign debt crisis amplified the popularity of populist slogans.¹⁴ As the situation worsened with the rise of poverty, inequality and social insecurity, populism gained traction on the political scene and gained traction with more and more dissatisfied citizens.¹⁵

¹³ See more Stavrakakis & Katsambekis, *supra* n. 9, at 124 et seq. (2014).

¹⁴ See Giorgos Katsambekis, *The Populist Radical Left in Greece: Syriza in Opposition and in Power*, in *The Populist Radical Left in Europe* 35–36 (Giorgos Katsambekis & Alexandros Kioupkiolis eds, Routledge 2019).

¹⁵ Bojan Bugarič, *The Populist Backlash Against Europe: Why Only Alternative Economic and Social Policies Can Stop the Rise of Populism in Europe*, in *EU Law in Populist Times: Crises and Prospects* 478 (Francesca Bignami ed., CUP 2020).

The outbreak of the economic crisis triggered widespread social discontent with the single-party governments that have been in power in recent decades. This discontent was expressed through mass mobilization and the development of anti-austerity social movements, which contested the traditional political system and institutions.¹⁶ The Greek populist movement *aganaktismenoi* followed in the footsteps of the *indignados* in Spain.¹⁷

Single-party governments were seen as responsible for the country's economic situation and the harsh austerity that followed. The 'memoranda politics' with their strict conditionality and impact on the reduction of incomes provoked massive social protests and aggression toward the political elites and political instability. The political parties were divided by their position on the memorandum and the political landscape shifted beyond the traditional two-party system. Growing impoverishment and anger led many voters to abandon their previous party allegiances and explore alternatives. Syriza targeted this fluidity by using 'the people' – 'λαός' as a signifier, shifting its initial discourse.¹⁸

Syriza found a counterpart to its anti-memorandum positions in ANEL.¹⁹ The formation of this government coalition is an interesting example of how two political parties with antagonistic populist discourses and strategies came together to take on the establishment. During the first months of coalition government, legislative activity was limited because of the ideological differences between the two parties and the difficulty in bridging them, especially in the context of the crisis and failures in ongoing negotiations with Greek lenders.

1.3 ITALIAN INCLUSIONARY AND EXCLUSIONARY POPULISM: THE FIVE STAR MOVEMENT AND THE LEAGUE

The rise of Italian populism dates back to 1992, when the corruption scandals prompted by the famous *mani pulite* (clean hands) investigation swept away many mainstream political parties (Christian Democrats, Socialists and Communists).²⁰ The process of political disintermediation probably peaked with the grassroots Five Star Movement founded by comedian Beppe Grillo in 2009. The Five Star

¹⁶ Hara Kouki & Joseba Fernandez Gonzalez, *Syriza, Podemos und die Anti-Austeritäts-Mobilisierungen*, *Forschungsjournal Soziale Bewegungen*, 29. Jg. 1, 61–71 (2016).

¹⁷ Giorgos Katsambekis, *Radical Left Populism in Contemporary Greece: Syriza's Trajectory from Minoritarian Opposition to Power*, 23(3) *Constellations* 392 (2016).

¹⁸ See also Stavrakakis & Katsambekis, *supra* n. 9, at 127ff.

¹⁹ A right-wing populist party called Independent Greeks (ANEL). This party was characterized as a 'flash political party' as it emerged in the political arena at the given point of time and is not active anymore since 2019.

²⁰ Manuel Anselmi, *Populism: An introduction* 66 (Routledge 2017).

Movement argued that ‘naturally honest’ citizens²¹ should be protected from the corrupt elites of traditional parties and the privileged oligarchy embodied by the financial world (bankers, the Troika and Germany) who were pursuing neoliberal and austerity policies. The best way to fight these ‘others’ was direct democracy, facilitated by the internet, which was widely considered to be more ‘authentic’.

The eclectic position of the movement,²² as encapsulated in the electoral programmes it presented at the general elections of 2013 and 2018, attracted interclass voters from the radical left to the right wing, including many voters with moderate views.²³ Moreover, the economic proposals made by the Five Star Movement mixed typically conservative positions, such as the reduction of taxation on companies, with more centre-left positions,²⁴ including proposals to reduce working time, support for precarious employment, worker participation in the management of companies and universal basic income. The ambiguous positions expressed by the Five Star Movement make it difficult to categorize them as right-wing or left-wing populist.²⁵ According to the proposals they put forward, especially in more recent times, they appear closer to the inclusionary variant of populism.²⁶

While the Five Star Movement was taking shape and increasing its electoral appeal, the Northern League (reconstituted as the League) undertook a profound ideological transformation under Matteo Salvini’s leadership starting in 2013, which was strongly based on ‘nativist’ nationalism.²⁷ This change was underpinned by a purely populist communication style featuring short messages that were easy to understand, oversimplifying difficult political issues and attempting to arouse strong emotions (such as fear and anger), making them appropriate for social media. Through these messages, Salvini promoted radicalization of the party’s position on immigration, increasingly framed as an existential threat to the survival of Italian national identity.²⁸ The corrupt elites are perceived as the enemies of ‘natives’, alongside ‘non-Christian’ migrants and EU technocrats, who threaten

²¹ Lorenzo Mosca & Filippo Tronconi, *Beyond Left and Right: The Eclectic Populism of the Five Star Movement*, 42(6) W. Eur. Pol. 1258 (2019).

²² ‘Neither to the right nor the left, but straight ahead’ was one of the electoral mottos of the movement included in a blog post ‘M5 story: from the internet the movement that is changing Italy’ (10 Feb. 2013).

²³ Mosca & Tronconi, *supra* n. 21, at 32, 1277.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ For more on inclusionary and exclusionary populism, see Cas Mudde, *Populism: An Ideational Approach*, in *The Oxford Handbook of Populism* 19 (Cristóbal Rovira Kaltwasser et al. eds, OUP 2017).

²⁷ Daniele Albertazzi, Arianna Giovannini & Antonella Seddone, ‘No Regionalism Please, We Are Leghisti!’ *the Transformation of the Italian Lega Nord Under the Leadership of Matteo Salvini*, 28(5) Reg’l & Fed. Stud. 645 (2018).

²⁸ *Ibid.*, at 648.

local traditions and cultural heritage, while failing to protect national economies from the economic crisis and opening Italian borders to immigrants.

The two different forms of populism endorsed by the League and by the Five Star Movement (which are more exclusionary and inclusionary, respectively) were extremely successful in the general election in 2018. They were called upon to form the so-called yellow-green government (*governo gialloverde*), also known as the Conte I government (named after the prime minister). It went down in history as the first ‘all-populist’ government in post-war Western Europe.²⁹

1.4 REASONS BEHIND THE WAVE OF ITALIAN POPULIST MOVEMENT

An explanation of their electoral success may be connected first and foremost with the fluidity of the electorate, triggered by the corruption scandals of 1992. Even moderate voters turned out to be open to anti-establishment parties. Given this tendency, two other major issues perceived by voters as critical to the nation strongly favoured their success. First, the Italian economy had not entirely recovered from the great recession and was still struggling with a high unemployment rate affecting weaker segments of the labour market.³⁰ The recession was also coupled with reduced social spending, leading to a generalized erosion of living standards.³¹ The second factor was the refugee crisis, a highly sensitive issue because Italy represented one of the most exposed EU external borders.³² Discussion on this issue was often combined with populist discourse on the ineffectiveness of EU action, which further fostered Eurosceptic attitudes.³³

Concerns about the economy worked against the incumbent Democratic Party, as explained by economic voting theory,³⁴ and benefitted the inclusionary populism of the Five Star Movement.³⁵ Distrust of mainstream politics boosted both kinds of populism, making the Five Star Movement idea of direct democracy even more attractive. Increasing migratory flows strengthened right-wing parties

²⁹ James L. Newell, *The Political Context 2013–2018*, in *The Italian General Election of 2018. Italy in Uncharted Territory* 21 (Luigi Ceccarini & James Newell eds, Palgrave 2019).

³⁰ Marco Giuliani, *Looking Retrospectively at the 2018 Italian General Election: The State of the Economy and the Presence of Foreigners*, 14 *Contemp. Italian Pol.* (2021).

³¹ Maria Petmesidou & Ana Marta Guillén, *South Europe: Reclaiming Welfare Post-Crisis?*, in *Handbook on Austerity, Populism and the Welfare State* EE 190–191 (Bent Greve ed., 2021).

³² Caterina Froio, *Italy*, in *Populism and New Patterns of Political Competition in Western Europe* 259ff (Daniele Albertazzi & Davide Vampa eds, Routledge 2021).

³³ Amadio Viceré, *The International Context 2013–2018*, in *The Italian General Election of 2018. Italy in Uncharted Territory* 73 (Luigi Ceccarini & James Newell eds, Palgrave 2019).

³⁴ Michael S. Lewis-Beck & Mary Stegmaier, *The Oxford Handbook of Political Behavior* 519 (Russell J. Dalton & Hans-Dieter Klingemann eds, Oxford 2007): Incumbents are punished or rewarded depending on how the economy is performing at the moment of the election.

³⁵ Manuela Caiani & Paolo Graziano, *Varieties of Populism: Insights from the Italian Case*, 46(2) *Italian Pol. Sci. Rev.* 243 (2016).

more inclined toward exclusionary populism, namely the League led by Salvini, who appealed to the population using the Trump-like slogan ‘Italian first’. The electoral platform of the populist parties varied, drawing in radical and more moderate voters, as well as members of the working class and entrepreneurs, especially from the northern regions that are traditionally loyal to the League.

1.5 SPANISH LEFT- AND RIGHT-WING POPULISTS: PODEMOS AND VOX

The parts of Spanish history most relevant to this argument date back to 2011, with the 15-M or *indignados* movement, named after the massive protests organized on 15 May 2011 that articulated a widespread feeling of anxiety caused by a political and economic crisis. Yet the 15-M was unable to stop the cuts imposed by *austericide* or to develop any lasting organizational form. Podemos, initially a small left-wing political party, benefited from this failure and shortly became the strongest player among the ‘assembly circles’ that followed the 15-M movement. Podemos – led by Pablo Iglesias – believes in the fragmentation of the society into two social antagonist groups: ‘the people’ and ‘*la casta*’.³⁶ It promotes inclusive populism and presents itself not as a part of left-wing ideology but rather as an alternative to the *status quo*, capable of pushing political change ‘from above’, to create an ‘electoral war machine’ capable of taking the polls by storm. In December 2019 Unidas-Podemos³⁷ – now the fourth political force in Spain – signed a coalition agreement with PSOE and since then has been part of the Spanish government, taking over the Ministry of Labour, for instance. Yet Podemos originally was unable to attract much support from the working class, i. e., the group most affected by the socio-economic crisis and the economic cut-backs. Only a handful of references to employment issues were included in the early political programme of Podemos.³⁸

Another actor on the scene, classified as a Spanish right-wing populist party, is Vox – the third largest political force in the country today.³⁹ Led by Santiago Abascal, it was created by former leaders of the Partido Popular (PP) at the end of 2013 and has not yet had the opportunity to rule the country, but it has participated in the governing bodies of several Autonomous Communities and municipalities. Vox positions itself as the antithesis to the corrupt elite, portraying Spanish

³⁶ Íñigo Errejón & Chantal Mouffe, *Podemos: In the Name of the People* 130ff (Lawrence & Wishart 2016).

³⁷ *Unidas-Podemos* is an electoral alliance of far-left parties. See more Josh Booth & Patrick Baert, *The Dark Side of Podemos? Carl Schmitt and Contemporary Progressive Populism* 17 (Routledge 2018). In the article we use *Podemos* and *Unidas-Podemos* interchangeably unless it is necessary to distinguish specific actions of the alliance.

³⁸ Political programme of Podemos for 2014, <https://blogs.elpais.com/files/programa-podemos.pdf>

³⁹ José Rama, Lisa Zanotti, Stuart J. Turnbull-Dugarte & Andrés Santana, *VOX. The Rise of the Spanish Populist Radical Right* 4 (Routledge 2021).

citizens as a social group suffering from the corruption of the ruling left-wing political parties and appealing to ‘common sense’ as the main requirement to govern the country. Vox argues that so-called ‘progressive political parties’ form the ‘evil elites’.⁴⁰ Populism means reducing the role of institutionalized intermediaries of any kind between the people and populist leaders, which puts trade unions in a particularly hazardous situation (as in the case of Bolsonaro in Brazil).⁴¹ However, Vox follows a different strategy. To win over the workers, Solidaridad was established, a trade union which has 49,200 Twitter followers.⁴²

Solidaridad advocates for employees, families and national wealth against the massive unlawful immigration which is supported by national taxes. The trade union claims that it was created to develop an economy destined to help citizens. In addition, Solidaridad has declared that it intends to rebuild and strengthen Spanish industry and agriculture in the face of international trade models based on speculation, relocation and unlawful competition. They defend the idea of the Ibersphere, which refers to the importance of strengthening ties (economic, political, social and cultural) between Spain and Europe with Latin America in order to facilitate legal migration.

In conclusion, it is important to highlight that despite their heterogeneity in terms of electoral strategies, communications skills and ideology, Podemos, Vox and their leaders may be described as populists due to common elements such as reasoning based on the belief that society has been taken over by elites (other political parties, banks, leaders on globalized market), along with distrust of any authority, lack of a core ideology, willingness to divide society, positioning itself as the only representative of the people and distrust towards any authority.⁴³ Arguably many similarities are to be seen in how they articulate their stances, interpret social and political dynamics, and make use of crises to create new political identities and gather support. Spanish populists address their political messages directly to ‘the people’. According to their public messages, the political class is the main enemy of the people, and traditional parties are a major obstacle to further progress.

⁴⁰ All these expressions can be found at the web, <https://www.voxespana.es/agenda-espana>.

⁴¹ Matthew Bodie, Renan Kalil & Mauro Pucheta, *Right-Wing Populism and Neoliberalism in the Americas: The Deconstruction of Labour Laws* in this issue of the Journal.

⁴² Spanish Official State Gazette (BOE) of 12 Aug. 2020 *Sindicato para la Defensa de la Solidaridad con los Trabajadores de España* (SPDSTE).

⁴³ José Javier Olivas Osuna, *Populismo en España: Fundamentos Teóricos y Relatos Dominantes*, Araucaria: Revista Iberoamericana de Filosofía, Política, 23(47) Humanidades y Relaciones Internacionales 375–376 (2021).

1.6 WHAT CAUSED ‘CRISIS POPULISM’ IN SPAIN?

The rise of Podemos and Vox has been linked to particularly high unemployment rates, the impoverishment of the middle and working classes, and numerous cases of political corruption⁴⁴ which have boosted an anti-political sentiment and a deep institutional crisis. The response to this grave crisis took place during the rule of Socialist and Conservative governments in 2010–2012 and involved a series of labour market reforms,⁴⁵ the vast majority of them imposed at the European level in response to the financial crisis caused by the housing bubble. From 2008–2009 more than two million jobs were lost, and the unemployment rate was almost 20%.⁴⁶ A significant percentage of these lost jobs were fixed-term employment contracts (one-third of all employees), which represented an anomaly in the European context and resulted in a strong segmentation between open-ended and fixed-term employment contracts. In general terms, the trend of labour market regulations at that time, in particular, the 2012 labour market reform, was to increase flexibility for enterprises and reduce labour costs (for example, the cost of terminating employment contracts).⁴⁷ Most of these reforms were heavily criticized for severely weakening individual and collective labour rights. These laws were aimed at reforming the entire framework of labour market institutions and included several provisions regulating the negotiation of collective agreements.⁴⁸ As for Vox, one additional reason for its popularity was the national Government’s apparent sluggishness in stopping the secessionist movement in Catalonia.⁴⁹

1.7 THE MEDITERRANEAN WAVE OF POPULISM

An initial objective of this part of the study was to identify populist players in Greece, Italy and Spain. In the case of Syriza, the Five Star Movement, the League, Podemos and Vox several common characteristics of populism were identified, such as: (1) the creation of the friend-enemy ‘dipole’ (the people *vs.* corrupted

⁴⁴ Domènec Ruiz Devesa, *El populismo de ‘izquierda’ en España: el caso de ‘Podemos’*, (214) *Temas para el Debate* 33 (2014).

⁴⁵ See also *Reforma laboral 2012. Análisis práctico del RDL 3/2012, de medidas urgentes para la reforma del mercado laboral* (Jesús R. Mercader Uguina & Ignacio García-Perrote Escartín eds, Lex Nova 2012) and the special issue of 1 (1–2) *Spanish Labour Law and Employment Relations Journal* (2012).

⁴⁶ Preamble of Law 35/2010, of 17 Sep. on urgent measures to reform the labour market.

⁴⁷ Giray Gozgor, *Amplifying Impact of Labour Market Flexibility on Right-Wing Populism in the EU Countries*, *European Politics and Society* 11 (2022).

⁴⁸ See Ana Belén Muñoz Ruiz, *Problemas prácticos del convenio colectivo de empresa*, Thomson Reuters (2014).

⁴⁹ Víctor Climent & Mirian Montaner, *Los partidos populistas de extrema derecha en España: Un análisis sociológico comparado*, 49 *Izquierdas* 919 (2020).

elites, the people *vs.* EU), (2) the positioning of the party or the leader as the sole ‘attorney of the people’,⁵⁰ (3) the anti-systemic rhetoric, (4) criticism of the European institutions.⁵¹ (5) the ‘chameleonic’ nature of populism (hidden behind either the traditional left or the traditional right).⁵²

Once the main actors were introduced, similar reasons were outlined for the rise of the populists in three countries as reflected in the observations already available in the academic literature, to the effect that Syriza, the Five Star Movement, the League, Podemos and Vox emerged as serious contenders to power thanks to two main factors: (1) the failure of economic policies of the governments dealing with the crisis, (2) the successful adoption of the populist discourses and rhetoric.⁵³ The governments formed by the traditional mainstream parties dealing with the great recession were targeted by populist movements as the ‘enemies’ of ‘honest’ people. The ‘enemy’ appellation was applied to the EU, which was accused of leading the unpopular reforms undertaken by national governments. The messages sent to voters were very attractive, especially for those most affected by cuts in social spending and the reduction of employment protection under the austerity measures. By promoting exclusionary or, for some movements, more inclusionary populism, they have been able to attract many voters who were primed to embrace anti-political and anti-migration rhetoric.⁵⁴ Even moderate voters turned out to be receptive to the alternative and extreme solutions proposed by the populists.

What stands out is the fact that the Mediterranean populist movement seems to pay no heed to workers as a specific distinct category of its populist constituents. All conundrums of the modern world of work figure in the populist agendas only as a part of general concerns about the interests of a poorly defined, fairly liquid category of ‘the people’. A possible explanation is that in Southern Europe, the allegiance of populists to workers or trade unions is not deeply rooted, and this form of populism bears none of the hallmarks of class movements such as communism or socialism.

⁵⁰ Giuseppe Conte during his first speech as Prime Minister described himself as *l'avvocato del popolo*.

⁵¹ Kotroyannos, Tzagkarakis & Pappas, *supra* n. 8, at 12.

⁵² T. Hoffmann & F. Gárdos-Orosz, *Populism and Law in Hungary – Introduction to the Special Issue*, 47(1) *Rev. Cent. & E. Eur. L.* 4 (2022).

⁵³ P. Liargovas & N. Tzifakis, *Left-Wing Populism, Southeastern Europe*, 45(1), 1–18 (2021); *European Populism in the Shadow of the Great Recession* (H. Kriesi & T. S. Pappas eds, ECPR Press 2015); Susana Salgado, Óscar G. Luengo, Stylianos Papatthanassopoulos & Jane Suiter & Agnieszka Stępińska, *Crisis and Populism: A Comparative Study of Populist and Non-populist Candidates and Rhetoric in the News Media Coverage of Election Campaigns*, *European Politics and Society* (2021); Manuela Caiani & Paolo Graziano, *Understanding Varieties of Populism in Times of Crises*, 42(6) *W. Eur. Pol.* 1146 (2019); Paul J. Maher, Adrian Lüders, Elif Erisen, Matthijs Rooduijn & Eva M. Jonas, *The Many Guises of Populism and Crisis: Introduction to the Special Issue on Populism and Global Crises*, 43(5) *Pol. Psychol.* (2022).

⁵⁴ Marco Lisi, Iván Llamazares & Myrto Tsakatika, *Economic Crisis and the Variety of Populist Response: Evidence from Greece, Portugal and Spain*, 42(6) *W. Eur. Pol.* 1284–1309 (2019).

2 POPULIST AGENDAS AND REFORMS DEALING WITH SOCIAL LAW

In this section, we explore the means that populists in the countries in this study have used to implement their political promises. We also contemplate various social issues featured in ‘populist agendas’ and analyse the reforms made under the populist influence.

When populists are in power, they make attempts to address selected issues by passing ‘populist legislation’, while populists who are close to fulfilling their aspiration of gaining political power must be content with just presenting a ‘populist programme’. In practice, populist legislation seems to be indistinguishable from legislation adopted under non-populist regimes.⁵⁵ Certainly not every reform introduced by populists is populist in nature. As a result, we investigate which reforms introduced by Syriza and the Five Star Movement and programmes presented by the League, Podemos and Vox may be classified as satisfying ‘populist agendas’.

We believe that three elements help to identify reforms introduced under the banner of populism. First, politicians may pass populist legislation without being able to explain its rationale, justifications and merits since the aim is primarily to satisfy the people’s demands and expectations (mass clientelism).⁵⁶ The fact that populists forget to announce these reforms in their campaigns is of negligible importance: the need to react to the people’s desiderata may appear on the spur of the moment. Second, populists simply fulfil pre-election promises given to constituents (the people), while non-populists are normally busy carrying out reforms for the common good, not limited to the interest of ‘the people’. Third, populist legislation is introduced by populists who appeal to the interests of the people against those of the elites. Populists portray regulations as a way to curb the unreasonable privileges of the corrupt elites and to foster the legitimate interests of the people. The Five Star Movement’s basic income reform, to be analysed below, serves as a representative example of drawing a picture of regulations aimed at compensating the previous government’s failure to fulfil the constitutional principle of the right to work.⁵⁷ Clearly a ‘contextual appraisal of the publicly declared intention of the legislator’ is needed to decide whether the reform reflects the genuine will of the people and the fight against the unjust power of the elite.⁵⁸

⁵⁵ Hoffmann & Gárdos-Orosz, *supra* n. 52.

⁵⁶ A. Bogg & M. Freedland, *Labour Law in the Age of Populism: Towards Sustainable Democratic Engagement*, in *Collective Bargaining and Collective Action* 17 (Julia López López ed., Hart 2019).

⁵⁷ Lucia Corso, *When Anti-politics Becomes Political: What Can the Italian Five Star Movement Tell Us About the Relationship Between Populism and Legalism* 483.

⁵⁸ Hoffmann & Gárdos-Orosz, *supra* n. 52, at 4.

2.1 SELECTED REFORMS IN GREECE IN THE ERA OF POPULISM DISCOURSE

The main legislative initiatives during the ruling period of Syriza-ANEL in social law discussed in this study can be classified under the following headings: employment protection, trade union rights and welfare. Most of them are difficult to classify as populist reforms, which serves to demonstrate that Syriza's populist alignment has been gradually fading after it came to power, mainly due to the third Memorandum of Understanding (MoU) and related obligations.

With regard to employment protection, in 2017, legislation introduced changes to the legal framework of collective redundancies and the role of the authorities in the consultation process. The legislative work continued in 2017 with a law aimed at strengthening labour protection legislation that provided for faster adjudication of cases against employers who delay wages in court, stricter mechanisms for monitoring labour rights in the workplace, mandatory electronic notification of overtime work, special parental leave benefits and the extension of eligibility for unemployment benefits, compulsory electronic notification of any termination of an employment contract which must be co-signed by the employee, the extension of maternity protection and stricter penalties for employers who violate labour legislation. The aforementioned reforms cannot be classified explicitly as populist reforms, but the way they were presented to the electorate incorporated elements of populist rhetoric.

We claim that through the lens of populism, the minimum wage laid down by the state constitutes a means of direct interaction with workers without the intermediation of trade unions, which are usually seen as antagonistic to populists given their intermediary role. Therefore, the minimum wage is a topic of inexhaustible potential for populists. In Syriza's case a probable explanation is that a decision of the Ministry of Employment with effect from February 2019 to increase the standard minimum monthly wage at a rate of approximately 11% addressed the dichotomy between the people and Euro(techno)crats who wanted to limit labour and social protections within the framework of financial assistance programmes.⁵⁹

As for trade union rights, before the crisis, in cases covered by multiple collective agreements, the principle of the most favourable agreement applied.⁶⁰ During the enactment of legislative changes following the crisis, company-level collective agreements were allowed to include less favourable working conditions than those in sector-level collective agreements until the completion of the financial assistance programmes.⁶¹ In the past, the Minister of Labour had the power to extend the scope of a collective agreement and make it binding for all

⁵⁹ From 1 Feb. 2019, the minimum gross wage of EUR 586 increased to EUR 650, see Ministerial Decision 4241/127/2019 Hellenic Government Gazette 173 B 30 Jan. 2019.

⁶⁰ Article 10 of Law No. 1876/1990.

⁶¹ See Laws No. 3845/2010, No. 38899/2010 and No. 4024/2011.

employees in a certain sector or occupation. However, this power was suspended by Law No. 4046/2012. The Syriza-ANEL coalition government managed to pass legislation in 2017 setting a timeframe for the duration of this provision, i.e., the end of the bailout programme and more specifically the end of August 2018 with restoration of the pre-crisis legal framework.⁶² Similarly, Law No. 4549/2018 restored the pre-crisis framework for the settlement of collective labour disputes and arbitration.⁶³ This legislative initiative was one of Syriza's pre-election promises, part of its populist rhetoric against austerity measures and Eurocrats which only materialized when Greece exited the financial assistance programmes.

As for welfare, it is worth mentioning that the Syriza-ANEL coalition government managed to introduce, as a part of the 'alternative programme', a tax-free Social Solidarity Income (SSI)⁶⁴ as a counterbalancing measure for the poorest households and homeless people in Greece, which was implemented in February 2017.⁶⁵ The alternative programme that the populist inclusionary discourse of Syriza proposed was a mixture of economic and social policies marking a departure from the politics of austerity and an attempt to renegotiate Greek public debt.⁶⁶ These components of Syriza's populist strategy were indeed successful because they managed to embrace most of the demands of popular anti-austerity movements and local struggles.⁶⁷

However, the negative effects of drastic reductions in social protection during and in the aftermath of the crisis could not be mitigated by such a marginal relief measure as SSI, which covered a limited number of beneficiaries because its strict eligibility criteria excluded a great number of people in need: it was also integrated with social inclusion and activation policies.⁶⁸ In the same vein, the government adopted a series of measures concerning social assistance benefits which targeted the most vulnerable social groups on the threshold of poverty, including rent allowance, food and electricity bill vouchers.⁶⁹

2.2 THE CITIZENS' INCOME, DIGNITY FOR WORKERS AND QUOTA 100: A SHORT LIST OF REFORMS IN ITALY

In Italy, the yellow-green government remained in office for only fourteen months (between 1 June 2018 and 5 September 2019). The tension between the two

⁶² Article 16 para. 2 of Law No. 4472/2017.

⁶³ Law No. 4303/2014 had modified the requirements of arbitration.

⁶⁴ Article 235 of Law No. 4389/2016.

⁶⁵ This initiative was evaluated positively in the Compliance Report ESM Stability Support Programme for Greece, Fourth Review, 14 Jul. 2018.

⁶⁶ For a discussion about Syriza's transformation, *see also* Katsambekis, *supra* n. 17, at 391–403.

⁶⁷ *Ibid.*, at 398.

⁶⁸ Petmesidou & Guillén, *supra* n. 31, at 196.

⁶⁹ Law No. 4320/2015 as amended by Law No. 4472/2017.

antagonistic forms of populism, the League and the Five Star Movement, soon turned out to be unsustainable.⁷⁰ Immigration was the issue that most separated the parties, which were more closely aligned on wealth redistribution.⁷¹

Essentially, they tried to satisfy their electorate by increasing public spending to implement the flagship initiative at the top of the agenda of the Five Star Movement: the citizens' income.⁷² Despite its misleading name, it is not a universal basic income. On the contrary, it is a selective subsidy based on certain eligibility criteria. It was expressly designed to pursue two different aims at the same time: tackling poverty and increasing employment by means of active labour market policies. As for the beneficiaries, this compromise between inclusionary and exclusionary versions of populism stands out: it is only for those who have legally resided in Italy for at least ten years and continuously for the last two. It is designed as a means-tested cash benefit targeted at low-income and socially excluded households that can amount to around EUR 1,000 per month, though the average benefit is around EUR 500 a month. It is conditional, with a few exceptions (i.e., those caring for children or family members with disabilities), on participation in job-search and training activities and on the acceptance of 'suitable' offers of employment made by the public employment service.

The other flagship reform promoted by the Five Star Movement dealt with the labour market and was referred to in shorthand as 'dignity for workers'.⁷³ It was supposed to signal a departure from the comprehensive labour market reform, known as the Jobs Act,⁷⁴ passed by the Renzi Government (led by the Democratic Party), which was blamed as the main reason for precarious employment. The 'dignity decree' drawn up by the Minister of Labour and Deputy Prime Minister, Luigi di Maio, was meant to be the 'Waterloo of the precariat', the revenge of the working class against the pro-elite reform carried out by the political establishment (the Democratic Party). The decree provided measures intended to reduce the use of fixed-term contracts and boost open-ended employment, alongside provisions to increase compensation for damages related to unfair dismissals. The maximum duration of fixed-term contracts was reduced from thirty-six to twenty-four months (with exceptions provided under collective agreements) and a new measure required justification for fixed-term contracts (or renewals) exceeding twelve months. With a view to making temporary contracts less attractive for employers, social security contributions were increased, though they were reduced for young

⁷⁰ Daniela Giannetti, Luca Pinto & Carolina Plescia, *The First Conte Government: 'Government of Change' or Business as Usual?*, 12(2) *Contemp. Italian Pol.* 182, 184 (2020).

⁷¹ Salvatore Vassallo & Michael Shin, *The New Map of Political Consensus. What Is New in the Wave of Support for the Populists?*, 11 *Contemp. Italian Pol.* 220, at 5 (2019).

⁷² Law Decree 28 Jan. 2019, no. 4, converted into Law 28 Mar. 2019, no. 26.

⁷³ Law Decree 12 Jul. 2018, no. 87, converted into Law 9 Aug. 2018, no. 96.

⁷⁴ Law 10 Dec. 2014, no. 183, followed by nine implementing decrees.

workers (under thirty-four) hired under open-ended contracts. The minimum and maximum compensation for unfair dismissals was increased (from two to four months, and twenty-four to thirty-six months' wages, respectively), maintaining the peculiar 'cumulative protection' regime introduced by the Jobs Act in 2015, that is to say, a system where compensation for damages payable by the employer is closely connected to employee seniority (one or two months' wages, depending on the case, per year of service).

With regard to the League, the flagship reform involved an experimental (2019–2021) early retirement scheme called Quota 100.⁷⁵ It was supposed to be a win-win solution for the government: older workers who had started working at a young age could finally retire and turn their jobs over to the younger generation. To fully understand the scale of this intervention, we need to explain the context against which it was implemented, a context in which the pension system was gradually tightened with respect to age and contributory requirements, mainly by the so-called 2011 Monti-Fornero reform. Its aim was to cope with the commitments made to the EU in terms of budgetary constraints and provide long-term stability for the pension system and to comply with the principle of intergenerational equity.⁷⁶ As a result, the standard pension was available to those of at least sixty-seven years of age, while early retirement was generally only available to those who had accrued forty-two years of contributions. The yellow-green government intervention significantly relaxed the criteria for access to early retirement and the threshold for retirement was set at 100, based on the worker's age plus years of contributions, provided that workers were at least sixty-two and had paid at least thirty-eight years of contributions. At the end of the day, it allowed retirement up to five years before the standard retirement age. In this way, the government hoped to address the issues of 'native residents' in opposition to 'Brussels elites' who wanted them to work well into old age.

2.3 LABOUR MARKET ISSUES ON THE BANNERS OF THE SPANISH POPULISTS

The Spanish case differs from the other two in that *Vox* was never in charge of the national government and Unidas-Podemos has only been a part of the second government of Pedro Sánchez (2020–present). On 30 December 2019 Unidas-Podemos concluded a coalition agreement⁷⁷ which eventually resulted in relaxation of its initial proposals to overturn business-friendly 2012 labour reforms

⁷⁵ Decree Law n. 4/2019.

⁷⁶ Davide Casale, *Early Retirement in the Italian Social Security System: Some Critical Insights*, 13(1) Italian Lab. L. e-J. 104 (2020); Petmesidou & Guillén, *supra* n. 31, at 101, 187.

⁷⁷ See coalition agreement (at 3–8), <https://www.psoe.es/actualidad/documentos-de-interes/acuerdo-de-coalicion-progresista-entre-psoe-y-unidas-podemos/>.

introduced by the previous government led by the PSOE. However, part of the coalition agreement refers to the promotion of an economic policy addressing sustainable growth and job creation, financial and fiscal stability, as well as the development of an active social policy to help reduce inequalities, address work precariousness and guarantee decent, stable and quality work. The labour measures laid out in the agreement included: (1) reinstating labour rights modified by the 2012 reform; (2) restoring the role of sectoral collective agreements and limiting preferential treatment of company-level agreements (imposed earlier in times of crisis); (3) increasing the minimum wage to 60% of the average wage in Spain, which was restricted by – again – austerity measures; (4) strengthening social dialogue; (5) improving the causality principle in fixed-term employment contracts and applying penalties for their fraudulent use, accepting open-ended employment contracts as the standard form of employment; (6) boosting the fight against labour fraud. With regard to this last measure, efforts were designed to focus on three areas: (1) abuse of fixed-term employment contracts; (2) fraudulent use of part-time employment contracts; (3) identification of false self-employment contracts, fraud in the cooperative sector, and ‘fake interns’ and (4) reviewing the temporary substitution contract to prevent its abuse. The labour programme of Podemos constituted an ambitious compilation of the ‘hottest’ and most complex issues – well known but ignored by other traditional parties over the years.⁷⁸

Vox in turn focuses on three focal points of social law: (1) the strong defence of decent work and salaries, (2) social protection and (3) empowerment of rural workers.⁷⁹ Vox emphasizes some of the main concerns regarding labour market reform such as job precariousness, harmonization of personal and working life, prevention of bogus self-employment, development of remote working with appropriate working conditions, the guarantee of increased lower wages, the sustainability of pension systems and the need to improve the quality of employment.⁸⁰

In December 2021, Parliament enacted an historic labour law reform to improve employment stability and boost the labour market.⁸¹ This reform was the outcome of social dialogue. It introduced laws that were partially in line with the coalition agreement of 30 December 2019; however, the 2021 reform was by no means a Podemos flagship project or its masterpiece of political efficiency in protecting the working class. The reform was a necessary parliamentary deal to unlock billions of euros in EU aid. By passing these laws, Spain was finally able to

⁷⁸ See Agenda (at 71–85), <https://podemos.info/bloque/garantias-justicia-laboral-pensiones/>.

⁷⁹ *Ibid.*

⁸⁰ See Agenda (at 9–10), <https://www.voxespana.es/agenda-espana>.

⁸¹ Royal Decree-Law 32/2021, of 28 Dec. on urgent measures for labour reform, the guarantee of employment stability and the transformation of the labour market.

access its share of the pandemic recovery funds. The new legislative framework modified some of the most controversial aspects of the 2012 reform. It mainly reduced and ultimately ended contingent labour, corrected collective bargaining imbalances and provided greater flexibility for companies facing difficulties.⁸²

The current agenda of Podemos seems to be more detailed regarding the main issues of the Spanish labour market compared to the Vox programme. Podemos offers a battery of labour measures to improve the labour rights of employees, while the Vox programme seems to be based on a vague and incomplete description of the labour dilemmas and the possible ways to solve them. In our opinion, this results in different strategies of communication with the people, including the working class. Podemos aims to show an in-depth understanding of social issues and prove they are equipped with the necessary competence to take political responsibility in the government, whereas Vox intends to simplify any kind of political message and connect directly with the people. It is difficult to spot any direct connections between the social reforms presented as part of the Vox or Podemos and populist rhetoric.

2.4 LEGO-BRICKS: THE MEDITERRANEAN POPULIST SOCIAL LAW AGENDA

This part of the study shows that labour and social security issues feature on the populist stage. The idea of protecting ‘the people’ affected by the crisis by increasing welfare spending and tackling precarious employment is part of the political agenda of ruling populists in all the countries considered. However, the measures put in place have been rather modest, especially when they have involved public spending.

The power of Syriza and ANEL to introduce reforms in line with their populist agendas and promises during the pre-election period has been limited by the obligations that Greece assumed within the framework of the financial assistance programmes. Although populist rhetoric before the elections concentrated on anti-austerity and opposition to the work of the Troika, during its time in office the populist discourse has shifted in a more pragmatic technical direction focused on implementing the new austerity programme in an allegedly ‘fairer way’, maintaining popular sovereignty and equality.⁸³

In the case of Italy, the European Commission ruled that the dynamics of Italian public debt in relation to GDP proposed in the Draft Budgetary Document for 2019 produced by the yellow-green government did not comply with the debt

⁸² Lourdes Mella Méndez, *The Spanish Labor Reform of 2021: A Model to Follow Due to Its Origin and Objectives*, <https://cllpj.law.illinois.edu/content/dispatches/2022/Dispatch-No.-41.pdf>.

⁸³ Katsambekis, *supra* n. 17, at 400.

rule. The threat of placing Italy under an excessive deficit procedure, and potentially the imposition of financial sanctions, was enough to moderate expenditures related to the proposed policies.

Slogans, plans and real actions of populists in Greece, Italy and Spain have not provided us with enough material to reconstruct a comprehensive ‘populist agenda’ or ‘populist reforms’. All the initiatives taken by Syriza, the Five Star Movement, the League, Podemos and Vox sketched out above can be accurately regarded as classic social reforms (neither particularly ambitious nor innovative). A common denominator has proved difficult to find, which leaves us with the visually effective metaphor of various trajectories of populisms in Europe offered by Sadurski, who compares populism to Lego bricks. The metaphor aptly describes ‘the *why* of the populism’. Sadurski emphasizes the importance of ‘the recognition of the different building blocks that create the demand for populism and trigger its supply. The catalog of these building blocks is not infinite, just as we do not have innumerable Lego pieces. But their different shapes, sizes, and colours matter for whatever comes at the end. And variants of contemporary populisms are just as diverse (and just as alike) as are Lego toys’.⁸⁴ This part of the article builds on this metaphor to further the discourse: after coming to power, populists play with different Lego bricks with no single scheme or model of operation.

3 OUTCOMES AND EFFECTIVENESS OF POPULIST POLICIES

Whether the populists analysed in this article have managed to transpose their slogans into policy effectively is a matter of debate. Striving for political power may have the opposite effect on actual policies adopted by populists once they are in power. We believe that it is not always clear whether the social issues in question have been successfully addressed or if the ultimate goal of populists was to gain and maintain political power. The experience of the three Southern European countries are examined below, demonstrating differences in results of populism rule.

3.1 THE FAILURE OF THE POPULIST PROMISE IN GREECE

In Greece, according to the retrospective political report by Syriza on its period of governance from 2015–2019, the party claims that the policies implemented by its government were organized along three axes. The first concerned the mandatory and timely implementation of measures that would allow a definitive exit from the memorandum programme, which was finally achieved in August 2018. Such reforms dealt with undeclared and under-declared work, and the unification of

⁸⁴ Wojciech Sadurski, *A Pandemic of Populists* 47 (CUP 2022).

social security institutions, while allowing company-level collective agreements to provide less favourable working conditions than those laid down in sector-level ones. The second axis included measures and initiatives that could be negotiated and whose partial adoption would allow adverse consequences to be mitigated or even a positive impact to be achieved: an increase in the minimum wage, the abolition of the 'sub-minimum', the reintroduction of collective bargaining, the introduction of SSI without abolishing existing benefits, mitigating or partially reversing the effects of the memoranda. Finally, the third axis involved Syriza's own policy *per se*, i.e., the so-called 'parallel programme', with measures that were characterized by a clear progressive bias and which did not fall within the already enlarged space covered by the memoranda.⁸⁵ The 'parallel programme' included initiatives reflecting the political choices of the coalition government that were beyond the obligations associated with financial assistance and the strict conditionality framework, such as health coverage for the uninsured and a number of other changes in the health sector. One of the arguments made by Syriza was that it managed to maintain this programme, which was parallel to the technical, pragmatic approach taken to meet the memoranda commitments. In this way, the party delivered on some of its pre-election promises to the people. However, in the aftermath of Syriza rule, it is easy to see that most of its promises were left unfulfilled and that this parallel programme only addressed some vulnerable groups (primarily those in extreme poverty) thanks to strict entitlement criteria on access to benefits and assistance.

Following its period in office, the populist agenda of the Syriza party included a proposal for a 'new social contract' based on the principles of justice, security, democracy and dignity. Syriza condemns the supposedly 'anti-populist' labour law reform introduced in June 2021⁸⁶ amidst the coronavirus pandemic and related healthcare crisis. In addition, the party accuses the established economic and political elites of keeping Greece at a level corresponding to the labour and social standards of the Balkan countries, rather than aiming for the higher standards and rights of European countries. This 'new social contract' is clearly populist rhetoric, based on social dichotomy and blaming elites, both of which are elements of populism.

The rhetoric espoused by Alexis Tsipras did not always result in the promised reforms, possibly due to the constraints of the financial assistance programmes. It may be that economics is ultimately more instrumental than ideologies and the technocratic solutions usually promoted thereby hinder changes in core labour and

⁸⁵ See the Syriza report, <https://www.syriza.gr/article/id/94170/Apologismos-Syriza-2012-2019.html> (in Greek).

⁸⁶ Law 4808/2021.

social policies where resources and financing are crucial for their implementation. The fixed interdependences created by globalization suggest that the mere fact that a left-wing government with populist rhetoric comes to power does not necessarily imply that labour law and social policy reforms will make a radical departure from the established order. Syriza recognized that Greece is part of the EU, but at the same time highlighted how hostile the environment was toward the rise of left-wing political power in Greece which could overturn the establishment.⁸⁷ The promise that its governmental responsibilities would solidly step on *populist* dynamics while giving the relevant social forces a political opportunity to find a way out seems mostly unfulfilled, tarnishing the populist promises put forward by the party.

3.2 ITALIAN POPULIST REFORMS OF DUBIOUS VALUE

With respect to Italian populist reforms, the citizens' income was designed to reduce poverty and increase employment. However, activation policies did not work: in 2019 only 4.8% of recipients found a job (only 1.1% on open-ended contracts).⁸⁸ Moreover, its ambition to create employment was offset by the disincentives to work introduced by the measures enacted, particularly for women who earn less on average than men and in low-income regions of Italy, where average wages were not much higher, if not lower, than the basic income.

The subsidy also did not work as expected in addressing poverty. The statistics show that absolute poverty decreased shortly after the enactment of the citizens' income, but then increased again before the pandemic, even above the mid-2018 level. Most people in relative poverty did not receive any benefits because they were unable to pass the means test based on which the subsidy was granted. Moreover, generational income distribution has been rather unequal. According to the law, those under twenty-six can only access these benefits through the family they live with. If they live alone, they have little chance of obtaining it.⁸⁹ The condition linked to long-term residency in Italy (ten years) excluded many foreign workers, many of whom are among the most vulnerable. Finally, tax fraud and employment in the informal economy are widespread.

With regard to measures dedicated to the labour market, the government expected to switch to more open-ended (as opposed to temporary) contracts, mainly through a combination of normative and economic disincentives on

⁸⁷ See the report by Syriza, *supra* n. 85.

⁸⁸ The data come from a study made by the Ministry of Labour and Social Policy on the citizens' income, published in 2020, <https://www.lavoro.gov.it/redditodicittadinanza/mobile/Monitoraggio/Pagine/default.aspx> (accessed on 31 Jan. 2022).

⁸⁹ The consequence is that people under thirty account for less than 7% of claimants.

temporary contracts. The evidence shows that a marginal increase in permanent employment has been achieved, coupled with a marginal decrease in fixed-term contracts and temporary agency work. The most worrying aspect is that rigidity in relation to temporary contracts might slow down the post-pandemic recovery. In the coming months and perhaps years, companies may be less inclined to hire on open-ended contracts. As a result, the restrictions on fixed-term contracts may slow down the hiring process.

Perhaps the most disappointing outcomes, compared to the expectations stated by the Government, came with Quota 100. The government heralded this win-win solution – permitting older workers to retire and pass their jobs on to younger workers – based on what is known in economics as the ‘lump of labour fallacy’. This is a faulty assumption that there is a fixed amount of work in an economy (a lump of labour), which can be distributed. The reality is that many factors have an impact on the required labour levels in an economy, so it cannot be taken for granted that a young worker will replace a retiree. Workers of different ages are not homogeneous for many reasons related to skills and vocation, growth sectors (e.g., hi-tech and internet-related industries) tend not to employ older workers and, last but not least, automation can replace retirees. In fact, the evidence shows that the replacement ratio was around one young worker for five retirees, making the expected impact on employment negative (-0.4% for 2020–2022). The measure has had a rather unequal impact on beneficiaries: men enjoyed easier access and higher pensions because they usually have a longer contribution period on average, while women have a more fragmented work history. Finally, the impact of this scheme on the public budget was devastating: the cost of new pensions reflect not just the loss of social security contributions for those retiring early, but also job losses due to the lower than expected replacement ratio.

At the end of the day, the policies adopted by the yellow-green government did not reduce inequality, unemployment or poverty but instead achieved the opposite effect. Benefits have been distributed rather inequitably, penalizing young people, large families and foreign workers, and unfairly benefitting fraudsters. Quota 100, in turn, has increased intergenerational inequality, which was already a major issue in Italy. The government perpetrated old habits of failing to provide funding for welfare targeted at younger generations while continuing to channel resources into pensions.⁹⁰

⁹⁰ Italian public spending on pensions is 58.3% of total spending on social security. Family related policies are 6%. Unemployment benefits 5.9%. This imbalanced and arguably unfair welfare system is mainly the result of decisions taken by the governments of the 1970s and 1980s.

As argued above, the policies promoted by the Conte I government were not particularly effective. At the same time, they were not particularly revolutionary in many respects. Nothing resembling the promised radical change took place. Policies dealing with the labour market are a significant example of this. The radical overhaul of the reform introduced by the Democratic Party under Renzi, the so-called Jobs Act, did not occur. This could be explained by the fact that the Jobs Act was particularly appreciated by international institutions, first and foremost the EU, because it brought more flexibility to the Italian labour market. If the yellow-green government had repealed it, especially while reducing the retirement age and increasing public spending, this could have been considered to be excessive by the EU. Another possible explanation lies in the different electorates supporting the two governing populist parties in the yellow-green government. Traditionally, the League has strong support from northern entrepreneurs, so if the Five Star Movement, more strongly rooted in the south, had fought against precarious employment to the point of enacting stronger protection for unfair dismissals, it would have caused a clash.

More generally, the legislative activity of the yellow-green government was not intense as one would expect from a disruptive populist government.⁹¹ This is particularly true of the measures dealing with labour and welfare. Even though these were among the most representative issues in the coalition agreement negotiated by the Five Star Movement and the League, only a small percentage of legislative measures dealt with this category.⁹²

A general feature of legislative action in the area of labour and welfare concerns the insufficient space dedicated to social dialogue. Some commentators have perceived this as a movement toward a politics of disintermediation,⁹³ an approach which makes sense if one considers the populist perspective, which is keen to maintain an exclusive direct connection with people. However, the explanation may be much less sophisticated. Perhaps they just wanted to make the legislative process shorter, avoiding consultation and negotiation with the social partners.⁹⁴

⁹¹ Newell, *supra* n. 29, at 38.

⁹² Giannetti et al. also estimated that only 8.5% of the laws approved during the yellow-green government were related to labour and welfare.

⁹³ Bruno Caruso, *La rappresentanza delle organizzazioni di interesse tra disintermediazione e re-intermediazione*, WP C.S.D.L.E. 'Massimo D'Antona'.it – 326/2017, 6.

⁹⁴ Lorenzo Zoppoli, *Il diritto del lavoro gialloverde: tra demagogia, cosmesi e paralisi regressive*, WP C.S.D.L.E. 'Massimo D'Antona'.IT – 377/2018, 27.

3.3 SPANISH POPULISTS AS POLITICAL GAME CHANGERS, BUT NOT LABOUR LAW SHAKERS

In Spain, analysing the cases of Podemos and Vox yields different results. The initial political program of Podemos is a far cry from what the party actually stood for as a component of the Spanish government. It goes to show that, while in power, the party has had to be pragmatic, taking actions more closely aligned with those of traditional parties. Yet in both cases, the initial political programmes regarding labour issues never offered a new social model. They simply followed postulates common in traditional left- and right-wing party discourse (in the Spanish case, both), directing their energy towards increasing the minimum wage⁹⁵ and reducing the rate of unemployment. Podemos as part of the Spanish government has had to face two challenges to its initial populist program: it needed to become more pragmatic in meeting traditional postulates put forward by PSOE, and it also needed to backpedal its initial disregard for businesses and the self-employed. Podemos initially dumped businesses and the self-employed squarely into the category of ‘the *casta*’. However, once it came to power, this discourse had to be modified and these groups started to be presented as part of ‘the people’.

In contrast, Vox continues to uphold its reservations about the usefulness of tripartite social dialogue as initially stated in its political programme. This radical view may be due to the fact that Vox has not yet succeeded in securing a position in the national government. However, the degree of effectiveness of the measures contained in its political agenda may be tracked by studying the municipal-level coalitions in which it participates as well as the measures adopted to further its ideas.

As for municipalities which Vox governs – side by side or in coalition with PP – it seems important to highlight that they are the ones with the lowest per capita income in Spain. The effectiveness of their measures has been criticized as symbolic rather than meaningful, but there have been no studies or reports supporting this conclusion.

Consequently, from our point of view, in Spain, the main contributions of the populist parties may be traced in the political field: (1) Podemos and Vox have highlighted the political and institutional crisis that Spain is experiencing; (2) both have been able to generate great social enthusiasm among populations fed up with traditional political parties; (3) they have generated interest in politics and political programmes; (4) they have created a new political language to use against traditional political parties; (5) finally, they have created a new political scenario in a

⁹⁵ From 2010 on ahead one of the star measures of PSOE is increasing continuously and proportionally the minimum wage, <https://www.mites.gob.es/estadisticas/bel/SMI/index.htm>.

reality fragmented into left and right as well as the old and the new ways of doing politics.

In terms of labour policy, there is nothing to report. There has been no input from populist political circles in this area. Podemos and Vox have simply been repeating the social democratic and liberal proclamations respectively, without altering their proposals one iota.

4 CONCLUSIONS: NOTHING NEW UNDER THE SUN

These considerations show that even though labour and social law issues have been a relevant factor in populist strategy in all the countries considered, the outcomes have been rather different. Two groups can be identified with respect to labour market reforms in particular. In Greece and Italy, the measures adopted did not represent any visible discontinuity with the trend towards flexibilization. However, in Spain, though it is too early to assess the impact of the reforms, the initial indicators show some positive results (a lower unemployment rate).

Arguably, populism parties respond to real problems and since real problems are local, responses differ from one country to another.⁹⁶ However, the types and agendas of Southern Europe populism as identified and described in this article show certain commonalities and similar trends despite their diversity. Most populist discourses emerged in response to the economic and refugee crisis. The management of both crises at an EU level left many people discontented and critical of the EU, Eurocrats and the single currency. Opposition to austerity and neoliberalism combined with distrust toward mainstream politics has been employed by populist parties, both the newly formed and those transformed during the period after the outbreak of the economic crisis, taking advantage of the fluidity of the electorate to gain power. In certain cases, populism was combined with regionalism or nativism. Coalitions between populist parties and populist and non-populist groupings were present in all three countries.

The legislative activity of populist governments seems lower than that of their predecessors, which might be partially explained by EU-imposed constraints. It was particularly evident in the case of the bailout programmes and enhanced surveillance in Greece. Nonetheless, even Italy and Spain, within the framework of the semi-bailout and European semester, had to cope with close EU scrutiny on reforms impacting the public budget and economy. Another explanation for the relative inaction of populist governments lies in the ideological differences between parties of coalition governments. The Italian 'all-populist' government, combining

⁹⁶ Sadurski, *supra* n. 84, at 19.

both inclusionary and exclusionary populism and different electoral platforms, is a representative example.

Populists have concentrated primarily on issues such as pensions, welfare benefits, worker protection and, marginally, social dialogue. The underlying reason for their limited attention to social dialogue is an attempt to achieve 'direct democracy' without intermediaries between the people and the government. Trade unions may disrupt communication between populists and the people.

The radical changes promised before gaining power were largely left unaccomplished. No breakthrough developments were evident in any of the cases explored. Moreover, the implemented reforms did not follow any clear lines. In some cases, the legislative agendas were a mix of conservative positions and left-wing views. We found no symmetry between right-wing and left-wing populism on employment issues. The comparison between the labour agenda of Vox and Podemos in Spain and the League and the Five Star Movement in Italy is rather indicative of this asymmetry. Thus, it is no surprise that the political action of coalition governments has been characterized by compromise, aimed at providing some degree of satisfaction to the electorate. Ultimately, no alternative model to the current liberal market economy has been put forward by any populist government in the countries analysed. Their actions have been primarily focused on political gains.⁹⁷

⁹⁷ Alike Takis S. Pappas, *Populism and Liberal Democracy. A Comparative and Theoretical Analysis* 191 (OUP 2019).