The Malaise of Malta:

Social Divisions, Weak Institutions, and Political Partisanship

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"There are crooks everywhere you look now. The situation is desperate." These words were published on the popular blog of the investigative journalist Daphne Caruana Galizia on the 16 October 2017 at 2.35pm. Ten minutes later, and less than a hundred meters from her house in the rural hamlet of Bidnija, her car was up in flames. Mrs Caruana Galizia had just left her home to run an errand.

Daphne Caruana Galizia was a much-debated figure in Malta. Highly polarising and hugely controversial she was critical of the actions of various government and opposition officials. She used her blog, in addition to a bi-weekly column in The Malta Independent, to highlight corruption allegations against various politicians, judges, people in business and political apparatchiks. Caruana Galizia was highly critical of the way the country was being government as well as the weakening of the rule of law.

Her criticism touched upon Malta's electoral system based on the Single Transferable Vote. She believed that system was legitimising clientelism and political corruption and was leading to the election of candidates based on lavish and costly campaigns rather than talent and expertise. In the last year of her life, her criticism towards political corruption intensified. This brought widespread criticism from across the political spectrum. Many accused her of attempting to ruin political careers to promote 'her agenda.' Her assassination in 2017 led many to question the state of the country's institutions and the impact which partisanship and strong divisions were having on its development.

Daphne Caruana Galizia was assassinated in Malta, the smallest EU member-state where politics dominates the daily life of its citizens. Its political system is highly insular and is governed by two main political parties; the Nationalist Party on the centre-right and Labour Party on the centre-left. Their leaders are treated as quasi-idols, and their party machinery is capable of controlling and shaping public opinion. With turnout traditionally over 85% in national elections, Malta is country where political confrontation is sought. Mass meetings are used by political parties to rally the party faithful. In this EU member state, loyalty is often given to the party rather than the state.

Daphne Caruana Galizia's death has again put the media spotlight on the country's institutions and its political system. This is the reason why this paper intends to evaluate the impact which the duopolistic party system and the extensive client-patron networks have on social divisions and the country's institutions. By adopting a historical institutionalist perspective, it will outline how the murder of the Maltese journalist and the reaction in Malta are a reflection of the social divisions which exist within this small island and lack of political will to initiate proper institutional reforms, required to curb corruption and clientelism.

Historical Institutionalism, Corruption and Institutional Change

Historical Institutionalism has taken a central role in the study of institutions and their changing structure over time. Although various new forms of institutionalism emerged – including sociological institutionalism and rational institutionalism – historical institutionalism remains an approach favoured by political scientists to evaluate how institutions function, their resistance towards change and the way they shape political strategies (Steinmo, Thelen, and Longstreth, 1992; Pierson, 2004; Bulmer, 2009).

Political scientists define institutions in several ways. Peters (2011) describes institutions as entities

whose formal rules influence and restrict politicians' behaviour while providing them with the necessary legitimacy to enact their preferred policies and obliging them to behave in prescribed ways. This is why institutions play a central role when dealing with social divisions, political corruption and politicians' behaviour.

Institutions create a path; formal and informal modes of behaviour which are to be followed by others. For this reason, institutional design is indispensable as Sewell (1996) demonstrates when arguing that the past will have an impact on the present and future. This links with the concept of path dependency which outlines how institutions are designed to take a particular path which might be difficult to drop, develop or change as the cost of this will be extremely high for a state and its officials (Pierson, 2000).

Various historical institutionalists use the concept of 'punctuated equilibrium' to interpret this reluctance to change. This implies that only an external shock or a critical juncture can destabilise institutions and institutional practices to exert enough pressure to push the required reforms (Pierson, 2000; Steinmo, 2008). Still, this concept has received its share of criticism since 'punctuated equilibrium' will only look at exogenous forces for institutional change. It does not take into consideration the role which political agents have in promoting, designing and enforcing this change (Steinmo, 2008).

Historical institutionalism posits that when a critical juncture occurs, political actors might be encouraged to alter or amend the function of institutions as the political costs of maintaining the same institutional design could be too high for them or their parties to sustain (Trantidis and Tsagkroni, 2017).

Institutional change is an important element within the critical juncture approach. It is traditionally defined as a "major event or confluence of factors [which disrupts] the existing balance of political and economic power in a nation" (Acemoglu and Robinson 2012, p. 106). This can include a financial crisis, corruption allegations and even political murders.

For institutional change to take place, these events will need to have an impact on the general public, lobby groups, civil society and political actors, since some pressure needs to be exerted on officials to initiate the required reforms. During such events, agents will have the opportunity to promote various institutional changes which might result in a struggle for power. Throughout this period of political instability, the decisions of some actors, especially those in power, will give

direction to this institutional change (Capoccia, 2016). Modern democratic norms and electoral processes provide the opportunity to the winning parties and coalitions to influence the process according to their policies and rules (Pierson, 2016) based on their ideology or pragmatic approach. Nonetheless, to alter particular institutions, especially if Constitutional amendments are required, some form of consensus is crucial.

Critical junctures might not necessarily result in radical institutional reforms particularly when small changes are introduced to adjust the equilibration of an institution. In extreme cases, there can be two scenarios where 'critical juncture' does not result in any institutional change.

In the first scenario, there will be the unwillingness by political agents to change these institutions or their practices to maintain the status-quo (Slater, 2014). Nonetheless, this decision can offer the opportunity for other agents and parties to champion these reforms and compete for power. In the extreme scenario that all mainstream parties ignore such demand for institutional reforms, particularly where electoral reforms are concerned, part of the electorate might feel that the political class is not fit to govern, which might lead to the triumph of other non-mainstream parties at the polls or widespread abstentions.

In the second scenario, institutional change might not take place due to the failure of political agents to find a compromise on the actual reforms. This is often the case when constitutional changes are needed, and political agents do not have the necessary support to ratify the amendments.

Institutional change might not just be the result of a critical juncture. There can also be the opportunity for agents to initiate institutional change if there is a coalition strong enough to promote such change. Within this scenario, the reforms will not be the result of a critical juncture, but the result of a growing discontent of the way institutions are functioning, which leads to opportunities for radical reforms (Thelen, 2004).

For this reason, for institutional change to occur, the role of agents is critical. Streeck and Thelen (2005) write that institutions are used as instruments of confrontation by politicians in their quest for power. These politicians will have plenty of opportunities to shape these institutions and institutional practices, especially as the interpretation of the rules which form these institutions might not be as clear for policymakers as expected (Schickler, 2001).

This is one of the weaknesses of institutions. Although institutions, as structures, can shape the

movement of agents, some of the policies which make these institutions and institutional practices can be subject to broader interpretations. Agents might utilise various interpretations to enact their policies and advance their agendas. With a political framework, these policies will usually include the attempt by these agents to use the existing rules and institutions not for the national interest, but for unethical practices such as to promote their parties and supporters and opting for controversial official appointments to hold onto their power. This is particularly popular with Mediterranean states, including Malta, where bureaucratic clientelism is widespread as patronage appointments are seen as an essential tool in the hand of political agents to recruit supporters and strengthen the hold of the coalition (Trantidis and Tsagkroni, 2017).

Institutional Design and Political Divisions

Malta's political divisions can be traced to the very beginning of the formation of collective political conscience in the late eighteenth century and at the beginning of the nineteenth century. Political ideas and political configurations formed around influential individuals. The positions they articulated were often opposed.

In 1849, the British granted the Maltese its first eighteen-member partially-elected Legislative Assembly consisting of the Governor, nine appointed members and eight elected members. By the 1870s, domestic politics was dominated by three key figures; Sigismondo Savona, Fortunato Mizzi and Gerald Strickland.

Savona was the founder of the *Partito Riformista* – an anglophile faction which had two principal political aims; firstly that of encouraging the teaching of the Maltese language particularly among the working class to improve educational standards, and secondly that of supporting widespread Anglicisation initiatives since Malta was so dependent on the British Empire. (Cassar, 2002; Frendo, 1991)

Mizzi headed the *Partito Anti-Riformista* which opposed Anglicisation and argued that Malta's culture was intrinsically linked with Italy. For commerce and international relations, he favoured the use of Italian as a lingua franca. However, he was also in favour of retaining some teaching of the English language since Malta was intrinsically dependent on the British Empire. (Cassar, 2002; Pirotta, 2015)

The *Riformisti* and the *Anti-Riformisti* present two opposing sides; they were the precursors of the

present-day Malta Labour Party and the Nationalist Party.

Gerald Strickland played a crucial part in stoking the political divisions in Malta. In 1889, Strickland was appointed Chief Secretary to the Government – the highest civilian post after that of the Governor. Between 1902 and 1917 he served as Governor in various colonial outposts. On his return to Malta, he founded the Constitutional Party while simultaneously being active in British politics where he was elected to the House of Commons in 1924. He served as Prime Minister of Malta between 1927 and 1931. Strickland's standpoint differed from Mizzi's. He argued that Malta stood to gain from being close to Britain and wanted to make the Maltese "as English as possible" (Walsh, 1990; Frendo, 1991)

The divisions between the pro-Italian and the pro-British camps led to two distinct political groupings which fiercely argued over which language should take precedence. Friggieri (1995) argues that the language question, which was the dominant political concern between 1880 and 1939, was one of identity. It was closely tied to the opposition to the imposition of a 'foreign' language and a forced Anglicization of the colonial polity. The Maltese language, though favoured by the British as a means to hasten the Anglicization process, was seen as an inferior language. It was described as a dialect by some and derided by others since it was a Semitic language, and therefore perceived to be 'inferior' to the European romance languages (Saydon and Sammut, 1971). The language question was only resolved after the Second World War when Italian bombardments annihilated Italy's standing among a large section of the population.

The period in question also coincides with a growing dissatisfaction with the colonial government of Malta. Matters came to a head in June 1919 when violence broke out in the Capital City. Some historians claim that it was a bloodied battle between the Maltese populace and the British Government over unfavourable economic conditions and the lack of self-government (Frendo 1970, 2009; Camilleri, 2016) while others have argued that the events were the combination of police incompetence and thugs and vandals who were part of the demonstration. Montanaro Gauci (1989) – an eyewitness – argues that "there was certainly nothing to be proud of or to brag about, and it was far from a national movement for constitutional emancipation."

The protests proved to be a form of a critical juncture since a measure of self-government was introduced in 1921. Camilleri (2016) describes this as "a constitution which marked the start of a particularly local political course – a direct result of a demand posed by force of the masses as opposed to simply the will of the elite." While there are some merits in this argument, the viability

of the constitution during the colonial period remained the prerogative of the elites. As a result, in times of conflict and uncertainty, the Constitution was summarily withdrawn at various intervals. This continued until the introduction of the 1961 Constitution which established the State of Malta.

The 1961 Constitution was itself a product of two critical junctures; the failure of talks to integrate Malta with the United Kingdom and the external shock brought about by the rapid process of decolonisation.

In 1955, Prime Minister Dom Mintoff proposed to integrate Malta with the United Kingdom. This plan polarised the electorate; the Labour Party favoured this proposal while the Nationalist Party and the Church opposed it. The matter was to be settled through a referendum which was convincingly won by the pro-integration position. Nonetheless, disagreements between the Colonial Government and the Maltese Government led to a complete collapse of talks. In a rare bi-partisan point of agreement, the Prime Minister and the Leader of the Opposition tabled the 'Break with Britain Resolution' on the 30 December 1957. Dom Mintoff resigned as Prime Minister on the 26th April 1958. The Leader of the Opposition, George Borg Olivier, refused to form an alternative government. The Constitution was thus suspended. On the 28th April 1958, a national strike turned violent - a small Royal Navy tug, two Army trucks, and four police stations were set on fire while radio cables and telephone wires were cut (Dobie, 1967).

Despite this development, the process of decolonisation was almost irreversible. As Graph 1 demonstrates, the number of nations requesting independence from the United Kingdom peaked during the period 1961 – 1965. Moreover, by the 1960s, the British Government derived no benefit from maintaining Malta as a colony. Its initial interest in Malta had always been strategic. With defence reviews on the horizon, Malta's viability was put into question. Economically, "as a market for British manufactures, it was insignificant, it was recipient to very little capital investment other than that on defence-related infrastructure, and its exports were almost non-existent. In the eyes of the Treasury, it was a drain on resources: per capita subsidies to Malta ran for much of the colonial period at a level exceeded only by Gibraltar" (Howe, 1988). At some point, independence would be inevitable.
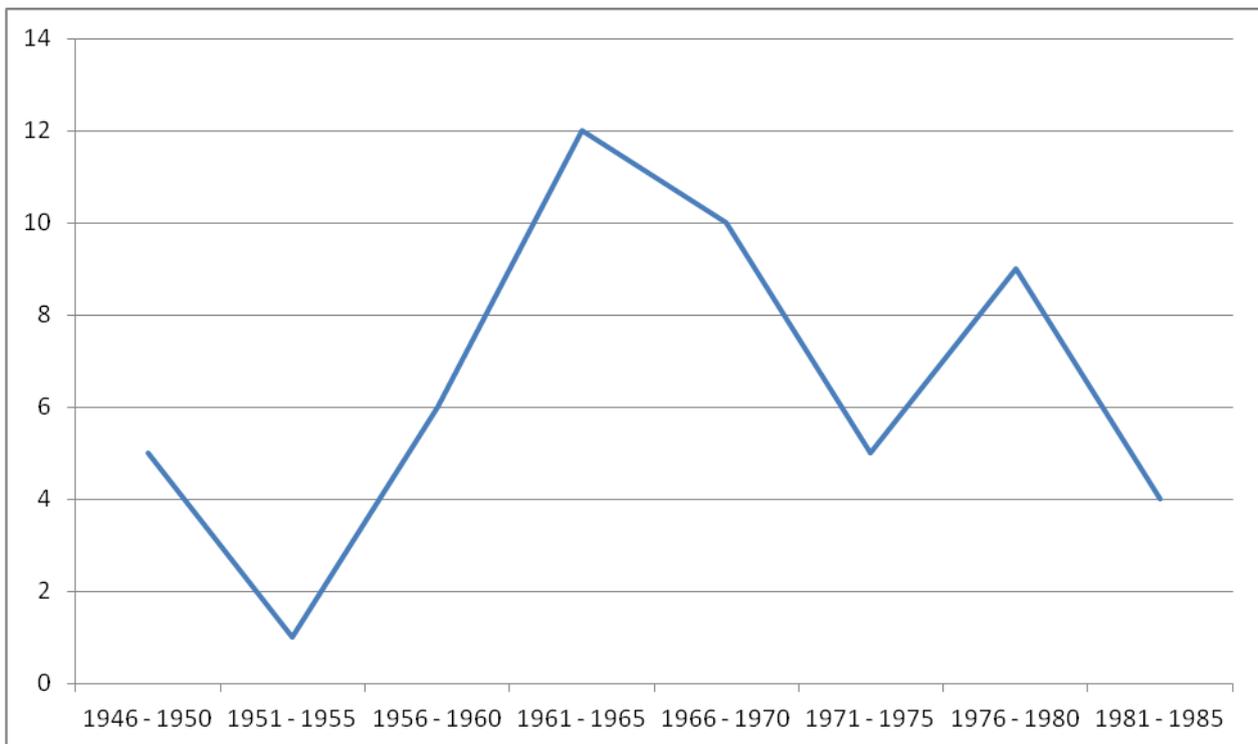
Graph 1: Number of countries gaining Independence from the United Kingdom by period

By 1963, negotiations over the shape and form of Malta's independence Constitution were underway. The final text would be put to a referendum in May 1964. The Nationalist Party, headed by Prime Minister George Borg Olivier, campaigned for a 'Yes' vote since it approved both of the timing of independence and the content of the Constitution. The Labour Party and the smaller parties, together with the Church, campaigned for a 'No' vote or abstention. The Labour Party disagreed with the content of the Constitution but agreed that Malta should become a sovereign state in 1964. The smaller parties agreed with the content of the Constitution but believed that Malta was not able to sustain itself as a sovereign state at that stage. In the event, the result of the referendum was contested. A writer in The Times of London reported that "the referendum had produced a Maltese answer – everybody had won." (Dobie, 1967)

While the 'Yes' vote obtained 54.5% of the valid votes cast and the 'No' vote obtained 45.5%, a high percentage of votes cast was invalid. Moreover, turnout was considerably low – at 79.7% it was significantly lower than that of the previous and the following election were turnout hovered around the 90% mark. Although the Independence Constitution was ratified and Malta obtained its Independence on the 21 September 1964, the divisions and disputes would be a precursor of things to come. These intense partisan standpoints robbed the nascent Constitution from much-needed legitimacy.

Moreover, as Howe (1988) correctly observes, "old issues never quite died, but were overlaid with new controversies – a classic recipe for political instability. A classic arena, too, for the emergence of the individual strongman who could seek to wrench political debate into new directions by the strength of will and populist charisma." The duopolistic political divisions and rivalry can still be felt today.

Independence granted Maltese officials the right and the duty to create and shape their institutions. Even at such delicate stage, the rivalry of the main political parties affected the actual design and vision of the Constitution. The political parties emerged as "power brokers" who "dominate parliamentary representation to the virtual exclusion of any other political force." (Warrington, 1995).

Graph 2 highlights the changing electoral support from 1962 – 2017. As the Graph demonstrates, the support for the two leading parties increased from its 1962 levels – often at the expense of smaller parties.
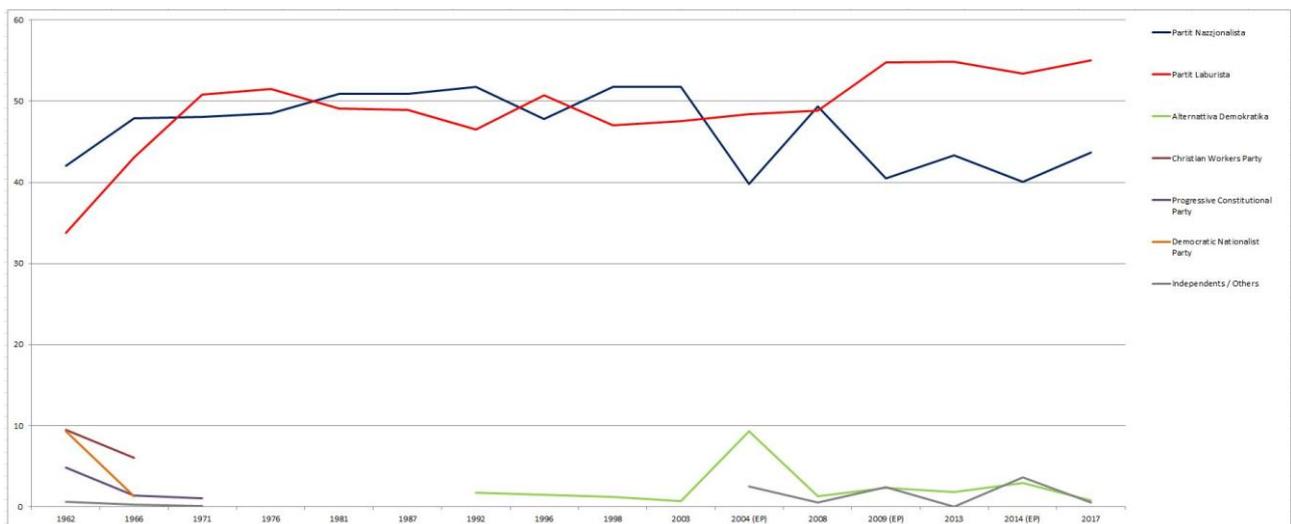
Graph 2: Electoral Result (in %) from 1962 until 2017.

In 1971, Dom Mintoff was re-elected Prime Minister. Disenchanted with the 1964 constitution, he immediately sought to table several constitutional amendments. Aware that the Opposition would be unwilling to enter into talks, he refused to constitute the Constitutional Court in order to force its hand into negotiations. Although highly irregular, this move, together with the mediation of the Governor-General Sir Anthony Mamo, led to the commencement of talks between the two sides. After protracted negotiations, Government and Opposition agreed to several constitutional amendments which were ratified in the House of Representatives. Malta was declared a republic on

the 13 December 1974 (Mifsud Bonnici, 1999).

In 1977, further signs of institutional instability were evident. In that year, during a strike over a dispute between the Medical Association of Malta and the Government, 15-year-old Karin Grech, the daughter of a strike-breaking doctor, was killed after a parcel bomb addressed to her father exploded in her house. This murder, which remains unsolved, highlights the extent to which some sought to assert their position as well as the lack of proper infrastructure to prevent and solve such crimes.

With lack of reforms and no political will to prevent further institutional failure, violence escalated. The free press became the target of Socialist thugs close to the Government of the day. On October 15, 1979, a group of Labour supporters stormed into the Times of Malta building and set fire to the building. The Times of Malta is the leading newspaper in Malta and was a consistent critic of the Government.

Soon after the ransacking of the Times of Malta, the house of the Leader of the Opposition was attacked and his wife was beaten by the thugs. No one was seriously injured in these events. However, the rule of law was in a state of near-collapse, and the party-in-government seemed to be unable or unwilling to control or restrain the violent and militant factions among its supporters. No perpetrators were ever brought to justice (Borg, 2004).

The police force itself was equally compromised. Nardu Debono, a man arrested over the suspicion of planting a bomb in the apartment of Police Commissioner Lawrence Pullicino, died from injuries sustained while he was under interrogation at the Police Headquarters and his body dumped under a bridge It was only in 1993, after a change in Government, that the police commissioner of the time, Lawrence Pullicino was arraigned and jailed for this murder (Borg, 2004).

1981 Election Results and escalation of violence

The 1981 national election, led to a period of further political turmoil with the Nationalist Party winning the largest amount of votes and the Labour Party the largest amount of seats. Constitutionally, the Labour Party had the right to form the government; however, this anomaly produced a constitutional crisis. The Nationalist Members of Parliament refused to take their seat and called for immediate constitutional revisions and fresh elections. There were also serious

concerns over the partisan nature of the Government and the culture of impunity surrounding some officials close to various key political figures (Howe, 1987).

Corruption was perceived to be institutionalised, and various government officials were accused of colliding with lobby groups and partisan interests. The period between 1981 and 1987 led many to question the efficacy of the top institutions since they did not seem resilient enough to restrict abuse and take action. In 1984, Prime Minister Dom Mintoff resigned and was succeeded by Karmenu Mifsud Bonnici. The latter was loyal to the party but lacked the charisma and stamina to introduce the required reforms to provide stability. Moreover, he seemed unable to control the faction of the Labour Party which was engaging in violent behaviour (Cachia, 2014).

The police force also seemed to institutionalise failure and to contain various violent elements. In 1982, the same year as of Nardu Debono's death in police custody, accountant Lino Cauchi went missing. His body was found in a disused well three years later. It was alleged that Mr Cauchi knew of some of the criminal dealings of individuals close to a prominent Minister. In 1984, the body of Wilfred Cardona – an opposition activist who was previously a supporter of the party in government – was found in a pool of blood in a field after he reported that he was beaten while under police custody (Pisani, *Illum*,6 July 2014). Moreover, there were frequent reports of torture under police custody (Johnson, *The Times*, 1 November 2008). These murders remain unsolved (*The Malta Independent*, 20 November 2013)

In 1986, a 26-year old Opposition activist was murdered in a party club in the rural village of Gudja. Pietru Pawl Busuttil, a farmer who was also an Opposition activist, was framed for his murder and the weapon used in the killing was planted on his farm by the police force. This frame-up revealed criminal complicity at the heart of the police force (Borg, 2004).

The murder of this innocent bystander proved to be a juncture which forced parties to agree to a series of constitutional reforms including a change in the electoral system to allow the party with the largest percentage of votes to govern. The Opposition recommended various institutional reforms including impartial state broadcasting, the creation of parliamentary committees, the ratification of the European Convention of Human Rights and the strengthening of the role of the Auditor General to strengthen the rule of law. However, such changes were rejected by the Government (Pirotta, 2006).

F1987 Elections – A new leaf?

The 1987 election results reflected the widespread polarisation. Scholars, including Howe (1987) and Fenech (1988), focus on the fact that the Nationalist Party managed to win the election and govern through the reforms of the electoral system. Nonetheless, the result of the 1987 election war remarkable in that, despite the corruption allegations, politically-motivated murders and torture, the Labour Government managed to maintain the same level of support it had in 1981.

Although worrisome, the dire levels of corruption did not prove to be a critical factor for the electorate, and many chose to support the ruling party along partisan lines. The incumbent administration, nonetheless, was elected with a mandate to introduce the required reforms:

> The events that precipitated the review beginning in 1988 arose from an extended political and constitutional crisis during the first half of the eighties, a period which saw the legitimacy of governmental institutions eroded, as a result of the political strategies of both government and opposition: the considerable powers of administrative discretion were applied by Government in an effort to break Opposition boycotts and protests. (Warrington, 1990,p. 26).

The reforms initiated by the new Government included the ratification of the Convention of Human Rights in 1987. This was crucial since the Government was preparing to request to apply to join the European Community. Other institutional reforms which were required included the setting up of various Parliamentary Committees including the Public Accounts Committee, the Parliamentary Affairs Committee and the Social and Economic Affairs Committee. Other reforms which had bipartisan agreement included the setting up of a Parliamentary Ombudsman in 1995 and the creation of the Permanent Commission against Corruption to protect public sector employees (Pirotta, 2006; Warrington, 1990).

In 1993, Local Councils introduced a measure of decentralisation of power. There were conflicting views over whether political parties should take part in these elections. Until the year 2000, the Labour Party refused to take part in the Local Council elections since it disagreed with the involvement of political parties at the local level. During the parliamentary debates preceding the ratification of the Local Councils Act, the Leader of the Opposition referred to surveys showing the public was opposed to the involvement of political parties. The Church also supported this view. The Nationalist Party argued in favour of party involvement at local level claiming that it would be hard to attract candidates and voter participation without the

participation of parties (Pirotta, 2006). By the year 2000, both mainstream parties were contesting these elections, and all Local Councils were run by one of these two same parties.

Despite the attempts to strengthen institutions, there were no arraignments of public officials and individuals known to be behind significant violent and corrupt practices. Justice, thus, was elusive. Daphne Caruana Galizia was one of the most vociferous critics of this failure to act.

The Mass Media as a Vehicle for Partisanship

One of the most important policies introduced by the Nationalist administration in 1992 concerned the liberalisation of the media. This effectively gave political parties the opportunity to expand their media organisations. It affected the character of politics since mass media is aimed at reaching a broad cross-section of the population. It thus encourages politicians to simplify their message and may obfuscate the distinction between argument and propaganda (Scruton, 2007). Political parties in Malta have long recognised the benefit of owning mass media establishments. Some political party leaders were directly associated with the ownership and publication of newspapers.

Party founder Fortunato Mizzi and his son Enrico Mizzi (who eventually became Prime Minister in 1950) edited and published *Malta* – an Italian-language newspaper which helped to shape the views of the *anti-Riformisti*. Rivalling this political trend of thought was Sigismondo Savona's newspaper *Public Opinion*. The Strickland family, long linked with the leadership of the now-defunct Constitutionalist Party, owned a printing press which published *The Times* and *Il-Berqa* (Frendo, 2003).

Moreover, some party leaders had extensive experience in journalism. Herbert Ganado, the leader of a small Christian Democratic party active in the 1960s, served as editor of *Leħen is-Sewwa;* Prime Ministers Dom Mintoff and Alfred Sant were prolific newspaper columnists, Prime Minister Eddie Fenech Adami edited *Il-Poplu,* and Prime Minister Joseph Muscat began his career in politics by working in the Labour Party's media.

The two major political parties in Malta now own veritable media empires comprising TV stations, radio stations, newspapers, internet portals and a strong presence on social media. These organisations are run on commercial lines; however, such establishments act as "standard-bearers more than information-servers" (Borg, 2009). According to Borg (2009), "They push the party's agenda, generally at the exclusion of every other agenda. They act as they were the owners and not the servers of the right to information. The information passed is, at best, partial and partisan; sometimes it is plainly manipulative."

These media empires help the main political parties to retain the status-quo at the expense of smaller or emerging parties who cannot compete with such organisations. At the same time, it brought more divisions in a country which already struggles with partisanship and instability fuelled by such divisions. A 2017 report on freedom of the press in Malta warned how in Malta, the government is allowed to own, control or be editorially responsible for national TV and radio services. At the same time, the opposition has its channels to promote its propaganda (Carabott, *Times of Malta*, 24 May 2017).

The Single Transferable Vote and Clientelism

Malta is divided into thirteen electoral districts which elect their representatives through the Single Transferable Vote. This enables political parties to secure their strongholds and polarise the country even further;

> Evidence of stark polarisation of the electorate is also provided by the confrontational style of electioneering, the stridency of the campaign rhetoric, and mutual recriminations of party leaders and functionaries. The sheer extravagance of claims about Labour 'thugs' and 'dictators', on one side, and of Nationalist 'saboteurs' and 'conspirators' on the other, has helped sustain a high level of antagonism.(Hirczy, 1995, p. 259).

Apart from empowering political parties, this electoral system fuelled clientelism and patronage. Mitchell (2002) notes that the latter is dangerous as it allows clients to gain resources through their relationship with politicians and other agents. Candidates give incentives to voters so that they are their first choice on the ballot. According to him, the Single Transferable Vote often pushes candidates to mobilise their supporters by rewarding them for their vote. It is therefore not surprising that for decades, several posts within the public sectors have been filled by loyalists to the detriment of a more meritocratic recruitment system (Warrington, 1995)..

With top institutional positions going to party loyalists, and since the Maltese institutions had little checks and balances to prevent such a scenario, clientelism took root. Such an approach was not sustainable. These developments were reflected in the economic climate of the decades following independence. A policy assessment drawn up by the American Embassy in Malta reflected on the tense investment climate caused by programmes of nationalisation, expropriation of private property, interference in the banking sector and an increase in taxes. By 1976, unemployment numbered 12,000 (DeBattista, 2017b)

EU Membership and the rule of law

One of the main areas of contention and polarisation concerned Malta's membership in the EU. In 2003, this was put to a referendum. The Nationalist Party campaigned for a 'Yes' vote while the Labour Party campaigned to reject such a prospect. 53.6% of the electorate voted to join the European Union. However, the Labour Party contested the result claiming that only 48% of registered voters voted for membership. In the ensuing election held in April 2013, the Nationalist Party won with 51.8% of the vote thereby confirming the earlier pro-membership plebiscite (Cachia, 2014).

Malta joined the European Union on the 1 May 2004. The Labour Party reversed its position on EU membership and adopted a platform framing greater civil liberties as being part of a wider adoption of European values. This paid its dividends in the 2013 election when the Labour Party was elected with a 54.83% landslide (Cachia, 2014).

Finding itself in Opposition, the Nationalist Party constructed a narrative framing EU Institutions as the guarantors of Malta's institutions. Both parties try to derive legitimacy from the EU to frame their narratives on the state of the rule of law in Malta; the Nationalist Party argues that there was a steady decline since Labour was elected in 2013 while the Labour Party rejects this.

Following the death of Daphne Caruana Galizia, the European Commission, as well as the European Parliament, warned the national government to respect and strengthen the rule of law and independent institutions:

> Serious allegations of corruption and breach of anti-money laundering and banking supervision obligations have not been investigated by the police in Malta, which represents a threat to the rule of law in this Member State; acknowledges that there are several magisterial inquiries under way regarding some of these allegations; specifically regrets the fact that there has been no police investigation to date in Malta into the revelations regarding the Panama Papers and Politically Exposed Persons in the leaked FIAU reports, and notes that some of those named in the FIAU[1] reports remain part of the government; calls on the Maltese Police Commissioner to open such an investigation (European Parliament, 2017)

Both mainstream parties in Malta now adopt a pro-European Union approach. Nonetheless, successive governments have had their 'European' credentials questioned due to the lack of political

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[1] FIAU – Financial Intelligence Analysis Unit - a government agency established under the Prevention of Money Laundering Act

will to change the political culture. The incumbent administration has pursued some reforms in the field of justice and civil rights. However, political patronage has become more diffused, and some controversial appointees with previous links to the ruling party were appointed to sensitive positions in the judiciary (*Financial Times*, 20 October 2017). There were other worrying signs that Maltese institutions did not have the adequate tools to function independently, impartially and effectively including the quick succession of Police Commissioners (five in as many years) and the controversial International Investment Programme (dubbed 'Cash for Passports').

Pace (2017) argues that the Panama Papers leaks exposed Maltese politicians and other off-shore financial centres. They accused similar jurisdictions of failing to fight money laundering. In such a scenario, the only way to restore the reputation of a country is through institutional reform. However, in Malta's case, the issue was inadequately solved with the 2017 election, which was again won by the Labour Party by an even larger majority. This victory came in spite of the accusations of corruption and the undermining of the rule of law. Some commentators have noted that the Labour Party is seemingly invincible and the country is slowly shifting towards a one-party system (Briguglio, *The Times of Malta*, 5 March 2018). Strategically, by opting for an early election, the Labour Party sought to diffuse the allegations of corruption and nepotism while legitimising its programme. The majority obtained by the governing party was intended to silence and discourage its persistent critics.

The Daphne Caruana Galizia Assassination – a new critical juncture or same old?

Daphne Caruana Galizia was one of the harshest critics of the Labour administration and the new leader of the Opposition Adrian Delia. The latter was widely criticised for his dubious past and failure to pay his taxes for three years. Her criticism of both political parties made her very unpopular in the months leading to her death. Nonetheless, she pursued her investigations on corrupt practices and maintained her stance of exposing the collision between the political class and business groups. The car-bomb placed under Caruana Galizia's car was the sixth in two years. Daphne Caruana Galizia was the only victim not to be linked with the criminal underworld (Higgins, *New York Times*, 21 October 2017).

The assassination of Daphne Caruana Galizia attracted worldwide media attention. Initially, some speculated that this assassination would pressure politicians into strengthening independent institutions in the fight against corruption. In the weeks following the assassination, several protests were held. Observers were quick to draw parallels between this murder and Mafia contract-killings

used to showcase power and influence. This was not an ordinary murder; this was the assassination of an established investigative journalist that took place in a member-state of the European Union which had just finished hosting the Presidency of the Council of the European Union.

Several media outlets – both national and international – condemned this murder and called for transparent investigations. On Sunday 22 October, all newspapers ran a front page in black with the wording, "The Pen Conquers Fear." However, it was only a matter of time before the widespread preconceptions of this investigative journalist re-emerged. Daphne Caruana Galizia was a trailblazing journalist who provoked strong reactions in people – she was loved, admired, loathed and despised in equal measure.

Despite the condemnation by media outlets and the demand for a transparent investigation by the international media, the reaction in Malta was far more muted. A vigil held at the University of Malta only managed to attract a hundred or so students and academics – much to the surprise of the international media agencies covering the events. Two protests organised by the Civil Society Network attracted a few thousand in the first few weeks. However, those numbers soon began to dwindle. This was a far cry from the attendance registered at regular partisan events.

The Archbishop of Malta – a non-partisan figure who nonetheless, for historical reasons, enjoys considerable moral authority (DeBattista, 2017a) – was one of the most vociferous voices condemning this attack: "I forcefully condemn the cruel murder of Daphne Caruana Galizia. The loss of this brave journalist fills us with sadness and with determination to continue defending democracy until the very end" (Scicluna, 16 October 2017).

The main Constitutional actors were more subdued in their response. The President of Malta and the Prime Minister called for a united front in the wake of this murder. The sister of the late journalist described this call for unity as a sham and accused the President and the Prime Minister of downplaying the assassination while "working to transform her into a martyr for their cause" (*The Malta Independent Online*, 22 October 2017). The Leader of the Opposition described the killing as the "collapse of democracy and freedom of expression" (*Timesofmalta.com*, 16 October 2017). However, his reaction was somewhat unconvincing; just over a month before her assassination, he has described the late journalist in very unflattering terms while vowing to reverse any influence she may have (*daphnecaruanagalizia.com*, 4 September 2017). Family members told all three constitutional actors that their presence and the funeral would be unwelcome (*The Malta Independent Online*, 2 November 2017).

By the third quarter of 2017, the political atmosphere in Malta was tense. One newspaper column described public life in Malta as "a continuous struggle" and "a clash between two opposing camps competing for a wholesale appropriation of resources." The highly partisan nature of politics was because "the political future of the country and the personal destiny of the individual are perceived to be intertwined." Politicians were regarded as guarantors of "progress and a better standard of living" in a political climate where "loyalty is handsomely rewarded" (DeBattista, *The Times of Malta*, 7 September 2017).

It is within this context of vast networks of political patronage and clientelism that Daphne Caruana Galizia worked. She was a persistent critic of the Government; she rallied against the Individual Investment Programme which was labelled as a 'cash-for-passports' scheme, and she was involved in the Panama Papers investigation and named a leading Cabinet minister and the Prime Minister's chief-of-staff as beneficiaries who held secret accounts in Panama. In April 2017, she named the Prime Minister's spouse in connection with the Panama Papers. Following an election which saw the Labour Party return to government with an increased majority, she began to question the newly-elected Leader of the Opposition's business links as well as his approach to politics. At the time of her death, she had enemies on both sides of the political divide. Her husband, Peter Caruana Galizia took over 37 pending libel suits – most filed by high-level government officials. Her bank account remained frozen after a garnishee order was issued by the court after a senior government minister sued Caruana Galizia for defamation.

Despite these worrying developments and some significant institutional failures, there was no official resignation by anyone in any branch of government. Comparisons were made with the situation in Slovakia following the murder of Jan Kuciak and his fiancée Martina Kušnírová less than six months after the assassination of Daphne Caruana Galizia.

Some parallels exist; the Prime Ministers of both countries called for press conferences and offered a one million euro reward to anyone who came forward with information leading to the capture of the killers. Both Prime Ministers urged the Opposition not to exploit the murders for partisan purposes, and the possibility of mafia involvement was muted.

Nonetheless, there are also some different significant outcomes. The President of Slovakia, Andrej Kiska, urged the Prime Minister Robert Fico to reshuffle the cabinet or call a snap election. Three key resignations took place. The Minister of Culture Marek Madaric resigned stating, "I can't cope

with the fact that a journalist was killed during my tenure." The Minister of the Interior and Deputy Prime Minister, Robert Kaliňák, who had been the subject of some articles by Jan Kuciak, tendered his resignation following public protests and pressure from a junior coalition partner. Following public pressure, Robert Fico stepped down as Prime Minister to avoid an early election. In contrast, Malta saw no resignations despite the repeated call for them by various members of civil society. Moreover, polls indicate that the Governing party has increased its support in the wake of the assassination (Sansone, *Maltatoday,* 5 March 2018).

It would thus be pertinent to suggest that, critical junctures in Malta only lead to institutional outcomes if political parties mobilise party supporters and enough political will to pursue such reforms. The following table gives a cursory glance of such divisions across the years:

Period	Division	Critical Junctures?	Institutional Outcome	Partisan Position
1880 - 1939	Language Question: *Italianità* vs. Anglicisation	Outbreak of the Second World War; Italy joins Axis powers	English emerges as the *de facto* language.	Nationalist Party abandons pro-Italian standpoint
1955 – 1958	Integration Referendum: Proposals to integrate Malta with the United Kingdom. Malta Labour Party campaign for a 'yes' vote Nationalist Party and the smaller parties campaign for a 'no' vote	1956 won by the pro-Integration Camp. Result contested Talks between Government of Malta and British Governments collapse Violence ensues.	Bi-partisan consensus: Break with Britain Resolution tabled on the 30 December 1957. Following the resignation of the Government, the Colonial Government suspends the Constitution, and Malta reverts to 'Crown Colony' status.	Referendum result ignored after the collapse of talks Major parties accept the need to ask for Independence Parties differ over the constitutional arrangement following Independence.
1958 – 1964	The Independence Constitution	Referendum held in 1964: referendum won by the pro-independence camp. Parties adopt differing positions. Result contested	Independence Constitution is ratified: Malta is granted its independence on the 21 September 1964	Malta Labour Party rejects the legitimacy of the 1964 constitutional arrangement
1972 – 1979	Contested Constitutional Arrangements	The government refuses to constitute the Constitutional Court: gridlock created to force the Opposition's hand into Constitutional talks	Malta is declared a Republic on the 13 December 1974	Consensus between both political parties after talks which took place over a three-year period.
1979 – 1987	Political and Constitutional Crisis	1981 Election: Nationalist Party wins Majority of Votes; Labour Party wins Majority of Seats – Labour Party Governs Politically-motivated violence and murder	After protracted negotiations, and following the murder of Raymond Caruana, the Constitution is amended in 1986 to allow the party which obtains the majority of votes to govern.	1981 popular vote rejected Parties deeply entrenched in their positions. Consensus only achieved after the murder of Raymond Caruana – less than six months before 1987 elections.
1992 – 1998	Consolidation of	Change in the leadership	Constitutional consensus	A brief period of partisan

	Constitutional arrangements	of the Malta Labour Party

Changing economic conditions | over the introduction of various institutions including the Ombudsman and the Auditor General | consensus over institutional reforms |
| 1998 – 2004 | EU Membership | Referendum held in 2003: referendum won by the pro-membership camp.

Parties adopt differing positions. Result contested | Malta becomes a member of the European Union on the 1 May 2004 | Parties accept referendum result following general election held in April 2013 |
| 2017 | Call for institutional reforms | Murder of Daphne Caruana Galizia | No change | Parties and constitutional actors give lukewarm response. |

Table 1 Critical Junctures in Malta

The above table demonstrates that no change / little change has ever taken place without the consensus of one of the leading political actors who, in turn, could mobilise supporters behind a particular political position. Writing in the wake of the assassination of Daphne Caruana Galizia, Sant Cassia (2017) corroborates the argument above:

> "The hold of the political parties is not just immense because of their pervasive militarization of nearly all citizens, but even more important, shapes the horizons of the possible, personal identities, alignments, associations, interactions, and reactive imaginations… The degree to which popular political imagination has been so voraciously purloined by political parties with the public's complicity should not be dismissed, nor over-exaggerated. It is self-poisoningly pervasive, and imprints personhood, stamping it as a coin (timbre, a word used to denote political allegiance), with which individuals repay their debts to the very parties that have turned them into a currency to be employed, and which they willingly perform."

In addition, only a small group of voters are attempting to pressure the main political parties for institutional reforms. This meant that while in Malta's economy is flouring with unemployment at just 3.6% with the GDP growing more than 5.5% during the period 2016 – 2017 (Peel, *The Financial Times,* 20 October 2017) there is a lack of focus on post-materialist issues including sustainability, anti-corruption sentiment, political values, culture, ethics and standards which are widely believed to be European norms.

Are 'Partisanship' and 'Weak Institutions' a cultural phenomenon?

There is scope to argue that partisanship while being aided and abetted by political actors, is also a deeply ingrained cultural and anthropological phenomenon. Examples of intense partisanship and clientelism thrive in other post-colonial societies including Barbados, Grenada, Guyana, Jamaica, Dominica, Gibraltar and Cyprus (Allahar, 2001; Jackson & Cantos, 1995; Hitchens, 1997). Malta's

context is both post-colonial and Mediterranean.

It shares with the other Mediterranean and Levantine cultures a pervading sense of amoral familism where individuals "maximise the material, short-run advantage of the nuclear family." Banfield (1958) argues that "in a society of amoral familists there will be few checks on officials, for checking on officials will be the business of other officials only." Indeed, even office holders have no interest in shaping and strengthening the institutions they represent since they feel "no identification with the purpose of the organisation" and therefore "will not work harder than is necessary to keep their places or (if such is within the realm of possibility) to earn promotion." Voters are also likely to use the ballot "for favours already received (assuming, of course, that more are in prospect) rather than for favours which are merely promised."

Popular Catholic piety and a primitive religiosity also shape the way politics is perceived. Many refer to politicians as "*qaddisin*" – saints or intercessors and protectors. Boissevain (2006) argues that there is a striking resemblance between the religious intermediary and the political intermediary; there is a widespread belief that "to accomplish anything you have to have a protector. That is, you need a patron, someone who can intercede on your behalf with important decision-makers." Banfield (1958) discovered a similar pattern of behaviour among the citizens of the Southern Italian town of Montegrano.

Boissevain (2006) also argues that "in the political field people pattern their action upon their behaviour in the religious field." DeBattista (2017a) argued that some "political traditions are reminiscent of the indigenous popular interpretation of Catholicism." Such practices include:

> "weekly Sunday meetings in party clubs (reminiscent of Sunday mass), the annual party celebrations on Independence Day and Freedom Day (reminiscent of the annual village feast), the practice of home visits (reminiscent of the annual Eastertide house blessing), the use of commemorative plaques and monuments, the secular rituals and the stirring rhetoric used during mass meetings (reminiscent of the annual panegyric) and the use of rousing party anthems."

Friggieri (2002) argues that partisanship in Malta is culturally ingrained. He describes partisanship as a "chronic condition" and a "dualism which diminishes objectivity and guarantees confrontation." He identifies some models of behaviour which affect both party leaders and party loyalists:

1. The options put forward by political parties are diametrically opposed
2. There are usually only two options, and one can either be in favour or against

3. These two options divide public opinion into two camps
4. Consensus is rarely achieved, and conflict is the preferred route
5. Institutional and political progress is often the result of a decision by one party and therefore accepted by only one faction.

He contends that, so long as partisanship remains the principal structure of the country, all principles will be personalised and all arguments will be tinged with partisan association while the supreme value will remain the exercise of power.

Partisanship is best reflected in the number of national holidays which are commemorated annually. The distinguished historian, Professor Henry Frendo, was commissioned by the government to analyse the country's historical milestones and suggest some days which could serve as national holidays. He identified five dates in particular, and all five were chosen as a way of appeasing the main political parties (Frendo, *Maltatoday*. April 1, 2009). Discussions to reduce the number of national holidays have been futile since parties struggle to agree on a national day since all five events are linked with the "glorious past" of these parties and the legacy they claim to have bequeathed to the country.

Briguglio, Delaney and Wood (2017) identify a possible link of how this partisanship manifests itself. In their ground-breaking study, they test whether psychological attachment to political parties influences the voluntary participation in government-promoted public-good schemes. Their findings show that:

> "attachment to the party in opposition emerges as having a significant and negative influence on likelihood of participation in a government scheme, responding to cues that associate the scheme with the party in government. Such association does not seem to enhance uptake among those who are attached to the party in government, and decays over time"

This tense and fractured way of doing politics posits the question; can critical junctures be successful in the Maltese context without the consent of the main political parties?

Political Reforms-Public or Poltical Will?

While the assassination of Daphne Caruana Galizia should be a critical junction which prompts institutional revisions, partisanship prevents such development from taking place. Thus, weak institutions prevail since they are precluded from transcending the malaise of Malta – one characterised by duopolistic social divisions and intense political partisanship. Institutional reforms

always require political will, but it will be difficult for the main political parties to change path and implement the needed reforms when they have adapted to the status-quo. While both parties have agreed to Constitutional reforms, there have been no proper and constructive discussions on how, when and in what form should these reforms take place. At the moment, four groups representing civil society expect the EU to pressure the Maltese government to respect the rule of law and initiate the required institutional reforms to fight corruption. Yet the European Union is struggling to do this job not just in Malta but also, in other states such as Poland and Hungary (Peel, *The Financial Times*, 20 October 2017). The EU would also struggle to enforce the rule of law without awareness or public support for such reforms. It will take a cultural shift, political will and proper education until this malaise is acknowledged by the Maltese society, which can ultimately pressure those in power to enact the required reforms.

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