

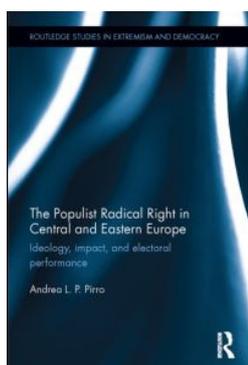
ROUTLEDGE • TAYLOR & FRANCIS

# Europe in times of rising populism

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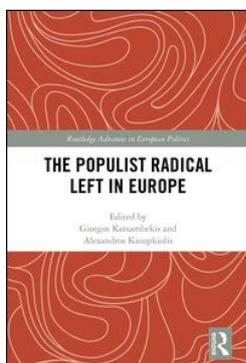


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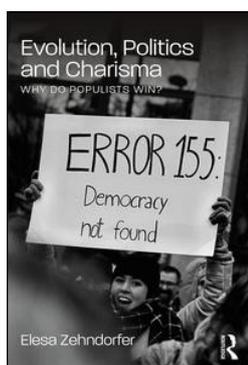
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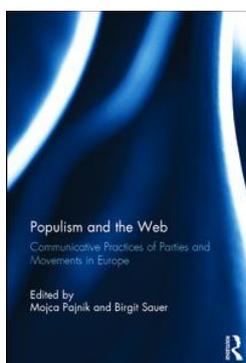
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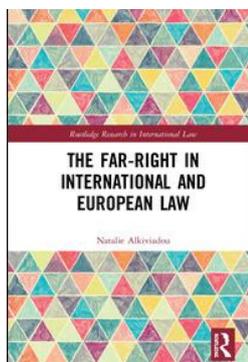
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## 4 Exploring the dimensionality and assessing the impact of populist radical right parties

### Introduction

The first part of this book focused on the context and text of the populist radical right in Central and Eastern Europe. Turning attention to the issues of this party family has provided the basis for a number of fruitful distinctions. First and foremost, the previous chapters highlighted important differences compared to the same phenomenon in Western Europe. Indeed, the populist radical right in Central and Eastern Europe draws ideological inspiration from historical legacies and contextual idiosyncrasies, which evidently deviate from the Western European experience. In turn, this brings attention to a second point: populist radical right parties in Central and Eastern Europe are not a ‘single-issue’ phenomenon (e.g. Fennema 1997; Mudde 1999). It is precisely on the basis of their range of issues that it was possible to ascertain ideological differences across this party family in Central and Eastern Europe.

Populist radical right parties in Central and Eastern Europe strenuously endeavour to present themselves as competent actors in different policy areas. In other words, the selective emphasis they may place on clericalism, corruption, or the European Union (EU) denotes that the populist radical right seeks to influence the political debate beyond the more predictable area of ethnic minorities. Whether the populist radical right is indeed capable of exerting influence over different policy areas has yet to be ascertained. This chapter specifically aims to answer questions relative to the dimensionality, strategies, and impact of populist radical right parties in post-communist countries. This research agenda acquires particular value not only for the study of the populist radical right but also for post-communist party politics as a whole. At present, very little attention has been paid to the impact and dimensionality of this party family, and the scholarly literature has regrettably overlooked the importance of these aspects in Central and Eastern Europe.

Already in 2007, many alarmist accounts made headlines in the international press in relation to the activity of the *Magyar Gárda* – the organisation affiliated with the populist radical right Jobbik and established to restore law and order in rural areas with a high concentration of Roma minorities. At first, this seemed to confirm the more anti-democratic and more militant character of populist radical right organisations in the region (Minkenberg 2002b: 362). According to

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some observers, however, ‘Hungary’s illiberal turn’ (Bánkuti *et al.* 2012; Jenne and Mudde 2012; Rupnik 2012) has mostly materialised through the governmental action of the national-conservative Fidesz. The Hungarian example is even more telling if we consider that, in the eyes of the Hungarian voters, the ideological differences between Jobbik and Fidesz are far from striking (Enyedi and Benoit 2011). It is exactly to this alleged blurring of roles, or ‘contagion’ (van Spanje 2010), that this chapter turns its attention. Central and Eastern Europe now seems to be confronted with a populist challenge, and assessing the role of populist radical right parties in recent political developments is of critical importance.

Populist radical right parties in Central and Eastern Europe have increased their specific weight, influencing the agenda of other political parties. Especially for this reason, this chapter argues that, regardless of their electoral performance, the populist radical right in Central and Eastern Europe may have wielded direct or indirect influence over certain policy dimensions and prompted changes within respective national party systems.

Although part of populist radical right parties’ impact could be linked to their positive electoral performance, it is useful to appraise political influence as a dimension detached from fortunes at the polls (Minkenberg 2001, 2002a; Williams 2006). The basic tenet behind this view is that parties may release effects in the political process irrespective of the number of seats in parliament. Therefore, the chapter transcends definitions of success and failure based on the electoral performance of populist radical right parties and addresses their impact on national political spaces. Drawing on the Bulgarian, Hungarian, and Slovak cases, this part of the study hypothesises that populist radical right parties may condition shifts within respective party systems. The strategies of populist radical right parties would then display effects on other parties – in particular, those parties that could be regarded as ‘nearby competitors’ and with more pronounced effects on the dimension of ethnic minorities.

First, the chapter addresses why it is important to examine the dimensionality of political spaces and focus on the impact of populist radical right parties by drawing on different streams of literature. Second, the analysis focuses on the competition over different policy dimensions in Bulgaria, Hungary, and Slovakia. The chapter concludes by identifying the areas and types of influence exerted by this party family in the three countries.

### **The impact of populist radical right parties**

Despite the considerable interest stimulated by the populist radical right over the past decades, scholarly attention has primarily concentrated on the reasons behind the success of these parties or the determinants of their support in Western Europe (e.g. Abedi 2004; Givens 2005; Norris 2005; Golder 2003; Jackman and Volpert 1996). Conversely, the impact of these parties has remained by and large an under-researched area of enquiry. Since populist radical right parties do not simply play a dysfunctional role (cf. Fisher 1980), they are believed to

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influence the workings of respective political systems and thus deserve due consideration.

It has been argued that once minor parties pass the threshold of representation, they can exert influence in a number of ways. They may alter the normative boundaries of the system; challenge the ideological and symbolic aspects of the system or the rules of the game; or even introduce new patterns of political competition. As a result, they are deemed “relevant to the political system and to its understanding” (Herzog 1987: 326). Besides the only occasional attention paid to the alleged relevance of these parties, little clarity surrounds the effects on the system in which they operate and the overall resonance of their activities.

The previous chapters have drawn attention to the particular framing of nativism, authoritarianism, and populism put forward by populist radical right parties in post-communist countries. Especially compared to the early stages of activity of this party family, the populist radical right now turns to a fairly diversified palette of issues. From the way they are delivered, then, issues such as clericalism or ethnic minorities appear to be equally important in the agenda of these parties in Central and Eastern Europe. Having ascertained the emphasis placed on different ideological features and considering that this party family does not operate in a political vacuum, it is relevant to ask whether the populist radical right is actually able to exert influence on certain policy dimensions. Before putting forward a number of propositions in this regard, it is necessary to define what impact is and at what levels it is expected to be revealed and, most importantly, why it is important to study the impact of these parties.

The populist radical right’s impact is appraised as the ability of these parties to wield direct or indirect influence on respective political systems in general and policy competition in particular. The stimulus introduced by populist radical right parties consists of the capacity to change a course of events, which might develop differently otherwise (Williams 2006: 42). As the impact on a political system virtually ranges from the party’s ability to successfully get a certain message across to undermining the foundations of the liberal-democratic regime, it is important to identify pertinent areas of influence for the populist radical right. Expanding on a distinction between agenda-setting and policy-making effects (Minkenberg 2001, 2002a), Williams detected three levels of influence for the populist radical right – that is, agenda-setting, institution-shaping, and policy-making.<sup>1</sup> With the first, reference is made to the influence exerted on political discourse and public opinion; with the second, attention is devoted to the populist radical right’s structural impact on the political party system; with the third, the focus is on the influence exerted through legislation and policy initiatives (Williams 2006: 6).

In addressing the last preliminary question – why is it important to study the impact of the populist radical right? – the chapter suggests that these parties may increase the salience of nativist issues and prompt people to frame society and societal problems in terms of ethnicity and nationality; contribute to polarising social and political issues and stigmatising persons or ideas opposing their nativist struggle; and, ultimately, prompt mainstream parties to adjust their positions on certain issues in a more nativist, authoritarian, and populist direction. This would

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in turn legitimise and mainstream discourses and ideas that were previously condemned (see Rydgren 2003).

### *Assessing influence beyond electoral success*

A number of recent contributions have started focusing on the institutional effects coming from the presence of the populist radical right in public office (e.g. Bale 2003; Heinisch 2003; Art 2007; Akkerman and de Lange 2012; de Lange 2012; Akkerman 2012). However, the role of this party family remains either linked to the number of seats gained in parliament or its participation in government. This certainly applies to the work of Meguid (2005, 2008) and van Spanje (2010), in which the impact on policies and party competition is directly related to the electoral fortunes of these parties. To be sure, the present work does not neglect the relevance of electoral results in the political process, for the size and experience of a parliamentary caucus is somewhat expected to produce a high parliamentary input (Minkenberg 2001: 13). By disentangling the impact of these parties from their electoral performance, however, it is ultimately possible to stray from the axiom 'electoral success equals political influence'. Since the effects released by the populist radical right are mostly visible through public responses and other parties' reactions to the populist radical right (Minkenberg 2001: 5), this would suggest no direct or straightforward relationship between these spheres of influence and the share of votes of this party family.

In this respect, the chapter follows the tradition of authors such as Minkenberg (1998, 2001, 2002a, 2015), Schain (2002, 2006; see also Schain *et al.* 2002), and Williams (2006), in that the impact of populist radical right parties is believed to be revealed irrespective of the specific fortunes at the polls. For instance, when successful and unsuccessful populist radical right parties are considered, it has been argued that mainstream right parties adopted at least part of the populist radical right's agenda (Minkenberg 1998: 14–17). However, consensus is not widespread. Other authors concluded that the influence of populist radical right parties on immigration issues has been small and that, in countries like Germany or Italy, the restrictive policies of the 1990s would have been implemented even without the emergence of *Die Republikaner* (The Republicans, REP) and the *Lega Nord* (Northern League, LN) (Perlmutter 2002). In principle, this would lend support to the facts that populist radical right parties matter in unorthodox ways and that the dynamics of their impact are complex (Williams 2006).

In order to exert influence in the political process, the populist radical right needs to politicise the issues at the core of its agenda and/or establish ownership over them. Post-communist countries' political cultures and the diffuse sense of disappointment stemming from the transition process already presented a favourable breeding ground for nativist appeals; a number of populist radical right parties have taken advantage of a latent potential generally left unexploited until the mid-2000s. Once nativist issues are politicised, populist radical right parties do stand a chance to increase their electoral support (see Chapter 5). Although their electoral breakthrough may affect the agenda-setting, institution-shaping, and

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policy-making spheres, the consistency of their electoral results should not prove to be a necessary condition for the continuity of this influence. In other words, once the agenda has been set, the prominence of these issues no longer depends on the sole electoral performance of populist radical right parties.

Since the focus of this chapter rests on policy competition, the underlying assumption is that the influence exerted by the populist radical right at the institution-shaping level prompts shifts in political spaces. For the sake of this discussion, it is worth noting that concepts such as ‘political space’, ‘party competition’, or ‘policy competition’ are not new in political science. Anthony Downs (1957) has by and large contributed to mainstreaming the idea that parties could strategically move along the left-right continuum in order to attract more votes and ultimately win office. Other scholars have pointed out how talking about politics often entails the use of spatial metaphors. Politics and political competition could be fruitfully interpreted in terms of position, distance, movement, and direction – that is, spatial language and reasoning (Laver and Hunt 1992; Benoit and Laver 2006).

Referring to the impact of populist radical right parties in spatial terms denotes that political spaces can be ultimately *measured*. In turn, the mapping of national party systems should expose: a) on which policy dimensions this influence is exerted; and b) the strategies adopted by other parties in reaction to the populist radical right. The extant literature emphasises the interaction between mainstream and populist radical right parties (e.g. Kitschelt and McGann 1995; Carter 2005) and associates different responses with the politicisation of nativist issues by the populist radical right. Meguid (2005: 349–50) refers to three in particular: dismissive, accommodative, and adversarial. Parties adopt a dismissive strategy and ignore a certain issue when the issue is deemed unimportant or too difficult to address. However, when mainstream parties decide to compete with the populist radical right on a given policy dimension, they either adopt accommodative or adversarial strategies, respectively resulting in convergence or divergence between populist radical right and mainstream parties.

Other authors observe that mainstream parties’ reaction to the populist radical right produces responses ranging from cooperation to exclusion (van Spanje and van der Brug 2007; also Downs 2001). Since parties are assumed to have abandoned ideological immobility and developed their ideologies as a means to gaining office (Downs 1957: 110–11), this study deems two types of mainstream parties’ responses relevant for the mapping of the populist radical right’s impact: co-optation and opposition. With the first strategy, mainstream parties adapt to the standards set by the populist radical right and progressively try to incorporate nativist issues in their agenda. With the second strategy, established parties either distance themselves from the positions of the populist radical right or openly confront them. In this regard, it is important to note that the populist radical right in Central and Eastern Europe did not undergo a similar process of stigmatisation experienced by Western European populist radical right parties.<sup>2</sup> This means that no *cordons sanitaires* have been implemented to limit the influence of populist radical right parties, potentially favouring the resilience and resonance of nativist issues in national political discourses.

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The chapter began by specifying that populist radical right parties are not single-issue parties. In advancing expectations on the impact of these parties, however, it seems at least reasonable to consider them as the most competent actors in the field of ethnic minorities and capable of mobilising on these issues. In virtue of this (real or perceived) issue ownership, populist radical right parties are able to present minority issues as ‘omnibus issues’ through which other concerns, such as ‘law and order’ or welfare policies, can be funnelled (e.g. Williams 2006; Akkerman and de Lange 2012). In light of this premise, the chapter advances two arguments: a) one concerning the populist radical right’s policy sphere of influence; and b) one concerning the parties that are most affected by the impact of the populist radical right. This study then posits that the impact of populist radical right parties on respective party systems: a) releases the most significant effects on the dimension of ethnic minorities vis-à-vis other areas of competition; b) principally affects mainstream ‘nearby competitors’; and c) withstands the specific electoral performance of these parties.

This study appreciates the existence of a fertile breeding ground for populist radical right mobilisation – a political culture opening up opportunities not only for the electoral breakthrough and/or persistence of populist radical right parties but also for the very same resonance of the issues fostered by this party family. Whilst the aspects lying outside strict policy competition will be considered in the following chapter, populist radical right parties are expected to take centre stage in the political process, if not on multiple policy dimensions, at least as the main advocates of opposition to minorities. Therefore, a process model willing to account for the impact of the populist radical right beyond its electoral performance should also consider the interaction between populist radical right and mainstream parties on *relevant* policy dimensions. In this sense, this analysis deems a dimension relevant when it bears at least some importance for the populist radical right (e.g. Benoit and Laver 2006: 50). Evidently, these policy dimensions would consist of those presented in the first part of this study.

The revolutions of 1989–91 have propelled new sources of division centring, *inter alia*, on citizenship, ethnicity, divisions between church and state, and resource distribution (Kitschelt 1992; Williams 1999; Whitefield 2002). The populist radical right in post-communist countries seems to have capitalised on these opportunities and projected a nativist agenda into the mainstream political arena. On the whole, the (pre-)existence of favourable conditions (i.e. public attitudes as well as other opportunity structures) for the rise of populist radical right parties in Central and Eastern Europe should not underestimate their role of ‘catalysts’ in the politicisation of minority issues (cf. Mudde 2013). In post-communist countries, nativist issues remained largely outside the mainstream political discourse before the breakthrough of populist radical right parties. Also in consideration of their attempts to articulate policy changes on pre-existing (yet previously non-politicised) dimensions, populist radical right parties in Central and Eastern Europe may aptly come across as ‘prophets’ rather than mere ‘purifiers’ (see Lucardie 2000). Unlike mainstream parties, then, the populist radical right’s *raison d’être*

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may reside in prompting established players to change their ideological positions (e.g. Downs 1957: 127–8; Harmel and Robertson 1985; Williams 2006).

## **Measuring interactions in Central and Eastern Europe**

Having outlined the merits and scope of this enquiry, this section specifies how the impact of the populist radical right and the reaction of other parties are empirically measured across countries. In order to examine the dimensionality of populist radical right politics and assess whether and how established parties react to the populist radical right, this chapter analyses policy spaces in Bulgaria, Hungary, and Slovakia.

The reasons for focusing on policy competition and interactions between populist radical right and mainstream political parties in these three countries are different. First, political parties provide a common organisational ground for analysis and are certainly easier to monitor; this is especially the case if compared to sub-cultural milieus, which often tend to act in limited numbers and operate outside the democratic framework. Second, social problems are usually translated into political issues with solutions articulated at the party level (Lucardie 2000: 176). In this regard, it seems at least plausible that a portion of the populist radical right agenda could influence the position of other parties across policy dimensions, not to mention affecting other arenas such as public opinion and counter-mobilisation (Minkenberg 2015). Third, the electoral fortunes of these parties offer valuable background conditions for the present analysis. On the one hand, these parties emerged or re-emerged in the mid-2000s, presenting a unique opportunity to examine the timing of these strategic interactions in a comparative fashion. On the other hand, electoral results set the conditions to test one of the working propositions of this chapter – that is, the impact of the populist radical right does endure, irrespective of the specific electoral performance of this party family. Indeed, out of the three parties analysed, only Ataka showed a certain degree of consistency in its electoral performance (at least until the 2014 early elections); Jobbik has been on the rise, whilst the *Slovenská Národná Strana* (Slovak National Party, SNS) has undergone a steady decline and is not currently represented in the National Council.

In exploring the dimensionality and assessing the impact of peripheral parties,<sup>3</sup> the following analysis purposely focuses on competition across a set of policy dimensions. In line with the ideological approach of this study, it is important to emphasise that the kind of impact analysed here influences “the very identity of other parties by causing them to change key issue/ideological positions” (Harmel and Svåsand 1997: 316) – a type of influence that is primarily observable at the level of policy competition. Earlier contributions often appraised the impact of populist radical right parties in terms of a ‘right turn’ in national politics (e.g. Kitschelt and McGann 1995; Carter 2005; Norris 2005); such a strategy could be somewhat inadequate. Twenty-five years of research on this party family in Western Europe have almost unanimously taught us that the impact of populist radical right parties mostly affects ‘law and order’ and anti-immigration policies (Mudde

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2007), yet studies with an emphasis on spatial shifts have frequently aggregated these dimensions as taking place on the left-right ideological continuum (e.g. van Spanje and van der Brug 2007).

In order to evaluate the immediate consequences of populist radical right parties' impact on certain issues, analysing interaction effects over specific policy dimensions seems to be a more satisfactory strategy (e.g. Harmel and Svåsand 1997). Therefore, this study argues that competition between parties is best assessed on an issue-by-issue basis. In addition, this approach allows for a refined understanding of 'nearby competitor', which should be appraised as the mainstream party occupying the most proximate position to the populist radical right on relevant policy dimensions. As noted previously, the relevant dimensionality of policy spaces is determined on the basis of the populist radical right's own ideology. The assumption is that, in order to observe interaction effects between the populist radical right and mainstream competitors on a given policy dimension, populist radical right parties should hold a position on the issue and deem it a significant feature of their ideology. In this regard, the analysis conducted in the previous chapter provides sufficient background material to be content with the policy dimensions selected.

Those idiosyncrasies underlined up to this point especially seem to corroborate the value of this approach. The populist radical right in Central and Eastern Europe does not embody a radical version of neo-conservatism (cf. Ignazi 1992; Minkenberg 1992, 2000; Kitschelt and McGann 1995), and analysing interaction effects in terms of shifts along the left-right continuum would surely limit the scope of investigation. Some observers aptly noted that political and party affiliation in post-communist countries might lack the same coherence of Western Europe (Pop-Eleches and Tucker 2010). In other words, Central and Eastern European politics are likely to be structured in terms of their distance from communism rather than left-right dimensions, substantiating the role of historical legacies in shaping distinctive pathways to politics. Another contribution, focusing on racist extremism in the region (Mudde 2005), suggests that nativist politics are not a sole prerogative of far right organisations. In this sense, the Slovak example is quite telling, as a government coalition including the 'leftist' Smer-SD and the populist radical right SNS ruled the country between 2006 and 2010. Therefore, a fine-grained analysis of policy dimensions should reveal if, and to what extent, the populist radical right is able to exert influence on national party systems.

### *Methodology and data*

The position of national parties over these policy dimensions is analysed by means of expert surveys at three different time points (2006, 2010, and 2012). For the purposes of this comparative study, expert surveys prove to be valuable for at least three reasons:

First, precisely because they reflect the judgements of experts, [expert surveys] acquire a certain weight and legitimacy. Second, they are seen to have

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the advantage of making a judgement of party position based on what the party is currently doing or saying, rather than being based on assumptions derived from past party behaviour. . . . Third, expert judgements are quick, easy and comprehensive. They permit the collection of highly *comparable* and *standardised* data.

(Mair 2001: 24, italics in original text)

As the previous discussion on the dimensionality of political spaces highlighted, “the need for systematic and reliable empirical measures of the policy positions of political actors is overwhelmingly self-evident” (Benoit and Laver 2006: 52). Expert surveys respond to these needs and help locate political parties on different scales. Overall, this research technique came to prominence following the work of Castles and Mair (1984), who investigated the location of political parties on the left-right dimension in Western Europe, the US, and the Old Commonwealth. Unlike mass surveys, expert surveys bear a major operational advantage in that they are virtually inexpensive to conduct (Castles and Mair 1984: 74). This aspect – along with their asserted authoritativeness, accessibility, and interpretability (Carter 2005: 112) – has certainly contributed to the popularity of this research tool.

Party positions across policy dimensions are measured using two different sources. For the first two time points, the analysis draws on the 2006 and 2010 waves of the Chapel Hill expert survey, which offer comparable data for Bulgaria, Hungary, and Slovakia (Hooghe *et al.* 2010; Bakker *et al.* 2012). Since the positions of some parties relevant for this study were only included in the 2010 wave of the Chapel Hill expert survey, it was deemed necessary to add a further time point to the analysis. In order to do so, original expert surveys were conducted *ad hoc* in early 2013 and enquired about party positions in the year 2012. These expert surveys were specifically tailored to allow comparisons with Chapel Hill data on a number of dimensions – i.e. religion, economy, ethnic minorities, and the EU. Furthermore, the original surveys included questions on national minorities abroad (in the case of Hungary) and corruption. Unfortunately, these additional dimensions are not covered by other surveys. Hence, the lack of comparable sources provisionally restricts the scope of data gathering to descriptive purposes, yet concomitantly lays the foundations for further research on these dimensions.

The questionnaires were crafted following the general guiding principles and specific advice on survey questionnaire design (Converse and Presser 1986). Three variants of the survey were developed for each country examined. The surveying technique employed was computer-assisted Web interviewing (CAWI). Simply put, the country experts were contacted via e-mail and were asked to answer a series of questions (see Appendix B) available online through a Web platform provided by the *Laboratorio Analisi Politiche e Sociali* (Political and Social Analyses Laboratory, LAPS) of the University of Siena. The questionnaire was sent to 56 political scientists and practitioners with a particular expertise on far right politics and policy competition in Bulgaria, Hungary, and Slovakia (for the list of experts consulted, see Appendix A). The overall response rate after two reminders

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was 51.8 per cent – a positive result also compared to the popular Chapel Hill expert surveys, which report response rates of 45 per cent for the 2006 wave and 34.9 per cent for the 2010 wave. Although it is likely that the expert surveys for 2012 do not draw on the same pool of experts as the Chapel Hill survey, these original sources shall provide a realistic impression of shifts in party positions on different policy dimensions.

In the following sections, the focus moves to the empirical analysis of party positions in Bulgaria, Hungary, and Slovakia. In practice, the analysis subscribes to the multivalence of issues ascertained in the previous chapter. Party positions on indigenous ethnic minorities and national minorities abroad (i.e. ‘minority issues’) and economic issues and corruption are then treated together, whereas competition on the dimensions of the EU and clerical issues are analysed separately.

### **Minority issues**

To a large extent, the value of party competition on minority issues in post-communist Europe has already been outlined. The quality of the populist radical right’s omnibus issue appended to ethnic minorities indeed serves a number of purposes. Narrowly defined, the stance on ethnic minorities comes across as an indicator of party-based hostility towards real or perceived enemies of the nation-state; these enemies may be identified with Roma communities (in all three countries analysed) but also Turkish (in Bulgaria), Hungarian (in Slovakia), or Jewish communities. Broadly defined, however, minority issues are also a proxy for nativism and a specific (restrictive) interpretation of the nation-state. Hence, the impact of this party family should become evident in the area of ethnic minorities, since minority issues represent the principal area of contestation for this party family in the three countries analysed. Looking at other political actors, this influence should primarily materialise through the radicalisation of mainstream nearby competitors’ positions on this policy dimension.

With regard to the question of irredentism (operationalised in this part of the study as ‘cultural and territorial rights for national minorities living abroad’), the analysis of the policy dimension should reveal a substantial proximity between the populist radical right and the mainstream competitor in Hungary. In fact, the question of ‘Greater Hungary’ was by and large mainstreamed by the *Magyar Igazság és Élet Pártja* (Hungarian Justice and Life Party, MIÉP) during the 1990s and then co-opted by Fidesz. For this reason, it seems plausible to posit that Jobbik and Fidesz would be ‘closer’ on the dimension of national minorities abroad than ethnic minorities.

### ***Bulgaria***

Ever since 2001, the Bulgarian party system has faced a dramatic process of restructuring. In particular, Ataka rode high on the cyclical political instability that first brought the *Natsionalno Dvizhenie Simeon Vtori* (National Movement Simeon

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II, NDSV) and later *Grazhdani za Evropeisko Razvitie na Bulgaria* (Citizens for European Development of Bulgaria, GERB) to power (Smilov 2008).

Although the Bulgarian political culture offered a fertile breeding ground for populist radical right mobilisation, such potential remained unexploited until the mid-2000s. Ataka capitalised on this portion of the political opportunity structure and presented itself as the principal advocate of a single national monolithic Bulgarian state. Ataka appealed to patriotic and ethnic Bulgarians and made aggressive anti-Roma and anti-Turkish statements. A substantive share of its anti-minorities and anti-establishment agenda precisely targeted the ethno-liberal *Dvizhenie za Prava i Svobodi* (Movement for Rights and Freedoms, DPS).

Throughout the whole period analysed, Ataka occupies the most extreme positions on the opposition side of the policy dimension (Figure 4.1). In the case of Ataka, expert judgements' score for the first time point is 1.83 on the 0–10 scale, a comparatively less extreme score justified by Chairman Volen Siderov's shot at the Bulgarian presidency in 2006 and subsequent attempt to appeal to moderate voters. During the presidential election campaign, Ataka's party leader had toned down much of its hard-line nativist agenda and mostly played on the populist and anti-establishment profile of the organisation. On this occasion, questions concerning Bulgarian membership in the EU and NATO, as well as the shutdown of two

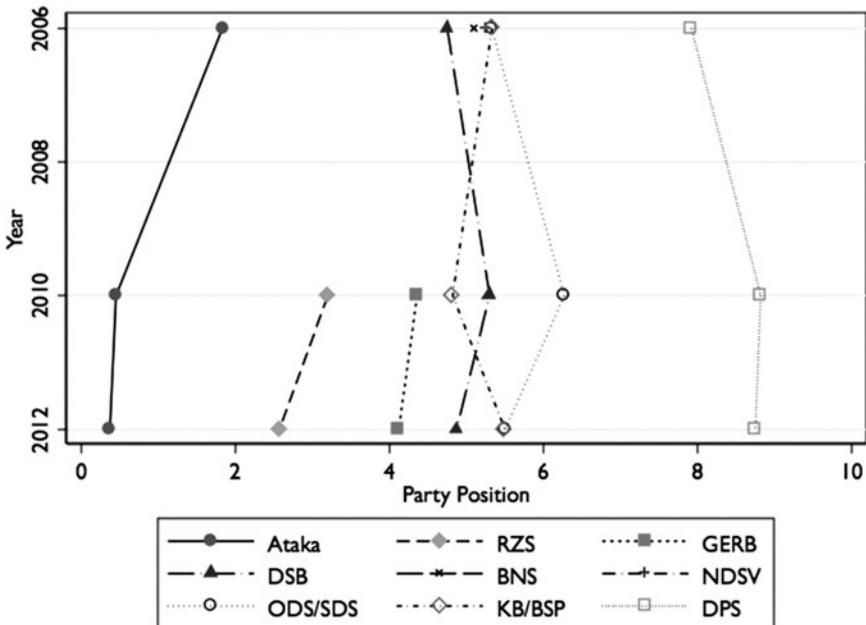


Figure 4.1 Position of Bulgarian parliamentary parties on ethnic minorities, 2006–12

Note: Party positions range from 'strongly oppose' (0) to 'strongly support' (10) more rights for ethnic minorities.

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 11$ ); 2012: own data ( $N = 9$ ).

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units of the Kozloduy nuclear power plant, took centre stage in the party discourse. After gaining almost 600,000 votes and 21.5 per cent of the share in the first round, Siderov was defeated by Georgi Parvanov in the second round of the presidential election, and the party swiftly turned to more radical positions. The positioning of parties over this policy dimension indicate that Ataka had no rivals on the question of ethnic minorities, and its further radicalisation in 2010 and 2012 remained largely unparalleled.

The rise of GERB at the 2007 and 2009 European elections and its consolidation at the 2009 National Assembly elections filled a void in mainstream right-wing politics. Moreover, Boiko Borisov's party emerged as a new actor on the opposition side of the dimension analysed. Though not as extreme as Ataka, GERB managed to distance itself from both the positions of the centre-left *Koalitsiya za Bulgaria* (Coalition for Bulgaria [KB], formed around the socialist *Bulgarska Sotsialisticheska Partiya* [Bulgarian Socialist Party, BSP]) and those of the marginal centre-right *Sayuz na Demokratichnite Sili* (Union of Democratic Forces, SDS) and its splinter faction *Demokrati za Silna Bulgaria* (Democrats for a Strong Bulgaria, DSB).

GERB is a mainstream populist force (e.g. Smilov 2008), which is regarded here as the nearby competitor of the populist radical right Ataka. In light of their proximity on this dimension and their common populist framework of action, Siderov's party simultaneously represents a viable partner and a potential electoral threat to the mainstream GERB. After the 2009 general elections, GERB had sought to establish a governing coalition with other right-wing parties. Out of these, only Ataka had formally agreed on external support for the minority government on the basis of their mutual opposition to the policies of the 'anti-national' BSP and DPS (Novinite 2009a). Amongst those parties that eventually refused to take part in the coalition, there is the marginal *Red Zakonnost Spravedlivost* (Order Law Justice, RZS), whose view on Muslim fundamentalism and Islamisation is aptly captured by the expert judgements (3.2 in 2010 and 2.57 in 2012).

As far as party impact is concerned, Ataka played a crucial role in mainstreaming a xenophobic agenda in Bulgarian politics. However, the picture presented by the expert surveys suggests that GERB's co-optation of the issue was only modest between 2010 and 2012. This would also be corroborated by Ataka's lack of impact at the policy-making level. Indeed, Ataka's legislative proposals amending the Citizenship Law and aimed at abolishing double citizenship (submitted to the 40th National Assembly) or amending the Law on Radio and Television to eliminate programmes in Turkish (submitted to the 41st National Assembly) were systematically rejected.

Be that as it may, GERB's relatively mild opposition to minorities does not account for the symbolic portion of this positioning, nor most of the courtship with Ataka that preceded its rise to power in 2009. For instance, in 2007 GERB and Ataka together backed the Kardzhali mayoral bid of Father Boyan Saraev, a priest who aspired to break the monopoly of the DPS in the region. The region presents a high concentration of ethnic Turks, and the DPS is believed to have consolidated its stronghold through acts of cronyism. As a result, GERB's leader Borisov

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defined the battle for Kardzhali as “a battle for elementary justice” (Novinite 2007). Yet Borisov would also resemble Siderov in claiming that the communist assimilation campaign against the Muslim population in the 1980s had, in principle, right objectives (Novinite 2008).

Ever since Ataka’s emergence, questioning the legitimacy of the DPS, or framing politics in nativist and populist terms, has become an integral part of the discourse of right-wing parties, including the DSB of former Prime Minister Ivan Kostov. In other words, “Siderov has put many politicians in the uncomfortable position of having to agree with him or seem anti-Bulgarian” (Ghodsee 2008: 35). As the same Siderov observed: “nationalism is no longer a taboo in Bulgaria. . . . A number of the other right-wing Bulgarian parties copied a lot of our party’s nationalist slogans” (Novinite 2009b). This notwithstanding, the available data suggest that much of the (radical) competition over ethnic minorities stabilised after 2010, substantially leaving Ataka and the DPS (though from antithetical positions) as the two most recognisable and vocal owners of the issue.

Precisely this oppositional aspect of dimensionality has recently received some attention (Bustikova 2014; Koev 2013). These contributions have pointed out how the electoral success of populist radical right parties in Central and Eastern Europe could depend on the presence and participation in government of ethno-liberal parties such as the DPS. Considering that: a) this interaction partly rests on the assumption that minority interests benefit from the participation of ethno-liberal parties in government; and b) the mutual interdependence between these parties and the populist radical right cannot be ruled out (Koev 2013), it seems plausible to interpret their concomitant radicalisation between 2006 and 2010 (as well as their relative stabilisation on these positions in 2012) in light of these considerations. In other words, populist radical right and ethno-liberal parties in Central and Eastern Europe may represent two sides of the same coin (i.e. minority issues), and their interaction would also be reflected in party positions on this policy dimension.

***Hungary***

The realignment of the Hungarian party system is a relatively new affair. Competition in post-communist elections resulted in the alternation between parties of the mainstream left and right, relegating other contestants to political marginality. With the 2010 elections, however, this pattern has changed significantly (Enyedi and Benoit 2011). Amongst the new actors that made it to the Hungarian Parliament in 2010 is the populist radical right Jobbik.

The recent history of the populist radical right in Hungary is one of rejuvenation. It has been noted that Jobbik was not the first party to raise the issue of Roma minorities in Hungary, yet it was the first to politicise it in terms of ‘Gypsy crime’ and prioritise it over anti-Semitism, arguing that “certain specific criminological phenomena are predominantly and overwhelmingly associated with this minority” (Jobbik 2010: 11). Both the anti-establishment profile of the party and the absence

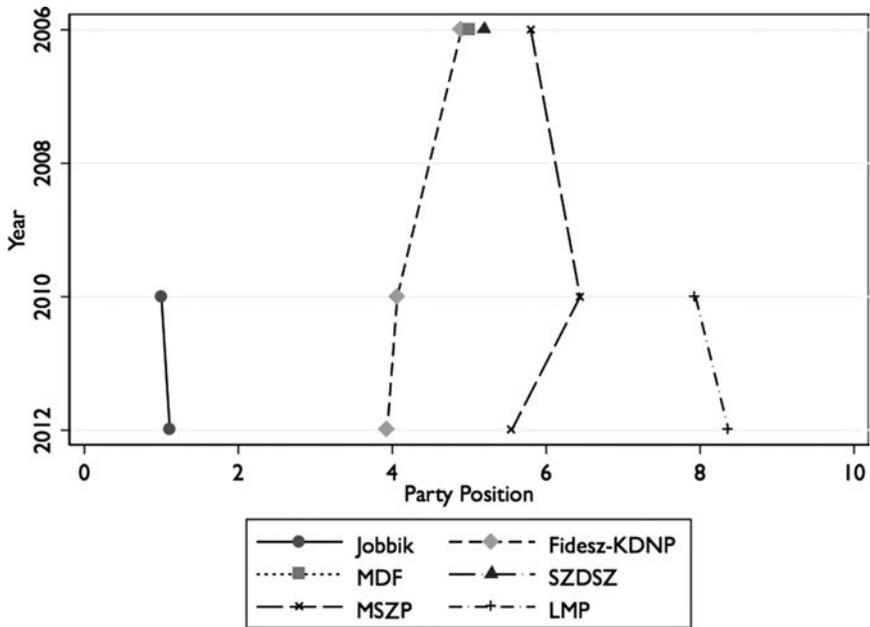
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Figure 4.2 Position of Hungarian parliamentary parties on ethnic minorities, 2006–12

Note: Party positions range from ‘strongly oppose’ (0) to ‘strongly support’ (10) more rights for ethnic minorities.

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 5$ ;  $N = 16$ ); 2012: own data ( $N = 10$ ).

of political competitors on the question of ethnic minorities played a crucial role in the electoral performance of Jobbik, first at the 2009 European elections, and then at the 2010 Hungarian elections.

Perhaps not surprisingly, Figure 4.2 presents Jobbik as the party yielding the strongest opposition to ethnic minorities. Ever since its entry to parliament, the party went on to occupy the most extreme position on this dimension (1 in 2010 and 1.11 in 2012). As the positions of other parliamentary parties demonstrate, minority issues did not represent a crucial issue for policy competition in the first time point (2006); thus, parties remained largely neutral over this dimension.

It is certainly worth noting that some changes took place in the nationalist camp in the early 2000s. In an attempt to regain office in 2002 and win the voters of the MIÉP, Fidesz adopted part of Csurka’s rhetoric during the electoral campaign; Viktor Orbán had then ‘out-Csurkaed’ Csurka (Shafir 2002). However, such a strategy brought Fidesz to gain on the right what it eventually lost in the centre (Bozóki 2008: 210). The MIÉP’s failure to re-enter parliament in 2002 had two immediate consequences: first, it presented Fidesz as the only relevant nationalist party across the political spectrum; second, it normalised the competition on minority issues – at least until Jobbik’s new framing and politicisation of the issue. Through his courtship of nativist politics, Orbán has practically shown his

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readiness to outflank parties of the populist radical right. Therefore, Fidesz would rightfully qualify as the nearby competitor of Jobbik.

With the 2010 elections, the Hungarian party system and the actual balance of power in parliament experienced a significant shift towards the right. With 52.7 per cent of votes, Fidesz and its satellite *Kereszténydemokrata Néppárt* (Christian Democratic People's Party, KDNP)<sup>4</sup> secured a two-thirds super-majority that allowed, amongst other things, a controversial process of constitutional reform. As far as *indigenous* ethnic minorities are concerned, the stance of the new governing coalition has steadily leant towards opposition to minority rights. Figure 4.2 shows that shifts in this direction have been incremental and quite significant (from 4.9 in 2006 to 3.93 in 2012). This notwithstanding, Fidesz and the KDNP have generally refrained from engaging in an overtly radical rhetoric. Representatives of the two parties have often preferred to remain silent on minority issues or only belatedly condemn the anti-Roma rallies held by groups close to Jobbik.<sup>5</sup> Despite the proclaimed attempts to improve the conditions of the Roma through ministerial activity, it is not unusual to come across anti-Roma statements on the part of Fidesz affiliates<sup>6</sup> – behaviours which have been in part condoned by the politicisation of minority issues by the populist radical right.

Moreover, it is possible to detect the influence of Jobbik on Fidesz-KDNP's policy-making on welfare issues. In the rhetoric of Jobbik, the Roma community is portrayed to benefit unfairly from state contributions and, in its 2010 manifesto, the populist radical right party sought to reconsider the 'inadequacies' in the allocation of subsidies by tying state support to some form of (social) work (Jobbik 2010: 10). After its rise to power, the Fidesz-KDNP coalition made it necessary for citizens to perform volunteer work and allow their living spaces to be inspected for orderliness to receive benefits from the state (e.g. Verseck 2013).

The impact of Jobbik is well captured at the broad systemic level. Expert judgements indicate that overall party positions shifted from 5.22 in 2006 to 4.74 in 2012. This systemic shift towards opposition to minorities has taken place in concomitance with Jobbik's entry to parliament (and politicisation of the issue in between the first two time points), despite the distancing of the *Magyar Szocialista Párt* (Hungarian Socialist Party, MSZP) from Jobbik (6.44 in 2010) and the breakthrough of a libertarian party such as *Lehet Más a Politika* (Politics Can Be Different, LMP). In this regard, the role of LMP seems to equal that of ethno-liberal parties in other post-communist countries. Considering its 'pro-minority' position on the policy dimension, the libertarian party may act as a substitute of parties such as the pro-Turkish DPS in Bulgaria or the pro-Hungarian parties *Strana Mad'arskej Komunity – Magyar Közösség Pártja* (Party of the Hungarian Community, SMK-MKP) and *Most-Híd* in Slovakia. In fact, despite a sizeable minority of 6 per cent (Mizsei 2006), the Roma community has hardly been successful in mobilising at the party level, hence relegating ethnic-based representation outside the parliamentary arena (Millard 2004: 248).

Still, Hungarian nativism is also articulated over the question of Greater Hungary. The relevance of the 'disjointed nation' in the Hungarian political debate extends beyond far right milieus, essentially motivating the mapping of this

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dimension by means of original expert surveys. In order to allow for a meaningful representation of party positions, the issue was framed in somewhat loose terms; it was indeed observed that even the irredentist claims of Jobbik were curbed because of geopolitical contingencies (see Chapter 3). Therefore, rather than referring to lost territories alone, experts were asked to locate parties on the policy dimension on the basis of cultural and territorial rights for national minorities living abroad – a formulation which should, in principle, better capture the breadth of policy competition on this issue. The following provision introduced the question in the original survey:

In states which have been subject to territorial redefinition and/or territorial disputes, parties may have different positions on cultural and territorial rights for ethnic nationals *living abroad*, defined as the right to reconstruct the cultural community of the nation outside the borders and/or formally revise territorial borders.

Figure 4.3 seems to confirm that minority issues in Hungary are indeed a battle fought on two fronts. Although it is not possible to ascertain how party positions have evolved over time, it is at least possible to note that Jobbik and Fidesz-KDNP

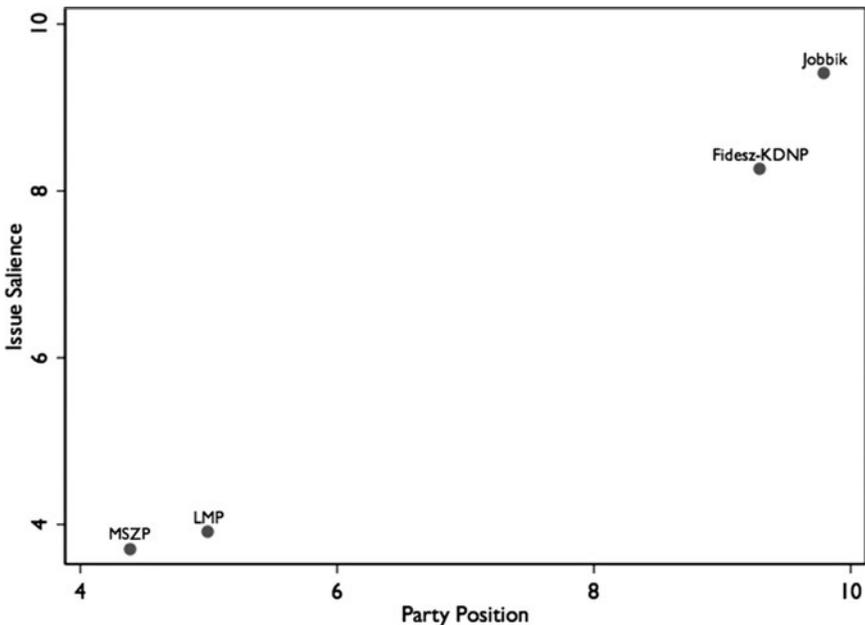


Figure 4.3 Position of Hungarian parliamentary parties on national minorities abroad and relative salience of the issue, 2012

Note: Party positions range from ‘strongly against’ (0) to ‘strongly in favour’ (10) granting national minorities living abroad cultural and territorial rights. Issue salience ranges from ‘not important at all’ (0) to ‘extremely important’ (10).

Source: Own data ( $N = 10$ ).

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present strikingly similar stances on this policy dimension (9.8 the first; 9.3 the latter). Moreover, whilst both parties attached great salience to the issue in 2012, the MSZP and LMP maintained a fairly neutral stance on national minorities abroad. Besides their spatial representation, party positions are also borne out in practice at the policy-making level. Amongst its first initiatives in power, Fidesz-KDNP submitted an amendment to the Hungarian Citizenship Law that appeared to be very much in line with the nativist and irredentist agenda of Jobbik.

Moreover, the consequentiality between a number of Jobbik proposals and Fidesz policies would substantiate the influence exerted by the populist radical right party on the Orbán government. For instance, Jobbik sought elementary schools to organise trips to neighbouring areas inhabited by Hungarian minorities; in October 2010, the parliament passed a draft resolution proposed by Fidesz specifying that every pupil in public education can indeed participate in cross-border class trips to Hungarian-inhabited areas in neighbouring countries. In a similar fashion, upon the National Assembly's inaugural meeting, Jobbik advanced a suggestion to declare the anniversary of the Treaty of Trianon a national day of commemoration; in May 2010, the Fidesz government declared June 4 the 'Day of National Unity' in remembrance of the Treaty of Trianon (Bíró Nagy *et al.* 2013: 245ff.).

***Slovakia***

The Slovak party system has recently experienced elements of discontinuity. In 2006, the social-democratic *Smer – Sociálna Demokracia* (Direction – Social Democracy, Smer-SD) defeated the ruling parties of the centre-right and formed an unusual coalition with the populist radical right SNS (which had just re-emerged as a unitary force after internal rifts) and the right-wing *Ludová Strana – Hnutie za Demokratické Slovensko* (People's Party – Movement for a Democratic Slovakia, ĽS-HZDS) of Vladimír Mečiar. Alternation of power and discontinuity took place also in 2010 and 2012; new parties entered the National Council (*Sloboda a Solidarita* [Freedom and Solidarity, SaS]; *Most-Híd*; and *Obyčajní Ľudia a Nezávislé Osobnosti* [Ordinary People and Independent Personalities, OĽaNO]), whilst others faced electoral losses and were relegated to extra-parliamentary status (first the ĽS-HZDS and SMK-MKP, then the SNS).

Ever since the dissolution of Czechoslovakia, the SNS has put the question of ethnic minorities (i.e. opposition to ethnic Hungarians and Roma living in Slovakia) at the top of its agenda and has unequivocally maintained issue ownership over the years (Mesežnikov and Gyárfášová 2008; Gyárfášová and Mesežnikov 2015). Therefore, unlike Bulgaria and Hungary, by the year 2006 the issue of ethnic minorities had already been politicised; this becomes apparent by looking at the average score of parliamentary parties' positions in the first time point analysed (4.48).

Nonetheless, the 2006 general elections represent an important turning point for at least two reasons. First, the SNS re-emerged as a successful and unitary force after the internal splits of the early 2000s; second, the party was asked to join (along with the ĽS-HZDS) a governing coalition led by Robert Fico's Smer-SD.

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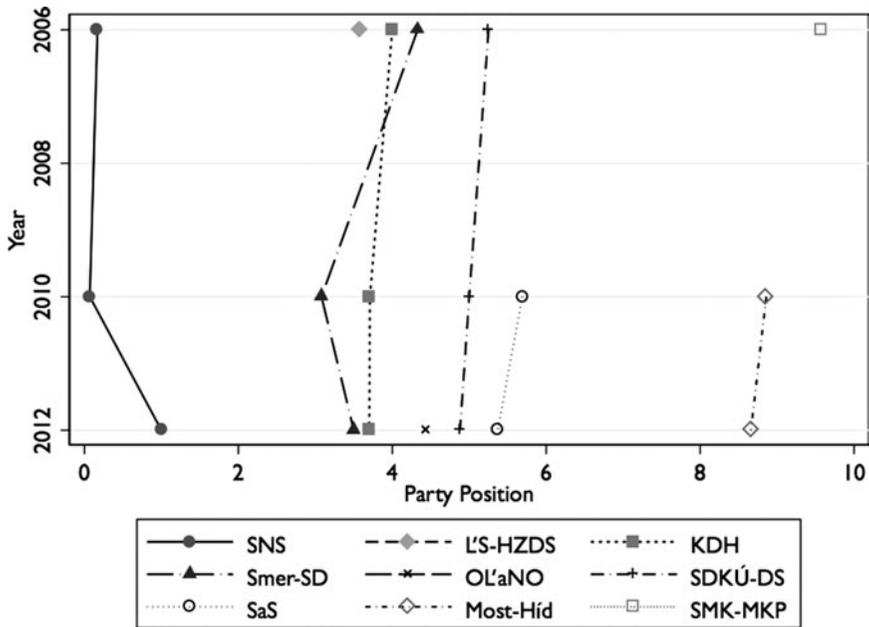


Figure 4.4 Position of Slovak parliamentary parties on ethnic minorities, 2006–12

Note: As of 2012, the SNS is no longer represented in parliament; its position in 2012 is reported for illustrative purposes. Party positions range from ‘strongly oppose’ (0) to ‘strongly support’ (10) more rights for ethnic minorities.

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 14$ ); 2012: own data ( $N = 10$ ).

The alliance was formally agreed on the basis of a shared vision of the economic policies to implement but was also due to a common denominator of ethnic nationalism (Mesežnikov *et al.* 2008: 111). In line with these elements and despite its ‘leftist’ profile, Smer-SD is appraised here as the nearby competitor of the SNS.

Figure 4.4 further demonstrates that ground for cooperation between Smer-SD, the SNS, and ĽS-HZDS was also offered by their position on the ethnic minorities dimension. In 2006, the SNS took the lead on this dimension with a score of 0.17; the ĽS-HZDS and Smer-SD followed with 3.58 and 4.33, respectively. During the 2006–10 legislature, the SNS was effective in orienting the political discourse towards nativism and opposition to minorities. Since the year 2006, the party has put forward a series of initiatives aimed at undermining the rights of ethnic Hungarians living in Slovakia – measures which have ultimately jeopardised the quality of bilateral relationships of the country with Hungary.

Most notably, the SNS was the initiator of the Slovak Language Law and the main driver behind the toughening of its provisions in 2009. The Act of Parliament on the State Language of the Slovak Republic was first enacted in 1995 when the SNS was part of the government led by Mečiar (ĽS-HZDS); its content was amended and softened in 1999 by the SDKÚ-DS government. The new

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formulations passed by the National Council essentially came across as a hard thrust at minority languages. Other measures proposed by the SNS and introduced by the ruling coalition include replacing textbooks for Hungarian-language schools with new ones containing the names of geographical places in Slovak (e.g. Malová and Učeň 2010: 1161) and the Patriotism Act which, in a softer version redrafted by Smer-SD, required the national anthem to be played in schools, in the National Council, in regional parliaments, and at major sport events (e.g. Malová and Učeň 2011: 1127).

The SNS has repeatedly questioned the loyalty of the Hungarian minority in Slovakia, and its interpretation of the Slovak Republic in ethnic terms swiftly extended beyond populist radical right boundaries after 2006. Prime Minister Fico then revealed his ambition to make the Slovak Republic home for the Slovak nation “as well as for *loyal* minorities” (*Slovak Spectator* 2007; emphasis added). Similarly, the vice-chairman of Smer-SD, Dušan Čaplovič, would refer to SMK-MKP’s policies as “increasingly extremist, anti-Slovak and anti-European” (Čaplovič 2008). Just before the 2010 elections, Smer-SD quickly responded to the amendment to the Hungarian Citizenship Law approved by the new Hungarian government. This was achieved

first by passing a parliamentary resolution against the Hungarian law and later on by amending the Citizenship Act that allows the state to strip Slovak citizenship from citizens who voluntarily (apart from by birth or marriage) acquire the citizenship of another state.

(Malová and Učeň 2011: 1124)

The nativist appeal of Fico’s party is also captured by expert judgements: in 2010, Smer-SD’s score on the ethnic minorities dimension is 3.08, hence taking the proximate position to the SNS (0.07).

Despite changes that occurred in the Slovak party system after 2010,<sup>7</sup> the balance of political competition over this dimension has further moved towards opposition to ethnic minorities (average of 4.40 in 2010), showing the pervasive effects of the polarisation of the ethnic discourse. In addition, the poor electoral showing of the SNS<sup>8</sup> did not seem to induce Smer-SD’s moderation on the issue. Fico’s party maintained a rather radical position on ethnic minorities (3.5 in 2012), presenting itself as the mainstream alternative to the nativism of the SNS.

## **Economy and corruption**

Since their first appearances in national political arenas, populist radical right parties have gradually come to elaborate on socioeconomic issues. However, it would be misleading to confound the increasing emphasis placed on these issues with growing competence – a competence that is commonly attributed to mainstream parties. For the most part, the economic policies advanced by the populist radical right are indeed unrealistic and at odds with the criteria set by the EU (see Chapter 3; also Mudde 1999; Minkenberg 2000; Eatwell 2003). Nonetheless, the populist

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radical right seemed capable of reviving forms of economic paternalism and re-launching the prospect of renationalisation of certain strategic sectors – especially in the face of the recent European economic crisis. Hence, this study does not rule out the impact of populist radical right parties on the economic positions of mainstream competitors, if only at the spatial level.

The broader purpose of this section is to measure party positions on the left-right economic continuum. Given the following provision, experts were then asked to locate parties on the basis of their stance on economic issues:

Parties on the economic left want government to play an active role in the economy. Parties on the economic right emphasise a reduced economic role for government: privatisation, lower taxes, less regulation, less government spending, and a leaner welfare state.

For the study of the populist radical right in these countries, the analysis of party positions primarily serves as a means to cross-validate the findings of the qualitative content analysis carried out in the previous chapter. We have indeed found Ataka and Jobbik parties to deliver ‘leftist’ platforms; instead, the SNS displayed rather centrist and pro-market traits.

Moreover, since the analysis of policy dimensions includes all parties represented in national parliaments at a given time point, this section aims to ascertain whether instances of cooperation with the populist radical right are effectively grounded in a common socioeconomic outlook. Generally speaking, the populist radical right cannot be regarded as the most competent actor in the field of economy; in addition, their (formal or informal) subordinate position in government coalitions would lead to the expectation of an influence mechanism going from senior coalition partners to the populist radical right. In other words, it should be the mainstream nearby competitor influencing the socioeconomic stance of the populist radical right rather than the other way around. For example, Smer-SD and the SNS in Slovakia have claimed that cooperation was also possible because of a shared vision of the way the economy should have been run (e.g. Mesežnikov *et al.* 2008). Considering Ataka’s *unconditional* support to the Borisov government (2009–13), it would be reasonable to expect the populist radical right party to resemble the position of the ruling party, or at least adjust to it over time.

In Chapter 3, it was also noted how the populist radical right’s take on the economy may be driven by its anti-corruption and populist outlook. The issue of corruption is inherently considered a valence issue, as it represents a condition that is negatively valued by the electorate. Therefore, for the study of political parties, the issue is better assessed in terms of degree rather than position (e.g. Stokes 1963; see Chapter 5). With its focus on policy competition, the present study aspires to map the aspect of dimensionality also in the case of corruption. This result was attained by classifying parties on the basis of their stance on *additional* anti-corruption measures. Indeed, parties may be expected to oppose *further* measures, remain neutral on the issue, or support additional anti-corruption legislation yet, quite certainly, not to stand for policies *favouring* corruption. In line with the

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previous analysis, Ataka and Jobbik should be found to deliver the most radical positions in their respective political spaces.

***Bulgaria***

Some observers have pointed out how economic transition in Bulgaria did not really take place until 1997 (Giatzidis 2002; Stanchev 2001). With the end of power alternation between the SDS and the BPS, the Bulgarian party system underwent a substantial realignment and opened up to ‘anti-establishment reform’ parties (Hanley and Sikk 2014) – that is, centrist parties with a pronounced populist profile. For instance, the success of the *Natsionalno Dvizhenie Simeon Vtori* (National Movement Simeon II, NDSV) at the 2001 elections prompted a series of changes: first, the BSP abandoned its role of reformed communist party and transformed into a social-democratic force; second, the SDS underwent new internal rifts after the relative internal stability of the late 1990s (Spirova 2010: 406).

Three issues in particular took centre stage in the political debate during the 2000s: fighting corruption, accession to the EU, and (especially towards the end of the decade) handling the effects of the economic crisis. A coalition between the Socialists, the NDSV (now renamed *Natsionalno Dvizhenie za Stabilnost i Vazhod* [National Movement for Stability and Progress]), and the ethno-liberal DPS was established in 2005, suggesting that cooperation had also been achieved on the basis of common policy goals in some of these areas.

Subsequently, the populist GERB emerged as the winning party in the 2009 national elections. Borisov’s party campaigned on the basis of three principles: economic freedom, competition in an environment of clear responsibilities and rules, and minimum state participation (GERB 2007: 3). As previously noted, Ataka stipulated a post-election agreement with GERB in July 2009. In particular, Siderov declared his intention to back GERB’s cabinet and those policies aimed at implementing anti-crisis measures and stabilising the economic situation of the country (Novinite 2009a). As far as economic stances are concerned, it is then reasonable to expect Ataka’s convergence towards more ‘centrist’ positions after 2009, with GERB setting the agenda on this dimension.

Figure 4.5 presents, however, a different picture. On the pro-market side of the spectrum, the conservative SDS and its splinter faction DSB occupy, perhaps not surprisingly, fairly similar positions throughout the whole period analysed. On the redistributive side of the continuum, Ataka’s position on the economic left closely resembles that of the BSP; in the first and last time points recorded, both parties bear identical positions – that is, 3.25 in 2006 and 2.56 in 2012. On the one hand, these results cross-validate the qualitative analysis of Chapter 3 and ascertain the ‘leftist’ imprint of this portion of Ataka’s ideology. On the other hand, according to the expert judgements, the BSP maintains a distinctly more leftist trait than expected by the social-democratic turn of the late 1990s (cf. Karasimeonov 2004). Furthermore, the expert surveys’ scores do not seem to account for the fiscally conservative measures implemented by the Socialist-led government after 2005, which included

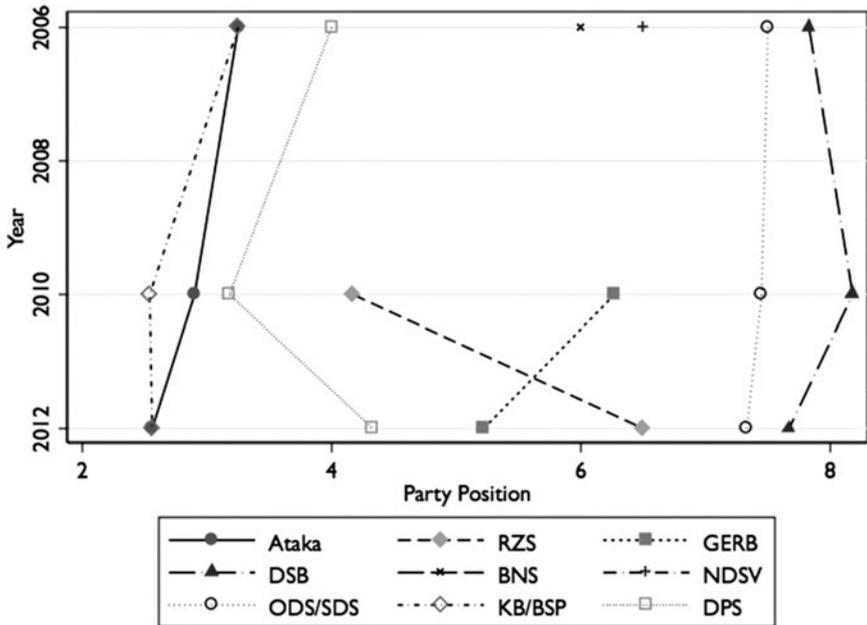
*Supply and demand*

Figure 4.5 Position of Bulgarian parliamentary parties on economic issues, 2006–12

Note: Party positions range from 'extreme left' (0) to 'extreme right' (10).

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 11$ ); 2012: own data ( $N = 9$ ).

cuts in pensions and social benefits and the introduction of the flat tax (Tavits and Letki 2009: 566).

The redistributionist position adopted by the ethno-liberal DPS reasonably stems from the government coalition with the BSP (with a shift from 4 to 3.18 between 2006 and 2010), only to return to more centrist positions after this period (4.33 in 2012). Besides considerations on the political opportunism that may inform the strategy of populist radical right parties, Figure 4.5 indicates that, should these positions have lasted after 2012, a similar outlook on socioeconomic issues could also justify Ataka's support for the BSP-DPS coalition in the aftermath of the 2013 elections. On the contrary, the positions of Ataka and GERB significantly differ for the year 2010.

Overall, the expert surveys are quite telling regarding the volatile nature of new populist parties in parliament. It has been noted that Bulgarian parties often lack consistent principles, ideas, and policies (Spirova 2010: 407); this is aptly exemplified by the variable positions of GERB (6.27 in 2010 and 5.22 in 2012) and RZS (4.17 in 2010 and 6.5 in 2012) on the spectrum. Indeed, whilst the original aim of the Borisov government was to maintain a balanced budget, spending decisions contributed to a growing budget deficit. In practice, no coherent policy emerged from the plan of reforms outlined in the fields of health care, education, and social security (Kolarova and Spirova 2010: 916). The positions reported in 2010 and

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2012 finally confirm that no influence has been exerted by GERB on the economic stance of Ataka.

As the Bulgarian economic sector remains plagued by forms of economic and political crime, the issue of corruption represents another crucial (and related) topic in the Bulgarian public and political debate (e.g. Ganev 2006). More so, curbing corrupt practices maintained a central role in both pre-accession and post-accession talks with the European Commission, practically conditioning governmental road-maps well beyond Bulgaria's EU entry on 1 January 2007 (e.g. Spirova 2008).

The original data gathered for the year 2012 confirm the salience of the issue amongst political parties represented in the National Assembly (Figure 4.6): on average, Bulgarian parties deem the issue very important (i.e. 3.15 on a 4-point scale). Parties that have campaigned against widespread corruption, such as the populist GERB or RZS (e.g. van Kessel 2015: 38–40), indeed attribute great importance to the issue, yet none of them parallels the position of Ataka on this dimension (6.22 on a 7-point scale). This indicates that the Bulgarian populist radical right party has effectively managed to deliver an uncompromising anti-corruption image; according to the experts, the anti-corruption stance of Siderov's party has not been tainted by the two consecutive terms in parliament or by the support offered to the ruling GERB. On the other side of this dimension, the

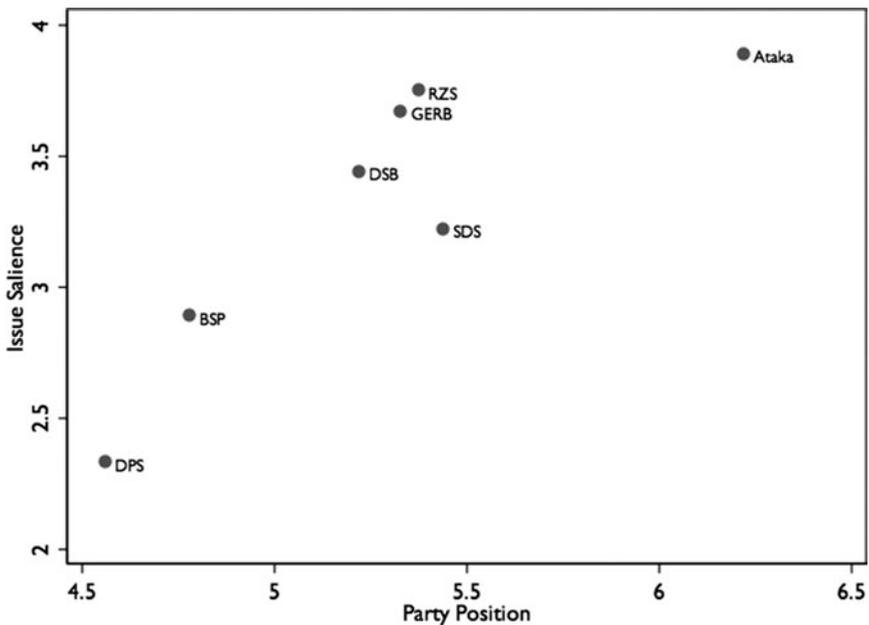


Figure 4.6 Position of Bulgarian parliamentary parties on additional anti-corruption measures and relative salience of the issue, 2012

Note: Party positions range from 'strongly oppose' (1) to 'strongly favour' (7) additional anti-corruption measures in the country. Issue salience ranges from 'no importance' (1) to 'great importance' (4).

Source: Own data ( $N = 9$ ).

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location of the ethno-liberal DPS translates into data the profile of a party that has been often associated with controversial political and business practices (e.g. Genov 2010; Sgourev 2010). In fact, whilst no Bulgarian party resolutely aspires to preserve the status quo, the party of then-leader Ahmed Dogan was, in 2012, the one placing less emphasis on the issue and the least in favour of furthering anti-corruption measures.

### ***Hungary***

The Hungarian party system provides a vivid example of the lack of correspondence between what constitutes left and right in political and economic terms. Already during the 1990s, the MSZP had embraced the principles of democracy and the market economy in order to overcome the legacy of the communist successor party (Grzymala-Busse 2002). After 1994, the party implemented a series of liberal economic reforms such as the privatisation of national utility services and cuts in public spending that the previous *Magyar Demokrata Fórum* (Hungarian Democratic Forum, MDF)–led government had failed to achieve (Morlang 2003). The Hungarian conservative galaxy, on the contrary, has been markedly non-rightist in its economic policies (Tavits and Letki 2009: 559); anti-communist parties have often privileged expansionary fiscal policies and criticised the restrictive measures implemented by the MSZP (Morlang 2003). Moreover, with its ideological turnaround in the mid-1990s, Fidesz has come to play an ever-growing role in the organisational cohesion of the Hungarian right (e.g. Kiss 2002; Fowler 2004; Bakke and Sitter 2005), also functioning as the main driver behind socially oriented economic policies.

In 2006, the MSZP–*Szabad Demokraták Szövetsége – a Magyar Liberális Párt* (Alliance of Free Democrats – Hungarian Liberal Party, SZDSZ) coalition initiated a widely anticipated process of privatisation of the health-care system. The reforms that followed resulted in growing health-care costs for citizens and the plan for a health insurance scheme that combined private and public health insurance elements. Fidesz then led a successful referendum campaign requiring the abrogation of some of these reforms. Following the outcome of the referendum, the MSZP dissociated from these privatisation plans and distanced itself from the junior coalition partner SZDSZ, which had been the main advocate of these economic reforms (Bozóki and Simon 2010: 218). After the resignation of Prime Minister Gyurcsány in March 2009, a caretaker government led by the Minister for National Development and Economy, Gordon Bajnai, was instated in April, carrying out a series of urgent measures dictated by the economic crisis, as well as by the contracts with the International Monetary Fund (IMF) and the EU (see Várnagy 2010).

Expert survey scores show that, by the year 2010, discernible market-liberal positions were no longer represented in the National Assembly (Figure 4.7). Party positions averaged 3.56 in 2010 and 3.83 in 2012, indicating that the competition on economic issues in Hungary progressively converged on leftist territories. Remarkably, the positions of the populist radical right Jobbik (3.12) and the

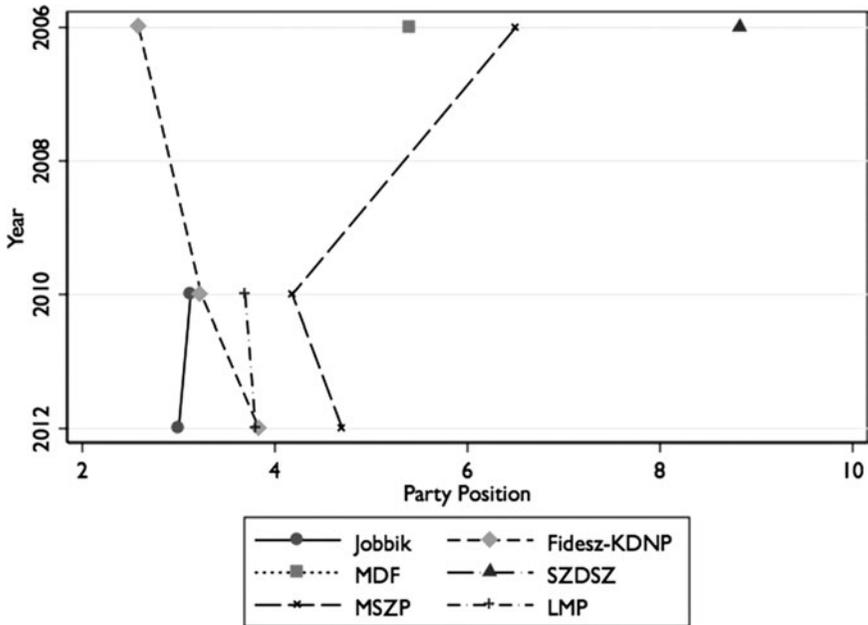
*Impact of populist radical right parties*

Figure 4.7 Position of Hungarian parliamentary parties on economic issues, 2006–12

Note: Party positions range from 'extreme left' (0) to 'extreme right' (10).

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 5$ ;  $N = 16$ ); 2012: own data ( $N = 10$ ).

governing coalition Fidesz-KDNP (3.23) closely resembled each other in 2010. This proximity is reflected in the policies implemented by the government of Prime Minister Orbán.

Fidesz-KDNP has practically co-opted a number of economic issues on which Jobbik has campaigned. For instance, the populist radical right party has repeatedly denounced the limited revenues deriving from multinational companies operating in Hungary. Fidesz has drafted a bill introducing a 'bank tax', which requires corporations (primarily multinationals) in the financial, energy, and telecommunication sectors to contribute to the budget deficit by paying special taxes. Similarly, Jobbik sought to abolish the mandatory private pension system and reintroduce statutory pension insurance, yet still allow free choice amongst pension funds. Not only has the Orbán government abolished the mandatory private pension funds, but it has also moved these savings into the government-run programme to reduce the Hungarian public debt – virtually offering no alternative to members of private funds (Bíró Nagy *et al.* 2013: 245; Várnagy 2011: 995).

Overall, Fidesz-KDNP has systematically sought forms of Hungarian economic self-sufficiency in a way that is reminiscent of Jobbik. Since its rise to power in 2010, Fidesz has had a strained relationship with the IMF, resembling, on more than one occasion, the hostile attitude of Jobbik towards global financial institutions. Moreover, the Orbán government has recently reoriented international trade

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eastwards (cf. Jobbik 2010), also winning acclaim from Jobbik. Therefore, the relative distancing between Jobbik (3) and Fidesz-KDNP (3.83) ascertained in 2012 may be realistically attributed to the introduction of the flat personal income tax by the Orbán government (2012).

Differences are certainly more evident in the analysis of the anti-corruption stance of Hungarian parties. Throughout its political existence, Jobbik has placed major emphasis on its anti-establishment and anti-corruption profile. Such a stance played a prominent role in the run-up to the 2010 election, when the party “launched an aggressive campaign calling for revenge on corrupt politicians and setting itself the goal of overtaking MSZP” (Várnagy 2010: 1006). However, Jobbik was not the only party mobilising on anti-corruption messages and diffuse public resentment against the political class. By competing on a similar platform and drawing on a similar constituency, the left-libertarian LMP has by and large interrupted Jobbik’s monopoly on the issue (e.g. Bíró Nagy and Róna 2013).

The picture presented by Figure 4.8 substantiates the enduring proximity of Jobbik and LMP on this dimension, whose positions (5.4 and 5.22, respectively) and issue salience (3.9 and 3.89, respectively) are plainly at odds with those of the governing Fidesz-KDNP coalition and the Socialists. Corruption scandals in Hungary have

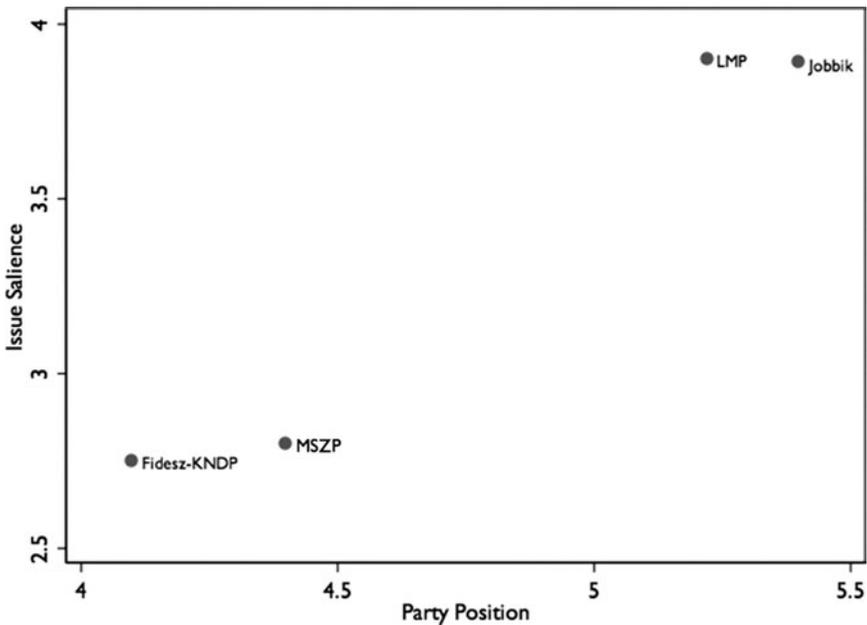


Figure 4.8 Position of Hungarian parliamentary parties on additional anti-corruption measures and relative salience of the issue, 2012

Note: Party positions range from ‘strongly oppose’ (1) to ‘strongly favour’ (7) additional anti-corruption measures in the country. Issue salience ranges from ‘no importance’ (1) to ‘great importance’ (4).

Source: Own data ( $N = 10$ ).

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repeatedly tainted the reputation of political elites and established parties; in return, no mainstream political party has shown intent to implement more transparent regulations over the years (Bozóki and Simon 2010: 219–20). Hence, it should not be surprising that the distribution on this dimension resolves into a dichotomy between established and anti-establishment parties – old and new parties.

***Slovakia***

For over a decade after the collapse of the Communist Bloc, the political debate in Slovakia was dominated by questions concerning the character of the political regime, democracy, and nationalism. Between the 2002 and 2006 elections, the major patterns of political competition changed. To be sure, nativist concerns and the liberal-conservative cultural divide still remained salient, yet socioeconomic issues turned into the principal area of policy competition. As a result, the political spectrum began to resemble the conventional left-right divide of other established democracies, and the 2006 electoral campaign was primarily contested over the expected role of the state in the economy and the state of society in general (see Malová and Učeň 2007, 2011; Rybář 2007).

In this respect, the package of reforms launched by the cabinet of Mikuláš Dzurinda (2002–6) had particular resonance. The coalition led by the pro-market SDKÚ-DS introduced a series of reforms in the fields of taxation, labour relations, social policy, pensions, health care, and state administration. Smer-SD, on the contrary, expressed its preference for state regulation over market-based competition (Rybář and Deegan-Krause 2008) and, since 2004, has publicly supported the *Konfederácia Odborových Zväzov Slovenskej Republiky* (Confederation of Trade Unions of the Slovak Republic). Fico's party promoted solidarity, justice, and equality of opportunity; strongly criticised the social costs of the measures implemented by the Dzurinda government; and was committed to lower taxes on basic goods and the introduction of progressive taxation (Malová and Učeň 2007).

Smer-SD emerged as the largest party in the 2006 elections and formed a government coalition with the SNS and Mečiar's ĽS-HZDS. It has been observed that the three parties were the only parliamentary parties in Slovakia emphasising a strong role of the state in the economy and the advantages of a 'Scandinavian model' of welfare (Wientzek and Meyer 2009: 471). Hence, despite the distance between Smer-SD and the other two parties on the economic left-right continuum (Figure 4.9), their alliance could be partly explained by their broad ideological proximity on the one hand and the fact that the SNS and ĽS-HZDS had been the only other parties opposing the previous governing coalition on the other. The new governing coalition had then promised to build a strong socially oriented state, although the state budget could only allow a 2 per cent growth in social spending (Malová and Učeň 2008: 1129). Overall, the budget restrictions imposed by both the previous reforms and EU membership constrained governmental action, leaving Fico's party to target private foreign companies owning public utilities and pension and health insurance (Malová and Učeň 2009: 1102).

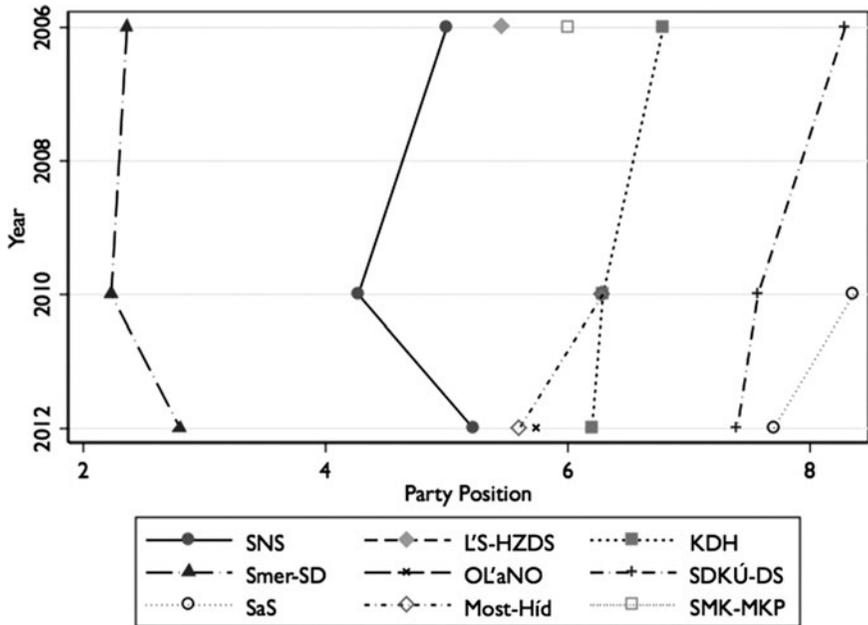
*Supply and demand*

Figure 4.9 Position of Slovak parliamentary parties on economic issues, 2006–12

Note: As of 2012, the SNS is no longer represented in parliament; its position in 2012 is reported for illustrative purposes. Party positions range from 'extreme left' (0) to 'extreme right' (10).

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 14$ ); 2012: own data ( $N = 10$ ).

Whilst the inability of the governing coalition to make good on its pledges did not resonate with the electorate (e.g. Malová and Učeň 2008), interactions at the party level exhibit no less than moderate effects. Following the coalition with Fico's party, the populist radical right SNS shifted its position from 5 in 2006 to 4.27 in 2010, providing at least qualified evidence of a senior coalition partner's ability to exert influence in areas of competence such as the economy. This form of adaptation has already been noted in the analysis of the 2010 programme of the SNS, in which the party emphasised the results – mainly steered by Smer-SD – achieved during the term in office (SNS 2010; see also Chapter 3). In line with this reasoning, the expert judgements for the year 2012 indicate that, with the lack of specific political incentives (i.e. partnerships and alliances), the SNS abandoned its previous 'social' overtones and returned to its trademark centrist positions under the new leadership (5.22).

Although corruption represents one of the most pressing problems in Slovakia, governmental efforts to strengthen anti-corruption mechanisms have by and large waned after 2007. Already during the 2006–10 term, the state interventionist agenda of Fico's government is believed to have increased the space for practices of cronyism, plundering of state resources, and misuse of EU structural funds. Fico's attempts to promote his image of crusader against corruption were far from

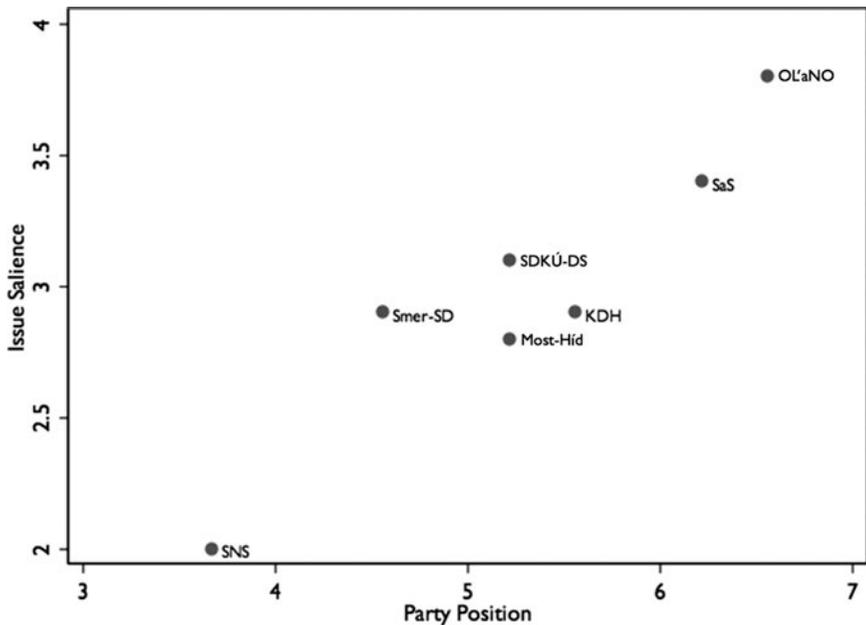
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Figure 4.10 Position of Slovak parties on additional anti-corruption measures and relative salience of the issue, 2012

Note: Party positions range from ‘strongly oppose’ (1) to ‘strongly favour’ (7) additional anti-corruption measures in the country. Issue salience ranges from ‘no importance’ (1) to ‘great importance’ (4).

Source: Own data ( $N = 10$ ).

persuasive (Malová and Učeň 2010), and corruption scandals erupted amidst the general compliance of his cabinet (Mesežnikov *et al.* 2008; Malová and Učeň 2009: 1103–4).

The substantial ‘neutrality’ of Slovak parties vis-à-vis the strengthening of anti-corruption measures is reflected in their location on the corruption dimension in 2012 (Figure 4.10). In this regard, only two (new) parties offer exceptions to this: the liberal SaS and, most notably, its conservative offshoot OĽaNO (position 6.56; issue salience 3.8), which indeed ran the 2012 elections on an anti-corruption platform. On the contrary, the SNS’s inability to formulate a credible anti-corruption agenda is also confirmed at the spatial level through expert judgements. The SNS’s difficulty to compare with other populist radical right parties on this dimension substantially confirms that its position is still affected by the party’s involvement in previous corruption scandals.

## The European Union

The accession to the EU represented a milestone in the transformation process of post-communist countries (e.g. Ramet 2010). Whilst the EU is generally assumed to have tempered parties and party systems (Vachudova 2008), the rise or

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reawakening of populist radical right politics in Central and Eastern Europe is also linked to a growing dissatisfaction with the supranational institution (Bustikova 2009). This part of the study especially posits that populist radical right parties have grown more wary of the EU and the process of European integration over time. This radicalisation should largely configure as a post-accession phenomenon, since no structural or political constraints would now make anti-EU positions impracticable. In other words, because these countries have already attained EU membership, the ‘irresponsible opposition’ (e.g. Sartori 1966) of populist radical right parties on the issue should not, in itself and by itself, put this membership into question.

Apart from intrinsic ideological motives (see Chapter 3), populist radical right parties’ radicalisation on ‘Europe’ may be prompted by a series of contextual factors. First of all, radicalising positions vis-à-vis the EU can be interpreted as a means to differentiate from mainstream parties (e.g. Taggart 1998). Especially in contexts where mainstream parties have co-opted at least some nativist issues, the populist radical right may have an incentive to expand its palette of issues and focus more strongly on Europe. Second, public consensus on the EU has steadily declined, offering an incentive for populist radical right parties to tap into this dissatisfaction (e.g. de Vries 2007; Werts *et al.* 2012). The effects of the ‘Great Recession’ have further amplified this downward trend, and the populist radical right has had an unprecedented opportunity to see its anti-EU message favourably met by the general public (van Kessel and Pirro 2014).

The populist radical right is commonly appraised as a natural carrier of Eurosceptic views (e.g. Mudde 2007; Hooghe *et al.* 2002), and the EU issue has been recognised as an identifying trait of these parties’ ideology (Chapter 3). Therefore, this section posits that the radicalisation of populist radical right parties on this issue may affect the position of their mainstream competitors. In particular, mainstream parties, which have proven to be willing to co-opt the nativist agenda of the populist radical right, may try to outflank their radical competitors also on this dimension. If shifting from ‘Eurosceptic’ to ‘Euroreject’ positions is indeed a vote-seeking strategy on the part of the populist radical right in times of crisis, their mainstream competitors may seek to counter this strategy and also open up competition on this dimension.

Two caveats are in order. First, just as the recent EU economic and financial crisis may have prompted a radicalisation of the populist radical right’s EU-related discourse, this may have also motivated growing scepticism on the side of mainstream parties. At the same time, however, it would be reasonable to expect mainstream parties and, even more so, governing parties to display a rather favourable outlook on Europe (e.g. Taggart and Szczerbiak 2013). Second, since ‘EU-pessimism’ should also be appraised as a vote-seeking strategy, mainstream parties would have, in principle, no incentive to adopt a tougher stance on ‘Europe’ without a direct competitor occupying more radical positions on the issue. These dynamics are explored in detail in the following sub-sections.

*Impact of populist radical right parties***Bulgaria**

In 2006, the attention in Bulgaria was monopolised by the country's accession to the EU. EU conditionality has been claimed to be responsible for the BSP's orientation towards the pro-European positions of other socialist parties across Europe (Vachudova 2008); it was exactly under the supervision of the Stanishev government that the country approached EU entry in 2007. Virtually every parliamentary party shared the overarching goal of EU entry, although accession provisions remained uncertain until the year 2007. The Bulgarian government was asked to implement a series of measures to reform the judiciary, counter corruption, and fight organised crime; however, only two constitutional amendments had been approved in this direction by the year 2006 (Spirova 2007). When the European Commission finally opted for Bulgaria's entry, the country was subject to a 'Mechanism for Verification and Cooperation' in order to monitor and ensure the continuation of reforms in the aforementioned areas. In the face of inadequate governmental responses and systematic irregularities, the European Commission then decided to freeze EU aids to Bulgaria in 2008 (Spirova 2009).

Despite the Bulgarian Parliament's struggle to comply with the requests coming from Brussels and the absence of any real campaigning on EU-related issues, Bulgarian parties of all colours have unequivocally shown a pro-European outlook before and after accession (Figure 4.11). Of all parliamentary parties, only the

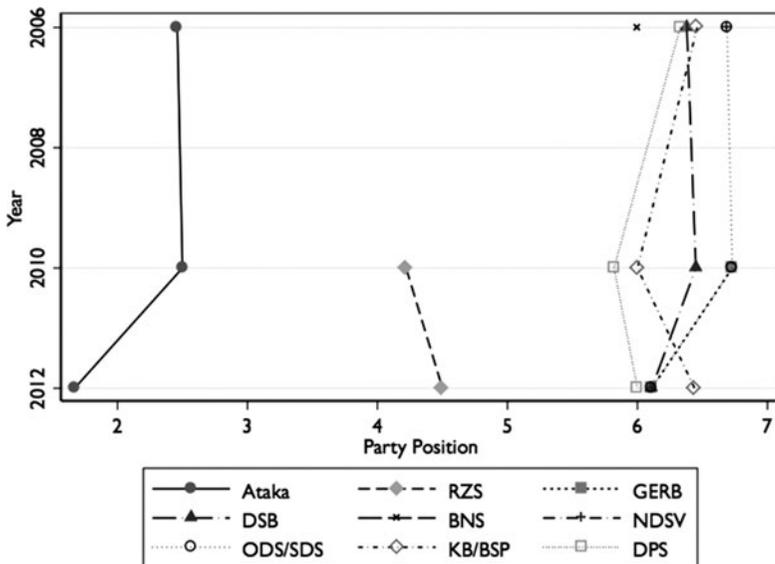


Figure 4.11 Position of Bulgarian parliamentary parties on European integration, 2006–12

Note: Party positions on European integration range from 'strongly opposed' (1) to 'strongly in favour' (7).

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 11$ ); 2012: own data ( $N = 9$ ).

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populist radical right Ataka has questioned this consensus. The party delivered strong anti-EU positions in 2006 (2.46) and 2010 (2.5), mostly informed by its negative assessment of Bulgarian membership and view of the unfavourable access conditions.

Partly in line with the aforementioned expectations, Ataka indeed radicalised its position in 2012 (1.67). The EU has figured more prominently in the discourse of the party, which has, in turn, ascribed to a disadvantageous membership the adverse financial situation that has afflicted Bulgaria since the beginning of the Great Recession. However, a similar dissatisfaction with the European integration process did not seem to affect GERB's position on the issue (6.73 in 2010; 6.11 in 2012). Borisov's party quickly gained membership in the European People's Party (EPP) in 2008, and its rise to power in 2009 has been claimed to be responsible for the general improvement of relations with the EU (Kolarova and Spirova 2010). Notwithstanding the cooperation between Ataka and GERB, the centre-right party has maintained a strong Europhile outlook throughout its term in government.

*Hungary*

The Hungarian accession to the EU is part of a series of systematic transformations undertaken after the collapse of the Communist Bloc. Hungary is today the most important recipient of foreign direct investment in Central-Eastern Europe (United Nations Conference on Trade and Development [UNCTAD] 2012), and this exposes the country's economy to international market fluctuations, including crises taking place in the Eurozone.

Hungary has been on the verge of bankruptcy ever since 2010, and the country has relied on a rescue package of the IMF, EU, and the World Bank to bolster its finances. In itself, this would give the governing coalition Fidesz-KDNP sufficient room to play up its nationalist profile against the supranational EU elites. At the same time, Fidesz has mainstreamed a large portion of Jobbik's rhetoric since the party entered the Hungarian Parliament in 2010. As far as the EU issue is concerned, then, it is plausible to expect a shift of Fidesz-KDNP's position towards Jobbik.

Generally speaking, Fidesz's ideological shift to conservative positions during the 1990s also influenced its attitude towards Europe. From its original 'EU-optimist' stance, Fidesz swiftly evolved into a mainstream Eurosceptic party; by the year 1998, the party set itself in defence of national interests in the process of accession negotiations (Batory 2008: 270). At the same time, Fidesz showed a rather favourable outlook on Europe in the run-up to the 2010 elections. At least two elements may have contributed to this. First, Fidesz has been in opposition since 2002, and the party used European integration for partisan advantage to deliver a more moderate self-image. Already in the 2002–6 term, Fidesz had offered support for EU-related constitutional amendments and had toned down its EU-critical stance (Batory 2008: 271). Second, with no populist radical right party in parliament,<sup>9</sup> Fidesz lacked any short-term incentive to stir up competition over

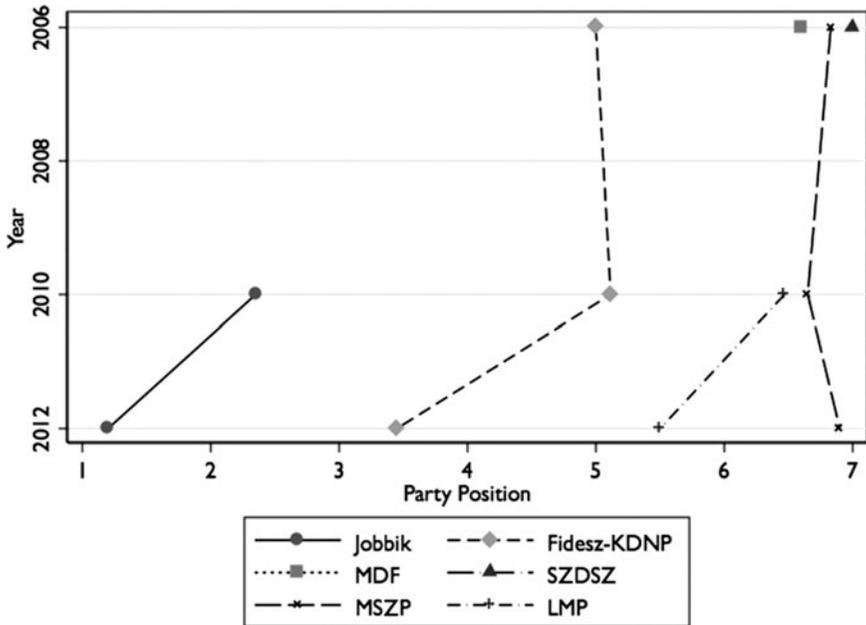
*Impact of populist radical right parties*

Figure 4.12 Position of Hungarian parliamentary parties on European integration, 2006–12

Note: Party positions on European integration range from ‘strongly opposed’ (1) to ‘strongly in favour’ (7).

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 11$ ); 2012: own data ( $N = 10$ ).

the EU issue. In comparative terms, the party was still more critical than the EU-optimist governing parties and any other party represented in parliament.

Figure 4.12 shows a significant evolution in the positions of Jobbik and its nearby competitor, Fidesz-KDNP. On the one hand, Jobbik’s radicalisation is in line with our expectations, and the analysis of the political space over the EU issue provides a visual complement to this discussion. On the other hand, Fidesz-KDNP’s change of position substantiates an ongoing process of structural and ideological adaptation following Jobbik’s entry to parliament.

Fidesz-KDNP’s rise to power in 2010 helped Orbán revive his dormant Euroscepticism. Fidesz-KDNP’s changing attitude towards Europe between 2010 and 2012 could be explained in two (non-mutually exclusive) ways. First, the state of the Hungarian economy deteriorated during later years, and the EU financial crisis further stimulated Fidesz’s nationalism in opposition to the allegedly ‘undemocratic’ European architecture (e.g. Orbán 2012). The political impasse with the EU resulting from constitutional reforms is perhaps paradigmatic and could provide the first reason for the radicalisation of Orbán’s party position on the EU issue.

Second, the concomitant radicalisation of Jobbik and Fidesz-KDNP vis-à-vis the EU is grounded in the reality of Hungarian political competition. Fidesz-KDNP

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has gradually taken over part of Jobbik's rhetoric on nativist issues. Under pressure from the mainstream right, Jobbik may have opted to differentiate itself from Fidesz-KDNP by increasing the salience of its anti-EU agenda and playing the 'exit card'. As far as these shifts are concerned, it is admittedly hard to tell the cause from the consequence. This notwithstanding, if Fidesz-KDNP feared that moderating its position would increase the electoral appeal of its populist radical right competitor (e.g. Carter 2005), its return to Eurosceptic positions could be interpreted as an attempt to win Jobbik voters. Other commentators have also noted striking parallels in the rhetoric of the parties. Both Jobbik and Fidesz-KDNP have placed national interests above those of the EU; moreover, Orbán's rhetoric has grown more critical of EU institutions and more radical in tone since Jobbik's entry to parliament (e.g. Bíró Nagy *et al.* 2013).

In Hungarian party politics, the nativist discourse has far-reaching implications. The current financial crisis surely contributed to elevating this discourse from the national to the supranational level, turning the EU into a central theme of political competition. Moreover, Fidesz, as a mainstream organisation of the centre-right, has a direct competitor in the populist radical right Jobbik. This relationship shapes party positions on different policy dimensions, and the pressure exerted by Jobbik's radicalisation on the EU issue seems to have also conditioned Fidesz-KDNP's shift to more Eurosceptic positions.

***Slovakia***

The route to Slovak accession to the EU has been tortuous. During the 1990s, Prime Minister Vladimír Mečiar had a strained relationship with the EU. Despite his formal commitment to liberal-democratic values and EU integration, the European Commission vowed to interrupt talks with Slovakia if the LS-HZDS returned to power in 1998. Negotiation talks resumed with the Dzurinda governments; Slovakia has undertaken an unequivocal pro-European trajectory ever since, securing EU membership in 2004 (Vachudova 2008).

In 2006, the governing coalition led by Smer-SD included the SNS of Ján Slota and the LS-HZDS of Vladimír Mečiar. Even though the alliance did not question Slovakia's continued membership in the EU (e.g. Harris 2010), it caused the suspension of Smer-SD from the Party of European Socialists (PES) between 2006 and 2008; indeed, cooperation with the populist radical right SNS was considered a clear breach of the PES's founding principles. Nevertheless, Fico's government worked towards further European integration: the party committed to joining the Schengen Area by the end of 2007 and entering the Eurozone in January 2009 (e.g. Malová and Učeň 2008).

In this regard, the expert judgements are quite informative. On the one hand, the mapping of party positions on this dimension confirms that in 2006 both the LS-HZDS (5.23) and Smer-SD (4.79) were located on the pro-European side of the spectrum (Figure 4.13). Smer-SD's shift towards more pronounced Europhile positions (by the end of its term in government, the party had scored 5.87 on the policy dimension) confirms the party's commitment to the pro-European agenda.

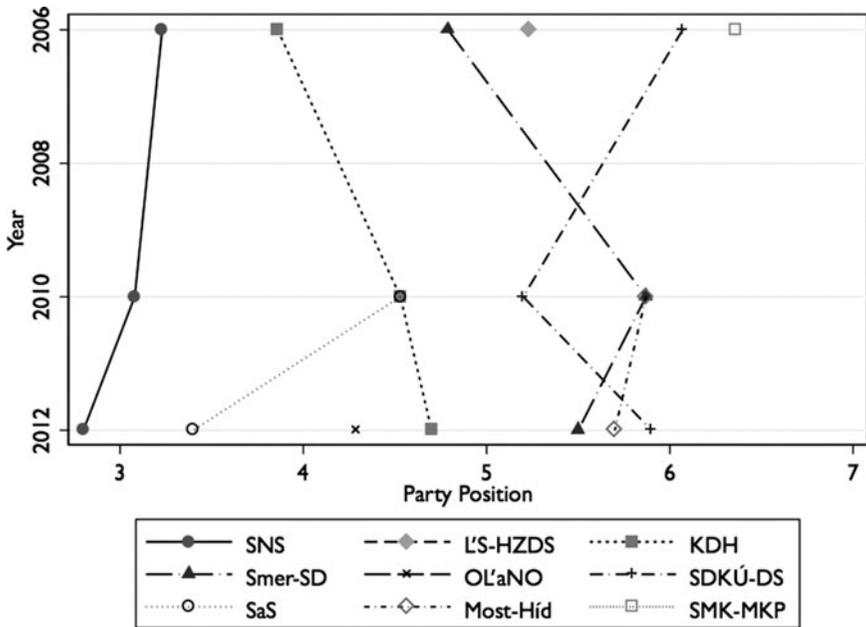
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Figure 4.13 Position of Slovak parliamentary parties on European integration, 2006–12

Note: As of 2012, the SNS is no longer represented in parliament; its position in 2012 is reported for illustrative purposes. Party positions on European integration range from ‘strongly opposed’ (1) to ‘strongly in favour’ (7).

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 11$ ); 2012: own data ( $N = 10$ ).

On the other hand, the soft Euroscepticism of the SNS (or its comparatively less EU-pessimistic position) is accurately translated into spatial terms. The positions of the party on European integration (3.23 in 2006 and 3.08 in 2010) validate the findings of the qualitative content analysis (see Chapter 3) and preliminarily indicate that a soft Eurosceptic agenda could also prove to be a viable strategy in a pro-European context (see Chapter 5).

On the whole, party-based attitudes towards Europe demonstrate a paradox: until recently, parties had generally supported the process of European integration, though they had little or no interest in campaigning on EU-related issues (e.g. Malová and Učeň 2010). The breakout of the crisis has, however, also attested to the importance of ‘Europe’ for national elections and had seemingly influenced party positions on this issue. In response to the Eurozone crisis and talks about the bailout of other EU member states, the SNS has further shifted its position towards the oppositional end of the spectrum (2.8). However, it is quite likely that the timing of the original expert surveys also detected the ‘moderation effects’ deriving from the new leadership, making the change between 2010 and 2012 only apparently more gradual.

As EU-related issues gained in salience in the political debate, it is important to note that early elections were called for 2012 as a result of an unsuccessful vote

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of confidence over the approval of the European Financial Stability Fund. On this occasion, SaS and Smer-SD abstained, practically provoking the fall of the Radičová government. Even though the Europhile trajectory of Smer-SD may have come to a provisional halt (5.5 in 2012), Fico's party has shown a certain degree of financial responsibility during its new mandate. Conversely, the position of SaS in 2012 (3.4) may indeed indicate the party's growing scepticism towards the criteria imposed by the EU (e.g. *Slovak Spectator* 2012). Be that as it may, it is admittedly difficult to attribute these shifts to the Euroreject rhetoric of the SNS. The party influence reduced quite significantly after 2010 and its (electorally unsuccessful) attempt to play the 'exit card' should be appraised as a strategy solely aimed at diversifying its ideological supply.

### **Clerical issues**

Religious issues may come across as a paradox in the strategy of populist radical right parties. Clericalism certainly plays a prominent role in the framing of the populist radical right ideology in Bulgaria, Hungary, and Slovakia – to the point that these parties are brought together by a common denominator of clericalism, opposition to ethnic minorities, and EU-pessimism (i.e. the 'minimum combination' of ideological features presented in Chapter 3). Nonetheless, the impact of religion is negligible in the political competition of these countries, and the value of religion-oriented policies is, to say the least, questionable.

Unlike other Central and Eastern European countries (above all, Poland), the three countries analysed are highly secularised. Despite the historical relevance of religion in Hungary and Slovakia, it cannot be argued that religion has a strong influence in the politics of these countries (e.g. Bozóki and Simon 2010; Harris 2010). Moreover, Bulgaria has traditionally lacked a religious-secular cleavage besides forms of party mobilisation on religious grounds. Here, religious affiliation is closely correlated with the minority status of Islamic Turks (e.g. Evans 2006), which finds political representation with the DPS. This element would then substantiate the principal function of clericalism in the ideology of Ataka – that is, reinforcing the dichotomy between the in-group and the out-group, which is primarily constructed in ethnical terms.<sup>10</sup>

The paradox also rests in the voters of populist radical right parties, who generally comprise the least religious portion of national constituencies. In Bulgaria, 48 per cent of Ataka voters considered themselves non-religious or only somewhat religious compared with 32 per cent of Socialist voters.<sup>11</sup> In Hungary, only LMP voters (55 per cent) declared themselves to be less religious than Jobbik and MSZP voters (both 49 per cent). Only Slovakia showed a different trend: here, half of the SNS voters identified themselves as strongly religious, though against almost 90 per cent of the *Krestanskodemokratické Hnutie* (Christian Democratic Movement, KDH) voters (European Social Survey, Round 5).<sup>12</sup> To be sure, this phenomenon is not new; in the 1990s, the Hungarian MIÉP was a party committed to radical clerical policies against a backdrop of predominantly secular voters,

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underlining the highly symbolic role of religion and the complex relationship between religiosity and religious politics (Enyedi 2000: 173).

Elite political discourse does not always of course determine partisan affiliations at the mass level. There are in fact many indications that citizens do not regard elections as [an] appropriate means of expressing their religiosity and they do not rank clerical/anti-clerical conflicts as the most relevant political issues.

(Enyedi 2000: 157)

Despite the relative marginality of Christian democratic parties in the region and the fact that they were stronger in the early 1990s than today (Bakke 2010: 80), this study posits their continued ownership over clerical issues. Just as populist radical right parties should be interpreted as rightful owners of minority issues, it seems reasonable to regard Christian democratic parties as the principal political vehicle for religious principles in politics. The analysis of political spaces in Hungary and Slovakia provides at least partial confirmation of this.

*Prima facie*, the distribution of Hungarian parties across this policy dimension suggests that religion sharply differentiates between opposing political camps (Figure 4.14). This would be in line with previous conclusions on party identities. The differentiation between parties on the basis of anti-clerical and Christian-national

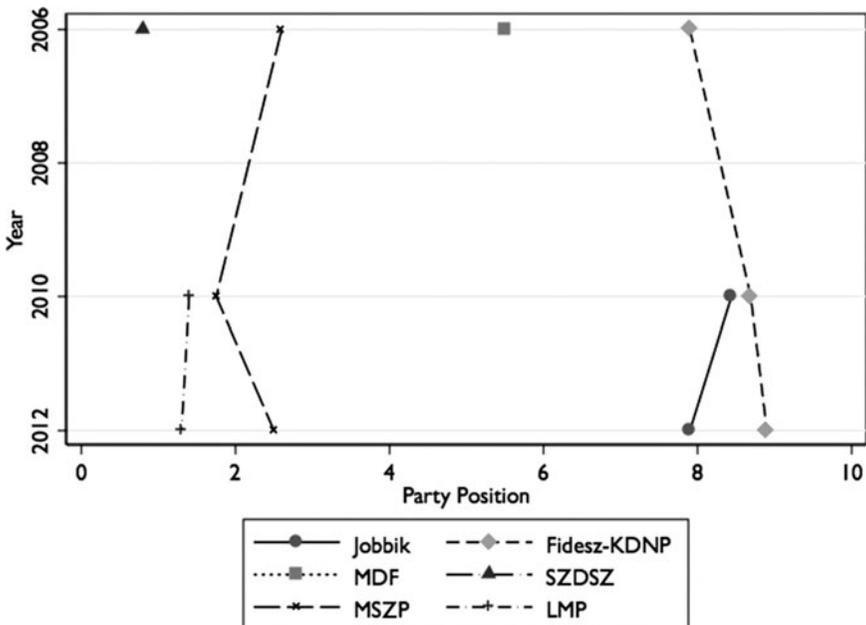


Figure 4.14 Position of Hungarian parliamentary parties on clerical issues, 2006–12

Note: Party positions range from 'strongly oppose' (0) to 'strongly favour' (10) religious principles in politics.

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 11$ ); 2012: own data ( $N = 10$ ).

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attitudes holds to this day (e.g. Enyedi 2000), and the right-wing camp has also shown its continuing allegiance to religion and the churches (e.g. Enyedi and O'Mahony 2004).

By assimilating the KDNP in the 2000s, Fidesz has also turned into a radical – the most radical – political party on this policy dimension. If support for religious principles in politics could be considered a proxy for ideological conservatism, Fidesz has indeed gradually moved towards the conservative side of the political spectrum; this is certainly an interesting fact considering the liberal and anti-clerical origins of the party. Since 2006, the Fidesz-KDNP coalition has radicalised its clerical profile, moving from a score of 7.9 to 8.9 in 2012. In 2010, the position of Fidesz-KDNP is virtually confounded with that of Jobbik (8.69 the first, 8.44 the latter), confirming that, in yet another respect, the two parties tend to resemble each other. Still, according to the expert judgements for the year 2012, Jobbik has moderated its position on clerical issues (7.9), whilst Fidesz-KDNP has further radicalised.

This proximity reveals a substantial overlap between the platform of Jobbik and the posture and decisions of the Fidesz-KDNP coalition. For instance, the populist radical right party has repeatedly emphasised the need to anchor the Fundamental Law to the Christian roots of Hungary; the commitment to the nation-sustaining power of Christianity has been established in deed and word through the contentious constitutional changes approved by Fidesz-KDNP (e.g. Bíró Nagy *et al.* 2013).

In outlining its family policy, the 2010 electoral manifesto of Jobbik stated that the promotion and protection of the institution of the family shall be preserved from attacks by “a liberalism whose objective is to put the family unit on an equal footing with every conceivable alternative living arrangement or deviant lifestyle” (Jobbik 2010: 9). The amendments to the Fundamental Law introduced by the Fidesz-KDNP governing coalition include a definition of a family as a man, a woman, and their children and the designation of marriage as the basis for the definition of family – hence excluding single parents, unmarried partners, and gay marriage. Furthermore, the recognition of same-sex unions, available in Hungary since 2009, has been edited from the constitution (Saltman 2013).

Jobbik also intended to tighten up the process of registration for new religious sects, recognise the prerogatives of historic religions, and strengthen their relationship with the state (Jobbik 2010: 16). With a law on the status of religion, the Fidesz-KDNP government redefined the criteria for the recognition of churches from the state, practically reducing the number of official churches from a few hundred to 14.

The situation is apparently different in Slovakia. Despite its fervent Christian profile and roots, the SNS is neither the sole nor the most radical herald of religious principles in Slovak politics (Figure 4.15). According to expectations, it is a Christian democratic organisation (KDH) that exerts continuing ownership on this policy dimension. A cultural conflict along conservative-liberal lines emerged in 2006, shaping Slovak party politics accordingly. Although the KDH avoided making explicit reference to religious principles, its 2006 electoral campaign centred on traditional morality and family. The party favoured pro-life issues and opposed divorce and same-sex civil partnerships. The strictness of this narrative is reflected in the position of the party on this dimension (9.25). The SNS shared a similar,

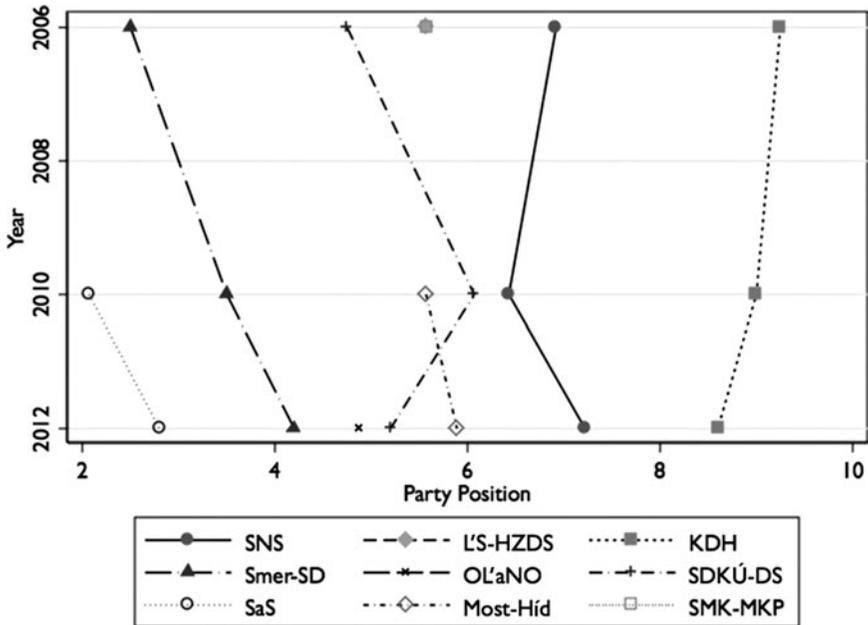
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Figure 4.15 Position of Slovak parliamentary parties on clerical issues, 2006–12

Note: As of 2012, the SNS is no longer represented in parliament; its position in 2012 is reported for illustrative purposes. Party positions range from ‘strongly oppose’ (0) to ‘strongly favour’ (10) religious principles in politics.

Sources: 2006 and 2010: Chapel Hill expert survey ( $N = 12$ ;  $N = 11$ ); 2012: own data ( $N = 10$ ).

though not as radical, view of the family (the party position on the issue is 6.92) and primarily distinguished itself by strongly supporting young families (Malová and Učeň 2007: 1102). Notably, this position is not subject to significant changes over time, indicating that no real competition is at stake on this dimension: amidst slight changes, the SNS scored 7.22 on this dimension in 2012.

As other concerns took centre stage in the political debate, the religious divide swiftly exhausted its resonance. This is well exemplified by the composition of the coalition that ruled the country between 2010 and 2012. Indeed, the government included the centre-right/libertarian SaS (2.07 in 2010 and 2.8 in 2012), which openly supported same-sex marriage (e.g. Henderson 2010), and the KDH (9 in 2010 and 8.6 in 2012).

## Concluding remarks

Populist radical right parties are listed amongst the most vocal opponents of the status quo. These parties have made important inroads by systematically questioning the model of ethnic and cultural integration, as well as the political dynamics developed after 1989. Their electoral performances, however, account for only one aspect of the politicisation of the issues at the core of their ideology. For this reason, this chapter

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strayed from stories of success and failure framed in electoral terms and paid attention to the dimensionality and impact of the populist radical right on national policy competition. The value of this approach is twofold. On the one hand, the scope of investigation focused on (and was by no means limited to) different aspects of nativism in these countries, advancing a fine-grained analysis of the dimensionality of populist radical right politics. On the other hand, the chapter adopted a dynamic approach and examined policy competition over time, hypothesising that once certain patterns are consolidated, their effects are likely to endure in the political process.

### *A complex set of dynamics*

On the basis of the three cases analysed, it is possible to draw some important conclusions. Populist radical right parties do not own all the issues that they preach, and they are not able to exert influence on all the issues that they own. In fact, the dimensionality of policy competition suggests that the impact of this party family is limited to certain areas of competence. In the remaining areas, the existing dynamics are conditioned by political opportunity structures comprising specific configurations of resources, institutional arrangements, and historical precedents for mobilisation (e.g. Kitschelt 1986). Moreover, the effects released by these parties vary across countries, making it difficult to ascertain a distinct pattern valid for all cases.

Populist radical right parties unambiguously occupy the most extreme positions on minority issues. They acquired issue ownership by filling a space that was previously left vacant and maintained this ownership throughout; in other words, their command of minority issues over the last decade has been unparalleled. Nevertheless, the impact of populist radical right parties on this dimension is complex, and institution-shaping and policy-making effects vary across contexts. At the broader institutional level, the sole presence of these parties gradually shifts the balance of competition towards opposition to minorities, regardless of the presence of strong multicultural positions in the political space. This would suggest that the presence of the populist radical right in parliament contributes to a progressive normalisation of the anti-minorities discourse. However, when the specific interaction between populist radical right parties and nearby competitors is taken into account, patterns are not homogeneous across countries and range from modest (Bulgaria) to significant (Slovakia).

According to the expert judgements, GERB showed only modest signs of adaptation to the nativist agenda of the Bulgarian populist radical right. In this case, however, the fact that this courtship was partly displayed before 2010 cannot be ignored. The impact of Jobbik is more evident in the policy position of Fidesz-KDNP. In addition, the interaction between Jobbik and its nearby competitor also takes place over the question of Hungarian minorities abroad; this is convincingly demonstrated by the position of Fidesz-KDNP on this dimension and the legislative output of the Orbán government since 2010.

Two interpretations could be advanced in this regard. First, mainstream parties willing to co-opt the anti-minorities agenda of populist radical right parties (without

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estranging their traditional or moderate electorate) cannot engage in overtly radical statements. Hence, their interaction with (or reaction to) the populist radical right will be gradual and mostly passive. In this sense, focusing on national minorities abroad allows mainstream competitors such as Fidesz-KDNP to enter nativist territories without getting involved in contentious discriminatory practices. Second, nearby competitors' interaction with the populist radical right on the question of indigenous ethnic minorities preserves at least a symbolic component. Regardless of relative shifts across policy dimensions, mainstream parties give evidence of an allusive courtship of nativist themes in all three cases analysed.

The Slovak case presents yet another picture. Smer-SD significantly radicalised its position on ethnic minorities between 2006 and 2010, adopting a discursive style reminiscent of the SNS. By the time of its re-emergence, the SNS had already politicised and partially mainstreamed the issue; however, its participation in government as a junior coalition partner seemed to expand the resonance of its anti-minorities agenda. Indeed, whilst issue ownership makes it possible to recognise that the SNS 'led' and Smer-SD 'followed' on this dimension, it is difficult to tell whether co-optation stemmed from the ideological influence of the populist radical right, its participation in government, or both. The SNS barely crossed the electoral threshold in 2010 and ultimately fell short of entering the National Council in 2012. Whereas the multicultural discourse may benefit from the absence of the populist radical right in parliament, it is important to note that the impact of the SNS endured its poor electoral performance. As a case in point, the SNS and Smer-SD had both radicalised their positions by 2010, and the extra-parliamentary status of the SNS did not seem to prompt the return of Smer-SD to its starting positions.

The populist radical right unequivocally contributed to mainstreaming the anti-minorities discourse within respective national settings. Cross-national differences very much depend on the context of these parties, different facets of nativism, and the timing of politicisation of minority issues. In Hungary, where the nativist discourse is articulated over the question of ethnic Hungarians abroad *and* indigenous ethnic minorities (above all, Roma), the interaction between Jobbik and Fidesz-KDNP is contested on at least two fronts. Although the interaction over indigenous minorities is not negligible, a substantial overlap is discernible on the question of Hungarian minorities abroad. In Slovakia, where the question of minorities has been part of the political debate since the 1990s, the agenda of the populist radical right was swiftly reignited, and its impact was easily discernible.

*A refined understanding of interaction effects*

Of all three parties, Ataka shows modest institution-shaping and no significant policy-making effects. The party could be legitimately considered the owner of the anti-minorities and the Eurosceptic agenda, as well as the staunchest supporter of anti-corruption measures. Unfortunately, the lack of longitudinal data on anti-corruption does not allow for testing whether Bulgarian parties (especially, 'anti-establishment reform' ones) have adapted to the standards set by Ataka in the past few years. The modest influence exerted on the dimension of ethnic minorities is

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not paralleled by an increase in EU-pessimism by the other (otherwise pro-European) parties. Finally, the interaction effects expected in the area of the economy did not occur. Ataka did not adapt its social-national economics to the platform of GERB following the post-election agreement between the two parties. On the contrary, Ataka preserved remarkable similarities with the position of the BSP, perhaps indicating that Siderov's party may have acted as a kingmaker of the BSP-DPS government in 2013 also on the basis of similar positions on economic policies.

The analysis of the Hungarian case revealed substantial 'confounding effects' in a number of policy areas. In fact, the impact of Jobbik on the issue of ethnic minorities seems to represent just the tip of the iceberg. The analysis of institution-shaping and policy-making effects ascertained a considerable overlap between Jobbik and Fidesz-KDNP. The populist radical right party and the governing coalition bear strikingly similar positions on the question of national minorities abroad, the economy, and clerical issues. In addition, both Jobbik and Fidesz-KDNP have recently radicalised their positions on the process of European integration. A distinct demarcation is only noted on fighting corruption practices; this dividing line splits the Hungarian political camp into two – the new and anti-establishment (Jobbik) and the old and established (Fidesz-KDNP). The analogies established in this chapter lend support to the view that Fidesz is a 'party that speaks with two tongues' (Verseck 2013). Whilst the party publicly distances itself from Jobbik, in practice it flirts with populist radical right politics to attract its constituency.

The SNS in Slovakia similarly comes across as the owner of minority issues and the Eurosceptic agenda. Whilst significant institution-shaping and policy-making effects were ascertained in the first area, it seems difficult to attribute SaS's or Smer-SD's growing reservations about European integration to the sole presence (or radicalisation) of the SNS. Moreover, unlike other populist radical right parties in the region, the SNS is not perceived as a credible supplier of anti-corruption policies. During its time as a junior coalition partner, the party showed moderate signs of adaptation to the 'leftist' economic agenda of the senior Smer-SD – only to return to its trademark centrist positions at the end of this alliance. As far as clerical issues are concerned, the SNS is neither the only nor the most radical actor on this dimension. Despite the marginal incidence of religious voting, the presence of an established Christian democratic party in the political arena clearly affects issue ownership and the possibility of mobilising the religious voter.

Despite a long-standing interest in the populist radical right, the scholarship on this party family in Central and Eastern Europe, as well as its role in the political process, is still in its early stages. With the help of expert judgements, this chapter examined the dimensionality of populist radical right politics and assessed how the populist radical right exerts influence on national parties and political spaces. The added value of this contribution rests in the extension of the analysis not only beyond traditional left-right divides but also more predictable areas of influence such as ethnic minorities. This strategy then allowed for a refined understanding of interaction effects on different policy dimensions. Had the analysis been limited to ethnic minorities, the broader picture would have been inevitably missed. As a

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result, these parties would have been compared on the basis of the smaller or greater influence exerted on minority issues. Alternatively, by adopting a fine-grained analysis, it was possible to ascertain the overall negligible impact of Ataka at the institution-shaping and policy-making levels and the remarkable overlap between Jobbik and its mainstream competitor Fidesz-KDNP. Having partly concluded that some of these interaction effects withstand the electoral success or failure of populist radical right parties, it could be argued that the quality of liberal democracy is today more in danger in Hungary than in Bulgaria.

**Notes**

- 1 According to Minkenberg (2001, 2002a), agenda-setting effects refer to the impact on the agenda-setting and institution-shaping spheres.
- 2 An exception would be the *Sdružení pro Republiku – Republikánska Strana Československa* (Coalition for Republic – Republican Party of Czechoslovakia, SPR-RSČ). For reference, see Čákl and Wollmann (2005).
- 3 With ‘peripheral’, reference is made to the position of these parties in the political space, not to their relevance or electoral performance.
- 4 In 2005, the two parties signed an agreement which has *de facto* turned the KDNP into an electoral appendix of Fidesz. The two parties are thus treated as a single entity, and their expert surveys’ scores are averaged.
- 5 See, for example, politics.hu (2011). For a glimpse of the half-apologetic style of Fidesz’s condemnations, see politics.hu (2009) or, more recently, politics.hu (2013).
- 6 Zsolt Bayer, a close friend of Prime Minister Orbán and Fidesz co-founder, recently stated: “most Gypsies are not suitable for cohabitation. They are not suitable for being amongst people. Most are animals, and behave like animals. They shouldn’t be tolerated or understood, but stamped out. Animals should not exist. In no way” (Bayer 2013).
- 7 *Most-Híd* took over the pro-Hungarian agenda and gained representation at the expenses of the SMK-MKP; the LS-HZDS fell short of the 5 per cent threshold.
- 8 The SNS attained 5.1 per cent of votes and nine seats in 2010 and 4.6 per cent and no seats in 2012. Despite its extra-parliamentary status, the position of the SNS in 2012 (1) is reported for illustrative purposes (Figure 4.4).
- 9 The MIEP failed to re-enter the Hungarian Parliament after 2002.
- 10 Precisely for these reasons, the value of including a separate analysis for Bulgarian parties was questioned, thus limiting the scope of this section to policy competition in Hungary and Slovakia.
- 11 Voters are those respondents who declare to have cast a vote for a given party in the last national elections. Religiosity is measured with a self-assessed religiosity item (“How religious are you?”), which ranges from ‘not religious at all’ (0) to ‘very religious’ (10). The range considered here is 0–3 (European Social Survey, Round 5).
- 12 In this case, the range considered is 7–10.

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## 7 **Corbynism, populism and the re-shaping of left politics in contemporary Britain**

*Bice Maiguashca and Jonathan Dean*

### **Introduction**

The ascension of veteran left-winger Jeremy Corbyn to the leadership of the Labour Party in 2015 constitutes one of the more improbable chapters in recent British political history. Following more than twenty years in which the Labour Party was widely perceived as complicit with the neoliberal turn in British politics, the election of an avowedly left-wing and anti-neoliberal leader caught many by surprise, leading to an outpouring of commentary and debate about the precise nature and character of Corbyn's tenure as Labour leader. One conspicuous feature of these extensive musings on Corbynism relates to the question of whether Corbyn is a 'populist', and/or whether or not Corbynism can meaningfully be described as a populist politics. This debate about the 'populism question' in relation to Corbyn was given added impetus in December 2016 by the revelation that Labour Party strategists were planning on re-launching Corbyn as a 'left-wing populist' in 2017 (Stewart and Elgot 2017).

Against this backdrop, this chapter analyses the current trajectory of Corbyn and Corbynism in relation to current scholarly debates about the nature and scope of populism in general, and left-wing populism in particular. In so doing, we also suggest that an engagement with Corbynism helps us raise a number of theoretical points about the strengths and limits of a 'Laclauian' approach to the analysis of populism. The chapter begins with a general mapping of the contours of Corbynism, outlining its core features and characteristics (incidentally, we use the term 'Corbynism' to pinpoint its status as a political project, over and above Jeremy Corbyn the individual). The middle section of the chapter then asks whether, from the point of view of a Laclau-inspired discursive approach, Corbynism can meaningfully be described as populist. Here, we suggest that Corbynism can only accurately be described as 'populist' if one were to stretch the meaning of populism so far as to render it meaningless. Moreover, although there are some superficial similarities with the existing left-wing populisms of Southern Europe, the context and character of Corbynism are, we argue, significantly different.

In making this empirical argument, we also engage with a number of theoretical issues. In particular, we identify at least three different iterations of populism

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within Laclau-inspired discourse analysis: two, articulated by Laclau himself, in which he simultaneously equates populism with politics writ large, on the one hand, and more often than not with oppositional politics, on the other. A third approach, associated with a number of Laclau's followers, and responding to the need to operationalise the term, frames populism more narrowly as a radical politics organised around the nodal point of 'the people'.

In light of these tensions as well as some methodological issues, in the final part of the chapter, we caution against the general trend towards 'conceptual overstretching' that one finds in the extant populism scholarship. Going somewhat against the current vogue in the populist literature which suggests conceptually that less is better, we suggest that a more fruitful line of enquiry would be to frame populism as a thick, substantive mode of politics, rather than as a 'thin' ideology (as per Cas Mudde) or a set of 'minimal criteria' embodied by discursive utterances (as per Yannis Stavrakakis and several other Laclau-inspired authors). We conclude by offering some possible lines of theoretical enquiry that might enable cultivation of a thicker – and, in our view, more robust – conception of populism. Overall, the aim of the paper is to contribute to conceptual debates about populism by offering a sympathetic critique of the Laclauian framework, as well as providing some preliminary analysis of Corbynism as an empirical phenomenon. The latter is particularly crucial given that, at the time of writing, there is little published academic work on Corbyn's tenure as Labour leader.

### **The contours of Corbynism**

First elected to parliament in 1983, Jeremy Corbyn had long been seen as a maverick outsider within his party, and within UK politics more generally. Known for his principled anti-neoliberal politics, opposition to the 2003 Iraq war, and support for a number of 'unfashionable' causes, Corbyn was, to put it mildly, an improbable candidate for the Labour Party leadership. Following his underwhelming performance at the 2015 General Election, previous leader Ed Miliband – widely associated with the party's 'soft left' – stood down, opening up a leadership contest which ran over the summer of 2015 (Dorey and Denham 2016). The leadership election was notable in part for its use of a new system for electing the leader. In contrast to the earlier Electoral College system in which MPs yielded considerable sway, the new voting system introduced in 2014 consisted of a move to a 'one member one vote' approach. In this new system the role of MPs was reduced to gatekeepers, with prospective candidates requiring nominations from a minimum of 15 per cent of the parliamentary party (Russell 2016). Furthermore, in an innovation intended to democratise and open up participation in the election, 'registered supporters' as well as full members could vote, on condition of paying a nominal fee and declaring support for the 'aims and values' of the party (Gilbert 2016).

Corbyn only secured his place on the ballot with minutes to spare, and was dependent on receiving a number of nominations from Labour MPs who did not support him politically, but lent him their name to 'broaden the debate' (BBC

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News 2015). The other candidates included pro-Blair Liz Kendall, centrist Yvette Cooper and early favourite Andy Burnham (who politically was in the same mould as Ed Miliband). As Corbyn's initially rather muted campaign gained momentum during the summer, he rapidly transitioned from rank outsider to firm favourite, and as such few were surprised when he emerged victorious, winning 59.5 per cent of the first round vote (49.6 per cent among members, 84 per cent among registered supporters) (Rowena Mason 2015).

His early months as Labour leader saw him struggling to maintain the energy of his leadership campaign while also managing a parliamentary party that was overwhelmingly hostile to his politics. These challenges came to a head when he faced a leadership challenge as early as summer 2016 from 'soft-left' rival Owen Smith. Although Corbyn decisively saw off Smith's bid for power, he remained burdened, at least until the June 2017 election where the Labour Party did unexpectedly well, with poor opinion poll ratings (for both Labour as a whole and Corbyn as an individual), a recalcitrant parliamentary party, a largely hostile mainstream media and a perception (including among some supporters) that he has been unwilling or unable to be as bold in his opposition to the Conservatives as many would like (in relation to, for example, the NHS crisis and the government's handling of Brexit). Garnering 40 per cent of the vote on Election Day (higher than Ed Miliband in 2015 and indeed Tony Blair in 2005), however, and thereby eliminating Theresa May's majority, seems to have settled the nerves of many previously hostile Labour MPs, and has certainly made his leadership of the Party unassailable for the foreseeable future.

But this just begs the question: what conditions contributed to the emergence of Corbyn, an obvious outlier in the context of Labour Party politics? Space does not allow for an exhaustive account of Corbyn's rise, but a few points are worth making. In the UK context, Corbyn's politics are aligned with what is sometimes rather lazily and inappropriately called the 'hard left' (Jackson 2016; Gilbert 2016), a strand of thinking associated with the late Tony Benn. Three features define this political orientation. Economically, Corbyn and his allies support a left Keynesianism, which, although historically influential in British social democratic politics, became more marginal as the party drifted rightward from the 1980s onwards. Today this commitment translates into an anti-austerity position which has steadily gained some traction in the UK from 2010 onwards. On foreign policy, Corbyn and his allies have consistently advocated an anti-imperialist agenda which includes a call for nuclear disarmament, and support for the Cuba Solidarity Campaign, the Chavez regime in Venezuela and the Palestinian struggle, among others, (Seymour 2016a). Finally, a key feature of Corbyn's politics is his emphasis on the need to democratise the Labour Party, viewing the party as insufficiently responsive to its members and grassroots activists. Given this worldview, it is not surprising that Corbyn has been able to galvanise support from a large swathe of hitherto alienated Labour members and supporters who have long felt that the Labour Party under Blair had abandoned them as well as any semblance of left politics understood as an egalitarian project (Seymour 2016a; Gilbert 2015).

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The rise of Corbynism as a political project, however, must also be understood as a response to international forces. After all, it is hard to conceive of such a left project gaining traction in Britain in the absence of the global financial crisis that first erupted onto the scene in 2007. Not only did the worst global recession since the 1930s follow, but most governments in Europe, including the UK, decided to tackle it through a range of austerity measures including cutting public services, capping public sector pay and withdrawing public investment (Seymour 2014). These moves, in turn, generated hardship for millions and overt political resistance. It also laid the conditions for a reconfiguration of the left across Europe, as traditional left parties haemorrhaged support because of their inability or unwillingness to oppose austerity, on the one hand, and as new forms of anti-austerity left politics bubbled forth, on the other. The ‘pasokification’, as this process is now dubbed (Harris 2016), of the social democratic left parties in Spain and Greece, for instance, ended the reign of the Spanish Socialist Worker’s Party and Pasok and saw them replaced by Podemos and Syriza, respectively. Describing the downfall of Pasok, Aditya Chakraborty states ‘it went from a mass movement to an arthritic bureaucracy in the pocket of a small, corrupt elite’ (Chakraborty 2015). Alongside austerity, corruption, nepotism and a general disinterest in understanding the needs of the people they represent, have also played a part in discrediting the established left. As three national organisers of Corbyn’s campaign put it: ‘There is an increasing sense, even – or perhaps especially – among people who are not overtly political, that the entire establishment is corrupt, immoral or even criminal, and unaccountable’ (Klug *et al.* 2016: 38).

Thus, while the UK hasn’t witnessed the mass anti-austerity movements found in some other parts of Europe, it has experienced a mini resurgence of grassroots left politics in the wake of the economic crisis (Bailey 2014; Maiguashca *et al.* 2016), particularly in Scotland, where the 2014 independence referendum drew a significant percentage of the electorate into the orbit of grassroots left activism (Gilbert 2016). Despite the somewhat facile claims that activist support for Corbyn can be reduced to hard left ‘entryism’ (Seymour 2016b), particularly in relation to those who signed up as ‘registered supporters’ (Dorey and Denham 2016), it is true that the anti-austerity left has assumed an unprecedented profile in British politics. Furthermore, although the precise extent of this is debated, Corbyn’s distance from mainstream politics, combined with his perceived accessibility and unshowy demeanour, meant he was able to pick up some support from the reservoir of disaffection with ‘establishment’ politics characteristic of contemporary Britain (Mair 2013).

Since winning the leadership, Corbyn has been able to count on a substantial movement of loyal supporters. To some extent, this is a relatively fluid community of left activists with the time and commitment to support Corbyn through online discussion and/or involvement in meetings and demonstrations. However, the pro-Corbyn movement takes a more formalised form via an ideologically heterogeneous network called Momentum, established by veteran Labour left campaigner Jon Lansman just after Corbyn’s first leadership victory. Momentum

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is a national organisation aligned to Labour (but not, as yet, formally affiliated to it) that seeks to defend Corbyn and give voice to various shades of left politics in the UK. It has a National Coordinating Group which includes representatives from the different regions of the country as well as affiliated campaigns and organisations such as Labour CND and Welsh Labour Grassroots.

Although, as indicated, the challenges facing Momentum (and the pro-Corbyn movement more generally) are legion, two are especially significant (and have important implications for our reflection on whether Corbynism is a ‘populist’ politics). First, there remains a palpable uncertainty and even mistrust among Corbyn critics as to the aims and objectives of Momentum. Indeed, many continue to portray it not only as an extremist left-wing cadre of militant activists, but also as a ‘fan club’ or even a ‘cult’ (McTernan 2016; Blakey 2016) that has become obsessed with Corbyn. This charge is given some semblance of credence to the extent that many within the left of Labour have quite deep feelings of loyalty towards him (Dean 2017). In addition to seeing Momentum as messianic in nature, it has also been derided as undemocratic, power hungry and authoritarian, seeking to stage a coup within the Labour Party. The recent media hysteria, spurred on by Tom Watson, the Deputy Leader, and others, around the alleged ‘Unite-Momentum pact’ to take control over Labour is a case in point (Helm and Hacillo 2017).

Notwithstanding these accusations, it is clear from the primary research we have undertaken that the campaign around Corbyn has a very different conception of what they are trying to do, which includes, on the one hand, offering support to Jeremy Corbyn as Labour leader, especially in the context of a sometimes recalcitrant PLP (Parliamentary Labour Party) and, on the other, agitating for broader social change in the name of social justice. To this extent, Momentum sees itself as dual facing: internally, it strives to defend Corbyn’s agenda and, in so doing, democratise the Labour Party and externally, to build a liberal-left social movement that can reach out to and engage with the wider public. As one key national Momentum organiser put it:

I think that Momentum is [...] trying to build a sort of grassroots network of people, groups, who are seeking to make society better, and I think that [...] part of the purpose [...] is to help The Labour Party now that it has Jeremy as leader of The Labour Party. Trying to help The Labour Party to become a more open, more democratic, more participatory, more member-led [...] organisation with wider appeal, so that it can be [an] electoral force [...].

(Interview with Momentum activist, London, 19/04/16)

In sum, there are two dominant narratives surrounding the meaning and nature of Corbynism: one, upheld by Momentum activists and his wider supporters, which sees it as a broad democratic, social justice network, and the other, proffered by some within the PLP and the media, which denounces it as a fanatical cult of personality that will eventually destroy the Labour Party (Blakey 2016). Overturning this latter representation and convincing their opponents and the

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media that they are committed to strengthening Labour as a political force has proved a substantial challenge for a besieged and under-resourced network of activists.

A second key challenge that faces Momentum – mirroring that described by Alexandros Kioupiolis in his analysis of Podemos (Kioupiolis 2016) – concerns an internal tension within the movement between what could be called ‘vertical’ and ‘horizontal’ strands of political organising. Although claims of hard-left entryism are clearly overblown (Seymour 2016b), a form of traditional left politics rooted in trade unionism and advocated by older, self-identified Marxists certainly exists within the Corbyn movement. More hierarchical, and defined by formal organisational structures, roles and mechanisms of accountability, this politics is more comfortable with distinct lines of representation embodied by a delegate model of democracy. Explaining what trade union politics can bring to Momentum, one self-identified Marxist trade unionist told us:

I think what the trade union experience can bring is about democracy. I think we have [...] very strong structures [...] you know, accountability, the idea that people can't just say 'I'm now representing this.' You [...] have to be elected into positions and then you're accountable to the people who elected you and so on.

(Interview with Trade Union activist, London 18/06/16)

A competing strand within the movement is more ‘horizontalist’ in orientation, younger in demographics and bears the influence of the 2010–2011 student movement, Occupy and the southern European anti-austerity movements. Activists within this constituency tend to valorise social media as a means of communication and to eschew more formalised organisational structures. Intellectually, it looks more to Deleuze, Laclau, feminism or the theorists of automated ‘post-capitalism’ (Paul Mason 2015; Williams and Srnicek 2015) than traditional Marxism. Momentum HQ as well as its founder Jon Lansman align themselves more with the second strand (Elgot 2017). Indeed, the dispute between these two tendencies became so bitter that there were question-marks over Momentum’s survival in late 2016, although the recent election ‘success’ of the Labour Party has tempered these tensions with some left commentators even hailing the horizontalist approach, and its savvy deployment on social media, as one of the reasons why Corbyn did so much better than expected in the recent election (Gilbert 2017).

To conclude this section: there is no doubt that Corbyn’s ascension to the role of Labour leader was as unexpected as it was welcome for many on the British left who had found themselves marginal to UK politics for a long time. Corbyn’s two leadership victories mean that unapologetically anti-austerity and anti-neoliberal politics has taken on a renewed visibility in mainstream UK politics. Having defied expectations at the ballot box, his position as leader is, for now, untouchable, and there is broad public support for reigning in austerity. Whether this momentum can be translated into a victory at the next general election

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(whenever that is!) remains to be seen. What is not in doubt is that the radical left has more visibility and impact in British politics now than at any time in the past thirty years.

### **Is Corbynism a populist politics?**

With the rise of Jeremy Corbyn a mutant strain of populism has become an integral part of British politics.

(Gray 2017)

Having outlined the key features of Corbynism, in this section we turn to the question of whether Corbynism is a form of populism and, therefore, whether it makes sense to claim that left-wing populism has a presence in British politics. If one turns to contemporary political pundits for an evaluation, one could be forgiven for thinking that Corbynism embodies a specifically British iteration of left-wing populism. Indeed, a number of commentators have characterised Corbynism as ‘populist’, with Julian Baggini in the *Guardian* going so far as to suggest that Corbyn’s politics is ‘populism in its purest form’ (Baggini 2016). To be fair, both Labour strategists and Momentum activists have muddied the waters on this question as well with a *Guardian* piece stating that Corbyn was going to be relaunched as a ‘left-wing populist’ (Stewart and Elgot 2017), and even Momentum founder Jon Lansman announcing in an interview with us that ‘Momentum and the Corbyn phenomenon is... evidentially populist’ on the grounds that it features ‘mass rallies, you know, ten thousand people in the streets of Liverpool [listening to] Jeremy. That is populism, it is, how can you not think of it as that?’ (Jon Lansman, interview, 24/11/16).

These bold claims notwithstanding, it is our argument that Corybnism cannot in any meaningful way be characterised as an instance of populist politics. To defend this claim and explore the reasons for it, we take up the Laclau-inspired discursive approach to populism. In the ensuing analysis we hope not only to explain why Corbynism cannot usefully be depicted as populist, but also to raise a number of critical questions about limits of a discursive approach to this phenomenon, and indeed of the populism scholarship more generally. In so doing, our first observation is that the ‘Essex School’ approach to populism (so named on account of Ernesto Laclau’s long-term affiliation with the University of Essex) is not a tightly unified body of work. Indeed, we discern three slightly different iterations of populism within the Essex School – two put forward by Laclau himself and one developed by advocates of his approach – which in turn have rather different implications for our analysis of Corbynism.

We will start with the work of Laclau, which includes his now classic 2005 book entitled *On Populist Reason*. For Laclau, ‘populism’ does not refer to any specific substantive attributes of a politics, such as the actors involved, the claims made, the ideology or the sociological conditions that give rise to it. Instead, Laclau defines populism as a *political logic*. In general terms, a ‘political logic’ refers to the ‘institution, de-institution and/or contestation of the

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social' (Glynos and Howarth 2007: 142). Importantly, political logics are *formal* insofar as they have no *necessary* content: this claim is in turn a product of the Essex School's rejection of essentialist accounts of political mobilisation such as, for instance, traditional Marxism, with its a priori privileging of class struggle (Laclau and Mouffe 1985). More specifically, populism comes into being when a series of hitherto unmet demands are articulated together into what Laclau refers to as a counter-hegemonic 'chain of equivalence' (Laclau 2004), afforded a semblance of unity in two ways: first by the production of 'empty signifiers', privileged names, concepts or ideals that give a populist formation coherence (see Laclau 1996), and second, by the oppositional nature of the equivalential chain, that is, its being constructed around a common enemy.

This populist logic of articulation, as outlined by Laclau, of necessity entails the construction of a 'people': this need not mean that political actors mobilise under the signifier 'the people', but it does mean populism entails the (always contingent and precarious) construction of a 'people' in the more general sense of a politicised collectivity with shared affective commitments (Laclau 2005; Howarth 2008). Furthermore, this construction of a 'people' via the equivalential articulation of demands, consists of heightening of antagonism and what Laclau calls the 'dichotomisation of the social space' into two opposed camps (Laclau 2004: 38). Populism, for Laclau, is therefore aligned with notions of rupture and antagonism. Indeed, he argues that 'a crisis of representation is at the root of any populist, anti-institutional outburst' (Laclau 2005: 137). As such, populism, in the hands of the Essex School, is by definition a bottom-up process, driven largely by diverse forms of grassroots mobilisation and held together and given voice by a charismatic leader.

But here we come to an ambiguity in Laclau's work, for in some instances, populism – as explained above – is projected as a *specific* mode of politics, that is as 'one possibility of politics among others' (Arditi 2010: 491). In this sense then, populism is cast as an *oppositional* politics, a politics of the 'underdog', that seeks to challenge the prevailing 'logic of difference' and the hegemonic institutionalised model of politics that it sustains. At other moments, however, Laclau offers us the image of 'politics as populism' (Arditi 2010: 491) in which populism is presented as 'the royal road to understanding something about the ontological constitution of the political as such' (Laclau 2005: 67). He goes on to say that 'by "populism" we do not understand a *type* of movement [...] but a *political logic*' (Laclau 2005: 117) and that 'populist reason [...] amounts [...] to political reason *tout court*' (Laclau 2005: 225). From this angle, populism becomes equated with the political writ large. In other words, it could be argued that Laclau vacillates between an ontological and ontic conception of populism.<sup>1</sup>

So where does this (or these) Laclauian notion(s) of populism leave us when trying to think about the nature of Corbynism? Well, if we start with the ontological conception of populism, that is, it is a fundamental aspect of all politics, then it is applicable by definition, but arguably as it would also apply to all and every other manifestation of political contestation, it is not clear what we gain by characterising it as such. If we shift to his more substantive, ontic conception of

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populism, that is, as specific mode of oppositional politics, then it also applies, but only at the most general level of analysis. So, for instance, it is true that Corbynism did emerge out of a crisis of representation within the Labour Party and that under Corbyn there is now a clear antagonistic, ideological divide between the Labour leadership and the Conservatives, with Corbyn's oppositional stance captured in the controversial slogan used by Labour in the 2016 local elections: 'Elections are about taking sides, Labour is on yours'. Furthermore, it could be claimed that the discourse of Corbynism is held together by a number of key nodal points including 'for the many' (as per the 2017 election manifesto), 'equality', 'fairness', 'anti-austerity' and Corbyn's emphasis on cultivating a 'kinder politics'. But suggesting that radical or oppositional movements emerge from a crisis of representation and that they reflect an antagonism of some sort seems to be stating the obvious.

In sum, the problem is that whatever notion of populism one applies, it seems to tell us very little about the *specificity* of either Corbynism as a movement or populism as a distinct mode of politics. For even if we prefer to mobilise the ontic conception of populism understood as a manifestation of counter-hegemony, we are still left with the challenge that *all* oppositional or radical politics must be conceived as populist in nature. As such, the 'finding' that Corbynism is indeed an instance of left populism from within the Laclauian schema says less about the features of Corbynism, and more about the difficulty of distinguishing 'populism' from 'non-populism' within Laclau's approach.

This tension is implicitly acknowledged in a more recent strand of literature, composed by the work of several European scholars who are seeking to operationalise Laclau's notion of populism to analyse 'actually existing populisms' in contemporary Southern Europe. More concretely, motivated in part by Laclau's commitment to the potentiality of populism to revitalise a radical democratic (left) politics, Yannis Stavrakakis and his colleagues in the POPULISMUS project based at the Aristotle University of Thessaloniki, including Alexandros Kioupiolis and Giorgos Katsambekis, have powerfully argued against the widespread tendency in European political science to present populism as a threat to democracy. This scholarly effort has been given further impetus by a number of left populist politicians explicitly drawing on and mobilising Laclauian concepts in their political thinking/discourses and campaigns (Howarth 2015).

Although they draw their basic ontological reference points from Laclau, this team of authors argue that a politics is populist when it meets two 'minimal', 'operational criteria': first, that it is articulated around the nodal point of 'the people' (as opposed to, say, 'the nation') and second, that it entails the antagonistic divide of society into two camps (Stavrakakis and Katsambekis 2014: 123; Stavrakakis *et al.* 2017: 4). In so doing, Stavrakakis and his colleagues significantly reduce the scope of populism, at least compared to Laclau's conception, explicitly advocating the need for a parsimonious definition when doing empirical comparative research (Stavrakakis *et al.* 2017: 5). Rather than being inscribed in the ontological constitution of the political as such, for Stavrakakis *et al.* populism is confidently presented as one specific *type* of (counter-hegemonic)

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politics: any political formation that does not mobilise under the banner of ‘the people’ (or an equivalent unifying signifier such as the ‘non-privileged’, ‘the many’ or ‘the marginalised’) and that does not rally against an ‘elite’ (the establishment, power bloc) falls outside the conceptual boundaries of populism. Dropping what they see as the ‘moralising’ and ‘homogenising’ elements built into the prevailing definition of populism (Mudde and Kaltwasser 2013), Stavrakakis *et al.* defend a discourse analysis approach that seeks to investigate whether the ‘people’, for instance, is actually mobilised as an *empty* signifier – rather than one laden down by references to race or nation, and therefore unable to integrate heterogeneous identities – and whether it really functions as a nodal point in the chain of signification or is just a peripheral reference. On the basis of this kind of investigation, they argue, it is possible to distinguish not only between populism and manifestations of nationalism and extreme right-wing politics, including Le Pen in France and Wilders in Holland, but also between left and right-wing populisms (Stavrakakis *et al.* 2017).

Returning to Corbynism in light of this latest rendition of populism, however, leads us to conclude that it still cannot be framed as a populist politics for two reasons. The first concerns the rhetorical strategies deployed by Corbyn and his supporters, which, at least until now, have not mobilised signifiers such as ‘the people’ or the ‘non-privileged’ in a systematic way to construct a *unified subject* of representation. Promises to ‘rule for the many, not the few’ (a direct lift from Tony Blair’s 1997 campaign slogan) notwithstanding, much of Corbynism as a project and a discourse has centred on the articulation of specific political *positions and values* – ‘anti-austerity’, ‘equality’, ‘fairness’ and ‘hope’ – rather than on the merits or de-merits of particular political *agents*. In this context, although the ‘British people’ are occasionally appealed to in his election campaign speeches, the main interlocutor for Corbyn has been the Labour Party, its members and its prospective supporters (Atkins and Turnbull 2016). Similarly, Momentum activists speak to and about ‘the movement’ or the ‘movement-party’, the precise components of which remain ambiguous, but seem to encompass Labour Party members, trade unions, social justice activists and various other groups, individuals and campaigns located on the left (Bennister, Worth and Keith 2017: 14).

In this sense then, neither Corbyn nor his supporters are particularly interested in mobilising the notion of the ‘people’ as the appropriate subject of representation, apart from when they are in campaigning mode and need to reach out to voters. In fact, rather than seeing their task as solely one of improving representation, we found that many of our interviewees talked instead in terms of fostering ‘empowerment’ and ‘participation’. As national Momentum organisers, Klug, Rees and Schneider state:

‘Corbyn’s “new politics” is about political representatives using the platform of the state to empower popular forces.’ As McDonnell has put it, Labour should ‘work alongside [social movements], give them a parliamentary voice, give them a voice in government but, *more importantly*, assist them in the work that they do within the wide community.’ Ultimately,

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it's about nurturing organisations that can help to democratise each strand of life – building social blocs into a majority that can support a Labour government to empower them.

(Klug *et al.* 2016: 43, emphasis added)

This interest in and commitment to encouraging active participation and the devolution of power can be explained in part by Corbyn's occasional overtures towards what we might call epistemological populism – that is, a faith in the knowledge and ability of ordinary voters. At a speech in Tredegar he stated:

All the great achievements that any of us have ever benefited from [...] how we got the NHS, how we got council housing, how we got free education, how women got the right to vote, how we got the race relations act, all the great achievements did not come around from the smartness of my colleagues sitting around a table in the House of Commons, they came because of people on the ground everywhere [...] marching, demanding.

(Corbyn 2015)

This emphasis on the knowledge and vital social value of 'ordinary people' is confirmed by Hilary Wainwright, who recently told an audience at Queen Mary University that Corbyn believes that 'wisdom lies in the street' (Wainwright 2017). Although this deference to the common sense of people could potentially provide a platform for a populist politics revolving around an 'us' vs. 'them' logic, in Corbyn's hands it is used as a reason to listen to and support local activists who know what their communities need. Corbynism thus seeks to create space for and enable a pluralised, deliberative, cooperative and context-specific approach to community building and policy formation that fits uncomfortably with the idea of an equivalential chain constructed to demarcate, galvanise and hold together an undifferentiated camp of 'underdogs'. In other words, there is little in the words and deeds of Corbyn, or his supporters, to suggest that they are seeking to unify or homogenise a core constituency and present them as a coherent social base for their politics.

A second, more important reason as to why we must be doubtful of the claims that Corbynism can be equated with populism, concerns the fact that, as alluded to above, it does not consistently embody a politics of antagonism. Although, undoubtedly, some of Corbyn's rhetoric is inflected with populist-sounding allusions to 'the elite' and 'the establishment', we should be wary of seeing such utterances as reflective of Corbyn's political project in toto. This is to say that, bar some exceptions, his discourse and that of his supporters as well as their practices do not serve to divide the social field into two irreconcilable camps, do not conjure up an irredeemable antagonist that must be vanquished and do not call upon the people as a collective actor to rally around them. This is evidenced by the fact that, rather surprisingly for a supposedly 'hard left' politics, Corbyn has so far refused to mobilise the rhetoric and images of class conflict as the basis of his politics (Gilbert 2016). Agreeing with Gilbert, Seymour states:

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It is striking that, thus far, Corbyn has pointedly refused to identify a class opponent in this way, instead sticking to the conventional Labour *modus operandi* of attacking ‘The Tories.’ This reticence in articulating a class division may be motivated by a prudent desire not to alienate possible business allies, or it may flow ineluctably from his ‘politics of kindness’ which seems to foreswear such rousing populism.

(Seymour 2016a: 204)

Turning to the question of the enemy, as Seymour suggests, we have found that Corbynism, as a political project, is highly affirmative, utopian and proleptic in nature and cannot be characterised as a negative or *anti*-politics, understood as one which depends on an individual or collective antagonist. Leaving aside references to the ‘1 per cent’, the ‘few’, or the ‘rich’ and ‘vested interests’ (*Left Foot Forward* 2017), Corbyn does not routinely invoke images of a monolithic, intractable enemy, and when he does identify what he is against, it tends to take the form of Tory governments and their specific policies (e.g. Trident or benefit cuts) or, more abstractly, the injustice of extreme structural inequalities and the disenfranchisement and deprivation that it causes and sustains. Corbyn’s triumphant flagship speech at the 2017 Labour Party conference, for instance, is structured around a division not between a ‘people’ and an ‘elite’ but between an out-of-touch, beleaguered Conservative Party, and a competent and flourishing Labour Party as a ‘government in waiting’, which is, as he puts it:

Ready to tackle inequality, ready to rebuild our NHS, ready to give opportunity to young people, dignity and security to older people, ready to invest in our economy and meet the challenges of climate change and automation, ready to put peace and justice at the heart of foreign policy.

(Corbyn 2017)

Our interviews with Momentum organisers bear this out, with activists saving their most trenchant criticisms not for an all-encompassing ‘elite’ or ‘establishment’ but, often, for their own Labour Party and its centralised structures and its apparent disinterest in the people it is there to support and represent. As one activist put it,

I think they’ve (Corbyn and McDonnell) brought a new kind of sense of morality to Westminster actually, and I think that’s really important and I think that the Labour supporters [...] probably do actually appreciate that they are starting to see a party that is working on its own identity and it’s not trying to chase the median voter.

(Interview with Momentum activist 19/04/16)

Although Momentum activists also acknowledge and decry disparities in economic, social and political power, these sins are as likely to be attributed to the failure of social democracy, left politics and neoliberal capitalism as they are to

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the intentional actions of a specific class of people. To this extent, fighting against elites and the establishment means challenging not only specific power holders in all political parties, but also system-wide structures of power as well as taken for granted ways of doing politics. Talking to one leading Momentum activist, it was clear that ‘anti-elitism’ for her meant democratising all levels of governance and adopting non-hierarchical and participatory methods, rather than de-selecting any MPs or opposing a specific class of people (interview with Momentum activist 19/04/16).

Finally, as already suggested, Corbyn – particularly prior to the 2017 General Election campaign – has struggled to build any semblance of ‘political unity’ out of the heterogeneous social base that affords him some support. Certainly, in our view, it would be premature to characterise Momentum, at this stage in its development, as a coherent or unified social movement. After all, we must recognise that, despite many of the activists’ aspirations to build a wider social movement around a left vision of politics, Momentum has been under siege from its very inception and has had neither the time, nor political space nor resources to develop a common agenda, a shared identity and set of agreed strategies, defining features of a social movement. Rather, it can be seen as a national organisation which seeks to link together and coordinate, from the top down, a plethora of campaigns and local activisms. As one Momentum organiser put it, ‘we’re a sort of melting pot of different cultures and political priorities’, a ‘hybrid organisation that has many political constituents and each broad constituent brings with it its own political culture and style’ (interview with Momentum activist, London 19/04/16).

In addition to being a broad church of diverse actors, it is important to recognise that Momentum, although fetishised in the media, does not exhaust the range of community campaigns and local organising that have emerged in support of Corbyn. These forms of activism include not only prominent national campaigns sponsored by the likes of UK Uncut, the People’s Assembly and left trade unions such as the Fire Brigades Union, all of which have links to Momentum, but also far less visible activism in black and working class communities across the country such as Unite Community in Ellesmere Port and the #Grime4Corbyn campaign set up in London and Brighton in the context of the recent election (Charles 2017). These local campaigns often see themselves as independent of Momentum and even at times in tension with it, given the dominance of middle class, white activists in Momentum HQ.

In sum, with no specified enemy, understood as ‘the source of social negativity’ (Laclau 2005: 38), and with support for Corbyn taking the form of a polycephalous, complex, internally riven set of social forces and, thereby, an as of yet disaggregated ‘underdog’, it is hard to squeeze Corbynism into the us/them binaries offered up by Laclauian conception of populism.

But if Corbynism cannot be helpfully framed as populist, what do we think of the recent comparisons being made between Corbyn and other European left movements? Cat Overton, writing for Labour List, claimed in 2016 that it would be ‘instructive and accurate’ to ‘place Corbynism within the context of the wave

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of leftist populist parties sweeping the European continent' (Overton, 2016). Although we agree that there are some similarities between Corbynism and the recent rise of Podemos and Syriza, it would be analytically unsound to overstate them for several reasons. First, both Greece and Spain experienced much deeper and more sustained organic crises than the UK over the last decade, providing scope for the rise of much more radical antagonisms within and reconfigurations of the political terrain. In this context, the rhetoric deployed by both Podemos and Syriza has been far more polarised and Manichean than that of Corbynism which offers up no equivalent to Podemos' indictment of *la casta*.

Moreover, both Podemos and Syriza emerged out of and sought to speak to a broad social movement that gained considerable support within civil society (Roberts 2017). It was the May 2011 occupations of *Aganaktismenoi* in Greece that provided Syriza with a potential social base from which to start to build a counter-narrative. These occupations ignited an incipient identification process by which particular demands of angry citizens began to coalesce and a sense of solidarity began to grow. As Stavrakakis and Katsambekis describe it:

Indeed, Syriza was probably the only party to engage from the beginning with the protesters' demands and meet them on the streets. It is there that a chain of equivalence started to be formed between different groups and demands through a shared opposition towards European and Greek political structures, later to be interpellated by Syriza as representing the 'people' against 'them'.

(Stavrakakis and Katsambekis 2014: 126)

Similarly, Podemos' emergence was built on the fortunes of the Indignados/15-M movements. As Flesher Fominaya explains: 'Without the existence of anti-austerity and pro-democracy (radical, alternative or reformist) social movements there would be no 15-M, and without the crisis and 15-M, there would be no Podemos' (Flesher Fominaya 2014). As we have seen, no equivalent national anti-austerity movement on the scale of those in Greece or Spain flourished in the UK.

Last but not least, both Podemos and Syriza have nurtured a form of charismatic leadership embodied by Iglesias and Tsipras that has not found any space in the context of Corbynism. Thus, although it is true that Corbyn has generated a degree of affection and adulation that has prompted some to call him a political 'rock star' (see Crace 2016), it is equally important to note that Corbyn's conception of leadership is a process-oriented, collective one in which his assigned role is to be an 'enabler' and 'organiser', that is, 'someone who can make space for people to do things that he cannot' (Seymour 2016: 206). In this way, Corbyn presents himself as a symbol of and a conduit for Labour's 'core values' (Ben-nister *et al.* 2017), rather than as a heroic agent standing above his followers. Interestingly, when asked about the possible similarities between Corbynism, Podemos and Syriza, a number of our interviewees expressed some doubts about the significance of the overlaps, arguing that while all three social forces can be

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seen as a response to the generalised breakdown in public trust in politicians – as one interviewee put it, Corbyn’s new politics is ‘of the same moment [but] not in the same tradition’ (interview with Momentum national organiser, 19/04/16) – Corbynism was different to the extent that it was building on an already established tradition of left politics in the UK and that, in their view, it tended to be more a ‘horizontal’, participatory and inclusive project than either its counterparts in Greece or Spain.

## Populism reconsidered

Zooming out, we want to end by offering some thoughts on the implications of the above analysis for the wider scholarship on populism. More concretely, we think that there are at least two broad lessons on which we want to reflect.

The first concerns what we see as the limits of a so called ‘minimalist’ definition of populism. Indeed, despite their very different ontological and conceptual starting points, the two dominant approaches to populism in the literature – the Muddean perspective and the Laclauian one reviewed here – both pursue ‘thin’ or parsimonious definitions of populism because they help to guide case selection and they aid in comparative research (Rooduijn 2013). Indeed, as indicated earlier, scholars working within the Laclauian framework suggest that their two-part definition is less encumbered than that of Mudde’s, whose oft-quoted definition reads as follows:

populism is best defined as *a thin-centered ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ and ‘the corrupt elite,’ and which argues that politics should be an expression of the volonté general (general will) of the people.*

(Mudde 2004: 543)

As can be seen, Mudde mobilises three core concepts – the ‘pure people’, the ‘corrupt elite’, and the notion of ‘general will’ – and includes a normative dimension when capturing the antagonistic relationship between the people and the elite in terms of pure versus corrupt (Stanley 2008: 102). Shedding the notion of the general will (aka popular sovereignty) and what they see as a ‘moralistic view’, and shifting the genus from *ideology* to *discourse*, the Laclauians claim to be better able to identify and clarify the role of populist signifiers and logics in diverging empirical cases.

What these two contrasting perspectives share, by reducing populism to its bare conceptual bones and locating it in discourse, is a tendency to mobilise populism as a ‘descriptor’ concept, that is, an episodic and generic feature potentially characteristic of all political actors and their lexicon (van Kessel 2014: 100). In this context, the task becomes one of identifying and measuring variations in the *extent* to which the language of elite politicians in different contexts can be described as populist (see, e.g. Jagers and Walgrave 2007; Rooduijn and Pauwels 2011). As Stavrakakis *et al.* explain ‘when examining various

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discourses, we are mostly concerned with highlighting a specific pattern of articulation, in distinguishing on that basis what is populist from what is not, but also what is less from what is more populist' (Stavrakakis *et al.* 2017: 14).

In other words, for both Mudde and populist scholars working in the Laclauian tradition, populism is only one aspect of politics among many, and the question is to determine its relative weight compared to these other aspects. So, for instance, Laclauians attempting to distinguish right-wing politics from left-wing populism, will need to explore to what extent exclusionary nationalism or xenophobia shapes and delimits genuinely populist discourses. Or for those working in a Muddean framework and trying to distinguish between fully fledged populism and a case of mere opportunistic dabbling, it becomes important to examine the sheer number of references to the people versus other discursive concepts or the nature of the political practices (democratic illiberalism) that support the populist rhetoric (see Pappas 2014; Mudde 2015).

One of the challenges to this approach is that it lends itself to what van Kessel (2014: 105) has called – following Sartori – ‘degreeism’, that is seeing populism as (potentially) present everywhere, albeit to different degrees. This, in turn, gives rise to a number of questions that cannot be answered within the terms of either the Muddean or Laclauian framework: how do we know when we have moved from an incident of populist rhetoric to fully fledged populist politics? In other words, what is the tipping point and does it depend on how many times reference is made to key terminology (e.g. ‘the people’ or ‘elite’) or over how long a period a discourse is freighted with this language?

This conceptual problem becomes particularly acute in a political context where appeals to ‘the people’ appear to have become ubiquitous in a variety of European countries (Roouduijn and Pauwels 2011). Moreover, populism has become so overused in media and political commentary that the UK left-liberal broadsheet the *Guardian* declared it their ‘word of the year’ (Poole 2016). Given this frenzied deployment of the term in both journalistic and academic commentary, as political analysts we are left with two choices: either we accept that populism is a resurgent phenomenon that now expresses itself, albeit in different ways and to varying extents, in almost all political contexts *or* we go the other way, resist this universalising impulse and insist on a *thick* conception of populism, one which posits populism as a distinctive, *sui generis* mode of oppositional politics, which goes far beyond rhetorical appeals to ‘the people’ and/or a hated elite, regardless of whether these are conceived as central nodal points (Laclau) or as key elements in an ideology (Mudde). More substantively, we want to argue that populism has to be treated as a ‘classifier’ concept to identify ‘a circumscribed universe of populist actors’ (van Kessel 2014: 100), whose interactions and relationships represent an exceptional as well as enduring rendition of politics. This, in turn, has to be described in substantive sociological terms. In so doing, we want to make good on the implicit promise offered up in the existing scholarship that there is something significant, distinct and unusual about populism and that it is, therefore, worth of study and debate.

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We do not have the space here to develop a fully fledged conception of populism, but we want to suggest some potentially useful theoretical resources one could draw on to furnish a ‘thicker’ conception of populism. First, one possibility worth investigating is the claim that populism is a distinctive form of *affective* politics: that is, what makes populism distinctive is not so much its rhetorical appeals to ‘the people’, but, as Margaret Canovan points out, the fact that populism exhibits a very particular, characteristic ‘mood’ (1999: 6). Specifying with greater precision, the affective dynamics might therefore be a fruitful line of enquiry: recent work by Jenny Gunnarsson Payne (forthcoming) might be instructive here. Moreover, the work of Chantal Mouffe also pushes us in this direction (see Mouffe 2018).

Second, an emergent theme in the populism literature concerns the role of knowledge. Several times in this chapter we have alluded to the role of what some have called ‘epistemological populism’ (Saurette and Gunster 2011), and we think there might be mileage in affording populism greater specificity by framing populism as a response to what Miranda Fricker (2007) calls ‘epistemic injustice’, that is the perception that certain forms of knowledge are overlooked or marginalised.

A final fruitful avenue of analysis concerns the role of popular culture. Given that populism is precisely a ‘popular’ politics, it is perhaps surprising that more analytical attention has not been paid to the role that popular culture plays in creating and sustaining populist politics. Further reflection on the populism/pop culture nexus is, we would suggest, a key task for populism scholarship. We do not, at this stage, claim to have definitive answers as to how some of the conceptual difficulties in existing populism scholarship can be overcome, but we do think these three issues – affect, knowledge and popular culture – might help pave the way towards a conception of populism that rigorously guards against the current tendency towards ‘degreeism’ and conceptual over-stretching.

Moving from the debate over thin versus thick definitions of populism, a second lesson that in our view emerges from our discussion of Corbynism as a potential form of left-wing populism concerns the tendency of political commentators, scholars and even populist politicians, such as Iglesias who claims that Podemos is beyond left-right (Iglesias 2015), to downgrade the significance of the right-left distinction when it comes to understanding how populism manifests itself and its potential consequences. So, for example, John Judis argues that left-wing populism is only different from right-wing populism to the extent that it does not attack ‘out groups’ (Judis 2016), and Matthijs Rooduijn and Tjitske Akkerman posit that radical left and right ‘do not differ significantly from each other when it comes to their populism’ (Rooduijn and Akkerman 2017: 196). This neglect of the left-right distinction has been encouraged by media commentators and political pundits who overwhelmingly associate populism with a xenophobic, far-right politics (*Economist* 2014) and, as such, with a pathological ‘politics of discontentment’ (Baggini 2013). This, according to many, can only be tackled through a reinvigoration of ‘moderate’ or ‘centre ground’ politics (Fieschi 2013). In this

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context, although it may be acknowledged that left-wing populisms can be more inclusionary and more often oriented to ‘hope’ rather than ‘fear’, left-wing populism is nonetheless seen as a deviation from and a challenge to liberal representative government and, therefore, like all populisms, as a potential threat to democracy (Pappas 2014; Mudde 2015). Reflecting this generalised sentiment against all forms of populism, Counterpoint, a London-based research consultancy, identified populism *tout court* as the ‘top global risk’ for 2014 (Counterpoint 2014).

Agreeing with Étienne Balibar’s injunction that we should ‘henceforth and forever [...] stop using the category “populism” in a manner that bridges the chasm between left and right’ (Balibar 2017), we want to defend the recent efforts made by a few pioneering scholars to disaggregate and examine the discrete features of left populism. More concretely, we find the work of Stavrakakis *et al.* (2017) as well as that of Luke March (2017) to be particularly enlightening. In both cases, the authors argue that the content of the host ideology (socialism for March and nationalism for Stavrakakis) trumps the populist elements in each case, opening up the idea that crucial differences do exist between different forms of right-wing politics (e.g. fascism from parliamentary right-wing parties) and also between right-wing nationalism and inclusionary, egalitarian left-wing populism. Moreover, they also, in different ways, disabuse us of the common assumption in the literature that mainstream centrist parties can in any way be considered populist, in the case of March, or that right-wing movements can accurately be described as populist, in the case of Stavrakakis *et al.* In other words, the substantive conclusions of these two instructive texts explicitly challenge the picture that emerges from the ‘descriptor’ model of populism, that is, it is a feature of all types of politics and it is a matter of degree. Indeed, for Stavrakakis *et al.*, mobilising a Laclauian definition, one is left with the impression that only left-wing politics are amenable to populism, although not every form (e.g. the Greek Communist Party is offered up as a counter-example). Interestingly, March, drawing on Mudde’s definition, comes to the exact opposite conclusion, at least in the UK context, arguing that ‘there is a greater elective affinity between populism and the right’ and that ‘the British populist left are socialists first and populists second’ (March 2017: 299).

This difference in conclusion is, of course, partly because of the working definitions of populism they start with: whereas the former set of authors require the ‘people’ to be an *empty* signifier shorn of any references to national/ethnic identity and able to embody a diverse *unity* of constituent elements, the latter’s use of the ‘pure people’ understood as a homogenous nation does permit calls for the protection of national community to constitute a populist discourse.

A second reason for this substantive difference in conclusions, in our view, however, takes us back to our earlier criticism of their shared methodological approach, which mobilises minimal criteria to dissect the language of prominent political actors. This, in turn, limits the search for populism to the

*The re-shaping of left politics in Britain*

frequency of a few select words/phrases/themes detected through coding exercises. To this extent, then, it is hard to know what to conclude about left-wing politics and its relationship to populism, other than that it seems to depend on the contingent and strategic use of specific speech acts made by particular left political actors in concrete situations. Certainly, no durable social phenomenon comes into view through this method: rather, left-wing populism can only be characterised in terms of a series of attitudes (e.g. internationalism, people centrism or egalitarianism), words ('the establishment') and policy issues (socio-economic). Although this is a helpful start, we would argue that we now need to go beyond minimal definitions in search of a more theoretically rich toolkit to make sense of the kind of differences noted by these authors, as well as the possible similarities that left-wing populism may embody.

### **Concluding reflections**

This chapter has made two core arguments: one empirical, one theoretical. Empirically, we offered a preliminary mapping of the contours of Corbynism as a political project. We suggested that Corbynism constitutes a resurgence of an established tradition of left politics in the UK, one that combines an economic left Keynesianism with the active promotion of an anti-war stance internationally, and a commitment to greater democratisation within the Labour Party. However, that is not to say that Corbynism constitutes a 'throwback' to a distinctively '1980s' form of socialism, given the impact on Corbynism of the new, 'networked' movements associated with Occupy and the post-2010 student movements. In addition, we argued against the view – repeated a number of times in media commentary on Corbyn – that Corbynism constitutes a specifically British iteration of left-wing populism. Although there are a number of superficial similarities between Corbynism and the established left-wing populisms in Southern Europe, Corbynism is, we would argue, a rather different beast. For one, Corbynite discourse contains only infrequent allusions to 'the people' as a political constituency, while a number of the arguments, practices and ideological influences on Corbynism put it at a distance from populism. Furthermore, the very different experiences of austerity in the UK and Greece/Spain also preclude glib comparisons across contexts.

Consequently, to make absolutely sure that we do not run the risk of fatuously claiming that Corbynism is a form of populism, we would do well, first, to be explicit in framing populism as a *classifier* rather than a *descriptor* concept and, second, to insist on the need to develop a *thick* account of populism – mobilising a variety of sociological concepts. We realise that this pushes against the current vogue for 'thin' and/or 'minimal' definitions, but it is only once we have formulated a more robust, sociologically informed, theoretical conception of populism as an embodied and enacted mode of oppositional politics that, in our view, it can be transformed into an unambiguously fruitful, analytically instructive category for political analysis.

**Note**

1 The ontic/ontological distinction was originally used by Heidegger, but is frequently deployed by Laclau and his followers. For Heidegger, the ontological refers to the general question of ‘being’, that is the formal/abstract characteristics of all social and political configurations. The ontic, by contrast, refers to specific entities, that is the localised and contextual aspects of a socio-political configuration (Heidegger 1973: 28–35).

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# 5

## THE LIFE CYCLE OF CHARISMATIC POPULISM

The insights generated by neuroscience permit the study of politics to be anchored on a scientific foundation for the first time. They also allow insights into the biological origins of political behavior.

– *Friend & Thayer, 2013, p. 72*

Twitter breeds dark, degrading, and dehumanizing discourse; it breeds vitriol and violence; in short, it breeds Donald Trump.

– *Ott, 2017, p. 62*

The role of neurobiology in politics continues to emerge with great strength (Friend & Thayer, 2013), with the theoretical convergences of neurobiology and politics (McDermott, 2009) shedding great light on the role of biology and evolution in the ability of our species to engage in political reasoning. It is why ‘political behaviour can be understood only in terms of tendencies, which are a legacy of our species’ evolutionary past’ (Blank & Hines, 2001, p. 80), and why drilling down to the minutiae of gamma-aminobutyric acid (GABA) levels, for example, or our continual pursuit of homeostasis, are all necessary in understanding our decisions as political animals. Evolutionary-shaped genetic tendencies are ‘startling’ when it comes to their influence on politics (Friend & Thayer, 2013, p. 75), where voters with ‘high’ MAOA<sup>1</sup> polymorphism and ‘long’ 5-HTT<sup>2</sup> polymorphism, for example (where a polymorphism of the MAOA gene is associated with emotional brain markers and personality traits on an antisocial index), are more likely to turn out for voting (Friend & Thayer, 2013, p. 81 ). Voters with the A2 allele of the dopamine receptor gene are also more likely to be partisan (Fowler & Dawes, 2008). The minutiae of physiology in influencing our political decisions – at every stage of a campaign

cycle – is truly profound. It is an observation that subsequently forms the basis of this chapter.

### The Power of Emotion

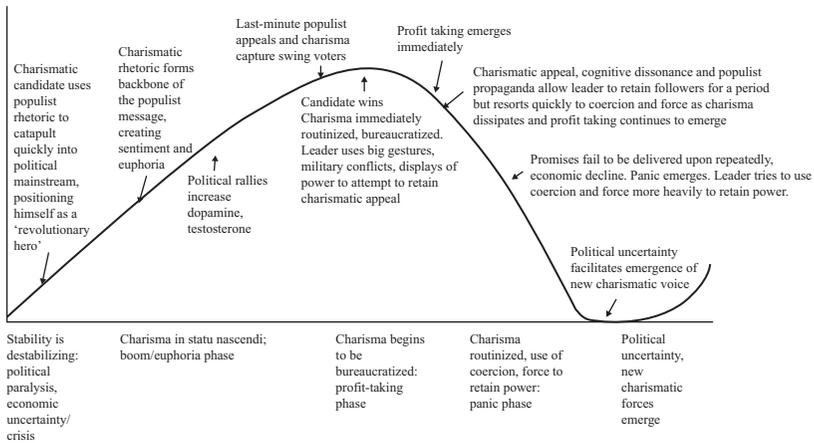
Populist appeals are driven by emotion. Emotion, we now know, reflects a deeply physiological foundation (McDermott, 2004), where the rational part of the brain remains subservient in terms of power and speed to its primal, survival-led processing centre.<sup>3</sup> It was the power of emotion that motivated *New York Magazine*'s Olivia Nuzzi in her in-the-moment decision to play a ProPublica (Thompson, 2018) audio recording of the cries of children of detained immigrants, separated from their parents, during a White House briefing. It was the power of emotion that motivated Democratic California Representative Ted Lieu to play the audio on the House floor, defending his right to play the audio against protestations from Representative Karen Handel, a Georgia Republican, who demanded that he stop (Giroux, 2018). Nuzzi and Lieu realized that the sounds of abandoned children crying out in fear and anguish would connect with the primal, animalistic instincts of most people in the room far more powerfully than any argument or press statement ever could do – and they were right. Their actions helped to build a firestorm of controversy that forced the White House to face one of the greatest scandals of the Trump Administration, thus far. Emotion, it has been said, 'is part of rationality itself' (McDermott, 2004, p. 693), and their decision, whilst emotionally motivated, appeared rational in the circumstances.

### The Life Cycle of Charismatic Populism

Emotion drives the wave of charismatic euphoria and the endocrinological crash of populist appeal in a remarkably formulaic and cyclical way. This cycle is represented here by the 'Life Cycle of Charismatic Populism' (Figure 5.1). The Life Cycle draws inspiration from US economist Hyman Minsky's Credit Cycle, an elucidating theoretical commentary on the sentiment-driven, boom-and-bust nature of credit cycles, and sociologist Max Weber's theory of charismatic authority, which similarly details the sentiment-driven, and profit-taking nature, of a leader's ascension and swift fall from grace. Situating physiology theory at key points in the Life Cycle allows us to gain great explanatory power from the juxtaposition of these elucidating theories.

The role of Weberian theory in politics is well-established (e.g. Weber's essay 'Politics as a Vocation', 1919),<sup>4</sup> with ample justification for its explanatory power here. At first glance, the utilization of Minskyian theory might be less intuitive. However, it should be acknowledged that Minsky's economic theory carries great explanatory power in helping us to understand sentiment-driven, boom-and-bust cycles. Given that 'There is nothing that restricts the application of Minsky's insight to the pecuniary realm' (Galbraith & Sastre, 2009, cited in Papadimitriou & Wray,

## The Life Cycle of Charismatic Populism



**FIGURE 5.1** The Life Cycle of Charismatic Populism

2011, p. 263), it seems sensible to argue for a transference of Minsky's theorems to a political arena, specifically via engagement with a 'generalized Minsky moment' (Galbraith & Sastre, 2009; i.e. adoption of key principles of Minsky's Credit Cycle; Papadimitriou & Wray, 1999). This allows Minsky's innovative insights into the irrational sentiment- and hubris-driven investing that leads the markets to a boom-and-bust to be analogized in a populist political setting. The use of Minsky's theories in the context of this book to explain political behaviours subsequently supports the notion that 'It is ... astonishing how little has been done to extend the basic conceptual framework to other areas of social science' (Galbraith & Sastre, 2009, cited in Papadimitriou & Wray, 2011).

### Stability Is Destabilizing: The Displacement

Minsky's Credit Cycle (1986), a theory that vastly informs the structure of the Life Cycle of Charismatic Populism, details five key stages: an initial displacement, boom and euphoria phases, profit taking, and a panic phase (as featured within this Model, juxtaposed alongside physiological and charismatic theory to offer amplified explanatory power). The first stage – displacement – reflected Minsky's supposition that 'there is an inherent and fundamental instability in our sort of economy that tends toward a speculative boom' (Levy Economics Institute of Bard College, 2008, para. 2). It is a supposition that rests, in part, on our inherently primal nature which predisposes us to emotion, and which also underlies our tendency to gravitate towards hubris, and sentiment-driven political and economic appeals. In economic terms, a displacement could refer to an event of some kind such as the failure of US investment bank Lehman Brothers in September 2008.

The phrase ‘stability is destabilizing’ originally referred to Minsky’s analysis of the period of calm immediately preceding a financial markets bubble, or of a displacement event.<sup>5</sup> In the context of recent political events, this constituted advances in micro-targeting technologies that spawned an entirely new means of monetizing right-wing, populist online political content. Algorithmic analyses rapidly led to the creation of a multi-million-dollar marketplace in right-wing, negative affect populist clickbait. It was an innovation that represented a drive to create new opportunities for profit in an otherwise stagnant market.

Venture capitalist and former Wall Street analyst Mary Meeker recently commented that: ‘At 3.6 billion, the number of Internet users has surpassed half the world’s population. When markets reach mainstream, new growth gets harder to find — evinced by 0% new smartphone unit shipment growth in 2017’ (Swartz, 2018, n.p.; see also Kleiner Perkins, 2017). Given that adults now spend almost 6 hours a day using digital media (Kleiner Perkins, 2017), the profit opportunities provided by these sophisticated, algorithmically-informed, populist-driven campaigns offered significant new growth.

A powerful recent example is that of Davide Caseleggio, the CEO of Casaaleggio Associati, and President of the Rousseau Association, the media company that governs Italy’s Five Star Movement’s web presence. Five Star is a completely virtual political force, affording Caseleggio a potentially huge but unelected political influence over the Movement. The Movement itself represents a new technological innovation as it commodifies (left- and right-wing) populism as a powerful marketing tool to achieve both the aims of Caseleggio’s online corporation, and the power-focused aims of the Movement. As stated by Nicola Biondo, former Communications Chief for the Five Star Movement in Italy’s lower house, Five Star ‘was conceived as a marketing product. Its only aim is to get power and consensus. Once it takes power it has no ideology, so it immediately becomes a tool for other structures, business, or even states’ (Roberts, 2018, n.p.).

A quintessential recent example of the ‘stability is destabilizing’ phase resides in the case of Russian interference in the 2016 US Presidential Election. An ODNI (Office of the Director of National Intelligence) report alleged that the highest echelons of Russia’s government had authorized political interference: ‘We believe, based on the scope and sensitivity of these issues, that only Russia’s senior-most officials could have authorized these activities’ (Homeland Security, 2016, n.p.). An ODNI release of a report on 6 January 2017, entitled *Assessing Russian Activities and Intentions in Recent US Elections*, cites the St Petersburg-based IRA (Internet Research Agency), as the prime suspect. Multiple US state election databases were reported to have been accessed (but not compromised) by the IRA and a US FBI indictment<sup>6</sup> followed soon after, alleging that since 2014,

Defendants knowingly and intentionally conspired with each other (and with persons known and unknown to the Grand Jury) to defraud the United States by impairing, obstructing, and defeating the lawful functions of the government

## The Life Cycle of Charismatic Populism

through fraud and deceit for the purpose of interfering with the US political and electoral processes, including the presidential election of 2016.

*(United States of America vs. Internet Research Agency, 2018, pp. 2–3)*

The IRA purportedly spent millions of dollars in waging ‘information warfare against the USA’ (United States of America vs. Internet Research Agency, 2018, p. 6), with the goal of undermining the US political system and the candidate Hillary Clinton. Activities were extensive and included posing as US citizens, infiltrating US political grassroots organizations, the creation of hundreds of social media accounts (many of which became leaders of public opinion), the use of day- and night-shift operatives to enable posting patterns to match local US time zones, the creation of fake email and Facebook accounts and pages such as a ‘Blacktivist’ Black Lives Matter-themed page, a ‘United Muslims of America’ page and a ‘Heart of Texas’ page, numerous fake Twitter accounts (e.g. the 100,000-follower @TEN\_GOP account), the theft of US social security IDs, creation of popular hashtags and Twitter accounts such as ‘March for Trump’, ‘#Trump2016’ and ‘#MAGA’, involvement in rallies and direct support for the Trump Campaign.

## The Boom and Euphoria Phases

The boom and euphoria phases represent what US economist John Kenneth Galbraith referred to as

a vested interest in euphoria [which] leads men and women, individuals and institutions, to believe that all will be better, that they are meant to be richer, and to dismiss as intellectually deficient what is in conflict with that conviction.

*(Galbraith, 1954/1988, pp. xii–xiii)*

In Minsky’s model, they are phases where asset prices begin to move away from asset fundamentals because of a euphoric belief in the ever-rising nature of the value of the asset.

In populist terms, they represent the use of pathos and charisma to encourage a groundswell of emotion, invoking the idea of a charismatic revolutionary fighting for the rights of the people whom an uncaring elite have left behind. To incite the greatest emotion, religion, family, nationalism, tradition, pride, honour and respect are invoked, with invocations imbued with emotionally-appealing imagery, music, phrases and slogans to amplify their appeal. Erdoğan’s ‘We are the people. Who are you?’, Trump’s ‘the only important thing is the unification of the people – because the other people don’t mean anything’, UKIP former leader and Brexit campaigner Nigel Farage’s characterization of Brexit as ‘a victory for real people’, Austria’s Freedom Party leader Norbert Hofer’s ‘I have the people with me’ (all quoted in Müller, 2016) all exemplify this approach.

Technological innovation enables an aggressive emotional tsunami, where Twitter and Facebook, YouTube, click farms and fake bots are mobilized with devastating effect. Excitation-transfer-imbued charismatic rallies are videoed for posterity, shared thousands, if not millions of times. The reason that Cambridge Analytica and other populist campaigns invested so heavily in degrading, right-wing content is because algorithms identified them as the easiest motivators of re-tweets, shares and likes (a reflection of emotional engagement). In fact, political advertising firms have long appreciated the fact that affectively-charged tweets demonstrate a re-tweet rate that is far higher than for neutrally-toned ones (Stieglitz & Dang-Xuan, 2013, p. 217). Twitter, it has been observed, ‘promotes public discourse that is simple, impetuous and frequently denigrating and dehumanizing ... Twitter ultimately trains us to devalue others, thereby, cultivating mean and malicious discourse’ (Ott, 2017, p. 60). Thus, right-wing populist appeals explicitly target our powerful and primal pathogen-disgust/anger response simply because it is the most effective.

Trump refers to the free press as ‘the enemy of the American people’ (Donald J. Trump tweet dated 17 February 2017) and ramps up rhetoric by attacking and demonizing opponents:

So funny to watch the Fake News especially NBC and CNN. They are fighting hard to downplay the deal with North Korea. 500 days ago they would have ‘begged’ for this deal – looked like war would break out. Our Country’s biggest enemy is the Fake News so easily promulgated by fools!

*(cited in Stelter, 2018, n.p.)*

His polarizing rhetoric stokes the fire of euphoria by ramping up crisis rhetoric (‘right-wing populists refuse the give and take of political compromise and demand radical solutions’; Greven, 2016, p. 1), Right-wing populism ‘rejects nuanced political arguments in favour of moral outrage’ (Bonikowski, 2016, p. 22) simply because anger and negative affect drive a voter’s loyalty and engagement so volubly.

## Weaponizing Tweets

SCL Elections, the parent company of the UK-based Cambridge Analytica, claims to have worked on more than 100 elections in over 30 countries across five continents. SCL Elections offered a unique pitch:

Unlike commercial PR agencies and communications firms, we use advanced scientific research and social analysis techniques, adapted for civilian use from military applications, to better understand behaviour within electorates. Our unique, measurable and effects-based methodology, developed by the Behavioural Dynamics Institute, enables us to understand how people

## The Life Cycle of Charismatic Populism

think and identify what it would take to change their mindsets and associated voting patterns.

(cited in Ghoshal, 2018, n.p.)

It is a pitch that revolves heavily around negative affect, encouraging simplicity, impulsivity and incivility (Ott, 2017), drives the emotional contagion of social media (Aufflick, 2016; also see excitation-transfer in Chapter 2 and Chapter 6) and manufactures an image of popularity and dominance so inherent to the evolutionary appeal of ‘herding’ behaviours (e.g. 64–79% of the accounts that follow President Trump’s Twitter account, @realDonaldTrump, are thought to be fake or inactive, according to research [e.g. Petersen, 2016]).

## The CIA, Charisma and Psychological Warfare

One reason, perhaps, that SCL Election’s subsidiary, Cambridge Analytica, was so successful in 2016 in influencing election outcomes was because its parent company excelled in its ability to provide consultancy to, and engage with, military and defence organisations, including national governments, in the area of behaviour change. These approaches appear similar to the psy-ops strategies more uniformly utilised in CIA and Russian Reflexive Control approaches where psychological techniques are used to complement or replace militarised action to achieve specific predetermined political objectives. The *CIA Manual for Psychological Operations in Guerrilla Warfare* (n.d.) sheds valuable light on why psychological operations, or ‘psy-ops’ are so fundamentally incendiary in the context of political advertising campaigns. One look at the CIA Manual immediately elucidates as to why: ‘Once his mind has been reached, the “political animal” has been defeated ... The target, then, is the minds of the population’ (CIA, n.d., p. 7).

The CIA Manual details how ‘social crusaders’ must be recruited to create a front, or façade. Their aim is to create a mental attitude amongst a populace which – at a crucial moment – can be turned into anger and fury (p. 12) – something that works well online in the mobilization of aggressive, partisan discourse. Using a systematized approach of indoctrination and motivation, opponents must be framed as ‘foreignizing’, ‘repressive’, ‘puppets’, etc. (p. 15). These disparaging frames must be delivered in the simplest way (e.g. ‘conclusions will be summarized in the form of slogans, wherever possible’, p. 18). The frequent use of ridicule, humiliation, jeering, and denigrating slogans is encouraged, which again, we see demonstrated online almost continually in the context of US politics, or the British Brexit Referendum. The enemy is formulaically situated as ‘enemies of the people’, using a ‘principle of psychology’ (p. 34) that exploits the evolutionary tendency for man to construct ‘us-and-them’ categories. The Manual specifies the use of simple, concise rhetoric, realistic, lively examples and gestures, using tactics that are flexible and malleable enough to be differentiated where required (in the political advertising context, e.g. micro-targeting via

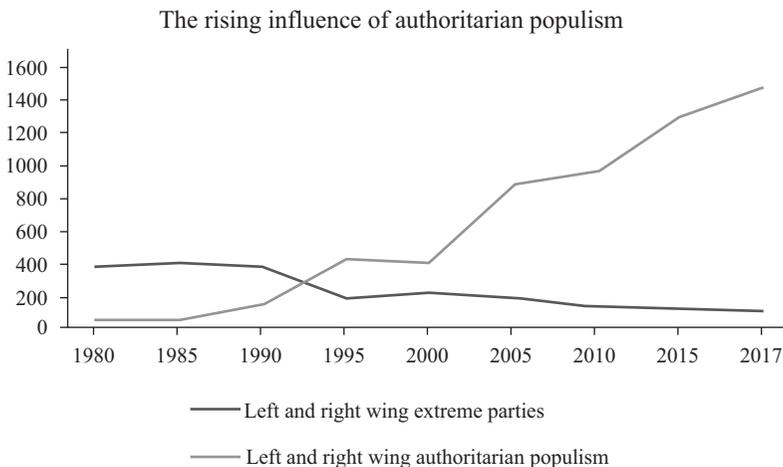
## The Life Cycle of Charismatic Populism

Facebook campaigns). In a powerful nod to charismatic, populist rhetoric, operatives are instructed to use techniques that appeal to different groups, in a way that is always pleasing, that masks ideological ambitions (at least in the early stages of a campaign) and in a way that allows the operative to remain in the shadows, thus giving an impression that a manipulated hostility towards the enemy simply occurred in an organic and spontaneous way.

## God, Homeland and Democracy

The invocation of God, homeland and democracy is used as a cornerstone (CIA, n.d., p. 53) in the Life Cycle, particularly in the boom and euphoria phase. The political rally constitutes a vital part of this phase (as the reader will recall from Chapter 2): ‘In a revolutionary movement of guerrilla warfare, the mass concentrations and protest demonstrations are the principle essential for the destruction of enemy structures’ (CIA, n.d., p. 58).

In summary, military psychological warfare techniques such as those detailed here bear remarkable similarities to the political strategies that marked a major present-day shift towards populism. The invocation of democracy in populism is ironic given the often close relationship between populism and authoritarianism (authoritarianism constituting the advocacy of obedience to authority at the expense of one’s personal freedom). As stated in the Timbro Authoritarian Populism Index 2017, ‘The long-term trend is very clear. Authoritarian populism is growing faster than any other ideology’ (Johansson, 2018, p. 25) (see Figure 5.2).



**FIGURE 5.2** The Rising Influence of Authoritarian Populism

Source: originally printed in the Timbro Authoritarian Populism Index 2017 (Johansson, 2018); permission received from Timbro.

## Soviet Reflexive Mind-Control

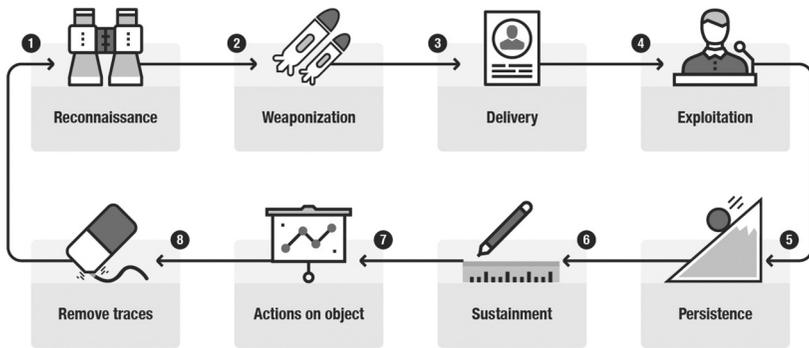
The CIA's approach, adopted by political advertisers, may have clearly influenced modern campaigns – but they were also undoubtedly influenced heavily by Russia's mastery of reflexive mind-control techniques, specifically in the context of Russia's interference in the 2016 US Presidential Elections. Reflexive control can be defined as a means of communicating carefully prepared information, at the right time, using the right medium, to the opposition, or target of the reflexive control techniques, to make the target respond in the way that you wish him (or her) to, but in a way that makes the target feel that he is the initiator of the thought and action himself. As the target feels his response is voluntary and organic, it becomes more powerful, and thus achieves the predetermined conclusion desired by the reflexive controller, whose involvement remains unseen. The target 'owns' and protects his response, often feeling defensive of it, and passionate about it, as he feels that he was the originator of it.

Reflexive control relies on a complex, long-term strategy that involves techniques such as misinformation and propaganda. Studies of reflexive control (e.g. Chotikul, 1986), for example, detail 5- to 10-year plans of disinformation, deception, *kompromat* (the use of compromising material to control a target – in other words, a form of blackmail), and a clear understanding of the role of physiology in making sense of one's social world (Chotikul, 1986, p. 44). There are also ways to create a 'siege mentality', articulate 'dark, sinister forces' (p. 50), encourage out-group hostility and cognitive dissonance, artificially create hypervigilance, engage with *maskirovka* (camouflage, concealment and deception), *dezinformatsiya* (disinformation), *vozhd* (idealizing the leader), *edino-nachalniye* (one-man control), and *poslushanie* (obedience), and deploy strategies of *dvoemyslie* (doublethink) and *vranyo* (untruths with some grounding in reality) (Chotikul, 1986).

As far back as 1986, Chotikul's report, funded by the US Military, stated that 'reflexive control is more highly and scientifically developed than is realized and therefore deserves more serious national security attention than it presently receives' (p. 6), and that, as a result, 'technological subversion is being allowed to continue unabated' (p. 21). One might argue that the powerful collision of Western and Eastern psychological warfare techniques in the public political space from around 2014 onwards constitutes the greatest exposure to populist propaganda that voters have ever experienced or known.

Military defence specialist Lockheed Martin's 'Cyber Kill Chain®'<sup>7</sup> was recently adapted to create Trend Micro's 'The Public Opinion Cycle' (Gu, Kropotov & Yarochkin, 2017: see Figure 5.3) as a means of gaining insight into how easily these techniques can be transferred to politics. In The Public Opinion Cycle, which largely pertains to the creation of 'fake news' (i.e. propaganda, a central pillar of psychological warfare techniques in the East and West), we can clearly see a path from reconnaissance (micro-targeting), to weaponization,

## The Life Cycle of Charismatic Populism



**FIGURE 5.3** Trend Micro's The Public Opinion Cycle

Source: Gu, Kropotov & Yarochkin, 2017a, Figure 77, p. 64. Permission granted directly by Trend Micro.

delivery of the message (e.g. via Facebook, Twitter), exploitation of the electorate, persistence of delivery (e.g. engagement with click farms, fake accounts), sustainment, actions on object and then removal of traces, where required.

Trend Micro states that 'fake news is just one facet of public opinion manipulation and cyber propaganda' (Gu, Kropotov & Yarochkin, 2017b, n.p.), with propaganda strategically timed to reach the electorate at the most crucial time (e.g. to elicit the 'last minute swing effect' [Black Hat, 2017] that maximizes voter turnout and swing voter reach). Grey market services such as the 'Boryou Public Opinion Influencing System' can post manually and/or automatically at a rate of 100 posts per minute to around 30,000 websites, whilst many others offer real or bot followers and comments for small fees. Companies such as 118t Negative News or Weberaser offer quick removal of offending web content.

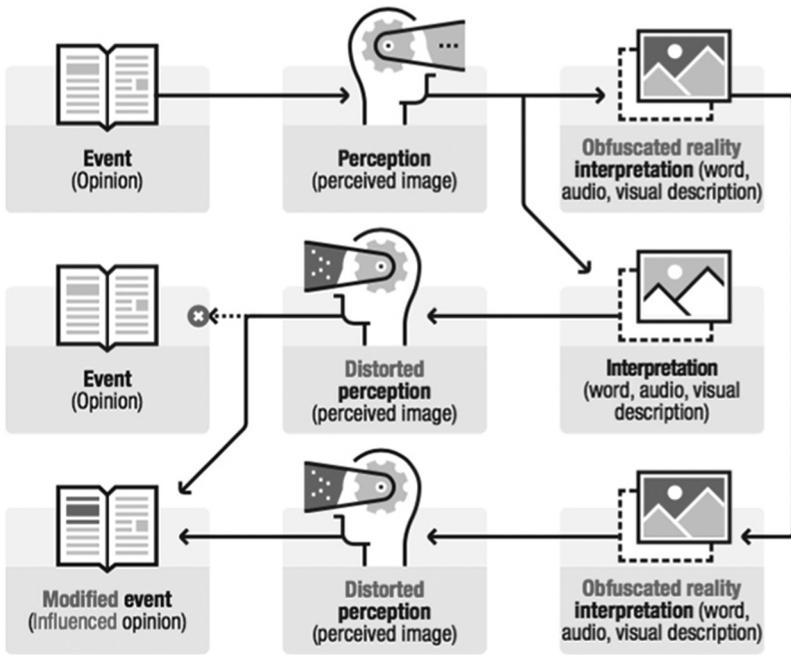
Click farms like Weibosu can flood online polls with thousands of votes, and many are able to run as many as 10,000 devices simultaneously. VTope, a Russian crowdsourcing company, leverages around 2 million memberships to offer real-life posts and activity for a client in exchange for credits and other incentives. Voter manipulation also exists as a service; Russian firm Siguldin offers a means of

Manipulating votes, competition, and polls on social media and other online platforms [that] can be one of the most effective means to influence public opinion ... Siguldin markets itself as being capable of manipulating almost any voting system on the Internet.

*(Gu et al., 2017b, n.p.).*

In keeping with the requirements of The Public Opinion Cycle presented earlier (Figure 5.3), all of these services are relatively cheap and offer complete anonymization to clients. Trend Micro offers an excellent visual (see Figure 5.4) of the

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**FIGURE 5.4** Trend Micro’s fake news opinion formation  
 Source: Trend Micro. Permission granted directly by Trend Micro.

overall process of distortion, thought modification, obfuscation and opinion formation via the utilization of ‘fake news’ and other political campaigning tools.

### Modern-Day Colonialism

The effects of this kind of campaigning can be devastating. Christopher Wylie, Cambridge Analytica whistleblower, referred to the extensive work conducted in India by his previous employers as ‘modern-day colonialism’ (Jaipragas, 2018, n.p.), whilst Sunil Abraham, Executive Director at the Centre for Internet and Society in Bangalore, India, expressed concern that Indians would be more effected by propaganda as much of its 1.3 billion population was being exposed to digital media for the first time:

It’s like the first time a movie was screened. The audience had never seen a cinematographic work, and when the image of a moving train came on the screen, the audience ran out of the hall. That is the impact.

*(cited in Jaipragas, 2018, n.p.)*

## Populism as a Strategy

The utilization of psychological warfare techniques and monetizable algorithmic data to drive political activity furthers an argument that populism is not an ideology, but a strategy. Academic Bart Bonikowski (2016, p. 10), for example, refers to populism as ‘a discursive strategy selectively employed by political outsiders on both the left and right extremes of the political spectrum to challenge the political status quo’. It is a strategy of political outsiders (Bonikowski & Gidron, 2015), where ‘larger-than-life charismatic leaders’ (Bonikowski, 2016, p. 11) effectively mobilize support for their causes by framing the message in a way that will appeal most effectively to followers. These emotive frames are powerful: Leave.EU campaigner Andy Wigmore (a key figure in the UK’s 2016 Brexit Referendum) asserted that ‘referendums are not about facts, it’s about emotions and you have got to tap into that’ (Hern, 2018b, n.p.).

The role of propaganda, including misinformation, is vital in perpetuating a state of confusion, partisanship, loyalty and dogma amongst voters, particularly in terms of discrediting ‘fake news’ sources which might provide a valid source of contradictory data to one’s own populist message. Loyalty in part derives from a voter’s failure to know what isn’t known and a subsequent *escalating commitment* (Bénabou, 2013, p. 450) to a charismatic, populist leader who targets the right emotions (heady dopamine surges at rallies, for example). This also reflects the ‘exploitation’ phase (phase 4) of The Public Opinion Cycle discussed earlier (Figure 5.3).

## Profit Taking

The boom and euphoria stages reach a peak when the populist rises to power, which is followed immediately by a phasic stage where profit-taking activity usually takes place, emerging either immediately or shortly thereafter. Profit taking is, in essence, the act of informed insiders who extract profit, illegally, legally and/or malfeasantly, from their access to power and/or privileged knowledge (e.g. insider trading, fraud, clientelism), often at the expense of a wider populace. An example from the 2008 financial crisis, for example, involved the CEO of Lehman Brothers Dick Fuld’s decision to continue to invest excessively in subprime debt, fatally over-leveraging Lehman Brothers. Fuld had privately acknowledged a year before the bank filed for bankruptcy that investing in subprime debt was a bad idea.

In the context of the recent Cambridge Analytica scandal, for example, an undercover investigative televised report named *Data, Democracy & Dirty Tricks* (Channel 4, 2018) led to the dissolving of the company. The scandal involving Bell Pottinger (see Chapter 4 for more depth) led to the winding down of the company, whilst Facebook CEO Mark Zuckerberg faced extensive US and

## The Life Cycle of Charismatic Populism

European governmental hearings relating to Facebook's role in enabling Russian political interference in the 2016 US Presidential Election.

The Brexit Referendum offers another example; in the context of £700,000 spending limits for Remain and Leave campaigns, it soon emerged that Leave.EU Group Limited paid over £12 million to UKIP supporter Arron Banks's company 'Better for the Country Ltd' in the year preceding the onset of the campaign cap. 'Better for the Country Ltd' were subsequently paid a total of £611,184<sup>8</sup> during the official campaign year, a pattern of payment that eventually prompted an investigation by the UK Electoral Commission (The Electoral Commission, 2017). Regardless of the legality of the financial interaction between Leave.EU and Better for the Country Ltd, the deal seemed to promote a malfeasant approach that would have led to an unfair advantage for the Leave camp.

### Lawsuits, Narcissists and Charismatics

Allegations of misconduct have swirled around Donald Trump long before, and throughout, his Presidency, and it would be consequently difficult not to focus on Trump as an archetypal example of post-euphoria profit taking in this phase of the Life Cycle. A populist authoritarian, Trump reported, for example, a \$37 million income from his 'Winter White House', the Mar-a-Lago resort owned by the Trump Organization in Palm Beach, Florida, and a \$20 million income from a Trump-owned golf club in Florida in 2017 (Ford, 2017). The state of Maryland is currently suing Donald Trump (both as an individual, and as President) for a violation of the Foreign Emoluments Clause; the New York Attorney General is suing Trump, Ivanka Trump, Donald Trump, Jr and Eric Trump for violations of charity law involving the Donald J. Trump charitable foundation over a 10-year period; and Jared Kushner, Donald Trump's son-in-law, is alleged to have secured \$500 million in loans shortly after an official White House meeting with financial institutions Citigroup and Apollo Global Management.

Donald Trump has been involved in over 1,300 lawsuits and has, at the time of writing, been sued 137 times since the Presidential inauguration (Viser, 2017). More than a dozen women have accused him of sexual assault or sexual misconduct, and *The Washington Post's* Fact Checker reports that Trump has told an average of 6.5 lies per day since becoming President of the United States (Kessler, Rizzo & Kelly, 2018). Trump-owned companies have gone bankrupt six times, according to Politifact (bankruptcies related to the Trump Taj Mahal, Trump Castle, Trump Plaza & Casino, Plaza Hotel, Trump Hotels and Casino Resorts, and Trump Entertainment Resorts).

According to Professor Howard Gardner, a Developmental Psychologist at Harvard Graduate School of Education, Donald Trump is 'remarkably narcissistic' (cited by Alford, 2015, para. 1), a pattern that fits with the emergence of profit taking in populist cycles. Narcissists and white-collar criminals are drawn to

environments where a high value is placed on material success and wealth (Coleman, 1987) – politics offering an obvious example. Narcissists are prone to overconfidence (Chen, 2010), which is linked to fraud (Schrand & Zechman, 2012), and narcissists are most successful when they are charismatic (Maccoby, 2000; Rosenthal & Pittinsky, 2006; Sankowsky, 1995). These insights provide a theoretical link that aids us in an explanation of why charismatic populism is usually accompanied by a phase of profit taking following the leader's ascension to power.

### **Charisma: It's Personal**

Charisma – specifically personalized charisma (Popper, 2002) – is related to narcissism (House & Howell, 1992), where the strength of the relationship between narcissism and fraud increases in cases where a leader is also charismatic (Rijssenbilt & Commandeur, 2012; Young & Pinsky, 2006). The 'Dark Triad' of personality traits – narcissism, Machiavellianism and psychopathy – is, interestingly, positively related to Twitter usage (Sumner, Byers, Boochever & Park, 2012, p. 386), where the heaviest Twitter users favour negative appeals over positive ones. A desperate compulsion to seek attention has been linked to this unpleasant behaviour with modern commentary including the earlier quoted sentiment that 'Twitter breeds dark, degrading, and dehumanizing discourse; it breeds vitriol and violence; in short, it breeds Donald Trump' (Ott, 2017, p. 62).

Trump is widely and variably referred to as a narcissist, psychopath, and/or sufferer of Narcissistic Personality Disorder (NPD) by a wide range of psychologists,<sup>9</sup> so he fits the characterization of a populist at each stage of the Life Cycle particularly well. Profit taking can be legal, simply representing the extraction of profit from a populist scenario; a 2-day event hosted by the SuperPAC America First Action at the Trump International Hotel in Washington, DC, in June 2018, for example, invited 150 supporters, half of whom paid between \$100,000 and \$250,000 to attend, and included an hour-long address by President Trump himself. This reflects the extensive role of clientelism in populism, particularly ideologically right-wing populism, that the reader will recall from Chapter 4.

### **Power and Prestige**

Narcissists habitually exhibit personalized charismatic behaviours (House & Howell, 1992), particularly with regard to image building, deception (Bass & Steidlmeier, 1999; Howell, 1988), and the acquisition of symbols of power and prestige. A clear link between charisma, narcissism and authoritarianism emerges in a characterization of the force and coercion used by a charismatic leader in a bid to sustain their leadership after the initial charm of their charisma fades (De

## The Life Cycle of Charismatic Populism

Vries, Roe & Taillieu, 1999; House & Howell, 1992; Howell, 1988; Howell & Shamir, 2005; McClelland, 1970; Rosenthal & Pittinsky, 2006). This can be considered a precursor to the Panic phase of the Life Cycle (see later in the chapter). 'The next step' in populism, as Professor Emeritus Richard Batley states, 'is outright authoritarianism' (Batley, 2017, n.p.). Trump's assertion in a rally in Iowa on 23 January 2016 that 'I could stand in the middle of 5th Avenue and shoot somebody and I wouldn't lose voters' reflects his belief in his own dominance and authority, whilst FBI indictments against Michael Flynn, formerly Trump's NSA (National Security Adviser), a number of indictments against former Trump Campaign Chairman Paul Manafort, Rick Gates, Konstantin Kilimnik, and George Papadopoulos, alongside the jailing of Dutch attorney Alex van der Zwaan and the raiding of the home of Trump's long-time lawyer Michael Cohen, indicate that profit taking has become a regular occurrence in the current White House Administration.

### Developing Demagoguery

A leader whose power rests predominantly on charismatic authority remains under considerable pressure to continually demonstrate superhero status ('when success deserts the charismatic leader, so does his authority'; Turner, 2003, p. 14) – another precursor to the Panic phase of the Life Cycle, and a contributory factor to the emergence of profit taking, criminal and malfeasant activities. A charismatic leader must 'work in miracles, if he wants to be a prophet' (Weber, 1978, p. 1114) and that kind of charisma is unsustainable; it can lead to increasingly risky acts or require the use of force and coercion to sustain the leader's power when charisma fades (e.g. House & Howell, 1992), often signalling a shift to authoritarianism.

### From Populism to Authoritarianism

Professor Roger Berkowitz has warned, in reference to President Donald Trump, for example, that 'one of the core elements of totalitarianism is that it's based in a movement ... and Trump has explicitly called himself the mouthpiece of a movement. That's a very dangerous position for a politician' (Berkowitz, quoted by DW, 2016, n.p.). Trump provides a great example of 'intra-party populism' in this sense (Greven, 2016, p. 1), where he retains charismatic intra-party power by referring to the party-at-large as the establishment, with himself framed as the perpetual revolutionary. A reverence, and admiration for, dictators such as North Korean dictator Kim Jong-Un ('He speaks and his people sit up at attention. I want my people to do the same' [Pengelly, 2018, n.p.]) betray Trump's authoritarian ambitions, and reflect his own 'dictator envy' (Samuels, 2018), underscoring his ambitions as a populist authoritarian leader.

## Charisma, Cults and Radicals

Populist campaigns share similarities to the ‘relationship zero’ (A. Stein, 2017, p. 2) phase of the formation of cults, where a group becomes ‘self-sealing’ as a result of the charismatic authority, propagandist influences and mind-control techniques of the leader and organization. We can see this phenomenon emerge in the context of the 2016 US Presidential Election, where Donald Trump achieved a political shock of epic proportion across a vast and often disparate swathe of the population, enabled hugely by the construction of echo-chamber-style alt-right and right-wing discourse (e.g. Breitbart.com, Info Wars, some Fox News content, selected click bait, Russian bots); ‘there is no single or simple, demographic or psychological profile of those likely to be indoctrinated’ (A. Stein, 2017, p. 22).

We can note that in a cult relationship,

The leader sets in motion processes of brainwashing and coercive persuasion designed to isolate and control followers. As a result, followers are able to be exploited, and potentially become deployable agents, demonstrating uncritical obedience to the group, regardless of their own survival needs.

*(A. Stein, 2017, pp. 23–24)*

The psychological warfare techniques discussed earlier, now clearly a key component of modern political campaigns, seek to emulate exactly this nature of persuasion, to create the feeling that emotions have been roused organically, and to appeal to evolutionary survival needs to achieve maximum engagement.

## Authoritarian Instincts

Harvard Professor Steven Levitsky remarks that ‘Trump has been remarkably consistent as long as he’s been on the public stage in exhibiting authoritarian instincts’ (cited in Rucker, 2018, n.p.). A combination of charisma<sup>10</sup> and authoritarianism, love and fear, is important in the expression of authoritarianism and in the development of a cult of personality (A. Stein, 2017, p. 16). What is interesting is that an awareness of being manipulated (Lifton, 1961/1989) can offer a useful counter. Professor Phil Howard, Director of the Oxford University Computational Propaganda Project also noted that ‘only one part of the political spectrum – the far right – is really the target for extremist, sensational and conspiratorial content. Over social media, moderates and centrists tend not to be as susceptible’ (University of Oxford, 2018, n.p.). Chapter 1 explained in depth the reasons why this should be the case, which we will not revisit further here.

## The Panic Phase

Weber clearly identifies the need for crisis in the powerful emergence of the charismatic leader – a supposition driven forward subsequently by generations of charisma scholars (e.g. ‘Scholars since Weber have suggested that times of crisis may create an increased opportunity for charismatic leadership to emerge’; Blich, Kohles & Meindl, 2004, p. 211). Whilst crisis and uncertainty can also play a role at the displacement stage of the Life Cycle, it is discussed here at length as the phase in the Life Cycle where the shortcomings of the charismatic leader are laid bare, and the utopian promises of the displacement, boom and euphoria phases have begun to disappear.

## Charisma and Crisis

Klein and House (1995) state that *crises breed charisma* (p. 185). One way in which the Panic phase of the Life Cycle is exhibited is in the leader’s panic relating to his loss of charismatic authority. A populist will often revisit the mechanisms that provided the most effective conduit for his charismatic, populist appeal, which explains, for example, the 15 rallies that President Trump had held (at the time of writing) since his inauguration, in Florida, Tennessee, Kentucky, Pennsylvania, Indiana, Ohio, West Virginia, Arizona, Alabama, Michigan and Minnesota. The rallies are incredibly effective in that they provide the ‘red meat’ (Miller, 2017) of anger and emotion so fundamental to his base. His cult of personality imbues the events with extraordinary charisma, cementing his superhero status and benefiting hugely from excitation-transfer. Crisis rhetoric can also emerge at this stage as a conduit for a leader’s panic, particularly if fear of incarceration, or litigation deriving from activities undertaken during the profit-taking phase, emerges.

President Trump’s late-night tweets often reflect a state of high cortisol, allostasis or allostatic load, and a state of androgenic priming (essentially the increasing of testosterone, which can create a combative state – see Chapter 6 for more depth) as a response to his consumption of inflammatory politically-themed TV shows or Internet content. Often, inflammatory tweets can also reflect a need to again return to the revolutionary hero image that invigorated his base at the displacement and early euphoria stages of the Life Cycle of Charismatic Populism. FBI agent Peter Strzok, for example, was referred to as a ‘sick loser’ (Trump, 2018), Barack Obama as a ‘sick man’ (Trump, 2017), Hillary Clinton as ‘Crooked Hillary’ (Trump, 2018) and Mexicans and immigrants are ‘druggies, drug dealers, rapists and killers’ (Trump, 2015).

## Hitting the Panic Button

As charismatic authority is routinized, or profit-taking activity begins to cloud the popularity of the leader within his own party or base, his supporters might also begin to panic. Republican Governor Scott Walker was reported, for example, to

have been ‘hitting the panic button for his party’ (Phillips, 2018, n.p.) after a Democratic candidate decisively won a seat previously taken by Trump by a landslide 17 percentage points. At the time of writing, the Democratic Party had flipped 43 seats since the 2016 US Presidential Elections.

A statement of the US Southern Baptist Convention, that ‘We declare that any form of nativism, mistreatment, or exploitation is inconsistent with the gospel of Jesus Christ’ (Goodstein, 2018, n.p.) was made in the context of a direct denouncement by the Convention of the Trump Administration’s policy of forced family separation at the US–Mexico border. The rhetoric of the US Southern Baptist Convention encapsulated a moral panic experienced amongst Trump’s religious supporters who had earlier supported, or tolerated, his right-wing populist statements in the early phase of his campaign, but for whom the rhetoric – and accompanying actions – had become too extreme.

### **From Rage to Risk**

At this stage of the Life Cycle of Charismatic Populism, a populist needs to escalate pathos to remain appealing to his base, which often requires a more extreme escalation of rhetoric. Yet he risks alienating party members upon whose democratic foundations his rise to power was enabled. He therefore faces a difficult choice, which can lead to much tumult and criticisms from both sides (‘Turn the movement’s rage into a political program and you’ve already betrayed it’ [Weisberg, 2010, p. 33]). At this stage, the charismatic populist might turn to other means of displaying his powerful status to further his cult of personality, so that he is able to ‘continuously undertake actions that reinforce their self-image and maintain their ideal ego’ (Aktas, de Bodt, Bollaert & Roll, 2011, p. 2). One means of doing so is by engagement in high-profile, risky, exciting deals. This again draws a common thread between charisma, populism and narcissism, where narcissism is positively associated with initiating deals and with negotiating those deals at a faster rate, over-paying for an acquired company, a propensity to take greater risk (Li & Tang, 2010), and a subsequent more extreme and volatile operating and market performance for that firm (Aktas et al., 2011).

### **Electoral Violence**

A displacement event can cause panic in the profit-taking phase of the Life Cycle, particularly when a new election cycle occurs. In 2007, for example, political protests and ethnic violence occurring around the election cycle led to the tragic loss of life of more than 1,200 people and displaced a further half a million people in Kenya (Cockburn, 2017). In 2017, the murder of Kenyan Chris Msando, the Head of Information, Communication and Technology for the Independent Electoral and Boundaries Commission (IEBC), and brutal aftermath of President Uhuru Kenyatta’s re-election (where at least 24 people, including a 9- year-old

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child, were shot dead during riots) represented a sad return to election-era brutality. In 2018, in Southern Turkey, four people died and eight were wounded in the mainly Kurdish town of Suruç when populist incumbent President Recep Tayyip Erdoğan was reported to have encouraged party officials to use lists of voter details to identify and intimidate Kurds to win more votes. In 2017, President Nicolas Maduro's controversial decision to hold elections in Venezuela led to multiple deaths and widespread protests, whilst around 70 student protesters have died so far (at the time of writing) in uprisings against autocratic President Daniel Ortega in Nicaragua. A one-time legendary Marxist freedom fighter and revolutionary populist icon, Ortega had once used the John Lennon classic, 'Give Peace a Chance', during a successful electoral campaign.

### Brexit Means Brexit

The 'Panic' phase of the British Government's implementation of Brexit offers a clear example of crisis rhetoric (Kiewe, 1994, p. 17) used as a means of seeking to perpetuate the initial charisma of the Brexit concept in the face of economic data that would indicate that carrying it through would represent a poor logical decision.

Crisis rhetoric can be defined as: 'the discourse initiated by decision makers in an attempt to communicate to various constituents that a certain development is critical and to suggest a certain course of action to remedy the critical situation' (Kiewe, 1994, p. 17). In the immediate aftermath of the Brexit Referendum, a British newspaper headline referred to three judges who were named-and-shamed for ruling that the UK Government would require the consent of Parliament to enable the dismantling of the UK's EU membership – i.e. Brexit – to begin. The labelling of the judges as 'enemies of the people'<sup>11</sup> carried clearly populist invocations. Prime Minister Theresa May's subsequent dedication to a 'Hard Brexit' played into an escalating pathos-driven rhetoric that her base necessitated; yet her pathos stood at odds with a Conservative Party-commissioned report on the deleterious economic impact of Brexit (Owen & Lloyd, 2018) which detailed that the North-East of England would experience a 16% fall in economic growth, alongside a 20% increase in retail trading costs, a 16% increase in the price of food and drink, and an £80 billion overall cost associated with exiting the European Union blighting the rest of the country.

In the 48-hour period immediately following the announcement of Brexit Referendum results, \$2 trillion was wiped from the value of global financial markets, with concomitant fears of a British recession voiced by economists (Wearden & Fletcher, 2016). Many companies have subsequently migrated, planned to migrate or redirected operations from the UK, including Goldman Sachs, Deutsche Bank, Unilever, EasyJet, Lloyd's of London, the European Banking Authority, the European Medicines Agency, UBS, AIG and JP Morgan. Hedge fund titan George Soros referred to Brexit as 'a lose-lose proposition,

harmful both to Britain and the European Union’ (Eckett, 2017, n.p.). A subsequent controversial statement by Prime Minister Theresa May, that the NHS (the UK National Health Service) would receive £600 million a week post-Brexit, represented a clear attempt at re-escalating pathos,<sup>12</sup> whilst London Mayor Sadiq Khan shifted into panic mode immediately the day that the Referendum result was released: ‘I want to send a clear message to the British people and to businesses and investors around the world this morning – there is no need to panic’ (cited in Hooton, 2016, n.p.).

## Charisma

The prevalence of charisma within the Life Cycle of Charismatic Populism reflects the centrality of charisma to the appeal of a populist, and populist authoritarian. It is therefore necessary to provide the reader with a more in-depth view of this oft-misunderstood, powerful and intuitively appealing phenomenon.

Eatwell (2006, p. 271) argues that a charismatic personality appears to be a missionary, communicates an impassioned vision, establishes a symbiotic hierarchy (i.e. they appear to be both above, and of, the people); and vocalizes the presence of an enemy, or threat, from which they can heroically deliver, or save, their followers. As mentioned earlier, the real presence of, or artificially-constructed invocation of, a crisis, provides great conditions in which charisma can appear (Klein & House, 1995, p. 185). References to history and tradition, emphasis on a collective identity, reinforcement of a collective efficacy and the communication of a vision are all considered to be classic discursive elements (Shamir et al., 1993; Shamir et al., 1994). US Attorney General Jeff Sessions’ use of Romans 13 to defend his border immigration policy, for example, or Christian Evangelist leader Reverend Franklin Graham’s 10 November 2016 statement that ‘God’s hand intervened’ to allow Trump to win the Presidency, offer sound examples of the invocation of religion. The same Administration provides us with examples of the central use of national pride (‘America First’), tradition and nostalgia (‘Make America Great Again’) in campaign rhetoric.

## Charisma, Pathos and the Charimatization of Politics

A tendency to pathos in recent years has led to US political parties being criticized as ‘empty vessels’ (Katz & Kolodny, 1994), where *pathos* (appeals to emotion) have usurped *ethos* – appeals to credibility – and *logos* (appeals to logic) (Heracleous & Klaering, 2014).

The use of metaphor is commonly invoked in pathos-driven appeals, providing distal but intuitively appealing visions of hope, camaraderie and other positive emotions, to voters (Hartog & Verburg, 1997). Metaphors can be divisive and aggressive, too, as the common use of animal and insect metaphors geared negatively towards immigrants and ethnic groups can attest (see Chapter 4 for more

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depth). Successful US Presidents use metaphors almost twice as much as less successful Presidents (Mio et al., 2005) and the use of root metaphors (Trump's reference to 'America' in 'Make America Great Again') has proven particularly powerful, explaining their repeated use (Audebrand, 2010). The power of charismatic rhetoric has been shown to be particularly great in conditions where negative feelings such as fear of persecution are present (Burns, 1978; House, 1977; House, 1996; House et al., 1991; Weber, 1924/1947), explaining the formulaic use of ethnic groups as threats in right-wing populist campaigns, and the regular threats of military action, military displays and general warmongering so favoured by populist authoritarians. In summary, it can be said that

Populism is a political style which is a source for change based on the systematic use of rhetorical appeal to the people. In its discursive form, it is characterized by a programmatic minimalism but with a great symbolic plasticity which makes it a vector conducive to forge multiple and even heterogen [e]ous indignations (ethno-cultural, anti-tax, anti-elitist, Eurosceptics, etc.)

(Durant et al., 2013, p. 9)

## Citizens United

One reason that pathos has emerged with such force in recent years is due to a 2014 US Supreme Court Ruling that removed caps on political campaign donations.<sup>13</sup> The 5–4 Ruling extended significantly the scope of the 2010 Citizens United v. Federal Election Commission landmark US constitutional law, campaign finance and corporate law case, raising fears as it did that it 'could potentially funnel massive amounts of money to a favoured candidate' (Levy, 2015, n.p.). The effects of the reforms were immediate; during the 2012 campaign cycle, 646 individual donors contributed in excess of \$93 million to political parties. In 2012, US Presidential Election spending surpassed \$6 billion. In 2016, that figure rose to \$6.8 billion, although that figure did not include the investment of Russian operations that were thought to have significantly swayed the outcome of the Election. The concomitant emergence of big-donor SuperPACs<sup>14</sup> raised concerns about the influence of certain powerful donors such as hedge fund CEO Robert Mercer and casino magnate Sheldon Adelson, underscoring the way in which the removal of caps has further facilitated clientelism and potential profit taking activities.

*Pathos* remains an extremely popular political strategy, one that US Attorney General Jeff Sessions attempted to tap into when he turned to the Bible as a means of motivating law enforcement officers in Fort Wayne, Indiana, to submit to the rule of law without question when tackling the contentious issue of familial separations at the US–Mexican border. As stated by Sessions, 'I would cite you to the Apostle Paul and his clear and wise command in Romans 13, to obey the laws of the government because God has ordained the government for his purposes' (quoted in Mullen, 2018, para. 1).

American History Professor John Fea subsequently pointed out in an article in *The Washington Post* (Zauzmer & Macmillan, 2018) that the Biblical Romans 13 passage chosen by Sessions – an argument promoting a blind acceptance of authority devoid of moral concern (and a quintessential assumption of authoritarianism) – had also been used to defend slavery.

## **Bastards and Sons of Bitches**

It has been said that, ‘As a civic religion, football has married Max Weber’s protestantische Ethik, American capitalism, the worship of great men, and the individual narratives of sacrifice and superhuman feats’ (Newkirk, 2017, n.p.). As a result, football (used here in the American sense, otherwise referred to as ‘American football’ outside North America) has become, in the American psyche, one of the most powerful forms of charisma that society has to offer. As such, it represents a powerful political force, including a status as a site of meaningful political protest. Sport has always provided a valuable means of conveying charismatic authority, domination and power (e.g. the 1936 Berlin Olympic Games), and most recently offered a podium for the ‘Take A Knee’ movement.<sup>15</sup> President Trump’s demonization of NFL players who participated in the peaceful protest against racism in the United States as ‘bastards and sons of bitches’ (NBC Sports Bay Area Staff, 2017, n.p.) reflects his desire to commodify, dominate and claim the charismatic authority of football in his own ideological image.

## **Biological Charisma**

Charismatic authority, as opposed to traditional, or legal-rational authority (Weber, 1904/1958), resides in the perceived or attributed image of the leader as a revolutionary superhero. Pathos, as it turns out, does not provide the only basis for our attributions. We are also (almost inexplicably) drawn to attractive narcissists, whose unique biological profiles may well account for a great deal of their charismatic appeal. The first way in which we can explore this phenomenon is with reference to the endogenous steroidal hormone *testosterone*.

## **Mastering Facial Metrics**

Testosterone, its relation to facial metrics, and its relationship to charisma paints a fascinating picture. Facial metrics provide an indicator of testosterone levels (Lefevre, Lewis, Perrett & Penke, 2013), which can, by extension, predict financial fraud (e.g. Wong, Ormiston & Haselhuhn, 2011). Almost unbelievably, financial misreporting has been found to be up to 98% higher for CEOs whose face demonstrates an above-average width-to-height ratio (a marker of high testosterone)<sup>16</sup>:

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A CEO's facial masculinity predicts his firm's likelihood of being subject to an SEC enforcement action ... an executive's facial masculinity is associated with the likelihood of the SEC naming him as a perpetrator ... facial masculinity also predicts the incidence of insider trading and option backdating.

(Jia, Van Lent & Zeng, 2014, pp. 1195–1196)

Narcissism, a personality characteristic related to charismatic leadership (House & Howell, 1992) – specifically, *personalized* charisma (Popper, 2002) – can be both attractive to us, and exploitative (Choic, 2006). The most maladaptive narcissistic characteristics, in fact, are also those that prove most attractive to others. Narcissists with a sense of *entitlement* who seek to *exploit* others are also most likely to emerge as the most popular (Back, Schmukle & Egloff, 2010), explaining the appeal of Italy's Silvio Berlusconi, for example, who was handed a 5-year sentence for fraud. It also explains (at least in part) our tendency to fail to impose adequate accountability structures on politicians whom we find so charming and appealing. This failure can easily lead to failures of moral leadership and inadequate means of countering unethical behaviours (Chandler, 2009).

Narcissists are generally regarded as more agreeable, conscientious, open, competent, entertaining and well-adjusted by peers (Paulhus, 1998, cited in Back et al., 2010).<sup>17</sup> We seem to love them, and the construction of social media (e.g. short tweets, click bait, editing software; in short, an easy construction and manipulation of reality) can lead to very real consequences in the form of euphoria, profit taking and an eventual slide into authoritarianism or economic and political decline.

Returning to facial metrics, men with an above-average width-to-height face ratio were cited as being more likely to 'experience a greater sense of power ... more likely to deceive or cheat when this would increase their financial gain ... [and] were more prone to exploit the trust of others'; they are less likely to exhibit 'poise and polish' (Lewis, Lefevre & Bates, 2012, p. 855), with the link between facial markers, testosterone and aggression thought to be a 'situationally-contingent manifestation of a broader motivation to achieve status' (Lewis et al., 2012, p. 857). According to Dr Oguz Ali Acar, Cass Business School, who recently conducted studies on leadership (Tuncdogan, Acar & Stam, 2017), Donald Trump

has a masculine, older-looking face with high width-to-height ratio (fWHR) ... Those who have a higher ratio, like Trump, are more likely to be more aggressive, dominant and powerful ... Trump has a masculine looking face, which is often perceived as dominant and is preferred in competitive settings, such as wartime.

(Acar, cited in Ripley, 2017, n.p.)

Dr Acar's statement reflects Trump's conflict-based rhetoric, alongside his desire to move away from bipartisanship, co-operation, or peace-based rhetoric, with Dr Acar surmising that 'masculine faces are perceived as less trustworthy and are not preferred in cooperative settings such as peacetime. The current increased global terror threat may have contributed to his election' (cited in Ripley, 2017, n.p.). In other words, it benefits Trump to perpetuate war-based rhetoric as it plays to his biological strengths.

Presidents who display 'fearless dominance' – a form of narcissistic display – also seem to appeal to US voters, and when associated with psychopathy, this 'is an important but heretofore neglected predictor of presidential performance' (Lillienfeld et al., 2012, p. 489). President Trump's demand for personal loyalty and will to dominate contribute notably to the high staff turnover on perpetual display in his Administration; for example the high-profile exits of, Rex Tillerson (Secretary of State), Gary Cohn (Chief Economic Adviser), Hope Hicks (Communications Director), Rob Porter (Staff Secretary), Richard Cordray (Director of the Consumer Financial Protection Bureau), Tom Price (Secretary of Health & Human Services), Steve Bannon (Chief Strategist), Michael Flynn (National Security Adviser), Sean Spicer (Press Secretary, Communications Director), Anthony Scaramucci (Communications Director), Mike Dubke (Communications Director), Sebastian Gorka (White House Adviser), K. T. McFarland (Deputy National Security Adviser), Omarosa Newman (Director of Communications for the White House Office of Public Liaison), Dina Powell (Deputy National Security Adviser), Reince Priebus (Chief of Staff), Keith Schiller (Director of Oval Office Operations), Katie Walsh (Deputy Chief of Staff), Walter Schaub (Head of US Office of Government Ethics), Michael Short (Assistant White House Press Secretary), Jeff Comey (FBI Director) and Sally Yates (Attorney General).

## Charisma and Narcissism

Narcissism is defined as a pervasive pattern of grandiosity, self-focus and self-importance (American Psychiatric Association, 1994), and as 'a pervasive pattern of grandiosity (in fantasy, or behaviour), need for admiration and a lack of empathy' (*Diagnostic and Statistical Manual of Mental Disorders* (DSM IV, American Psychiatric Association, 1994, p. 658). At the time of writing, it seemed as if lack of empathy constituted the greatest threat from within the United States, with almost 2,000 children forcibly removed from their parents as part of the Trump Administration's 'zero tolerance' immigration policy, around 100 of whom were under 4 years old (Gallucci, 2018). It was a practice that former Republican First Lady Laura Bush publicly admonished. In a personal statement, she said that, 'It is immoral. And it breaks my heart' (Bush, 2018, n.p.).

A lack of empathy appeared prevalent in the Administration at that time, with former Campaign Manager Corey Lewandowski publicly mocking the anguish of a 10-year-old Down Syndrome girl who had recently been separated from her

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parents (Laignee, 2018). US Chief of Staff John Kelly did not appear overly concerned by familial separations, commenting that, ‘The children will be taken care of – put into foster care or whatever’ (Lavandera, Morris & Simon, 2018, n.p.). As detailed earlier, a number of psychologists had earmarked the relative ease of diagnosis – from afar of Trump as a classic sufferer of NPD (Narcissistic Personality Disorder); a lack of empathy constitutes just one of the dangers of voting for such an individual.

### Politics and Grandiose Narcissism

The relationship between narcissism and charisma is a compelling one (e.g. Humphreys, Zhao, Ingra, Gladstone & Basham, 2010, p. 126). A narcissist is also more likely to invest in a well-groomed, expensive appearance, which will heighten their desirability to us (Back et al., 2010; Vazire, Naumann, Rentfrow & Gosling, 2008), to engage in image building and deception (Bass & Steidlmeier, 1999; Howell, 1988), and to pursue the acquisition of symbols of power, status and prestige. Politics clearly offers many attractions and opportunities for this kind of personality. We can see, for example, that narcissists are ‘people with an inordinately well-developed self-image, in which they take great pride and on which they reflect frequently’ (Maccoby, 2000, p. 69). The perpetual stage-managing of a politician’s image reflects such a tendency extremely well.

A recent presidential study (Lillenfeld et al., 2012) found that US presidents exhibit elevated levels of grandiose narcissism compared with the general population, a behaviour that leads to an increased likelihood of congressional impeachment resolutions and unethical behaviour. Narcissism ultimately leads to a greater propensity for fraud (Rijnsbilt & Commandeur, 2012; Schrand & Zechman, 2012; Young & Pinsky, 2006); a study of 953 S&P 500 CEOs (Rijnsbilt & Commandeur, 2012) provides empirical confirmation of narcissism as a cause of fraud in organizations (p. 425). This again provides support for the emergence of profit taking at the peak of a populist’s power.

### Productive Narcissism

Narcissism is not necessarily a negative characteristic; Rosenthal and Pittinsky (2006), for example, believe that ‘productive narcissists would be good candidates to be socialised charismatic leaders and vice versa’ (p. 126), a view supported by comprehensive reviews of the leadership literature (Humphreys et al., 2010; Maccoby, 2000; Rosenthal & Pittinsky, 2006) – an idea that we will revisit at the end of the chapter in the context of socialized charisma and France’s Emmanuel Macron.

### Charisma of Office

In addition to charismatic rhetoric and biological charisma, we can turn to a ‘charisma of office’ (Parsons, 1965) for explanatory power as to how, for example, criminal figures can become well-regarded as charismatic national political figures

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(Magno, 2010). This kind of charisma reflects a tendency for followers to imbue charisma onto an individual by virtue of their holding a legitimate position of authority. If the leader loses their source of legitimate power, so their charisma of office disappears. This 'charisma of office' (Weber, 1958/1965) explains how 'in a revolutionary and sovereign manner, charismatic domination transforms all values and breaks all traditional and rational norms' (Weber, 1978, p. 1115), the revolutionary hero emerges to challenge an established elite. If the revolutionary ascends to power, his charismatic power is routinized into a legitimate position of office (Weber, 1968, pp. 1139–1141), but he may still benefit from an uptick in charismatic power, because of the dominant position that his official status affords him.

## Legitimate Charisma

A charismatic, narcissistic leader often relies on a coterie of acolytes, opportunists, authoritarians and bystanders to further and cement his power. Thoroughgood,



**FIGURE 5.5** The Susceptible Circle

Source: Thoroughgood, Padilla, Hunter & Tate, 2012. Permission granted via Rightslink.

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Padilla, Hunter & Tate's (2012) taxonomy of destructive followers (Figure 5.5) provides interesting insight into the process.

Parallels between destructive and charismatic leadership emerge clearly in the literature (e.g. Padilla, Hogan & Kaiser, 2007; Thoroughgood et al., 2012), for example, where *authoritarian* followers of the leader are motivated into conformity by a tendency to blindly accept legitimate power, imbuing the holder of that power with exceptional qualities. US Vice President Mike Pence, for example, expresses great deference to Trump, was recently referred to as 'the Kandinsky of kissing up' after comparing his boss to King David during an official trip to Israel (*The Week*, 2018, p. 16).

*Opportunists* are ambitious individuals whose relationship with a destructive leader is one mediated by the presence of *exchange-triggers* (i.e. what the leader can do for them if they remain complicit with the actions of the leader [Barbuto, 2000]). Trump's reliance on financially motivated opportunists reflects a lifetime as a real-estate dealer. Exchange-triggers are evident in his frequent practice of giving senior titles to vastly inexperienced individuals who subsequently owe their fortunes to him (e.g. Sarah Huckabee Sanders, Hope Hicks, Ivanka Trump, Jared Kushner, Kelly Anne Conway and Sean Spicer, all of whom possessed scant formal experience or qualifications to suit the seniority of their respective roles).

### A Tinder Box of Populism

The fact that populism is non-ideological and instead highly opportunistic (Pappas, cited in Durant et al., 2013, p. 28) explains why it is 'transferable' or contagious (Durant et al., 2013, p. 30), widening the scope of a destructive leader's coterie-based appeal and reach; populism, it can be said, creates a kind of 'tinder box' that can be lit by any new candidate who picks up the populist baton, so the use of populist strategies as opportunistic (Greven, 2016, p. 1) increases. This might in part explain the hotbed of populist activity that emerged in 2013, which included the establishment of the German right-wing AfD (Alternative für Deutschland), British Prime Minister David Cameron's announcement of a Referendum on Britain's decision to leave the European Union, Greece's Syriza's evolution into a unitary party, and formation by SCL Elections of its political off-shoot, Cambridge Analytica. 2014 heralded the announcement of Donald Trump's Presidential campaign, the formation of Podemos in Spain, and Italy's Five Star Movement's coalition agreement with Britain's United Kingdom Independence Party (UKIP), as part of the EFDD (Europe of Freedom and Direct Democracy – a populist Eurosceptic political group that exists within the European Parliament).

### Exchange-Triggers and Dominating Behaviours

Donald Trump's promotion of the vastly inexperienced Hope Hicks to Communications Director might reflect the tendency for destructive leaders to

surround themselves with lesser known people who can be dominated (Winter, 1973). Hope Hicks may have been influenced by what Bénabou (2013, p. 451) identified as wilful blindness (either in the form of *ex ante* information avoidance, or *ex post* belief distortion) when she accepted her post; she may have felt qualified and able for the role, but the reality of her inexperience rendered her unable to appreciate the intricacies of her role sufficiently – including the expression of, and ability to exert, ethical and moral authority. A subsequent 9-hour testimony before the House Intelligence Committee pre-empted her resignation, with Hicks admitting that she had sometimes bent the truth as part of her job (Graham, 2018b). Trump himself reportedly<sup>18</sup> once commented that Hope Hicks reportedly possessed as much political experience as a coffee cup.

These kinds of opportunistic, exchange-trigger and authoritarian-focused relationships are reminiscent of the coterie charisma of Eatwell (2006) – a leader's magnetic power over an inner circle allows him to extend his power and develops a stronger network of *acolytes* using their loyalty as leverage. The potential dangers of groupthink<sup>19</sup> are obvious, the ability of acolytes to exercise intellectual, moral or autonomous power negligible.

## Socialized Charisma

Charisma represents a powerful weapon for the populist, but it can be equally powerful in the hands of a morally and ideologically-driven leader. Charisma is amoral, meaning that it can be *personalized* or *socialized*. Socialized leaders possess ethical integrity and deploy their charismatic authority for the good of society (De Vries et al., , 1999; House & Howell, 1992; Howell, 1988; Howell & Shamir, 2005; Rosenthal & Pittinsky, 2006). It can be powerful enough to withstand the force of partisanship (for example, Austria's Independent Green Party candidate Alexander Van der Bellen defeated the far-right populist and favourite Norbert Hofer to win Austria's Presidential Election in 2016 with 53.3% of the vote). The win was viewed by European moderates as a victory against the spectre of populism, a moment that spurred then-French President François Hollande to comment that 'the Austrian people have chosen Europe and open-mindedness', and Greek Prime Minister Alexis Tsipras to describe Van der Bellen's success as 'a breath of fresh air in times when Europe is threatened by the rise of the far right'. European Parliament President Martin Schulz referred to Van der Bellen's victory as 'a heavy defeat of nationalism and anti-European, backward-looking populism' (Brady, 2016, n.p.).

Pro-Europe French President Emmanuel Macron's *En Marche!* Movement provides another example. Macron won the hearts and minds of a nation, crushing the National Front's Marine Le Pen. Hailed as France's 'boy wonder' (Walt, 2017), Macron is undoubtedly charismatic, but he is not a populist. His appeal resides instead in a form of socialized charisma built around the rejection of right-wing rhetoric, and in the embrace of *ethos* and *logos*, and the

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formulation of intellectually- and economically-founded strategies for reform. Macron now faces a difficult balancing act between enacting what he sees as often painful economic reforms – which can take time to bear fruit – and the need to retain some charismatic appeal that traditionally becomes routinized and bureaucratized (and thus weakened at this stage of his leadership; Weber, 1864–1920/1954). As stated by Macron himself, ‘Some people are obsessed by [opinion polls], but what really counts is the work in depth you are doing for the country’ (Chazan, 2018, n.p.).

### The Courage to Change

One of the most quintessential recent examples of socialized charismatic appeal lies in the shock defeat of a 10-term Democratic incumbent by 28-year-old Democratic challenger Alexandria Ocasio-Cortez in the 14<sup>th</sup> District of New York. Ocasio-Cortez’s campaign video, *The Courage to Change* (Ocasio-Cortez, 2018) was superbly constructed to appeal to passionate, liberal ideologues, embodying the ethos of a candidate whose background has been shaped by teaching (thus embodying *ethos*), a low-income upbringing, an intra-party appeal for change (thus challenging the status quo), a charisma borne of passion and rousing rhetoric (*pathos*), appeals to common sense concerning necessary legislative reform (*logos*), and an us-versus-them discourse that manages to remain measured in its message.

Ocasio-Cortez combines an articulate ability to invoke pathos, appeals to evolutionary instincts as a physically attractive individual, represents the optimism of youth, engages with root and personal metaphors, invokes the rhetoric of resistance, America and justice, displays a strong work ethic, and positions herself as a voice for the people. In this sense, she has captured the essence of each kind of charisma available to her, and even speaks to a tribalistic ‘us-and-them’ discourse.

Yet Ocasio-Cortez is not a populist; she clearly speaks for an under-represented group in an articulate and informed way, but promotes an ideal of ethically-underpinned unity. The weaponization of socialized charisma, in her case, demonstrates the powerful appeal of charisma as a potential source for good.

### Summary

Some political observers believe that ‘although populists can succeed in opposition, they inevitably fail once in power’ (Mudde, 2016, p. 29). One reason for this is that charisma, emergent ‘in statu nascendi’ (Weber), is dependent, in a populist scenario, on the populist remaining a revolutionary hero. Once that image is bureaucratized, the charisma can no longer be channelled; hence a desire to return to rallies, pathos, intra-party populist appeals and risky deals, all of which provide a conduit for the re-invocation of the endocrinological,

physiological effects – the charismatic authority, in other words – that appeal so powerfully to voters.

There remains no time when the schism between the promise of a utopian future and the stark reality of a life under a populist regime emerges more clearly than during the profit-taking phase of the Life Cycle of Charismatic Populism, during which the threat of authoritarianism looms large. It is a period during which the leader may seek to dismantle democratic checks and balances to pursue an authoritarian agenda as a means of personal profit taking, via the ongoing acquisition of power.

The inevitable fall from grace of the charismatic populist leader – whether characterized by a loss of democratic, legitimate authority, or in the form of political protests – accompanies a simultaneous moment or period of panic amongst a wider population (e.g. the \$2 trillion that was wiped from the financial markets on the day that the Brexit Referendum results were announced), an uptick in litigation and the emergence of fraud and malfeasance, and, potentially, a rapid exit by many members of the leader's inner circle whose exchange-triggers and opportunities to profit may have evaporated. Charismatic populism is so formulaic because the crises caused by outgoing regimes can provide the economic, political and social displacement or period of 'stability as destabilizing' that allows the Life Cycle of Charismatic Populism to begin again.

## Notes

- 1 Monoamine oxidase A (MAOA) is an enzyme that breaks down important neurotransmitters in the brain (including dopamine and serotonin). The MAOA gene has been colloquially referred to as 'the warrior gene'.
- 2 The serotonin transporter protein (5-HTT/SLC6A4) transports the neurotransmitter serotonin from synapses to presynaptic neurons. Interestingly, it also appears to play an important role in our physiological response to the ingestion of cocaine and amphetamines. See also Glossary.
- 3 In evolutionary terms, the older evolutionary pathway in terms of data processing required sensory information to go to the visual and auditory thalamus, then to the amygdala directly, where it would connect with the autonomic nervous system where somatic responses, like running from an angry bear, would immediately result. The newer pathway involves sensory data to be passed from eyes and ears to the visual and auditory cortices. From there, it goes to the neocortex, then to the hippocampus, where long-term memory and potentiation enable decisions to be reached. The first, older system is still much faster; thus we are still primed to respond quickest in survival-led terms.
- 4 See Weber, M. (1958/1965), 'Politics as a Vocation', in H. H. Gerth and C. Wright Mills (Eds.), *From Max Weber: Essays in Sociology*, New York, Oxford University Press.
- 5 In the context of the 2008 financial crisis, to which the Minsky Credit Cycle is often applied, this stage was characterized by the creation of subprime securitized vehicles – collateralized debt obligations (CDOs) that ultimately bankrupted Lehman Brothers and brought Wall Street to its knees. See Zehndorfer, E., *Charismatic Leadership: The Role of Charisma in the Global Financial Crisis* (Routledge, 2015) for more information.
- 6 United States of America vs. Internet Research Agency LLC A/K/A mediasintez LLC a/K/A Glavset LLC A/K/A Mixinfo LLC A/K/A Azimut LLC A/K/A Novinfo LLC,

## 5 From anti-Europeanism to welfare nationalism

### Populist strategies on the web

*Ildiko Otova and Heini Puurunen*

#### Introduction

The economic crisis since 2008 and its social effects on European states and citizens gave a strong impulse to right-wing populist rhetoric and communication ranging from anti-Europeanism to welfare nationalism. Different kinds of “othering” discourses – anti-elites, anti-EU, anti-globalization, anti-minorities – which are allegedly threatening national coherence and simultaneously causing a burden for state welfare can be found in the statements and speeches of right-wing populist parties. What is significant in these populist discourses is that the role of the state as redistributor of welfare is not questioned *per se* but rather the boundaries of the community it encompasses and which ones should benefit from the welfare state. Right-wing parties claim that welfare benefits and services, including those concerning social and health services and education, should be restricted only to nationals. The term “welfare nationalism” is thus used to define in a broad sense these claims and discourses, where welfare entitlements and the whole concept of a welfare state are tightly linked to national citizenship.

The Internet, digital media and social networks play a crucial role in promoting these anti-discourses. Right-wing populist parties and movements successfully use new technologies in their communication strategies to attract young people in particular to their ideas and actions. Moreover, traditional media are blamed for being part of the *status quo* and reproducing the elite discourse, so the new media are seen as an alternative and freer space for populist political actors.

By analysing examples from online material across the countries of the RAGE research consortium, this chapter attempts to highlight the online strategies that right-wing populist actors deploy in their exclusive and nationalist political agenda. The chapter starts by exploring definitions of the concept of welfare nationalism and proceeds to demonstrate how the different anti-standpoints are manifested online by different European far-right or right-wing populist parties and organizations. Finally, the chapter focuses on online political communication and welfare nationalist argumentation of these parties and organizations by reflecting on two countries, Bulgaria and Finland, as examples of two different welfare regimes and welfare nationalist discourses. Even though there are certain similarities and overlapping in the construction of the narratives of welfare

nationalism across Europe, some country specific factors have been found to be crucial in explaining the main differences between the arguments used to defend the nation against both internal and external economic and cultural “threats”. Finland and Bulgaria are examples not only of two different European regions with specific cultural and historical contexts but also of two different welfare regimes in a process of change.

### **Conceptualizing welfare nationalism**

The reasons for the growth of right-wing populism are multi-faceted and therefore require a multi-level and multi-disciplinary analysis (Staykova, Otova, Ivanova 2016). Although ‘new rightist parties’, according to the term used by De Koster, Achterberg, and Van der Waal (2012), have been electorally successful since the 1980s, the economic crisis of the last decade in the eurozone and beyond has added a new impulse to right-wing populism based on strong anti-EU, anti-elite, and anti-establishment moods. At the same time the anti-immigration discourse, which has been dramatically increasing since the so-called refugee crisis in recent years, is also empowering what we call welfare nationalism. The right-wing populist actors often use the perception of society as divided into the ‘people’ and the ‘elites’, or as Martin Reisingl (2012: 141) puts it: populism targets an internal enemy, namely the elites or the establishment (see also Krastev 2007b: 105). This internal enemy or ‘vertical affect’ is accompanied by an external enemy or the horizontal (xenophobic) affect (Pelinka 2002: 284f.; Reisingl 2012: 141). Other authors add racism or ‘othering’ to this aspect (Pels 2012; Camus 2002). We refer in this chapter to right-wing populism when not only the opposition to the elites but also to a constructed “other” is identifiable.

Anti-EU discourse is one of the main characteristics of right-wing populism and far-right parties and movements in almost all EU member states. The transfer of sovereignty to supranational structures is seen as a threat to national unity and as a channel for invasion of foreign influence, culture and population. Advocating a solid nation state based on nativist and conservative values and a selective welfare distribution system, populists in different European countries deploy both ethno-nationalist and socio-economic arguments, as will be demonstrated in the empirical part of this chapter. Scholars of right-wing populism and welfare have noted that the success of populists is in re-defining the welfare systems in terms of a national project by framing it as a welfare *nation* state (e.g. Nordensvard, Ketola 2015: 357). Also, the fact that social policies are not part of the EU agenda contributes to the possibility of creating welfare chauvinist arguments.

A related concept of ‘welfare chauvinism’ was introduced by Anderson and Bjørklund (1990) to summarize the idea that ‘welfare services should be restricted to our own’ (Anderson, Bjørklund 1990: 212). Other scholars have later, in the 2000s and 2010s, elaborated the concept by pointing out that welfare chauvinism embodies an aversion to immigrants’ access to welfare and holds the belief that immigrants impose a disproportionate burden on the state (Wright, Reeskens 2013: 1447), or, as stated by De Koster, Achterberg, Van der Waal (2012: 6),

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‘Welfare chauvinists, in short, do not oppose economic redistribution in itself (on the contrary, they are egalitarian), but want this redistribution to be restricted to the native population’.

By the term “welfare nationalism” we describe the fact that right-wing populism and far-right parties and movements make a clear difference between “us”, the native people, and them, the “others” (Mudde 2007b; Keskinen 2016). The othering discourse encompasses different enemies. The cultural “other” is very often a member of a minority group – ethnic, religious, migrant or sexual. The political “other” is translated through anti-elitism targeting elites, the *status quo* and the establishment. The supra-national “other” is translated mainly by EU scepticism (Staykova, Otova, Ivanova 2016), but other international institutions or even foreign capital could also be blamed. These layers are not isolated but are constantly interconnected and recreate each other, as noted by Jehel, Kamenova and Otova (2015). The economic crisis gave the populist parties and movements and their electorate the chance not only to blame the European Union or even more precisely the so-called Brussels establishment for their incapacity to reduce the instability of social and welfare systems but also to question European integration itself, seen as a threat to these same systems.<sup>1</sup> On the other hand the political elites are also seen as responsible for their permissive policies towards migrants. As stated by Van Der Waal, De Koster and Van Oorschot (2013: 2), ‘in all European countries, although to a varying degree, the public at large considers immigrants less entitled to welfare benefits and services than the native population’. Thus the openness of the elites to supranational forces or institutions – the EU especially – and to its dominant neoliberal ideology and to a foreign population is seen as a major threat to the nation and its welfare. This also gives us reason to use the term “welfare nationalism”.

Apart from the welfare nationalist type of argumentation, which can be found broadly in the rhetoric of different political actors in the centre, left and right, the political agenda of right-wing populist parties and movements goes further: as Keskinen (2016: 4) has noted, the right to welfare provision is based on (ethno) nationalist, othering and often racializing criteria. In ‘such discourses and rhetoric focus on welfare is secondary to exclusionary and racialised understandings of the people/nation’ (Keskinen 2016: 4). According to De Koster, Achterberg and Van der Waal (2012: 7), the welfare agenda of (new) right populist parties could be described as both welfare chauvinist and welfare populist, with a central aim to restrict welfare services to the native population. Since these ideas gain a response among the public, the welfare agenda of the new-rightist populist parties might ‘strike a chord among parts of the electorate’ (De Koster, Achterberg, Van der Waal 2012: 7).

Emmenegger and Careja (2011: 156–7) argue that from a historical perspective, nationalism in Western Europe has been permanently present in the justification of welfare benefit schemes and still continues to imbue the issue of welfare benefits and services. The challenges caused by the inadequate migration policies *vis-à-vis* (now in many regards outdated) welfare models in an era of globally growing mobility of people have made visible the inherent problems of such

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schemes. Supporters of more limited welfare redistribution want to restrict the access to social benefits to nationals and/or citizens only, following the conceptions of national belonging and making clear-cut boundaries between the “deserving country nationals” and “undeserving migrants or new minorities”. Mudde (2007a: 132) has called this a nativist interpretation of the welfare state, where fairly generous social benefits are to be guaranteed for the native needy (mainly pensioners and the sick), while “aliens” are to be excluded. The argumentation of such interpretation is not entirely based on the nativist arguments but includes also “commonsense” financial grounds. According to this argumentation the welfare state can only be sustained at the required level when it is limited to one’s “own people” (Mudde 2007a: 132). On the other side, the fundamental equality of membership and considerable rates of social mobility are only achievable within the national welfare system (Suszynski 2011: 55).

The disapproving statements of right-wing populists about the rising numbers of asylum seekers and their impact on national economies in Europe illustrate these scholarly notions. Certain migrant groups have been labelled “welfare shoppers”, seeking to migrate due to economic pull factors only, while the multifaceted reasons people leave their homes and flee – including war and danger of life – are being discredited. These statements are underpinned by anticipation of failed integration of these groups because of their allegedly lower abilities to prosper through employment. In Finland a news release about the low educational level and weak professional skills of asylum seekers by the Finnish national public broadcasting company (YLE 2016) encouraged the Finns Party Youth (PS-Nuoret) to post on their Facebook page the following statement:

The asylum seekers will not be the answer to the problem with Finland’s dependency ratio. On the contrary, they make it worse, for they are poorly skilled and therefore it is hard for them to find employment, as the statistics show. This means that Finnish society has to provide for them.

(PS-Nuoret 2016)

As Siim and Stoltz (2013: 16) have noted, strong support for the welfare state is arguably a particularity of Nordic nationalism, while the Nordic populist parties are regarded as the most keen on promoting an extensive system of welfare redistributions, although not an equal one, as they also propose benefit cuts for non-citizens. However, even in the Nordic countries, often referred to as models of a strong welfare state, the social policy has focused less on national citizenship than on residency as the grounds for access to social rights. Today, when asylum/refugee/migration has increased in all Nordic countries and exceeded work migration, the electorate gained by the right-wing parties has influenced the legislative amendments concerning migration-related social spending in the 2000s and 2010s. Denmark, for instance, has installed a two-track welfare system, in which immigrants have less access to welfare benefits and services than the native population (see Kvist, Greve 2011). Similar legislative amendments have been on the agenda of the Finnish centre-right-populist government in 2016.

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Cutting the unemployment benefits of immigrants with residence permits was part of the asylum policy programme of the new government in 2015; however, it was cancelled later on constitutional grounds (Sutinen 2016). All in all, the rise of right-wing populist parties has been seen slowly redefining the Nordic social democratic discourse of the universal and egalitarian welfare state (Nordensvard, Ketola 2015: 1).

The country context matters also when unfolding the relationship among nationalism, welfare and gender. As feminist scholars have emphasized, the nationalist rhetoric as a whole is permeated by gendered symbolism and elements (Yuval-Davis 1997). In the Nordic context gender equality has been seen traditionally as one of the central pillars of the Nordic welfare state, which, according to the narratives of the right-wing populist parties, is now increasingly threatened by non-European immigrants, Muslims in particular. The right-wing parties in the Nordic countries have both supported the welfare state and defended (cultural-) liberal values, including gender equality and women's rights (Meret, Siim 2013; Aitamurto, Puurunen 2013). As noted by Siim and Stoltz, the fact that gender equality is a key aspect of the Scandinavian politics of belonging has implications for understanding the challenges which can be recognized in contemporary politics of gender and welfare in Scandinavia (Siim, Stoltz 2013: 2). The current trends of migration policies and the politics of multi-culturalism (including those embracing national and ethnic minorities) have invoked a range of serious questions about the ability of the gender-equality model to overcome the differences between "native" and migrant women in multi-cultural societies (see Lazaridis and Tsagrakroni in Chapter 7).

In post-communist countries the situation is quite different. The state-centralized model of the welfare system was replaced with a liberal one during the transition years after the collapse of the totalitarian regimes in 1989. The transition to a market economy challenged the welfare systems, and in the last few decades the welfare structures experienced dramatic changes. The social price of this transition increased the need and demand for welfare services while the number of contributors to budgets significantly decreased (Szikra, Tomka 2009: 28). At the same time most of these states are suffering a permanent socio-economic crisis as stated by Goll, Mlimarić and Gold (2016: 9).

This specific context creates large groups of deprived and isolated populations seeing the democratic transition as a period of loss of social and economic capital. The nostalgia towards the socialist past but more towards the "social state" reinforces the othering discourses. The main targets of blame are the neoliberal elite, the European Union and the United States, seen as guilty for the privatization of social services, and not forgetting the liberal intellectuals or mainstream media serving the former. Foreign investors and corporations in general are also blamed, since they are seen as controlling the new liberal market and economy. If the arguments are not directly targeting the free market then pure nationalist propositions are made: 'Bulgarian entrepreneurs should be in charge of Bulgaria's industry, trade, and banks, rather than foreigners who treat us with contempt and discriminate against us as a nation' (Ataka 2013: 26).

On the other hand, especially in Bulgaria, which – unlike in Nordic countries – is still predominantly an emigration and not an immigration country, what is seen

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as the biggest threat for the social system is not the foreign population but the old minority – the Roma people. So the political other – the elite – coexist with the ethnic other – the Roma. As stated by Ivan Krastev (2007a: 112), ‘Neither the former nor the latter are like us: neither group pays taxes; both rob the honest majority; both benefit from Brussels support’.

As for the migrants, and refugees in particular, the predominant argument of right-wing populists is related to security. So Bulgarian populist parties and movements exploit welfare nationalistic discourse targeting the deprived by the transition social groups (pensioners, for example), merging it with messages adequate to the younger generations oriented more toward security and cultural arguments like the threat of Islamization and terrorism, for example.

### **Online strategies and welfare nationalist narratives**

Among the strong democratization role of the Internet a parallel process could also be observed. New media and the Internet are a very much appreciated communication tool among parties who produce populist discourse of othering. The highest share of the analysed websites under the RAGE project (38.5 per cent) did not represent any “anti” standpoints. The most pronounced “anti” groups or issues are the elites (34.5 per cent), followed by the EU (27.3 per cent), multi-culturalism (24 per cent), the Euro (23.6 per cent), communism (17.8 per cent) and capitalism (16.7 per cent; Pajnik, Šori 2014: 31). The economic crisis triggers a strong impulse towards anti-EU and anti-euro attitudes, and many parties and political movements from the whole political spectrum use this discursive strategy against “Brussels” and corrupt elites to attract voters. In Austria, for instance, anti-Europeanism is adopted by far-right political parties such as Freedom Party of Austria (*Freiheitliche Partei Österreichs*, FPÖ,) and Alliance for the Future of Austria (*Bündnis Zukunft Österreich*, BZÖ), while for instance in Italy, a state heavily affected by the economic crisis, it can be found across the whole political spectrum. In Slovenia, some right-wing parties known for reproducing populist othering have a favourable attitude towards the current EU, including austerity policies, while left-oriented parties express more criticism. In some post-communist states the EU is perceived as a natural ally of the right-wing parties against the left parties (communists). In most of the cases, however, criticism of the EU overlaps with nationalist politics (Pajnik, Šori 2014: 32).

As stated in the theoretical part of this chapter, othering discourses against different groups very often recreate one another. In the texts in which othering showed much higher occurrence, the most targeted group is migrants, followed by LGBT persons, Muslims, Roma, other ethnic minorities and Jews (Pajnik, Šori 2014: 36). A good example of this is the Bulgarian National Union blaming the elite:

Apparently according to the tolerasts<sup>2</sup> [neologism], it is not enough to have “cultural enrichment” by the Gypsies [. . .] so they decided to give us Blacks and Arabs who also enrich us with their “cultural characteristics”.

(Krasteva, Staykova 2014: 15)

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This populist othering is also done by mainstream right-wing and conservative parties, following similar patterns as those described earlier. Our research found examples in the samples of Austria, Slovenia and the UK. Presenting migrants as a danger especially for the welfare system can be read in the message of the Young People's Party (Austria), the youth branch of the Christian conservative Austrian People's Party (*Österreichische Volkspartei*, ÖVP):

[U]nfortunately an increasing number of immigrants abuse the tolerance we show them. We do not want to limit this tolerance towards foreigners. We want everyone in Austria to live their life according to their views. But we do not want the Austrian social system to be abused and we will not accept it.

(Sauer, Ajanović 2014: 16)

The slogans at the time of the analysis of the UK Conservative Party were For Hardworking People and Immigration down by a third. The argument is as follows:

We are helping hardworking people by reducing immigration. Net immigration has been cut by more than a third. Immigration is at its lowest level in over a decade. We're clamping down on benefits tourism and health tourism. Bogus colleges selling immigration have been shut down. A new citizen test with British values at its heart has been introduced.

(Pajnik, Šori 2014: 37)

In light of these attitudes, one can at this point conclude that the chief (and foremost) external enemies are constructed in reference to, first, a national or nativist socio-economic axis and, second, to a "cultural axis". Immigrants and asylum seekers are perceived more or less as a socio-economic threat – in terms of social benefits, services and jobs – or as a threat in terms of demographic developments and a fear of the shrinking national population (Pajnik, Šori 2014: 68). Furthermore, the elite are also accused of pursuing globalization – together with the EU institutions – and through this harming the national economy and worsening the situation during the crisis (Pajnik, Šori 2014: 70).

In many cases "Establishment/Elite" goes hand in hand with the EU frame. For example, Austrian right-wing populist discourse does not differentiate much between the "Establishment/Elite" and the "EU" because the establishment parties are seen as a part of the EU-Elite (Pajnik, Šori 2014: 65). In Denmark these two frames also overlap. Elites and establishment are made responsible for many "problems" and are therefore often linked to the topics and "threats" discussed earlier. In Italy and Greece, for instance, they are criticized for the failure to solve the economic crisis or to at least diminish the effects it has for the population and for pursuing globalization – together with EU institutions – and in this way harming the national economy and worsening the situation during the crisis. In many cases EU institutions and EU policies are seen as a threat to or at least as not corresponding with the national interest. For example, in Finland the EU is criticized in the context of the economic crisis, which in 2013 was one of the most debated topics in Finnish politics.

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Other frames like “Immigration/Asylum threat” are evident more or less in all countries. Seen as an external enemy, migrants and asylum seekers are presented as an economic threat – shortage of jobs, economic crisis – or a threat from the welfare point of view. This is very visible in Austria and Denmark, where they are presented mainly as taking away jobs from natives or abusing the welfare system. In Greece the economic interpretation is also present. Migrants and asylum seekers are presented as a threat to homogeneity and social cohesion, with the strong symbol of the natives becoming a minority in “our own country”. In Bulgaria the economic point of view is combined with a security one. “Immigration/Asylum threat” is often related to “Islam/Muslim threat” in most of the Bulgarian texts, where the foreign enemy is also combined with the internal one – national minorities, namely Roma and to some extent Turks.

All in all, anti-Europeanist and welfare nationalist argumentations are visible in all examples covered by the study. Both cultural and economic arguments are used in the discursive strategies of the selected parties and movements.

### **Examples of two different welfare regimes and nationalisms: Finland and Bulgaria**

In Finland the criticism of (non-labour) migration due to both its economic and cultural costs has increasingly gained ground in the national political arena during the 2000s and 2010s. The discrepancies between the main principles of the Nordic welfare model, that of universalism and welfare equality (including gender equality), and the challenge brought by increasing “unproductive” migration<sup>3</sup> have led people to question the very foundations of migration policies. Along with increasing asylum/refugee immigration from outside Europe, especially from Muslim countries, the anti-immigration and anti-Muslim/Islam sentiments have grown thanks to populist and right-wing parties and movements, such as the Finns Party (*Perussuomalaiset*, PS) and its ally, the ultra-nationalist organization Finnish Sisu (*Suomen Sisu*, SuSi), on which the Finnish qualitative study sample is focused.

Among the topics discussed in the analysed texts from the Finns Party and Finnish Sisu (for more details on quantitative methodology used see the Introduction and Chapter 2 by Pajnik and Meret), the anti-establishment/elite and anti-migrant issues were brought up most often. These two topics were often intertwined or complemented each other. In the texts, anti-elitism comprised both the criticism of the national establishment and the EU. In the statement by SuSi, ‘Finnishness’ with – rather ambiguously expressed – ‘moral values’ attached to it should serve as a backbone of social justice. Illustratively, the chair of SuSi writes in his column, ‘Social justice and stability must firstly be based on moral values shared by Finns. This national cohesion must not be endangered by mass migration, based on utopian ideology about a borderless world and multi-cultural social project’ (Aitamurto, Puurunen 2014: 14).

In the texts written by the members of SuSi, migrants were in general treated as culturally different and rootless, as well as inclined to commit crimes and behave violently, and were accordingly seen as threats to the “Finnish way of life”. The

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youth organization of the Finns party, The Finns Party Youth (*PS-Nuoret*), also expressed on its web pages (studied for the quantitative analysis for the Finnish case) several claims concerning limitations on immigration. In a Facebook post, the chair of the organization called for ‘high-quality immigration’ and elaborated on his request for ‘quality’ in his blog texts: ‘The complete adaptation of the immigrants will ensure national unity and those of the Finnish welfare society factors, which also most immigrants will appreciate’ (Elo 2012). In the same vein, Finns Party Youth used several slogans on its Web page to underline its selective views towards immigration, including “Finnish Finland in European Europe” and “Pro high-quality immigration” (PS-Nuoret 2013).

The quantitative analysis of parties’ websites shows that although the anti-migrant arguments were often focused on asylum seekers and refugees, other unwanted, undeserving (poor) migrant groups – namely Bulgarian and Romanian Roma migrants – were addressed occasionally, too. The Finns Party Youth stated in its programme that it does not ‘accept that health and social services are to be provided to people residing illegally or temporarily in our country’ (PS-Nuoret 2013), referring to the debate about whether healthcare services should also be provided to undocumented people or people without sufficient health insurance residing in Finland.<sup>4</sup>

In Finland, the debates on the welfare state and its future have intensified during the post-2008 economic crisis, addressing the question of who is entitled to welfare provisions and counted in the national community (Keskinen 2016: 4). In the online texts of the Finns Party the identified common ideological frameworks consisted of national interests, welfare of the people, national independence and the freedom of (Finnish) people. A revealing example of the intersection of these ideological dimensions can be found in the party programme, where the issue of welfare turns into a nationalist matter. The party states that ‘Sustainable welfare cannot be built on hollow foundations. The Finns Party wishes to be the intercessor of the independent nation-states and Finnish culture’ (Aitamurto, Puurunen 2014: 16). The slogan of the Finns Party reflects the very architecture of the Finnish welfare model, which, according to Keskinen (2016: 3), was never merely an economic and social process but also about constructing national identities.

The Finns Party’s anti-elitism and anti-establishment rhetoric is paired with its disapproving stance towards migrants. Texts contrast hardworking, honest (Finnish) people with exploitative migrants and their protectors in the elite. Likewise, in another Nordic country, Denmark, the far-right parties and organizations studied present the EU and the “tyranny” of ethnic minorities sometimes in direct causal relationship (Meret, Siim 2013). In the Finnish sample, the European Union – and the development of the federation model especially – was often mentioned as a threat to national decision-making power as well as to the economy (Aitamurto, Puurunen 2014).

The Finns Party presents itself as a protector of a Nordic welfare state, although in its electoral programme of 2011 it did not suggest any concrete measures for the implementation of its welfare programme, nor a clear social policy line. The party’s line concerning the rightful beneficiaries of the state’s economic support

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stressed the egalitarian Nordic welfare model, where the social and health services must be guaranteed equally for everyone who holds citizenship. The principle of favouring the country nationals (over mere citizens) was summarized, although rather vaguely, in statements such as, for example, ‘Finnish state was founded to secure the interests of the Finnish people’. The immigrants’ rights to equal welfare differed clearly from those of the Finns: ‘The migrants who can provide for themselves by regular employment or entrepreneurship are welcome to Finland’ (PS 2011).

By its statements, the Finns Party exclusively defines who should be included in and who excluded from the membership of the Finnish state and thus eligible for its economic support. Accordingly it comes as no surprise that PS (a government party since 2015) has acted as a firm supporter of the amendment suggesting cuts in unemployment benefits for migrants, as well as other restrictive asylum and migration policies since 2015. Thus the party openly advocates discriminating between the population who have Finnish citizenship and those who do not have it (mainly migrants who have arrived during recent years, including those who receive asylum). By doing so, PS exceeds the earlier welfare nationalist stances – which also have wide support among the “old”, established political parties – towards newcomers to Finnish society, and openly advocates policies which can be described as welfare chauvinist (Keskinen 2016). PS, however, cannot be solely credited for initiating this type of argumentation in Finnish politics. According to Förbom (2010), strong opposition to and questioning of the grounds for asylum policies, as well as the harsh rhetoric attached to them, started to gain ground in the statements of the old mainstream parties’ MPs years before FP gained its status as an influential actor on the Finnish political map. Keskinen (2016: 9), on the other hand, claims that only PS makes ‘national identity a central question, as well as the perceived risks to it by increased immigration and the culture of migrant “others”’.

Interestingly, in some arguments detected in the Finnish quantitative sample the issues of gender, religion, national belonging and social support intersected. A member of PS’s youth organization tweeted about the right to wear a headscarf at work: ‘This way of thinking doesn’t fit into the Finnish work culture’, and expanded on the statement on his Facebook page, ‘those who remain outside of the work life on religious grounds should be left out of the social support system as well’ (Haukka 2013). The comments illustrate how a Muslim woman’s body and dress can be objectified to serve a certain purpose, that is pointing out who, according to right-wing populist parties, should be included in and excluded from the Finnish welfare redistribution system as well as the national identity, part and parcel of the exclusionist form of welfare nationalism.

Finally, in comparison with the Bulgarian study sample, the material published on the official Web pages (front pages in particular) of the parties was rather moderate, as the first glance at these pages did not reveal any openly othering texts or symbolism. Following the links from the main pages to the personal blogs, Facebook, Twitter and so forth of different politicians or activists, however, often broke the pattern of restraint and political correctness. Exclusionary anti-statements

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addressed to migrants, which also included examples of the welfare nationalist/ chauvinist argumentation, came up not only in comments in social media but also in the party/organization programmes. The evident contrast between the public material of the party or organization and the discourse used by its hardliners, some of whom hold prominent positions in Finnish society, was thus one of the central findings of the national sample.

During its socialist past, Bulgaria had a state-centered welfare model under a one-party system. After the collapse of the totalitarian regime during the so-called transition years the country evolved into a multi-party system with a free-market economy dominated by the ideology of liberalism. Bulgarian post-communist populism has a short history but growing political influence. ‘National populism emerged like a comet on the Bulgarian political scene when, in the election of 2005, a TV host unknown to the general public managed to win twenty seats in Parliament’ (Krasteva, Staykova 2014: 5). Since 2005 right-wing populism has been gaining influence, and nowadays the so-called Patriotic Front, formed by two of the nationalistic parties, is part of the ruling coalition.<sup>5</sup> In the same time period, populism has become a normal and even growing phenomenon.

The Internet is not the main communicational channel for Bulgarian political parties, although most of them use new technologies and social media, mainly Facebook. An analysis including texts published on parties’ front pages demonstrates some populist and nationalistic attitudes. As stated by Krasteva and Staykova (2014: 11): ‘The argumentative role of the front page is exemplified by the slogans’. Good examples are Ataka’s Let’s regain Bulgaria for Bulgarians and the one of the National Front for the salvation of Bulgaria (Национален фронт за спасение на България, NFSB). If we miss Bulgaria, we miss everything (Nikolay Haitov). The quoted author (Haytov) worked during the last years of the communist regime marked by the so-called Revival Process.<sup>6</sup> This is to stress that Bulgarian nationalism in some cases is a very historically oriented one,<sup>7</sup> gaining its inspiration from the period of the national revival prior to the liberation of Bulgaria from Ottoman rule and the following years of national reunification. This is to explain that the traditional other for Bulgarian nationalists is no other but the Turks, being the biggest minority in the state, or even modern Turkey. Here we have to stress that this cultural argumentation is well supplemented by a political anti-elite discourse targeting the so-called Turkish Party – Movement for Rights and Liberties (DPS/ДПС).<sup>8</sup> DPS has been well represented during the last 25 years of transition, being a permanent part of the established political elite.

On this discursive level what is also important is the repetition of the message for more justice (or to restore justice) or other interpretations of restarting the political system (new constitution, different/new kind of politics etc.). This is very important to understand the specific context of disillusionment of the so-called transition after the collapse of the communist regime. As already mentioned, this period of reformulation of the political, economic and welfare systems caused some dramatic social changes. Many citizens experienced social mobility toward lower-paid jobs, unemployment or in general a deteriorated situation and limited access to social benefits and wealth. In the same time a new political class

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emerged in a context of high levels of corruption, lack of accountability and transparency for the policy-making process. In this context, the call to restore justice and to restart the system is a well-used mechanism by political parties – both right-wing and mainstream in general.

Visually the national symbolic universe is also strongly presented on the front pages of the websites of the parties – the Bulgarian flag or other national symbols could be found on many of them. A clear example for this strong symbolic presence is Ataka's website. The message is also verbalized: 'Bulgarian politicians do not defend the national interest, Ataka is the alternative'.<sup>9</sup>

As for the textual analysis, it clearly shows a strong othering discursive strategy. Along with traditional ethnic, religious or cultural others – Roma, Turks and migrants – ideological and political others are also defined. Multi-culturalism is seen as a crucial threat, promoting not only cultural diversity but also the invasion of others into the welfare system of the nation. An anti-elite pathos is also present, targeting not only the corrupt political class but also the supranational bodies and institutions like the European Union, International Monetary Fund, World Bank or simply international capital represented by the big foreign investors. International capital is blamed for draining national wealth: Ataka have estimated that 28 billion 257 million leva have been diverted from the pockets of Bulgarian taxpayers into the treasuries of foreign companies selling food, clothes, electricity, banking services and the like (Krasteva, Staykova 2014: 18).

Ataka is a right-wing populist pioneer on the Bulgarian political scene that emerged on the eve of the 2005 elections. Gaining 8 per cent of the vote and 21 seats in the 240-member Parliament, Ataka became the first nationalist party<sup>10</sup> to enter it since Bulgaria embarked on the road to democracy (Ibrosheva 2013). Since then the party has been represented in the parliament with variable influence and importance for the stability of the ruling majority. Structured around the figure of the party leader Volen Siderov, a former journalist with a relative presence on the political scene even before 2005, Ataka is a largely mediatized party owning a TV channel in which not only Siderov but also other party members are TV hosts. This fact is not only important for the party success but also to understand Ataka's populism and media strategy. Sommerbauer (2007: 5) quotes Orlin Spasov:

For both Ataka and SKAT<sup>11</sup> there is no difference between media publicity and political publicity. The party Ataka started out as a media party. It is no coincidence that the name of the party and the name of the newspaper were assumed from Siderov's TV programme on SKAT. Since the changes in 1989 SKAT is the only TV station which has a party in this way.

In 2005 Ataka also already had a website. And if to a certain extent the TV station is subject to regulations the website is a platform for hate speech without strict regulation or legal consequences (Ibrosheva 2013: 58).

Since the beginning, the Bulgarian academic community has debated on the orientation of the party seen in the mirror of the most important post-communist cleavage, communism-anti-communism. The classical distinction between left

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and right thought is not applicable, as stated by Krasteva: ‘[T]he right-left distinction is fading out; symbolic politics is playing an increasingly essential role; nationalism and anti-Europeanism are becoming powerful resources of mobilization’ (Krasteva 2016). Malinov (2007) also states that populism is neither left nor right. In Ataka’s case radically left appeals for nationalization are combined with radically right extremist hate speech (Krasteva 2013). This combination easily turns in strong welfare nationalism and anti-Europeanism reinforced by anti-globalism and to a certain extent anti-capitalism. For example:

Globalism has failed. Monetarism has failed. The liberal politics of “less government, the market has the final say” has failed. The worldwide financial crisis, caused by the US, is a clear sign of this. Market fundamentalism, transformed into a religion by the financial and political establishment of the US, has suffered an abysmal defeat. We say no to the world’s speculative capital, no to supranational corporations, which destroy market economies, no to Wall Street, and we say yes to more common sense, balance, and equity.  
(Ataka 2012: 1)

Cas Mudde (2007a: 125) states that the centrality of nativism significantly impacts the economic programmes of the populist radical-right parties. According to their argumentation the national economy should be at the service of the natives and under the strict control of the nation. Mudde states that these parties are close to a certain model of national capitalism, in which the market is principally accepted but international free trade is largely rejected (Mudde 2007a: 125). To prove this Mudde (2007a: 126) quotes Ataka: ‘The Bulgarian Ataka favours a policy of national preference with regard to the local business community: Bulgarian businessmen need to have an advantage over foreigners; Bulgarian business, private or state, should always be helped by the state’.

## Conclusions

In this chapter we have sought to unfold the complex and multi-layered relations of the politics aiming at restrictions to welfare state services and benefits, formulations of online exclusionist-nationalist argumentation and the rise of both right-wing parties and movements in Europe. The studied online materials published on websites, blogs and social media by the “new right” populist actors seem to reinforce the earlier studies indicating that both EU-critical and welfare nationalist argumentations have gained resonance within the wide range of EU countries. Online media – an open information and communication space by design – have opened up a fruitful ground for spreading and repeating exclusionary, chauvinistic argumentation among different publics, including citizens who are fed up with conventional politics and, hence, open to support new, even radical policy initiatives.

The “traditional” welfare models of European states have been challenged by increasing volumes of immigration and trans-border mobility, as well as other

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social changes brought about by globalization processes. Consequently, welfare nationalist discourses defending the right of citizens to obtain state benefits and services – which, especially in the Nordic context, are often seen even as inherent rights of nationals – can be interpreted as an expected reaction to the threat newcomers are seen to pose to the stability of the welfare state. The “enemies” of sustainable welfare structures identified in our analysis were most frequently asylum seekers/refugees (or any migrants relying on state benefits) and ethnic or religious minorities. Both anti-asylum/refugee and anti-Muslim/Islam references were evident and intertwined in the sample. They were identified (1) in the cultural framing, in which migrants and multi-culturalism are presented as threatening national cultural values and (2) in the economic/welfare model framing, where they were portrayed as “undeserving” or “welfare shoppers” – in general as a burden to the welfare state and its “deserving” members, and therefore as a threat to social cohesion. The other great enemy was the EU, followed by other supranational institutions. In the post-socialist Bulgarian context, to these external enemies should also be added foreign investors.

The online nationalist-political narratives of the two countries, Bulgaria and Finland, follow two different paths based on divergent historical and socio-cultural contexts. In Bulgaria the regime change from centralized state socialism, in which both employment and welfare benefits were quite comprehensively secured by the state, to a liberal and market-oriented system did not go as smoothly as expected on the eve of the democratization process. The lack of employment and the welfare safety net, parallel with a certain distrust of the EU, have underpinned the calls of right-wing and far-right actors, such as Ataka, for a reinstatement of national sovereignty and state-provided welfare. Ataka, in its claims to allegedly be protecting the Bulgarian people, relies on an ethno-nativist interpretation of “the people” which excludes ethnic minorities, namely Roma and furthermore migrants, but also on an anti-elitist, anti-EU and anti-foreign influence/capital base.

The link between nationalist political ideology and the protective stances towards welfare of the right-wing populists can be detected in the rhetoric of the biggest and most successful right-populist party, the Finns Party and an ultra-nationalist organization, Suomen Sisä. The party advocates protecting Finnish culture and the welfare state by restricting undesirable migration, while SuSi expresses more explicitly that national unity and welfare are to be maintained only through “high-quality” immigration, thus excluding the “needy ones”, basically those seeking international protection. Finland is a country with less than thirty years’ experience of larger-scale immigration which has encountered the challenges of merging the residence-based, universal welfare system with the costs of non-labour migration only recently. Thus, the harsh rhetoric used by right-wing populist politicians has developed virtually hand in hand with the means and practices offered by the increasingly popular online communication.

The far-reaching consequences of the “refugee crisis” of the 2010s fuel the protectionist and nationalist sentiments of a certain part of the population and by the same token strengthen the support of European right-wing populists.

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Europe has thus to prepare for the risks of growing unemployment and greater economic inequality from large-scale refugee immigration as well as the growth of political discontent fed by populists. The exclusionary-chauvinistic and xenophobic discourses and acts both online and out in the open have still likely their part to play in the reformation of socio-political and economic maps across Europe.

## Notes

- 1 Especially in a post-socialist context there is major consensus that the EU is a modernizing and a stabilizing factor, so in general the mainstream parties do not criticize its institutions and policies. The anti-Europeanism of the far rightists is very often demonized by the other political actors, media and intellectuals. In the Bulgarian context, but not only there, one of the main arguments against the far-right and populist parties is that they are close to Russia and Putin especially and are a channel for their interest, which is seen as a possible pullback from the European orientation of the state.
- 2 “Tolerasts” is a neologism making allusion to tolerance and a slang word for gay. The word is often used in the hate speech of far righters to describe representatives of the political elite or intellectuals and can be used to support the observation that different anti-discourses recreate each other.
- 3 New migrant groups that are not labour migrants but people who stay for extended periods outside the labour market and do not contribute to the welfare state as taxpayers remain dependent on welfare benefits and services. As the newcomers enjoy the same residence-based rights as the Finnish nationals, this system has been criticised for being too “migrant friendly”.
- 4 As the Eastern European Roma migrants usually do not hold health insurance in their home countries and thus do not have a European health insurance card, they are not entitled to healthcare services (apart from emergency healthcare). Therefore, they remain *de facto* in the same position in the Finnish health and social service system as people from outside the EU/EEA area who have not been granted a residency permit (Puurunen, Enache, Markkanen 2016: 231–2).
- 5 Later on the Patriotic Front (coalition between NFSB/НФСБ and VMRO/BMPO) formed a coalition also with Ataka called United Patriots, represented in the presidential elections in 2016 when their candidate ranked third with 15 per cent.
- 6 The Revival Process was the official name of the forceful assimilation of Bulgaria’s Muslim minority enacted between 1984 and 1989 under the communist regime.
- 7 Especially visible in the case of VMRO (Internal Macedonian Revolutionary Organization, BMPO).
- 8 The Movement for Rights and Liberties (DPS/ДПЦ) is a Bulgarian party, representing mainly the Turkish minority, although ethnic parties are forbidden by the Constitution.
- 9 Available at [www.alfa.bg/](http://www.alfa.bg/) [accessed 5 March 2014] “Bulgarian politicians do not defend the national interest, Ataka is the alternative”, Volen Siderov.
- 10 VMRO (BMPO) has had parliament members in the previous years but as a part of a coalition with other parties from the right spectrum.
- 11 After a clash between Volen Siderov and Valeri Simeonov the latter formed the National Front for the Salvation of Bulgaria (NFSB/НФСБ). Nowadays SKAT is an NFSB TV channel. Ataka has a different one called Alfa. In 2016 the two parties reunited under the United Patriots coalition.

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## 9 Media populism in post-democracy

### The crossroads of right and left political parties

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#### Introduction

The rise of information and communication technologies since the 1980s has transformed Western societies, affecting social relations in general and political communication in particular. While the first age of political communication, the 1940s and 1950s, was a time of relatively strong and stable political institutions and organizations which enjoyed fairly easy access to the mass media, the second age of televised communication, mainly the first decades after World War II, showed the growing power and increasing influence exerted on politics by media institutions. The contemporary third age of political communication continued this pattern, marked by ‘communication abundance, ubiquity, reach and celerity’ and characterized by the proliferation of information channels within the mass media and on the Internet (Blumler 2001: 201–2). The Internet has been ‘increasing its importance for politicians who seek office’ since the mid-1990s (Larsson, Ihlen 2015: 3), and today political campaign websites, for instance, have become ‘a standard communication tool’ (ibid.; Gibson, Ward 2009: 87), and we have also seen a steep rise in politicians’ use of social media, especially Facebook and Twitter. The ‘new hybrid nature of modern politics’ develops into ‘online and offline actions’ and ‘blur(s) the boundaries of traditional politics’ (Nixon, Rawal, Mercea 2015: 1). More and more ‘platforms and hardware devices have impacted the way we “do” political communication’ (ibid.). A pivotal characteristic of this third age is the rise of populist political communication; a ‘new-found populism’ or ‘the populist upsurge’ which according to Blumler (2001: 204) is a ‘product of increased competition for attention in which political and media elites are pressed to seem more audience-friendly’. Recently, some studies have labelled the newly manufactured ‘machine of political communication’ as ‘technopopulism’ (Kioupiolis 2016: 105).

These transformations in media and communication were accompanied by the waning of traditional partisan political cleavages that dominated Western liberal democracies until the 1970s and the opening of an era dominated by political marketing propagating prominent or controversial personalized political leadership (Mazzoleni 2000: 326; Blumler 2001: 204). Populist political communication that aims at reaching so-called ordinary people’s presumed preferences, tastes

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and images produced a populist ‘offshoot’ that Blumler (*ibid.*: 205) called a ‘talk-show democracy’, while others label it ‘politainment’ (Dörner 2001), a mixture of politics and entertainment.

It has been argued that ‘the erosion of “party democracy” paves the way for the rise of “populist democracy”, where populist parties try to develop direct, unmediated linkage with “the people”’ (Mudde, Kaltwasser 2012b: 219). In this sense, the parties seem to become increasingly alike and indistinguishable, and the differences between them tend to fade away. Populism ‘goes beyond party politics’, as Krämer (2014: 55) claims. The concept of ‘post-democracy’ (Crouch 2003) similarly captures the process of increasing commodification of politics and of society. Politicians address citizens as clients and consumers, in any way and by all means with the ultimate goal of getting attention and votes. Crouch analyses how democratic structures are emptied by the triumph of globalism and the managerial economy, where the state remodelled by privatizations is represented by politicians who interact with the private business sector elites along the ideology of free competition and omnipotent and self-regulating markets. This has brought a transition from classical political leadership to the centrality of opinion polls, external consultants and so-called spin doctors to political parties and populist type of leaders who are effective in the media and who treat democracy and democratic elections like ‘a marketing campaign based quite openly on the techniques of manipulation used to sell products’ (Crouch 2003: 59, 116).

‘Media populism’ points to the connection and nexus of influences between the media logic and the phenomenon of populism. According to Mazzoleni (2003: 8), media populism stands on the one side for the alliance of the media and populist political parties in their engagement with what they see as people’s moods, entertainment needs or more generally with popular tastes and demands. It is what – to paraphrase Blumler and Coleman (2010: 148) – is characterized by a ‘tilt away from informed argument and extended rationalism’, and this move promotes examples of infotainment and politainment that can be seen in several mediatized political contexts. On the other side, ‘media populism’ can also conceptualize the ‘ideological outlook and conduct of certain news channels, which can be identified as ‘populist media’ (Mazzoleni 2014: 47). In this sense, contemporary developments in the media industry and formats tend to encourage and ‘intentionally or unintentionally’ propagate forms of populist communication style, but at the same time media can also act as producers of ‘mediatized populism’ by creating a climate that favours the reception of the populist parties’ messages (*ibid.*: 49).

While populism and especially media populism nowadays is seen as a threat to liberal democracies, possibly leading to a process of ‘democratic erosion’ (Mudde, Kaltwasser 2012a: 19), not much is known about how different political parties mobilize antagonism on the Web in order to receive attention and, hence, win elections. In line with the concept of “media populism” as it emerges in the “third age of political communication”, this chapter argues that populism has become a distinct and embedded feature of contemporary “politics–media logics” and thus available and used by all parties from the whole political spectrum. Hence, we

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argue that media populism holds for parties of different political directions, the difference between them not being *if* they employ populist strategies of political communication or not but the *degree* of such an employment and the issues treated in their political communication.

To make our argument the chapter proceeds as follows: we will first discuss the differentiations between right-wing and left-wing populism in the context of changing democratic conditions across Europe. We then present debates about media and mediatised populism in order to set the stage for our own analysis of party websites in comparative perspective. Then we will present our findings of the RAGE project, and finally we will discuss these findings against the background of existing literature and theories of media populism.

### **Populism as a post-democratic condition? Distinguishing right- and left-wing populisms**

Ideologically and programmatically parties tend to converge, and in the past decades their differences as vessels of antagonist class interests and belonging have faded away. Examined from this angle, the successes of populist forms of politics and political style are to be seen as among the consequences of a wider and deeper liberal-democratic crisis (Laclau 2005). However, the recent crisis of liberal democracy has only accelerated the blurring of socioeconomic and political cleavages between left and right parties, prompting instead a convergence of positions between mainstream left and right, that is between social democracy and (Christian) conservatism. In view of the lack of better alternatives to neoliberalism and neoliberal globalization, the state of political alternatives – as Chantal Mouffe (2016) argues – is like having to choose ‘between Pepsi and Coke’. Post-democracy in this sense designates the quest for consensus that can help uphold the status quo and prevent the emergence and spreading of conflicting situations and forms of popular resistance. Arguably, this process is shown by the rise of populist centrism within both the political left and right, whose positions shift towards the middle of the political spectrum to attract and appease more voters (Laclau 2005; Mouffe 2016). Along these lines we also witness rising trends of extremism, for instance towards migration, but also with respect to austerity policies, which are developing as a normalized feature of political parties bringing the triumph of parties, as Tariq Ali (2015) would say, as parties of the ‘extreme centre’.

Hence, the non-class, non-ideological, non-party nature is often stated by right-wing populists in their claim of “being neither left nor right” but for “the people first”, regardless of their class belonging and socioeconomic divisions. Right-wing populism thus paves the way for a new form of “re-politicization” and new antagonisms, the ‘populist Zeitgeist’ (Mudde 2004). Populist discourse has gone mainstream in the politics of several Western democracies (*ibid.*) and politicians and leaders of established parties do not recoil from striking the popular chords and use populist rhetoric and style even if they try to avoid populist excesses of right-wingers and most contentious positions.

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Deprived of the class-based antagonism, the core of the populist discourse reverts to the construction of the “people” in opposition to the “power bloc”, personified by the political and intellectual elites. It is within the re-imagined community of the common people, who belong to the ‘heartland’ (Taggart 2000: 95), that populist appeals from all parties strive to find the unifying principle behind political identity and belonging. This allows filling the gap left after the end of class politics, but this new antagonism might also appeal to the support of rather different groups in society. The identification works through the notion of being part of “the people” and the community. In the right-wing populist argument this way of belonging is in opposition to the political elite, those in power and similarly against the “other”, represented for instance as the foreign threat to national identity and cohesion or as an internal threat from the sexual “other”. Right-wing populists in Europe ‘share a core ideology of nativism, authoritarianism, and populism’ (Mudde, Kaltwasser 2012a: 2). And right-wing populists claim to respond to ‘ordinary people’s hopes and fears while formulating easy solutions’ (Hameleers, Bos, de Vreese 2016: 2) to problems of inequality, precariousness and poverty.

At the same time, this perspective resolves the long-standing debate about populism as a ‘thick-’ or a ‘thin-centred ideology’ (Mudde 2007: 23; Mudde, Kaltwasser 2012a: 9). As a ‘thin-centred ideology’, Mudde and Kaltwasser claim, populism ‘considers society to be ultimately separated into two homogeneous and antagonistic groups, “the pure people” and “the corrupt elite”’; hence, politics should express the general will (Mudde 2007: 23; Mudde, Kaltwasser 2012a: 9). By considering populism a political style (Jagers, Walgrave 2007), characterized by the promotion of a particular relationship between the party and its electorate, populism is perceived as a link structured around a loose and opportunistic appeal to “the people” in order to win political support and power (Mudde, Kaltwasser 2012b). However, populism must not be linked to style, campaigning or demagoguery alone (Mudde, Kaltwasser 2012a: 3) but might be perceived as ‘a movement, as a political style, and as a discourse’ (ibid.).

Although subject to debate, this approach points out the importance of the role played by antagonistic signifying processes in the formation of political identity and consciousness today, which in many ways has opened up new exploitable territories for political parties, not necessarily confined to the margins of the political system but placed in the “centre” of representative democracy. Populism is not homogeneous, it is not coherent (Katsambekis, Stavrakakis 2013: 2), and ‘contemporary Europe hosts both left-wing and right-wing populist parties’ (Mudde, Kaltwasser 2012a: 2; Stavrakakis 2015: 273).

In the view of Ernesto Laclau (2005: 154) and Chantal Mouffe (2005) and their theoretical followers the discursive construction of two societal camps and the mobilization of antagonism are not per se a threat to democracy, but to the contrary, antagonism is at the centre of the struggle for democracy and hence could be a means to re-politicize liberal democracies in order to fight right extremism and even to democratize liberal democracy. Post-democracy and neo-liberal policies, they claim, have marginalized citizens in European democracies – and

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mainstream parties have been active proponents of this process, which is on the one hand populist and on the other hand de-politicizing (Stavrakakis 2014b: 511).

Similarly to Cas Mudde, Chantal Mouffe admits that although the reference to “the people” is not per se problematic for democracies, the way in which the “people” is constructed might be indeed damaging (Mouffe 2005: 69). While right-wing populism is exclusive, left-wing populism creates a political subject – the people – ‘as a legitimate basis and symbolic lever for further egalitarian demands’ (Stavrakakis 2014b: 506).<sup>1</sup> Hence, Mouffe, like Balibar and political theorists in Greece and Spain, claims the necessity of a progressive ‘post-national populism’ (Balibar 2010). Theories in this tradition – fostered by new left-wing parties in Spain (*Podemos*) and Greece (*Syriza*) – claim to know the difference between right- and left-wing populism as they aim at creating a democratic populist counter-project: ‘Syriza interpolates a (political) subject that is tightly bound to collective action and a project of (partial) self-emancipation’ (Stavrakakis 2015: 277). The aim of a left-wing political strategy is ‘to foster a responsible popular-democratic pole’ that considers the diversity of the people, ‘opening itself onto a perpetual and precarious search for its (partial) emancipation’ (Stavrakakis 2014b: 514; Katsambekis, Stavrakakis 2013: 3). ‘Unlike the “people” of the extreme right, the “people” of the left is usually a plural, future-oriented, inclusive and active subject inbound by ethnical, racial, sexual, gender or other restrictions’ (ibid.: 5).

Nevertheless, our research will show that media populism is not as clear-cut as these political theories assume but that between left- and right-wing populism develop a grey zone of mainstream media populisms. We will now discuss the meaning of media and especially the Internet for the emergence of this populist grey zone in European democracies.

### **Media and mediatized populism**

The reflections on media populism further suggest that regardless of where the political parties are placed within the political spectrum, they all, and especially party leaders, use Internet applications to present their programmes without journalists as intermediaries, to mobilize supporters, spread ideas, disseminate personally targeted messages, bombard journalists with press releases or raise funds (Larsson, Ihlen 2015: 3). About a decade ago some political scientists (e.g. Plasser, Ulram 2003: 27) spoke of ‘newsroom populism’. This form of populism of mainstream media reporting is characterized by a tendency toward personalization, moving away from reporting important issues, privileging negative news and ‘sports-based’ dramatization. Observing nowadays political parties’ communication across European countries, it could be argued they adopted and adapted to this ‘newsroom populism’; their online communication reproduces those tendencies. Moreover, as political communication has been commoditized, the effect is that how things are said is more important and has greater impact than what is being said. Political parties put more emphasis on the manner and the style than on the content.

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The Internet, especially Facebook and Twitter, have proven to be successful in this respect, as they enable personalized and interactive communication that has been confirmed by research as having a positive impact on citizens and their feeling of being closer to politics (Kruikemeier et al. 2013; Mazzoleni 2014). Barack Obama's 2008 election campaign 'made extensive use of interactive features, effectively moving from what could be called a broadcasting rationale to one more focused on communicating' (Larsson, Ihlen 2015: 3). Twitter in particular offers opportunities for two-way communication, and the newly elected US president Donald Trump is a good example of the abundant (mis)use of direct political communication via Twitter. The impact of Trumpian rule-by-tweet has recently been reflected by Couldry (2017) as a new type of political power: The 'power, by an individual's say-so, to make things happen, the twiat. Just the sort of power that revolutions were fought to abolish'. Couldry claims that the 'twiat' is anti-democratic for two reasons. First, it claims the power of a 'king' against which there is no redress, and second, allowing such power undermines the more inclusive forms of debate and reflection that give political democratic institutions their purpose. 'The presidential tweeting ushers us into a new space that is no longer recognisable as democratic: a space where complex policy becomes not just too difficult but unnecessary, although its substitutes can still be tweeted'.

Bypassing the waging of populism over the left and the right, Hay (2011) uses the concept of 'interactivist populism'. He analyses 'political populism' as 'interactivist populism' in the case of the US Tea Party and is able to show how the party addressed (and at the same time constructs) through its activism and political communication the desired, interactive and cooperative consumer-citizens versus an uncooperative and bad citizen. Mobilization through media programmes and networks, once viewed as a basis for optimism and the political potential of participatory media culture and democracy, is viewed nowadays as 'a kind of civil warfare' (ibid.: 681), fought through media mobilization and direct interactivism. Tea Party populism on the Internet appears as an example of a right-wing propaganda to advance paranoid stories about political enemies: 'Once stories are planted, their endless repetition leaves behind a patina of possibility for even the most lunatic ideas' (Minnitie 2012: 526). Larsson and Ihlen's (2015: 12) study shows that 'Twitter exchanges first and foremost take place within limited clusters', in 'echo chambers', where 'actors are seeking together to have their views reinforced with the assistance of like-minded actors'. Thus, the Internet 'reinforces each other's beliefs so that they become inward looking and extreme' (Farrell 2012: 41). And moreover, the Internet has exponentially increased democratic citizens' access to information, but it 'has drastically reduced their abilities to reflect upon and evaluate it critically' (Margolis, Moreno-Riano 2015: 37).

Since the 1990s the Austrian Freedom Party FPÖ (*Freiheitliche Partei Österreichs*) has grounded its performance towards the electorate in the media to a much greater extent than other Austrian parties (Plasser, Ulram 2003). More than the other parties, the FPÖ has been – and continuous to be – dependent on the media to address populist moods and emotions (ibid.; Sauer, Ajanović 2016).

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Similarly, in France, the first online party was the National Front (*Front National*), in its presidential election of 2002 (Greffet 2015: 60). The difference between populist and mainstream parties thus lies in the fact that some define themselves more as media parties, as a ‘mobilizing agency that tries to focus latent protest attitudes, resentment, and deeply rooted frustrations upon the figure of a leader who is also a media “star”’ (Plasser, Ulram 2003: 40).

Our empirical material shows that this definition as media party generally holds more for (populist) right-wing parties such as the FPÖ in Austria, the Democratic Party in Slovenia (*Slovenska demokratska stranka*) or the Finns Party (*Suomen Perusta*) than left-centre-oriented parties. Hence, across Europe right-wing parties were quicker than mainstream parties to adopt online communication strategies as the ‘communication structures facilitated by the early Internet were well-suited for smaller, semi-open or closed communities within the milieu’ (Ekman 2014: 80). Also, the Internet serves as an ‘alternative media platform(s) by which extreme right actors can circumvent the power of traditional mass media where they have limited or no access at all’ (Alberg Peters 2015: 9). Hence, right-wingers on the one hand label mainstream media with the Nazi expression “Lügenpresse” (liars media) but on the other hand and at the same time they developed into a media populist vanguard.

However, the argument of easy access to a communicative protest tool also holds for comparatively newer parties such as Beppe Grillo’s Five Star Movement (*Movimento 5 Stelle*) in Italy, which does not want to be classified according to the left–right dichotomy and understands itself as a party favouring direct democracy (see Campani in this volume; Mazzoleni 2014: 52).<sup>2</sup> Populist political online communication is thus not only a characteristic of established political parties that fit the traditional party classifications but is also an opportunity for the success of new parties, like the Five Star Movement in Italy or the Modern Centre Party in Slovenia (*Stranka modernega centra*) and others.

Comparing the effects of the media coverage of two Dutch right-wing populist leaders with the effects of the coverage of the leaders of established parties, Bos, van der Brug and de Vreese (2011) show that the leaders of right-wing populist parties are just as dependent upon the media as leaders of other parties. Also, studies show (Bos, van der Brug 2010) that voters of right-wing populist parties are just as rational as voters of any other party – they vote based on ideological and pragmatic considerations and are all persuaded by charismatic leaders. Right-wing populists may act more extraordinary, particularly in the ‘insurgent phase’, when being an outsider and politically challenging is more liable to attract the attention of the media. However, at the same time right-wing populist parties also have to strive to appear ‘normal’ in the ‘established phase’ particularly, when they need to adopt more responsible behaviours and positions to gain political legitimization and support by elaborating on their viewpoints (Bos, van der Brug, de Vreese 2011: 197). In this respect ‘right wing populist parties are not in a league of their own, as is often assumed’ (ibid.: 199), or if they are, this can be shaped and changed during the party’s life course and its varying positions of influence and responsibility on politics and society.

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## **Internet populism in comparative perspective**

Starting from the presumption that populism is not an isolated feature of a particular part of the political field but can be found across the political spectrum, Chapter 2 (by Pajnik and Meret) pointed to the patterns of (populist) communication of parties across Europe. Now, this chapter focuses on discussing the differences and similarities between parties' "anti-standpoints" and their strategies of "othering". We aim to reflect on the argument that although parties from the whole political spectrum use a populist communication strategy, they differ in the "degree" of populism and the content of their antagonistic arguments. By "degree" we refer to the dimension of exclusion of specific societal groups from the imagined community of the "we" and to more inclusive strategies of populist political communication. Our results show that exclusionary communication addressing different "out-groups" is more profound in right-wing populist parties, while parties on the left also use antagonistic communicative strategies, personalization and strong images in order to gain votes, but in a more inclusive way. Also, our analysis was able to detect a grey zone of populism between these two ends of the media populist scale, ranging between exclusion and inclusion.

Examples we present in the following sections are taken from a comparative textual analysis of 275 websites of political actors in nine EU member states of the RAGE project (see the introduction for explanation of the RAGE methodology). The political parties of our sample are placed on different ends of the political left–right spectrum: centre-right (17.5 per cent), centre-left (14.9 per cent), and far-right and -left (14.5 per cent each) parties. As for the left, France (25.8 per cent) and the UK (22.6 per cent) include the highest shares in our sample, with the far left most visibly represented by the French sample (19.4 per cent) and Greece (12.1 per cent), centre left by Slovenia (3.5 per cent) and Austria (26.7 per cent), centre by Finland (29.4 per cent) while the right by Denmark (28.6 per cent) and Bulgaria (22.9 per cent) and the far right by Denmark (28.6 per cent) and Greece (27.3 per cent; see the chapter by Pajnik and Meret in this book).

Analysing social topics that are addressed by all political parties of our sample, we found that migration appears as a main issue on 102 or 37.1 per cent of the websites. The percentage of issues dealing with migration is the highest with far-right parties – 72.5 per cent of websites of these parties have migration as their main message, presenting it as a threat to the nation and its people. This group is followed by right-wing parties (52.5 per cent), far-left 41.2 per cent and centre-right parties (40.7 per cent; see Figure 9.1).

In analysing "othering" by way of researching standpoints to various "out-groups" – such as against migrants and Muslims but also ethnic minorities such as Roma and LGBT people – we found that most targeted groups are migrants: 24.7 per cent of the websites analysed included the antagonistic "othering" of migrants in their texts; 17.1 per cent of the surveyed websites "othered" LGBT persons, 16 per cent Muslims, 14.5 per cent Roma, 11.6 per cent ethnic minorities and 5.8 per cent Jews (see Figure 9.2).

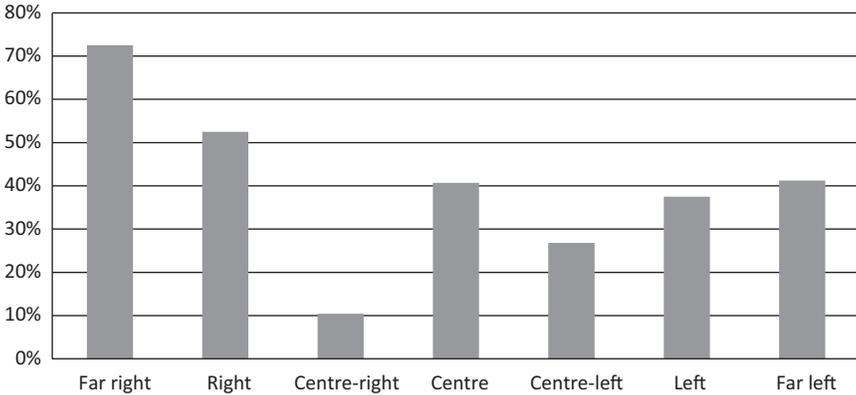
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Figure 9.1 Websites by placement of the party in the political spectrum and addressing migration as main policy issue.

Source: Authors' figure

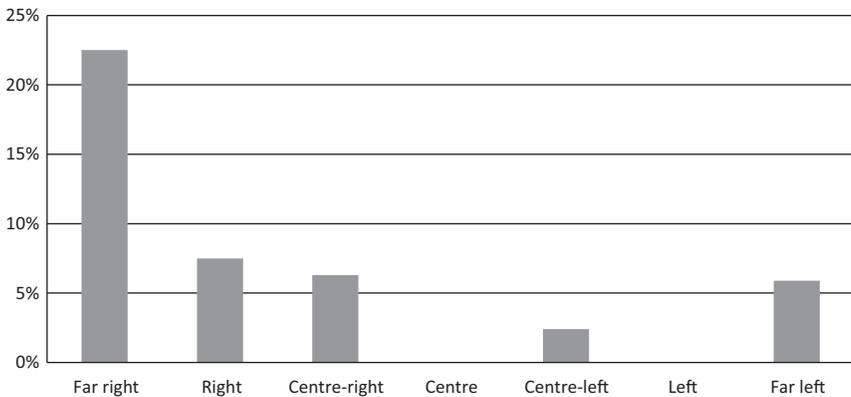


Figure 9.2 Exclusive of minority groups in the text of websites.

Source: Authors' figure

Migrants are particularly targeted by far-right and by right-wing parties. On far-right websites in Austria, Bulgaria and Greece migrants are depicted as dangerous and threatening mainstream society in many aspects: in regard to the labour market and economy, law and order, national identity and culture. These results confirm our previous findings, showing that right-wing populist parties largely frame migrants as a main threat to the nation, to culture, the native population, its customs and economy. Consequently, right-wing populist parties argue for 'ethno-nationalistic restriction of migration' (Pajnik, Fabbro, Kamenova 2016: 71–4).

Anti-migration messages often maintain the separation of migrants into those who deserve to stay in the country and receive benefits and undeserving migrants who

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should leave the country, thereby using different racializing keys. In particular, Muslims are often visually exposed as a homogenized group, also when made “invisible”, by its revealing absence. But representations of Roma, “blacks” and Africans also add to the imagery of undeservedness and infiltration. Common discursive practices on the websites include exclusionary and discriminatory statements based on race, ethnicity and religion. Similarly, it is also common to distinguish between integrated and non-integrated migrants. This strategy is for instance applied in Finland by the Coalition Party Youth League (*Kokoomuksen Nuorten Liitto*) or the Finns Party Youth (*Suomen Perusta*). Both organizations stress the importance of rejecting immigrants who are ‘a bad influence for Finnish society’, and they suggest supporting only migrant groups who ‘according to earlier experience, integrate best in Finland’. Similarly in Denmark, Danish People’s Party (*Dansk Folkeparti*) MPs overtly supported migration regulations that discriminate between Muslim and Christian migrants, maintaining the latter to be better and easier to integrate in Danish society. Examples of migrants’ othering in different countries include the following claims:

Population replacement is making the Danish people a minority in their own country. Immigration from non-Western countries must cease immediately, and deportations must start. As a starting point, non-Western immigrants do not get citizenship because they are strangers in our country.

(The Party of the Danes, *Danskernes Parti*, Denmark)

Our law allows that especially impoverished foreigners enjoy these financial benefits although they have probably not paid a euro into our social system.

(Cause Bulgaria, Bulgaria)

Migration is frequently equated with multi-culturalism on right-wing parties’ websites, which is presented as an elitist ideology that is threatening the nation’s culture and identity. The parties’ youth sections use it to more blatantly criticize the increasing multi-cultural society and to warn against its effects. The Bulgarian National Union (*Български Национален Съюз*) for instance claims:

Apparently, according to the tolerasts [neologism for those who are tolerant], it is not enough to have “cultural enrichment” by the Gypsies. . . . and so they decided to put us with Blacks and Arabs, who also enrich us with their “cultural characteristics”.

(Bulgarian National Union)

The political party New Time in Bulgaria defines multi-culturalism as ‘the introduction of Islam and the Islamization of Christian countries’. In a similar vein the organization Young Slovenia (*Mlada Slovenija*) blames multi-culturalism as a threat to the Slovenian nation:

We need to make a break with multiculturalism in such a form as we know it today, otherwise Slovenian culture and the national existence are endangered.

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It is not about intolerance. It is patriotism, which we in Young Slovenia – the youth branch of New Slovenia – cultivate and defend.

(Young Slovenia)

The Young People's Party in Austria (*Junge ÖVP*), the youth organization of the Christian conservative party ÖVP (*Österreichische Volkspartei*), invokes the misuse of the Austrian welfare system and tolerance by migrants:

Unfortunately an increasing number of immigrants misuse the tolerance we show them. We do not want to limit this tolerance towards foreigners. We want everyone in Austria to be able to live his life according to his/her views. But we do not want and will not accept that the Austrian social system is being abused.

(The Young People's Party, Austria)

The negative economic backlash of what are seen as “open borders” migration policies are also a matter of discussion by political parties advancing various intents and propositions.

It is crucial for the Conservative People's Party that Denmark alone decides who gets what in the country. Therefore, we want a safer and more effective shield against welfare tourism in Europe. The [Danish] Conservatives are in favour of stricter, but fairer immigration policies. We have to downsize the access to Denmark.

(The Conservative Party, Denmark)

Liberal Alliance welcomes foreigners that contribute to Danish society . . . all immigrants – that means family reunited aliens and foreign workers – must purchase their own private health insurance for the first five years in the country if they want to get a residence permit. Immigrants are compensated for this via taxation.

(The Liberal Alliance, Denmark)

The mixture of anti-elite and anti-migration messages was found in the UK's Conservative Party. Their pronounced slogans at the time of our analysis were ‘For Hardworking People’ and ‘Immigration down by a third’:

We are helping hardworking people by reducing immigration. Net immigration has been cut by more than a third. Immigration is at its lowest level in over a decade. We're clamping down on benefits tourism and health tourism. A new citizen test with British values at its heart has been introduced.

(Conservative Party, UK)

In contrast to the condemnation of migrants and the efforts to curb migration as a topic of the right, we found that the populist anti-elite discourse is rather evenly

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distributed across the political spectrum. Interestingly, elites are targeted by left- and right-wing politicians as well as by those who participate in governments and those who were in opposition parties. The Bulgarian sample of parties' Facebook posts demonstrates this quite well:

[We are facing] a high degree of organized crime and corruption at all levels of the authorities created by the governing parties during the transition.

(Christian Democratic Party of Bulgaria)

We blame the system, which exploits and opposes the people, placing them in front of a complex choice.

(Bulgarian Left, Bulgaria)

They have already sold a part of Bulgaria! Wake up! They are dangerous!

(National Patriotic Union, Bulgaria)

In a similar vein, the Italian Five Stars Movement blames politicians in power using drastic metaphors:

We all know that politicians are the bankers' headwaiters, but at least they could avoid preparing the table with people's flesh and bones.

(Five Stars Movement, Italy)

There are differences, however, in how parties within the left–right political spectrum address the elites or what they call the establishment. The argument of right and far-right parties is that minorities such as migrants or Roma benefit disproportionately from elite policies. Left and far-left parties, on the other hand, prefer to criticize corruption or poverty, lack of equality and opportunities, which is similarly framed as a problem of economic and political (ruling) elites.

“Othering” practices as part of populist communicative strategies are reproduced in various texts published on political parties' websites. Similarly instructive are images and symbols. Our research found that only a minority of websites, that is 17 (6.2 per cent) present “othering” symbols on their front pages. Looking deeper into subpages of the analysed websites, however, we found several examples of “othering” discourse on 33.5 per cent of the websites even if they presented themselves as neutral on their front pages. This indicates that “othering” is a practice more incorporated in written texts than is conspicuous at first sight. Far-right parties are in the majority among those who publish “othering” symbols on front pages (22.5 per cent) referring to anti-mosques, anti-minarets, anti-LGBT campaigns followed by right-wing parties' websites (7.5 per cent) and centre-right parties' websites (6.3 per cent). Left and centre parties do not present “othering” symbols on their front pages. In Greece, for instance, only the far-right party Golden Dawn (*ΧΡΥΣΗ ΑΥΓΗ*) published “othering” symbols on its front pages. In Slovenia the only example was found on the blog of a member of the right-wing Slovenian Democratic Party (*Slovenska demokratska stranka*). In

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Denmark there were no conspicuous populist “othering” symbols on the parties’ front pages, often conveyed through the use of, for instance, visual representations of whiteness as the (in-)visible normalcy to portray the Danish population or by the symbolic (ab)use of the Danish flag, as a reminder of ‘banal nationalism’ (Billig 1995).

## Discussion and conclusion

This chapter has argued that populism has become a distinct feature of contemporary mediatized post-democracy. While far-right and right-wing populist parties were the first to develop an online strategy and disseminate their populist messages online, mainstream parties have also slowly started using the Internet and social media and, in doing so, moving towards a more populist communicative strategy. Hence, “media populism” seems to be a perfect example for a general “populist zeitgeist”. However, our empirical results unearthed differences between right- and left-wing as well as centre online populism. While right-wing populism rests on exclusionary framing of migrants, left-wingers also mobilize antagonism and set “the people” against the elite but focus more on inclusion by for instance criticizing the elite for not recognizing growing inequality (see also Stavrakakis, Katsembekis 2014: 132). Right-wingers criticize elites, for instance, for damaging the nation by supporting minorities and migrants, thus creating the “other” of “the” people as a threat. In between, conservative and centre-left politicians are in some countries tempted to use exclusionary frames, especially with respect to migration issues. This is the case for countries in which right-wing populist parties were a strong force, as for instance in Austria and Denmark, but also in the UK.

Hence, although populism is mainstream on the Internet and in new social media the degree of media populism varies across the political spectrum. Nevertheless, a populist media communicative style for left-wing or centre parties runs the risk of moving towards the more exclusionary side. The left parties of our sample might be characterized as ‘inclusive populists’. However, our data suggest that we should be sceptical towards the idea that mainstream parties (or new social movements) in European democracies being able to re-politicize politics through populist mobilization and create a “popular resistance against exclusion” (Stavrakakis 2014a: 34). Especially in countries with strong right-wing parties and movements the contagious effect of exclusionary framing and policies is always present in media populism.

## Notes

- 1 In a similar vein Mudde and Kaltwasser (2012b: 206) distinguish an ‘exclusionary populism in Europe’ from an ‘inclusionary populism in Latin America’.
- 2 Nevertheless it is worthwhile mentioning that the Five Star Movement became a member of the EFDD group (Europe of Freedom and Direct Democracy) in the European Parliament (with UKIP, Sweden Democrats and Alternative for Germany/*Alternative für Deutschland*). Only recently, in January 2017, Five Stars tried to join the Alliance of Liberals and Democrats (ALDE).

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### Rule of law: the doctrine and its origins

The rule of law is conceptually significant with ‘appeals to the rule of law remain[ing] rhetorically powerful.’<sup>1</sup> However, the rule of law ‘is an exceedingly elusive notion’<sup>2</sup> resulting in a ‘considerable’ diversity of opinions as to its meaning,<sup>3</sup> with the doctrine falling prey to abuse.<sup>4</sup> Several scholars have sought to put forth an all-embracing, contemporary definition of the rule of law. O’Donnell describes it as the state of affairs in which there exists an equitable implementation of a written and publicly announced law by competent authorities, always adhering to the principle of non-retrospective application, giving no consideration to personal characteristics such as status or class.<sup>5</sup> However, the definition of the rule of law remains complex, with temporal and geographical variations affecting its universal understanding and applicability as one single doctrine. Either way, it is undoubtedly a central tenet of a democratic society, interconnected with human rights and fundamental freedoms and, thus, a founding principle of the EU. To set the scene for the assessment of the protection and promotion of the rule of law within an EU framework, this section will provide a brief overview of the historical origins of the doctrine as well as its aims and objectives.

### Rule of law origins

The rule of law can be traced back to Ancient Greece and, particularly, to the works of Plato and his student Aristotle.<sup>6</sup> Aristotle wrote that ‘rightly constituted

1 Richard H. Fallon, Jr. ‘The Rule of Law as a Concept in Constitutional Discourse’ (1997) 97 *Columbia Law Review* 1, 1.

2 Brian Z. Tamanaha, *‘On the Rule of Law: History, Politics, Theory’* (1st edn. Cambridge University Press, Cambridge 2004) 3.

3 Paul Craig, ‘The Rule of Law,’ Appendix 5 in House of Lords Select Committee on the Constitution, Relations between the executive, the judiciary and parliament, HL Paper 151 (2006–2007) 97.

4 Brian Z. Tamanaha, *‘On the Rule of Law: History, Politics, Theory’* (1st edn. Cambridge University Press, Cambridge 2004) 4.

5 Guillermo A. O’Donnell, ‘Why the Rule of Law Matters’ (2004) 15 *Journal of Democracy* 4, 33.

6 Brian Z. Tamanaha, *‘On the Rule of Law: History, Politics, Theory’* (1st edn. Cambridge University Press, Cambridge 2004) 7.

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laws should be the final sovereign and personal rule, whether it be exercised by a single person or a body of persons, should be sovereign...<sup>7</sup> The rule of law also developed during Roman times, with Cicero condemning a King who did not abide by the law, arguing that he was ‘the foulest and most repellent creature imaginable,’<sup>8</sup> thus demonstrating the supremacy of law. The doctrine continued into the Middle Ages with particular influences emanating from ‘the contest between kings and popes for supremacy, Germanic customary law, and the Magna Carta.’<sup>9</sup> Furthermore, in recent years, scholars have noted that Prussia was a region in which the rule of law was promoted and upheld predominantly as a result of the establishment of the Supreme Administrative Law Court having ‘formalized a meaningful rule of law in Prussia that provided greater protection for individual rights.’<sup>10</sup> In modern times, the rule of law was further defined and embedded, mainly through the German, French and Anglo-Saxon frameworks,<sup>11</sup> which developed the doctrines of *rechtsstaat*, *état de droit* and the rule of law, respectively, and which all essentially sought to ensure a just society through regulating State Power and preventing its arbitrary exercise. However, the doctrines go about it in different ways and through a different set of objectives, as they stem from ‘differences among political and legal histories and traditions.’<sup>12</sup> The term *rechtsstaat* was developed at the end of the eighteenth century ‘to capture a new phenomenon, the modern state with its monopoly of force.’<sup>13</sup> In Germany, this doctrine ‘precludes the possibility of the primacy of law over the State... Conversely, the English doctrine of the government of law is most clearly distinguished by grounding the rule of law on the superiority of law...’<sup>14</sup> The French *état de droit* was originally advanced by Duguit and Carré de Malberg,<sup>15</sup> became part of the French legal system after the Second World War and was fully realised in 1971 after the adoption of a constitutional review

7 Aristotle ‘*Politics*’ (Translated with an Introduction, Notes and Appendixes by Ernest Barker) (1st edn. Oxford University Press, Oxford 1946) Book III, Chapter 11, para. 19 at 127.

8 Marcus Tullius Cicero, ‘*The Republic and the Laws*’ (A New Translation by Rudd N.) (1st edn. Oxford University Press, Oxford 1998) Book II, paras. 48, 50.

9 Brian Z. Tamanaha, ‘*On the Rule of Law: History, Politics, Theory*’ (1st edn. Cambridge University Press, Cambridge 2004) 15.

10 Kenneth F. Ledford, ‘Formalizing the Rule of Law in Prussia: The Supreme Administrative Court 1876–1914’ (2004) 37 *Central European History* 2, 204.

11 Michel Rosenfeld, ‘The Rule of Law, and the Legitimacy of Constitutional Democracy’ (2001) Cardozo Law School, Working Paper Series no. 36, 43 [www-bcf.usc.edu/~usclrev/pdf/074503.pdf](http://www-bcf.usc.edu/~usclrev/pdf/074503.pdf) 5.

12 Martin Krygier, ‘Rule of Law and Rechtsstaat’ (2013) University of New South Wales Research Paper no. 2013–52, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2311874](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2311874) [Accessed 15 April 2015], 1.

13 *Ibid.* 4.

14 Gustavo Gozzi, ‘Rechtsstaat and Individual Rights in German Constitutional History’ in Pietro Costa & Danilo Zolo (eds.), ‘*The Rule of Law: History, Theory and Criticism*’ (1st edn. Springer Netherlands) 238.

15 Laurent Pech, ‘*Rule of Law in France*’ in Randall Peerenboom ‘*Asian Discourses of Rule of Law*’ (1st edn. Routledge, London 2004) 79.

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of parliamentary laws.<sup>16</sup> Although essentially founded on the template created by its German counterpart, the French doctrine developed extensively and, today, ‘does not mean State rule through law but rather constitutional state as legal guarantor of fundamental rights.’<sup>17</sup>

It is now necessary to pinpoint what the aforementioned doctrines actually entail by looking at the central figures in their development. In his 1885 ‘Introduction to the Study of the Law of the Constitution,’ Dicey ‘associated the rule of law with rights-based liberalism and judicial review of governmental action.’<sup>18</sup> Dicey’s explanation of the rule of law was composed of three central tenets: namely

the absolute supremacy of regular law as opposed to prerogative or arbitrary power ... second, equality before the law ... third, that constitutions are not the source but the consequence of individual rights defined and enforced by courts....<sup>19</sup>

Thus, Dicey’s conception of the doctrine incorporated an understanding that it was the Courts rather than a constitution which could check the legality of an act.<sup>20</sup> While Dicey’s explanation continues to be looked at as ‘an indispensable point of departure, contemporary discussions are marked by multiple and at times competing understandings and categorizations.’<sup>21</sup> Further, the rule of law is looked at from two approaches, from a formal and a substantive one.<sup>22</sup> The former entails that this doctrine is necessary for the functioning of a legal order, regardless of the make-up of the law.<sup>23</sup> The latter entails that the legal system ‘embraces a particular public morality.’<sup>24</sup>

The *rechtsstaat*, as a doctrine, has evolved over a period of approximately two hundred years and was first looked at by theorists such as Rotteck, Welcker and von Mohl.<sup>25</sup> German writers habitually place the analysis of the doctrine within

16 Michel Rosenfeld, ‘The Rule of Law, and the Legitimacy of Constitutional Democracy’ (2001) Cardozo Law School, Working Paper Series no. 36, 43 [www-bcf.usc.edu/~usclrev/pdf/074503.pdf](http://www-bcf.usc.edu/~usclrev/pdf/074503.pdf) 28.

17 Ibid. 37.

18 Richard H. Fallon, Jr. ‘The Rule of Law as a Concept in Constitutional Discourse’ (1997) 97 *Columbia Law Review* 1, 1.

19 Kenneth F. Ledford, ‘Formalizing the Rule of Law in Prussia: The Supreme Administrative Court 1876–1914’ (2004) 37 *Central European History* 2, 206.

20 Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory* (1st edn. Cambridge University Press, Cambridge 2004) 7.

21 Laurent Pech, ‘The Rule of Law as a Constitutional Principle of the European Union’ (2009) Jean Monnet Working Paper 04/09, 24.

22 See, *inter alia*, Paul Craig, ‘Formal and Substantive Conceptions of the Rule of Law: An Analytical Framework’ (1997) *Public Law* 467.

23 Dimitry Kochenov, ‘The EU Rule of Law: Cutting Paths Through Confusion’ (2009) 2 *Erasmus Law Review* 1, 6.

24 Ibid. 12.

25 Martin Krygier, ‘Rule of Law (and Rechtsstaat)’ in James D. Wright (ed.), *International Encyclopedia of the Behavioral Sciences* (2nd edn, Elsevier, Amsterdam 2015) 8.

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the realm of Immanuel Kant's work since the *rechtsstaat* emanates from ideas formulated by him in works such as the Groundwork of the Metaphysics of Morals.<sup>26</sup> Notwithstanding this, the term was first created by Petersen in 1798 as an antithesis of the *polizeistaat* (Police State).<sup>27</sup>

In sum, this conceptualisation of the *rechtsstaat*, which underlined the importance of a constitution and the enforcement of a supreme constitution for the safeguard of citizens' rights, was prominent amongst theorists in the nineteenth century.

The liberal understanding of the *rechtsstaat* was split into natural law and positive law approaches with the former being based on its Kantian assessment. Von Rotteck, whose work was particularly influenced by Kant, argued that an individual could enjoy rights 'not as a citizen but as a legal entity'<sup>28</sup> and that these could be enjoyed 'even without the state.'<sup>29</sup> Unlike the natural law approach adopted by von Rotteck, Mohl looked at the doctrine from a positive law point of view. For example, in Mohl's assessment of the Württemberg constitution, 'he treated the reality of the State as a condition, which imposed itself on human behaviour.'<sup>30</sup> Conservative perspectives of *rechtsstaat*, including that of Stahl, 'who grounded his doctrine of *rechtsstaat* on the monarchic principle,'<sup>31</sup> considered that the *rechtsstaat* 'must determine with precision and with certainty the boundaries and the limits of its activity, as well as the free sphere of its citizens, according to the modalities of the law.'<sup>32</sup> Given the broad understanding that can be attached to the *rechtsstaat*, this doctrine was adopted by most Central and Eastern European countries following the cold war and before that by Portugal and Spain.<sup>33</sup> Thus, 'depending on time, place and author, [the rule of law's] requirements range from strong public institutions and legal certainty to substantive justice.'<sup>34</sup> Today, when considering the major European legal traditions of Britain, Germany and France, one may pinpoint differences and variations between the interpretation and understanding of the doctrine under consideration. However, authors, such as Pech, argue that these 'divergences should not be overstated'<sup>35</sup> with Kochenov arguing that 'the meaning of the

26 Ibid.

27 Laurent Pech, 'The Rule of Law as a Constitutional Principle of the European Union' (2009) *Jean Monnet Working Paper* 04/09, 32.

28 Pietro Costa & Danilo Zolo, *The Rule of Law: History, Theory and Criticism* (1st edn. Dordrecht, Springer 2007) 241.

29 Ibid.

30 Ibid. 242.

31 Ibid.

32 Ibid.

33 Laurent Pech, 'The Rule of Law as a Constitutional Principle of the European Union' (2009) *Jean Monnet Working Paper* 04/09, 35.

34 Armin von Bogdandy & Michael Ioannidis, 'Systemic Deficiency in the Rule of Law, What it is, What has Been Done, What Can Be Done' (2014) 51 *Common Market Law Review* 59, 62.

35 Laurent Pech, 'The Rule of Law as a Constitutional Principle of the European Union' (2009) *Jean Monnet Working Paper* 04/09, 22.

concepts that correspond to the Rule of Law in the legal systems of EU Member States ... differs to a considerable extent.<sup>36</sup> It must be noted that, for purposes of this study, the term ‘rule of law’ will be referred to without necessarily adopting the meaning of this doctrine in the English sense.

### **Rule of law: final comments on the rule of law as a doctrine**

Thus, the rule of law ‘is among the essential pillars upon which any high quality democracy rests.’<sup>37</sup> However, it has been argued that, even if the rule of law is in fact respected, this ‘does not guarantee that violations of human dignity do not occur.’<sup>38</sup> This is predominantly because the rule of law is a virtue or law but not a moral value.<sup>39</sup> In a nutshell, issues of non-arbitrary and equal application of a just law mark the aforementioned definitions, although, as noted by one scholar, the actual application of the rule of law is marked by increasing limitations including, *inter alia*, flaws in the law, its application, access to justice and relations between the person and the State,<sup>40</sup> thereby undermining the objectives of the doctrine. However, for purposes of this chapter, the key elements of the rule of law shall be borne in mind as necessary prerequisites for a functional and equitable system of democratic powers.<sup>41</sup> As noted by Hayek, the rule of law ‘is not only a safeguard, but a legal embodiment of freedom.’<sup>42</sup> In the end, it is against such a backdrop, rhetorical or not, that violations of principles, such as fundamental freedoms and human rights, can be assessed.

### **Rule of law: general overview of the rule of law in EU law**

The European Commission has characterised the rule of law as ‘the backbone of any modern constitutional democracy’<sup>43</sup> and ‘one of the main values upon which the Union is based.’<sup>44</sup> It has been argued that ‘quite paradoxically for the organization created in the wake of WWII, the EU’s concern for democracy

36 Dimitry Kochenov, ‘The EU Rule of Law: Cutting Paths through Confusion’ (2009) 2 *Erasmus Law Review* 1, 14.

37 Guillermo A. O’Donnell, ‘Why the Rule of Law Matters’ (2004) 15 *Journal of Democracy* 4, 33.

38 András Sajó, *Abuse: The Dark Side of Fundamental Rights* (1st edn. Eleven International Publishing, Utrecht 2006) 17.

39 *Ibid.*

40 Guillermo A. O’Donnell, ‘Why the Rule of Law Matters’ (2004) 15 *Journal of Democracy* 4, 39.

41 See, *inter alia*, Dimitry Kochenov ‘*EU Enlargement and The Failure of Conditionality*’ (1st edn. Kluwer International, Alphen aan den Rijn 2008) 110.

42 Friedrich von Hayek, *The Road to Serfdom* (1st edn. The University of Chicago Press, Chicago IL 1994) 90.

43 Communication from the Commission to the European Parliament and the Council: A New EU Framework to Strengthen the Rule of Law, COM (2014) 158 final/2, 2.

44 *Ibid.*

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and the rule of law is of relatively recent origin.<sup>45</sup> Before the incorporation of the doctrine into Treaties ‘its normative basis in EU law was not quite clear.’<sup>46</sup> During that time, to elucidate its position in European law, the Court of Justice of the European Union (CJEU) recognised that the European Community was a ‘Community based on the rule of law’<sup>47</sup> and the EC Treaty was a ‘polity based on the rule of law.’<sup>48</sup> In time, the rule of law and interconnected doctrines including, *inter alia*, human rights, have increasingly influenced the formulation of primary and secondary sources of EU law. Article 2 of the Treaty on the European Union (TEU) provides that ‘the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights.’ As noted in that article, these values are necessary for a society where ‘pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.’ As underlined by the Commission ‘the respect of the rule of law is intrinsically linked to respect for democracy and fundamental rights.’<sup>49</sup> The principles incorporated in Article 2 have been described as ‘vague ... [but] not meaningless,’<sup>50</sup> with no treaty stating which interpretation should be incorporated in the European context and with no definition or elucidation of the doctrine being offered.<sup>51</sup> The importance of the rule of law and the other values have also been emphasised in Article 49 of the TEU, which notes that only European States, which respect these values, may apply for membership of the EU. The adherence to the rule of law is also part of the Preambles of the TEU and the Charter of Fundamental Rights. The New EU Framework to Strengthen the Rule of Law, which will be discussed further on, notes that ‘the principle of the rule of law has progressively become a dominant organizational model of modern constitutional law.’<sup>52</sup> The European Commission holds that the principles upon which the rule of law is based include, amongst others, legality, legal certainty, respect for fundamental rights and equality before the law, notwithstanding that

45 Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ discussion series (LEQS)* Paper no. 79/2014, 2.

46 Dimitry Kochenov, ‘The EU Rule of Law: Cutting Paths through Confusion’ (2009) 2 *Erasmus Law Review* 1, 17.

47 Case 294/83, *Les Verts v Parliament* (23 April 1986) ECLI:EU:C:1986:166, para. 23.

48 See, *inter alia*, Joined Cases C-402/05 P and C-415/05, *Kadi & Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities* (3 September 2008) ECLI:EU:C:2008:461, para. 281.

49 Communication from the Commission to the European Parliament and the Council: A New EU Framework to strengthen the Rule of Law, COM (2014) 158 final/2, 4.

50 Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ discussion series (LEQS)* Paper no. 79/2014, 15.

51 Anthony Arnall, ‘The Rule of Law in The European Union’ in Anthony Arnall & Daniel Wincott (eds.), *‘Accountability and Legitimacy in the European Union’* (1st edn. Oxford University Press, Oxford 2002) 240.

52 Communication from the Commission to the European Parliament and the Council: A New EU Framework to Strengthen the Rule of Law, COM (2014) 158 final/2, 3.

the nature of the rule of law may vary according to a country's constitutional reality.<sup>53</sup> It is for purposes of promoting, amongst others, the dignified and equitable rule of law as a means of ensuring a functional democracy that Article 7 of the TEU, as discussed later, has been developed. This tool is of particular importance to this book's analysis given that it is not only one which can theoretically be used to combat the far-right in Europe, but is one that partly emanated from the handling or mishandling, as will be looked at later, of a perceived threat posed by a far-right political party, namely the *Freedom Party (Freiheitlichen Partei Österreichs – FPÖ)* of Austria. Europe is currently experiencing breaches (or risks thereto) of the core values enshrined in Article 2 TEU due to the socio-political, constitutional and/or financial developments in Member States, including, but not limited to, Hungary and Poland and the constitutional shocks brought about by the respective governments. Notwithstanding such developments, the political and academic communities in Europe seem to believe that the EU does not possess tools which are effective, both in theory and practice, for purposes of tackling the far-right.<sup>54</sup> Before proceeding to the following analysis, it must be noted that EU documents and judicial decisions refer to the term 'rule of law' and, in, for example, the French and German translations refer to the *état de droit* and *rechtsstaat*, respectively, as if the doctrine is the same in all legal traditions. This, as a starting point, may cause conceptual and definitional problems in relation to the interpretation and implementation of, for example, the treaty articles. It has been argued that, in order to rectify the current confusing situation, 'an autonomous Union concept of the Rule of Law needs to be identified.'<sup>55</sup>

### **Article 7 of the TEU: safeguarding the rule of law in EU member states?**

Article 7 of the TEU holds that in the event of a 'clear risk of a serious breach by a Member State' of the values referred to in Article 2 TEU which include, *inter alia*, the rule of law, human rights and non-discrimination, the Council will hear the position of the State in question and may address recommendations to it as a means of overcoming the risk. If, however, there continues to be a 'serious and persistent breach' by a Member State of the said values, the State in question may have certain rights suspended, including voting rights in the Council, to be alleviated if the breach of values ceases to exist. The sanctioning mechanism preceded the preventive mechanism, having been incorporated by the Treaty of Amsterdam in 1997. The preventive mechanism came into effect in 2001 with the Treaty of Nice. Moreover, it must be noted that Article 7,

53 Ibid. 4.

54 Carlos Closa, Dimitry Kochenov & Joseph H.H. Weiler, 'Reinforcing Rule of Law Oversight in the European Union.' *EUI Working Papers RSCAS 2014/25*, 2.

55 Dimitry Kochenov, 'The EU Rule of Law: Cutting Paths through Confusion' (2009) 2 *Erasmus Law Review* 1, 18.

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unlike other instruments such as the Charter of Fundamental Rights, is unique, innovative, if not bold, in that it applies not only to areas covered by EU Law,<sup>56</sup> rendering Article 7 a provision of ‘strategic value.’<sup>57</sup> Thus, this article is composed of a two-part mechanism which includes preventive measures in the form of exchanges with the State and recommendations made to it within a spirit of removing the risk which can be imposed, in the event that the risk materialises into a serious and persistent breach of Article 2 values. Here, it must be noted that a central problem faced by the EU in relation to Article 2 is ‘who is to decide what is democracy, the rule of law etc?’<sup>58</sup> and, therefore, who is to decide what constitutes a breach to these values? This is further complicated by the fact that the Member States’ understanding of the principles enshrined in Article 2 differs and ‘whether we ultimately really share values seems a much more subjective matter to verify.’<sup>59</sup> As such, it has been argued that, for this article to be understood comprehensively and for the Article 7 mechanism to be enforced effectively, it will be necessary to ‘create an *acquis* on values, which does not exist.’<sup>60</sup>

Article 7 of the TEU seemingly ‘fills a gap in the Union’s approach to human rights protection’<sup>61</sup> through its preventive and sanctioning mechanisms. However the reality *vis-à-vis* its actual application is quite different, as will be assessed further on. When dealing with the risk or breach of principles as grounds for activating the article, the Commission has noted that a breach may include a piece of legislation or an administrative instrument.<sup>62</sup> The Parliament has criticised the Commission’s account of what could fall within this framework, providing its own appraisal which includes a ‘Member State’s failure to act on violations of human rights’<sup>63</sup> in the areas of, *inter alia*, anti-Semitism, racism

56 Communication from the Commission to the Council and the European Parliament on Article 7 of the Treaty on the European Union – Respect for and Promotion of the Values on which the European Union is based, COM (2003) 606 Final, para. 1.4.

57 Wojciech Sadurisk, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider.’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 29.

58 Dimitry Kochenov, ‘On Policing Article 2 TEU Compliance – Reverse Solange and Systemic Infringements Analyzed’ (2014) 33 *Polish Yearbook of International Law*, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2438271&download=yes](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2438271&download=yes) 165 [Accessed 10 October 2015].

59 Jan-Werner Müller, ‘Safeguarding Democracy inside the EU, Brussels and the Future of Liberal Order’ (2013) *Transatlantic Academy 2012-2013 Paper Series* no. 3, 18.

60 Dimitry Kochenov, ‘On Policing Article 2 TEU Compliance – Reverse Solange and Systemic Infringements Analyzed’ (2014) 33 *Polish Yearbook of International Law*, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2438271&download=yes](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2438271&download=yes) 165 [Accessed 10 October 2015].

61 Wojciech Sadurisk, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider.’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 1.

62 Communication from the Commission to the Council and the European Parliament on Article 7 of the Treaty on the European Union – Respect for and promotion of the values on which the European Union is based, COM (2003) 606 Final, para. 1.4.4.

63 European Parliament, Committee on Constitutional Affairs, Rapporteur: Johannes Voggenhuber, Report on the Commission Communication on Article 7 of the Treaty on European Union, Respect for and promotion of the values on which the Union is based (COM(2003) 606 – C5-0594/2003 – 2003/2249(INI), point. 11)s.

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and xenophobia.<sup>64</sup> In the field of the far-right, the incorporation of this failure to act enhances the efficacy of Article 7, extending its scope to the majority of situations where far-right movements, either as political parties or as non-party entities, constitute a threat to the rule of law, human rights and democracy with their rhetoric and activities being tolerated by the State.

There is a high threshold for the implementation of Article 7 with the nature of these mechanisms being described as ‘a last resort.’<sup>65</sup> For a violation to fall within the threshold of seriousness, as incorporated in Article 7, it is probable that the breach in question will ‘radically shake the very foundations of the EU.’<sup>66</sup> As such, the threshold is ‘much higher than in individual cases of breaches of fundamental rights such as established ... by the Court of Justice.’<sup>67</sup> These statements, which were made by the Commission, give a general indication of the genres and seriousness of the violations which can involve only the most serious breaches of Article 2. The high threshold attached to this provision is also reflected by the Commission’s elucidation of the key terms used in this article, namely the ‘clear risk of a serious breach’ and a ‘serious and persistent breach.’ More particularly, the risk or breach must not merely be an individual breach of fundamental rights but must ‘concern a more systematic problem,’<sup>68</sup> a requirement which the Commission describes as the ‘added value’<sup>69</sup> of the provision, saving its application for the most serious of breaches. In relation to the first part of the article and the risk of a serious breach, this must be ‘clear excluding purely contingent risks from the scope of the prevention mechanism.’<sup>70</sup> As to the seriousness of the risk or actual breach, both the purpose and the result must be taken into account.<sup>71</sup> In brief, Article 7 is ‘hard to satisfy’<sup>72</sup> especially if one takes into account the numbers and votes needed for making a reasoned proposal for the existence of a risk to Article 2 and, further, for the determination of such a breach.<sup>73</sup> This high threshold arises from the fact that, as noted by Kuijer, this article is one with ‘far-reaching consequences’ and a

64 Ibid.

65 Communication from the Commission to the European Parliament and the Council: A new EU Framework to strengthen the Rule of Law, COM (2014) 158 final/2, 6.

66 Communication from the Commission to the Council and the European Parliament on Article 7 of the Treaty on the European Union – Respect for and promotion of the values on which the European Union is based, COM (2003) 606 Final, 3.

67 Ibid. para. 1.4.

68 Ibid. para. 1.4.1.

69 Ibid.

70 Ibid. para. 1.4.2.

71 Ibid. para. 1.4.3.

72 Laurent Pech, ‘The Rule of Law as a Constitutional Principle of the European Union’ (2009) *Jean Monnet Working Paper* 04/09, 64.

73 The determination of a clear rise of a serious breach of Article 2 requires, according to Article 7, a reasoned proposal of such a breach must be made by one third of the Member States, by the European Parliament or by the European Commission. The determination of such a breach must be made by the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament.

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‘punitive nature.’<sup>74</sup> The actors involved in the process are the Member States, the Parliament, the Commission and the Council. Interestingly, as noted by Pech, the fact that the CJEU was not incorporated in any way in this procedure ‘is a not so subtle indication that the Member States understand these mechanisms as political ones and whose value is essentially if not exclusively symbolic.’<sup>75</sup> In relation to this, it must be noted that extensive debate on the possibility of incorporating the CJEU in deciding Article 7 sanctions occurred in the 1990s and early 2000s, which led to an outright rejection of the Court’s role in that realm.<sup>76</sup> Also, the European Parliament noted that this article ‘may not be invoked in support of any right to, or policy of, permanent monitoring of the Member States of the Union.’<sup>77</sup> The reasoning behind this position could be that anything else would undermine the spirit of Article 7 and would inevitably be deemed unacceptable on an operational level, extending the powers of the Union too far. However, in a contradictory 2013 Resolution, the European Parliament requested that ‘Member States be regularly assessed on their continued compliance with the fundamental values of the Union and the requirement of democracy and the rule of law.’<sup>78</sup>

**Article 7: foundations for combating the far-right**

Given that this book deals with the far-right, an interesting point to consider is an event which partially resulted in the inclusion of the preventive mechanism of Article 7(1) TEU and, namely the participation of the *FPÖ* in the Austrian government.<sup>79</sup> After gaining second place in the 1999 elections, the *FPÖ* formed a coalition with the *People’s Party (Österreichische Volkspartei – ÖVP)*,<sup>80</sup>

74 Martin Kuijer ‘Fundamental Rights Protection in the Legal Order of the European Union’ in Adam Lazowski & Steven Blockmans (eds.), *Research Handbook on EU Institutional Law* 231 (1st edn. Edward Elgar, Cheltenham 2016).

75 Laurent Pech, ‘The Rule of Law as a Constitutional Principle of the European Union’ (2009) *Jean Monnet Working Paper* 04/09, 65.

76 Jan-Werner Müller, ‘Safeguarding Democracy Inside the EU, Brussels and the Future of Liberal Order’ (2013) *Transatlantic Academy 2012-2013 Paper Series* no. 3, 18.

77 European Parliament, Committee on Constitutional Affairs, Rapporteur: Johannes Voggenhuber, Report on the Commission Communication on Article 7 of the Treaty on European Union, Respect for and Promotion of the Values on which the Union is based (COM(2003) 606 – C5-0594/2003 – 2003/2249(INI), point. 11(a)).

78 See the European Parliament Resolutions setting out various recommendations to the EU institutions on how to strengthen the protection of Article 2 TEU, the Rui Tavares Report of 2013, the Louis Michel and the Kinga Göncz Reports of 2014.

79 Wojciech Sadurisk, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 3; Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014, 14.

80 Anton Pelinka, ‘The Haider Phenomenon in Austria – Examining the FPO in European Context’ (2001) 9 *Journal of the International Institute* 1: <http://quod.lib.umich.edu/j/jii/4750978.0009.102/-/haider-phenomenon-in-austria-examining-the-fpo-in-european?rgn=main;view=fulltext> [Accessed 1 November 2014].

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with the FPÖ taking control of six of the ten ministries.<sup>81</sup> The FPÖ has been described as a populist, right-wing party, trivialising Nazi atrocities and promoting racially prejudicial rhetoric.<sup>82</sup> The correlation between the participation of the FPÖ in the Austrian government and the inclusion of the preventive mechanism in Article 7 is not only an academic assumption but also has, in fact, been underlined by a European Parliament report. As noted therein:

respect for fundamental rights within the EU has become a major political issue, not only owing to the Charter of Fundamental Rights, but also because of the concern which the inclusion of a far-right party in the government of one of the Member States has given rise to. The political responses to that event included proposals from many quarters to strengthen the measures provided for in Article 7 of the Treaty on European Union.<sup>83</sup>

This short paragraph makes three separate yet interrelated observations, which are significant as they demonstrate the EU's stance on far-right parties within a human rights framework. First, it establishes an explicit link between the need to protect fundamental rights and, thus, the implicit fear of a violation of fundamental rights in an environment affected by far-right ideology. Second, it denotes that the far-right movement is not something to be taken lightly, with the EU having demonstrated 'concern' regarding such ideology within a system of government. Third, it adopts a militant model whereby the EU, acting as a single entity, needs to protect itself from the consequences of the participation of such a party in the government of a Member State. Even though the event under consideration 'provoked intense political turmoil in the European Union,'<sup>84</sup> the sanctioning mechanism of Article 7 was not put in place, and, instead, fourteen Member States, acting in their capacity as a group of States rather than the EU, imposed certain sanctions,<sup>85</sup> such as ceasing bilateral

81 Wojciech Sadurisk, 'Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider.' (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 3, Bojan Bugarič, 'Protecting Democracy and The Rule of Law in the European Union: The Hungarian Challenge' (2014) *LSE 'Europe in Question' Discussion Paper Series (LEQS)* Paper no. 79/2014, 1.

82 Anton Pelinka, 'The Haider Phenomenon in Austria – Examining the FPO in European Context' (2001) 9 *Journal of the International Institute* 1: <http://quod.lib.umich.edu/j/jii/4750978.0009.102/--haider-phenomenon-in-austria-examining-the-fpo-in-european?rgn=main;view=fulltext> [Accessed 1 November 2014].

83 Committee on Constitutional Affairs, Rapporteur: Olivier Duhamel, Report on the Constitutionalisation of the Treaties (2000/2160 (INI)) FINAL 15-0289/2000, 12 October 2000, at 10.

84 Anton Pelinka, 'The Haider Phenomenon in Austria – Examining the FPO in European Context' (2001) 9 *Journal of the International Institute* 1: <http://quod.lib.umich.edu/j/jii/4750978.0009.102/--haider-phenomenon-in-austria-examining-the-fpo-in-european?rgn=main;view=fulltext> [Accessed 1 November 2014].

85 The sanctions were put in place in February 2000 and were officially removed in September 2000.

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communications with the Austrian government.<sup>86</sup> As a result, the Austrian case demonstrated that ‘Brussels has little if any leverage over a member country once it gains admission to the European club.’<sup>87</sup> The question which immediately comes to mind is why the sanctions were not imposed by the EU. The president of the Commission had noted that it was ‘the duty of a strong supranational institution not to isolate one of its members, but instead to keep it firmly in the fold.’<sup>88</sup> An academic position which has been put forth as an explanation of the EU’s decision not to impose sanctions is that, at the material time, the Austrian government had not actually violated EU Law.<sup>89</sup> However, this statement seems to ignore the sanctioning mechanism of Article 7 of the TEU which existed during the Austrian saga, imposing a duty on the EU and its institutions to sanction breaches of the rule of law. Instead of sanctions, on an EU level, a Committee was established to consider whether Austria complied with common European values, particularly in relation to the rights of minorities, immigrants and refugees and to comment on the nature of the FPÖ. The resulting report noted that

the European history of the twentieth century reinforces the positive obligation on the part of European governments to combat any form of direct or indirect propaganda for xenophobic and racial discrimination and to react against any kind of ambiguous language which introduces a certain trivialization or negative normalization of the National Socialist past.<sup>90</sup>

Three significant conclusions can be drawn from this paragraph. First, that the atrocities committed during the mid-twentieth century should act as a catalyst for due care to be taken by governments in the field of far-right rhetoric and activity. Second, that the mandate of a far-right party is difficult to reconcile with common European values and, third, that the government has a general duty to combat far-right rhetoric which may include, *inter alia*, the trivialisation of Nazism. The duty of the government to ensure a just society was reiterated

86 Wojciech Sadurisk, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider.’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 3, Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) LEQS Paper no. 79/2014, 13–14.

87 Erik K. Jenne & Cas Mudde, ‘Hungary’s Illiberal turn - Can Outsiders Help?’ (2012) 23 *Journal of Democracy* 3, 147.

88 Statement of the former President of the European Commission, Mr. Romano Prodi, Agence Europe, 3.2.2000.

89 Michael Merlingen, Cas Mudde, Ulrich Sedelmeier, ‘The Right and the Righteous? European Norms, Domestic Politics and the Sanctions against Austria’ (2001) 39 *Journal of Common Market Studies* 1, 66.

90 Martti Ahtisaari, Jochen Frowein & Marcelino Oreja, Report on the Austrian Government’s Commitment to the Common European Values, in particular concerning the rights of minorities, refugees and immigrants and the evolution of the political nature of the FPÖ (The Wise Men Report) 40 *International Legal Matters* 1, para. 70.

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with the report noting that there is a ‘clear, positive obligation on the part of the Austrian Government actively to defend the values enshrined in Art.6 of the Union Treaty, in particular human rights, democracy and the rule of law.’<sup>91</sup> The committee’s report also recommended that the measures taken by the fourteen Member States should be lifted because ‘if continued would become counter-productive’<sup>92</sup> the measures already having ‘stirred up nationalist feelings in the country.’<sup>93</sup> Thus, the report helps our understanding of today’s Article 7 in two ways. According to the report, a government has a horizontal responsibility *vis-à-vis* breaches of the values of Article 2 and that sanctioning measures may not always be the way forward, shedding, in this way, doubt on the sanctioning mechanism incorporated in Article 7(2). As argued, ‘it is almost unanimous that imposing sanctions on Austria was highly questionable.’<sup>94</sup> Nevertheless, rather than arguing for the imposition of no sanctions for such an event, taking into account the horizontal duty of a State to protect the rule of law and interrelated notions, and, considering the fact that the leader of the party was promoting rhetoric which goes against the foundations of the EU, a more equitable argument could simply have been the imposition of ‘less drastic measures’<sup>95</sup> rather than no measures at all. Finally, as well as significant observations made by the report, it was also one of the documents which promoted the need for ‘preventative and monitoring procedures into Article 7 of the EU Treaty, so that a situation similar to the current situation in Austria could be dealt with within the EU from the very start.’<sup>96</sup>

### **The use of Article 7 in practice: the deteriorating cases of Hungary and Poland**

The practical treatment of anti-democratic activities can be considered through a rule of law lens, on an EU level, through the cases of Hungary and Poland, particularly the constitutional and democratic turmoil brought about by *Fidesz*

91 Ibid. para. 107.

92 Ibid. para. 116.

93 Ibid.

94 Bojan Bugarič, ‘Protecting Democracy and The Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014, 17; Wojciech Sadurisk, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01,3; Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* no. 79/2014, 6.

95 Wojciech Sadurisk, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 3; Bojan Bugarič, ‘Protecting Democracy and The Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014, 17.

96 Martti Ahtisaari, Jochen Frowein & Marcelino Oreja, Report on the Austrian Government’s Commitment to the Common European Values, in particular concerning the rights of minorities, refugees and immigrants and the evolution of the political nature of the FPÖ (The Wise Men Report) 40 *International Legal Matters* 1, para. 177.

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and the *Law and Justice party (Prawo i Sprawiedliwość – PiS)*, respectively. To do so, this section will provide a brief overview of some of the key constitutional changes that were made in the two countries and the reaction of the EU to these changes. In 2010, *Fidesz* won the majority of seats in the national parliament and soon after that, with its two-thirds majority, autonomously adopted a new Constitution<sup>97</sup> which came into force on 1 January 2012.<sup>98</sup> Amongst other things, the new Constitution ‘sets a controversial change in fiscal policy, appeals to a religious and mono-ethnic ethos of Hungarian society [and] defines marriage as a union between a man and a woman...’<sup>99</sup> Moreover, it sought to ‘eliminate any kind of checks and balances, and even the parliamentary rotation of governing parties.’<sup>100</sup> It has been described as being ‘in a direct conflict with the fundamental values of the EU political constitution, such as democracy, the rule of law and respect for human rights.’<sup>101</sup> In fact, the Fundamental Rights Agency (FRA) of the EU characterised the constitutional developments in Hungary as a ‘constitutional crisis.’<sup>102</sup> Other relevant changes include the Hungarian law which sets out criminal penalties for persons who assist asylum seekers, thereby, restricting the ability of non-governmental organisations (NGOs) to support this group of persons. In October 2015, Poland saw the largest majority government come to power since 1989 in the form of *PiS*. Since its rise to power, this party has undertaken several changes similar to those taken by Hungary. In Poland, these have included changes which affect the impartiality of the Constitutional Tribunal and media pluralism.

When considering the reaction of the EU to the Hungarian constitutional crisis, the first point that must be noted is that resort to Article 7 TEU was not completely disregarded in this case, with the European Parliament putting forth this idea as a possible course of action. However, the leading European *ÖVP* to whom the governing party belongs did not adhere to this view, and this avenue was dismissed.<sup>103</sup> The issue of Article 7 and Hungary was formally back on the table in 2018, as discussed later. In 2015, and following Orbán’s statements on the reintroduction of the death penalty, the European Commission made clear

97 Bojan Bugarič, ‘Protecting Democracy and The Rule of Law in The European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014, 1.

98 Uladzislau Belavusau, ‘On Age Discrimination and Beating Dead Dogs: Commission v Hungary.’ (2013) 50 *Common Market Law Review* 1145, 1150.

99 *Ibid.*

100 Gábor Halmai, ‘An Illiberal Constitutional System in the Middle of Europe’ (2014) 5 *European Yearbook on Human Rights*, 497.

101 Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014, 1.

102 Fundamental Rights Agency of the European Union, *Fundamental Rights: Challenges and Achievements in 2012*, Vienna: FRA 2012, 22–25.

103 Editorial Comments: Hungary’s New Constitutional Order and “European Unity” (2012) 49 *Common Market Law Review* 3, 878.

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that this would lead to the application of Article 7 TEU<sup>104</sup> and that the European Commission ‘is ready to use immediately all the means at its disposal’<sup>105</sup> to ensure that Hungary complies with its obligations under EU law and respects Article 2 TEU. The European Parliament issued a resolution on the situation in Hungary in respect of the death penalty statements and the government’s stance on immigration as well as its alleged interrelation with security threats. It urged the Commission to activate the first stage of the New EU Framework to Strengthen the Rule of Law, discussed below thereby initiating a monitoring process of the situation of democracy, the rule of law and fundamental rights, assessing a potential systematic and serious breach of Article 2 values and evaluating the emergence of a systemic threat to the rule of law in that Member State that could develop into a clear risk of a serious breach within the meaning of Article 7 TEU. The Parliament requested the Commission to report back on this matter to Parliament and the Council before September 2015.<sup>106</sup> There was no response and the European Parliament issued another Resolution in December 2015 reminding the Commission of the issue.<sup>107</sup> Essentially, years passed with soft approaches and discussions going back and forth between Brussels and Budapest. Instead of anything substantial, the European Parliament settled for a Report, namely, the Tavares Report, adopted in mid-2013, which has been characterised as ‘by far the strongest and most consequential official condemnation of the *Fidesz* consolidation of power.’<sup>108</sup> With the adoption of this report,<sup>109</sup> the European Parliament has established a new framework of several avenues through which Article 2 TEU principles are to be protected and promoted.<sup>110</sup> Although this report emanated from and sought to tackle the situation in Hungary, the general recommendations made therein *vis-à-vis* the protection of Article 2 principles are applicable to the EU more generally and, thus, constitute additions to the EU basket of rule of law protection mechanisms. Even though some of the follow-up procedures described, such as the Article 2 Trialogue composed of EU institutions to receive and assess information provided by the Hungarian government, are designed and tailored particularly for

104 European Parliament Plenary – Commission Statement on the Situation in Hungary First Vice-President Timmermans Strasbourg, 19 May 2015: [http://euparl.net/9353000/1/j9vvhskmycle0vf/vjuLobotyvxq?ctx=vg09llk9zrpb&tab=1&start\\_tab0=5](http://euparl.net/9353000/1/j9vvhskmycle0vf/vjuLobotyvxq?ctx=vg09llk9zrpb&tab=1&start_tab0=5) [Accessed 6 November 2015].

105 Ibid.

106 European Parliament Resolution of 10 June 2015 on the Situation in Hungary (2015/2700(RSP) (10 June 2015)).

107 European Parliament Resolution of 16 December 2015 on the Situation in Hungary (2015/2935(RSP) (16 December 2015)).

108 Kim Lane Scheppele, ‘In Praise of the Tavares Report’ *Hungarian Spectrum: Reflections on Politics, Economy and Culture* (2013) *Hungarian Spectrum*: <https://hungarianspectrum.wordpress.com/2013/07/03/kim-lane-scheppele-in-praise-of-the-tavares-report/> [Accessed on 27 January 2015].

109 The report passed with 370 in favour, 248 against and 82 abstentions.

110 Gábor Halmai, ‘An Illiberal Constitutional System in the Middle of Europe’ (2014) 5 *European Yearbook on Human Rights*, 505.

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this case, such a mechanism could constitute a precedent for future cases. As noted by one scholar, they are ‘important tools in the toolkit that European institutions can now use to ensure that a member state of the European Union maintains its European constitutional commitments.’<sup>111</sup> It must be noted further that resort to Article 7 was reiterated therein, as explained later.

The most concrete mechanisms proposed by the report include the establishment of an ‘Article 2 TEU Alarm Agenda’<sup>112</sup> to be kick-started the moment a threat to Article 2 violation is discerned. This Alarm Agenda ‘effectively blocks all other dealings between the Commission and Hungary until Hungary addressed the issues raised in the report.’<sup>113</sup> Further, the report recognises the need to ‘tackle the so-called Copenhagen dilemma’<sup>114</sup> where the strictness attached to pre-accession state of affairs *vis-à-vis* Article 2 standards does not continue post-accession. To this end, it calls for the ‘establishment of a new mechanism to ensure compliance by all Member States with the common values enshrined in Article 2 TEU, and the continuity of the Copenhagen criteria; this mechanism could assume the form of a Copenhagen Commission...’<sup>115</sup> which will entail, amongst others, a noticeably enhanced role for the FRA.<sup>116</sup> The proposal for the creation of a Copenhagen Commission has been ‘the most recent in a queue of incoherent responses’<sup>117</sup> to the breach of Article 2 by Member States. In addition to these mechanisms, the report reiterates, *inter alia*, the need for close co-operation between competent institutions<sup>118</sup> and the launching of debates on the relevant themes.<sup>119</sup> Moreover, it is noteworthy that Article 7 TEU was not dismissed by this document as it noted that the Conference of Presidents should consider the possibility of resorting to this mechanism in the event that Hungary does not adhere to Article 2.<sup>120</sup>

111 Kim Lane Scheppele, ‘In Praise of the Tavares Report’ *Hungarian Spectrum: Reflections on Politics, Economy and Culture* (2013) *Hungarian Spectrum*: <https://hungarianspectrum.wordpress.com/2013/07/03/kim-lane-scheppele-in-praise-of-the-tavares-report/> [Accessed on 27 January 2015].

112 Report on the Situation of Fundamental Rights: Standards and Practices in Hungary (pursuant to the European Parliament Resolution of 16 February 2012) Committee on Civil Liberties, Justice and Home Affairs, A7-0229/2013, para. 69.

113 Gábor Halmai, ‘An Illiberal Constitutional System in the Middle of Europe’ (2014) 5 *European Yearbook on Human Rights*, 506.

114 Committee on Civil Liberties, Justice and Home Affairs: ‘Report on the Situation of Fundamental Rights: Standards and Practices in Hungary (pursuant to the European Parliament Resolution of 16 February 2012) A7-0229/2013 (2013) para. 72.

115 *Ibid.* para. 79.

116 *Ibid.*

117 Dimitry Kochenov, ‘The Issues of Values’ *University of Groningen Faculty of Law Research Paper Series no. 19/2013*, 9.

118 Report on the Situation of Fundamental Rights: Standards and Practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012) Committee on Civil Liberties, Justice and Home Affairs, A7-0229/2013, para. 75.

119 *Ibid.* para. 76.

120 *Ibid.* para. 86.

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These means and mechanisms have remained futile for Hungary which is steadfast in its destruction of the rule of law, its roots and its blossoms. In April 2018, the Civil Liberties Committee of the European Parliament issued a report calling for the Council to determine, in accordance with Article 7, whether there is a clear risk of a serious breach by Hungary of Article 2 TEU. This report raises the Parliament's concerns with violations to, *inter alia*, equal treatment, the rights of minorities, the functioning of the constitutional system and judicial independence. In September 2018, the European Parliament voted to trigger the sanctioning mechanism of Article 7 TEU.<sup>121</sup> However, there is still a long way to go for this mechanism to be put in place. Following the Austrian case, discussed earlier, the situation in Hungary constituted the first real instance where a Member State is so openly and directly violating principles including, *inter alia*, the rule of law.<sup>122</sup> This was followed by Poland shortly after. In Poland, the EU took a stricter stance, commencing the structured dialogue under the Rule of Law Framework relatively early on<sup>123</sup> with the Commission presenting a reasoned proposal for triggering Article 7 against Poland. The efficacy of the EU's stance towards Poland remains to be seen, with little hope arising given the experiences with Hungary and the inherent weakness of this Framework. It is noteworthy that Orbán's party belongs to the biggest European parliamentary group, a factor which may have contributed to the variation in the handling of Poland (which belongs to a much smaller group), demonstrating the politicised aspects of the handling of the rule of law on an EU level. The aforementioned obsession with soft law measures and the systematic shying away from Article 7, albeit with some developments, particularly in relation to Poland, points to a bleak future for Article 7 TEU ever being implemented, with doubts arising in any reasonable mind as to what kind of situations could actually meet the threshold of this article and instigate its implementation.

As such, Hungary and Poland can be referred to for purposes of responding to the question of what the EU institutions are able and/or willing to do when posed with a violation of the rule of law within its own territory. As underlined at the beginning of this assessment, this article seemingly contributes to the EU's protection of human rights through sanctions and preventive mechanisms. At a first glance, it could even be described as unique, innovative and even bold as it circumvents any limitations of the EU's powers on the supervision and sanctioning of violations to the rule of law and interrelated doctrines in its Member States. However, it has been argued that the likelihood of its actual application

121 Votes: 448 in favour, 197 against and 48 abstentions.

122 Bojan Bugarič, 'Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge' (2014) *LSE 'Europe in Question' Discussion Paper Series (LEQS)* Paper no. 79/2014, 5.

123 European Commission Press Release on Poland: 'College Orientation Debate on recent developments in Poland and the Rule of Law Framework: Questions & Answers' (2016) [http://europa.eu/rapid/press-release\\_MEMO-16-62\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-62_en.htm) [Accessed 13 April 2015].

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any time soon is limited<sup>124</sup> with the possibility that the central obstacle to its implementation could lie in the fact that, as noted by the Commission, the Article 7 procedure seeks to tackle issues through a ‘comprehensive political approach.’<sup>125</sup> In practical terms, it is the political nature of this article with ‘a lot of behind-the-scene leverage and not implying any active participation of the ECJ’<sup>126</sup> which limits its application, given the overt reliance on the Council for the determination of an Article 2 breach, and, further, making particular reference to Hungary, the Commission noted ‘strong political unwillingness to use the mechanism provided for by Article 7 TEU.’<sup>127</sup> As Müller argues, it would be delusional not to acknowledge that politics play a role in the decision of the EU to intervene in a particular case,<sup>128</sup> especially one occurring within the national sphere. As a result, many scholars have been negative towards its potential application, referring to it as ‘unusable,’<sup>129</sup> an ‘empty gesture’<sup>130</sup> and a ‘dead letter.’<sup>131</sup> In blunt terms, State representatives are just too worried to enforce Article 7 in the fear that one day it will happen to them.<sup>132</sup> Could this be why Article 7 has not yet been enforced to deal with the situation in *Fidesz’s* Hungary which has been in power since 2010 and has been implementing a series of ‘questionable policies inspired by the right-wing extremist Jobbik party’?<sup>133</sup>

124 Wojciech Sadurisk, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider.’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 3; Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014, 33–34.

125 Communication from the Commission to the Council and the European Parliament on Article 7 of the Treaty on the European Union – Respect for and Promotion of the Values on which the European Union is based, COM (2003) 606 Final, para. 1.4.1.

126 Carlos Closa, Dimitry Kochenov & Joseph H.H. Weiler, ‘Reinforcing Rule of Law Oversight in the European Union’ *European University Institute Working Paper series*, RSCAS 2014/25, 7.

127 Communication from the Commission to the Council and the European Parliament on Article 7 of the Treaty on the European Union – Respect for and Promotion of the Values on which the European Union is based, COM (2003) 606 Final, para. 1.4.1.

128 Jan-Werner Müller, ‘Safeguarding Democracy Inside the EU – Brussels and The Future of Liberal Order’ (2013) *Transatlantic Academy*, Paper Series 3, 13.

129 *Ibid.* 17.

130 Andrew Williams, ‘The Indifferent Gesture: Article 7 TEU, The Fundamental Rights Agency and the UK’s invasion of Iraq’ (2006) 31 *European Law Review* 3, 3–27.

131 Steven Greer & Andrew Williams, ‘Human Rights in the Council of Europe and the EU: Towards ‘Individual’, ‘Constitutional’ or ‘Institutional’ Justice?’ (2009) 15 *European Law Journal* 4, 474.

132 Jan-Werner Müller, ‘Safeguarding Democracy Inside the EU – Brussels and The Future of Liberal Order’ (2013) *Transatlantic Academy*, Paper Series 3, 17.

133 Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in The European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014; 17; Wojciech Sadurisk, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement and Jörg Haider’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 3; Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014, 20.

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Either way, it cannot be disputed that this article contributes to the enhancement of the Union as a protector of principles of democracy and the rule of law with it also constituting a source of deterrence against abuse. It has been stated that the Hungarian case is exactly what Article 7 was created to tackle yet no constructive steps in this direction have yet been made. It is the reliance on political will for the upholding of values enshrined in Article 2, whatever these may actually mean, which has led to recommendations to make this article ‘enforceable law’<sup>134</sup> rather than merely depending on politics and politicians. It has been argued that this mechanism ‘provides an insufficient legal basis for a successful intervention,’<sup>135</sup> although it could be argued that it still serves for something. In fact, it is the only hard law the EU has for such violations. More particularly, as a result of this mechanism, Member States ‘must always be ready to defend the legitimacy of their actions in light of principles they cannot individually set aside,’<sup>136</sup> even though they do not, in reality, risk being sanctioned. In 2012, due to the obstacles and limitations noted earlier, President Barroso noted that what is needed is ‘a better developed set of instruments, not just the alternative between the soft power of political persuasion and the nuclear option of Article 7 TEU.’<sup>137</sup> However, this futility with the depiction of Article 7 as nuclear is no longer convincing for many and, in fact, justifications such as procedural or other hurdles ‘are difficult to reconcile with the radical deterioration of constitutionalism on the ground in the backsliding states.’<sup>138</sup>

To complicate matters further, one must think of the day after triggering the sanctioning mechanism of Article 7. Let us take, for example, the case of Hungary in which the very foundations of the rule of law have been direly attacked by the government, as further described later, and let us assume that Article 7 is finally enforced. What would the actual impact of that be? Would this push the Hungarian government to conform to Article 2 values? Would they become so afraid of becoming a dead Member State in the EU’s infrastructure that they would come to their senses? Or, would this cause them to become more reactionary to the very foundations of the EU which they so vociferously fight against? Would Orbán portray himself as the people’s martyr who has received a final slap from a club of elitists? Finally, what would the effect on minorities, such

134 Dimitry Kochenov, ‘How to Turn Article 2 TEU into a Down-to-Earth Provision?’ (2013) *VerfBlog* 2013/12/08 [www.verfassungsblog.de/how-to-turn-article-2-teu-into-a-down-to-earth-provision/#.VTnrfNKqkko](http://www.verfassungsblog.de/how-to-turn-article-2-teu-into-a-down-to-earth-provision/#.VTnrfNKqkko) [Accessed 24 April 2015].

135 Carlos Closa, Dimitry Kochenov & Joseph H.H Weiler, ‘Reinforcing Rule of Law Oversight in The European Union’ *European University Institute Working Papers*, RSCAS 2014/25, 7.

136 Laurent Pech, ‘The Rule of Law as a Constitutional Principle of the European Union’ (2009) *Jean Monnet Working Paper* 04/09, 67.

137 Communication from the Commission to the European Parliament and the Council: A New EU Framework to Strengthen the Rule of Law, COM (2014) 158 final/2, 2.

138 Petra Bárd & Dimitry Kochenov, ‘Working Paper: Rule of Law Crisis in the New Member States of the EU’ (2018) *Reconnect Working Paper*: <https://reconnect-europe.eu/featured/working-paper-rule-of-law-crisis-in-the-new-member-states-of-the-eu/> [Accessed 1 September 2018].

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as the Roma and LGBTI persons be, whose protection is deeply related to the European Union and the admirable civil society of Hungary that is subsequently heavily reliant on European funding? Although these questions are beyond the scope of this book, they definitely need to be considered both by EU institutions and by scholars who are pushing for Article 7 enforcement. In brief, this mechanism may actually backfire, may make the situation worse on the ground for the people, and, at the end of the day, Hungary is its people, not its government, and by ‘punishing’ the government we must avoid placing the people in a worse fate. Whatever one’s position on this, a proper contextual and conceptual analysis of the possible risks, some of which are put forth earlier, needs to be effectuated.

### **Softer means: futile or strategic? A new EU framework to strengthen the rule of law**

The New EU Framework to Strengthen the Rule of Law, created by the European Commission, seeks to ensure that the rule of law is adequately upheld in all Member States and to offer solutions for purposes of tackling situations of a ‘systemic threat’<sup>139</sup> to the rule of law. More particularly, this framework is to be activated before the mechanisms of Article 7 are applicable,<sup>140</sup> therefore, contributing to the overall structure through which the rule of law and interrelated themes are respected and promoted by Member States and through which risks or violations of these principles are adequately dealt with by the EU. Further, it is applicable in cases where Member States are ‘taking measures or are tolerating situations which are likely to systematically and adversely affect the integrity, stability or the proper functioning of the institutions and the safeguard mechanisms established at national level to secure the rule of law.’<sup>141</sup> This paragraph is important since it denotes that the State has a responsibility not only for directly causing a violation of the rule of law but also for tolerating a situation which violates the rule of law, which, as noted earlier, is relevant to situations where far-right parties not in power or non-party groups are threatening the democratic state of a country. Thus, in this Framework, the Commission has rectified the position it put forth in its 2003 Communication to the Parliament on Article 7, as discussed earlier, to include that the State may be guilty of any omission and not just its direct actions. This Framework decision implements a tripartite formula to achieve its objectives, namely assessments, recommendations and follow up.<sup>142</sup> In the event that the State does not adequately follow up the Commission’s recommendations, the latter will consider activating the preventive or

139 Communication from the Commission to the European Parliament and the Council: A New EU Framework to Strengthen the Rule of Law, COM (2014) 158 final/2, 3.

140 Ibid.

141 Ibid. 6.

142 Communication from the Commission to the European Parliament and the Council: A New EU Framework to Strengthen the Rule of Law, COM (2014) 158 final/2, 6.

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sanctioning mechanism of Article 7.<sup>143</sup> In relation to the assessment procedure, the Commission will consider all the relevant information and make an assessment as to the existence of ‘clear indications of a systemic threat to the rule of law...’<sup>144</sup> In doing so, it can refer to sources of institutions, such as the CoE and the EU’s Agency for Fundamental Rights.<sup>145</sup> If such a threat is determined, the Commission will enter into a confidential dialogue with the Member State concerned, relying always on the State’s ‘duty of sincere cooperation.’<sup>146</sup> If the Commission then finds that the Member State is not taking the steps necessary for redressing the threat, it will proceed to making a public recommendation to the State that the threat is resolved, within a set time frame, and that such solutions are then communicated to the Commission. This recommendation may also incorporate means and methods that can be implemented by the State for the resolution required.<sup>147</sup> The Commission will oversee the follow up of the State in question to the recommendation put forth and, if no satisfactory steps have been taken within the established temporal framework, only then will the Commission take into account the ‘possibility of activating one of the mechanisms set out in Article 7 TEU.’<sup>148</sup> Thus, through this mechanism, the State is given enough chances through dialogue, recommendation and follow up to rectify the problem and, even if it does not take the necessary steps, the Framework does not necessarily result in the implementation of Article 7 but only the possibility of such an occurrence.

In sum, the Framework can be characterised as an ‘early-warning tool to enable the Commission to enter into a structured dialogue with the Member State concerned.’<sup>149</sup> However, given the fact that there are no automatic legal sanctions in the event that a Member State opts to disregard the Commission’s Recommendation, with recourse to Article 7 TEU only constituting a possibility, as noted earlier, this mechanism has been described as ‘anything but revolutionary.’<sup>150</sup> Moreover, the non-binding nature of the Commission’s recommendation and the mere possibility of kick-starting Article 7 renders the potential of effective implementation of this mechanism limited since, in a Member State where ‘the ruling elite has made a conscious choice not to comply with EU values, engaging in a rule of law dialogue is unlikely to be fruitful.’<sup>151</sup> Notwithstanding the intrinsic shortcomings of this Framework, one may, at least conceptually, argue that it is too early to assess this Framework due to the fact that it is still nascent. If anything, it

143 Ibid. 7.

144 Ibid.

145 Ibid.

146 Ibid. 8.

147 Ibid.

148 Ibid.

149 Dimitry Kochenov & Laurent Pech ‘From Bad to Worse? On the Commission and the Council’s Rule of Law Initiatives’ (2015) *VerfBlog* 2015/1/20 [www.verfassungsblog.de/bad-worse-commission-councils-rule-law-initiatives/#.VTo7rdKqkqo](http://www.verfassungsblog.de/bad-worse-commission-councils-rule-law-initiatives/#.VTo7rdKqkqo) [Accessed 15 January 2015].

150 Ibid.

151 Ibid.

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constitutes an addition to the basket of mechanisms that can be instigated when faced with rule of law threats within the EU. Either way, it remains to be seen whether it will, in fact, be implemented, with higher hopes being attached to this Framework than to the implementation of Article 7, as it will be Commissioners rather than the Heads of State who will be instigating and setting into force the mechanisms of this Framework, their actions bearing less political cost.

### **Council of the European Union – annual rule of law dialogue**

The Council of the European Union criticised the European Commission's framework, discussed earlier, on the grounds that 'it would breach the principle of conferral'<sup>152</sup> and, thus, put forth its own mechanism for tackling rule of law issues, this being an annual dialogue among all Member States within the Council for the promotion of the rule of law. The Council noted that such a dialogue will occur 'on the principles of objectivity, non-discrimination and equal treatment of all Member States'<sup>153</sup> and that it would be conducted with a 'non-partisan and evidence-based approach'<sup>154</sup> noting that the principle of conferral and the identity of Member States will be respected. Essentially, this procedure is a chat about the rule of law and ideas of promoting it within the EU, with no legal or political consequences or sanctions and no mention of Article 7 TEU in the event that problems or threats are identified. Moreover, it applies equally to all Member States, providing no margin for focussing on a problematic State or States. As noted by the First Vice President of the Commission, in charge of issues including the rule of law, the Council's dialogue as well as the Commission's Framework are both 'grossly inadequate to tackle the problem of rule of law backsliding post EU accession.'<sup>155</sup> In fact, the term 'dialogue' in itself projects the spirit of this procedure which limits itself to discussion and talk with no consequences or actions arising, therefrom, and, as such, cannot sincerely be relied on as a protector of the rule of law in the Union. In addition, using the aforementioned statement made by Barosso as a benchmark, namely, that there is a need for instruments that are not as harsh as Article 7 and not as soft as mere political persuasion, one can reach two conclusions. First, that the Council's dialogue has not fulfilled the identified need as it is mere dialogue and, second, that the Commission's Framework, although limited in that it is non-binding, and recourse to Article 7 is not automatic in the event that all else fails, is a step up from the Council's mechanism. Either way, the current set of instruments

152 Ibid.

153 Conclusions of the Council of the European Union and the member states meeting within the Council on ensuring respect for the rule of law, General Affairs Council meeting Brussels, 16 December 2014.

154 Ibid.

155 Dimitry Kochenov & Laurent Pech 'From Bad to Worse? On the Commission and the Council's Rule of Law Initiatives' (2015) *VerfBlog* 2015/1/20 [www.verfassungsblog.de/bad-worse-commission-councils-rule-law-initiatives/#.VT07rdKqqko](http://www.verfassungsblog.de/bad-worse-commission-councils-rule-law-initiatives/#.VT07rdKqqko) [Accessed 15 January 2015].

does not fulfil the needs, as set out by Barosso, and, in addition to the fact that Article 7 is essentially a no-go area for Member States, leaves the Union exposed to rule of law violations.

## **The Court of Justice of the European Union: its role and obligations**

Before proceeding to look at the relevant jurisprudence, it must be noted that the CJEU is conspicuously left out of the Article 7 procedure, potentially denoting the Union's desire to keep such harsh measure free from judicial independence and more of an issue of politics, denoting that the intentions behind the article are to keep it as a tool to be handled on a diplomatic level. During the aforementioned Hungarian constitutional crisis, which has not yet been redressed, the European Commission commenced infringement under Article 258 of the Treaty on the Functioning of the European Union (TFEU) in relation to the independence of the Central Bank of Hungary, the independence of the judiciary, by looking particularly at the lowering of the retirement age of judges;<sup>156</sup> the abolishment of the Parliamentary Commissioner for Data Protection and replacement of this institution with a governmental agency;<sup>157</sup> and, more recently, the infamous Lex CEU (Central European University) and on the Law regarding foreign funded NGOs. All these changes were brought about following the election of *Fidesz* as ruling party and directly fall within the framework of the rule of law. In relation to the Central Bank, following effective discussion and co-operation with the Hungarian government, the Commission was satisfied that the government had taken the necessary steps to rectify the situation and, as such, did not proceed to bringing the case before the CJEU.<sup>158</sup> The procedure with the CEU and NGOs is ongoing. It is beyond the scope of this book to examine these measures in detail. Instead, an analysis of the retirement age of judges shall be made for purposes of ascertaining the role of the CJEU in the realm of the rule of law protection in Member States. This case involved the lowering of the retirement age of judges from seventy to sixty-two, putting forth arguments revolving around age discrimination. In a fast track process, the CJEU 'ruled quickly and forcefully against Hungary,'<sup>159</sup> and, although Hungary delayed the enforcement of the judgement

156 Case C-286/12, *Commission v Hungary*, Judgement of the Court of Justice (6 November 2012) ECLI:EU:C:2012:687.

157 Case C-288/12, *Commission v Hungary*, Judgement of the Court of Justice (8 April 2014) ECLI:EU:C:2014:237.

158 European Commission Press Release: Hungary - Infringements: European Commission satisfied with changes to Central Bank Statute but refers Hungary to the Court of Justice on the Independence of the Data Protection Authority and Measures Affecting the Judiciary (2012): [http://europa.eu/rapid/press-release\\_IP-12-395\\_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-12-395_en.htm?locale=en) [Accessed 27 January 2015].

159 Kim Lane Scheppelle & Lane Scheppelle K, 'Making Infringement Procedures More Effective: A Comment on *Commission v Hungary*, Case C-288/12 (8 April 2014) (Grand Chamber)' (2014) *Eutopia Law* <http://eutopialaw.com/2014/04/29/making-infringement-procedures-more-effective-a-comment-on-commission-v-hungary-case-c-28812-8-april-2014-grand-chamber/> [Accessed 24 April 2015].

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until all judges were essentially fired, they then compensated the judges who took early retirement. As a result, ‘the decision did nothing to change the facts on the ground. The new government was able to remake the judiciary with its preferred new judges despite having lost the case.’<sup>160</sup> With regard to the case that dealt with the data protection commissioner, the European Commission argued that Hungary violated the independence of this officer, a view which the CJEU agreed with. As Scheppele argues, ‘the case broke little new legal ground,’<sup>161</sup> but it was nevertheless significant because not only does it demonstrate Hungary’s breach of fundamental values, but it also ‘exposes the limitations of ordinary infringement proceedings for bringing a Member State into line.’<sup>162</sup>

The most interesting point for purposes of the present discussion is that the rule of law narrative was completely disregarded by the CJEU as if it never existed, even though the themes looked upon directly emanated from a dangerous disregard of Article 2 TEU principles, including the rule of law. As noted by Bugarič, ‘they ultimately fail to address broader institutional issues that threaten the very foundations of the rule of law...’<sup>163</sup> In seeking to find a solution to the structural problems faced by recourse to Article 258 TFEU, in the wider framework of promoting the rule of law, human rights and democracy in Member States, Scheppele proposed an adjustment to Article 258 TFEU through the enforcement of a systemic infringement action through which, when bringing a case before the CJEU, the Commission can provide the Court with ‘a holistic argument about how the pattern infringes not only specific points of European law but also its most fundamental values.’<sup>164</sup> Such a system would have allowed the Court to consider incidents, such as the lowering of the retirement age of judges in Hungary, in the realm of the constitutional overhaul of the country rather than looking at it in isolation. What must be noted is that the actions of the CJEU considered the aforementioned issues as single problems without placing them within the broader framework of Hungary’s unconstitutional approach. This, in turn, allowed the government to ‘argue that it has responded satisfactorily to the outstanding complaints without having to change anything essentially about its illiberal reforms.’<sup>165</sup>

160 Ibid.

161 Ibid.

162 Ibid.

163 Bojan Bugarič, ‘Protecting Democracy and the Rule of Law in the European Union: The Hungarian Challenge’ (2014) *LSE ‘Europe in Question’ Discussion Paper Series (LEQS)* Paper no. 79/2014, 15.

164 Kim Lane Scheppele, ‘What Can the European Commission Do When Member States Violate Basic Principles of the European Union? The Case for Systemic Infringement Actions’ (2013) *Hungarian Spectrum*: <https://hungarianspectrum.wordpress.com/2013/11/27/kim-lane-scheppele-what-can-the-european-commission-do-when-member-states-violate-basic-principles-of-the-european-union-the-case-for-systemic-infringement-actions/> [Accessed 24 April 2015].

165 Erik K. Jenne & Cas Mudde, ‘Hungary’s Illiberal Turn - Can Outsiders Help?’ (2012) 23 *Journal of Democracy* 3, 150.

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In relation to Poland, in 2017 the Commission referred this country, Hungary and the Czech Republic for their refusal to conform to their legal obligations *vis-à-vis* relocation quotas of asylum seekers from Greece and Italy.<sup>166</sup> This is ongoing. In July 2018, the European Commission launched an infringement procedure regarding the Polish law on the Supreme Court relating to the lowering of the retirement age of judges. The outcome of both procedures remains to be seen although the ‘pyrrhic’<sup>167</sup> precedent set by the aforementioned parallel case in relation to Hungary does not set the bench high for a constructive outcome. Further, a recent request for a preliminary ruling by Ireland is of particular interest. The question posed by the referring Court was whether Ireland may refuse to extradite a Polish citizen to Poland within the framework of the European Arrest Warrant due to the deficiency in the rule of law in Poland.

The Court found that in determining whether or not to extradite,

the executing judicial authority must, as a first step, assess, on the basis of material that is objective, reliable, specific and properly updated, whether there is a real risk, connected with a lack of independence of the courts of the issuing Member State on account of deficiencies of that kind, of such a right being breached in the issuing Member State.<sup>168</sup>

As a second step, the Court held that the executing judicial authority must assess whether the requested person will, in fact, run the risk of a breach.<sup>169</sup>

In assessing the previous two frameworks, the CJEU referred to the proposal made by the Commission to the Council on the basis of Article 7(1) TEU as being of direct relevance to such assessments. This case is paramount to the rule of law discourse in the EU since the CJEU, unlike the Advocate General, took the lead in articulating this value into an element of primordial significance. The Court’s assessment emanated from the recognition of Article 2 TEU values:

In order to answer the questions referred, it should be recalled that EU law is based on the fundamental premise that each Member State shares with all the other Member States, and recognises that they share with it, a set of common values on which the European Union is founded, as stated in

166 ‘Relocation: Commission refers the Czech Republic, Hungary and Poland to the Court of Justice’: [http://europa.eu/rapid/press-release\\_IP-17-5002\\_en.htm](http://europa.eu/rapid/press-release_IP-17-5002_en.htm) [Accessed 15 September 2018].

167 Petra Bárd & Dimitry Kochenov, ‘Working Paper: Rule of Law Crisis in the New Member States of the EU’ (2018) *Reconnect* Working Paper: <https://reconnect-europe.eu/featured/working-paper-rule-of-law-crisis-in-the-new-member-states-of-the-eu/> [Accessed 1 September 2018] 16.

168 Case C-216/18 PPU, *Minister for Justice and Equality v LM*, Judgement of the Court of Justice (25 July 2018) ECLI:EU:C:2018:586, para. 61.

169 *Ibid.* para. 73.

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Article 2 TEU. That premise implies and justifies the existence of mutual trust between the Member States that those values will be recognised, and therefore that the EU law that implements them will be respected...

At a time when the EU has shown a very weak embracement of the rule of law, in practice and function, this decision gives hope for the paving of a proper protection of the rule of law and other Article 2 values. The knock on effect (if any) of this decision, if any, on the Union's treatment of Poland and Hungary and future defaulting Member States remains to be seen. Either way, this was a breath of fresh air in comparison with the CJEU's previous relevant case-law resulting from infringement proceedings against Hungary, in which the rule of law narrative, as the infrastructural backdrop against which violations were occurring, was absent. It now remains to be seen whether the CJEU will assess the referral of Hungary to the Commission for its non-compliance of its asylum and return legislation with EU Law, within a rule of law narrative or whether it will retreat to its pre-*Minister for Justice and Equality v LM* position.

### **Rule of law: concluding comments**

In sum, the rule of law constitutes a theoretically effective and efficient framework through which the far-right, an accepted threat to this doctrine, may be combatted on an EU level. Once again, the preventive and sanctioning measures incorporated in the aforementioned mechanisms emanate from the EU's need to protect itself and, possibly, the country in question, from destructive forces. However, despite the growing number of available mechanisms, the fact remains that 'outside the accession framework, the EU does not enjoy a solid set of resources and procedural standards'<sup>170</sup> when it comes to the rule of law and, thus, practical reliance on this doctrine remains rather illusory in practice. As efficiently summed up by Kochenov and Bárd:

The European Union and the Member States seem to be doing as little as they can against rule of law backsliding in some of the EU's constituent parts. Each of the EU institutions came up with their own plan on what to do, inventing more and more new soft law of questionable quality.<sup>171</sup>

Hungary and Poland are a testing ground for the efficacy and efficiency of the mechanisms available for the protection and promotion of the rule of law, within the EU, regarding the framework of State activity which is founded, in whole or

170 Uladzislau Belavusau, 'On Age Discrimination and Beating Dead Dogs: Commission v Hungary' (2013) 50 *Common Market Law Review* 1145, 1150.

171 Petra Bárd & Dimitry Kochenov, 'Working Paper: Rule of Law Crisis in the New Member States of the EU' (2018) *Reconnect Working Paper*: <https://reconnect-europe.eu/featured/working-paper-rule-of-law-crisis-in-the-new-member-states-of-the-eu/> [Accessed 1 September 2018] 5.

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in part, on far-right ideas. To date, the EU Member States and the institutions have not really done much. The effects of this are the continuum in the constitutional deterioration of the countries. For example, as aptly put in a 2014 article, some ‘cosmetic changes’<sup>172</sup> were made by Hungary, taking minimal action on the concerns expressed by entities such as the European Parliament.<sup>173</sup> This indicator demonstrates that ‘not by any standards do the results of the test qualify a success.’<sup>174</sup> It appears that the Tavares Report, although rich in innovation, ideas and good will, did not result in the amelioration of the rule of law situation in Hungary. In addition, the CJEU, when looking at by-products of this new constitutional reality, did not place its analysis within a rule of law setting in relation to Hungarian cases, but rectified this in the preliminary ruling requested by Ireland. Although a stricter stance may be discerned in relation to the EU’s approach to Poland, the motivations are worrisome in themselves, and the belated proposal of the Commission *vis-à-vis* Article 7 is only a small step in the article’s labyrinth. Unless the EU reconceptualises its duties towards the values set out in Article 2, the situation will continue to deteriorate in both countries, and a devastating precedent of actions will be deeply instilled. Therefore, we are very far from calling the EU an institution which seriously and systematically confronts threats from anti-democratic phenomena, such as the far-right, notwithstanding the plethora of hard and soft tools it possesses to confront them effectively and efficiently.

### Charter of fundamental rights of the European Union

The interrelationship between the EU and human rights is not a simple one to assess. It has been argued that ‘under the orthodox account of the EU Law, the Union lacks any general competence in the field of human rights.’<sup>175</sup> Nevertheless, this interrelationship is ever-developing with the Union being marked by a ‘more strongly embedded paradigm of fundamental rights in the Union law.’<sup>176</sup> For example, Article 7 TEU now grants the EU a supervisory role in relation to the protection of Article 2 principles, such as human rights, and, since the Treaty of Nice, allows the EU to prevent breaches to the rule of law and related notions. Other initiatives have included the incorporation of Article 6 of the TEU which, *inter alia*, renders the Charter of Fundamental Rights of the EU a source of European Law and stipulates that the Union is to ratify the European Convention on Human Rights (ECHR). It has been argued that this push towards

172 Gábor Halmai, ‘An Illiberal Constitutional System in the Middle of Europe’ (2014) 5 *European Yearbook on Human Rights*, 510.

173 *Ibid.*

174 *Ibid.* 498.

175 Wojciech Sadurski, ‘Adding a Bite to a Bark? A Story of Article 7, the EU Enlargement, and Jörg Haider’ (2010) *Sydney Law Journal*, Legal Studies Research Paper no. 10/01, 29.

176 Uladzislau Belavusau, ‘Historical Revisionism in Comparative Perspective: Law, Politics, and Surrogate Mourning’ *EUI Working Papers, Law* (2013) 2013/12, 15.

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endowing the EU with a role in the field of human rights has partly emanated from concerns over whether the newer Eastern Member States would continue to uphold their obligations in the ambit of democracy and human rights once their membership has been approved.<sup>177</sup> The Charter of Fundamental Rights of the EU was ratified in 2000 on the premise that ‘the peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.’<sup>178</sup> Notwithstanding the significant step forward taken by this charter, its actual impact is restricted due to its non-binding nature and its applicability only in the event that the institutions and States implement EU Law.<sup>179</sup> The articles relevant to a discourse on the far-right are those pertaining to the freedom of expression, the freedom of association and assembly, the prohibition of discrimination, the general limitation clause, the non-destruction clause and the prohibition of abuse of rights. Article 11 of the Charter states that ‘everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.’ Article 12 of the Charter states that ‘everyone has the right to freedom of peaceful assembly and to freedom of association at all levels...’ Notwithstanding that any limitations to these rights are absent from these articles, the Charter incorporates a general limitation clause in the form of Article 52 which notes that limitation shall be ‘provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest, recognised by the Union or the need to protect the rights and freedoms of others.’ This article also states that

in so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.

Therefore, as in the case of the ECHR, militant democracy is also found in the Charter which permits limitations to expression, association and assembly insofar as such limitations are prescribed by law and are necessary in a democratic society, concepts which are provided for by the ECHR and which have been duly interpreted and defined by the ECtHR. However, Article 52 refers only to the meaning of these rights as covered by the Convention and not as

177 Michael Merlingen, Cas Mudde & Ulrich Sedelmeier, ‘The Right and the Righteous? European Norms, Domestic Politics and the Sanctions against Austria’ (2001) 39 *Journal of Common Market Studies* 1, 63–64.

178 Preamble, Charter of Fundamental Rights of the European Union 2000.

179 Stijn Smismans, ‘The European Union’s Fundamental Rights Myth’ (2010) 48 *Journal of Common Market Studies* 1, 50.

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interpreted by the Court. The distance kept by the EU from the CoE was further enhanced at the end of 2014 by the CJEU. In considering the EU's accession to the ECHR, the Court noted that, if this were to occur, the EU would, *inter alia*, be bound by ECtHR judgements.<sup>180</sup> After setting out a series of legal obstacles to acceding to the Convention, the CJEU found that to do so would be incompatible with EU law.<sup>181</sup> Moreover, due to the lack of relevant case-law in relation to the application of the Charter's provisions, it is not possible to ascertain, merely from this document, what kind of limitation of expression is, in fact, proportional. Even though, on an EU level, *Feryn*<sup>182</sup> 'marks the long-awaited birth of what can be symbolically entitled a European law of freedom of expression,'<sup>183</sup> this case dealt with hate speech within the employment setting and not hate speech promulgated by the far-right, and, therefore, the contextual difference does not permit us to extend principles and points developed therein to the framework of far-right rhetoric.

In addition, the Charter incorporates Article 53, which notes that the provisions therein shall not be interpreted as 'restricting or adversely affecting human rights and fundamental freedoms' as recognised by the EU, international law, international agreements, such as the ECHR, and by the Constitutions of Member States. In referring to international law, the Charter, thereby, incorporates provisions, such as those contained in the ICERD, which positively stipulate the banning of racist parties and groups. In addition, Article 54 holds that

nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.

Article 21 provides that

any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Thus, expression or association of far-right groups which results in such discrimination could be prohibited as a result of Article 21 but also in light of Article 54,

180 Court of Justice of the European Union Press Release No. 180/14 Luxembourg, 18 December 2014, Opinion 2/13 <http://curia.europa.eu/jcms/upload/docs/application/pdf/2014-12/cpl40180en.pdf> [Accessed 2 December 2015].

181 Ibid.

182 Case C-54/07, Centrum voor gelijkheid van kansen en voor racismebestrijding v Firma Feryn NV (10 July 2008) ECLI:EU:C:2008:397.

183 Uladzislau Belavusau, 'Fighting Hate Speech through EU Law' (2012) 4 *Amsterdam Law Forum* 1, 22.

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which prohibits the destruction of the rights and freedoms of this Charter, including the freedom from non-discrimination. Article 21 is of particular relevance to hate speech and hate crime expressed and conducted by far-right groups, given that, notwithstanding a general reference to the adoption of international law, there is no particular article dealing with racial discrimination and its prohibition within this Charter. However, given the lack of CJEU jurisprudence on central themes, such as far-right rhetoric and activity, and given that it was decided that the EU would not accede to the ECHR and is, thus, not bound to follow the interpretations set out by the ECtHR, the way in which the issue of, for example, expression is interpreted and understood in the realm of far-right rhetoric is not lucid.

In sum, the Charter provides a brief overview of rights that could be quoted by far-right groups as a justification for extremist speech or activity and provides the possibility to limit such extremism in a general manner through Articles 52, 53 and 54, with Article 21 being the only positive obligation directly imposed on Member States to prohibit racial discrimination, albeit through a broad discrimination clause. The rather generalised articles and the absence of relevant CJEU case-law mean that there does not yet exist a well-rounded insight into key meanings and notions. Instead, what is demonstrated through the aforementioned articles is the objective of the Charter simply to lay down key rights and obligations without entering into too much detail on central terms and themes, nevertheless reflecting the general spirit of the EU against actions that are contrary to human rights, whatever such spirit may entail.

### **1996 joint action adopted by the council concerning means to combat racism and xenophobia**

The 1996 Joint Action<sup>184</sup> was the first comprehensive initiative taken by the EU to combat racism and xenophobia within EU Member States by promoting a harmonised criminal law amongst Member States as a means to this end. Prior to this initiative, no steps had been taken to tackle racism through EU mechanisms apart from two reports prepared by Commissions of Inquiry, as discussed later. However, during the 1990's, the EU was faced with increasing pressure from the European Parliament and civil society to incorporate measures against such discrimination.<sup>185</sup> Joint Actions were the legal means available between 1993 and 1999 and were later replaced by the Framework Decisions following reforms brought about by the Treaty of Amsterdam. As noted by Bell, while Joint Actions were, in theory, legally binding, 'the absence of any jurisdiction

184 Joint action/96/443/JHA of 15 July 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, Concerning Action to Combat Racism and Xenophobia.

185 Erik Bleick & Mary Clare Feldmann, 'The Rise of Race? Europeanization and Antiracist Policymaking in the EU' Paper presented at the conference 'The Impact of Europeanization on Politics and Policy in Europe: Trends and Trajectories' University of Toronto, 7-9 May 2004.

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for the CJEU over Joint Actions meant that the main lever for compliance was political will,<sup>186</sup> and, therefore, their actual application and legal enforceability were limited. The 1996 Joint Action had the objective of adopting rules to combat racism and xenophobia and ensure harmonisation of criminal law on this issue amongst States in order to prevent perpetrators ‘from exploiting the fact that racist and xenophobic activities are classified differently in different States by moving from one country to another in order to escape criminal proceedings or avoid serving sentences...’ For the purposes of this Joint Action, a plethora of activities constitute a criminal offence, with the most relevant to the far-right being the participation in the activities of groups, organisations or associations which involve discrimination; violence; or racial, ethnic or religious hatred, with other activities including the public incitement to discrimination, violence or hatred in respect of a group of persons or a member of such a group defined by reference to colour, race, religion or national or ethnic origin; the public condoning, for racist or xenophobic purposes, of crimes against humanity and human rights violations; the public dissemination of material containing expressions of racism and xenophobia; as well as public denial of certain international crimes. Such actions fall within the sphere of activities conducted and ideas professed by far-right groups. Interestingly, the Joint Action criminalises what is habitually referred to as revisionism only when it ‘includes behaviour which is contemptuous of, or degrading to, a group of persons defined by reference to colour, race, religion or national or ethnic origin’ whilst publicly condoning crimes against humanity and human rights violations is only criminalised when it is carried out for ‘a racist or xenophobic purpose,’ thereby, demonstrating the weight placed by the Joint Action on intent in that group of offences. Moreover, when reading the list of punishable activities, a similarity can be discerned between the offences listed therein and Article 4 of the ICERD. The Joint Action sought to ensure co-operation between Member States for the aforementioned offences through a variety of means, such as the seizure and confiscation of material intended for public dissemination, acknowledgement that the offences are not of a political nature in order to prevent refusal for mutual co-operation, provision of information to another Member State to initiate legal proceedings and the establishment of contact points in the Member States responsible for the collection and exchange of information for purposes of investigation and proceedings. Interestingly, the Joint Action assumed a legal and cultural cohesion between Member States not only in relation to criminal law but also in relation to the restriction of the freedom of expression and freedom of association, which are directly related to the offences listed therein. This weakness could be considered an obstacle to the proper interpretation and implementation of its provisions, a weakness which was partially rectified in the subsequent Framework Decision, as discussed later.

186 Mark Bell, *Racism and Equality in the European Union* (1st edn. Oxford Scholarship Online 2009) 157.

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It has been noted that ‘there is very little evidence on how the Joint Action has been applied in practice.’<sup>187</sup> However, two years after its entry into force, the Council noted that only Austria and Luxembourg made amendments to their legal systems in order to conform with the provisions therein.<sup>188</sup> Thus, the overall contribution that the Joint Action has made to the fight against racism and xenophobia remains questionable. However, it did constitute the foundation upon which the next tool, namely a Framework Decision, was developed.

### **Council framework decision 2009/913/JHA of 28 November 2008 on combatting certain forms and expressions of racism and xenophobia by means of criminal law**

The incorporation of the fight against racism in today’s Article 67.3 of the TFEU demonstrated the increasing dedication of the EU to contributing thereto. This article foresees collaboration between Member States in criminal matters pertaining to racism and xenophobia by holding that

the Union shall endeavour to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia, and through measures for co-ordination and co-operation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgments in criminal matters and, if necessary, through the approximation of criminal laws.

In light of the provisions therein and building on the 1996 Joint Action, the Commission put forth a Framework Decision on combatting racism and xenophobia through criminal law which was adopted in 2008, after seven years of negotiations.<sup>189</sup> The negotiations were lengthy and complex, predominantly due to the ‘disparity of the Member States legal systems and traditions as regards the protection of the right to freedom of expression.’<sup>190</sup> In fact, the conflicting appraisals adopted by States in the realm of restricting freedom of expression and also freedom of association are a recurring theme in the drafting of such documents, as can be reflected, for example, in the reservations imposed on Article 4 of the ICERD, discussed in the international framework. As such, the Framework Decision underlines that it respects the freedom of expression and

187 Ibid. 158.

188 Council of the European Union, ‘Note de Comité K.4 AU Coreper’ Ref 7808/1/98/ REV 1, 29 April 1998.

189 Report from the Commission to the European Parliament and the Council on the Implementation of Council Framework Decision 2008/913/JHA on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law COM (2014) 27, 1.

190 Ibid.

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the freedom of association and assembly, as provided for by the ECHR and the Charter of Fundamental Rights of the EU and, thus, adheres to the limitation clauses attached thereto and through which any conditions, limitations, restrictions to or penalties for the offences listed can be introduced. In this ambit, Article 7 of the Framework Decision holds that it shall ‘not have the effect of requiring Member States to take measures in contradiction to fundamental principles relating to freedom of association and freedom of expression.’ Further, in relation to criminal law, the Framework Decision recognised that full harmonisation of criminal law is not possible given that the Member States’ cultural and legal traditions differ. Notwithstanding the purpose of this provision stemming from a potential to provide a realistic outlook on the objectives of this document, ‘such wording leaves a certain, albeit very unclear, margin for the States to assess a pure racist ... scope of the concrete hate speech utterances.’<sup>191</sup>

Article 1 of the Framework Decision outlines that Member States must punish incidences of publicly inciting to violence or hatred against a particular group through public dissemination or distribution of material, publicly condoning, denying or grossly trivialising international crimes, as defined in the Statute of the International Criminal Court or the Charter of the International Military Tribunal, directed against a group, when the conduct is carried out in such a manner likely to incite to violence or hatred against such a group. However, as noted, without a CJEU assessment of what falls within the framework of conduct that is likely to incite violence or hatred against a group or a member of such a group, ‘it remains difficult to assess the potential of the severity of criminalizing speech.’<sup>192</sup> Against a backdrop of a lacking judicial extrapolation of key notions and themes, three interesting observations can be made in relation to the list of offences incorporated in the Framework Decision. First, the ‘participation in the activities of groups, organizations or associations, which involve discrimination, violence, or racial, ethnic or religious hatred,’ as incorporated in the 1996 Joint Action, is not named as an offence. This provision ‘was opposed from the outset by nearly all States except Germany and so it was deleted from the draft text.’<sup>193</sup> Second, the public incitement of discrimination, which was incorporated in the Joint Action, has been removed, allowing only for incitement to violence or hatred. Third, the offence of grossly trivialising international crimes, such as genocide, has been added to the list of publicly condoning and denying such crimes. As is the case in the Joint Action, publicly condoning, denying and, now, grossly trivialising an international crime, such as the Holocaust, is only a criminal offence insofar as it is effectuated in a manner likely to incite violence or hatred against such a group, thereby, permitting such expression as long as it does not potentially lead to an undesirable consequence. Article 1(4) provides Member

191 Uladzislau Belavusau, ‘Historical Revisionism in Comparative Perspective: Law, Politics, and Surrogate Mourning’ (2013) *European University Institute Working Papers*, Law 2013/12, 14.

192 *Ibid.* 15.

193 Mark Bell, ‘*Racism and Equality in the European Union*’ (1st edn. Oxford Scholarship Online 2009) 160.

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States with further leniency when faced with the public denial or trivialisation of international crimes, such as genocide, as these can, if a Member State wishes, be restricted to crimes which have been established by a final decision of a national and/or international court. It must be noted that no reference is made to gross trivialisation in this ambit, and one can only assume that this is an oversight by the drafters rather than a purposeful exclusion for which there exists no reasonable explanation. In addition, Article 1(2) grants Member States the liberty to punish all the aforementioned actions and/or expressions only when they are carried out in a way ‘likely to disturb public order or which is threatening, abusive or insulting.’ The objective of this provision is problematic, given that it can safely be said that the offences listed in this article cannot occur without disturbing public order or without being threatening, abusive or insulting. Thus, not only is it difficult to understand in what types of situation this provision could be enforceable, but also, simultaneously, it indirectly foresees that the type of activities or words described therein can be carried out or expressed without resulting in harm. Further, Article 1(3) interlinks religion with race, colour, descent or national or ethnic origin, adopting the principle of intersectionality as is the case, for example, in the ICERD.

In addition, Article 2 of the Framework Decision provides that instigating, aiding and abetting the aforementioned offences are all punishable activities, marking a positive development in relation to the Joint Action where such activities are not punishable. Article 3 notes that criminal penalties for the offences should be ‘effective, proportionate and dissuasive’ with the conduct included in Article 1 being punishable by penalties of between one and three years’ imprisonment. In addition to the offences incorporated in the document, Article 4 notes that Member States must take the necessary steps to ‘ensure that racist and xenophobic motivation is considered an aggravating circumstance’ or that it is at least taken into account by courts in the determination of punishment, demonstrating another positive development from the time of the Joint Action. Article 5 is a significant article given that it deals with the liability of legal persons. It holds that Member States must take all the necessary steps to

ensure that a legal person can be held liable for conduct referred to in Articles 1 and 2, committed for its benefit by any person, acting either individually or as part of an organ of the legal persons, who has a leading position within the legal person...

Importantly, the liability of legal persons ‘shall not exclude criminal proceedings against natural persons who are perpetrators or accessories in the conduct...’ However, the Framework Decision states that legal persons cannot include ‘the State or other public bodies in the exercise of State authority and public international organisations’ thereby excluding the State and its institutions from criminal liability in the event that it or they promote racial hatred and/or violence. Thus, this article leaves an ‘important discretion for a State to grapple with

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certain political movements<sup>194</sup> thereby, equipping it with the tools to combat far-right groups promoting rhetoric and conduct as described in this document. However, and, although no definition of ‘State’ is provided, one could presumably conclude that a political party that is part of the government would fall within the definition of a State and, thus, outside the scope of this liability. In relation to penalties for legal entities active within the far-right movement, the most relevant include the exclusion from entitlement to public benefits or aid<sup>195</sup> and the placement under judicial supervision.<sup>196</sup>

In relation to the enforceability of the Framework Decision, the 2014 Report prepared by the Commission to the European Parliament and the Council on its implementation noted that

in accordance with Article 10(1) of Protocol No. 36 to the Treaties, prior to the end of the transitional period expiring on 1 December 2014, the Commission does not have the power to launch infringement proceedings under Article 25 TFEU with regard to Framework Decisions adopted prior to the entry into force of the Treaty of Lisbon.<sup>197</sup>

As a result, the EU and its institutions are left with limited powers to push States in the direction of adequate enforcement. As noted in the recent report, a number of Member States have not fully and/or suitably transposed the Framework Decision’s provisions ‘namely in relation to the offences of denying, condoning and grossly trivialising certain crimes.’<sup>198</sup>

Thus, the Framework Decision does contribute, at least on a theoretical level, to combatting the far-right, notwithstanding its great leap backwards from the Joint Action *vis-à-vis* the criminalisation of participation in racist groups. Nevertheless, it deals with an array of activities carried out by such groups, embellishes and adds certain notions, such as the consideration of a racist motivation as an aggravating circumstance, and deals separately with the penalties which are to be imposed on legal persons, thereby, encompassing some of the vehicles used to promulgate far-right rhetoric, albeit leaving out the significant vehicle of political parties. The limitations brought by this Decision, as discussed earlier, demonstrate that ‘combatting racism can encounter strong political resistance ... [with] the text resembling ‘a lowest common denominator.’<sup>199</sup> This, in addition to the

194 Uladzislau Belavusau, ‘Historical Revisionism in Comparative Perspective: Law, Politics, and Surrogate Mourning’ (2013) *European University Institute Working Papers*, Law 2013/12, 15.

195 Council Framework Decision 2009/913/JHA of 28 November 2008 on Combatting Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law, Article 6(1)(a).

196 *Ibid.* Article 6(1)(d).

197 Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/913/JHA on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law COM (2014) 27, 1.

198 *Ibid.* 9.

199 Mark Bell, ‘*Racism and Equality in the European Union*’ (Oxford Scholarship Online 2009), 161.

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limitations of the EU in launching infringement proceedings, as noted earlier, renders the efficacy and actual application of the Framework Decision in a unified and adequate manner in all Member States doubtful, with little progress having been made to date. More particularly, as noted in the 2014 Report on the Framework Decision, ‘at present it appears that a number of Member States have not transposed fully and/or correctly all the provisions of the Framework Decision.’<sup>200</sup> In fact, the report urges the ‘full and correct legal transposition of the existing Framework Decision.’<sup>201</sup> Indeed, it has been argued that ‘the full implementation of the Framework Decision will radically alter the legal landscape in Europe.’<sup>202</sup> This remains to be seen.

**European Parliament resolutions**

The European Parliament has taken certain initiatives which incorporate regulating the far-right, the most relevant of which are discussed in this section. In 1993, the European Parliament adopted a Resolution on the Resurgence of Racism and Xenophobia in Europe and the danger of far-right violence.<sup>203</sup> It draws attention to the ‘proliferation in the Member States of extreme right-wing groups, parties and movements’<sup>204</sup> and holds that ‘these practices pose a grave threat to those democratic values which form the basis of the common heritage of the Member States.’<sup>205</sup> It reaffirms the duty of EU institutions to ‘combat any group or movement liable to pose a threat to democracy and basic human rights.’<sup>206</sup> However, it does not extrapolate on the term ‘combat’ and does not provide any further recommendations in relation to how such movements can be combatted. In 1994, it passed a resolution on racism, xenophobia and anti-Semitism<sup>207</sup> which arose following its concern about the electoral success of racist parties in Europe and, particularly, in countries such as Austria, France, the U.K. and Belgium, whilst simultaneously expressing its contentment at the decrease in votes given to the respective party in Germany. The Resolution deplores the fact that ‘certain political forces are using the existing crisis in employment and the economy to stir up xenophobic and racist sentiments and exploit them for electoral ends.’<sup>208</sup> It notes

200 Ibid.

201 Report from the Commission to the European Parliament and the Council on the implementation of Council Framework Decision 2008/913/JHA on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law COM (2014) 27, 9.

202 Laurent Pech, ‘The Law of Holocaust Denial in Europe: Towards a (Qualified) EU-wide Criminal Prohibition’ (2009) *Jean Monnet Working Paper* 10/09, 3.

203 European Parliament Resolution on the Resurgence of Racism and Xenophobia in Europe and the Danger of Right-Wing Extremist Violence, 21 April 1993 (OJ C 150, p. 127, 31.5.1993).

204 Ibid.

205 Ibid.

206 Ibid.

207 European Parliament Resolution on Racism, Xenophobia, and Anti-Semitism, 27 October 1994 (OJ C 323/154, 20.11.1994).

208 Ibid.

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‘with concern the increasing sympathy with which the positions of extreme right-wing movements and political parties are being received in several Member States of the Union and a candidate country.’<sup>209</sup> Notwithstanding the concern and condemnation of the far-right in this Resolution, the Parliament proceeded to make recommendations for combatting racism through initiatives, such as education and NGO projects, making no reference to the banning and/or regulation of far-right groups, activities and rhetoric. In 1995, it adopted the Resolution of the European Parliament on racism, xenophobia and anti-Semitism,<sup>210</sup> which noted that whenever there is ‘a risk that organizations or people with racist, xenophobic or anti-Semitic behaviour make contacts across the borders of a Member State, the criminal aspects should be studied by Europol.’<sup>211</sup> Furthermore, the European Parliament adopted a Resolution in 1997<sup>212</sup> to express ‘its regret at racist and xenophobic statements by politicians and parties at national and European Level’<sup>213</sup> and called upon ‘democratic parties to use all democratic means to ostracise racist movements and groups.’<sup>214</sup> However, this Resolution makes no reference to the meaning of what can constitute democratic means nor does it make further direct recommendations in relation to the regulation of far-right groups, but instead suggests measures, such as education and national and local projects and youth exchanges, to promote tolerance and understanding. In 2005, the European Parliament called upon States to withdraw public funding from political parties that do not abide by human rights and fundamental freedoms.<sup>215</sup> In 2007, the European Parliament passed a Resolution on combatting the rise of extremism in Europe where it underlined that extremist ideologies are ‘incompatible with the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law’<sup>216</sup> and that ‘extremist political movements is a European challenge that requires a joint and coordinated approach.’<sup>217</sup> It further went on to stipulate, for the first time so directly, that the combat of extremism must not negatively affect the protection of the freedom of expression and association.<sup>218</sup> It called upon other political forces to avoid supporting and forming alliances with extremist political parties either directly or indirectly.<sup>219</sup>

209 Ibid.

210 Ibid.

211 Ibid.

212 Ibid.

213 European Parliament Resolution on Racism, Xenophobia and Anti-Semitism and the European Year against Racism (1977) (OJ C 55/17, 24.2.97).

214 Ibid.

215 European Parliament Resolution on the Increase in Racist and Homophobic Violence in Europe, P6\_TA (2006) 0273.

216 Resolution of the European Parliament on Combatting the Rise of Extremism in Europe, 13 December 2007, P6\_TA (2007) 062.

217 Ibid.

218 Ibid.

219 Ibid.

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Thus, the far-right has been an issue of concern to the Parliament since 1993. Notwithstanding certain measures to combat this phenomenon, such as non-alliance with such parties and the ostracising of such groups through the implementation of all democratic means, whatever that may mean, no Resolution has been as explicit as the ICERD in mentioning the banning and prohibition of such parties or groups. This could be due to the experience of the limitations imposed on the relevant Article to that Convention, due to concerns over the freedom of expression and freedom of association, and, also, due to the Parliament's concern over this given that it did, in fact, note that any measures must not violate those rights.

### **Other measures**

Following the 1984 European Parliamentary elections and the rise in the success of far-right parties, the Parliament established a Committee of Inquiry into the rise of racism and fascism in Europe which resulted in the Report of the Committee of Inquiry, known as the Evrigenis Report,<sup>220</sup> which provides a comprehensive, definitional and conceptual framework of key terms and phenomena, gives an overview of the situation in Member States and makes recommendations for combatting this phenomenon. Notwithstanding that the Report focusses on the rise of racism and fascism in Europe and extensively discusses the development of the far-right movement in Member States, the recommendations made relating to the direct regulation of the phenomenon are limited, with more emphasis being placed on tackling the causal factors leading to their formation and why they flourish. More particularly, recommendations include the immediate ratification of relevant international conventions,<sup>221</sup> the 'creation of a European legal area in order to prevent the activities of ... extremist organizations ... and the distribution of illegal propaganda material'<sup>222</sup> and that national legislations on combatting political extremism are constantly revised and their application ensured.<sup>223</sup>

In 1990, the European Parliament re-examined the issue through a second Committee of Inquiry which resulted in the Report of the Committee of Inquiry on Racism and Xenophobia, or the Ford Report, which, once again, underlined the need for action, looked at the situation in Member States and produced recommendations to combat racism and xenophobia with some dealing directly with far-right groups. Such recommendations included the establishment of a system for monitoring developments in the field of racism, anti-Semitism and xenophobia, including extreme-right and fascist groups<sup>224</sup> and that a periodic report be prepared every eighteen to twenty four months by the Commission

220 European Parliament Committee of Inquiry into the Rise of Fascism and Racism in Europe, Report on the Findings of the Inquiry, 1985, Luxembourg.

221 Ibid. para. 310 (a).

222 Ibid. para. 318 (i).

223 Ibid. para. 313 (d).

224 European Parliament, Report of the Committee of Inquiry on Racism and Xenophobia, 1991, Luxembourg, Recommendation 3.

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of the European Communities on the current situation in relation to racism, anti-Semitism and xenophobia, including extreme-right and fascist groups.<sup>225</sup> These reports were valuable initiatives that contributed to the development of knowledge in relation to the far-right.

In sum, these reports are significant in that they reflect the early steps taken by the European Parliament to look into the issue of the far-right and provide concrete recommendations for Member States to combat it. They also allow for an appraisal of developments taken on this level within the framework considered. For example, in 1985, the Evrigenis Report recommended the creation of a European Legal Order to prevent the activities of far-right groups, but this has not yet been realised. However, and notwithstanding that both reports recommend that Member States which have not yet ratified the ICERD do so immediately,<sup>226</sup> and, by extension, request the implementation of Article 4 therein, nowhere in the aforementioned reports are there suggestions pertaining to the prohibition or banning of far-right parties or other less restrictive measures such as non-alliance with such parties.

## Chapter conclusion

In conclusion, Article 7 TEU is the strongest tool, with real potential and consequences, which the EU has at its discretion to tackle, *inter alia*, far-right movements. This is not only due to its primacy *vis-à-vis* its positioning on the ladder of EU sources but also due to its innovative, second-chance nature incorporated in the dual preventive–sanctioning mechanism offered therein. Despite some recent actions taken for its use, we have not yet seen it being enforced. According to the letter and spirit of the article, one could come up with a multitude of examples in which this article could and should be implemented, many of those relating to the European far-right. Moreover, the New EU Framework to Strengthen the Rule of Law, which broadens the scope of the second-chance nature approach adopted by the EU to risky situations, the mechanisms proposed by the Tavares report, such as the ‘Copenhagen Commission’ and, to a much lesser extent the Council’s Annual Rule of Law Dialogue, all constitute tools which can be used to protect the rule of law from, *inter alia*, the far-right. However, the efficacy of the tools, apart from Article 7 TEU, is doubtful since they are primarily non-binding, non-consequential recommendations. In addition to this, the EU has come up with other instruments that could be implemented in this sphere. The 1996 Joint Action was the only initiative which sought to criminalise participation in such groups, a measure which was removed by the subsequent Framework Directive. Notwithstanding that the Charter provides for the principle of non-discrimination and limits freedom of expression and association in certain

225 Ibid. Recommendation 16.

226 Ibid. Recommendation 51, European Parliament Committee of Inquiry into the Rise of Fascism and Racism in Europe, Report on the Findings of the Inquiry, 1985, Luxembourg, para. 310 (a).

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circumstances, regardless of the fact that the Framework Decision criminalises activities and speeches conducted by such movements, and, even though the European Parliament expresses concern in relation to the far-right, the EU has yet to adopt comprehensive and binding legal measures which are particular to the regulation of such movements. Moreover, the Framework Decision focusses solely on racism and xenophobia and related speech and activities, with no penalties on, for example, homophobic or transphobic speech and crimes, demonstrating the hierarchy that exists at a United Nations (UN) level as well. It could be discerned, from the Parliament's Resolutions and the Framework Decision, that the EU wishes to avoid outright bans and prohibitions of such groups, and resorts to other less restrictive measures which have been referred to in more recent years, such as cutting public funding, either due to sincere concern for the freedoms of expression and association or fear of a repeat of the limitations imposed on the ICERD's prohibitive provision. Either way, what can safely be said, and is reflected earlier, is that the far-right is incongruous with European common values but has not yet been challenged by the European family.

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